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Item No. 14.1.1
North West Community Council
October 16, 2023

TO: Chair and Members of North West Community Council

SUBMITTED BY:



Jacqueline Hamilton, Executive Director of Planning and Development

DATE: September 29, 2023

SUBJECT: **Case 24193: Request for additional time to sign the approved Development Agreement for 57 Sanctuary Court, Fall River**

ORIGIN

Request by 3260579 Nova Scotia Limited (Arbor Plant Health Care).

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council require that the development agreement for Case 24193 be signed by the property owner within 360 days (an extension of an additional 120 days from the original 240 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 February 27, 2023, North West Community Council (NWCC) approved a development agreement to change the existing land use from an equestrian facility use to a tree service use within the existing buildings on 57 Sanctuary Court, Fall River. The development agreement allows for the renovation of the existing buildings to accommodate indoor storage or equipment and vehicles; a repair shop; office space; and an indoor greenhouse. In addition to the renovation of the existing buildings, the agreement permits an outdoor storage area to be used for wood chip piles behind the existing buildings, away from Sanctuary Court; and requires a minimum of six (6) parking spaces.

As part of Community Council's approval, the landowner is required to consolidate the three (3) existing lots and re-subdivide the lands into five (5) new lots. The resulting recording particulars of the subdivision application are required to be provided to staff prior to the signing and registration of the agreement. The landowner has been actively pursuing the required subdivision and resulting property descriptions, but it has taken more time than was initially expected. Additionally, the landowner has indicated that they require time to complete the deeds package of the newly created lots.

Typically, 120 days time is provided to allow for signing of the agreement, but in anticipation of the need for extra time to complete the subdivision application required in advance of registering the development agreement, the December 12, 2022 report¹ recommended doubling this time period to 240 days. Community Council's approved motion required the development agreement be signed by the property owner within 240 days from the conclusion of the applicable appeal period (March 13, 2023). If the development agreement is not signed by November 8, 2023 (240 days from March 13, 2023), the approval for the development agreement will be void.

Arbour Plant Health Care has requested additional time to sign the development agreement, to allow time to complete the subdivision application, including deeds package, and submission of recording particulars required to have the development agreement registered. The request is for an additional 120 days for a total of 360 days from the conclusion of the appeal of NWCC's approval (March 13, 2023). This extension would allow the additional needed time to complete the subdivision and allow for the agreement's registration.

Conclusion

Staff has reviewed the request to extend the timeframe for signing of the development agreement. The extension would have no impact on the previously approved development's provisions or requirements, and the agreement would remain consistent with all applicable planning policies. Staff recommends that Community Council extend the time limit set for the signing of the development agreement.

FINANCIAL 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 2023-2024 operating budget for Planning and Development.

¹ <https://www.halifax.ca/media/81176>

RISK CONSIDERATION

If Council were to refuse to extend the time to sign the agreement and the 240 days were to expire without the agreement being executed, the February 2023 decision of Community Council to approve the development agreement would be considered void.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and is described in the December 12, 2022 staff report for Case 24193.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified with this request for additional time to sign the development agreement.

ALTERNATIVES

1. North West Community Council may choose to approve an alternative timeframe for the signing of the development agreement.
2. North West Community Council may choose to refuse the requested time extension for signing the development agreement, in which case, if the development agreement were not be signed by November 8, 2023 the approval of Community Council becomes null and void.

ATTACHMENTS

None.

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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