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**Item No. 13.1.3**  
**North West Community Council**  
**April 9, 2018**

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

**Original Signed**

**SUBMITTED BY:**

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Kelly Denty, Acting Director, Planning and Development

**DATE:** February 15, 2018

**SUBJECT:** **Case 20975: Substantive Amendment to Development Agreement for 540 Southgate Drive, Bedford**

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**ORIGIN**

Application by Boris Holdings Incorporated.

**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 install a ground sign on lands at 540 Southgate Drive, 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**

Boris Holdings Incorporated is applying to install a commercial ground sign on the lands at 540 Southgate Drive, Bedford. The existing development agreement, which governs the site, requires signage meet the provisions of the Bedford Land Use Bylaw (LUB). The signage requested by the applicant for their commercial tenants does not meet the requirements of the LUB.

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| <b>Subject Site</b>                       | 540 Southgate Drive at Larry Uteck Boulevard  |
| <b>Regional Plan Designation</b>          | US (Urban Settlement)   |
| <b>Bedford Land Use By-law</b>            | CMC (Mainstreet Commercial) Zone  |
| <b>Community Plan Designation (Map 1)</b> | Bedford South Secondary Planning Strategy (BSSPS) under the Bedford Municipal Planning Strategy |
| <b>Zoning (Map 2)</b>                     | BSCDD (Bedford South Commercial Development District) Zone                                      |
| <b>Size of Site</b>                       | 0.708 Hectares (1.75 Acres)   |
| <b>Street Frontage</b>                    | Southgate Drive and Larry Uteck Boulevard   |
| <b>Current Land Use</b>                   | Commercial Tenancy: restaurant, child care centre, and medical offices                          |
| <b>Surrounding Use</b>                    | Commercial uses on Larry Uteck Boulevard, and low density residential along Southgate Drive.    |

### **Proposal Details**

The applicant requested flexibility in the existing development agreement to install a monument type ground sign capable of reaching the market represented by the traffic volume on Larry Uteck Boulevard, while located on the site with a placement safe to driveway and intersection traffic patterns.

The proposed amendments are considered substantive in accordance with Section 3.2 of the existing development agreement. The existing development agreement sets signage parameters using the Mainstreet Commercial Zone (CMC) of the Bedford Land Use Bylaw (LUB). The proposed sign is approximately 2.79 sq. m (30 sq. ft.) in total area and is to be constructed of non-wood materials.

The proposed sign exceeds the maximum dimensions by 10 square feet per sign face and also does not meet the prescribed construction materials of the Bedford LUB which require signs to be constructed of wood or have a wood-like appearance. Therefore, an amendment is required to permit a ground sign on the subject site which does not meet these provisions of the LUB.

### **Existing Development Agreement**

On September 18, 2006, Chebucto Community Council and North West Community Council approved development agreement 00624. This agreement allowed development in accordance with the following:

- Subdivision and development of the lands commonly known as Bedford South, with residential and commercial areas;
- Designation of a portion of the lands as Commercial Neighbourhoods including the (CMC) Mainstreet Commercial Zone; and
- The Bedford Land Use By-Law would prevail for signage on commercial properties affecting the subject site of this application within the CMC Zone;

### **Enabling Bedford MPS Policy and LUB Context**

The Policy Review as Attachment B provides a comprehensive analysis of the planning rationale compared to relevant Bedford MPS and LUB policies.

## **COMMUNITY ENGAGEMENT**

The level of community engagement on this file was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, a postcard mailed to property owners within the notification area and a public information meeting held on the 9th day of November, 2017 at 202 Innovation Drive Recreation Centre, Bedford. No members of the public attended. No comments were submitted to staff. Minutes were unnecessary. The public engagement process had twenty-seven recipients on the mailing list.

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

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**

### **Policy**

Staff 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 amending development agreement in relation to the relevant MPS policies.

### **Traffic**

An initial Traffic Impact Study (TIS) raised concerns with the original concept sign and its location on the subject site. However, the applicant modified their proposal both in site location and sign dimensions and submitted a revised TIS. Upon review of the revised submission, engineering staff concluded the redesign conformed to traffic engineering guidelines and that the sign is not expected to pose an impediment to driver sight lines and sight distances.

### **Proposed Amending Development Agreement**

The proposed amendment is a single clause insertion permitting the sign, subject to maximum dimensions, and will refer to a schedule for site placement parameters. The amendment qualifies as substantive under Section 3.2 of the existing development agreement as signage is not an included item for non-substantive amendments. Please refer to Attachment A for the proposed amendment to the existing development agreement.

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

On December 6, 2017, the North West Planning Advisory Committee (PAC) recommended that the application be approved noting no conditions nor concerns. A report from the PAC to Community Council will be provided under separate cover.

### **Conclusion**

Staff reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS and is a reasonable accommodation of design and placement improving tenant visibility along a commercial strip. Signage is permitted as-of-right on the property and the applicant's monument ground sign proposal diverges modestly from the Bedford Land Use By-law, well within the discretion of an amendment to the existing development agreement.

Therefore, staff recommend that the North West Community Council approve the proposed amendment to the existing development agreement as set out in Attachment A.

## **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 amending development agreement. The administration of the proposed amending development agreement can be carried out within the approved 2017/18 C310 Planning Applications 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. 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 amending 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 amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

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|---------------|---|
| Map 1:        | Generalized Future Land Use                         |
| Map 2:        | Zoning and Notification Area                        |
| Attachment A: | Proposed Amending Development Agreement & Schedules |
| Attachment B: | Review of Relevant MPS and LUB Policies             |

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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.

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