



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 10.1.1
North West Community Council
April 4, 2022
April 25, 2022

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original Signed -

Eric Lucic, Acting Executive Director of Planning and Development

DATE: March 15, 2022

SUBJECT: **Case 23824: Amending Development Agreement and Land Use By-law Amendment for 123 and 185 Gary Martin Drive, Bedford**

ORIGIN

Application by Harvey Architecture, on behalf of property owners.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Bedford, as set out in Attachment A of this report and schedule a public hearing;
2. Give notice of motion to consider the proposed amending development agreement, as set out in Attachment B of this report, to allow construction of a pedway between existing buildings at 123 and 185 Gary Martin Drive, Bedford and schedule a public hearing for the amending development agreement which shall be held concurrently with that indicated in Recommendation 1;
3. Adopt the amendment to the Land Use By-law for Bedford, as set out in Attachment A of this report;
4. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment B; and

RECOMMENDATION CONTINUES OF PAGE 2

5. 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

Harvey Architecture, on behalf of property owners Northwoodcare Bedford Incorporated and 185 Gary Martin Drive Incorporated, is applying to amend the Land Use By-law for Bedford and amend an existing development agreement to allow the construction of a pedway between two existing buildings on Gary Martin Drive.

Subject Site	123 and 185 Gary Martin Drive (PIDs 41257593 and 41466723)
Location	On the north eastern side of Gary Martin Drive, south of Innovation Drive
Regional Plan Designation	US (Urban Settlement) and IP (Industrial Park)
Community Plan Designation (Map 1)	BWSPS (Bedford West Secondary Planning Strategy) and IND (Industrial)
Zoning (Map 2)	BWBC (Bedford West Business Campus), BWCCD (Bedford West Comprehensive Development District), and ILI (Light Industrial)
Size of Site	185 Gary Martin Drive – 2.11ha (5.2 acres) 123 Gary Martin Drive – 3.5ha (8.6 acres)
Street Frontage	185 Gary Martin Drive – 177.2m (581 ft.) on Gary Martin Drive and 26m (85 ft.) on Bluewater Road 123 Gary Martin Drive – 73.1m (240 ft.)
Current Land Use(s)	123 Gary Martin Drive is Ivany Place Northwoodcare Facility 185 Gary Martin Drive is a 73-unit apartment building
Surrounding Use(s)	The surrounding uses include: <ul style="list-style-type: none"> - BMO Centre to the north - Mixed uses to the west including industrial, commercial, and institutional uses - Vacant land to the south - Low density residential and Charles P. Allen High School across Gary Martin Drive to the east

Proposal Details

The applicant proposes to construct a pedway to connect existing buildings located at 123 and 185 Gary Martin Drive. This pedway will be used to provide pedestrian access from the existing 73-unit apartment building to the existing Ivany Place Northwoodcare Facility, a long-term care facility for seniors. The applicant has stated that an enclosed pedestrian walkway between the buildings would foster and encourage safe interaction between the residents of the two facilities, provide all weather connectivity, allow residents to co-mingle, assisting in volunteerism, provide better access to social programming and services, and reduce social isolation. To allow the pedway, amendments to the existing development agreement that is applied to 185 Gary Martin Drive and amendments to the Bedford Land Use By-law are required.

Enabling Policy and LUB Context

Both properties are within the Bedford West Secondary Planning Strategy of the Bedford Municipal Planning Strategy (MPS), and both are sub-designated “Institutional”. A small portion of 123 Gary Martin Drive that fronts on Bluewater Road is designated Industrial (IND) under the Bedford MPS but is not relevant to this application as the proposed pedway would not be located within this area. Enabling policies BW-23, BW-24, BW-32, and BW-35 allow Council to consider amendments to the existing development agreement for 185 Gary Martin Drive. Policy BW-36 allows Council to consider amending the BWBC zone to allow the pedway at 123 Gary Martin Drive.

The properties are both zoned BWBC under the Bedford Land Use By-law with a small portion of 185 Gary Martin Drive zoned BWCDD. The BWBC zone is administratively split into two areas: the “A” area, which permits a variety of commercial uses and the “B” area which permits all of the “A” uses as well as some additional commercial uses. Both properties fall within Area “B”.

The zone contains provisions related to lot size, setbacks, building height, impervious surface coverage, special provisions for restaurants and retail uses, architectural requirements, landscaping, accessory uses and storage, driveways and parking/loading, and signage. BWCDD zone which applies to a small portion of 185 Gary Martin Drive permits development by development agreement only.

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, and 388 letters mailed to property owners within the notification area. The application received 190 unique webpage views and the average time on the page was 2 minutes and 3 seconds. A virtual public information meeting was scheduled for November 30, 2021, however as there were no attendees the meeting was not held. One email was received asking about the need for blasting and it was clarified that blasting is not necessary for construction of the pedway.

A public hearing must be held by North West Community Council before they can consider approval of the proposed 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 MPS. Attachment C 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. The amending agreement allows the pedway to extend from the existing apartment building at 185 Gary Martin Drive for a length of 60m (197 feet) across northern property boundary where it will connect with the building at 123 Gary Martin Drive, the Northwood long-term care facility.

The existing development agreement was enabled under policies BW-23, BW-24, BW-32, and BW-35. These policies provide a comprehensive planning framework for Bedford West including provisions for environmental protections, municipal services, transportation, phasing, land use, and parks and open space. Policy BW-24 speaks specifically to allowing variations to the standards of the land use by-law to encourage a variety of housing types. Policy BW-32(c) requires that developments provide comfortable and convenient pedestrian travel to community services and policy BW-32(g) requires site and architectural design that encourages pedestrian safety. The construction of a pedway aligns with the intent of these policies.

Proposed Land Use By-law Amendment

To allow the pedway to continue across the property line and connect with the existing building at 123 Gary Martin drive, an amendment to the BWBC zone of the Bedford Land Use By-law is also required. Attachment B contains the proposed LUB amendment which permits a 0’ side yard setback for the purposes of constructing a pedway. Policy BW-36 allows Council to consider amendments to the Bedford West Business Campus (BWCB) zone requirements to support a range of uses including institutional uses.

North West Planning Advisory Committee

On December 8th, 2021, the North West Planning Advisory Committee (PAC) recommended that the application be approved without additional conditions or concerns. A report from the PAC to Community Council will be provided under separate cover.

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 MPS. The construction of a pedway provides safe, comfortable and convenient pedestrian access from an existing apartment building to an existing long-term care facility, which is in keeping with the policy intent of the BWSPS. 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 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 environmental implications are identified.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed amendment to the Bedford LUB and 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 the proposed LUB amendment or 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 amendment to the Bedford LUB and the proposed amending development agreement, and in doing so, must provide reasons why either or both do not reasonably carry out the intent of the MPS. A decision of Council to refuse the LUB amendment or proposed amending development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

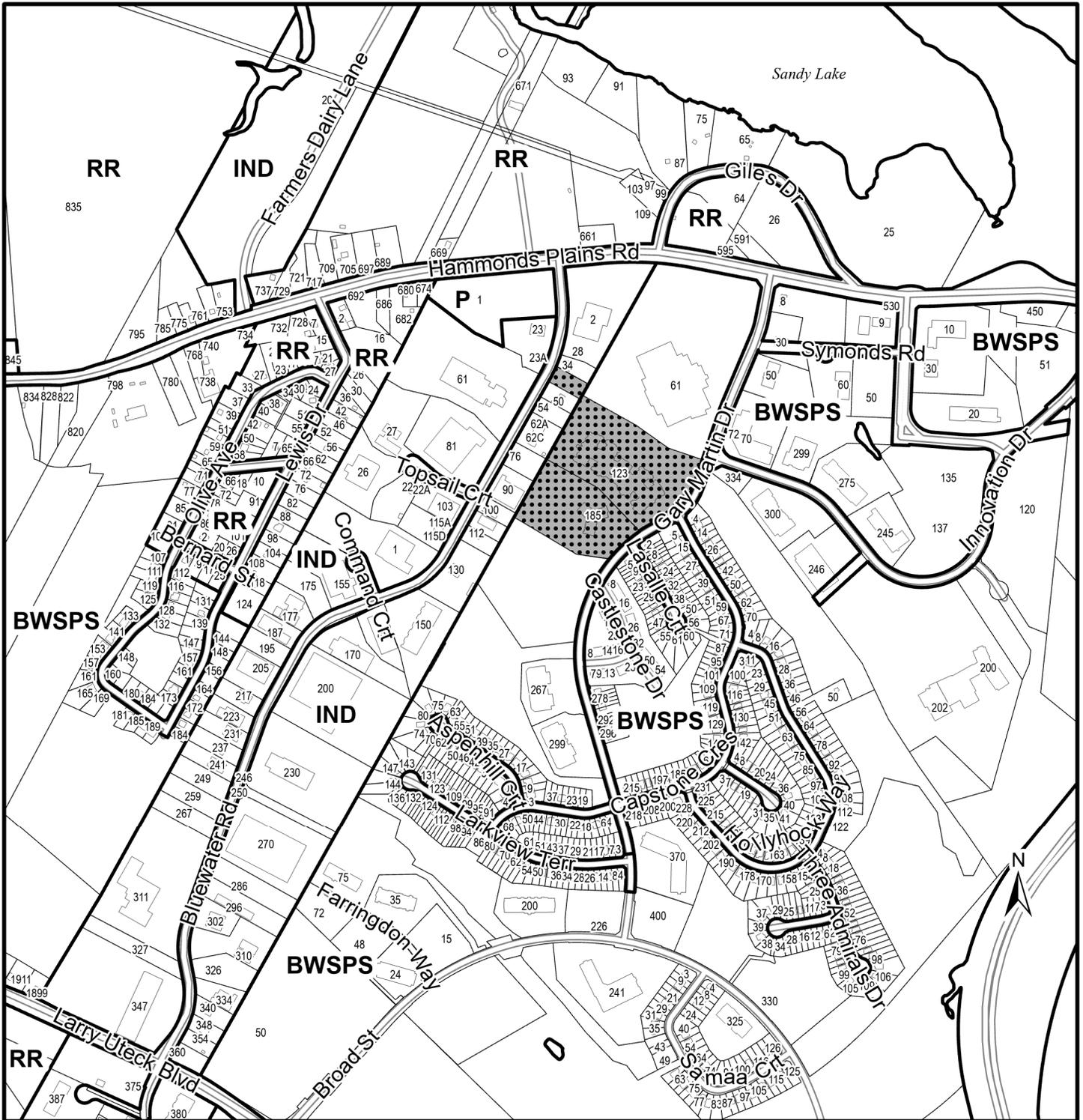
ATTACHMENTS

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

Attachment A: Proposed Land Use By-law Amendments
Attachment B: Proposed Amending Development Agreement
Attachment C: Review of Relevant Bedford MPS Policies

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: Melissa Eavis, Planner III, 902.237.1216



Map 1 - Generalized Future Land Use

185 & 123 Gary Martin Dr.,
Bedford

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 Subject Properties

Designation

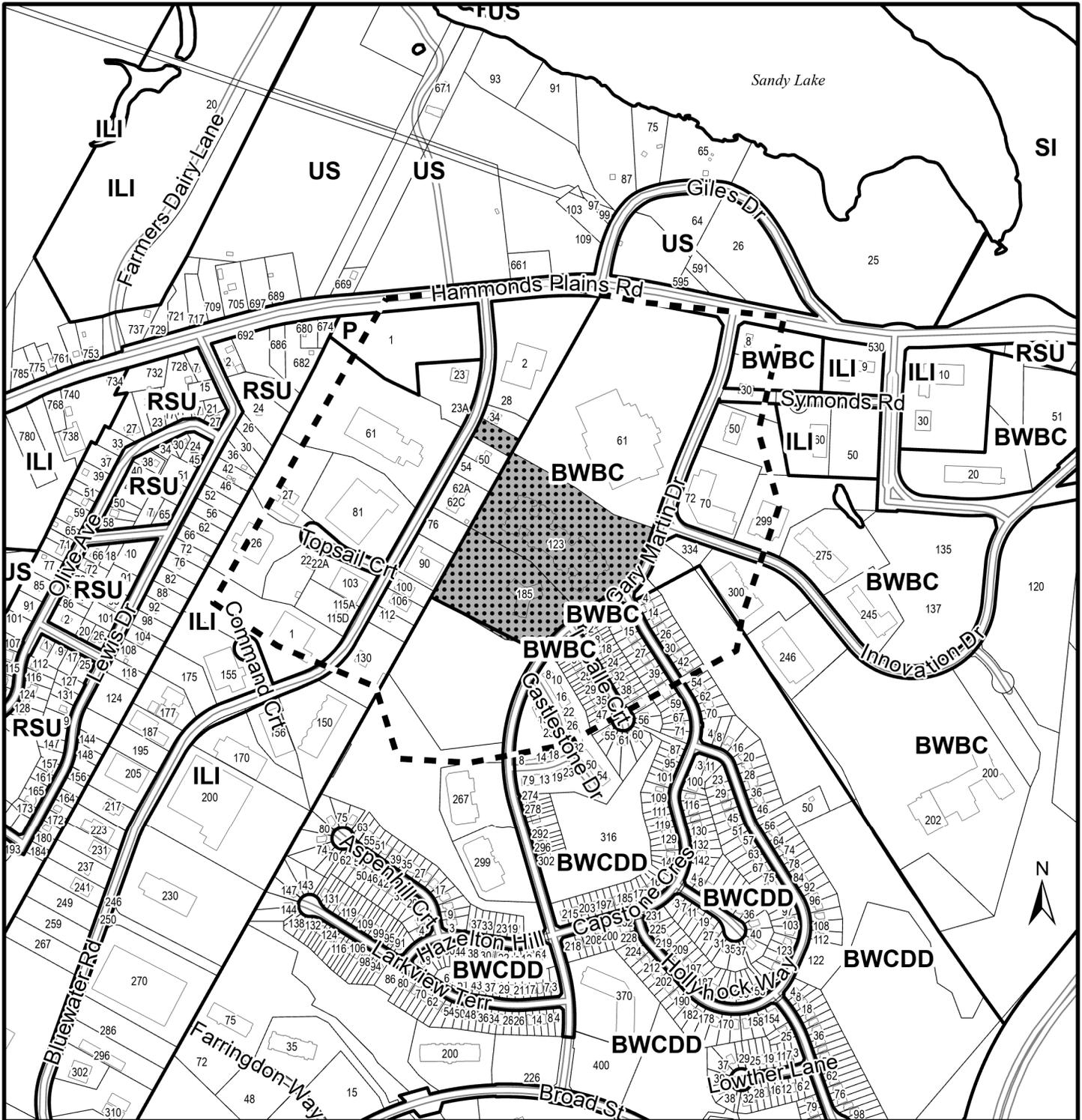
- R Residential
- RCDD Residential Comprehensive Development District
- RR Residential Reserve
- P Park and Recreation
- IND Industrial
- BWSPS Bedford West Secondary Planning Strategy



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

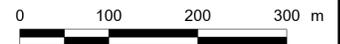


Map 2 - Zoning and Notification Area

185 & 123 Gary Martin Dr.,
Bedford

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Zone	
	Subject Properties
	Area of Notification
RSU	Single Dwelling Unit
BWCCD	Bedford West Comprehensive Development District
ILI	Light Industrial
BWBC	Bedford West Business Campus
SI	Institutional
P	Park
US	Urban Settlement



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 Amendment to the Land Use By-law for Bedford

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby further amended as follows:

1. Insert the following text under Part 19A: Bedford West Business Campus (BWBC) Zone immediately following section 10. Site Plan Approval:

“11. Pedway

Notwithstanding the required minimum side yard setbacks of the BWBC zone, a pedway connecting existing buildings at 123 Gary Martin Drive (PID 41257593) and 185 Gary Martin Drive (PID 41466723) may be permitted. For the purposes of constructing a pedway, the minimum side yard setback is reduced to 0 feet”

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the North West Community Council held on [DATE], 201[#].

Iain MacLean
Municipal Clerk

Attachment B: Proposed Amending Development Agreement

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

BETWEEN:

[Insert Name of Corporation/Business LTD.]

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

-OR-

[Insert Individual's name]

an individual, in the Halifax Regional Municipality **[or other applicable County]**,
in the Province of Nova Scotia **[or other Province.]** (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 certain lands located at 185 Gary Martin Drive and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS on August 12, 2008 the North West Community Council approved an application to enter into a Development Agreement to allow for the construction of a mixed-use development, consisting of residential, institutional and commercial uses on the Lands (municipal case 01048), which said Development Agreement was registered at the Land Registration Office in Halifax on November 10, 2008 as Document Number 92104364 (hereinafter called the "Original Agreement");

AND WHEREAS on October 25, 2012 the North West Community Council approved an application to amend the Original Agreement to allow for a reconfiguration of land uses and road layout, and the inclusion of new lands for apartment building development on the Lands (municipal case 17847), which said Development Agreement was registered at the Land Registration Office in Halifax on December 12, 2012 as Document Number 102139012 (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 the construction of a pedway at 185 Gary Martin Drive on the Lands

pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies BW-23, BW-24, BW-32, BW-35, BW-36 and BW-37 of the Bedford Municipal Planning Strategy and Part 4, Section 3(p) of the Bedford Land Use By-law;

AND WHEREAS the North West Community Council approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 23824;

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 2.2 of the Existing Agreement shall be amended by inserting the following text as shown in bold:

(f) Pedway means an elevated enclosed walkway that connects two or more buildings and is used exclusively for pedestrian traffic.

3. Section 3.1 of the Existing Agreement shall be amended by inserting the text shown in bold, as follows:

Schedule O: Pedway Design

4. Section 3.5 of the Existing Agreement shall be amended by inserting the following text, immediately following sub-section 3.5.12, as show below:

3.5.13. A pedway may be constructed to connect the existing building at 185 Gary Martin Drive to the existing building at 123 Gary Martin Drive. The pedway shall be constructed as generally shown on Schedule O and must conform to all other provisions of the Existing Agreement and the applicable provisions of the Bedford Land Use By-law.

7. Section 3.3.3 shall be amended by inserting text shown in bold as follows:

3.3.3

a) No construction permit shall be granted unless the Developer has completed the Municipality's MICI (Multi-unit/Industrial/Commercial/Institutional) process for any multi-unit, commercial or institutional development

b) Section 3.3.2 and 3.3.3 of the Existing Agreement shall not apply to the construction of a pedway as permitted by this second amending agreement.

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, 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 C: Review of Relevant Bedford MPS Policies

Bedford West Secondary Planning Strategy

Policy	Staff Comment
<p>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. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.</p>	<p>Under the Community Concept Plan (Schedule BW-7) both properties are designated Institutional and zoned BWBC within the BWSPS with a small portion of 185 Gary Martin Drive (PID 41466723) zoned BWCDD. 185 Gary Martin Drive has been included within the DA for Subarea 3.</p>
<p>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. 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 addition of a pedway facilitates a unique housing situation where a special care facility is connected to an affordable housing facility for seniors. The pedway would not meet the setback standards of the zone or the be permitted within the existing development agreement. As such amendments to the existing DA and the BWCB zone of the Bedford LUB are proposed.</p>
<p>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</p>	<p>The properties are designated Institutional as per Schedule BW-7. Although this is not within the Residential designation, Policy BW-35 states that “the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-31 and BW-32.” As such, the proposal has been reviewed against policy BW-32.</p>

<p>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>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>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>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>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>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>a) PID 41466723 (185 Gary Martin Drive) is already included within the density allocations for Sub-Area 3 and no additional units have been proposed. PID 41257593 (123 Gary Martin Drive) is not regulated by a development agreement and so this policy does not apply.</p> <p>b) No new uses are proposed.</p> <p>c) The pedway would provide comfortable and convenient travel between the affordable housing development and the special care facility but does not intersect with the public street network.</p> <p>d) No new streets are proposed.</p> <p>e) No new housing types are proposed.</p> <p>f) The pedway does not detract from these aspects of the development. The placement of the pedway safe access between the two buildings and reasonably integrates with the surrounding community.</p> <p>g) The pedway supports pedestrian safety for residents who may have issues with accessibility and require movement between the two existing buildings.</p> <p>h) Not applicable. No single unit dwellings proposed.</p> <p>i) Not applicable. No new parking areas proposed.</p> <p>j) Not applicable. No new uses are being introduced that would need to provide a vegetative buffer.</p> <p>k) Not applicable. No new open space dedications are proposed.</p> <p>l) The proposal meets the requirements of the SPS in terms of environmental protection, the</p>
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<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>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>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>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>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>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>community transportation system and municipal services.</p>
<p>Institutional</p>	
<p>Sites have been reserved along the Community Collector Roads for schools or other civic buildings and parks. In the event that they are not needed for institutional purposes, the sites may be developed with residential uses.</p>	
<p>BW-35 Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as</p>	<p>Both PIDs are designated as Institutional under Schedule BW-7. PID 41466723 (185 Gary Martin Drive) has already been</p>

<p>libraries or churches, which could benefit from being located on a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-31 and BW-32</p>	<p>developed as residential uses under the development agreement for Sub-Area 3. PID 41257593 (185 Gary Martin Drive) has been developed as a Special Care Facility under the BWBC zone.</p> <p>Policy BW-31 is not applicable as it allows the lands to be developed as Community Parks</p> <p>Policy BW-32 is reviewed within this matrix.</p>
<p>BW-36 The Mixed Use Business Campus designation, illustrated on Schedule BW-7, shall support a wide range of businesses which produce goods and services, recreational uses, hotels, gas bars institutional facilities and park-and-ride facilities. Limited provisions shall be made for retail uses, personal and household services and restaurants and standards shall be established for landscaping, architectural design, signs, parking, loading areas and driveway access. A zone shall be established under the Land Use By-law to implement this intent but granting of a municipal development permit shall also be subject to site plan approval. The following matters shall be considered in any site plan approval application:</p> <p>a) outdoor storage or outdoor display and sales shall be limited and any outdoor waste containers shall be screened;</p> <p>b) open spaces are integrated into the layout and where feasible, larger trees are retained;</p>	<p>The proposed amendment to the BWBC zone is specific to PID 41257593 (123 Gary Martin Drive) and is in keeping with the intent of policy BW-36 to support a range of uses including institutional facilities. The proposed 0' sideyard setback to allow the pedway would be considered an element of the architectural design of the building and the Site Plan Approval process as it applies to this property would be unchanged.</p>

c) landscaping is introduced to all areas disturbed during construction;

d) preference is given to limiting parking spaces between a building and the front lot line and no loading bays shall be located on the building façade facing a public street;

e) natural vegetation, landscaping or screening is employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;

f) bicycle storage facilities are provided near the main entrances to the building and/or in designated public spaces;

g) walkways shall extend from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property and, unless otherwise not possible, shall not cross any driveways or parking areas;

h) buildings, structures and parking lots are located on a lot so as to minimize the alteration of natural grades and to minimize the area of impervious surfaces;

i) a storm water management plan has been prepared by a Professional Engineer with any measures required to prevent the contamination of watercourses and, where possible, allows surface waterflows to be directed to permeable surfaces; and

j) The location of gas bars shall be proximate to the intersection of Hammonds Plains Road and Gary Martin Drive