

RE: 16.1



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MEMORANDUM

TO: Krista Vining, Legislative Assistant, Office of the Municipal Clerk

FROM: Tyson Simms, Planner II

DATE: June 6, 2017

SUBJECT: **Recommendation and Revised Council Motion - Case 19626: Development Agreement for Multiple Unit Residential Dwelling and Commercial Development at 836 and 842 Portland Street, Dartmouth**

Please be advised, staff have identified items for correction in the recommendation section of the supplementary report dated June 1, 2017. As part of the staff recommendation report, dated August 16, 2016, Council was presented with a recommendation and information pertaining to the discharge of an existing development agreement from the subject site. The community council supplementary report, dated June 1, 2017, does not contain a recommendation to discharge an existing development agreement. This represents an omission as a recommendation to discharge an existing development agreement should have been included. As such, Staff are providing Community Council with the following revised recommendation:

It is recommended that Harbour East-Marine Drive Community Council:

1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary report dated June 1, 2017, to permit two commercial buildings and a multiple unit residential dwelling at 836 and 842 Portland Street, Dartmouth;
 2. Require that the proposed development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.
 3. Approve, by resolution, the discharge of the existing development agreement that applies to the lands as shown in Attachment D of the staff recommendation report dated August 16, 2016, to take effect upon the registration of the new development agreement; and
 4. Require the discharge agreement be signed by the property owner within 120 days, or any extension thereof, granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.
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