



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

Item No. 16.1
Harbour East-Marine Drive Community Council
October 4, 2018

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: Original Signed

Kelly Denty, Director, Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: September 24, 2018

SUBJECT: **Case 20436: Time Extension for Signing of Development Agreement for
102 Albro Lake Road, Dartmouth**

ORIGIN

- Application by Shelley Dickey Land Use Planning on behalf of Chad Kennedy;
- June 7, 2018 approval of a development agreement to permit an automotive repair garage within an existing commercial building at 102 Albro Lake Road, Dartmouth; and
- Additional time extension of 120 days (for a total of 240 days) for signing the approved development agreement has been requested.

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council require that the development agreement for Case 20436 be signed by the property owner within 240 days (an extension of an additional 120 days from the original 120 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 7, 2018, Harbour East-Marine Drive Community Council (HEMDCC) approved a development agreement to permit an automotive repair business in an existing commercial building at 102 Albro Lake Road, Dartmouth.

HEMDCC's approval required that the agreement be signed by the property owner within 120 days from the conclusion of the appeal period of HEMDCC's approval (June 23, 2018). At the time of HEMDCC's approval, the applicant (Chad Kennedy) was in negotiations to purchase the property. As a result of an unforeseen delay in the purchase, it is possible that the transaction may not be complete in time to sign the agreement before the 120-day signing period expires on October 21, 2018. The applicant has requested an extension of the signing period by 60 days for a total of 180 days (Attachment A). To provide additional buffer and accommodate any additional unforeseen circumstances, staff are recommending Council extend the agreement for another 120 days, for a total of 240 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 applicant the opportunity to finalize the purchase of the property.

FINANCIAL IMPLICATIONS

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred to satisfy the terms of this amending development agreement. The administration of the development agreement can be carried out within the approved 2018-2019 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application for a development agreement has been considered under existing MPS policies. Community Council has the discretion to make decisions that are reasonably consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. In this case, Community Council has already approved the development agreement (on June 7, 2018), and the decision to approve the development agreement was not appealed to the N.S. Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy and is described in the staff report tabled at the June 7, 2018 HEMDCC meeting.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Harbour East-Marine Drive Community Council may choose to approve an alternative time limit for the signing of the Development Agreement.

2. Harbour East-Marine Drive 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 October 21, 2018 and the development agreement has not been signed, the development agreement approved by Community Council on June 7, 2018 becomes void.

ATTACHMENTS

Attachment A Time Extension Request from Applicant

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

Report Prepared by: Leah Perrin, Planner III, 902.490.4338

Original Signed

Report Approved by:

Kate Greene, Policy & Strategic Initiatives Program Manager, 902.225.6217

Original Signed

Report Approved by:

Eric Lucic, Manager, Regional Planning, 902.430.3954

Attachment A

Shelley Dickey Land Use Planning

September 24, 2018

Leah Perrin
Planner III
Policy & Strategic Initiatives
Planning and Development

Sent via email: perrinl@halifax.ca

**Re: Case 20436: Development Agreement 102 Albro Lake Road- Dartmouth
Time extension request**

Dear Ms. Perrin,

Further to our recent conversation I am requesting, on behalf of Chad Kennedy, an extension to the signing deadline for the above noted development agreement. This development agreement was approved by Harbour East Marine Drive Community Council on the 7th of June 2018 with the appeal period ending on the 23rd of June, 2018.

Due to unforeseen circumstances Mr. Kennedy was not able to finalize the purchase of 102 Albro Lake Road in a timely manner. The purchase of the property is now in the final stages, however, Mr. Kennedy may not be in the position to sign the development agreement before the end of the 120 day deadline as set out in Community Council's motion.

We are therefore requesting an extension of a further 60 days to the signing deadline to allow sufficient time to finalize and register this property transaction.

Please let me know if you require any additional information.

Sincerely,

Shelley Dickey