



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

Item No. 10.1.2
North West Community Council
November 21, 2022
December 12, 2022

TO: Chair and Members of North West Community Council

SUBMITTED BY: **- Original signed -**

Kelly Denty, Executive Director of Planning and Development

DATE: October 11, 2022

SUBJECT: **Case 24361: Substantive Amendments to an existing Development Agreement at 97 Dartmouth Road, Bedford**

ORIGIN

Application by Philip Kahil and Christine Dib-Kahil

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment A of this report, to amend the existing development agreement to modify the requirements for a single-unit dwelling at 97 Dartmouth Road, Bedford and schedule a public hearing;
2. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the amending development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Philip Kahil and Christine Dib-Kahil have applied to amend an existing development agreement to modify the requirements for a single-unit dwelling at 97 Dartmouth Road, Bedford (Attachment B).

Subject Site	97 Dartmouth Road (PID 41319450)
Location	Southern side of Dartmouth Road
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential Designation (R), Bedford Municipal Planning Strategy
Zoning (Map 2)	Residential Single Unit Dwelling (RSU), Bedford Land Use By-law
Size of Site	1,282.1 square metres (13,800 square feet)
Street Frontage	9.2 metres (30 feet)
Current Land Use(s)	Vacant
Surrounding Use(s)	The surrounding neighborhood is mainly consisted of single-unit dwellings

Proposal Details

The applicant is proposing a substantive amendment to an existing development agreement for 97 Dartmouth Road, to reduce the permitted building height from two storeys to one storey and increase the building footprint from 110 square metres (1,189 square feet) to 214 square metres (2,300 square feet).

History/Existing Development Agreement

- In July of 2007, North West Community Council approved a development agreement (Case 00949) to permit the creation of a flag lot and a single unit dwelling on the subject property. The subdivision for the flag lot was approved on September 21, 2010.
- The original development agreement further permits the development of a single-unit dwelling on the flag lot and includes requirements related to the siting and scale of the building, access and parking, and landscaping and buffering, pursuant to Policy R-27 and Z-3 of Bedford Municipal Planning Strategy.
- The original development agreement was amended in 2016 to allow for a ten (10) year extension to the dates of completion of the development (Case 20239).

The original 2007 staff report and development agreement can be viewed here:

<https://legacycontent.halifax.ca/commcoun/nwcc/documents/NWCC811.pdf>

Enabling Policy and LUB Context

The subject property is designated Residential (R) under the Bedford Municipal Planning Strategy (Map 1), and zoned Residential Single Dwelling Unit (RSU) under the Bedford Land Use By-law (Map 2). The RSU zone permits single detached dwelling units, neighbourhood parks, special care facilities for up to 10 residents, and existing two-unit dwellings.

The proposed development agreement is enabled by Policy R-27 of Bedford Municipal Planning Strategy, and additional criteria for Council's consideration are provided in Policy Z-3. The main intent of Policy R-27 is to enable infill development within established residential areas while ensuring its compatibility with the surrounding neighborhood in terms of use, bulk, and scale. Although Policy R-27 has been updated since 2009, it remains as the enabling policy for this proposal as its main intent withstands. See Attachment C for the full list and analysis of all relevant policies.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information

and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area. From June 23, 2022, when the case webpage was published, to August 22, 2022, the case webpage has received 83 unique pageviews. Average time spent on viewing this application page was 3 min 39 seconds. Additionally, 79 factsheets were mailed to property owners and tenants within the notification area (Map 2). As required by policy in the Bedford Municipal Planning Strategy, a virtual public information meeting (PIM) was scheduled for August 16th, 2022, however the sole attendee signed up for the PIM did not wish to attend virtually and instead provided comments to planning staff directly. As such the meeting was not required and cancelled on August 15th, 2022.

In general, there has been little public interest in this case since it was advertised on the HRM webpage, mailing of the factsheet, and newspapers ad for the PIM. Only three community members have reached out seeking further information regarding this application. Two individuals had no concerns and one of them showed strong support. The third individual had concerns that proposed enlarged building footprint would result in the reduction of vegetation buffer along the property line.

A public hearing must be held by North West Community Council before they can consider approval of 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 regular mail.

DISCUSSION

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

Proposed Development Agreement

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

- The total building footprint shall not exceed 2,300 square feet; and
- The building shall not exceed a height of 1 storey plus basement, measured according to the requirements of the Bedford Land Use By-law.

The attached amending development agreement will permit a single-unit dwelling, subject to the controls identified above. Of the matters addressed by the proposed amending development agreement to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Average Building Footprint of the Surrounding Neighbourhood

The surrounding neighborhood (approximately 300 metres diameter) mainly consists of 1 and 2 storey single-unit dwellings. The dwellings to the south of Dartmouth Road have a smaller footprint in general, averaging 1,100 square feet. However, the newly developed dwellings to the north of Dartmouth Road have a significantly larger footprint, averaging 2,000 square feet.

While it is uncommon to see dwellings with a 2,300 sq feet footprint in this area, staff advise that the proposed dwelling should have minimal impact on the surrounding neighborhood because it will:

- a) only be a 1-storey dwelling;
- b) be situated far back from the street (min 40 metres);
- c) be screened by mature vegetation along the property line.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is reasonably consistent with the intent of the Bedford MPS. The proposed amendment is to increase the permitted building footprint of a single-unit dwelling to 214 square metres (2,300 square feet), which is reasonably consistent with the existing development form in terms of use, bulk and scale. The amendment also reduces the permitted building height to one storey.

Other aspects of the existing development agreement, including the land use, access and parking, landscaping, and buffering are unchanged from that which is set out in the existing agreement. In conclusion, the proposal amending development agreement will potentially have minimal impact on local residents. Therefore, staff recommend that the 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 amending development agreement can be carried out within the approved 2022-2023 operating budget for Planning and Development.

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 additional concerns were identified beyond those raised in this report.

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

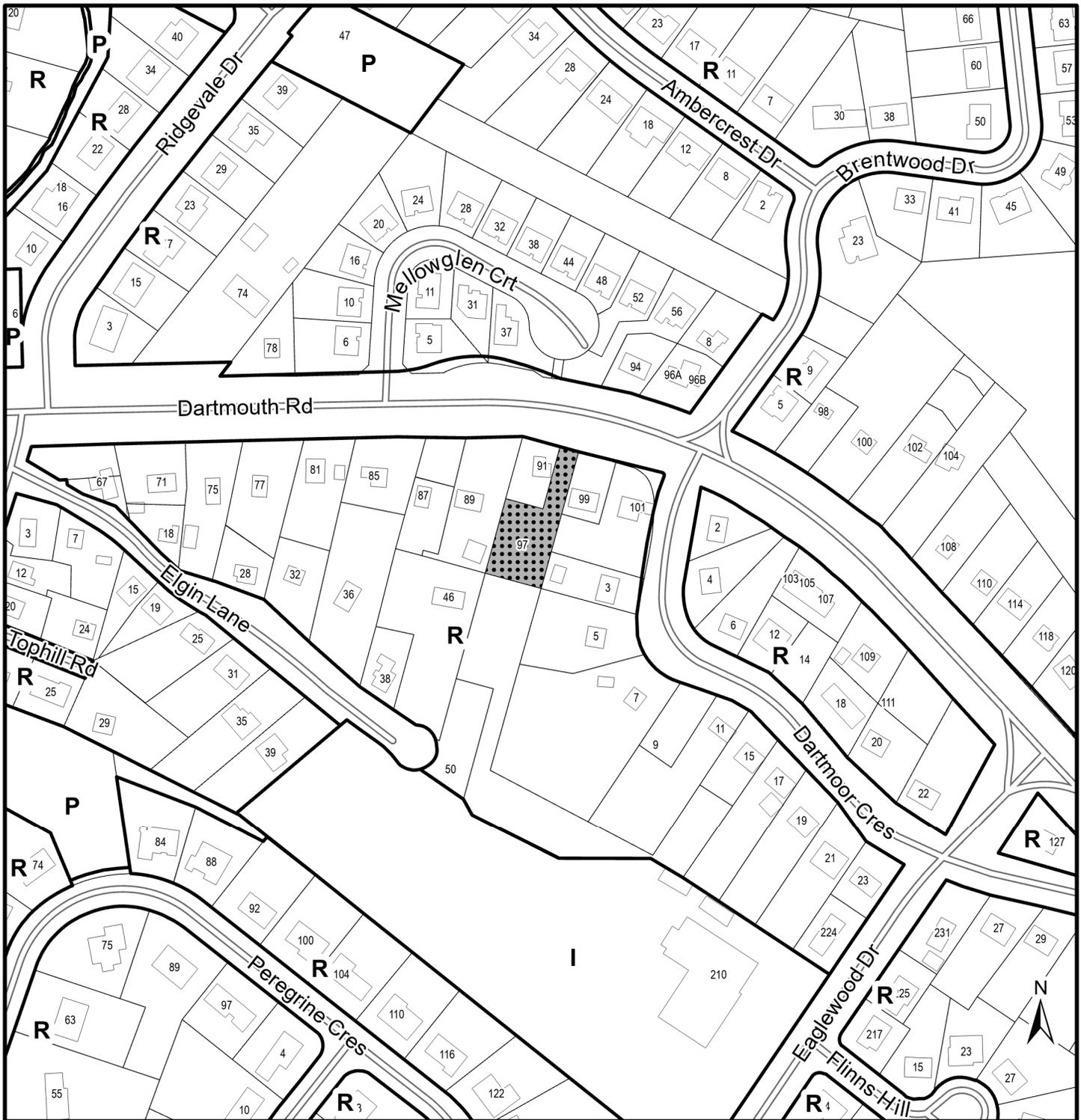
- Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed Amending Development Agreement
Attachment B: Application Letter
Attachment C: Review of Relevant Policies from the Bedford MPS

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: Yanan Gou, Planner II, 782.641.5657

Map 1



Map 1 - Generalized Future Land Use

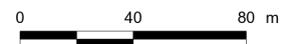
97 Dartmouth Road,
Bedford

HALIFAX

 Subject Property

Designation

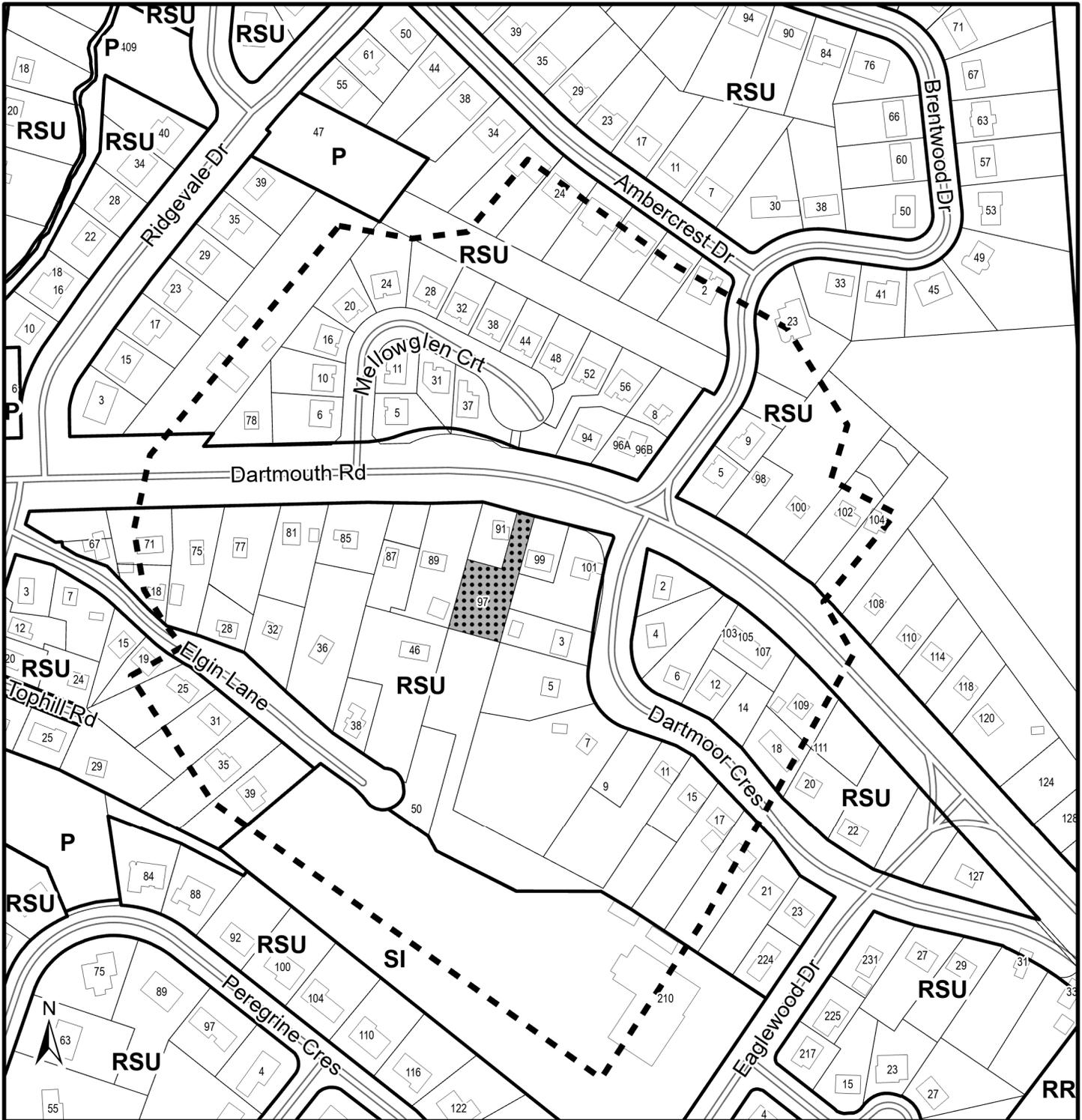
- R Residential
- I Institutional
- P Park and Recreation



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.

Bedford Plan Area



Map 2 - Zoning and Notification Area

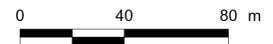
97 Dartmouth Road,
Bedford

HALIFAX

-  Subject Property
-  Area of Notification

Zone

- RSU Single Dwelling Unit
- RR Residential Reserve
- SI Institutional
- P Park



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.

Bedford Land Use By-Law Area

THIS SECOND AMENDING AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

an individual, in the Halifax Regional Municipality, in the Province
of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

an individual, in the Halifax Regional Municipality, in the Province
of Nova Scotia (hereinafter called the "Developer")

OF THE SECOND 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 Developers are the registered owners of certain lands located at 91 and 97 Dartmouth Road, Bedford, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on July 5, 2007 North West Community Council approved an application to enter into a Development Agreement to allow for the creation of a flag lot and a single unit dwelling (municipal case 00949), and which said Development Agreement was registered at the Land Registration Office in Halifax on January 10, 2008 as Document 89710140 (hereinafter called the "Original Agreement");

AND WHEREAS on February 29, 2016 North West Community Council approved an application to amend the Original Agreement to allow for an extension to the date of completion of development on the Lands (municipal case 20239), and which said Amending Development Agreement was registered at the Land Registration Office in Halifax on Jun 2, 2016 as Document 109033937 (hereinafter called the "First Amending Agreement"), and which does apply to the Lands;

AND WHEREAS the Original Agreement and the First 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 modifications to the requirements for single family dwellings on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies R-27 and Z-3 of the Bedford Municipal Planning Strategy;

AND WHEREAS the North West Community Council of the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as municipal case 24361;

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 Second 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 Second Amending Agreement, and the Existing Agreement.
3. Section 3.6(b) of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:
 - (b) In addition to the requirements of the Bedford Land Use By-law, a dwelling proposed for the flag lot shall meet the following requirements:
 - i) Shall be located entirely within the area identified as 'Building Envelope' as shown on Schedule B-;
 - ii) Shall not exceed a height of **1 storey** ~~2-storeys~~ plus basement ~~or 22 feet, whichever is less~~, measured according to the requirements of the Bedford Land Use By-law-;
 - iii) The total building footprint shall not exceed **2,300** ~~4189~~ square feet-;
 - iv) Shall be sited such that the front façade and main entrance of the dwelling are oriented to face Dartmouth Road-;
 - v) Shall maintain a 40 foot setback from existing dwellings on adjacent properties-; **and**
 - vi) Accessory buildings and structures shall be permitted within the rear yard of the dwelling only, and shall otherwise be subject to all applicable provisions of the Bedford Land Use By-law.
4. Section 3.7.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:

3.7.1 The ~~existing~~ driveway access to Dartmouth Road shall be provided through:
~~utilized by both the remainder lot and the flag lot as illustrated on Scheduled B. The remainder property shall access Dartmouth Road Via the existing driveway, which will be located within the 'pole' portion of the flag lot. Prior to subdivision approval the Developer shall provide a permanent easement in favour of the remainder lot over the flag lot, to the satisfaction of the Development Officer.~~

 - i) **Sharing the existing driveway by both the remainder lot and the flag lot as illustrated on Schedule B. The remainder lot shall access Dartmouth Road Via the existing driveway, which will be located within the 'pole' portion of the flag lot. The Developer shall provide a permanent easement in favour of the remainder lot over the flag lot, to the satisfaction of the Development Officer;**
or
 - ii) **Separate driveways on the remainder lot and the flag lot.**

5. Section 3.7.2 of the Existing Agreement shall be amended by deleting the text shown in strikeout, and inserting the text shown in bold as follows:

3.7.1 ~~The shared~~ **All driveways** and all parking areas shall have a finished hard surface such as asphalt, concrete, paving blocks or an acceptable equivalent in the opinion of the Development Officer.

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

Print Name: _____
Date Signed: _____

(Insert Registered Owner Name)

Witness

Print Name: _____
Date Signed: _____

=====

=====

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

Date signed: _____

Witness

Per: _____
MUNICIPAL CLERK

Date signed: _____

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.

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 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

Attachment B: Application Letter

June 6, 2022

**Planning Applications
PlanningApps@halifax.ca
Planning & Development
Alderney Gate Office
PO Box 1749
Halifax, NS B3J 3A5**

Attention: Megan Maund LPP, MCIP, Planner II

**Re: Request substantive amendment to the development agreement
(September 21, 2007) on our property at
97 Dartmouth Rd, Bedford, NS**

We are writing to request that changes be made to the development agreement (referenced as Municipal Case Number 00949) on our property at 97 Dartmouth Road, Bedford, NS. Several years later we applied for an extension of time . Our goal was to build our retirement home at a later date. I am attaching copies of both documents for your perusal.

At that time we were both working and in fairly good health and our focus was on receiving approval of the development agreement. In hindsight, perhaps we should have been looking ahead fifteen years and focusing on a one level home with other amenities suitable to retirement age and a decline in health.

The development agreement currently permits a total building footprint of 1189 square feet. Initially we envisioned a two level home on a slab. We did not consider a basement for medical reasons. We prepared the first plan taking into consideration the necessary changes that would be required for Philip and included the Master on the first level. Two additional bedrooms on the

second floor. Around that time we sold our home in Nottingham which was a three level home as it was very large for just the two of us, my daughter had moved out and it was becoming more difficult for Philip to navigate the stairs. We had looked at modifying the home to be more suitable but in the end finally decided to build a home which would address all these issues for us as well as provide a level big backyard as we both love to be outdoors.

We then decided to eliminate the second floor (and the stairs) and intended to submit a one level plan and later on add a second bedroom/bath. The builder recommended that we add the bedroom and bathroom now and submit the plan for approval. I then contacted Mr. Outhit for assistance as a lot had changed and I wanted to make sure this was all doable given that we had a development agreement. Mr. Outhit was very helpful and put me in contact with Meaghan Maund as well. Many phone calls and emails later, we now have a one level plan which has a second bedroom and bathroom on a one level home. We also bumped out the dimensions of the rooms so that we would have the space to navigate comfortably within the house. A copy of the one level house plan is attached for your records.

For all of these reasons we are now requesting that you consider and approve the substantive amendment to increase our footprint from 1189 square feet to 2300 square feet so that we may proceed with building our retirement home. We decided to delay the addition of a garage which we would like to have at the left side of the property to the back but we would like to include a reasonable square footage to the total building footprint or use broad wording to allow for the addition later on. My understanding is that now development agreements are less restrictive in nature and allow for additional

changes without having to amend the development agreement and run through the lengthy approval process and also incur a second fee in doing so. As such, I would request that (if possible) this amendment be made as broad as possible in keeping with development agreements that are currently being made so that if any further changes are required in future we do not have to repeat this approval process in the future. In the same spirit, a second fee would not be required and as such, request respectfully that a waiver/reduction of this fee be granted as well.

The builder is on hold for now pending approval of the amendment as is the banker. My understanding is that this process may take up to approximately 9 months to approve. Since the original plan was approved and the amended plan is a one level plan versus a two storey plan which takes into account changes necessitated to be made in keeping with our age and medical history, I would ask the committee to use any discretion granted to it to expedite the approval process. The lot itself is huge and will easily lend itself to a bigger footprint. The surrounding area has changed dramatically over the last 15 years. At that time most of the homes were older homes and very small. Mostly occupied by retirees. The community today is a mix of small, medium and larger homes. Ridgevale is below us and Eaglewood above us. A retirement community across from us. There are now businesses in the area as well. Many homes have either been gutted and rebuilt, renovated and there are quite a few new builds as well. The community today is very diverse and and quite different from 15 years ago. As such, the changes we are requesting in the amendment are in keeping with changes in the community and with Policies R-27 and Z-3 of the Bedford Municipal Planning Strategy. Finally, there is an easement in the current development agreement which allows us to share the

driveway for 91 Dartmouth Road to access 97 Dartmouth Road. We are looking into the possibility of a separate driveway for 91 Dartmouth Road and are hoping to hear back shortly. Once we have made the decision we will contact you so that your files may be documented as well.

In closing I would like to thank all of you for your help and patience and for helping us to understand your requirements and complete the required documentation. Please feel free to contact us if you require any more information. We may be reached at 902 880 9091 or christinedibkahil@gmail.com We look forward to hearing from you.

Regards,

Philip Kahil

Christine Dib-Kahil

Attachment C
Review of Relevant Policies from the Bedford MPS

Planning Policy Review - Bedford Municipal Planning Strategy

RESIDENTIAL POLICIES

Policy R-27:

It shall be the intention of Town Council to consider applications to infill within existing residential areas. Infilling shall be encouraged to enable efficient use of municipal infrastructure. Town Council shall permit reduction of lot frontage requirements for subdivision of lots within the Single Unit Dwelling (RSU) and Two Unit Dwelling (RTU) Zones which existed prior to October 9, 1991, provided the existing land uses are in conformance with the zoning on the property. Infilling activity within existing residential neighbourhoods zoned Single Unit Dwelling (RSU) or Two Unit Dwelling (RTU) Zones shall be regulated through provisions in the Land Use By-law permitting a reduction to 50 feet of frontage for existing lots. Council shall permit the creation of flag lots by development agreement within the Single Unit Dwelling (RSU) and Two Unit Dwelling (RTU) Zones where a property cannot be subdivided by under the Land Use By-law. Such development agreements will require that:

<p>i) the application for a development agreement shall include the specifications for the building envelope for the proposed dwelling such that the new dwelling is in keeping with the bulk, scale and the average height and building footprint of the existing dwellings in the immediate neighbourhood of the vacant lot;</p>	<p>The existing development agreement sets multiple measures in place to address neighborhood compatibility issues and minimize the impact on adjacent neighborhood. This includes maximum building footprint and height, as well as building envelope for the proposed dwelling. The only amendment proposed is to increase the permitted maximum building footprint in the existing development agreement from 1,189 sq feet to 2,300 sq feet.</p>
<p>ii) the minimum rear yard separation distances between the proposed new dwelling and the existing dwellings shall be 40 feet;</p>	<p>The existing development agreement requires a 40 foot setback from existing dwellings on adjacent properties. The proposed amendment would not change this.</p>
<p>iii) minimum front, side and rear yards shall be provided in accordance with the zone requirements</p>	<p>The existing development agreement requires larger setbacks than required by the RSU zone for development on the flag lot. The proposed amendment would not change this.</p>

iv) minimum lot area for a flag lot shall be 7,000 sq. ft.; and,	The subject site (flag lot) is 13,800 Square Feet, which provides sufficient space for the flag lot.
v) the lot must be located within an area which is zoned single (RSU Zone) or two-unit (RTU Zone) dwellings;	The subject site is zone Residential Single Unit Dwelling (RSU).
vi) on any lot adjacent to a watercourse or body of water, no area of land which has been infilled shall be included in the minimum lot area or minimum yard setback required under this policy or the Land Use By-law;	Not applicable. This subject site is not on or adjacent to a watercourse or body of water.
vii) the application shall include provisions for visual screening, such as fencing and tree retention, to manage potential impact on adjacent residential properties;	The existing development agreement requires the retention of the existing wooded area within a 12 feet side yard of the flag lot. This will act as a natural buffer and visual screen to adjacent properties. The proposed amendment would not change this.
viii) controls related to the design of the new dwelling, such as the management of wall openings (i.e., windows and doors) are established to ensure that it is compatible with that of the surrounding residential environment;	The proposed design of the new dwelling is compatible with that of the surrounding residential neighbourhood.
ix) no application to create a new lot for the development of a two unit dwelling shall be considered on any lot which abuts a property that is zoned RSU and which is undeveloped or contains a single unit dwelling;	Not applicable. The existing development agreement only permits single unit dwelling on the subject site.
xi) the creation of a flag lot shall not be in combination with any other development agreement option permitted under the Plan, including but not limited to Policy R8, auxiliary dwelling units; and	Not applicable. The flag lot has already been created through the existing development agreement. Besides, the existing development agreement was not considered in combination with other development agreement options permitted under the Plan.

<p>xii) consideration of limiting home based businesses due to the configuration of the lot.</p>	<p>The existing development agreement does not limit home based business. The proposed amendment would not change this.</p>
<p>IMPLEMENTATION POLICIES</p>	
<p>Policy Z-3:</p> <p>It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area] with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:</p>	
<p>1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;</p>	<p>The proposed development is reasonably consistent with the intent of the Bedford MPS and LUB. Policy R-6 is not applicable to this proposal.</p>
<p>2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;</p>	<p>The surrounding neighborhood (300 metres diameter) mainly consists of 1-2 storey single unit dwellings. The dwellings to the south of Dartmouth Road have smaller footprints in general, averaging 1,100 sq. feet. However, the newly developed dwellings to the north of Dartmouth Road have a significantly larger footprint, averaging 2,000 sq feet. It is also uncommon to see dwellings with a 2,300 sq feet footprint in this area.</p> <p>The footprint of the proposed dwelling is on the larger side of the scale in the surrounding neighborhood (2,300 sq feet). However, considering the proposed development will:</p> <ol style="list-style-type: none"> a. be a 1-storey dwelling b. sitting far back from the street (min 40 metres) c. screened by mature trees/vegetation along the property line <p>It is expected that the impact of the proposed dwelling on the surrounding neighborhood will be very minimal. The proposed 1-storey single unit dwelling is reasonably consistent with the existing development form in terms of use, bulk and scale.</p>

<p>3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;</p>	<p>The proposed development is single unit in form, which is a compatible use with its surrounding low-density residential community. It is set back from the street, which makes it visually unobtrusive. The existing development agreement requires the retention of the existing wooded area within a 12 feet side yard of the flag lot. This will further reduce potential impact on adjacent properties.</p>
<p>4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;</p>	<p>HRM Streets by-law addresses these provisions.</p>
<p>5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:</p>	
<p>i) the financial capability of the Town to absorb any capital or operating costs relating to the development;</p>	<p>No concerns. HRM is not expected to incur any costs as result of this proposed amendment.</p>
<p>ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;</p>	<p>No concerns. The proposed amendment would not change the residential density in the existing development agreement. Besides, the proposed single-unit dwelling is expected to have very minimal impact on the adequacy of sewer services. The adequacy of server services will be confirmed at the permitting stage.</p>
<p>iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;</p>	<p>Halifax Water has reviewed the proposal and did not have any concerns with the adequacy of water services. The adequacy of water services will be confirmed at the permitting stage.</p>
<p>iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;</p>	<p>Not applicable.</p>
<p>v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;</p>	<p>Storm water management and sedimentation control measures will be addressed through the permitting stage of development. Requirements regarding these measures are included under Sections 5.2, 5.3.1 and 5.3.2 of the existing development agreement.</p>

<p>vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;</p>	<p>No concerns. The amendment would not result in any changes in the demand on existing schools.</p>
<p>vii) the adequacy of recreational land and/ or facilities;</p>	<p>No concerns. The amendment would not result in any changes in the demand on recreational land and facilities.</p>
<p>viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;</p>	<p>No Traffic Impact Statement requested. HRM development Engineer has reviewed the proposal and did not have any concerns on the traffic impact from a single-unit dwelling.</p> <p>Currently, there is an easement in the existing Development agreement which allows them to share the driveway for 91 Dartmouth Road to access 97 Dartmouth Road. The applicant is looking to develop a separate driveway access to 97 Dartmouth Road. Engineer will review this at the permitting stage.</p>
<p>ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;</p>	<p>No concerns. The proposed amendment has no impact on public access to rivers, lakes, or Bedford Bay Shorelines.</p>
<p>x) the presence of significant natural features or historical buildings and sites;</p>	<p>No concerns. There are no designated historic buildings or sites close to the subject site.</p>
<p>xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;</p>	<p>Not applicable.</p>
<p>xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,</p>	<p>No concerns. The subject site is not identified on the Environmentally Sensitive Areas Map.</p>
<p>xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.</p>	<p>No concerns. The existing development requires proposed single unit dwelling to be sited such that the front façade and main entrance of the dwelling are oriented to face Dartmouth Road, which is suitable to the physical characteristics of the site.</p>

<p>6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:</p>	
<p>i) type of use, density, and phasing;</p>	<p>The proposed amendment would not change the use and density of the dwelling permitted by the existing development agreement. No phasing is proposed.</p>
<p>ii) traffic generation, access to and egress from the site, and parking;</p>	<p>The proposed amendment is not expected to result in changes in traffic generation. It also would not change the location of access to and egress from the site, and parking.</p>
<p>iii) open storage and landscaping;</p>	<p>No open storage is proposed. The proposed amending agreement would not change requirements for landscaping in the existing development agreement.</p>
<p>iv) provisions for pedestrian movement and safety;</p>	<p>Not applicable.</p>
<p>v) provision and development of open space, parks, and walkways;</p>	<p>Not applicable. The developer has already provided the Municipality with a cash-in-lieu of parkland dedication equal to 10% of the assessed market value of the proposed flag lot, following the requirement in the existing development agreement.</p>
<p>vi) drainage, both natural and subsurface;</p>	<p>The existing development agreement requires that a stormwater management plan prepared by a qualified Professional engineer to the satisfaction of the development engineer prior to issuance of subdivision approval. All drainage shall be in accordance to By-law 400.</p>
<p>vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,</p>	<p>No concerns have been raised by staff.</p>
<p>viii) the implementation of measures during construction to minimise and mitigate adverse impacts on watercourses.</p>	<p>The subject site is not on or near any watercourse.</p>

<p>7. Any other matter enabled by Sections 73 and 74 of the Planning Act.</p>	<p>No other matters have been identified.</p>
<p>8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:</p>	
<p>i) provide Council with a clear indication of the nature of the proposed development; and</p>	<p>Applicant is requesting amendments to an existing development agreement to modify the requirements for single unit dwelling. Specifically, they wish to increase the permitted maximum building footprint from 1,189 sq feet to 2,300 sq feet. They are proposing to build a 1-storey building instead of planned 2-storey building, which results in the larger footprint requirement.</p>
<p>ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.</p>	<p>The proposed single-unit dwelling is 1 storey in form. Besides, the existing development agreement requires the retention of the existing wooded area within a 12 feet side yard and 40 feet setback from surrounding properties. Therefore, the proposed development is expected to have minimal impact on the surrounding community.</p>
<p>9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:</p> <p>a) a plan to a scale of 1":100' or 1":40' showing such items as:</p> <p>i) an overall concept plan showing the location of all proposed land uses;</p> <p>ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;</p> <p>iii) description, area, and location of all proposed commercial, cultural, mixed use projects proposed;</p> <p>iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;</p> <p>v) plan(s) showing all proposed streets, walkways, sidewalks, bus</p>	<p>Sufficient information and plans were submitted to properly evaluate the proposed amendment to the existing development agreement.</p>

<p>bays and bike routes;</p> <p>vi) a description of any protected view planes; and,</p> <p>an indication of how the phasing and scheduling is to proceed.</p>	
<p>b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.</p>	<p>No phasing has been proposed as part of the amendment.</p>
<p>c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.</p>	<p>Sufficient information and plans were submitted to properly evaluate the proposed amendment to the existing development agreement.</p>
<p>10. Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;EAug 17/02)</p>	<p>Planning staff is not aware of any holding zone established on the subject site.</p>