



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

**Item No. 12.1**

**Halifax Regional Council  
November 12, 2019  
December 10, 2019**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Councillor Lisa Blackburn, Vice Chair, North West Community Council

**DATE:** November 5, 2019

**SUBJECT:** Case 17272: Amendments to the Bedford Municipal Planning Strategy and Land Use By-law for Cushing Hill (Commercial Comprehensive Development District area and adjacent lands), Bedford

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**ORIGIN**

November 4, 2019 meeting of North West Community Council, Item No. 13.1.3.

**LEGISLATIVE AUTHORITY**

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community”.

**RECOMMENDATION**

North West Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B of the staff report dated October 2, 2019 to create new MPS policies and zoning for the Cushing Hill CCDD area, Bedford and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B of the staff report dated October 2, 2019.

## **BACKGROUND**

A staff recommendation report dated October 2, 2019 pertaining to Case 17272: Amendments to the Bedford Municipal Planning Strategy and Land Use By-law for Cushing Hill (Commercial Comprehensive Development District area and adjacent lands), Bedford was before North West Community Council for consideration at its November 4, 2019 meeting.

For further information, please refer to the attached staff report dated October 2, 2019.

## **DISCUSSION**

North West Community Council reviewed the October 2, 2019 staff report at its meeting held on November 4, 2019 and forwarded the recommendation to Halifax Regional Council as outlined in this report.

## **FINANCIAL IMPLICATIONS**

As outlined in the attached staff report dated October 2, 2019.

## **RISK CONSIDERATION**

As outlined in the attached staff report dated October 2, 2019.

## **COMMUNITY ENGAGEMENT**

North West Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. The agenda, reports, and minutes of North West Community Council are posted on Halifax.ca.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the attached staff report dated October 2, 2019.

## **ALTERNATIVES**

North West Community Council did not discuss alternative recommendations.

## **ATTACHMENTS**

1. Staff report dated October 2, 2019.
2. Memorandum from the North West Planning Advisory Committee dated August 11, 2016.

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

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521

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

**Item No. 13.1.3**  
**North West Community Council**  
**November 4, 2019**

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

Original Signed

**SUBMITTED BY:**

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Kelly Denty, Director of Planning and Development

Original Signed

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Jacques Dubé, Chief Administrative Officer

**DATE:** October 2, 2019

**SUBJECT:** **Case 17272: Amendments to the Bedford Municipal Planning Strategy and Land Use By-law for Cushing Hill (Commercial Comprehensive Development District area and adjacent lands), Bedford**

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**ORIGIN**

- January 27, 2011 motion of North West Community Council to provide an information report regarding existing MPS policy for the Cushing Hill CCDD;
- May 26, 2011 motion of North West Community Council to request initiation of an MPS amendment process to consider new MPS policy for the Cushing Hill CCDD area and adjacent properties; and
- November 8, 2011 Regional Council initiation of the MPS amendment process

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B of this report, to create new MPS policies and zoning for the Cushing Hill CCDD area, Bedford and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Bedford, as set out in Attachments A and B of this report.

## **BACKGROUND**

On January 27, 2011, the North West Community Council directed staff to provide an Information Report outlining the issues related to the Cushing Hill CCDD area and possible planning options to address the ongoing issues such as access, land ownership and land use compatibility. The Cushing Hill CCDD (Commercial Comprehensive Development District) is a designation and zone that has been applied to nine parcels of land located on the Bedford Highway near the Highway 101 and 102 interchange (Maps 1 and 2). These nine parcels of land are located within the Bedford Municipal Planning Strategy (MPS) and Land Use By-Law (LUB).

An Information Report dated April 27, 2011, was tabled with the North West Community Council on May 26, 2011, and the Community Council directed staff to prepare a report initiating MPS amendments to Regional Council in the fall of 2011. The initiation report was presented to Regional Council on November 8, 2011 and a planning process was initiated at the same meeting. The process covered the 9 CCDD properties and gives consideration to 3 additional properties located to the south and north.

<b>Subject Lands</b>	Cushing Hill CCDD and adjacent properties
<b>Location</b>	1753, 1757, 1761, 1763, 1775, 1781 and 1789 Bedford Highway, and 122, 128, 134, 136, 144 and 146 Oakmount Drive
<b>Regional Plan Designation</b>	Urban Settlement (US)
<b>Community Plan Designation (Map 1)</b>	Commercial Comprehensive Development District (CCDD), Commercial (C), Residential (R)
<b>Zoning (Map 2)</b>	Commercial Comprehensive Development District (CCDD) Zone Highway Commercial (CHWY) Zone Residential single Unit (RSU) Zone
<b>Size of Site</b>	3.21 ha. (7.93 acres)
<b>Street Frontage</b>	125 m (410 feet) – Oakmount Drive 389 m (1276 feet) – Bedford Highway
<b>Current Land Use(s)</b>	Single unit dwellings, vacant, car wash
<b>Surrounding Use(s)</b>	North – Nova Scotia Transportation and Infrastructure Renewal (NSTIR) Oakmount Transportation Depot / Highway 102 Ramps South – Highway Commercial uses East – Single Unit Dwellings (Oakmount Subdivision) West – Bedford Highway, Bedford Legion / Range Park

## **Proposal Details**

As a result of the review requested by Regional Council, it is recommended that the Municipal Planning Strategy and Land Use By-law be amended to remove the existing Commercial Comprehensive Development District Designation and Commercial Comprehensive Development District (CCDD) Zone and replace them with the residential designation and a new residential zone which enables a variety of low density land uses (single unit, semi-detached and townhouse dwellings) and apply the commercial designation and a new Cushing Hill Highway Commercial Zone.

The major aspects of the proposal are as follows:

- The application of a new residential zone which enables single unit, semi-detached and townhouse dwellings on individual or common lots at the northern end of Cushing Hill, which has access to Oakmount Drive.
- The application of a new commercial zone which enables large scale Highway Commercial uses including hotels at the southern end of Cushing Hill where access is to be from the Bedford Highway.
- The extension of the new residential zone to the furthest residential property at 146 Oakmount Drive.

- The extension of the new highway commercial zone to include properties at 1749, 1753, 1757 and 1761 Bedford Highway.

### **Regional Plan**

The Halifax Regional Municipal Planning Strategy (Regional Plan) designates the Cushing Hill area as Urban Settlement. The Urban Settlement Designation encompasses those areas where development serviced with municipal water and wastewater systems (serviced development) exists or is proposed under this Plan. No other specific direction is provided by the Regional Plan. The Cushing Hill is currently serviced with sewer and water.

### **MPS and LUB Context**

#### *Commercial Comprehensive Development District*

The Bedford MPS has identified several large parcels of land which are appropriate for commercial development when developed in a comprehensive manner which ensures the best utilization of the sites as well as addressing compatibility with adjacent land uses. The purpose is to allow for developments which emphasize the unique characteristics of a site in terms of its location, its unique physical characteristics, its overall size and its relationship to adjoining, and existing or proposed uses. These areas are designated as Commercial Comprehensive Development Districts (CCDD) and require a development agreement process. CCDD policy specifically requires development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Architectural, landscaping, and streetscape considerations for multiple unit buildings are to be considered.

The Paper Mill Lake CCDD, the Hammond Centre at the corner of the Bedford Highway and Hammonds Plains Road, the Traveller's and Esquire Motel and the commercial building corner of the Hammonds Plains Road and Brookshire Court near the Highway 102 interchange are examples of the other CCDD lands.

The Cushing Hill CCDD, included in this review, consists of nine properties with four different property owners. These properties are designated Commercial Comprehensive Development District under the Bedford MPS as shown on Map 1 and zoned Commercial Comprehensive Development District Zone under the Bedford LUB as shown on Map 2. The Cushing Hill CCDD designation was placed on the site approximately 28 years ago, when there was an opportunity for the development of a hotel on the site. The proposal did not materialize and to date, there has not been an application for a development agreement on the lands.

Current policies evolved from the original policy in 1991, which enabled development of a comprehensive development district for Cushing Hill, which enabled the development of low traffic uses, specifically motel and hotels, by development agreement. Residential development was restricted. A review of the plan in 1996 created the current policy, which widened the permitted uses and further enabled limited residential development as enabled in other CCDD areas within Bedford.

#### *Other Lands*

The review includes parcels of land immediately to the north and south of the Cushing Hill CCDD. The lands to the north are designated Residential under the Bedford MPS and zoned RSU (Residential Single Unit) Zone under the Bedford LUB. Lands to the south are designated Commercial under the Bedford MPS and zoned CHWY (Highway Commercial) Zone under the Bedford LUB.

#### *Existing Land Uses / Development Rights*

The Cushing Hill CCDD lands are a mix of vacant lots (former residential) and existing single unit dwellings. Most existing homes directly access Oakmount Drive. These homes were in existence prior to the placement of the CCDD Zone, however the CCDD Zone does not permit "existing" single unit dwellings. Existing single unit dwellings are considered non-conforming and are not permitted to be re-established if discontinued for a period of greater than six months.

New development within this CCDD is enabled by development agreement subject to a development agreement process and approval by North West Community Council. All development agreements are subject to the CCDD policies (Attachment C) and the uses permitted in the CCDD Zone (Attachment D).

Land to north of the CCDD is developed as a single unit dwelling. Lands to the south of the CCDD are undeveloped and a single parcel contains a commercial car wash. Both portions of land are enabled through an as-of-right permitting process subject to the applicable zone requirements of the Bedford LUB.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in an area of the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests.

Cushing Hill CCDD is a prominent site at the entrance of Bedford near the Highway 101 and 102 interchange. To date, minimal land development has taken place surrounding the site and the site itself has remained undeveloped. Based on planning experience over the past 28 years in dealing with this site and a review of the existing policies in the MPS, the following issues have been considered:

**Multiple Property Owners** - There are multiple property owners within the Cushing Hill CCDD. The intent of the policy is to develop the site in a comprehensive manner, therefore all property owners within the CCDD must participate in the development agreement process for the site. While land banking by several property owners has taken place, a land ownership pattern has not developed which is conducive to the development of the site. One of the significant challenges to developing the site is getting the agreement of all owners to participate in a planning process and to agree to a long-term concept for the site. Although land ownership patterns should not be considered as a primary reason to make land use changes, in this instance, ownership patterns appear to have impacted the ability of this site to be developed. It is appropriate to consider land use tools, which do not require the concurrence of all property owners as part of this review.

**Grade Differences within the Site** - There are significant grade differences between the north and south ends of the Cushing Hill CCDD site and with surrounding properties. This is partially due to the natural grades of the site and past excavation to the south end of the site. These grade differences make developing the site challenging from a land use design and technical engineering perspective. Development of the site in smaller segments would be less challenging.

**Access / Relationship with Bedford Highway** - Properties on the southern end of Cushing Hill have a direct relationship with the Bedford Highway as they all have road frontage only on the Bedford Highway and traditionally have had access via a shared driveway to the Bedford Highway. Further grade alteration of the south end of Cushing Hill will further improve the relationship with the Bedford Highway.

**Access / Relationship with Oakmount Drive** - Properties on the northern end of Cushing Hill directly relate to Oakmount Drive as the elevation of these properties is closer to the elevation with Oakmount Drive and these properties have traditionally gained access via residential driveways to Oakmount Drive and in some instances over lands owned by the Province of Nova Scotia to Oakmount Drive.

**Land Use Controls on Provincial Lands at Oakmount Drive** – The Nova Scotia Transportation and Infrastructure Renewal (NSTIR) own a parcel of land on Oakmount Drive located between the Oakmount Drive and the Cushing Hill CCDD. The NSTIR parcel is zoned Residential Single Unit (RSU) Zone. The NSTIR parcel is small and generally not developable and has historically been used by some Cushing Hill CCDD residents to access Oakmount Drive. Existing single unit dwelling access to Oakmount Drive is permitted by the existing zones and by NSTIR.

Because the Cushing Hill CCDD zone permits different land uses than the RSU zoned NSTIR lands, there may be complications if the Cushing Hill CCDD lands were to redevelop with uses other than single unit dwellings and there be a need to cross the NSTIR lands to Oakmount Drive. If different zones exist, only vehicles from land uses permitted on both properties are permitted to cross either property. As a result, any change to planning regulations on lands adjacent the NSTIR lands should also apply to the NSTIR lands to ensure vehicle access to Oakmount Drive is permitted.

**Bedford Highway Access / Jurisdiction** – All properties within the Cushing Hill CCDD have frontage on the Bedford Highway, however the frontage may not be useable or is challenging for either one of two reasons:

1. Some road frontage is not useable due to extreme grade differences between the Bedford Highway and the useable land on the site; and
2. Nova Scotia Transportation and Infrastructure Renewal limits access to the Bedford Highway within 250 m (820 ft.) of the interchange ramps at Highway 102 and further manages access to an additional 60 metres (196 feet) beyond the first limit. These limits preclude access to the site from the Bedford Highway from Highway 102 to approximately 60 metres to the south of the overhead sign on the Bedford Highway.

Staff has previously identified that access to northern portions of the site may have to be from Oakmount Drive. Lands on the southern portion of the site do not have access to Oakmount Drive and can only be accessed from the Bedford Highway.

Staff have further reviewed the access issue with NSTIR and they have identified that access points along the Bedford Highway to these properties would not be permitted because of the relationship with the Highway 102 ramps. Access to the lands at the southern end of Cushing Hill may only be possible over adjacent lands to the south which are beyond the Province's control of access. 1749 Bedford Highway is an adjacent property which is owned by another land owner which is beyond control by the Province and could provide an access point for the southern portion of Cushing Hill.

Land use controls for Cushing Hill should extend to include 1749 Bedford Highway and several other parcels (1753, 1757 and 1761 Bedford Highway), which are currently outside the existing Cushing Hill CCDD. The option of extending land use controls over these lands does not resolve the access issue but provides a reasonable potential resolution should the land owners come to some sort of agreement to enable access to Cushing Hill over 1749 Bedford Highway. Further, if NSTIR changes their position to regulating access, access may be able to be granted over lands to the north, which would not require the agreement of the land owner at 1749 Bedford Highway.

**Developable Commercial Land** – The four southernmost properties on the Cushing Hill CCDD site (PID#40116295, 1763, 1781 and 1789 Bedford Highway) are appropriate for commercial development. Staff has identified these lands as being appropriate for commercial development because they are proximate to a potential commercial driveway access to the Bedford Highway and they have the visibility desired for a commercial land use. Development of these lands is subject to the land owner resolving access issues with NSTIR or negotiating an access over 1749 Bedford Highway or further south. The same commercial zone should be applied to three existing Highway Commercial (CHWY) zoned properties (1753, 1757 and 1761 Bedford Highway) between the CCDD and the proposed access point (1749 Bedford Highway).

**Commercial Building Heights** – There are significant grade differences between the Bedford Highway and Oakmount Drive. The Bedford Highway at the southern end of Cushing Hill is between 15.24m (50 feet) to 24.38m (80 feet) below Oakmount Drive. Because of the grade difference, there may be opportunities to consider higher commercial building heights on the developable commercial lands. The existing CHWY zone on much of the lands on the Bedford Highway, north of Rocky Lake Road, permits building heights to a maximum of 10.7m (35 feet) which is a conservative building height. It is suggested

that building heights of up to 18.3 m (60 feet) could be considered on the southern portion of the subject lands without affecting compatibility with the adjacent residential properties on Oakmount Drive.

Building heights are typically measured in absolute building height or an averaged building height. However, in some areas of Bedford (Mainstreet Commercial zoned lands), a different method is used to relate the height of a building to the elevation of the street in front of a property. Such a method manages building heights better where lands slope up or down from a street. If a building were to sit high within the topography of the site, for example 6.1 m (20 feet) above the above the street, the permitted building height would be reduced directly by the elevation change between the street and the building [6.1m (20 feet)]. It is recommended that this technique be used on commercial development proposed on the lands.

**Developable Residential Land** – The five northernmost properties on the Cushing Hill CCDD site (122, 128, 134, 136 and 144 Oakmount Drive) are appropriate for residential development because they are adjacent to existing low density development and have access to Oakmount Drive, a primarily residential local road. These lands are not appropriate for commercial development from a visibility and access perspective. The same residential zone should be applied to 144 Oakmount Drive as this parcel is the last privately controlled parcel adjacent to lands owned by the Province as part of their Oakmount holdings.

**Environmental** – On the southern half of Cushing Hill, there have been issues related to the excavation of the land and the erosion of disturbed lands and its impact on neighbouring properties on Oakmount Drive. The development of these lands will likely require significant grade alteration of the commercial properties to lower the elevation of the properties, so it more closely relates to the Bedford Highway. A Municipal grading permit will ensure that appropriate measures are undertaken during excavation and that disturbed areas are appropriately stabilized and reinstated.

**Transit** – The sites are directly and indirectly proximate to the Bedford Highway, which is well served by existing and proposed transit routes. The provision of transit service supports both commercial and residential activities on the site.

**Type of Land Use Control** - The use of zoning on the site is appropriate as the use of an alternative such as a development agreement is not likely to achieve significant improvements over the use of standard zoning techniques. The use of zoning will also improve approval timelines for any development and allows individual property owners to develop without the cooperation of neighbouring CCDD property owners such as is required by the existing zone. In addition, staff are suggesting enabling the extension of controls that regulate the external appearance of buildings. Currently the Bedford MPS enables such regulations for commercial and industrial buildings. It is appropriate to extend the ability to regulate the external appearance to residential properties on Cushing Hill. The proposed residential zone includes limited controls on exterior appearance.

#### **Proposed MPS and LUB Amendments**

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments are as follows:

- Low density residential land uses be permitted on the northern end of the subject lands. Single unit, two unit/semi-detached and townhouse dwelling units are appropriate and compatible with adjacent single unit dwellings. The zone should be applied to all northern properties with frontage on Oakmount Drive, including 122, 128, 134 136, 144 and 146 Oakmount Drive. Zoning should contain controls that manage relationships with existing single unit dwellings and maintain appropriate relationships with the Bedford Highway. The zone shall permit the low density options on single lots as well as on common lots. A common lot typically involves a condominium, however common lots also can be handled through a single owner (rental units). A common lot would have a shared driveway to access Oakmount Drive.



- Highway commercial land uses be permitted at the southern end of the subject lands, which would permit highway commercial land uses similar to the existing CHWY zone. The zone shall be applied to all southern properties including all lands with frontage just on the Bedford Highway, including PID#40116295, 1749, 1753, 1757, 1761, 1763, 1781 and 1789 Bedford Highway. This would enable a motel/hotel as well as other commercial land uses. The zone should manage the height of buildings to a maximum of 60 feet above the Bedford Highway to ensure that they do not significantly affect homes on Oakmount Drive. Access to these lands is restricted by NSTIR and any access for these lands from the Bedford Highway may have to be jointly approved by NSTIR and the Municipality.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. 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, a public workshop held on May 28, 2012 (Attachment E contains results from a survey taken at this meeting), and a public information meeting held on June 20, 2016. (Attachment F contains a copy of notes from the meeting). The public comments received include the following topics:

- Concerns with new and existing traffic on Oakmount Drive and the Bedford Highway;
- The desire to have no commercial access on Oakmount Drive;
- Preference for lower density residential on lands that access Oakmount Drive;
- Preference for no through traffic from the Bedford Highway to Oakmount Drive;
- Preference for commercial land uses on properties that front on the Bedford Highway;
- Preference for no multiple unit dwellings;
- Limits on the scale of commercial developments

A public hearing must be held by Regional Council before they can consider approval of MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and residential and commercial property owners.

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

On August 3, 2016, the North West Planning Advisory Committee (PAC) recommended that amendments be refused because they were concerned about the proposed mix of land uses which originally included multiple unit dwellings and townhouses and a concern related to traffic issues on the Bedford Highway.

PAC further identified that approval of amendments should only be considered if the following conditions are met:

- That the subject property be separated in to sections A (Cushing Hill- North) & B (Cushing Hill – South).
- That the entirety of Area A be zoned RSU.
- That the zoning for Area B remain CCDD which also includes the expansion of the two lots.
- That further policy changes only be considered upon receipt of a traffic engineering study for Area B.

A report from the PAC to North West Community Council will be proved under separate cover. Staff has responded to the recommendations of the planning advisory committee by dividing the site into two separate parcels. With respect to the PAC's desire for single unit dwellings only on the northern parcel, staff advise that two unit, semi-detached and townhouse dwellings are compatible with adjacent single unit

dwellings and could be accommodated on this parcel. Staff have removed the option to establish multiple unit dwellings on the northern parcel. The PAC suggested that the CCDD remain on the southern parcel, however staff do not support this approach as a development agreement is not likely to result in significant differences in a final development. The division of Cushing Hill in to two distinct areas simplifies the development issues and minimizes the need for a development agreement. The application of zoning on the parcel and the removal of a development agreement simplifies administration of land use controls.

Staff do not concur with the PAC's request for a traffic study prior to making policy changes. A traffic study is a detailed analysis of a specific development proposal. The proposed policy enables a broad range of development options, all with unique transportation implications. A traffic analysis at this point would be premature and would not yield results which are specific enough to impact policy. Staff have addressed known traffic issues earlier in this report. A traffic impact statement may be required at permitting (depending on the scale of any proposal) and the developer would have to respond to the recommendations of the traffic analysis at that time.

### **Conclusion**

Staff have reviewed the requests by North West Community and Regional Council to review the existing Cushing Hill CCDD policy context. Staff advise that the MPS and LUB should be amended to apply a residential zone (that enables low density residential uses) at the northern end of Cushing Hill and a commercial zone (that enables commercial land uses) at the southern end of Cushing Hill. These zones allow for appropriate development of the site and enable developments of appropriate scale. Therefore, staff recommend that the North West Community Council recommend that Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Bedford Land Use By-law.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning matter can be accommodated within the approved 2019/2020 operating C320 Regional Policy Program.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

The North West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Bedford MPS and LUB for Cushing Hill, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Refuse the proposed amendments to the Bedford MPS and LUB for Cushing Hill. A decision of Council to approve or refuse the proposed amendments is not 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 MPS Amendments  
Attachment B: Proposed LUB Amendments  
Attachment C: Relevant Existing MPS Policy  
Attachment D: Relevant Existing LUB Regulations  
Attachment E: Workshop Survey – May 28, 2012  
Attachment F: Public Information Meeting (PIM) Notes – June 20, 2016

Available Upon Request:  
NWCC -May 26, 2011 Information Report  
[Regional Council – November 8 2011 Initiation Report](#)

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

Report Prepared by: Andrew Bone, Planner III, 902.490.6743

Original Signed

Report Approved by: \_\_\_\_\_  
Eric Lucic, Manager, Manager Regional Planning, 902.430.3954

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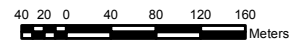
Map 1  
Generalized Future Land Use

**HALIFAX**

 Subject Properties

**Designation**

- R Residential Designation
- RR Residential Reserve Designation
- RCDD Residential Comprehensive Development District
- CCDD Commercial Comprehensive Development District
- C Commercial Designation
- I Institutional Designation
- P Park and Recreation Designation
- IND Industrial designation





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**

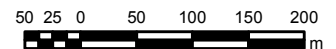
-  Subject Properties
-  Notification Area

Bedford  
Land Use By-Law Area

**Zone**

- RSU Single Dwelling Unit Zone
- RTU Two Dwelling Unit Zone
- RMU Multiple Unit Dwelling Zone
- RCDD Residential Comprehensive Development District
- RR Residential Reserve Zone
- SI Institutional Zone
- SU Utilities Zone
- P Park Zone
- CGB General Business District Zone
- CHWY Highway Oriented Commercial Zone
- CSC Shopping Centre Zone
- CCDD Commercial Comprehensive Development District
- ILI Light Industrial Zone
- FW Floodway Zone

**HALIFAX**



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

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

**ATTACHMENT A**  
**Proposed MPS Amendments**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford is hereby further amended as follows:

1. Within the Residential Section, Policy R-5 shall be amended by adding the text shown in bold below.

Policy R-5:

It shall be the intention of Town Council to establish the following zones within the residential designation:

- Residential Single Unit Zone (RSU) which permits single detached dwellings and existing two unit dwellings
- Residential Two Unit Zone (RTU) which permits single detached and two unit dwellings be they linked homes, semi-detached dwellings, duplex dwellings, or single detached with basement apartment
- Residential Townhouse Zone (RTH) which permits townhouses
- **Cushing Hill Residential Zone (CHR) which permits single detached dwellings, two-unit dwellings, semi-detached and townhouses on shared or individual lots.**
- Residential Multiple Dwelling Unit Zone (RMU) which permits multiple-unit buildings

2. Within the Residential Section, Policy R-8A shall be added after Policy R-8 and before Policy R-9 as shown in the bold text below.

Policy R-8A:

**It shall be the intention of Town Council to establish the Cushing Hill Residential Zone (CHR) at the north end of the former Cushing Hill Commercial Comprehensive Development District. These lands are adjacent existing residential development and are suitable for single detached dwellings, two-unit dwellings, semi-detached dwellings and townhouse dwellings on shared or individual lots. Limited controls on the exterior appearance of structures shall be enabled for the CHR Zone.**

3. Within the Commercial Section, the Commercial Objective sub-section, part e) shall be amended by adding the text shown in bold and removing the text shown in strikethrough as shown below.

- e) **Commercial Comprehensive Development District**  
There are several large parcels of land which have been identified as appropriate locations for additional commercial activity. Through the provisions of Policy C-7 Council shall create a Commercial Comprehensive Development District (CCDD) land use designation as well as a CCDD Zone. Policy C-8 itemizes evaluation criteria for

Council to consider with CCDD development agreement applications while Policy C-9 allows for the eventual discharge of these agreements.

The first CCDD area referred to is the area generally known as Cushing Hill, situated at the northern entrance to the Town **and was deleted as a CCDD in 2019 as the CCDD was determined to be an ineffective tool to encourage development of these lands. Further it was determined commercial land uses over the entirety of the Cushing Hill site was no longer appropriate.** The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone, The fifth CCDD is located at the northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14).

CCDD development will require commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in draft Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

The location of these areas is such that they should be approached in a comprehensive manner to ensure the best utilization of the sites, as well as compatibility with adjacent land uses. In an effort to achieve the most appropriate development, and to allow for innovation and flexibility in design, these areas will be designated as commercial comprehensive development districts (CCDD). The purpose of a CCDD is to allow for developments which emphasize the unique characteristics of a site in terms of its location within the Town, its unique physical characteristics, its overall size and its relationship to adjoining, existing or proposed uses.

4. Within the Commercial Section, Policy C-3 shall be amended by adding the text shown in bold below and deleting the text shown in bold strikethrough.

Policy C-3:

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

- General Business District Zone (CGB) which permits general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries], and recycling depots;
- Shopping Centre Zone (CSC) which permits uses including but not limited to shopping centres, retail outlets, restaurants, drinking establishments, CGB Zone uses and recycling depots;
- Highway Oriented Commercial Zone (CHWY) which permits highway oriented uses including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, and recycling depots;
- **Cushing Hill Commercial Zone (CHC) which permits commercial and highway oriented uses to a greater scale than enabled in the CHWY Zone including, but not limited to, service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, recycling depots; and general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, and drinking establishments.**
- Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.
- Mainstreet Commercial Zone (CMC) which permits small scale, pedestrian oriented uses including, but not limited to, general retail stores, business and professional offices, personal and household service shops, financial institutions, full service restaurants, pubs, lounges, and recycling depots.

The CGB Zone shall be applied to the Sunnyside area where most office buildings were constructed in the recent past. The CSC Zone shall be applied to the Sunnyside Shopping Centre and to Bedford Place Mall. The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between ~~the Highway 101/102 interchange~~ **Cushing Hill** and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. **The CHC Zone shall be applied in the general vicinity of the Bedford Highway at the southern end of Cushing Hill only on parcels which have road frontage on the Bedford Highway. Lots which have lot frontage or access to Oakmount Drive shall not be zoned the CHC Zone.**



The CCDD Zone shall be applied to the ~~Cushing Hill area~~, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

5. Within the Commercial Section, Policy C-6 shall be amended by adding the text shown in bold and deleting the text shown in bold strikethrough as shown below.

Policy C-6:

In regulating highway oriented commercial uses, Town Council shall zone existing highway commercial uses CHWY. Town Council shall enable highway oriented development on lands designated Commercial between ~~the northern Town boundary~~ **Cushing Hill** and the Sackville River.

6. Within the Commercial Section, Policy C-6A shall be added after Policy 6 and before Policy 7 as shown in the bold text below.

Policy C-6A:

**The Cushing Hill Commercial Zone (CHC) shall be applied to the southern portion of Cushing Hill and permit commercial and highway oriented uses, but not limited to service stations, drive-in/take-out restaurants, commercial accommodations, auto sales and service, recycling depots; and general business uses including, but not limited to, office buildings, retail shops, restaurants, commercial accommodations, drinking establishments, institutional uses [excluding cemeteries]. Building heights of up to 60 feet above the Bedford Highway shall be enabled within the CHC Zone.**

7. Within the Implementation Section, Policy Z-4A shall be added after Policy Z-4 and before Policy Z-5 as shown in the bold text below.

Policy Z-4A

**Nova Scotia Transportation and Infrastructure Renewal (NSTIR) owns a narrow portion of land on Oakmount Drive adjacent to civic 122, 128 and 134 Oakmount Drive. This land is undeveloped and has been used by the adjacent owners for access to Oakmount Drive at the permission of NSTIR. NSTIR has confirmed that permission to access Oakmount Drive over their lands would be permitted to continue. As the adjacent lands do not have lot frontage to Oakmount Drive and lot frontage on the Bedford Highway is not useable, notwithstanding Policy Z-4, properties located at 122, 128 and 134 Oakmount Drive shall be permitted to develop without the need for a development agreement.**

8. The Generalized Future Land Use Map shall be amended to:

- a. re-designate the portions of 122, 128,134, 136 and 144 Oakmount Drive designated Commercial Comprehensive Development District (CCDD) to Residential designation as shown on Schedule A-1 attached hereto; and
- b. re-designate 1789, 1781 and 1763 Bedford Highway and PID# 40116295 designated Commercial Comprehensive Development District (CCDD) to Commercial designation as shown on Schedule A-1 attached hereto.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 201[#].



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Kevin Arjoon  
Municipal Clerk

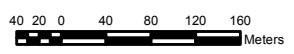


**Schedule A-1  
Areas to be Redesignated**

**HALIFAX**

-  Area to be redesignated from CCDD (Commercial Comprehensive Development District) to R (Residential)
-  Area to be redesignated from CCDD (Commercial Comprehensive Development District) to C (Commercial)

- Designation**
- R Residential Designation
  - RR Residential Reserve Designation
  - RCDD Residential Comprehensive Development District
  - CCDD Commercial Comprehensive Development District
  - C Commercial Designation
  - I Institutional Designation
  - P Park and Recreation Designation
  - IND Industrial designation



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

## ATTACHMENT B

### Proposed LUB Amendments

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

1. Within the Table of Content Section, the text shown in bold shall be added immediately after Part 9 and before Part 10.

**PART 9A CUSHING HILL RESIDENTIAL (CHR) ZONE 57**

2. Within the Table of Content Section, the text shown in bold shall be added immediately after Part 15 and before Part 16.

**PART 15A CUSHING HILL COMMERCIAL (CHC) ZONE 67**

3. Within the Table of Content Section, the text shown in bold shall be added immediately after Schedule B.

**APPENDIX F: Lands exempt from lot frontage Requirements 107**

4. Within Part 3, Section 1. Zones and Zoning Map, the text shown in bold below shall be added after RTH Townhouse Zone and before RCDD Residential Comprehensive Development District.

**CHR Cushing Hill Residential Zone**

5. Within Part 3, Section 1. Zones and Zoning Map, the text shown in bold below shall be added after CHWY Highway Oriented Commercial Zone and before CCDD Commercial Comprehensive Development District.

**CHC Cushing Hill Commercial Zone**

6. Within Part 5, General Provisions for all Zones, Section 8, the text shown in bold below shall be added.

**8. Home Occupations**

A home occupation shall be permitted in any dwelling in an RSU, RTU, RMU, RMH, RR, RTH, **CHR** or RCDD zone provided:

7. Within Part 5, General Provisions for all Zones, Section 9, the text shown in bold below shall be added.

**9. Day Care Facilities**

Day care facilities and after school care shall be permitted in any dwelling in any RSU, RTU, RMU, RCDD, RR, and **CHR**, RTH Zone provided that:

8. Within Part 5, General Provisions for all Zones, Section 10, the text shown in bold below shall be added.

10. Boarders and Lodgers

The leasing of not more than two rooms in any dwelling unit in an RSU, RTU, RMU, RTH, **CHR**, RCDD or RR zone shall be permitted but no window display or sign in excess of two (2) square feet in respect to the use permitted by this clause shall be allowed. One off-street parking space, other than those required for the dwelling, shall be provided for each room devoted to boarders.

9. Within Part 5, General Provisions for all Zones, Section 14, the text shown in bold below shall be added.

14. Frontage On A Street

Except as provided for within the Bedford West Business Campus (BWBC) Zone or **Cushing Hill Residential (CHR) Zone**, no building, structure or use shall be permitted unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street; except for alterations, renovations and additions to existing structures located on private streets or for construction of dwellings on existing, vacant lots as per Policy R-28.

10. Within Part 5, General Provisions for all Zones, Section 31, the text shown in bold below shall be added.

31. Restrictions On Outdoor Storage/Outdoor Display and Sales

- a) Except for **CHC**, CHWY, ILI, IHO, and IHI Zones, no outdoor storage shall be permitted. Except for **CHC**, CHWY, CSC, ILI, IHO, and IHI, no outdoor display and sales shall be permitted.

11. Part 9 A Cushing Hill Residential (CHR) Zone as attached in Schedule B-1 shall be added immediately after Part 9 and before Part 10.

12. Part 15 A Cushing Hill Commercial (CHC) Zone as attached in Schedule B-2 shall be added immediately after Part 15 and before Part 16.

13. Schedule A - Bedford Zoning Map shall be amended to rezone the northern portion of the lands zoned Commercial Comprehensive Development District,

including 122, 128, 134, 136 and 144 Oakmount Drive and lands zoned Residential Single Unit at 46 Oakmount Drive, at Cushing Hill to Cushing Hill Residential Zone; and rezone the southern portion of the lands zoned Commercial Comprehensive Development District, including 1763, 1781, 1789 Bedford Highway and PID# 40116295, and lands zoned Highway Commercial at 1749, 1753, 1757 and 1761 Bedford Highway at Cushing Hill to Cushing Hill Commercial Zone as shown on Schedule B-3 attached hereto.

14. Appendix F shall be added, as shown on Schedule B-4 attached hereto.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 201[#].

---

Kevin Arjoon  
Municipal Clerk

## Schedule B-1

### PART 9A: CUSHING HILL RESIDENTIAL (CHR) ZONE

No development permit shall be issued in a Cushing Hill Residential (CHR) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) semi-detached dwelling;
- c) duplex dwelling;
- d) rowhouse or townhouse dwelling;
- e) a basement apartment added to a single dwelling unit so that the building contains only two dwelling units;
- f) special care facilities for up to 10 residents;
- g) neighbourhood parks; and
- h) uses accessory to the foregoing uses.

### ZONE REQUIREMENTS CHR

In any Cushing Hill Residential (CHR) Zone, no development permit shall be issued except in conformity with the following requirements:

### SINGLE DETACHED, SEMI-DETACHED AND DUPLEX DWELLINGS ON INDIVIDUAL LOTS

1. Buildings to be occupied or developed as a single detached dwelling, a semi-detached dwelling or a duplex on individual lots shall conform with the following requirements:
  - (a) Minimum lot frontage 9.75 metres (32 feet) for single unit dwellings and duplexes
  - (b) Minimum lot area 7.62 metres (25 feet) per unit for semi-detached dwellings  
315.9 square metres (3,400 square feet) for single unit dwellings and duplexes  
232.3 square metres (2,500 square feet) per unit for a semi-detached dwelling
  - (c) Maximum height 10.67 metres (35 feet)
  - (d) Maximum lot coverage 40 percent
  - (e) Minimum front yard 6.1 metres (20 feet)
  - (f) Minimum rear yard 6.1 metres (20 feet)  
Where parking is located in the rear yard, the minimum rear yard setback shall be 9.14 metres (30 feet)
  - (g) Minimum side yard 1.22 metres (4 feet) or 0 metres for the common lot line between semi-detached dwellings units
  - (h) Minimum yard along the Bedford Highway 9.14 metres (30 feet)

## ROWHOUSES/TOWNHOUSES ON INDIVIDUAL LOTS

2. Buildings to be developed or occupied as rowhouses or townhouses on individual lots shall comply with the following requirements:

(a) Minimum lot frontage	6.1 metres (20 feet) per unit
(b) Minimum lot area per unit	50.04 square metres (1,615 square feet)
(c) Maximum height	10.67 metres (35 feet)
(d) Maximum lot coverage	40 percent
(e) Minimum front yard	6.1 metres (20 feet)
(f) Minimum rear yard	7.62 metres (25 feet)
(g) Minimum side yard	3.05 metres (10 feet) for end units
(h) Maximum number of units per building	8 units
(i) Minimum unit width	5.5 metres (18 feet)
(j) Minimum yard along the Bedford Highway	9.14 metres (30 feet)

## DWELLING UNITS ON A SHARED LOT

3. Buildings to be occupied or developed as a single detached dwelling, a semi-detached dwelling or a duplex, and rowhouses or townhouse on a common lot shall conform with the following requirements:

(a) Minimum Lot Frontage	7.62 m (25 feet)
(b) Minimum Lot Area	1486.4 sq. m. (16,000 sq. ft.)
(c) Minimum Lot Area Per Dwelling Unit	Single Detached 315.9 square metres (3400 square feet) Semi Detached/Duplex 232.3 square metres (2,500 square feet) Rowhouse/Townhouse 167.2 square metres (1800 square feet)
(d) Minimum yard along Oakmount Drive	6.1 metres (20 feet)
(e) Minimum yard along the Bedford Highway	9.14 metres (30 feet)
(f) Minimum Rear Yard	6.1 metres (20 feet)
(g) Minimum Side Yard	3.05 metres (10 feet)
(h) Maximum Height of Building	10.67 metres (35 feet)
(i) Maximum Lot Coverage	40 percent
(j) Minimum width of a dwelling unit	5.5 metres (18 feet)
(k) Maximum number of rowhouses/ townhouses units per building	8
(l) Maximum number of dwelling units per lot	24
(m) Minimum distance between buildings	3.7m (12 feet)
(n) Minimum distance between a shared private driveway and building	3.05 metres (10 feet)

## SPECIAL CARE FACILITIES

4. Buildings to be occupied or developed as a special care facility shall conform with the following requirements:

(a) Minimum Lot Frontage	18.29 m (60 feet)
(b) Minimum Lot Area	1486.4 sq. m. (16,000 sq. ft.)



(c) Minimum yard along Oakmount Drive	6.1 metres (20 feet)
(d) Minimum yard along the Bedford Highway	9.14 metres (30 feet)
(e) Minimum Rear Yard	6.1 metres (20 feet)
(f) Minimum Side Yard	3.05 metres (10 feet)
(g) Maximum Height of Building	10.67 metres (35 ft.)
(h) Maximum Lot Coverage	40 percent

## OTHER REQUIREMENTS

### Site Design

5. Dwelling units on a shared lot shall provide a single or shared pedestrian walkway from the street to each dwelling unit.
6. Where common accessory structures or buildings are provided for recreational uses on a shared lot, a walkway from all dwelling units shall be provided to the accessory structure or building. Such walkways shall be a minimum of 1.5m (5 feet) in width and be constructed of hardscaping.

### General Building Design Requirements

7. Propane tanks and electrical transformers and all other exterior utility boxes shall be screened by means of opaque fencing, structural walls or suitable landscaping.
8. Electrical power, telephone, cable and similar utilities shall be brought from the public street to any building by underground conduit.
9. All dwelling units in a townhouse building shall have a front door that faces the street or shared driveway.
10. Townhouse buildings shall feature variation between dwelling units through the use of at least one of the following:
  - (a) changes in colour;
  - (b) changes in material; or
  - (c) projections and recesses of a minimum of 0.5 metres (1.6 feet).
11. End dwelling units having a flanking yard shall have a minimum of 30% architectural treatment on the wall so as not to create a solid wall. Such features shall include a minimum of one window on each floor and a minimum of one of the following:
  - (a) changes in colour;
  - (b) changes in material; or
  - (c) projections and recesses of a minimum of 0.5 metres (1.6 feet).

### Landscaped Recreation Space

12. a minimum of 13.94 square metres (150 square feet) of outdoor recreation space shall be provided for use by each dwelling unit.
13. Outdoor amenity space may be located in any front yard, rear yard, side yard, deck, balcony, terrace or patio, or any combination thereof.

### Accessory Buildings

14. A maximum of one accessory building shall be permitted per dwelling unit, subject to the requirements of Part V, Section 29.

### Lot Frontage on Oakmount Drive

15. Lands identified in Appendix F shall be exempt from the requirement to have lot frontage on a public street provided:
  - a) permission to access the parcels over Nova Scotia Transportation and Infrastructure Renewal (NSTIR) lands is provided by NSTIR; and
  - b) the width of any existing lots or proposed lots at the property line closest to Oakmount Drive is equal to or greater than the minimum required lot frontage identified above.

Schedule B-2

PART 15A: CUSHING HILL COMMERCIAL (CHC) ZONE

No development permit shall be issued in a Cushing Hill Commercial (CHC) Zone except for one or more of the following uses:

- a) service stations
- b) automotive vehicles, parts, & accessories sales and services
- c) clinics
- d) drive-in, take-out and full-service restaurants
- e) garden markets
- f) motels and hotels
- g) trailer/mobile home sales
- h) neighbourhood convenience stores
- i) commercial parking lots
- j) display or model homes
- k) public garages
- l) general retail and rental shops
- m) drycleaning depots
- n) funeral homes
- o) veterinary clinics
- p) recycling depots
- q) office uses
- r) private clubs (social)
- s) general retail
- t) personal and household services, exclusive of massage parlours
- u) commercial photography
- v) lounges & taverns (taverns not exceeding 1,500 Sq.Ft. gross area)
- w) banks and financial Institutions
- x) multiple unit dwelling in conjunction with and subordinate to a hotel
- y) uses accessory to the foregoing uses.

ZONE REQUIREMENTS CHWY

In any Cushing Hill Commercial (CHC) Zone, no development permit shall be issued except in conformity with the following requirements:





Minimum Lot Area	.....	25,000 sq. feet
Minimum Lot Frontage	.....	100 ft.
Minimum Front Yard	.....	20 ft. setback
Minimum Rear Yard	.....	8 ft., except 40 ft. from property zoned residential
Minimum Side Yard	.....	8 ft., except 40 ft. from property zoned residential
Maximum Height of Building	.....	60 ft above the Bedford Highway.
Maximum Number of Dwelling Units/Lot.....		32
Lot Coverage	.....	50%

SPECIAL REQUIREMENTS:OFFICE USES

Where office uses are not accessory to other permitted uses in this zone, they shall not be located on the ground floor of any building.



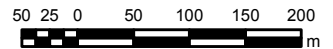
**Schedule B-3  
Areas to be Rezoned**

-  Area to be rezoned from CCDD (Commercial Comprehensive Development District) to CHR (Cushing Hill Residential)
-  Area to be rezoned from RSU (Single Dwelling Unit) to CHR (Cushing Hill Residential)
-  Area to be rezoned from CCDD (Commercial Comprehensive Development District) to CHC (Cushing Hill Commercial)
-  Area to be rezoned from CHWY (Highway Oriented Commercial) to CHC (Cushing Hill Commercial)

Bedford  
Land Use By-Law Area

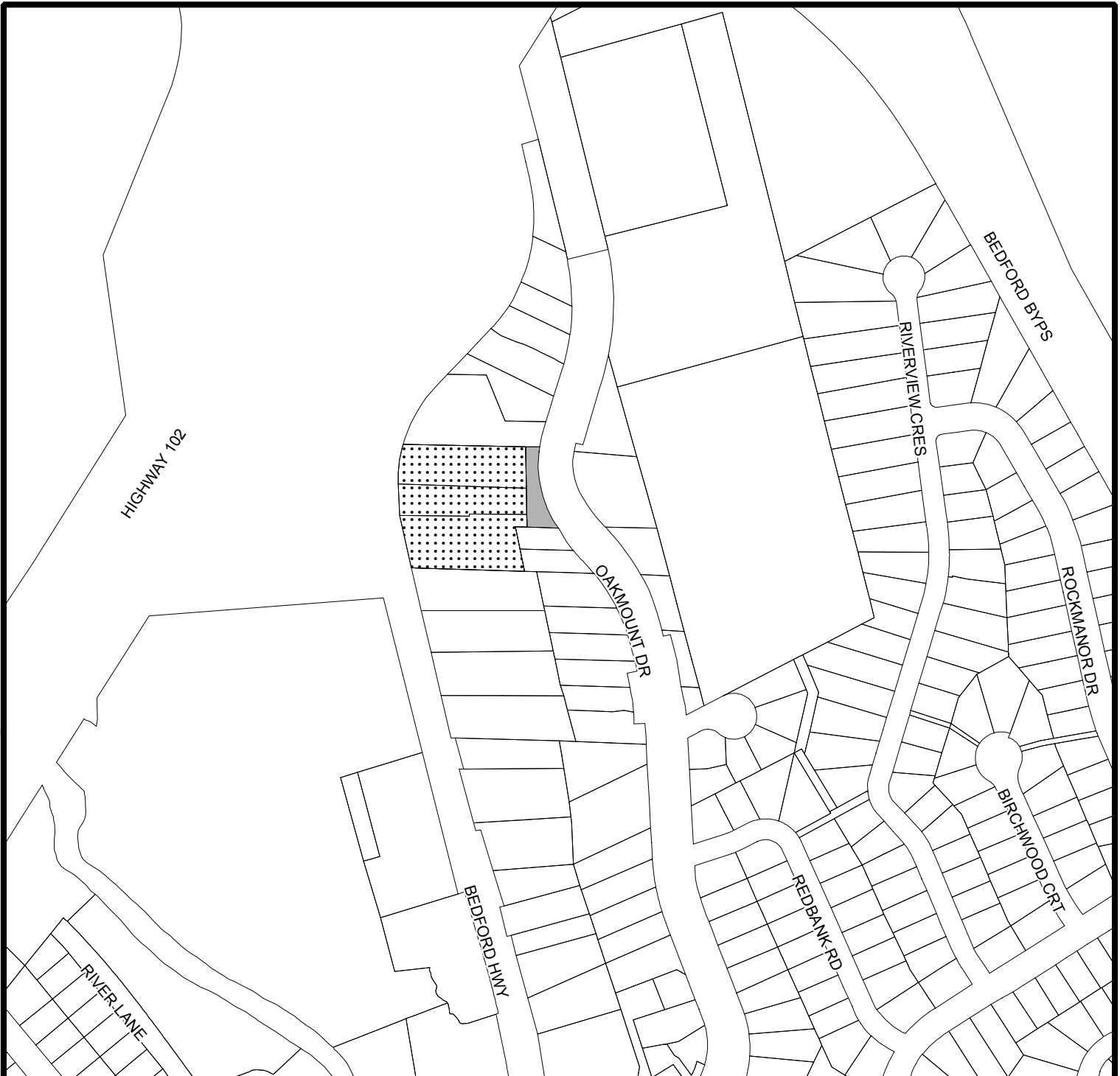
Zone	
RSU	Single Dwelling Unit Zone
RTU	Two Dwelling Unit Zone
RMU	Multiple Unit Dwelling Zone
RCDD	Residential Comprehensive Development District
RR	Residential Reserve Zone
SI	Institutional Zone
SU	Utilities Zone
P	Park Zone
CGB	General Business District Zone
CHWY	Highway Oriented Commercial Zone
CSC	Shopping Centre Zone
CCDD	Commercial Comprehensive Development District
ILI	Light Industrial Zone
FW	Floodway Zone

**HALIFAX**



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

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



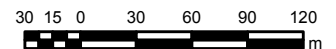
Appendix F  
Lands exempt from lot frontage requirements



Lands exempt from lot frontage requirements



Nova Scotia Transportation and Infrastructure Renewal lands



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

Bedford  
Plan Area

**ATTACHMENT C**  
**Relevant Existing MPS Policies (Bedford MPS)**

Commercial Objective:

- (c) There are several large parcels of land which have been identified as appropriate locations for additional commercial activity. Through the provisions of Policy C-7 Council shall create a Commercial Comprehensive Development District (CCDD) land use designation as well as a CCDD Zone. Policy C-8 itemizes evaluation criteria for Council to consider with CCDD development agreement applications while Policy C-9 allows for the eventual discharge of these agreements.

The first CCDD area referred to is the area generally known as Cushing Hill, situated at the northern entrance to the Town. The second area is located on the Hammonds Plains Road, between Village Crescent and the Highway 102 Interchange, and was designated commercial under the Town's previous Municipal Development Plan (Policy C-11). The third area is located beside Paper Mill Lake opposite the second CCDD area (Policy C-12). The fourth CCDD area includes the sites of the Travellers' Motel and Esquire Motel located at the southern end of the Town (see Map 3 & Policy C-13). If these properties are developed in conjunction with phase two of the waterfront project, an MPS/LUB amendment can be considered to re-designate and re-zone these properties from CCDD to WFCDD which would allow these properties to be developed comprehensively within the waterfront in accordance with the WFCDD Zone. The fifth CCDD is located at the northern corner of Hammonds Plains Road and the Bedford Highway (Map 3 and Policy C-14). (RC-Mar6/07;E-Apr7/07)

CCDD development will require commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in draft Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

The location of these areas is such that they should be approached in a comprehensive manner to ensure the best utilization of the sites, as well as compatibility with adjacent land uses. In an effort to achieve the most appropriate development, and to allow for innovation and flexibility in design, these areas will be designated as commercial comprehensive development districts (CCDD). The purpose of a CCDD is to allow for developments which emphasize the unique characteristics of a site in terms of its location within the Town, its unique physical

characteristics, its overall size and its relationship to adjoining, existing or proposed uses.

### **Location of Commercial Uses**

#### **Policy C-1:**

It shall be the intention of Town Council to consider proposals for commercial development in areas designated Commercial, Mainstreet Commercial, and Commercial Comprehensive Development District on the Generalized Future Land Use Map provided that all applicable policies of this strategy are met.

### **Types of Commercial Uses**

#### **Policy C-3:**

It shall be the intention of Town Council to encourage a range of commercial uses sufficient to serve community needs within the Town and surrounding areas through provisions in the Land Use By-law to create the following zones:

...

§ Commercial Comprehensive Development District Zone (CCDD) which permits mixed use projects including, but not limited to, single and two unit dwellings, townhouses, multiple-unit buildings, office buildings, neighbourhood commercial uses, CGB Zone uses, convention facilities, and recycling depots.

...

The CHWY Zone shall be applied in the general vicinity of the Bedford Highway in the area between the Highway 101/102 interchange and the Sackville River at Union Street as well as on a number of properties along Rocky Lake Drive. The CCDD Zone shall be applied to the Cushing Hill area, Sobeys Shopping Centre at Hammonds Plains Road, areas east and south of the Highway 102/Hammonds Plains Road interchange, and east of the Bedford Highway at the municipal boundary with Halifax. The extent and purpose of the CMC Zone is explained in Policies C-19 to C-29B.

### **Commercial Comprehensive Development Districts**

#### **Policy C-7:**

It shall be the intention of Town Council to designate the lands shown on Map 3 as Commercial Comprehensive Development Districts, and in the Land Use By-Law the lands shall be zoned Commercial Comprehensive Development District (CCDD). The CCDD Zone will permit mixed use, residential/commercial projects, including single unit dwellings, two unit dwellings, multiple-unit buildings, senior residential complexes, neighbourhood commercial, office buildings, CGB Zone uses, convention facilities, recycling depots, park uses, and institutional uses. Existing uses within the CCDD Zones shall be considered as permitted uses and be allowed to continue operation.

It shall be the intention of Town Council to require development of commercial uses on 50% of each CCDD site and further, that multiple unit buildings not be permitted to occupy more than 25% of a CCDD site. Multiple unit buildings shall be

constructed in accordance with the RMU zone requirements. Maximum building height may be increased to four stories in the case of sloped lots where the building is designed to fit the natural topography of the site. Lot area requirements shall be calculated on the basis of 2000 square feet per unit, regardless the unit size. Lot area associated with each building may be reduced in size to increase the common open space. The architectural, landscaping, and streetscape considerations for multiple unit buildings within the RCDD zone, as articulated in Policies R-12A, R-12B and R-12C, shall apply to multiple unit developments within the CCDD zone.

Policy C-8:

It shall be the intention of Town Council to enter into Development Agreements pursuant to the Planning Act with the owners of the lands zoned Commercial Comprehensive Development District to carry out the proposed commercial and mixed use commercial/residential development(s) provided that all applicable policies of this document are met. In considering applications Council shall have regard to whether the proposed land use emphasizes the unique features of the site in terms of its location within the Town, its unique physical characteristics, its overall size and the relationship developed with adjoining existing or proposed uses. A special emphasis on the conservation of the natural environment including features such as watercourses, lakes, trees, and the natural topography shall be highlighted in the development proposal.

Policy C-9:

It shall be the intention of Town Council to consider discharging the agreements made pursuant to Policy C-8 upon the completion of the development. Council may thereafter zone the CCDD in such a manner as to be consistent with the development, by creating a specific zone for the site which incorporates the uses provided for in the development agreement as well as provisions consistent with Sections 53 and 54 of the Planning Act.



**ATTACHMENT D**  
**Relevant LUB Regulations (Bedford)**

**PART 4: USES PERMITTED BY DEVELOPMENT AGREEMENT**

1. Council may by resolution under the authority of Section 55 or 56 of the Planning Act, approve any specific Development proposal as provided for in the policies in the Municipal Planning Strategy.
2. Approval by Council under Part 4, Section 1 shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as enabled by the Planning Act.
3. The Municipal Planning Strategy provides that the following shall be dealt with by Development Agreement in accordance with Residential Policies R-8 to R-17, R-27, R-27A, R-27B (RC-Jan 13/09;E-Feb 28/09), R-28 and R-31 (RC-Mar 6/07;E-Apr 7/07); Commercial Policies C-4, C-4a (RC-Mar 6/07;E-Apr 7/07), C-5, C-7 to C-15, C-18, C-20, C-29A, C-31 to C-32; Waterfront Policies WF-20 to WF-23; Industrial Policies I-2, I-4 and I-7; Institutional Policy S-7 ; Environmental Policies E-4 to E-8, E-11, E-14 and E-45; and Implementation Policy Z-2.
  - d) Within the Commercial Comprehensive Development District designation on the Generalized Future Land Use Map, a development agreement may be considered for mixed commercial and residential development as provided for in Policies C-7 to C-15.

## PART 6: RESIDENTIAL SINGLE DWELLING UNIT (RSU) ZONE

No development permit shall be issued in a Residential Single Dwelling Unit (RSU) Zone except for one or more of the following uses:

- a) single detached dwelling units;
- b) neighbourhood parks;
- c) special care facilities for up to 10 residents;
- d) uses accessory to the foregoing uses.
- e) existing two unit dwellings as follows:

### Address

11 Olive Avenue (LRIS # 419440)  
37 Olive Avenue (LRIS # 419465)  
65 Olive Avenue (LRIS # 487868)  
24 Olive Avenue (LRIS # 40566630)  
380 & 382 Hammonds Plains Road (LRIS #s 473405, 40080616)  
384 & 386 Hammonds Plains Road (LRIS #s 473413, 40070765)  
388 & 390 Hammonds Plains Road (LRIS #s 473421, 417345)  
20 Emmerson Street (LRIS #433631) (RC-Jul 8/04;E-Jul 10/04)  
23 Olive Avenue (LRIS # 41399692) (NWCC-Sep 15/14;E-Oct 11/14)  
165 & 167 High Street (LRIS # 41056110) (NWCC-Sep 15/14;E-Oct 11/14)

### ZONE REQUIREMENTS RSU

In any Residential Single Dwelling Unit (RSU) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area .....	6,000 Sq. Ft. serviced;
Minimum Lot Frontage .....	60 Ft.
Minimum Front Yard.....	Local and Collector Streets 15 Ft.; 30 Ft. Arterial Streets
Minimum Rear Yard .....	20 Ft.
Minimum Side Yard.....	8 Ft.
Minimum Flankage Yard .....	15 Ft. Local and Collector Streets; 30 Ft. Arterial Streets
Maximum Height of Building.....	35 Ft.
Maximum Number of Dwelling Units on Lot .....	1
Maximum Lot Coverage .....	35%

PART 15: HIGHWAY ORIENTED COMMERCIAL (CHWY) ZONE

No development permit shall be issued in a Highway Oriented Commercial (CHWY) Zone except for one or more of the following uses:

- a) service stations
- b) automotive vehicles, parts, & accessories sales and services
- c) clinics
- d) drive-in and take-out restaurants
- e) garden markets
- f) motels, hotels, guest homes
- g) trailer/mobile home sales
- h) neighbourhood convenience stores
- i) commercial parking lots
- j) display or model homes
- k) public garages
- l) general retail and rental shops
- m) drycleaning depots
- n) funeral homes
- o) veterinary clinics
- p) recycling depots
- q) office uses
- r) uses accessory to the foregoing uses. (NWCC-Aug 9/07;E-Sep 1/07)

ZONE REQUIREMENTS CHWY

In any Highway Oriented Commercial (CHWY) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	.....20,000 sq. feet	
Minimum Lot Frontage	.....	100 ft.
Minimum Front Yard	..... <u>15 ft. setback</u>	
Minimum Rear Yard	.....0 ft., except 40 ft. from property zoned residential	
Minimum Side Yard	.....0 ft., except 40 ft. from property zoned residential	
Maximum Height of Building	..... 35 ft.	
Maximum Number of Dwelling Units/Lot	..... 0	
Lot Coverage	..... 50%	

SPECIAL REQUIREMENTS: OFFICE USES

Where office uses are not accessory to other permitted uses in this zone, they shall not be located on the ground floor of any building.

**PART 16: COMMERCIAL COMPREHENSIVE DEVELOPMENT DISTRICT (CCDD) ZONE**

- 1) No development permit shall be issued for a development in a CCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by a resolution of Council.
- 2) The following uses maybe permitted in a CCDD Zone:
  - a) single unit dwellings
  - b) two unit dwellings
  - c) townhouse dwellings;
  - d) multiple unit buildings;
  - e) neighbourhood commercial uses;
  - f) office buildings;
  - g) Central Business District uses (CGB Zone uses);
  - h) convention facilities;
  - i) institutional facilities (SI Zone uses);
  - j) parks and recreational uses;
  - k) existing uses, as follows: Traveller's Motel, Esquire Motel, Clearwater Lobsters Ltd., and residential uses at Civic # 1763 to 1805 Bedford Highway;
  - l) recycling depot
  - m) billiard/snooker club
  - n) any uses accessory to the foregoing uses.
- 3) A CCDD Zone shall be applied only to sites identified CCDD on the Generalized Future Land Use Map.
- 4) In the event Council approves the proposal, approval shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct. This agreement shall be registered with the land and be binding on any subsequent owners of the land. Council may discharge the agreement upon the completion of particular phases of the development pursuant to Policy C-9 of the Municipal Planning Strategy.
- 5) Notwithstanding anything in this By-law, the lot size, front yard, side yard, rear yard and height restrictions shall be described in the Development Agreement made between Council and the developer pursuant to Sections 66 and 67 of the Planning Act and policies C-7 to C-15 of the Municipal Planning Strategy.
- 6) SPECIAL REQUIREMENTS FOR EXISTING USE: 757 BEDFORD HIGHWAY (NWCC-Jul 9/18;E-Jul 2/18)

Notwithstanding Clauses (1) to (5) of this Part, the following shall apply to the

property at 757 Bedford Highway:

- a) In this Clause, “building” means the building legally in place on July 9, 2018;
- b) The building and lands shall be used only for the purposes of retail and wholesale sales of seafood products and associated office and service space;
- c) Retail uses are permitted only on the ground floor and must face the Bedford Highway;
- d) The second, third and fourth floors shall be used for office space;
- e) On the portion of 757 Bedford Highway zoned CCDD, the building may be expanded to extend within the Halifax Plan Area, subject to the requirements of the Halifax Mainland Land Use By-law. No addition within the CCDD Zone shall be closer to the front property line than the building, nor shall the addition be taller than the building;
- f) Outdoor storage in any service area shall be screened with a combination of shrubs and an opaque fence.

Any development on 757 Bedford Highway other than the uses permitted under Clause (6) of this Part shall comply with the requirements of Clauses (1) to (5) of this Part.

**ATTACHMENT E**  
**Workshop Survey May 28, 2012**

(compiled from surveys submitted at and following the May 28, 2012 Public Meeting/Workshop)

NOTE: number of residents indicating a preference are shown numerically.

**Part 1: Location**

**1.1 Do you own property in the following areas?**

- |    |   |
|----|---|
| 1  | Own property within the Cushing Hill CCDD.                  |
| 26 | Own property within the Oakmount Subdivision.               |
| 1  | Own property near or abutting the Oakmount Subdivision area |
| 2  | Other   |

**1.2 Please provide your civic address  
Excluded from Summary**

**Part 2: Site Challenges**

**2.1 Please identify any site challenges or issues you have with developing the Cushing Hill CCDD site:**

- Increased traffic on Oakmount Drive and Bedford Hwy.
- Near impossible to access Bedford Highway from Oakmount Drive.
- Oakmount speeds.
- No stoppong at Redbank stop sign.
- No sidewalks.
- Safety of children
- Cushing Hill CCDD should be divided into two separate things.
- Cushing Hill CCDD is one area and should not be divided.
- Cutting through Redbank and Rockmanor.
- Access to Oakmount Drive should not be allowed other than existing R1 properties.
- Access restrictions.
- Traffic capacity.
- Erosion / Siltation of Sackville River
- Grade of land (slopes) / Slope stabilization
- Number of residential units
- Left hand turns from Oakmount Dr. to Bedford Highway are life threatening in rush hour (need traffic lights).
- Adjacent property values / ability to sell adjacent property.
- Speeds.
- Noise (compatability).
- Exceeding existing densities.
- Concerned Oakmount Drive will become access for large scale development (apartments/hotel).
- Views

**2.2 What is the most important site challenge or issue that needs to be dealt with during the development of the site?**

7	Access / Egress – Bedford Highway	13	Land Uses
15	Access/ Egress – Oakmount Drive	12	Building Form (Height / Scale)
20	Traffic		
5	Site Grades		

Other:

- No through traffic on Oakmount Drive
- The property is unsuitable for commercial due to lack of access. Additional residential units are unsuitable due to existing traffic capacity of Oakmount Drive and Redbank Road. Erosion is deteriorating the existing uses. It makes no sense to have the property zoned commercial.
- Silt, brook, stormwater retention, oil grit separator, develop to LEED standards, 20 m setback from brook.

### Part 3: Opinion

**3.1 Do you feel commercial uses are appropriate over the entire Cushing Hill site?**

0 Yes

27 No , If no, please complete 3.1.2

3 Yes but only with access to Bedford Highway. **(Option provided by Resident)**

**3.1.2 If no, which part of the property is most appropriate for commercial land uses?**

7 Northern portion adjacent Highway 102 ramps/ Oakmount Drive

13 Southern portion adjacent Bedford Highway.

5 The property is totally unsuitable for commercial due to lack of access. **(Option provided by Resident)**

**3.2 Do you feel residential uses (multiple unit/ townhouses) are appropriate over the entire Cushing Hill site?**

4 Yes

24 No , If no, please complete 3.2.2

2 Yes but only with access to Bedford Highway. **(Option provided by Resident)**

**3.2.2 If no, which part of the property is most appropriate for residential land uses?**

17 Northern portion adjacent Highway 102 ramps/ Oakmount Drive.

0 Southern portion adjacent Bedford Highway.

1 Not suitable for residential. **(Option provided by Resident).**

1 Not suitable for multi residential **(Option provided by Resident).**

Comments:

- Not well informed enough to answer this question at this time.

**3.3 Please review the CCDD land uses which can be considered currently, if staff were to create new policy, are there CCDD uses which should not be considered on this site?**

- Should not include multiple unit dwellings.
- No drinking establishments.
- No hotels
- Recycling depot
- Commercial uses

- Billiard/Snooker Club
- Residential development beyond existing developed density.
- No large-scale development.
- Anything that would greatly increase traffic on Oakmount Drive.
- Single unit dwellings

**Why?**

- It is a low-density residential area and should remain so.
- No sidewalks.
- No traffic lights.
- Increased numbers of children and elderly. Not safe to walk.
- Noise
- Poor access
- No sensible entrepreneur would buy a property for commercial use with no access.
- Increase traffic.
- No identified benefits to the community.

**Are there other land uses which may be appropriate on this site which are not included in the CCDD Zone?**

- Parkland.
- Existing residential.

**3.4 Do you feel access to Oakmount Drive is appropriate for residential uses only?**

**20** Yes

**3** Yes, depends on density. **(Option provided by Resident)**

**7** No , Why?

- Traffic
- Safety
- Density
- Depends on the amount proposed.
- Only for existing low density residential.

**3.5 Please provide any general comments you may have on the site and the planning process.**

- The current requirement to develop all CCDD lands under one proposal should remain. Too easy to work around By-laws if developed as multi parcels. Sewer is an issue on Oakmount/Redbank. Sink hole and run off between 72 and 76 is washing our yards.
- Traffic on Oakmount is a concern as well as safety issues when trying to get on/off Bedford Highway. Cut through traffic on Redbank.
- Single Unit Dwellings only on Oakmount. Oakmount Drive cannot be used for an additional 52-100 vehicles. It is much too dangerous to homeowners there.
- It is unfortunate for the current owners that the property has such limited value/opportunity for development. It is not up to others to lose what we currently have in order to enhance the value/opportunity for other property owners who want to change their property. Nobody forced them to buy that property.



- As a resident of Oakmount Drive for years there has developed a strong sense of community, partly driven by the longevity of the homeowners (over 58 % original owners).
- Would make a nice park area.
- Residential uses only.
- I would prefer if Oakmount Drive retains existing single unit dwellings regardless of the CCDD evolution.
- No more housing/commercial buildings adding more traffic to Oakmount Drive.
- Break CCDD into 2 portions- totally separate access. Commercial development on southern portion should not interfere with view planes of existing residents on Oakmount.
- Restore brook, walking trail, create a large park/community garden. Concern with proper grade stabilization. Oil /Grit separator. Split parcel into two areas and create new policies.
- Concerned with property values. Absolutely no commercial site access from Oakmount Drive.
- Small number of residential units vs large scale residential development.
- Please keep all Oakmount residents informed regarding any potential development.
- Not appropriate for a hotel site or high-density development. Not suitable for any large-scale development.
- Oakmount Drive is too narrow for commercial traffic.
- There will be too much traffic. This has enough now.
- Bedford side should be commercial. Sackville side should be residential.
- Leave as single unit residential.



**NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING MINUTES  
June 20, 2016**

PRESENT: Ms. Ann Merritt, Chair  
Mr. Paul Russell, Vice Chair  
Mr. Ross Evans  
Mr. Brian Murray  
Mr. Evan MacDonald  
Mr. Kevin Copley  
Mr. Dave Haverstock  
Ms. Dianna Rievaj  
Councillor Tim Outhit

STAFF: Mr. Andrew Bone, Major Projects Planner  
Mr. Liam MacSween, Legislative Assistant

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

*The agenda, supporting documents, and information items circulated to the North West Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/NWPAC/160620nwpac-agenda.php>*

*The meeting was called to order at 7:00 p.m. and adjourned at 8:42 p.m.*

**1. CALL TO ORDER**

Ms. Ann Merritt, Chair called the meeting to order in the Cafeteria of Basinview Community School, 274 Basinview Drive, Bedford. She described the role of the Planning Advisory Committee in hosting the public meeting and outlined the process for the public meeting.

**2. PUBLIC PARTICIPATION**

**2.1 Case 17272 - Application by North West Community Council to review the Cushing Hill Commercial Comprehensive Development District (CCDD) policies to consider new policy related to commercial and/or residential development on the lands. The Cushing Hill CCDD is located opposite and north east of the Royal Canadian Legion (1772 Bedford Highway) and is comprised of nine parcels of land including 1763, 1775, 1781 and 1789 Bedford Highway, and 122, 128, 134, 136 and 144 Oakmount Drive, Bedford. Further the proposed change includes additional lands at 1753, 1757 and 1761 Bedford Highway, Bedford.**

Mr. Andrew Bone, Planner, provided a presentation in relation to Case 17272. He noted that the purpose of the meeting is a preliminary review of the application to gain public input and stated that no decisions in relation to the application will be made at the current time. He displayed the site plan and provided background information in relation to the proposal.

Ms. Ann Merritt thanked Mr. Bone for his presentation and provided commentary on the rules of procedure regarding public meetings. She called for speakers to come forward and comment on Case 17272.

**Mr. Walter Reagan**, of the Sackville Rivers Association commented that any development should include extensive tree retention. He advised that any development activity on the site should include extensive and complete silt control, along with a storm water treatment including the installation of oil grit separators. Mr. Reagan advised that extensive landscaping should take place to ensure that the property looks good and that a 20 meter setback from Oakmount Brook should be considered to ensure there is no impact on the watercourse. He advised that sidewalk construction is very important for the area and that the land would make a great location for a park.

**Mr. Reg Jones**, of Bedford requested further information with respect to the allowable density for the area under the current zoning. He also stated the importance of ensuring emergency accesses and exits to the subject property and surrounding neighborhood if residential development takes place on the subject property.

**Mr. Jack Reid**, of Oakmount Drive stated that he has lived on the street since 1964. He noted that in recent years a great deal of young people have started to come back to the neighborhood noting that it is a great place to live. He advised of his opinion that development on the site will ruin the area and noted that the land on the subject property is very steep and comprised of loose material. He concluded by noting his opposition for development activities on the subject area.

**Mr. Harold Pelham**, of 102 Oakmount Drive, noted his concern with the proposed density figures for the area stating that multi-unit residential development could add approximately 300 people and 200 cars to the area. He advised that safe access to the Bedford Highway and Highways 101 and 102 must be carefully considered as part of any development proposal as well as an emergency evacuation plan for the surrounding area. He commented that it is a good idea to delineate two parcels of land for differentiating uses (residential and commercial) as well as to ensure that Development Agreements are in place. He noted his opinion that a commercial use for the area would be quite difficult to implement given the difficulty of safe vehicular access to and from the site and on to the surrounding road infrastructure.

**Ms. Dianne Das**, of 10 Redbank Road, noted her concern in relation to traffic issues in the area stating that many motorists cut through her street to avoid the intersection at Rocky Lake Road. She advised that traffic has dramatically increased in the area because of this. She further advised that if the proposed policy goes through, there will be a great deal more traffic within an area that cannot support it. She advised that any development for the area should not be considered until such time as the traffic infrastructure with safe access from lower Oakmount Drive and the surrounding road infrastructure are upgraded.

Mr. Bone provided commentary on the following:

- The proposed density of 50 persons per acre for the area includes the commercial development as well as the residential.
- The provincial government is still working on the accesses to the highways which are tied into the Duke Street improvements to Burnside Drive. He advised that the work was slated to be completed at the present time but there were issues with respect to land acquisitions. He noted that staff will remain in communication with the province to see how the work is progressing.

**Mr. Birman Das**, of 10 Redbank Road, noted that he has lived in the area for 32 years and advised of the underlying issue that there will be too many people coming and going in an area that cannot support the increased activity. He noted that road upgrades, particularly safe accesses and exits to Oakmount drive and the surrounding road infrastructure is a necessity before development should be considered.

**Mr. Paul Selig**, of 77 Rock Manor Drive, advised that many people have been driving through his street to avoid the lights going in to the Superstore on the Bedford Highway. He advised that many motorists totally ignore the stop sign on Rock Manor Drive and advised that the proposed development would likely not solve this problem. He requested further information in relation to the proximity of the proposed development to the Bedford Commons.

Councillor Outhit noted that traffic counts have been conducted on Redbank Road within the last two to three years for the purposes of traffic signalization. He advised that a traffic count of 3000 vehicles in necessary for the installation of lights and that the last figures recorded came in at less than half of that. He noted that the traffic authority will continue to monitor the street.

**Ms. Cynthia Fox**, of Bedford reiterated the concerns of previous speakers in relation to erosion, traffic concerns, the installation of sidewalks and the proposed density for the area. She advised that more can be done with respect to cutting grass on the subject property for safety purposes. She commented that the whole development should be put on hold until the 102 exchange is completed by the Province and provided further commentary in relation to speed monitoring in the area. She concluded by expressing disappointment that the committee membership was not introduced at the beginning of the meeting and that the public sign-up sheet was not circulated in a more robust fashion. She further advised that the timing of the public meeting is not optimal given that it is taking place at the beginning of the summer when many residents are unavailable.

Ms. Merritt apologized for not introducing the members of the North West Planning Advisory Committee at the beginning of the meeting. She introduced each member of the committee and reiterated their role within the planning process. She requested further speakers to come forward.

**Mr. Glen Mason** of 86 Oakmount Drive requested further information in relation to the proposed density of the area and whether or not there is demand for a hotel use for the subject property. He commented that he is concerned about multi-unit dwellings going up in the area given the amount of people that will be placed in a relatively small area. He advised that rental buildings will likely fall into disrepair after several years becoming an eyesore. He inquired if there has been any consideration to single family homes as opposed to multi-unit residential properties and requested that staff and council ensure that the community is well informed of what is happening with the site.

Mr. Bone provided commentary on the following:

- The density numbers used by staff are fairly conservative noting that the calculations that are used are based on census numbers which differ among dwelling units. He advised that generally the numbers are accurate.
- Municipal staff only considers the applications on the basis of what is allowable under the Land Use By-law and planning policies. He advised that it is up to the developers to figure out what type of use is marketable and allowable under the policy. He advised that traffic impact studies and stormwater/waste water management plans for the site are required as part of the planning process. He advised that findings from these studies could impact what happens with the subject area.
- In terms of compatibility for the area, Mr. Bone advised that staff base its planning policies on design guidelines which for sustainable community building. He noted that there are pros and cons to each type of development scenario noting that if multi-unit residential is development is done properly, it can have less of an impact on surrounding areas and existing neighbourhood's given that less land is used. He noted that this allows for natural buffering and landscaping to be implemented, and other factors such as underground parking can be considered to lessen the impact of vehicle parking. He further noted that Council has the ability to advise otherwise on the basis of what is the best fit for the community.

Councillor Outhit provided further commentary on the development agreement process which allows for Council to set boundaries with respect to what is allowable for development on the site. He reiterated that Council cannot make decisions with respect to traffic signalization as this is a role of the traffic authority which is independent of Council. He advised that there have been no decisions made with respect to the application and that there are plenty of opportunities for members of the public to provide input before any decision on the matter is made.

Mr. Bone reiterated that the purpose of the public meeting is to gain feedback from the community first, and then to meet with the property owners to make them aware of the public's comments and concerns. He noted that the application will be discussed in further detail by the Planning Advisory Committee and then a report will be prepared for North West Community Council for their input and recommendation before it is forwarded to Regional Council to schedule a public hearing and ultimately render a decision on the matter. He advised that there are more opportunities for the public to provide input, particularly when the public hearing is scheduled by Regional Council, whereby citizens can come to the meeting and address Council before a decision is made on the policy. He further advised that he can be contacted to answer questions and concerns as the process proceeds.

**Ms. Mary Jay**, advised that she is the daughter of the owner of 128 Oakmount Drive. She reiterated earlier comments in relation to traffic issues and requested further detail with respect to timelines for the proposed development. She noted concern in relation to property values in the area and if there are any plans to remove derelict properties within the subject area.

Mr. Bone advised that at this point, a report could be prepared for Regional Council by mid to late fall and a policy could be in place by December. He noted that after a policy is in place, than an applicant would need to file an application for development. He noted that the application would trigger a year long process which includes full public engagement. He noted that if all these conditions are met, it would unlikely that any development would take place until 2018.

Councillor Outhit advised that there are Dangerous and Unsightly files open on some of the properties on the subject area to address concerns in relation to safety.

**Ms. Merna Sutherland**, of 35 Oakmount Drive commented that the occupants of the area distributed a letter in relation to citizen concerns for the subject area in 2005. She advised that she would like to submit a copy to Council as the concerns are still relevant for the present day.

Ms. Sutherland provided a copy of the letter to the Legislative Assistant for distribution to members of North West Community Council.

**Mr. Tony MacKay**, of Bedford advised that he is against the proposal for multi-unit development and noted that single family homes would be a better fit for the area given that it will have a lesser impact on traffic.

Ms. Merritt called three times for speakers. There were no speakers present.

Mr. Bone advised that he will take the information away from the meeting to incorporate in his draft report. He provided his contact information to members of the public to contact him in relation to the proposal.

Ms. Merritt thanked all those in attendance for taking part in the meeting and advised that the commentary from those who had spoken will be reflected in the minutes.

### **3.0 ADJOURNMENT**

The Chair adjourned the meeting at 8:42 p.m.

Liam MacSween  
Legislative Assistant



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## MEMORANDUM

TO: Chair and Members of North West Community Council  
CC: Mr. Andrew Bone, Planner III

FROM: Ms. Ann Merritt, Chair, North West Planning Advisory Committee

DATE: August 11, 2016

**SUBJECT: Case 17272: Application by North West Community Council (NWCC) to review the Cushing Hill Commercial Comprehensive Development District (CCDD) policies to consider new policy related to commercial and/or residential development on the lands within the CCDD.**

The North West Planning Advisory Committee received a staff memorandum and attachment package dated June 22, 2016 and heard a staff presentation on Case 17272 at their meeting held on August 3, 2016. The following recommendation was passed:

*THAT the North West Planning Advisory Committee has reviewed the application for Case 17272: Application by North West Community Council (NWCC) to review the Cushing Hill Commercial Comprehensive Development District (CCDD) policies to consider new policy related to commercial and/or residential development on the lands within the CCDD and recommends rejection of the application as outlined in the memorandum and attachments package dated June 22, 2016.*

*It is further recommended by the North West Planning Advisory Committee that approval of the application for Case 17272 only be considered if the following conditions are met:*

- *That the subject property be separated in to sections A & B as proposed in the memorandum and attachments package dated June 22, 2016.*
- *That the entirety of Area A be zoned RSU.*
- *That the zoning for Area B remain CCDD which also includes the expansion of the two lots.*
- *That further policy changes only be considered upon receipt of a traffic engineering study for Area B*

This recommendation has been provided to HRM planning staff for review and consideration, and will be addressed in their staff report to the North West Community Council.

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Office of the Municipal Clerk

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