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Item No. 13.1.1
North West Community Council
June 11, 2018

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Acting Director, Planning and Development

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Brad Anguish, A/Chief Administrative Officer

DATE: May 17, 2018

SUBJECT: **Case 17602: Time Extension for Signing of Development Agreement for Monarch Drive and Majestic Avenue, Beaver Bank**

ORIGIN

- Application by Ramar Developments Limited;
- On June 12, 2017, North West Community Council approved a development agreement allowing a small scale residential subdivision at the northern corner of Monarch Drive and Majestic Avenue in Beaver Bank; and
- Additional time extension of 120 days for signing the approval development agreement has been requested.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Require that the development agreement for Case 17602 be signed by the property owner within 485 days (an extension of an additional 120 days from the original 365 days), or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND / DISCUSSION

On June 12, 2017, North West Community Council (NWCC) approved a development agreement to allow a small scale residential subdivision at the northern corner of Monarch Drive and Majestic Avenue in Beaver Bank.

Council's approval required that the agreement be signed by the property owner within 365 days from the conclusion of the appeal period of NWCCs approval (July 1, 2017). The 365 days time-limit was intended to accommodate a land transfer between the property owner and HRM. Details regarding the land transfer are contained within the original March 24, 2017 staff report.

This transfer has not yet been finalized and must be completed before the agreement can be signed. Staff are working with the applicant to finalize the land transfer and expect the matter to be resolved in the near future. However, it is possible that the transaction may not be complete in time to sign the agreement as the 365-day signing period expires on July 1, 2018. Therefore, a request has been made to extend the signing period by 120 days for a total of 485 days.

Conclusion

Staff has reviewed the request to extend the timeline for the signing of the development agreement. Staff recommends that Community Council extend the time-limit set for the signing of the development agreement to provide the developer and staff the opportunity to finalize the land transfer.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2018/19 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and is described in the March 24, 2017 staff report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. North West Community Council may choose to approve an alternative time-limit for the signing of the Development Agreement.

2. North West Community Council may choose to refuse the proposed time extension for signing the development agreement, and in doing so, if the land transaction has not been completed by July 1, 2018 and the development agreement signed, the development agreement approved by Community Council on June 12, 2017 becomes void.

ATTACHMENTS

None

HRM web link to the staff report dated March 24, 2017 for Case 17602

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/170508nwcc1311.pdf>

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Report Approved by:

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