



P.O. Box 1749
Halifax, Nova Scotia
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Item No.13.1.3
North West Community Council
June 14, 2021

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -
Kelly Denty, Executive Director of Planning and Development

DATE: May 6, 2021

SUBJECT: Case 22980: Development Agreement for 112 Ledgegate Lane, Bedford

ORIGIN

Application by West Bedford Holdings Limited.

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, to amend the existing development agreement to substitute an approved multiple unit dwelling with townhouses and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the 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

West Bedford Holdings Limited is applying for changes to an existing development agreement for vacant lands at 112 Ledgegate Lane off Amesbury Court in Bedford (the “subject site”), to replace one of two apartment buildings already permitted by the existing development agreement with townhouses.

Subject Site	112 Ledgegate Lane, Bedford (Block A-11)
Location	Ledgegate Lane at Amesbury Gate, Bedford
Regional Plan Designation	US (Urban Settlement)
Community Plan Designation (Map 1)	BWSPS (Bedford West Secondary Planning Strategy) Sub-Area 5
Zoning (Map 2)	BWCDD (Bedford West Comprehensive Development District)
Size of Site	68,201 sq. m. (734,019 sq. ft.)
Street Frontage	26 m (85 ft.) on Amesbury Gate
Current Land Use(s)	Vacant
Surrounding Use(s)	Single unit dwellings, townhouse dwellings, multiple unit dwellings

Existing Development Agreement

The subject site is located within Sub-Area 5 of the Bedford West Secondary Plan Area. On June 23, 2011, North West Community Council approved a comprehensive development agreement for Sub-Area 5 that allows a mix of neighbourhood commercial, residential and open space uses. The existing development agreement permits two multiple unit dwellings on the subject site.

Since its approval, the development agreement has been amended twice, in 2016 and 2017. The 2016 amendment increased the maximum permitted height of the multiple unit dwelling permitted on the northern portion of the site from 6 storeys to 9 storeys. The 2017 amendment allowed increased residential density in both multiple unit dwellings permitted on the site. This report references the original development agreement and all changes made in the two amending agreements as the “existing development agreement”.

The existing development agreement allows 154 single-unit dwellings, two-unit dwellings and townhouses, and 627 dwelling units within multiple unit dwellings (apartment buildings) throughout Sub-Area 5.

Proposal Details

The applicant proposes to amend the existing development agreement to replace the multiple unit dwelling permitted on the southern portion of the site with a townhouse development. The proposed townhouses would be a cluster development, and the subject site would not be subdivided. Townhouse clusters are permitted by the existing development agreement; however, an amendment is required to change the permitted use on this specific subject site.

The applicant is also requesting the following amendments to the design criteria for townhouse clusters on this site in the existing development agreement:

- Reduce the minimum width of each townhouse unit; and
- Remove requirements for individual driveways and garages.

If the amendment is approved, the number of single-unit dwellings, two-unit dwellings and townhouse units permitted in Sub-Area 5 would not change.

Enabling Policy and LUB Context

The development agreement is enabled by Policy BW-20 (b) of the Bedford Municipal Planning Strategy, and the criteria for Council’s consideration are provided in Policy BW-32 of the Bedford MPS (Attachment B).

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 case webpage, and signage posted on the subject site. From June 23, 2020, when the case webpage was published, to April 20, 2021, the case webpage received 405 pageviews, of which 325 were unique pageviews. Additionally, 177 post cards were mailed to property owners within the notification area, and a virtual public information meeting was held on December 10, 2020. Five people attended the virtual public information meeting; attachment C contains a summary of the meeting. Public comments received included the following topics:

- Clarification on the process;
- Concern that sufficient parking be provided on site; and
- Requests that trees on the site be maintained as much as possible.

A public hearing must be held by North West Community Council before it can consider approving the proposed amending development agreement. Should Community Council 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 mail.

North West Planning Advisory Committee

At its meeting on January 6, 2021, the North West Planning Advisory Committee (PAC) recommended that the application be approved, with consideration given to retaining as many trees as possible on the site. A memorandum from the PAC to North West Community Council will be provided under separate cover.

DISCUSSION

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

Proposed Amending 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 amending development agreement addresses the following matters:

- Creates a new permitted land use in the existing development agreement that allows reduced-width townhouse clusters and reduced-width condominium townhouse development. This new land use differs from the original-width townhouse cluster and condominium townhouse development land use already permitted by the existing development agreement in the following ways:
 - The minimum width of each townhouse unit would be reduced from 6.1 metres to 4.9 metres (16 feet);
 - The requirement that each townhouse unit have a garage would be removed; and
 - The requirement that each townhouse unit have a driveway would be removed.
- Amends two schedules of the existing development agreement to allow reduced-width and original-width townhouse cluster and condominium townhouse development on the southern portion of 112 Ledgegate Lane.

Development in HRM typically follows a “one main building per lot” development pattern. A “cluster development” is one where multiple main buildings are permitted to be constructed on one lot, without subdivision. Ownership of these buildings could either be common, with individual buildings or units being rented to other users, or as a bare-land condominium. HRM does not regulate or control tenure, and there

is no information on whether the proposed townhouse units would be under common ownership or would be registered with the Province as a condominium corporation.

The proposed development includes a common parking area for residents of the cluster townhouses and their guests. The existing development agreement requires that the number of parking spaces for townhouse residents be in accordance with the requirements of the Bedford Land Use By-law, and that would continue to be the case. The existing development agreement also includes design requirements for parking areas, which would also continue to apply if NWCC approves the proposed amendment.

The proposed amending development agreement does not explicitly include the number of townhouse units that would be permitted on the site. However, the applicant has indicated that they expect to construct 21 townhouse units, which could include a mix of reduced-width and original-width townhouse cluster units. The number of units on the site will ultimately be controlled by the number of units permitted in Sub-Area 5, as noted above; increasing the number of units on the site would require reducing the number of units in another part of the Sub-Area. There are no changes being proposed to the permitted density of the site within this amending development agreement.

The attached amending development agreement would permit reduced-width and original-width townhouse cluster and condominium townhouse development on the site. Of the matters addressed by the proposed amending development agreement to satisfy the MPS criteria as shown in Attachment B, the following have been identified for detailed discussion:

Residential Density and Unit Mix

The 2017 amending development agreement increased the maximum allowed density within Sub-Area 5 and specifically on the subject site. This increased density was allocated to dwelling units within multiple unit dwellings and did not change the permitted number of single unit dwellings, two-unit dwellings and townhouses (including townhouse clusters) throughout Sub- Area 5.

The proposed amendment would fit within the existing permitted unit mix. Therefore, staff do not expect the proposed amendment to result in any new demand for streets, parks or other municipal services.

Timing of Agreement

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 presents, 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 that the proposal is reasonably consistent with the intent of the Bedford Municipal Planning Strategy. The proposed amendment would make modest changes to an existing development context and would not increase residential density in the sub-area. Staff do not anticipate impacts on demand for central services, streets, trails or parkland. The proposed amendments would improve the built form and use transition from low-density residential uses along Amesbury Gate to the permitted multiple-unit dwelling on Ledgegate Lane. Therefore, staff recommend that the North West Community Council approve the proposed 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 2021-2022 operating budget for Planning and Development. There is no impact on the Bedford West Master Plan Capital Cost Contribution (CCC) due to this change and the charge has already been collected from the developer.

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

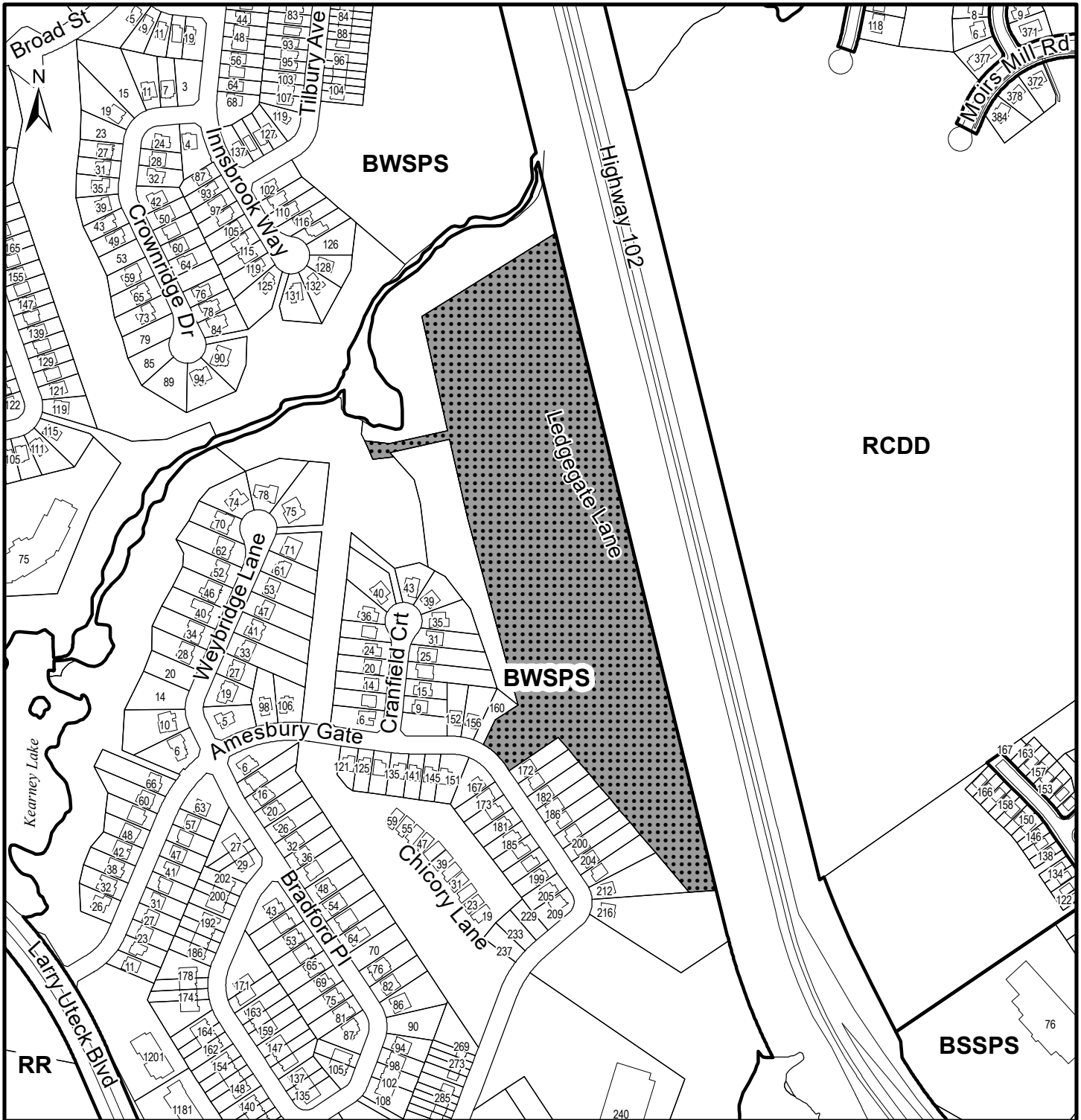
1. North West Community Council may choose to approve the proposed amending development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to refuse the proposed amending 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 Planning Policies
Attachment C:	Virtual Public Information Meeting Summary

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jamy-Ellen Klenavic, Planner 2, 902.476.8361




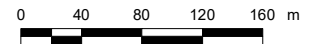
Map 1 - Generalized Future Land Use

112 Ledgegate Lane, Bedford NS

Designation

HALIFAX

 Subject Property

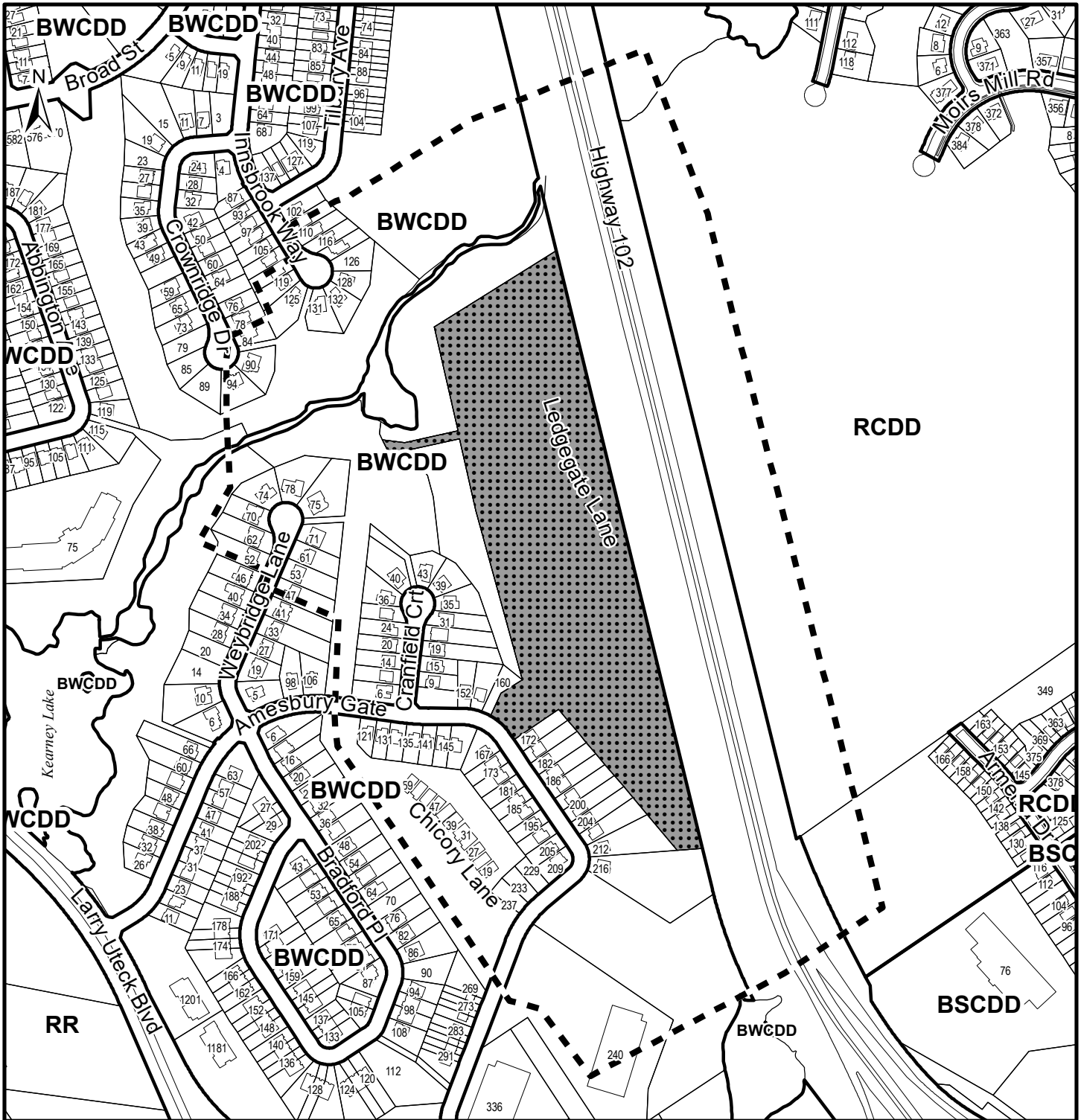


Bedford
Plan Area

- BSSPS Bedford South Secondary Planning Strategy
- BWSPS Bedford West Secondary Planning Strategy
- RCDD Residential Comprehensive Development District
- RR Residential Reserve

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

112 Ledgegate Lane, Bedford NS

HALIFAX

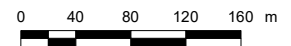
 Subject Property

 Area of Notification

Bedford
Land Use By-Law Area

Zone

- BSCDD Bedford South Comprehensive Development District
- BWCCD Bedford West Comprehensive Development District
- RCDD Residential Comprehensive Development District
- RR Residential Reserve



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 , 20__ ,

BETWEEN:

[Insert Name of Corporation/Business LTD.] a body corporate, in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- 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 112 Ledgegate Lane, Bedford, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council, at its meeting on June 23, 2011, approved a Development Agreement to allow for residential development on the Lands as Municipal Case 16775, and which said Development Agreement was registered at the Land Registration Office in Halifax on September 4, 2012 as Document Number 101458348 (hereinafter called the "Original Development Agreement") and which applies to the Lands;

AND WHEREAS the North West Community Council, at it's meeting on November 16, 2015, approved an appending Development Agreement to increase the maximum permitted height of multiple unit dwellings on the Lands as Municipal Case 19625, and which said Development Agreement was not registered at the Land Registration Office in Halifax;

AND WHEREAS the North West Community Council, at its meeting on February 29, 2016, approved an corrected Amending Development Agreement to increase the maximum permitted height of multiple unit dwellings on the Lands and extended timeframes for signing of this corrected Amending Development Agreement as Municipal Case 19625, and which said Amending Development Agreement was registered in the Land Registration Office in Halifax on June 17, 2016 as Document Number 109113929 (hereinafter called the "First Amending Agreement") and which applies to the Lands;

AND WHEREAS the North West Community Council , at its meeting on February 6, 2017, approved an amending development agreement to allow for the transfer of 90 dwelling units from Sub Area 8 to Sub Area 5 and to alter the permitted housing mix as Municipal Case 19625, and which said Amending Development Agreement was registered at the Land Registration Office in Halifax on April 5, 2017 as Document Number 110563682 (hereinafter called the "Second Amending Agreement") and which applies to the Lands;

AND WHEREAS the Original Development Agreement, the First Amending Agreement and the Second Amending Agreement shall hereinafter collectively be called the Existing Development Agreement;

AND WHEREAS the Developer has requested that the Municipality enter into a Third Amending Development Agreement to change the permitted land uses on the Lands and to add reduced-width collective townhouse development and reduced-width condominium townhouse development as permitted

land uses, pursuant to the provisions of the *Halifax Regional Municipality Charter*, Policy BW-23 of the Bedford West Secondary Planning Strategy of the Bedford Municipal Planning Strategy, and Part 4, Section 3, Subsection (p) of the Bedford Land Use By-law;

AND WHEREAS the North West Community Council approved this request at a meeting held on [date], referenced as Municipal Case 22980;

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 Development Agreement, all other conditions and provisions of the Existing Development 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 Development Agreement, and the Existing Development Agreement.
 3. Section 2.2 of the Existing Development Agreement shall be amended by inserting the following text shown in bold below immediately preceding Clause 2.2 (f):

(ef) “Townhouse” means a building that is divided into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit, and shall include a townhouse cluster or condominium townhouse development where each unit is not on an individual lot.
 4. Section 3.1 of the Existing Development Agreement shall be amended by deleting the text shown in strikethrough and inserting the text shown in bold, as follows:

~~Schedule O-1 Concept Plan~~
~~Schedule B Land Use Plan~~

Schedule O-2 Concept Plan
Schedule B-1 Land Use Plan
 5. The Existing Development Agreement shall be amended by deleting the following Schedules:

Schedule O-1 Concept Plan
Schedule B Land Use Plan

And inserting the following Schedules:

Schedule O-2 Concept Plan (attached)
Schedule B-1 Land Use Plan (attached)
 6. The Existing Development Agreement shall be amended by deleting all text references to Schedule O-1 and Schedule B and replacing them with the respective reference to Schedule O-2 and Schedule B-1.
 7. Section 3.4.4 of the Existing Development Agreement shall be amended by inserting the following text shown in bold immediately preceding Clause 3.4.5:

3.4.4A Notwithstanding Clause 3.4.4, no subdivision approval or municipal development permit shall be granted for any reduced-width townhouse cluster or reduced-width condominium townhouse development where each unit is not on an individual lot except in accordance with the following provisions:

- (a) Minimum lot frontage: 18.29 metres (60 feet)**
- (b) Minimum lot area: 185.8 square metres (2,000 square feet) per dwelling unit**

- (c) Minimum front yard: 6.10 metres (20 feet)**
- (d) Minimum rear yard: 6.10 metres (20 feet)**
- (e) Minimum side yard: 6.10 metres (20 feet)**
- (f) Minimum flankage yard: 6.10 metres (20 feet)**
- (g) Minimum distance between buildings: 2.43 metres (8 feet)**
- (h) Maximum lot coverage: 40%**
- (i) Maximum building height: 9.14 metres (30 feet)**
- (j) Minimum width of each unit: 4.87 metres (16 feet)**
- (k) Maximum density of townhouse units: 15 dwelling units per acre (0.405 ha)**
- (l) The development conforms with the architectural design criteria for townhouses under Schedule M**

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: _____

HALIFAX REGIONAL MUNICIPALITY

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

Witness

Per: _____

MAYOR

Witness

Per: _____

MUNICIPAL CLERK

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ a 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.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

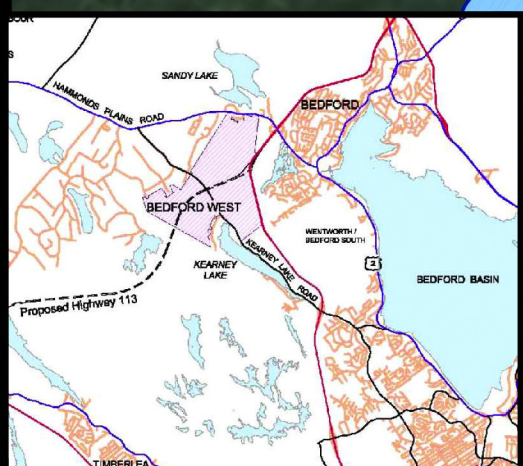
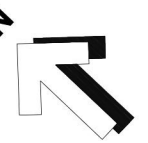
On this _____ day of _____, A.D. 20____, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

Schedule 0-2

Concept Plan

June 2020

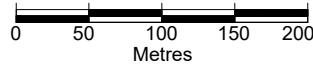









Legend	
	Single Family
	Townhouses
	Multiple
	Commercial
	Park/ Conservation Land
	Trail
	Building Height (Storeys)

Schedule B-1

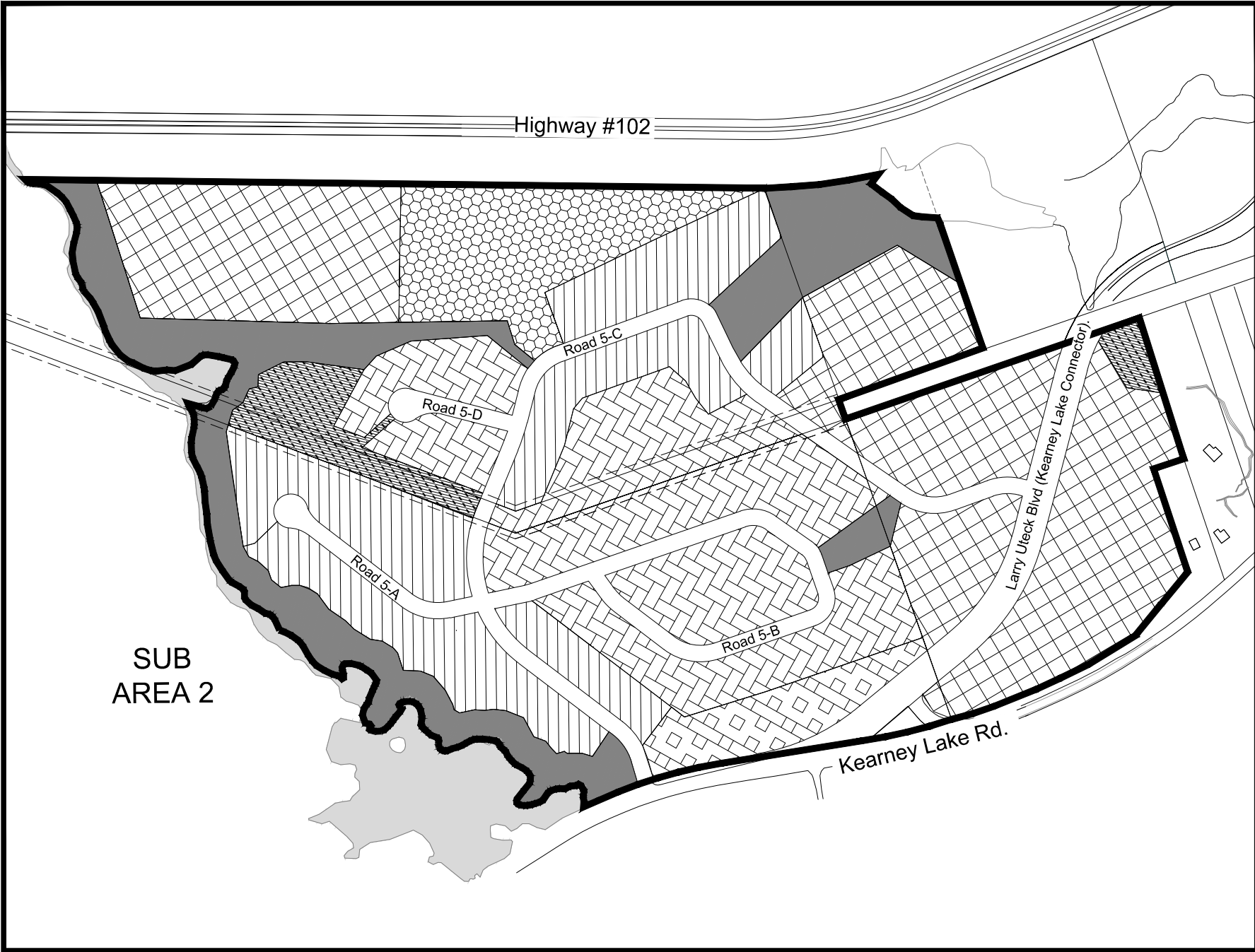


Land Use Plan



-  SINGLES (min 40')
-  REDUCED WIDTH TOWNHOUSE/ CONDO/ CLUSTER
-  TOWNHOUSE/SEMI-DETACHED/SINGLES/ CONDO T.H.
-  MULTIPLE
-  NEIGHBOURHOOD COMMERCIAL
-  FUTURE HRM LAND
-  UTILITY LANDS (to be owned by HRM / HRWC)

February, 2021



Attachment B: Review of Relevant Planning Policies

Regional Municipal Planning Strategy	
Policy	Comment
<p>Policy G-15 In considering development agreement applications pursuant to the provisions of this Plan, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:</p>	
(a) that the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of HRM to absorb any costs relating to the development;	The proposed amendment would not be expected to have any impact on HRM municipal finances.
(ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;	No concerns – the proposed amendments would result in residential density that is similar to the existing approval. The amendment would result in slightly less demand on municipal systems.
(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;	No concerns – if approved the amendment would result in similar but slightly less demand on existing schools, recreation and community facilities.
(iv) the adequacy of road networks leading to or within the development; and	No concerns – the difference in traffic demand caused by the proposed change in use would be minimal and would slightly reduce the traffic load on the existing road network when compared to the approved development.
(v) the potential for damage to or for destruction of designated historic buildings and sites;	No concerns – there are no designated histories buildings or sites close to the subject site.
(b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
(i) type of use;	No concerns – the proposed amendment would change the use from multi-unit dwellings to clustered townhouses. These uses would have similar impacts on adjacent and nearby land uses.
(ii) height, bulk and lot coverage of any proposed building;	No concerns – The existing development agreement permits two multi-unit dwellings on the subject site.

	<p>One of the permitted multis would not change if the proposed amendment is approved.</p> <p>Amending the existing development agreement to permit clustered townhouses in place of the second multiple unit dwelling would reduce the structure's height, bulk and lot coverage.</p>
(iii) traffic generation, access to and egress from the site, and parking;	No concerns – the proposed amendments would not change the location of access to and egress from the subject site.
(iv) open storage; and	No open storage is proposed.
(v) signs;	No changes to the signage requirements of the existing development agreement are proposed.
(c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and	No concerns. The subject site is already an approved building site under the existing development agreement.
(d) if applicable, the requirements of policies E-10, T-3, T-9, EC-14, CH-14 and CH-16.	Not applicable.

Bedford West Secondary Planning Strategy Part of the Bedford Municipal Planning Strategy	
Policy	Comment
<p>Policy BW-7 No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.</p>	<p>These criteria were addressed in the existing development agreement. The proposed amendment would not alter the watercourse buffer on the subject site.</p>

<p>Policy BW-8 No development agreement shall be entered into over lands on which trees have been removed except:</p> <ul style="list-style-type: none"> a) as may be required for a <i>bona fide</i> land survey; b) to satisfy any provincial or federal requirements; or c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above. 	<p>Trees have not been removed from the subject site except in accordance with the existing development agreement. The subject site is an approved building site under the existing development agreement.</p>
<p>Policy BW-20 A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:</p>	
<p>a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;</p>	<p>The proposed amendment is not expected to increase demand on municipal systems.</p>
<p>b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;</p>	<p>The existing development agreement includes provisions controlling development in the entirety of sub-area 5. The proposed amendment would not change this.</p>
<p>c) any development agreement for Sub-Area 4 will require that either (i) the community collector road be completed from the Kearney Lake Road to the Hammonds Plains Road through Sub-Areas 2 and 3 or (ii) the community collector road is constructed through Sub-Area 6 to the Kearney Lake Road;</p>	<p>The subject site is not within sub-area 4.</p>
<p>d) approval for Sub-Area 6 may not precede Sub-Area 4 but approvals for both Sub-Areas may be considered concurrently and approval for Sub-Areas 3 and 4 may be considered concurrently;</p>	<p>The subject site is not within sub-area 6.</p>
<p>e) no municipal approval for Sub-Area 5 will be given until development agreements have been entered into for Sub-Areas 2, 3 and 4 or Sub-Areas 2, 4 and 6 but nothing will preclude allowing development to commence before completion of Sub-Areas 2, 3, 4 or 6;</p>	<p>Development agreements have been entered into for sub-areas 2, 3 and 4.</p>

<p>f) no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;</p>	<p>Not applicable.</p>
<p>g) no development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9.</p>	<p>A servicing and phasing plan is included in the existing development agreement and would not be changed by the proposed amendment.</p>
<p>h) The requirement of clause (g) may be waived if a development agreement for Sub-Area 9 has been approved prior to an application for Sub-Area 5 and the agreement provides for the extension of municipal services to Sub-area 9 at no cost to the Municipality.</p>	<p>Not applicable.</p>
<p>Policy BW-23 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.</p>	<p>The subject site is identified as Residential Neighbourhood on Schedule BW-7 of the Bedford Municipal Planning Strategy. This category permits the proposed amendments.</p>

<p>Policy BW-24 To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-law.</p> <p>More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area. If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.</p>	<p>The proposal is to vary the minimum width of a townhouse in a clustered townhouse development. The proposed amendment would also remove the requirement that each individual townhouse have a garage and a dedicated driveway. These changes would be to reflect current market demand for smaller dwellings and decreased reliance on vehicle travel.</p>
<p>Policy BW-32 The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:</p>	
<p>a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;</p>	<p>The proposed amendment would not increase the approved density within sub-area 5.</p>
<p>b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;</p>	<p>Not applicable.</p>
<p>c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;</p>	<p>A sidewalk is proposed for one side of the private driveway.</p>

<p>d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;</p>	<p>Not applicable – the proposed amendment would not change the approved street layout.</p>
<p>e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes. Consideration shall be given, but not limited, to the design guidelines of policies R-12A, R-12B and R-12C of the Municipal Planning Strategy, although the limitations placed on building height and units per building under policy R-12A shall not be applied;</p>	<p>No concerns – the streetscape in the area of the subject site includes existing single unit dwellings and a planned multi-unit dwelling. Including a moderate number of townhouse units within this mix is unlikely to create a congested streetscape.</p>
<p>f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;</p>	<p>No concerns – the proposed amendment would replace an approved multiple unit dwelling with cluster townhomes placed on that part of the subject site that is closest to existing residential uses, which are primarily single unit dwellings. The townhouses would provide an improved transition between the existing single unit dwellings and the approved multiple unit dwelling on the northern portion of the subject site.</p>
<p>g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;</p>	<p>No concerns – the proposal meets this policy standard.</p> <p>The proposed townhouse development would have less height and scale than the approved multiple unit dwelling, which would be expected to support neighbourhood identity.</p> <p>The proposed amending agreement would not change requirements for landscaping, streetscape elements, and site and architectural design included in the existing development agreement.</p>
<p>h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;</p>	<p>The proposed amendment does not anticipate subdivision for single unit dwellings.</p>

<p>i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;</p>	<p>The parking and landscaping features for the multi-unit dwelling planned for the subject site are addressed in the existing development agreement.</p>
<p>j) vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;</p>	<p>Not applicable – subject site abuts existing residential uses and the highway right of way.</p>
<p>k) all open space dedications proposed conform with the objectives and polices adopted for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and</p>	<p>Not applicable – subject site would not be subdivided and no open space dedication would be required.</p>
<p>l) 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.</p>	<p>The proposed amendment conforms with all applicable policies of the Bedford West Secondary Planning Strategy.</p>



**Attachment C: Virtual Public Information Meeting Summary
Case 22980**

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

**Thursday, December 10, 2020
6 p.m.
Virtual**

STAFF IN

ATTENDANCE: Jamy-Ellen, Planner, Planner II, HRM Planning
Carl Purvis, Program Manager
Tara Couvrette, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Stephanie Mah – Presenter for Applicant, Clayton Developments
Kevin Neatt - Presenter for Applicant, Clayton Developments
Deputy Mayor Tim Outhit

PUBLIC IN

ATTENDANCE: Approximately: 5

1. Call to order and Introductions – Jamy-Ellen Klenavic, Planner

Case 22980: Application by West Bedford Holdings Limited requesting substantive and non-substantive amendments to an existing development agreement for lands off of Amesbury Gate to allow townhouse development.

Ms. Klenavic introduced herself as the Planner and Facilitator guiding Clayton Developments application through the planning process. They also introduced other staff members, and the presenter from West Bedford Holdings. The area Deputy Mayor for District 16, Tim Outhit, was also in attendance online.

2. Presentations

2a) Presentation by HRM Staff – Jamy-Ellen Klenavic

Ms. Klenavic's presentation included information on the following:

- (a) the purpose of the meeting including to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (b) the role of HRM staff through the planning process;
- (c) a brief description of the application including site context, explanation of what a development agreement is, proposed site plan, proposed changes, policy and By-law overview, policy consideration;
- (d) and status of the application.

2b) Presentation by Stephanie Mah – Applicant

Ms. Mah presented details about Clayton Developments proposal including site plan view, and concept plan.

3. Questions and Comments

Ms. Klenavic welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal. Attendees that were connected via Teams webcast were called upon to provide their comments and questions.

(1) Questions from people connected via MS Teams

Mr. Purvis invited the speakers from the public, one at a time, to unmute themselves and provide their comments:

- (i) Dominic Clamp, Amesbury Gate, Bedford:
Has 3 concerns they would like to discuss;
- 1 – Tree clearance, the trees are significant and are a sound buffer for the highway. Page 14 and 19 of the application has a significant difference in the number of trees that are cut back. I would just like to know which is a better representation of the clearance that is going to take place. My concern is more with page 14.
Mr. Neatt stated there was a drafting error. There is no reason to take out the trees above block A11. The ones in the slide show tonight are what is called dead reckoning and we are much closer that.
- 2 – Parking – it is a private laneway, so I anticipate with a private laneway that there will be no parking allowed on the laneway. Is that correct? My concern would be with overflow parking on Amesbury Gate. Amesbury Gate is a young community with a lot of children playing and with increased traffic activity there comes concerns around safety and quality of life for the residents. Would there be any way to mitigate that? Post development if the need arises, is there no room to expand the parking?
Ms. Mah stated the parking that is provided by the townhouse driveways and the visitor parking is the only permitted parking onsite. It is something that is important to us and we have done our best to design that maximizes the visitor parking to provide for people. We have built it out right to the edge of the watercourse buffer and we do feel that it should be sufficient for the site.
Mr. Neatt stated there is a slight amount of room on the northwest side of the units without garages if needed. There is the ability to expand if absolutely needed. We have the parking dialed into this type of product and we are pretty confident that we are not going to see overflow onto Amesbury Gate. It would also be inconvenient for people to park on Amesbury Gate because of its setback a fairway from it.
- 3 – the third is minor, the artist renderings refer to the townhomes in the vicinity, do you know if they will fit into the aesthetic character of the neighbourhood? Is this something the city can weigh in on in the planning stage?
Ms. Klenavic stated it isn't something the Planning Department would get into detail about in this process.
Ms. Mah stated they review each application for architectural detail to make sure it fits into the community.
- 4 – Can we consider as residents that there will be no further development on this plot of land?
Ms. Klenavic advised if it was to be considered it would have to follow this process again and would require public input.
Ms Mah stated once this block is completed, they have no plans to expand this block.
- (ii) Genadi Chaikin, Amesbury Gate, Bedford:
Question about tree removal. Trees have already been removed from this area, but you say final approval hasn't been given yet for what is going to be built there. How does that work if they have already started cleanup of that area?
Ms. Klenavic stated a property owner can clear trees on their property up to the watercourse buffer regardless of whether they have a development permit issued or not. Because there is already an approved development on this site so in both cases tree removal isn't surprising.

If this is not approved would more trees be removed? My concern right now is that after the removal of the tress I can see the highway very well and I can hear and see the cars. It hurts the sound barrier and it affects the visual aspect of things from my backyard. My concern if there is a chance that more trees might be removed, that might be a bigger problem for the tenants and cost our homes to depreciate. What is the limit on the tree cutting? Could there be some consideration of putting up a sound barrier, like a wall or something that would help with the noise?

Ms. Klenavic stated the tree removal isn't something that is regulated through this process.

Ms. Mah can't really say if anymore trees are going to be removed at this time one way or the other. If the townhouses are approved a smaller amount of tree cover will have to be cut, then if the multi residential building goes forward. The townhouses development would be favorable for you. A sound barrier isn't something that is being considered at this time.

(iii) Deputy Mayor Outhit spoke to some of the concerns of the residents.

4. **Closing Comments**

Ms. Klenavic thanked everyone for their participation in the meeting.

5. **Adjournment**

The meeting adjourned at approximately 6:42 p.m.