



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

**Item No. 13.1.4**  
**North West Community Council**  
**July 11, 2016**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Chief Planner & Director, Planning and Development

**DATE:**

June 27, 2016

**SUBJECT:**

**Case 20054: Amending Development Agreement for 771 to 819 Bedford Highway, Bedford**

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**ORIGIN**

Application by United Gulf Developments Ltd.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter); Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give Notice of Motion to consider the proposed amending development agreement, as set out in Attachment A of this report, to allow an increase in the amount of commercial floor area permitted within the existing buildings located at 771 to 819 Bedford Highway, Bedford and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of this report, to allow an increase in the amount of commercial floor area permitted within the existing buildings located at 771 to 819 Bedford Highway, Bedford; and
3. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

United Gulf Development Inc. is applying to amend an existing development agreement to allow an increase in the amount of commercial floor area permitted within the existing buildings located at 771 to 819 Bedford Highway, Bedford. North West Community Council approved the existing development agreement on February 23, 2015, which introduced new commercial land uses to the subject site while retaining a portion of the existing motel (Esquire Motel). The applicant indicates that there is now an increased commercial interest in the subject site and wishes to expand the total amount of general commercial floor area permitted.

<b>Subject Site</b>	771-819 Bedford Highway, Bedford
<b>Location</b>	Bedford- near the intersection of Millview Avenue and the Bedford Highway
<b>Regional Plan Designation</b>	Harbour (HARB) Designation
<b>Community Plan Designation (Map 1)</b>	Commercial Comprehensive Development District (CCDD) under the Bedford Municipal Planning Strategy (MPS)
<b>Zoning (Map 2)</b>	Commercial Comprehensive Development District (CCDD) under the Bedford Land Use By-Law (LUB)
<b>Size of Site</b>	Approximately 3.41 hectares (8.43 acres)
<b>Street Frontage</b>	479.45 metres (1,573.03 ft) on Bedford Highway
<b>Site Conditions</b>	The property is flat and has a treed buffer between the existing motel and the water. Access to the property is from the Bedford Highway. A parking lot is located in the front of the existing buildings with existing landscaping.
<b>Current Land Use(s)</b>	The former Traveler's Motel building is currently being used as commercial/retail space, while the Esquire Motel is currently operating as a motel.
<b>Surrounding Land Uses</b>	<u>West:</u> Clearwater Lobster (741 Bedford Highway, Bedford) to the east, a 3 storey mixed commercial/residential development (827 Bedford Highway) <u>South:</u> existing single unit dwelling residential neighbourhood (Glenmont Ave. and Millview Ave.) <u>North:</u> Esquire Restaurant to the southeast (772 Bedford Highway); CN rail line and undeveloped lands of the Waterfront Development Corporation

### **Proposal Details**

The applicant wishes to enable the full conversion of the subject site to general commercial uses. Major aspects of the proposal are as follows:

- allowing the redevelopment of the Esquire Motel for general commercial uses;
- allowing roof signage; and
- permitting new commercial uses, including funeral services and pet daycares (involving retail sales, grooming, self-serve dog wash, and daytime boarding).

### **Existing Development Agreement and Enabling Policy**

The existing development agreement (Case #19206) was approved in 2015, and permits the development of commercial uses (general retail; personal and household services; full service restaurants and office uses), and the retention of the existing motel use. This proposal is considered a substantial amendment to the existing agreement as it is not listed in the agreement as a matter that may be considered by way of a non-substantive amendment.

This application is being considered under Policies C-3, C-7, C-8, C-9, C-13 and Z-3 (Attachment B) of the Bedford MPS, which allows Council to consider applications for commercial and mixed use commercial/residential development through a development agreement process. The policies provide

guidance regarding land use compatibility, availability of municipal services, and conservation of the natural environment. Policy C-13 of the Bedford MPS specifically allows Council to consider development of the Travellers' Motel/Esquire Motel for Commercial Comprehensive Development District (CCDD) development.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on 24<sup>th</sup> of September, 2015. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following topics:

- traffic generation from new uses
- signage placement and size
- brightness of lights shining on nearby home

A public hearing must be held by North West Community Council before they can consider approval of the amending development agreement. Should North West Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposed amendments will potentially impact, the following stakeholders: neighbouring property owners, and tenants within the building.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed amending development agreement in relation to the relevant MPS policies.

### **Proposed Development Agreement**

Attachment A contains the proposed amending development agreement for the subject site and the conditions under which the development may occur. The proposed agreement addresses the following matters:

- size and material of roof signage;
- full conversion of the Motel Esquire site to general commercial uses;
- new commercial uses (funeral homes and services and pet daycares); and
- landscaping requirements that are more clearly linked to the phasing of the development.

The attached development agreement will permit funeral homes and services and pet daycares as new commercial uses, and roof signage subject to the controls identified above. Of the matters addressed by the proposed development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

### **Roof Signage**

The proposed agreement permits limited roof signage. While roof signage is not permitted within the Bedford Land Use By-Law, the existing building is set well back from the Bedford Highway, and has a unit layout which is not conducive to one ground sign at the entrance. In addition, the existing building design has either no overhang or has low overhangs over the walkway which does not allow for hanging signage, and there is minimal room above the main door entrances for any fascia signage. In order to mitigate visual impacts, the roof signage is required to be made of wood or a material that is similar in appearance to wood, be limited in its size, 2.43 metres by 0.60 metres (8 feet by 2 foot), and have

complementary lighting by way of goose neck lights. Backlit, florescent or flashing signage is not permitted.

Traffic

The 2013 Traffic Impact Statement (TIS) submitted for the original development agreement considered the full conversion of the existing buildings to commercial uses. The TIS concluded that there would be a reduction in trips during the AM peak hour, and a low number of additional trips estimated to be generated for the PM peak hour. The TIS did not anticipate any significant impact to the performance of the Bedford Highway as a result of this proposal. Staff reviewed and accepted the TIS.

Additional Uses

The proposed agreement includes two new commercial uses; funeral homes and services and pet daycares. The pet daycare includes related retail sales, grooming, self-serve dog wash, daytime boarding, but excludes overnight boarding, breeding or the sale of animals. The funeral services use is intended for the preparation and ceremonies of the deceased, but does not include cremation. The proposed new commercial uses complement the uses permitted under the existing agreement, and are compatible with adjacent uses.

**North West Planning Advisory Committee**

The North West Planning Advisory Committee (NWPAC) reviewed this application on November 4<sup>th</sup>, 2015 and recommended that the application be refused. The Committee's main concerns included the proposed rounded metal rooftop signs, additional traffic onto the Bedford Highway, landscaping and parking.

The proposed development agreement responds to the concerns raised by the NWPAC in a number of ways. While rooftop signs are permitted, the roof signage is limited in size, required to be made of wood or a similar looking material, and have complementary lighting by way of goose neck lights. In addition, existing landscaping requirements are maintained and more clearly linked to the phasing of development. Additional parking is also permitted at the rear of the building. As previously noted, the TIS did not anticipate any significant impact to the performance of the Bedford Highway as a result of this proposal.

**Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and have determined that the proposal is consistent with the intent of the MPS. The proposal would allow the existing buildings to be repurposed without allowing an increase to the height or volume of the buildings. Therefore, staff recommend that North West Community Council approve the proposed amending development agreement.

**FINANCIAL IMPLICATIONS**

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2016/17 budget with existing resources.

**RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

**ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

**ALTERNATIVES**

1. North West Community Council may choose to approve the proposed amending development agreement with modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

**ATTACHMENTS**

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Proposed Amending Development Agreement
Attachment B	Review of Relevant Policies from Bedford Municipal Planning Strategy
Attachment C	Public Information Minutes

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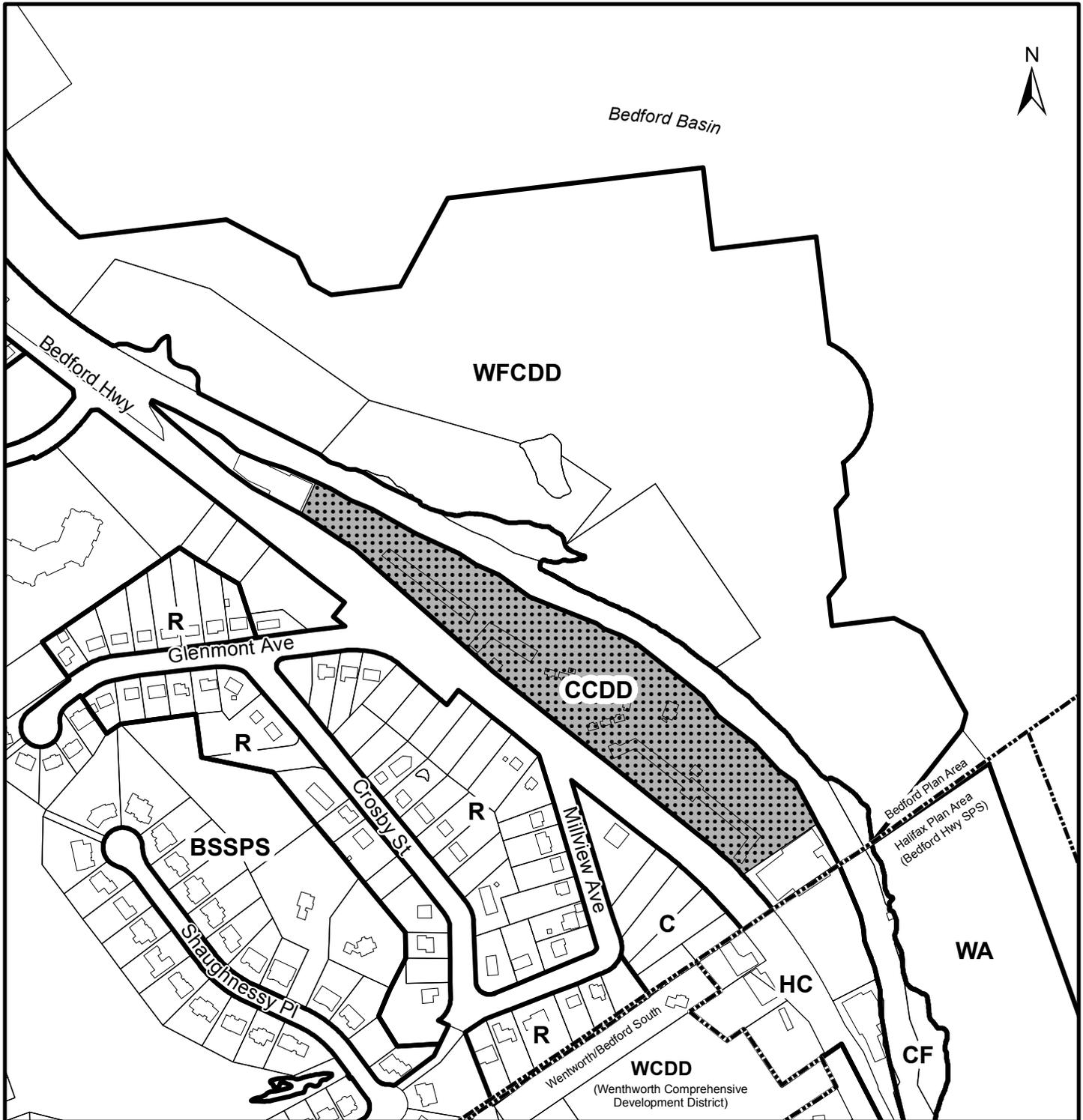
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Stephanie A. Norman, Planner, 902.490.4843

Original Signed

Report Approved by: Kelly Denty, Manager of Development Approvals, 902.490.4800

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**Map 1 - Generalized Future Land Use**

**HALIFAX**

771 and 773 Bedford Highway  
Bedford

 Area of proposed Development Agreement

 Plan Area Boundary

Bedford Plan Area  
Halifax Plan Area  
- Bedford Highway Secondary Plan Area  
- Wentworth/Bedford South

**Designation - Bedford**

- R Residential
- C Commercial
- CCDD Commercial Comprehensive Dev. District
- WFCDD Waterfront Comprehensive Dev. District
- BSSPS Bedford South Secondary Planning Strategy

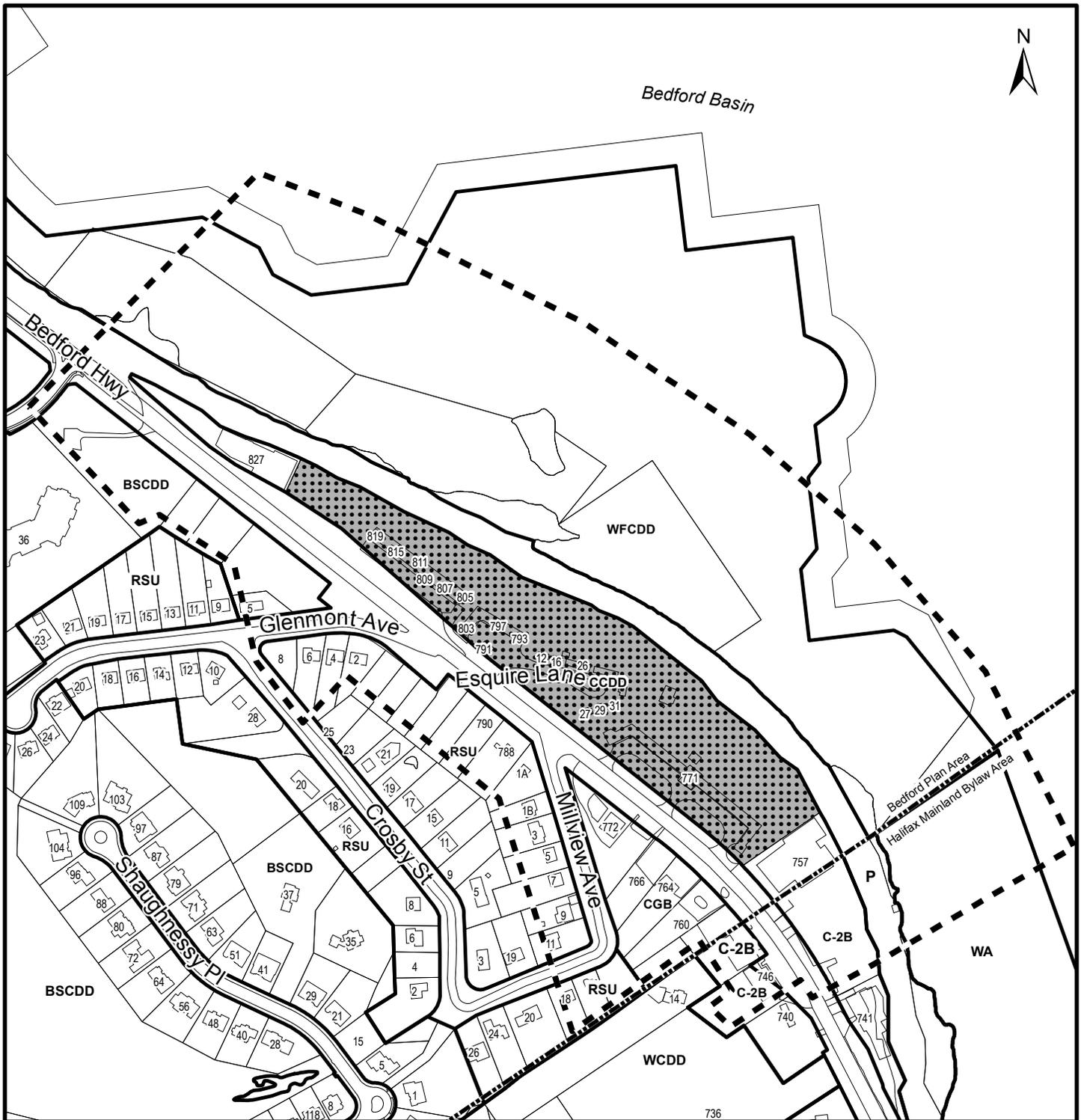
**Designation - Bedford Highway SPS**

- HC Highway Commercial
- CF Community Facilities



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.



## Map 2 - Zoning

771 and 773 Bedford Highway  
Bedford

 Subject Property

 Area of notification

 Plan Area Boundary

Bedford Plan Area  
Halifax Mainland Land Use By-Law Area

### Zone - Bedford

RSU Single Dwelling Unit  
BSCDD Bedford South Comprehensive Dev. District  
CGB General Business District  
CCDD Commercial Comprehensive Dev. District  
WFCDD Waterfront Comprehensive Dev. District

### Zone - Halifax Mainland

C-2B Highway Commercial  
P Park and Institutional  
WA Water Access  
WCDD Wentworth Comprehensive Development District

**HALIFAX**

0 40 80 120 m



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.



1. Except where specifically varied by this Amending Agreement, all other terms, conditions and provisions of the Existing Agreement shall remain in effect.
2. Add the following text after Section 2.2(b), as shown in **bold**:

**2.2(c) “Pet Day-Care” means a building or structure used for the enclosure of more than two (2) dogs or cats which are kept for the purposes of temporary care or boarding and may include grooming, but shall not include overnight boarding, nor shall it include the breeding or sale of animals. Such use shall not include a Kennel and shall not be an objectionable use as defined in the Land Use By-Law for Bedford.**

3. Amend Section 3.1 and the corresponding Schedules by deleting Schedules B and C and replacing them with Schedule B.1 and Schedule C.1 as attached to this Agreement:

<b>Schedule B.1</b>	<b>Landscaping Plan</b>
<b>Schedule C.1</b>	<b>Site Plan</b>

4. Replace all references to Schedule B with Schedule B.1, and replace all references to Schedule C with Schedule C.1.
5. Amend Section 3.2.1 by deleting text as shown in ~~strikeout~~ as follows:

3.2.1 Prior to the issuance of the first Development Permit for any development, the Developer shall:

- ~~(a) provide the Development Officer with a Landscaping Plan in accordance with Section 3.8.1 of this Agreement; and~~
- (b) connect to municipal services as required by Sections 4.1 of this agreement.

6. Add the following Sections after Section 3.2.1:

3.2.1.1 Prior to the issuance of the first Development Permit for any development for Buildings A or B, the Developer shall provide the Development Officer with a Landscaping Plan for area 1 as shown on Schedule C.1 and in accordance with Section 3.8.1.1 of the Agreement.

3.2.1.2 Prior to the issuance of the first Development Permit for any development for Building C, the Developer shall provide the Development Officer with a Landscaping Plan for area 2 as shown on Schedule C.1 and in accordance with Section 3.8.1.2 of the Agreement.

3.2.1.3 Prior to the issuance of the first Development Permit for any development for Buildings D or E, the Developer shall provide the Development Officer with a Landscaping Plan for area 3, as shown on Schedule C.1 and in accordance with Section 3.8.1.3 of the Agreement.

7. Amend Section 3.3.1 by inserting the following text as shown in **bold** and deleting text as shown in ~~strikeout~~ as follows:

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

- (a) Existing buildings in conformance with Schedule ~~B~~ **B.1** of this agreement;
- (b) Existing accessory buildings in conformance with Schedule ~~B~~ **B.1** of this agreement;
- (c) Specific commercial land uses, including;
  - i. Motels;
  - ii. General retail exclusive of mobile home dealerships;
  - iii. Personal household services, exclusive of massage parlours;
  - iv. Full service restaurants;
  - v. Commercial photography; ~~and~~
  - vi. Office uses;
  - vii. **Funeral homes and services; and**
  - viii. **Pet day-cares**

8. Delete Section 3.3.2

9. Amend Section 3.4.3(e) by inserting the following text as shown in **bold**:

The maximum height **of** any new building shall not exceed 6.1 meters (20 feet).

10. Add the following Section after Section 3.6.3:

3.6.3.1 Additional parking may be located in the rear yard of Buildings A and B provided that the additional parking results in no disturbance of the non-disturbance area.

3.6.3.2 Parking located in the front yard of Buildings A and B may be reduced in order to retain existing vegetation and landscaping provided that the minimum number of parking spaces is provided in accordance with the Land Use By-law, as amended from time to time, is provided.

10. Add the following Section after Section 3.6.4:

3.6.5 An additional driveway may be permitted subject to approval from the Development Engineer of the Municipality.

11. Replace Section 3.8.1 with the following Sections:

3.8.1.1 Prior to the issuance of the first Development Permit for any development for Buildings A or B, the Developer shall provide the Development Officer with a Landscaping Plan for area 1 which complies with the provisions of this section and conforms to the overall intentions of the Preliminary Landscape Plan (Schedule C.1). The Landscape Plan shall be prepared by a Landscape Architect.

3.8.1.2 Prior to the issuance of the first Development Permit for any development for Building C, the Developer shall provide the Development Officer with a Landscaping Plan for area 2 which complies with the provisions of this section and conforms to the overall intentions of the Preliminary Landscape Plan (Schedule C.1). The Landscape Plan shall be prepared by a Landscape Architect.

3.8.1.3 Prior to the issuance of the first Development Permit for any development for Buildings D or E, the Developer shall provide the Development Officer with a Landscaping Plan for area 3 which complies with the provisions of this section and conforms to the overall intentions of the Preliminary Landscape Plan (Schedule C.1). The Landscape Plan shall be prepared by a Landscape Architect.

12. Delete Section 3.8.2

13. Amend Section 3.8.5 by inserting the following text as shown in **bold** and deleting text as shown in ~~strikeout~~ as follows:
- 3.8.5 If trees are removed or tree habitat is damaged beyond repair in the Non-Disturbance Area the Developer shall replace each tree removed or damaged with a new tree of minimum size as outlined in Section ~~3.8.2~~ **3.8.4**, as directed by the Development Officer. This section applies to trees removed without permission, as well as trees removed with the Development Officer's permission as outlined in Section 3.8.7.
14. Replace Section 3.8.6 with the following Sections:
- 3.8.6.1 At the time of issuance of the first Occupancy Permit for Buildings A or B, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed for area 1, as shown on Schedule C.1, according to the terms of this Development Agreement.
- 3.8.6.2 At the time of issuance of the first Occupancy Permit for Building C, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed for area 2, as shown on Schedule C.1, according to the terms of this Development Agreement.
- 3.8.6.3 At the time of issuance of the first Occupancy Permit for Buildings D or B, the Developer shall submit to the Development Officer a letter prepared by a Landscape Architect certifying that all landscaping has been completed for area 1, as shown on Schedule C.1, according to the terms of this Development Agreement.
15. Amend Section 3.10.2 by inserting the following text as shown in **bold** as follows:
- 3.10.2 Any application for signage shall comply with the requirements of the Bedford Land Use By-law **and By-law S-801 – Respecting Temporary Signs**.
16. Add the following Section after Section 3.10.3:
- 3.10.4 Notwithstanding Section 3.10.2, roof signs shall be permitted subject to the following requirements:
- i. No more than one roof sign shall be permitted per business occupancy;
  - ii. Roof signs shall be positioned no further than one (1) foot from the roof eave, and may be positioned either above or below the eave;
  - iii. Roof signs shall be a maximum of eight (8) feet in width by two (2) foot in height, measured to the outer edges of the sign surface;
  - iv. All roof signs shall be constructed of wood or a similar looking material;
  - v. No lighting of rooftop signs shall be permitted except for goose neck lighting directed toward the sign face.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Owners Names)**

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

=====

**SEALED, DELIVERED AND ATTESTED** to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

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**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_

Witness

Per: \_\_\_\_\_

Mayor

\_\_\_\_\_

Witness

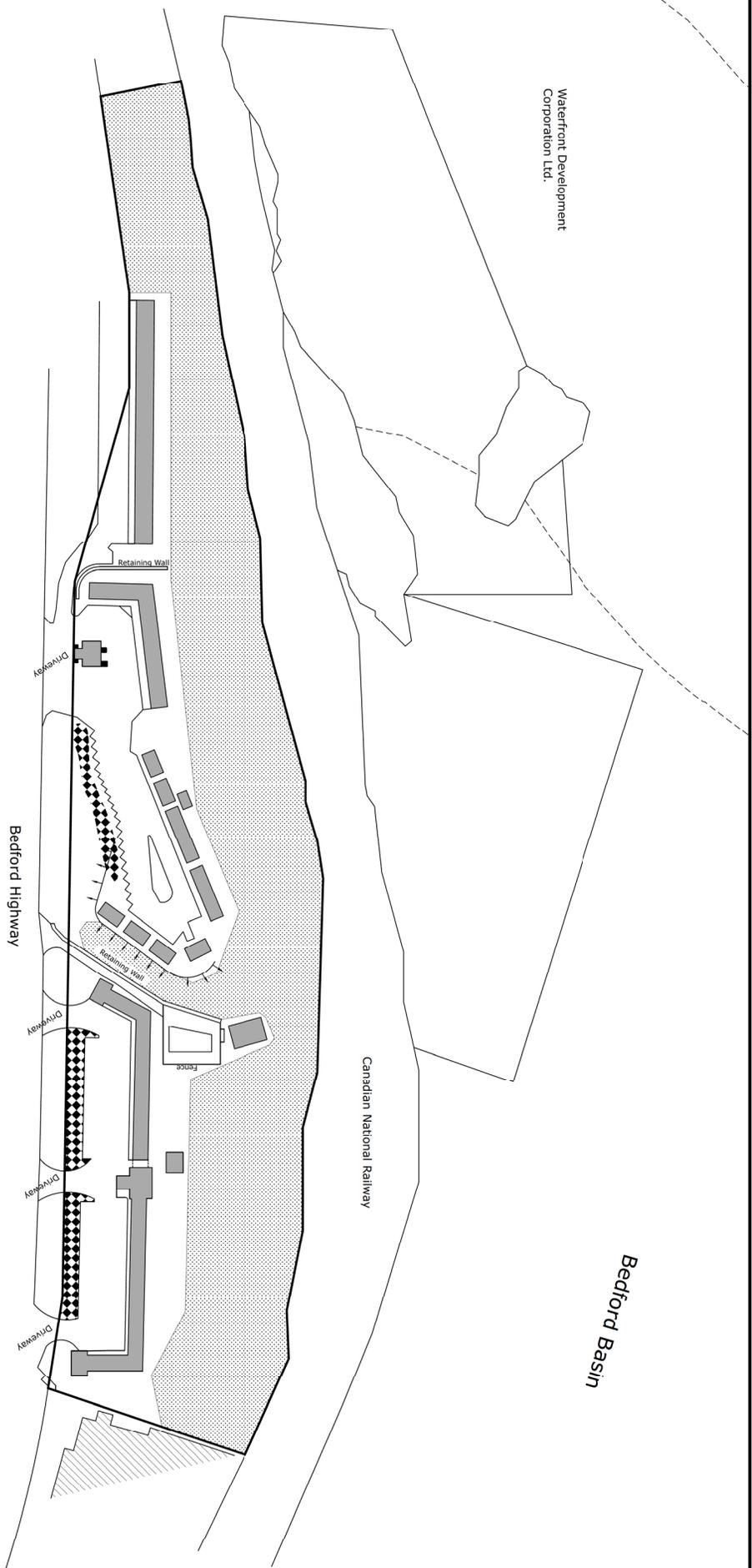
Per: \_\_\_\_\_

Municipal Clerk

Waterfront Development Corporation Ltd.

Bedford Basin

Canadian National Railway



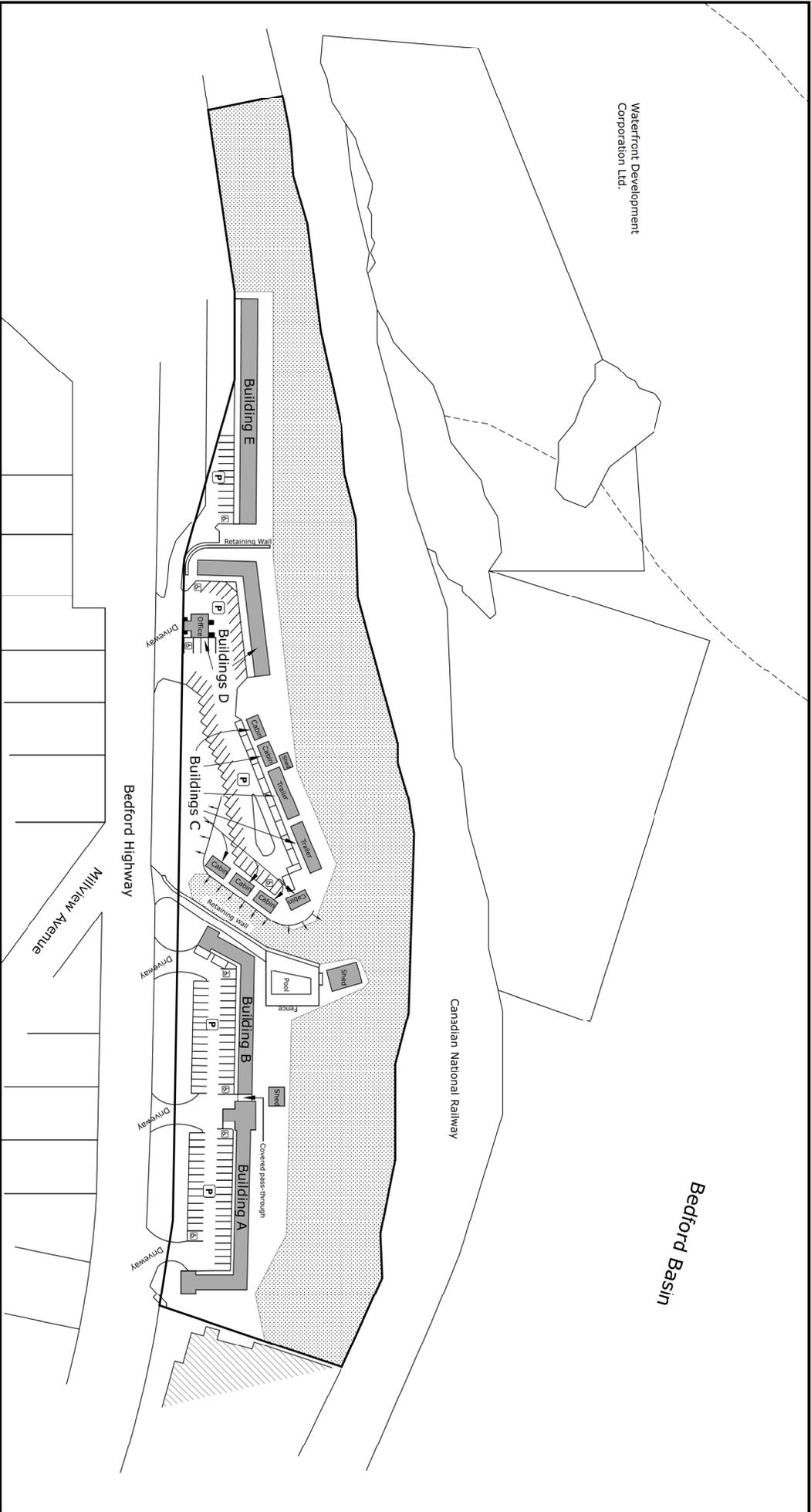
**United Gulf**  
Developments Limited

**Travelers & Esquire Motels**  
Landscaping Plan



Scale: 1" = 125'  
 Property lines are approximate and do not represent a survey  
 Non-Disturbance Area  
 Required Landscaping

Waterfront Development Corporation Ltd.



**United Gulf**  
Developments Limited

**Travelers & Esquire Motels**  
Site Plan



Scale: 1" = 125'  
Property lines are approximate and do not represent a survey  
Non-Disturbance Area

**Attachment B:  
Bedford MPS Policy Evaluation**

<b>Policy Criteria</b>	<b>Comment</b>
<p><b>Policy C-7:</b>  <i>It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.</i></p> <p><i>It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.</i></p>	<p>No multiple unit dwellings or residential uses are proposed as part of this application nor are they permitted by the proposed development agreement.</p> <p>Section 3.4.3 (c) of the existing development agreement does not permit an increase of height to the existing buildings.</p>

<b>Policy Criteria</b>	<b>Comment</b>
<p><b>Policy C-8:</b>  <i>It shall be the intention of Town Council to enter into Development Agreements pursuant to the Planning Act with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.</i></p>	<p>As proposed, the Esquire Motel will not be increased in size, and all of the commercial uses will be placed in existing structures.</p> <p>Subject to Schedule B.1 (Landscaping Plan) of the proposed amending development agreement, a majority of the existing mature trees stand, located along the northern portion of the site, will be conserved. In accordance with Policy C-8, protection and incorporation of this important natural feature should be considered as part of any future development proposals on this site.</p>
<p><b>Policy C-9:</b>  <i>It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with Sections 53 and 54 of the Planning Act.</i></p>	<p>Council may consider discharging the proposed development agreement and zoning the property in such a manner as to be consistent with the property and applicable legislation. Such consideration should only be given once construction of the development is complete and in accordance with the requirements of the proposed agreement.</p>
<p><b>Policy C-13:</b>  <i>It shall be the intention of Town Council to enter into a Development Agreement with the owners of the Travellers' Motel, Esquire Motel and Clearwater Lobster Limited properties to permit CCDD development when municipal services become available. In recognition of the site's unique position at the entrance to the Town overlooking the Bedford Basin, an agreement if entered into shall specify that two thirty foot wide separations are to be provided between the buildings on either side of the entrance road to the waterfront project to provide views from the highway and from the existing homes above the site. Buildings are to be set back 60 feet on either side of the entrance road to the waterfront project to provide a view. As well, the maximum building height is to be 75 feet.</i></p>	<p>Municipal central services are available.</p> <p>The existing development agreement identifies an area of non-disturbance. This area of non-disturbance protects lands along the western portion of the site. The clarified site plan makes this area clearer. This area ensures that the setback requirements, as prescribed in Policy C-13, can be satisfied.</p> <p>Building height is not proposed to be increased on the subject site.</p>
<p><b>Policy Z-3:</b>  <i>It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:</i></p>	

<b>Policy Criteria</b>	<b>Comment</b>
<i>1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;</i>	The proposed development is in conformance with the intent of the Bedford MPS and LUB. Policy R-16 is not applicable to this proposal.
<i>2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;</i>	The development proposal is consistent with surrounding commercial development along the Bedford Highway.
<i>3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</i>	No incompatibilities with adjacent uses are anticipated. The proposed uses will be incorporated into existing buildings.
<i>4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;</i>	These provisions are addressed through the HRM Streets By-law.
<i>5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</i>	
<i>i) the financial capability of the Town to absorb any capital or operating costs relating to the development;</i>	The subject proposal does not require any capital or operating costs be absorbed by the Municipality.
<i>ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;</i>	Staff has determined that the proposed development can be accommodated within the existing municipal service system.
<i>iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;</i>	Halifax Water has reviewed the proposal and concludes that there are adequate water services to support the proposed development.
<i>iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;</i>	Not applicable to this application.
<i>v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;</i>	Not applicable to this application.

Policy Criteria	Comment
<i>vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;</i>	Not applicable to this application.
<i>vii) the adequacy of recreational land and/or facilities;</i>	Not applicable to this application.
<i>viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;</i>	A traffic impact statement was submitted as part of the application. The TIS concluded that there would be a reduction in trips during the AM peak hour, and a low number of additional trips estimated to be generated for the PM peak hour. The TIS did not anticipate any significant impact to the performance of the Bedford Highway as a result of this proposal. HRM staff have reviewed the statement and concur with the findings.
<i>ix) impact on public access to rivers, lakes, and Bedford Bay shorelines; x) the presence of significant natural features or historical buildings and sites; xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary; xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</i>	Not applicable to this application.
<i>xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</i>	Not applicable to this application.
<b>8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</b>	
<i>i) provide Council with a clear indication of the nature of the proposed development; and</i>	A clear indication of the nature of the proposed development has been provided through this staff report. In brief, the proposal is to introduce CCDD zone uses that complement the existing land use.
<i>ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.</i>	The proposed development will have minimum impact on the subject site and surrounding properties.
<b>9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:</b>	

Policy Criteria	Comment
<p>a) a plan to a scale of 1":100' or 1":40' showing such items as:</p> <p>i) an overall concept plan showing the location of all proposed land uses;</p> <p>ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;</p> <p>iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;</p> <p>iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;</p> <p>v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;</p> <p>vi) a description of any protected viewplanes; and,</p> <p>vii) an indication of how the phasing and scheduling is to proceed.</p>	<p>Sufficient information and plans were submitted to properly evaluate the proposed development.</p>
<p>b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.</p>	<p>Not applicable to this application.</p>
<p>c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.</p>	<p>The required plans have been reviewed by staff and Halifax Water.</p>
<p>10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</p>	<p>Not applicable to this application.</p>

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 20054**

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**Thursday, September 24, 2015**  
**7:00 p.m.**  
**BMO Centre, Multi-Purpose Room**

**STAFF IN**

**ATTENDANCE:**

Stephanie Norman, Planner, HRM Development Approvals  
Jillian MacLellan, Planner, HRM Development Approvals  
Nathan Hall, Development Technician Intern, HRM Development Approvals  
Alden Thurston, Planning Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN**

**ATTENDANCE:**

Councillor Tim Outhit, District 16  
Councillor Matt Whitman, District 13  
Ian Watson, Planner, Upland Urban Planning and Design

**PUBLIC IN**

**ATTENDANCE:**

Approximately 7

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The meeting commenced at approximately 7:00 p.m.

**1. Call to order, purpose of meeting – Stephanie Norman**

Ms. Norman introduced herself as the Planner facilitating this application through the planning process; Jillian MacLellan, Nathan Hall, Alden Thurston and Cara McFarlane (HRM Development Approvals); Councillor Tim Outhit (District 16); Councillor Matt Whitman (District 13); and Ian Watson (Applicant), Upland Urban Planning & Design – representing the applicant.

The purpose of the PIM is to identify to the community that HRM has received an application, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions are made at the PIM.

The Public Information Meeting (PIM) Agenda was reviewed.

**2. Overview of planning process – Stephanie Norman**

The application was received by HRM and brought before the public in the form of a Public Information Meeting (PIM); staff we will take tonight's feedback to the North West Planning Advisory Committee (NWPAC); a full staff review will be done (Halifax Water, engineering, building standards, etc.); staff will prepare a staff report which will include the draft development agreement to go before North West Community Council (NWCC); NWCC will have first reading on the proposal and set a public hearing (another opportunity for the public to comment); NWCC will make a decision on the proposal following the public hearing; NWCC's decision is followed by a 14-day appeal period through the Nova Scotia Utility and Review Board (NSUARB); if not

appealed, the development agreement can be signed and registered with the Land Registry; and the developer can then apply for permits and proceed with the project.

### **3. Presentation of Proposal – Stephanie Norman**

The site (in red) was shown along with a few photos showing the Travelers Motel site, the Esquire Motel site and some commercial and residential properties nearby.

The applicant, United Gulf, received a development agreement to introduce commercial land uses for the former Travelers Motel and existing Esquire Motel sites in February 2015. The development agreement allowed for the full conversion of the Travelers Motel site as well as partial conversion of the Esquire Motel site for general commercial uses while retaining part of Esquire Motel site as a motel use. Since then, there has been an increase in commercial interest in the site; therefore, the applicant would like to amend the existing development agreement to allow a full conversion of the Esquire Motel for general commercial uses, the allowance of rooftop signage and to replace the Schedules to provide clarity within the development agreement.

The proposed elevations were shown. There will be a change in the façade, windows and doors but the building's form and height will not change.

The site plan and photos of the changes to the Travelers Motel site were shown.

The property is zoned CCDD in the Bedford Plan Area which requires a development agreement for any type of development. Policy C-13 anticipates a larger scale, multi-unit development as well as commercial and allows consideration of such by HRM staff and Council.

### **Presentation of Proposal – Ian Watson, Upland Urban Planning and Design**

The Esquire Motel was opened in 1955 with 28 rooms. Currently, there is a development agreement in place that permits a full conversion of the Travelers Motel and up to 57% of one of the two buildings at the Esquire Motel for commercial uses.

A photo of today's aging and outdated Esquire Motel was shown. A photo of renovations to the Travelers Motel was shown which allow for boutique/commercial uses. To date, United Gulf has had a lot of interest in those properties and has been leasing spaces faster than expected. The applicant is looking to continue this reinvestment and conversion of these motels into boutique/commercial stores.

To date, some confirmed businesses that are in the process of occupying the spaces are a flower shop, handmade soaps, soup and sandwich café, a salon/spa, Chinese restaurant, Bath Fitter. These are the types of businesses the applicant expects to continue to move into the Esquire expansion as well.

The elevations were shown. One would see changes in the windows, doors, façade, etc. to make the building more conducive to commercial activities. The Esquire Motel site may not be exact to the Travelers Motel site, but similar in terms of updating the buildings. The site plan shows a non-disturbance area which not be touched during renovations.

The Bedford Land Use By-law allows for wall signage but not roof signs. The former motel building does not allow for front wall signage; therefore, United Gulf has requested to allow roof signs as part of the development agreement as opposed to sandwich boards. An example of the sign was shown. The sign would be metallic with down-lighting for each unit for consistency.

#### 4. Questions and Comments

**Fred Muise, Bedford Highway**, lives directly across the street from the Travelers Motel development and is concerned about lighting. Currently, the light from the funeral home lights up his home during the night and welcomes criminal activity. Will the lights be facing down? Will there be another access to the property? Will there be more parking in the front? **Mr. Watson** – The signs would have down-lighting so there will be no glare to neighbouring properties. The entrance to the parking lot would remain the same but the lot would be reconfigured to allow for more parking depending on the types of uses. If needed, there is room behind the buildings outside of the non-disturbance area. The area between the road and the parking lot will remain a landscaped area.

**Manuel Escobar, Millview Avenue** – How many tenants are expected when the renovations are complete? **Mr. Watson** – Six can be confirmed and there are others currently signing leases. The spaces are somewhat flexible allowing a tenant to take more spaces; therefore, it is hard to confirm a number. **Mr. Escobar** is concerned about traffic. He likes the idea of the proposal but presently, it takes 25 to 30 cars before he can enter onto the Bedford Highway from Millview Avenue. The increase in traffic from the development and the surrounding businesses will make it more difficult and accidents will increase. It is also difficult and dangerous making a left hand turn onto the Bedford Highway from Glenmont Avenue. **Mr. Watson** – Traffic is always a concern with any development. A lot of the uses are not necessarily business that have high traffic during rush hour. A Traffic Impact Statement (TIS) was done which resulted in a couple of extra cars in the afternoon and fewer cars in the morning compared to the current use of the motel as people are checking out in the morning. **Mr. Escobar** – It doesn't matter what time of the day it is in that area of the Bedford Highway.

**Brian Murray, Hammonds Plains Road** – Do you anticipate every business having a sign on top of the building? **Mr. Watson** understands that each business would have a sign so it is a consistent look. Assuming that each door is a separate business, with both sites, there would be roughly 20+ signs in total. **Mr. Murray** believes that many signs in that area would look “Florida-ish”.

**Mr. Murray** - What percentage of the Travelers Motel site is occupied? **Mr. Watson** – At the moment, renovations are being done. There was a holdup with water connections but that has taken place this week; therefore, businesses should be in there very soon. **Mr. Murray** – Because businesses are not established in the already approved portion (six to eight months ago), assumptions regarding traffic generation are being made. It would have been nice to have had numbers from businesses operating in the Travelers Motel site before assuming traffic results for this proposal. Bedford Highway is over capacity now; therefore, making less is better but not necessarily the answer. **Ms. MacLellan** – The TIS for this proposal compared what a general motel use would contribute to traffic versus retail uses. It is not 100% definitive.

**Doug Kolmer, Southgate Drive**, has been involved with the development of the Bedford waterfront. The Waterfront Development Corporation owns the land behind this proposal and any planning processes before Council relate because a change is required in the traffic pattern. Traffic is a recurring theme. Other forms of transportation such as more buses or the possibility of a ferry or commuter rail could impact the traffic on the Bedford Highway. **Ms. MacLellan** – The TIS is completed by a traffic engineer and reviewed by HRM's traffic engineers to make sure it is acceptable. **Mr. Kolmer** – Residents that live in the area can anticipate issues that don't show up in the numbers from a study.

**Mr. Kolmer** made another point regarding the nature of the permitted businesses. What would be the possibility of allowing a change from the CCDD permitted uses? **Ms. MacLellan** – The uses need to comply with policy. The existing development agreement speaks to specific

commercial uses such as motels, general retail, personal and household services, full service restaurants, commercial photography and office uses. If there is a further change requested, the development agreement would have to be amended again and involve public consultation and a public hearing at Council.

**Mr. Muise** was told at the previous meeting that there wouldn't be another access for the Travelers Motel site. Currently, at the end of the parking lot there is a gravel driveway. He thinks this is a great idea and hopes it remains there. **Mr. Watson** thought there may be an opportunity through this development agreement to make that a possibility. **Ms. MacLellan** will talk to the applicant and traffic services.

**Mr. Escobar** believed there was to be no cutting on the property. There used to be an old, beautiful pine tree there. He has also complained many times to HRM about all the gravel at the bottom of Millview Avenue that becomes very dangerous for motorcycles and cars. He would like to see this cleaned up. **Mr. Watson** – In this case, the parking lots are paved; therefore, won't create any gravel.

**Councillor Outhit, District 16**, will look into the funeral home being lit up during the night. Many residents are concerned that this property could look more like a strip mall or have a more "Florida-ish" look as Mr. Murray pointed out. The roof signs are going to be difficult to do and will be a big change for Bedford. While there are certain uses permitted in that designation, there is nothing that forces them to be boutiques. The spirit of the development agreement for the Travelers Motel site when it came to NWPAC, and then to NWCC, was that there would be a trial period of about a year to see what kind of tenants would move in and what impact they would have on traffic before deciding if there would be any expansion. There are definitely pros and cons to everything but he has received concerns about traffic and the types of tenants that will move in.

## **5. Closing Comments**

**Ms. Norman** thanked everyone for coming and expressing their comments.

## **6. Adjournment**

The meeting adjourned at approximately 7:41 p.m.