



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 4.1.1**  
**North West Community Council**  
**September 14, 2020 First Reading**  
**and**  
**Halifax and West Community Council**  
**September 24, 2020 First Reading**  
**Joint Public Hearing November 26, 2020**

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

**- Original Signed -**

**SUBMITTED BY:** \_\_\_\_\_  
Kelly Denty, Director of Planning and Development

**DATE:** July 22, 2020

**SUBJECT:** **Case 22450: Amendments to the Existing Development Agreement for Bedford West, Sub Area 9, Bedford and Halifax.**

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**ORIGIN**

Application by Cresco Holdings Limited.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed amending agreement, as set out in Attachment A, to allow the reallocation of commercial density to residential density in Bedford West, Sub Area 9 and schedule a public hearing to be held concurrently with the North West Community Council;
2. Approve the proposed amending agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the amending agreement be signed by the property owner within 240 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.

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed amending agreement, as set out in Attachment A, to allow the reallocation of commercial density to residential density in Bedford West, Sub Area 9 and schedule a public hearing to be held concurrently with the Halifax and West Community Council;
2. Approve the proposed amending agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the amending agreement be signed by the property owner within 240 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**

Cresco Holdings Limited has requested substantive amendments to an existing development agreement to allow for the transfer of density of up to 162 persons from the maximum permitted commercial population to the maximum permitted residential population within Sub Area 9 of Bedford West. This proposed amendment would not only affect lands owned Cresco Holdings Limited, but one other property owner. The existing agreement is written such that all development within the Sub Area draws from one shared pool of potential density. As the subject property and the existing development agreement spans two Community Council areas, approval by both the Halifax and West and the North West Community Councils is required.

<b>Subject Site</b>	Portions of Bedford West, Sub Area 9 on Hogan Court, Bedford
<b>Location</b>	The intersection of Larry Uteck Boulevard, Hogan Court, and Highway 102
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Bedford West Secondary Planning Strategy (BWSPS) within the Bedford Municipal Planning Strategy and the Halifax Municipal Planning Strategy
<b>Zoning (Map 2)</b>	Bedford West Comprehensive Development District (BWCCD) within the Bedford Land Use By-law and the Halifax Land Use By-law
<b>Size of Site</b>	Sub Area 9 is approximately 36 acres and the lands affected by this application are approximately 83,300 square metres
<b>Current Land Use(s)</b>	Construction is underway for a new 200-unit multi-unit dwelling, a new grocery store, and a new 110-unit hotel with convention centre. The rest of the affected lands are currently vacant.
<b>Surrounding Use(s)</b>	West of Sub Area 9 is low density residential, institutional, and Kearney Lake. Lands to the south are vacant. To the east, on the other side of Highway 102, is commercial and high-rise residential. To the north and north-west is high-rise residential development that transitions to low rise residential development.

### **Proposal Details**

The applicant has proposed to amend the existing development agreement for Bedford West, Sub Area 9 to allow for the reallocation of density from the commercial population to the residential population. Specifically, the applicant has requested an additional 72 multi-unit residential units for a maximum total of 272 units in Sub Area 9 while keeping the existing overall maximum population of 1,210.5 persons. To accommodate the additional residential units, the proposed amendment enables a transfer of 162 persons from the commercial lands to the residential lands thereby reducing commercial development intensity by an amount equivalent to the proposed increase in residential intensity.

### **Existing Development Agreement**

In 2012, North West Community Council and Chebucto Community Council approved a development agreement to allow for a mixed-use development with Sub Area 9 of Bedford West (Case 16666). The agreement generally:

- allows for a mixed-use development containing residential and commercial uses;
- provides general commercial and residential building design criteria; and
- establishes a transportation plan for the area, including a road network and trail plan.

The agreement for this Sub Area established a maximum permitted population density of 1,476 persons, of which up to 715.5 persons could be allocated for residential purposes. These 715.5 persons are equivalent to 318 multiple unit dwelling units. Reallocation of density within the Sub Area is considered a substantive amendment to the existing development agreement.

In 2015, Halifax and West Community Council and North West Community Council approved an amendment to the existing agreement to allow for the transfer of 118 dwelling units from Sub Area 9 of Bedford West to the Wentworth lands to the east of Highway 102 (Case 18514). This amendment reduced the maximum permitted multi-unit residential units from 318 to 200 and the overall population from 1476 persons to 1210.5 persons in Sub Area 9.

In 2017, Halifax and West Community Council and North West Community Council approved the second amendment to the agreement for Sub Area 9 to permit hotel/motel/guest house uses within the general commercial areas of the development (Case 20996).

### **Enabling Policy and LUB Context**

The existing development agreement is enabled under policies BW-38A, BW-39, and BW-40A of the Bedford West Secondary Planning Strategy (SPS). These policies allow for a mixed-use development containing a range of commercial activities, with emphasis on highway commercial uses and medium to high-density residential uses. The policies provide direction on landscaping, pedestrian access, building design, and density.

### **Joint Decision of Community Councils**

The subject site falls within the jurisdictional boundary of both the Halifax and West Community Council and the North West Community Council. As such, the decision about the proposed amending agreement is a joint decision between the two Community Councils.

## **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, postcards mailed to property owners within the notification area, and a public information meeting held on October 24, 2019.

The HRM website had 2001 page views, of which 1221 were unique page views, and the average time on the webpage was 2 minutes and 58 seconds. Postcards were sent to approximately 648 unique addresses.

Approximately 15 members of the public attended the public information meeting. Attachment C contains a summary of the meeting. In addition to the public who attended the public information meeting, five people called, and one emailed about this application. The comments received include the following topics:

- Clarification of what could be built on the lands;
- Clarification of the permitted population density and proposed changes to this density;

- Concerns about the amount of traffic that will be generated from the development and that it will further aggravate the high volume of vehicular traffic in the neighbourhood; and
- Clarification of whether there would be changes to the existing road infrastructure (i.e., will Hogan Court be widened or extended to Kearney Lake Road?).

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

The proposal will potentially impact local residents and property owners.

### **North West Planning Advisory Committee**

On November 13, 2019, the North West Planning Advisory Committee (PAC) recommended that the application be approved. A report from the PAC to Community Council will be provided under separate cover.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the Bedford West SPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant SPS policies.

### **Proposed Development Agreement**

Attachment A contains the proposed amendments to the existing development agreement for the subject site and the conditions under which the development may occur. The proposed amending agreement will permit up to 272 multiple unit dwelling units within Bedford West Sub Area 9, an increase of 72 units, and maintains the existing maximum population of 1,210.5 persons. Of the matters addressed by the proposed amending agreement to satisfy the Bedford West SPS criteria as shown in Attachment B, the following have been identified for detailed discussion.

#### **Population Density**

Policies BW-16A and BW-16B of the Bedford West SPS cap the population for Sub Area 9 at 1,476 persons. Other policies control the maximum persons per acre for a given land use and enable density to be transferred throughout the Sub Area. For the purposes of calculation, population density is based on “assumed occupancies” of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; or varying persons per acre for general commercial, mixed use business campus uses, local commercial, community facility and institutional uses. Accordingly, some calculations result in densities which equate to a “fraction” of a person.

The first amending agreement transferred 118 dwelling units out of the Sub Area, effectively reducing the maximum population to 1,210.5 persons. However, the policies in the Bedford West SPS were not revised to reflect the reduced density. The proposed third amending agreement respects the maximum population of 1,210.5 persons and the maximum persons per acre for a given land use and is overall reasonably consistent with the intent of the Bedford West SPS.

The existing agreement is written such that all development in the Sub Area draws from a shared pool of density. There are multiple land owners in the Sub Area and by the applicant asking to have the ability to have additional residential units while keeping the maximum population the same, the pool of commercial population density shared by the other land owners is effectively reduced. The applicant has indicated it is their intention to reduce the commercial density in exchange for the additional residential density on their lands only. If Council approves the amending agreement, the other land owner will also need to sign the

amending agreement. The applicant for this proposal is aware of this requirement, and it is staff's understanding that they have been in communication with these other land owners concerning this matter.

#### Development Agreement Execution

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances present, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

#### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise the proposal is reasonably consistent with the intent of the Bedford West SPS. The policy prescribes a maximum population density for the Sub Area but permits the redistribution of this population density within the Sub Area. The maximum permitted population density will not change as a result of this proposal, only the ability to have additional residential units at the expense of less commercial density. Therefore, staff recommend that the Halifax and West Community Council and North West Community Council approve the proposed amending development agreement.

#### **FINANCIAL IMPLICATIONS**

There are no budget 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 proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2020-2021 budget and 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. The Halifax and West Community Council and North West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. The Halifax and West Community Council and North West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of 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**

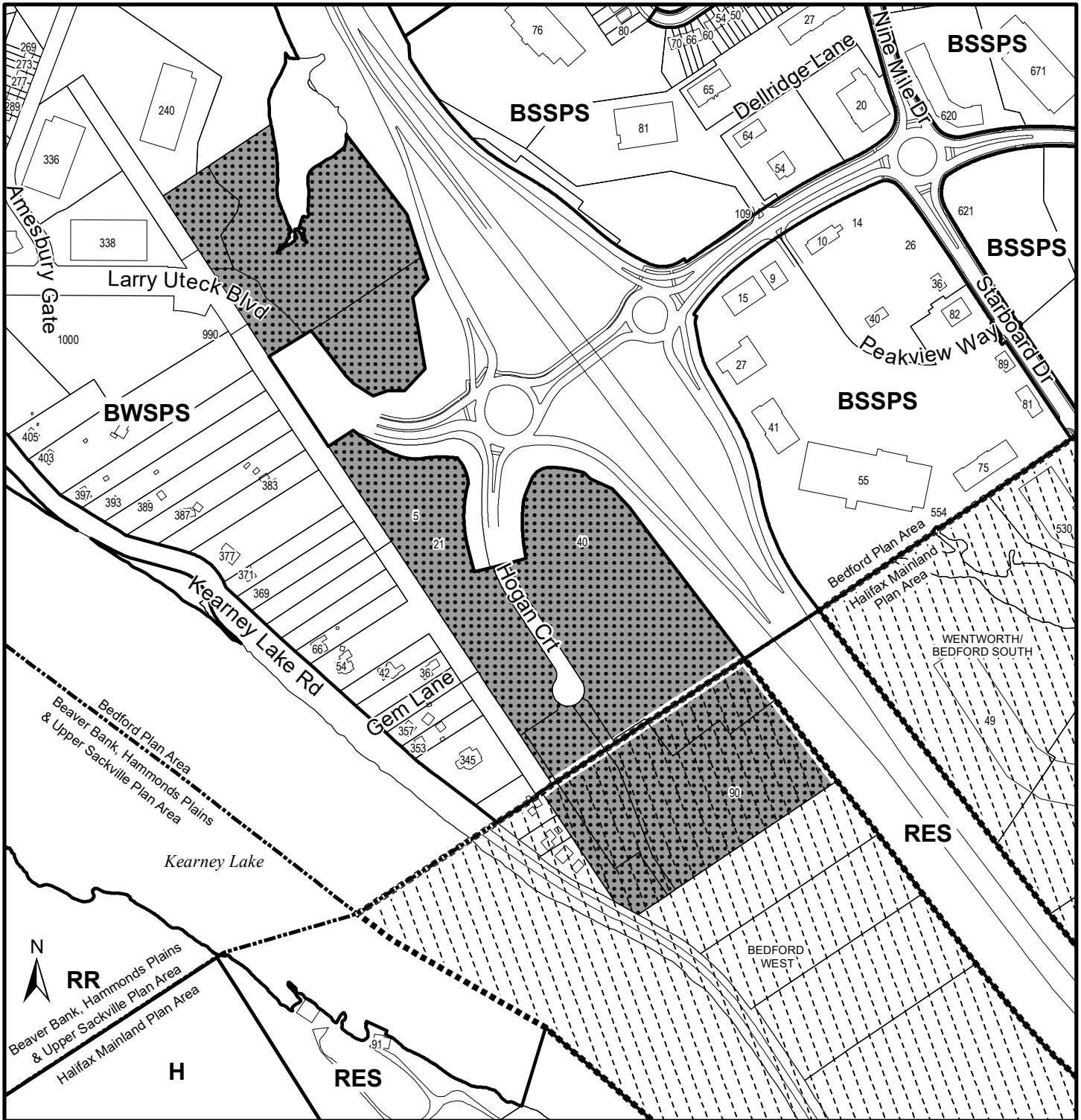
Map 1	Generalized Future Land Use
Map 2	Zoning and Notification Area
Attachment A	Proposed Amending Development Agreement
Attachment B	Review of Relevant MPS Policies
Attachment C	Summary of Public Information Meeting

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.




Report Prepared by: Meaghan Maund, Planner II, Current Planning, 902.233.0726

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**Map 1 - Generalized Future Land Use**

Bedford West Sub Area 9  
Hogan Court, Bedford

-  Subject Lands
-  Plan Area Boundary
-  Detail Area Plan

Halifax Plan Area  
Bedford Plan Area  
Bedford West Secondary Plan Area

**Bedford Designation**

- BSSPS Bedford South Secondary Planning Strategy
- BWSPS Bedford West Secondary Planning Strategy

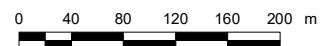
**Halifax Mainland Zones**

- H Holding Area
- RES Residential Environments

**Beaver Bank, Hammonds Plains and Upper Sackville Zones**

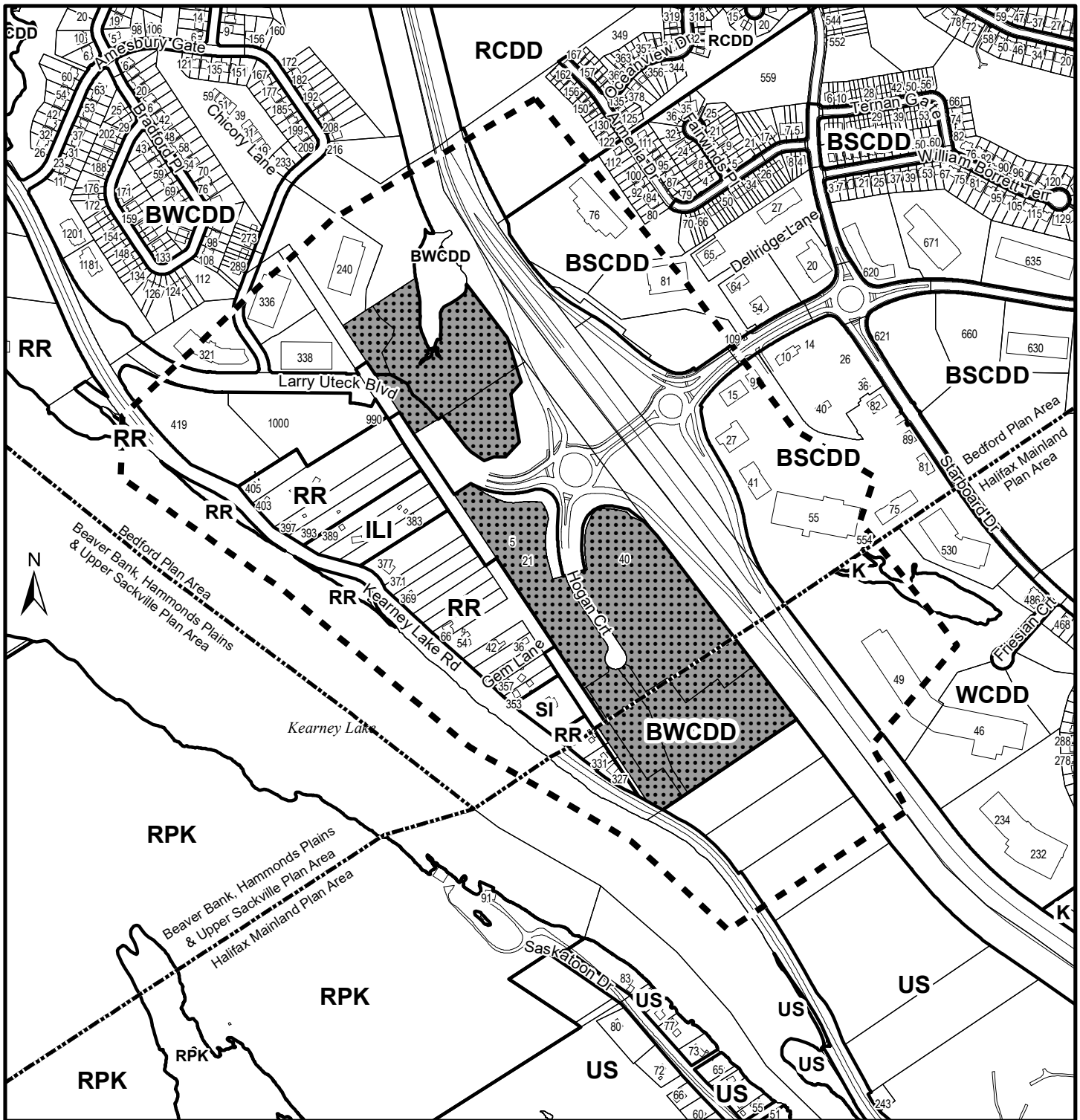
- RR Residential Reserve

**HALIFAX**




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


The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Zoning and Notification

Bedford West Sub Area 9,  
Hogan Court, Bedford

 Amendment to Existing  
Development Agreement

 Area of Notification

 Plan Area Boundary

Bedford & Halifax Mainland  
Land Use By-Law Area

### Bedford Zones

RR	Residential Reserve
ILI	Light Industrial
RCDD	Residential Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District
BSCDD	Bedford South Comprehensive Development District
SI	Institutional

### Halifax Mainland Zones

US	Urban Settlement
WCDD	Wentworth Comprehensive Development District
BWCCD	Bedford West Comprehensive Development District
RPK	Regional Park
K	Schedule K

### Beaver Bank, Hammonds Plains and Upper Sackville Zones

RPK	Regional Park
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**HALIFAX**



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

The accuracy of any representation on  
this plan is not guaranteed.



Attachment A: Proposed Amending Development Agreement

THIS THIRD AMENDING AGREEMENT made this      day of **[Insert Month]**, 20\_\_\_,

BETWEEN:

**CRESCO HOLDINGS LIMITED**

a body corporate, in the Province of Nova Scotia

- and –

**HOGAN COURT DEVELOPMENTS LTD.**

a [body corporate or individual], in the Province of Nova Scotia

OF THE FIRST PART

(hereinafter collectively called the “Developer”)

-and-

**HALIFAX REGIONAL MUNICIPALITY**

a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

**WHEREAS** the Developer is the registered owner of certain lands located at Hogan Court and Highway 102 in Bedford and Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the North West Community Council and the former Chebucto Community Council approved an application to enter into a Development Agreement for Bedford West Sub Area 9 to allow for a mixed-use subdivision on the Lands (municipal case 16666), which said Development Agreement was registered at the Land Registration Office in Halifax on May 8, 2012 as Document Number 100634063 (hereinafter called the “Original Agreement”), and which applies to the Lands;

**AND WHEREAS** the North West Community Council and the Halifax and West Community Council approved an application to amend the Original Agreement to allow for the transfer of 118 dwelling units from Bedford West Sub Area 9 to Cresco’s Wentworth Lands (municipal case 18514), which said Development Agreement was registered the Land Registration Office in Halifax on January 29, 2016 as Document Number 108457111 (hereinafter called the “First Amending Agreement”), and which applies to the Lands;

**AND WHEREAS** the North West Community Council and the Halifax and West Community Council approved an application to amend the Original Agreement to allow for hotel/motel/guest house uses on the Lands (municipal case 20996), which said Development Agreement was registered at the Land Registration Office in Halifax on November 3, 2017 as Document Number 111682812 (hereinafter called the “Second Amending Agreement”), and which applies to the Lands;

**AND WHEREAS** the Original Agreement, First Amending Agreement, and the Second Amending Agreement together comprise the Existing Development Agreement (hereinafter called “the Existing Agreement”);

**AND WHEREAS** the Developer has requested that further amendments to the Existing Agreement to allow for the reallocation of density from the commercial population to the residential population on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy BW-39C of the Bedford Municipal Planning Strategy, Policy BW-21D of the Halifax Municipal Planning Strategy, Part 10B 1) of the Bedford Land Use By-law, and Section 62AD of the Halifax Mainland Land Use By-law;

**AND WHEREAS** the North West Community Council and Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case 22450;

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

- 
1. Except where specifically varied by this Third Amending Agreement, all other conditions and provisions of the Existing Agreement as amended shall remain in effect.
  2. The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Third Amending Agreement and the Existing Agreement.
  3. Section 3.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

Schedule A	Development Area Sub-Area 9
Schedule A-1	Legal Description of the Land(s)
<del>Schedule B</del>	<del>Land Use Plan</del>
<b>Schedule B1</b>	<b>Land Use Plan</b>
Schedule C	Sanitary Service Plan
Schedule D	Stormwater Servicing Plan
Schedule E	Waterline Plan
Schedule F	Slope Map & Riparian Buffer Areas
Schedule G	General Commercial Design Guidelines
Schedule H1	General Commercial Land Uses
Schedule I	Design Criteria for Multi-Unit Dwellings
Schedule J	Bedford West Trunk Sanitary Servicing
<del>Schedule K</del>	<del>Concept Master Plan</del>
<b>Schedule K1</b>	<b>Concept Master Plan</b>
<del>Schedule L</del>	<del>Density Plan</del>
Schedule M	Easement Plan
Schedule N	Trail & Transportation Plan
Schedule O	Water Quality Monitoring Plan
<del>Schedule P</del>	<del>Block CMR-1</del>
<b>Schedule P1</b>	<b>Conceptual Layout Block CMR-1</b>

4. The Existing Agreement shall be amended by deleting the following Schedules:

Schedule B	Land Use Plan
Schedule K	Concept Master Plan
Schedule L	Density Plan
Schedule P	Block CMR-1

And inserting the following Schedules, which are attached to this Third Amending Agreement:

Schedule B1	Land Use Plan
Schedule K1	Concept Master Plan
Schedule P1	Concept Plan for Block CMR-1

5. The Existing Agreement shall be amended by:
- (a) deleting all text references to "Schedule B" and replacing each with a reference to "Schedule B1";
  - (b) deleting all text references to "Schedule K" and replacing each with a reference to "Schedule K1";
  - (c) deleting all text references to "Schedule P" and replacing each with a reference to "Schedule P1".

6. Section 3.3.2 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in **bold** as follows:

3.3.2 The number of multiple unit dwelling units within Sub Area 9 as identified on Schedule B and K shall not exceed ~~200 units~~ **272 units**.

**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 Registered Owner Name)**

\_\_\_\_\_  
Witness

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

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

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

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

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

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

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

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, personally came and appeared \_\_\_\_\_, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that \_\_\_\_\_ of the parties thereto, signed, sealed and delivered the same in his/her presence.

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A Commissioner of the Supreme Court  
of Nova Scotia

PROVINCE OF NOVA SCOTIA  
COUNTY OF HALIFAX

On this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me, personally came and appeared \_\_\_\_\_, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Sheryll Murphy, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

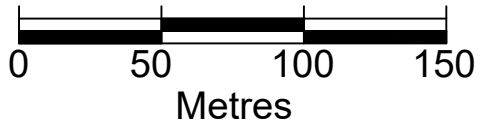
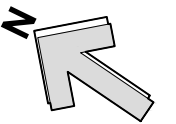
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A Commissioner of the Supreme Court  
of Nova Scotia

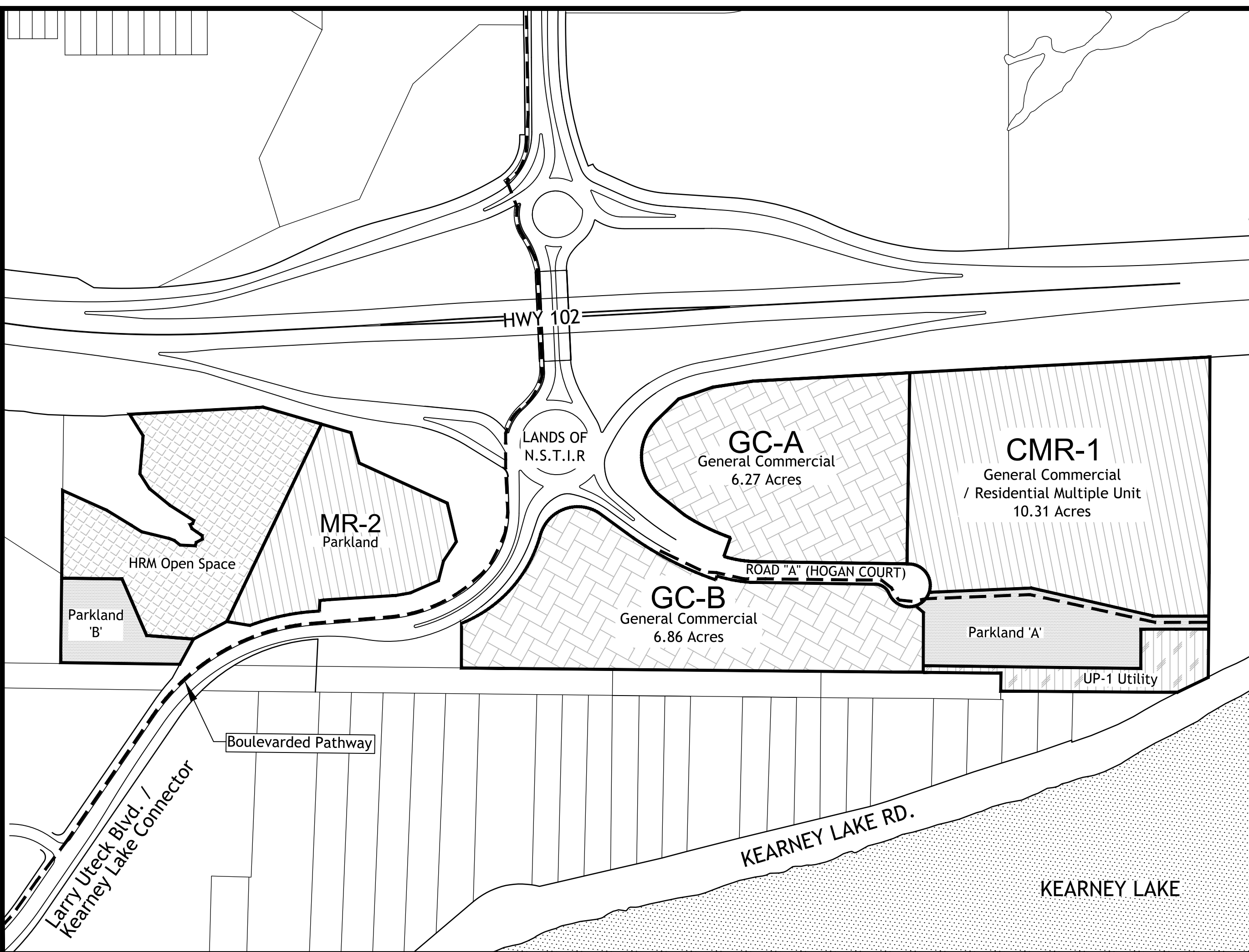


Land Use Plan

Sub-Area 9

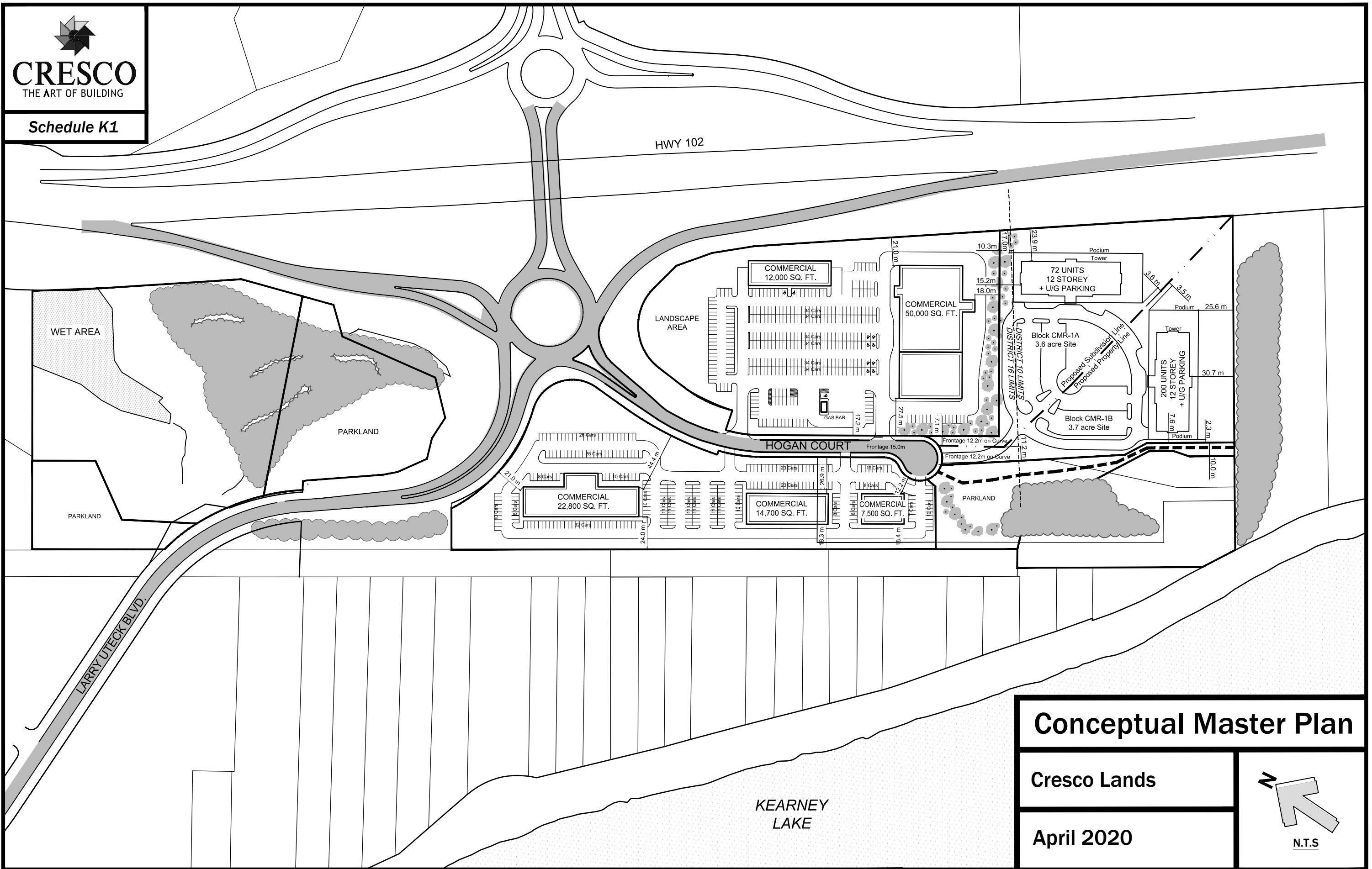



- All acreage and boundaries are subject to final survey.
- Lands allocated as general commercial shall have a maximum density coefficient of 50 persons per acre.
- Lands allocated as residential shall have a density coefficient of 2.25 persons per multi-unit.
- The number of multiple-unit dwelling units shall not exceed 272.
- Overall density cannot exceed 1210.5 persons





Schedule K1

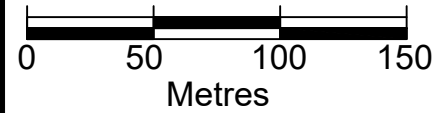


<b>Conceptual Master Plan</b>	
Cresco Lands	
April 2020	
 N.T.S	

Schedule P1

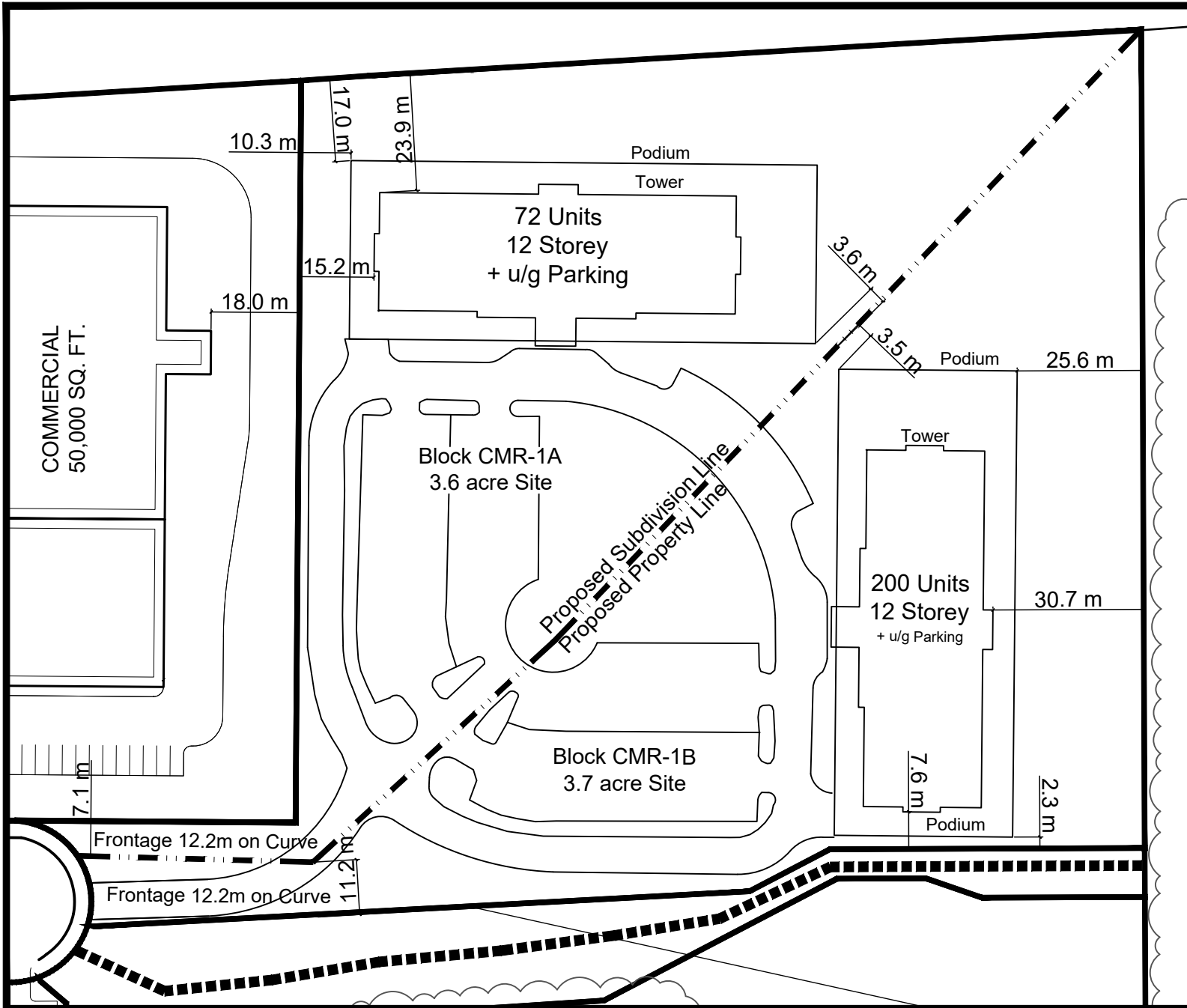


**CRESCO**  
THE ART OF BUILDING



Conceptual Layout  
Block CMR-1  
2 Multiple Unit Residential  
Buildings - 12 Storey + u/g Parking

April 2020





**Attachment B: Review of Relevant MPS Policies**

<b>Bedford Municipal Planning Strategy - Bedford West Secondary Planning Strategy</b>	
<b>Policy</b>	<b>Comment</b>
<p><b>Policy BW-15:</b> <i>The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses.</i></p>	<p>This policy was addressed and satisfied under the original development agreement. The population density for the Sub Area was determined using these values and the overall population density will not be changing under this application. The reallocation of commercial density to residential density is within the parameters of these values.</p>
<p><b>Policy BW-16:</b> <i>Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:</i></p> <ul style="list-style-type: none"> <li>a) <i>a maximum density of 40 persons per acre shall be permitted for all lands to be developed as a mixed use business campus within Sub-Area 3;</i></li> <li>b) <i>a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12;</i></li> <li>c) <i>for all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and</i></li> <li>d) <i>the temporary pumping station and forcemain, illustrated as "PS (TEMP)" and "FORCEMAIN (TEMP)" on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4). This requirement may be waived if:</i> <ul style="list-style-type: none"> <li>i. <i>the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and</i></li> </ul> </li> </ul>	<p>The maximum density for this sub area was determined using these values. The population density is not increasing under this application, and will remain at 1210.5 persons.</p>

<p>ii. <i>there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.</i></p>	
<p><b>Policy BW-16A:</b> <i>The maximum permitted population for Sub Area 9 (including portions within the Halifax Municipal Planning Strategy) shall not exceed 1476 persons.</i></p>	<p>In 2015, Council approved an amendment to transfer 265.5 persons (equivalent to 118 dwelling units) from Sub Area 9 to the Bedford South side of the Larry Uteck Boulevard interchange (Case 18514). This amendment reduced the maximum permitted population for Sub Area 9 to 1210.5, but the MPS policies were not updated accordingly.</p> <p>There will be no change to the maximum permitted population proposed under this application.</p>
<p><b>Policy BW-23:</b> <i>The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.</i></p>	<p>No changes to the land use allocation are proposed under this amendment. The original development agreement addressed and satisfied this policy.</p>
<p><b>Policy BW-39:</b> <i>A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-38A. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-32. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for the Sub-Area.</i></p>	<p>This policy was addressed and satisfied under the original development agreement and no changes are proposed under this agreement that would change that.</p>
<p><b>Policy BW-39A:</b> <i>A public participation program was undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for larger undeveloped parcels within Sub-Area 9. Schedule BW-7 shall form the framework for land use allocation within these portions of Sub-Area 9 and all policies and action taken by the Municipality shall conform to the intent of this plan.</i></p>	<p>Under Schedule BW-7 the subjects lands are identified as General Commercial. This amendment does not change or differ from that. Residential uses are permitted as per Policy BW-39B.</p>

<p><b>Policy BW-39B:</b> <i>Further to Schedule BW-7, Sub Area 9 may be comprised of medium or higher density residential land uses on the northwest side of the site, and general commercial uses south of the interchange. On the south-east portion of the Sub-Area, general commercial or higher density residential land uses may be permitted.</i></p>	<p>This policy was addressed and satisfied under the original development agreement. No changes to land uses or the location of these uses has been proposed under this agreement.</p>
<p><b>Policy BW-39C:</b> <i>Within the Sub Area, population assigned under BW-16A may be redistributed throughout the Sub Area covered by development agreement provided the intent of the all policies is maintained.</i></p>	<p>The population assigned under BW-16A is remaining the same under this agreement. The intent of the policies is maintained under this density transfer.</p>
<p><b>Policy BW-40A:</b> Within the Sub Area 9 and the adjacent Bedford South/Wentworth Secondary Planning Strategy areas it shall be the intention to establish a land use node as identified in Schedule BW-8. Land uses within this node shall be established by existing policies however the densities or allotment of land uses may be redistributed throughout the Larry Uteck interchange node subject to the following:</p> <ul style="list-style-type: none"> <li>a) the proposed land use to be relocated must be enabled within the Bedford West Secondary Planning Strategy portion of the node and the Bedford South/Wentworth portion of the node;</li> <li>b) the collection of infrastructure charges;</li> <li>c) the impact on major road networks, specifically Larry Uteck Boulevard and the completion of Starboard Drive (Bedford South/Wentworth);</li> <li>d) the impact on water and sewer infrastructure;</li> <li>e) that the proposed increase of density does not exceed that transferred out from the Bedford South and/or Wentworth Secondary Planning Strategies.</li> </ul>	<p>The density being transferred is staying within the Bedford West Secondary Planning Strategy and not being moved to another secondary plan area (Bedford South or Wentworth).</p>

<p><b>Halifax Municipal Planning Strategy – Section XV: Bedford West Secondary Planning Strategy</b></p>	
<p><b>Policy</b></p>	<p><b>Staff Comment</b></p>
<p><b>Policy BW-15</b>  <i>The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9;</i></p>	<p>This policy was addressed and satisfied under the original development agreement. The population density for the Sub Area was determined using these values and the overall population density will not be changing under this application. The reallocation of commercial density to residential density is within the parameters of these values.</p>

<p><i>and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses.</i></p>	
<p><b>Policy BW-16</b>  <i>Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed for a maximum density of 50 persons per acre for general commercial uses and a maximum density of 20 person per acre shall be permitted for all residential uses.</i></p>	<p>The maximum density for this sub area was determined using these values. The population density is not increasing under this application. It will remain at 1210.5 persons.</p>
<p><b>Policy BW-16B</b>  <i>The maximum permitted population for Sub-Area 9 (including portions within the Bedford Municipal Planning Strategy) shall not exceed 1476 persons.</i></p>	<p>In 2015, Council approved an amendment to transfer 265.5 persons (equivalent to 118 dwelling units) from Sub Area 9 to the Bedford South side of the Larry Uteck Boulevard interchange (Case 18514). This amendment reduced the maximum permitted population for Sub Area 9 to 1210.5, but the MPS policies were not updated accordingly.</p> <p>There will be no change to the maximum permitted population proposed under this application.</p>
<p><b>Policy BW-21A</b>  <i>A public participation program was undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for larger undeveloped parcels within Sub-Area 9. Schedule BW-7 shall form the framework for land use allocation within these portions of Sub-Area 9 and all policies and action taken by the Municipality shall conform to the intent of this plan.</i></p>	<p>Under Schedule BW-7 the subjects lands are identified as General Commercial. This amendment does not change or differ from that. Residential uses are permitted as per Policy BW-21C.</p>
<p><b>Policy BW-21B:</b> <i>A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-21E, except that clause 1 shall not apply. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-28, except that clause (a) shall not apply.</i></p>	<p>This policy was addressed and satisfied under the original development agreement and no changes are proposed under this agreement that would change that.</p>
<p><b>Policy BW-21C:</b> <i>Further to Schedule BW-7, Sub-Area 9 may be comprised of medium or higher density residential land uses on the northwest side of the site, and general commercial uses in the center portion of the Sub-Area, south of the interchange. On the south-east portion of the Sub-Area, general commercial or higher density residential land uses may be permitted.</i></p>	<p>This policy was addressed and satisfied under the original development agreement. No changes to land uses or the location of these uses has been proposed under this agreement.</p>
<p><b>Policy BW-21D:</b> <i>Within the Sub Area, population assigned under BW-16B may be redistributed throughout the Sub Area covered by development</i></p>	<p>The population assigned under BW-1BA is remaining the same under this agreement. The intent of the policies is maintained under this density transfer.</p>

<p><i>agreement provided the intent of the all policies is maintained.</i></p>	
<p><b>Policy BW-21E:</b> <i>A range of general and highway commercial, medium and higher density residential, institutional, and recreational uses may be permitted within the General Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:</i></p> <ul style="list-style-type: none"> <li><i>a) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;</i></li> <li><i>b) sidewalks and/or plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;</i></li> <li><i>c) provisions are made for the storage of bicycles;</i></li> <li><i>d) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;</i></li> <li><i>e) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;</i></li> <li><i>f) the massing, height of buildings and architectural detail contribute to a pedestrian oriented environment; and the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.</i></li> </ul>	<p>This policy was addressed and satisfied under the original development agreement and no changes are proposed under this agreement that would change that.</p>
<p><b>Policy BW-21G:</b> <i>Within the Bedford West Secondary Planning Strategy and the adjacent Bedford South and Wentworth Secondary Planning Strategy areas it shall be the intention to establish a land use node as identified in Schedule BW-8. Land uses within this node shall be established by existing policies however the densities or allotment of land uses may be redistributed throughout the Larry Uteck interchange node subject to the following:</i></p> <ul style="list-style-type: none"> <li><i>a) the proposed land use to be relocated must be enabled within the Bedford West portion of the node and the Bedford South and Wentworth Secondary Planning Strategy portions of the node;</i></li> <li><i>b) the collection of infrastructure charges;</i></li> <li><i>c) the impact on major road networks, specifically Larry Uteck Boulevard and the</i></li> </ul>	<p>The density being transferred is staying within the Bedford West Secondary Planning Strategy and not being moved to another secondary plan area (Bedford South or Wentworth).</p>

<p><i>completion of Starboard Drive (Bedford South/Wentworth);</i></p> <p><i>d) the impact on water and sewer infrastructure;</i></p> <p><i>e) the proposed increase of density does not exceed that transferred out from the Bedford South and/or Wentworth Secondary Planning Strategies.</i></p>	
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**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 22450**

*The following does not represent a verbatim record of the proceedings of this meeting.*

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**Thursday, October 24, 2019**

**7:00 p.m.**

**École du Sommet, Larry Uteck Boulevard, Halifax**

**STAFF IN**

**ATTENDANCE:** Meaghan Maund, Planner, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

**ALSO IN**

**ATTENDANCE:** Councillor Russell Walker, District 10  
Councillor Tim Outhit, District 16  
Farhang Fotovat, Cresco Holdings Limited  
Joseph Daniels, General Manager, Cresco Holdings Limited

**PUBLIC IN**

**ATTENDANCE:** Approximately 15

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

**1. Call to order, purpose of meeting – Meaghan Maund**

**M. Maund** is the Planner and Facilitator for the application and introduced the area Councillors, HRM Staff members and the Applicant.

Case 22450 - Cresco Holdings Limited is requesting a substantive amendment to an existing development agreement to allow for the transfer of up to 72 multiple unit dwelling units (162 persons) from their commercial allowable population to their residential allowable population on lands on Hogan Court, Bedford.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site, highlight the proposal and explain the process;
- Give the Applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

**2. Presentation of Proposal – Meaghan Maund**

**M. Maund** gave a brief presentation of the proposal for the subject lands on Hogan Court in Bedford West, Sub-Area 9 in Bedford, outlining the status of the application, the Applicant's request for an amendment to the existing development agreement (density transfer from commercial to residential to allow for flexibility), site context of the subject land, the land designation [BWSPS (Bedford West Secondary Planning Strategy)] and enabling Planning Policies (BW-21D and BW-39C) within the Halifax and Bedford Municipal Planning Strategies

(MPSs) and the Zoning [BWCCD (Bedford West Comprehensive Development District) Zone] within the Halifax Mainland and Bedford Land Use By-laws (LUBs).

### 3. Questions and Comments

**One resident** asked for a copy of the PIM presentation. **M. Maund** will upload it to the website under the Case Details page for this application.

**Brian Doyle, Friesian Court** is concerned that there is one access point for a large amount of density on Hogan Court. Will the already approved park area remain? **M. Maund** – There is not a second access proposed. The numbers are based on sewer capacity which has already been approved. The park areas will remain as originally proposed.

**A resident from Friesian Court** asked if a Superstore would be constructed. **M. Maund** said that the area is zoned commercial and a permit has been issued for a hotel in the area. **Joseph Daniel** pointed out where the business would be located and explained that something is in the works but nothing has been finalized at this point. Two hotels are intended for the site labelled GBC and the GCA labelled area is for a commercial development. There is a permit to construct a 200-unit residential building in the area labelled CMR-1. Density has been paid for through infrastructure. Cresco Holdings is asking for the flexibility to convert potentially unused commercial density to residential.

**Ralph, Friesian Court** is concerned about the roundabout at Hogan Court. **Councillor Outhit** explained that the roundabout close to the Sobeys is municipally-owned but the other two near Highway 102 are provincially-owned and encouraged Ralph to contact MLA, Kelly Regan. HRM is working to improve signage, crosswalk lights, etc. on their roundabout and Councillor Outhit hopes to encourage the Province to do the same.

**Brian Murray, Friesian Court** asked if the density for the proposal includes the numbers for the two hotels? This is concern because of increase in traffic and Hogan Court is already difficult to exit not to mention it is accessed by a roundabout. **J. Daniel** clarified that the density does include the hotels and is already approved. The infrastructure that has been engineered and built to date allows for present and future approved construction. Density is allocated based on many factors. **M. Maund** explained that commercial density (50 persons/acre) is based on sewer capacity. HRM engineers and Halifax Water review the application to make sure it meets capacity.

**Aileen Mair, Amesbury Gate** – Generally, traffic in Halifax is dangerous and on Larry Uteck Boulevard it is dreadful. Emergency vehicles already have difficulty navigating the roads in the area due to traffic. Roundabouts are not used properly which causes a safety issue. Hogan Court should not be accessed by way of the roundabout.

**Janice Zed, Friesian Court** would like HRM and the developers to look at what is above ground when considering density as opposed to underground (e.g., sewer). Traffic is horrific and is very treacherous for school children trying to cross Friesian Court onto Starboard Drive.

**Roger Hamshaw, Kearney Lake Road** is concerned that Hogan Court (currently a dead-end road) will eventually be connected to Kearney Lake Road. Also, when this project originally began, the maximum building height was four-storeys but currently there are two seven-storey buildings and density is getting too heavy. What will be the height of the two buildings on Hogan Court? **J. Daniel** said Hogan Court will not be extended. The apartment buildings are permitted to be up to 12 storeys.

**John Mader, Friesian Court** – Have there been studies done on people coming to and going from Hogan Court based on the density transfer from commercial to residential? Where would the



other the 72 units be? **M. Maund** – The Traffic Impact Statement (TIS) (available on the website) concluded that there would be a slight increase at peak time but not significant. The increase would be at peak times. **J. Daniel** showed the locations of where the buildings would be constructed if this application was or was not approved. If not approved, the other building would become office/retail or another type of commercial building. If approved, there is no guarantee that the density transfer would need to take place, they are looking to have flexibility to do so.

**B. Doyle** wondered if there is a possibility that the 12-storey building may become 14-storeys. **J. Daniel** – there is a maximum height limit of 12-storeys and any change would require a public process.

**J. Zed** asked when the TIS was conducted. **M. Maund** – The original was 2012. Another was done in 2015 (to be confirmed) and the most current in June 2019.

**Mike Kerman, Friesian Court** asked why Cresco is asking for this amendment. **J. Daniel** – Things change over time. The commercial component doesn't use all the density and therefore, instead of trying to put in more commercial, the developer would like the opportunity and flexibility to put that density into residential.

**J. Zed** wondered if the existing infrastructure (access to Hogan Court) will remain in the same location. Will there be any widening? **J. Daniel** – The TIS shows that everything will work with the current infrastructure.

**Chester Robinson, Kearney Lake Road** is opposed to the proposal due to many reasons already mentioned. If a proposal is approved, it should be built to that original plan without amendments. Everyone should voice their opinions, but C. Robinson doesn't feel that it makes a difference. **M. Maund** – The developers, in this case, do have the ability to ask for the amendment and through public feedback and Staff's recommendation, Council will decide whether to approve or deny the application.

**R. Hamshaw** realizes that the density will remain the same but envisions in a few years down the road that Hogan Court will be opened up to Kearney Lake Road. **J. Daniel** made a verbal commitment that they wouldn't apply to have Hogan Court extended beyond its current boundary. **Councillor Outhit** mentioned that the dilemma in many areas is to either build roads to alleviate traffic or don't build to protect sensitive areas forcing residents to put up with traffic.

**B. Murray** feels there is too much density for Hogan Court.

**B. Doyle** would like to see the developer stay with the original plan or not use all of the permitted density. **Farhang Fotovat** explained that the infrastructure is already there and a lot of it is based on property taxes.

**M. Lynas, Friesian Court** is not opposed to the construction, but the residents seem to be worried about the access to and from Hogan Court at the roundabout.

#### 4. Closing Comments

**M. Maund** thanked everyone for coming and expressing their comments.

#### 5. Adjournment

The meeting adjourned at approximately 7:53 p.m.