



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

Item No. 10.1.5
Halifax and West Community Council
September 15, 2015

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: _____
Bob Bjerke, Director of Planning and Development

DATE: August 24, 2015

SUBJECT: **Case 20067: Non-Substantive Amendments to an Existing Development Agreement for 372 Washmill Lake Drive, Halifax**

ORIGIN

Application by Arbor Vitalia Courtyard Properties Limited

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Approve, by resolution, the proposed amendments to the Stage II Development Agreement as contained in Attachment A of this report, to allow for the expansion of a private club house and the relocation of an associated parking area at 372 Washmill Lake Drive, Halifax.
2. Require the amending 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.

BACKGROUND

On November 25, 2014 Community Council approved an application from Arbor Vitalia Courtyard Properties for non-substantive amendments to an existing development agreement for lands at Vitalia Court off Washmill Lake Drive in Halifax (Case 19450). The application was for alterations to the design of a clubhouse and an associated parking area. As part of the approval, the Community Council required that the amending development agreement was to be signed by the applicant within 120 days. This requirement was not met. The applicant wishes to proceed with the proposed development and therefore has requested that Community Council re-approve the proposed amending development agreement.

DISCUSSION

The proposed amending development agreement (Attachment A) is identical to the amending development agreement that Community Council approved on November 25, 2014. Background information and discussion about the proposal may be found at:

<http://www.halifax.ca/Commcoun/west/documents/141125hwcc1011.pdf>

The new approval is only being sought on the basis that the 120 day document execution requirement was not met. The proposal continues to be consistent with the relevant policies of the MPS. It is therefore recommended that the Community Council approve the proposed amending agreement as contained in Attachment A.

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. As the process requires approval by resolution of council, neither a public information meeting nor a public hearing is required. In keeping with standard practices, information concerning the application has been made available on the HRM website.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified.

ALTERNATIVES

1. Community Council may choose to refuse to approve the amending agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. A decision of Community Council to refuse this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant. A decision of Community Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1
Map 2

Generalized Future Land Use Map (GFLUM) Map
Zoning Map

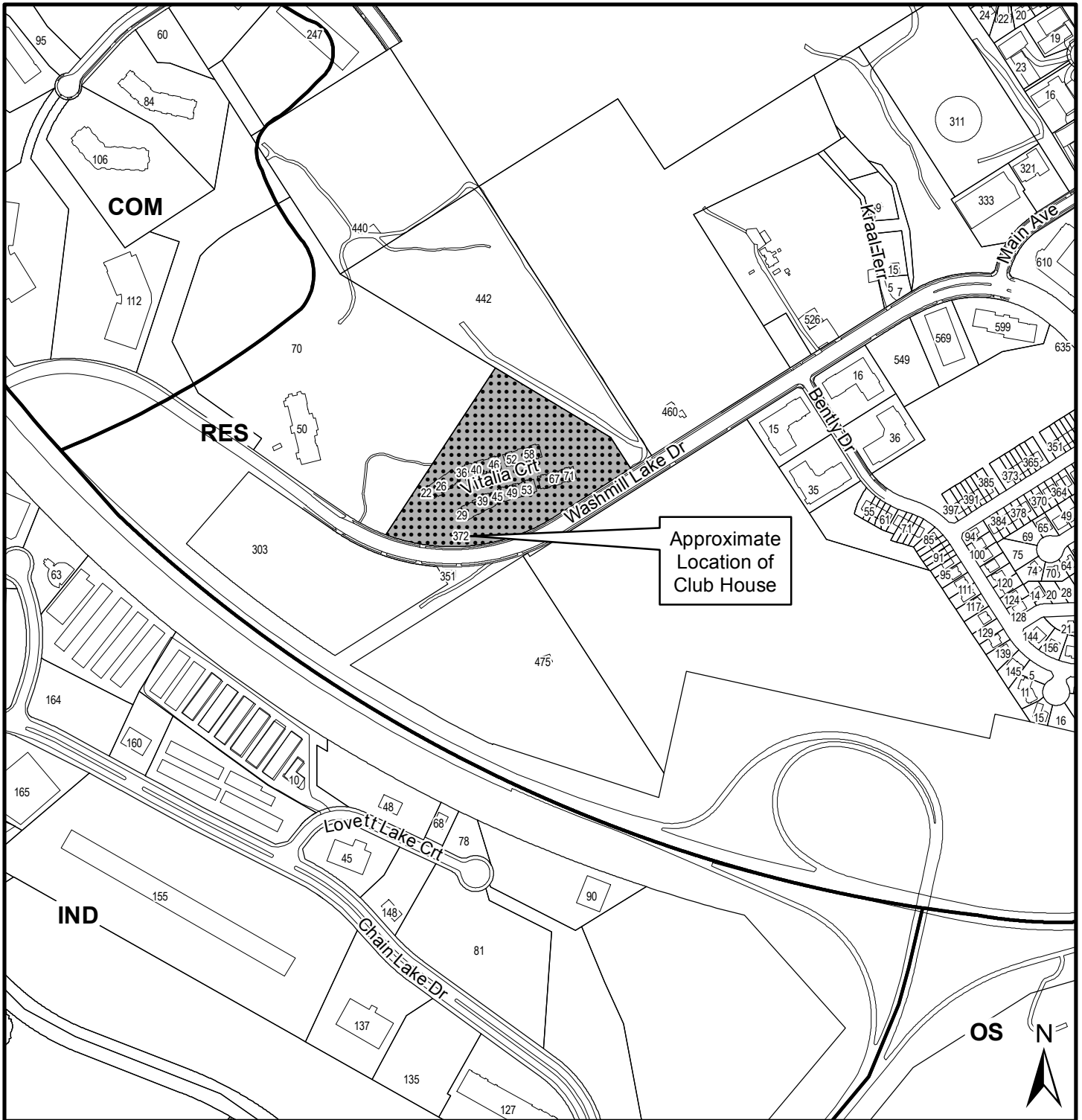
Attachment A Proposed Amending Agreement
 Schedule B-1 – Site Plan
 Schedule L1 – Front & Right Side Elevations
 Schedule M1 – Rear & Left Side Elevations

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Dali Salih, Planner, Development Approvals, 902- 490-1948


Original Signed

Report Approved by: _____
 Kelly Denty, Manager of Development Approvals, 902-490-4800



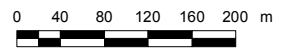
Map 1 - Generalized Future Land Use

372 Washmill Lake Drive
Halifax

 Subject Property

Designations

- RES Residential Environments
- COM Commercial
- IND Industrial
- OS Major Community Open Spaces



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.


Halifax
Plan Area



Map 2 - Zoning

372 Washmill Lake Drive
Halifax

 Subject Property

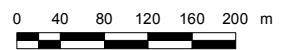
 Area of notification

Halifax Mainland
Land Use By-Law Area

Zones

- R-1 Single Family Dwelling
- R-2P General Residential
- R-4 Multiple Dwelling
- K Schedule K
- I-2 Radio Transmitter
- I-3 General Industrial
- PWS Protected Water Supply

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 Amending Agreement

THIS AMENDING AGREEMENT made this day of **[Insert Month]**, 20___,

BETWEEN:

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 372 Washmill Lake Drive, Halifax, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved a Stage I Development Agreement with Clayton Developments Limited and The Shaw Group Limited and Halifax Regional Water Commission to allow for the primary design and planning of a mixed commercial/residential development (Clayton Park West Phase 5) on January 4, 2010 (Municipal Case No. 01304), which said Development Agreement was registered at the Halifax County Land Registration Office as Document No. 95611076 (hereinafter called the "Existing Stage I Agreement");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved amendments to the Stage I Agreement to address density distribution, the maximum number of multiple units per development block, and the clarification of the Stage II approval process on February 6, 2012 (Municipal Case No. 17123), which said Amending Development Agreement was registered at the Halifax County Land Registration Office as Document No. 100476598 (hereinafter called the "First Amending Stage I Agreement");

AND WHEREAS the former Chebucto Community Council of the Halifax Regional Municipality approved a Stage II Development Agreement to allow for the development of Block C with a townhouse style residential development containing 35 dwelling units within six buildings and a private club house pursuant to the Existing Stage I Agreement, on May 7, 2012 (Municipal Case 17330), which said Stage II Development Agreement was registered at the Halifax County Land Registration Office as Document No. 101079938 (hereinafter called "Existing Stage II Agreement");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Stage II Agreement to expand the layout of the private club house pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to the Existing Stage I Agreement;

AND WHEREAS the Halifax and West Community Council of the Halifax Regional Municipality approved this request at a meeting held on [Insert-Date], referenced as Municipal Case No. 20067;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree that the Existing Stage II Agreement as amended be further amended as follows:

1. Section 3.1 of the Existing Stage II Agreement is amended by:

- a. deleting "Schedule B: Site Plan" and replacing it with "Schedule B-1: Site Plan";
- b. deleting "Schedule L: Front & Right Elevations, Club House" and replacing it with "Schedule L1: Front & Right Side Elevations"; and
- c. deleting "Schedule M: Left & Rear Elevations, Club House" and replacing it with "Schedule M1: Left & Rear Side Elevations".

2. The Existing Stage II Agreement is further amended by:

- a. deleting all references to "Schedule B" and replacing it with "Schedule B-1";
- b. deleting all references to "Schedule L" and replacing it with "Schedule L-1"; and
- c. deleting all references to "Schedule M" and replacing it with "Schedule M-1".

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

Per:_____

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Witness

Per:_____
MAYOR

Witness

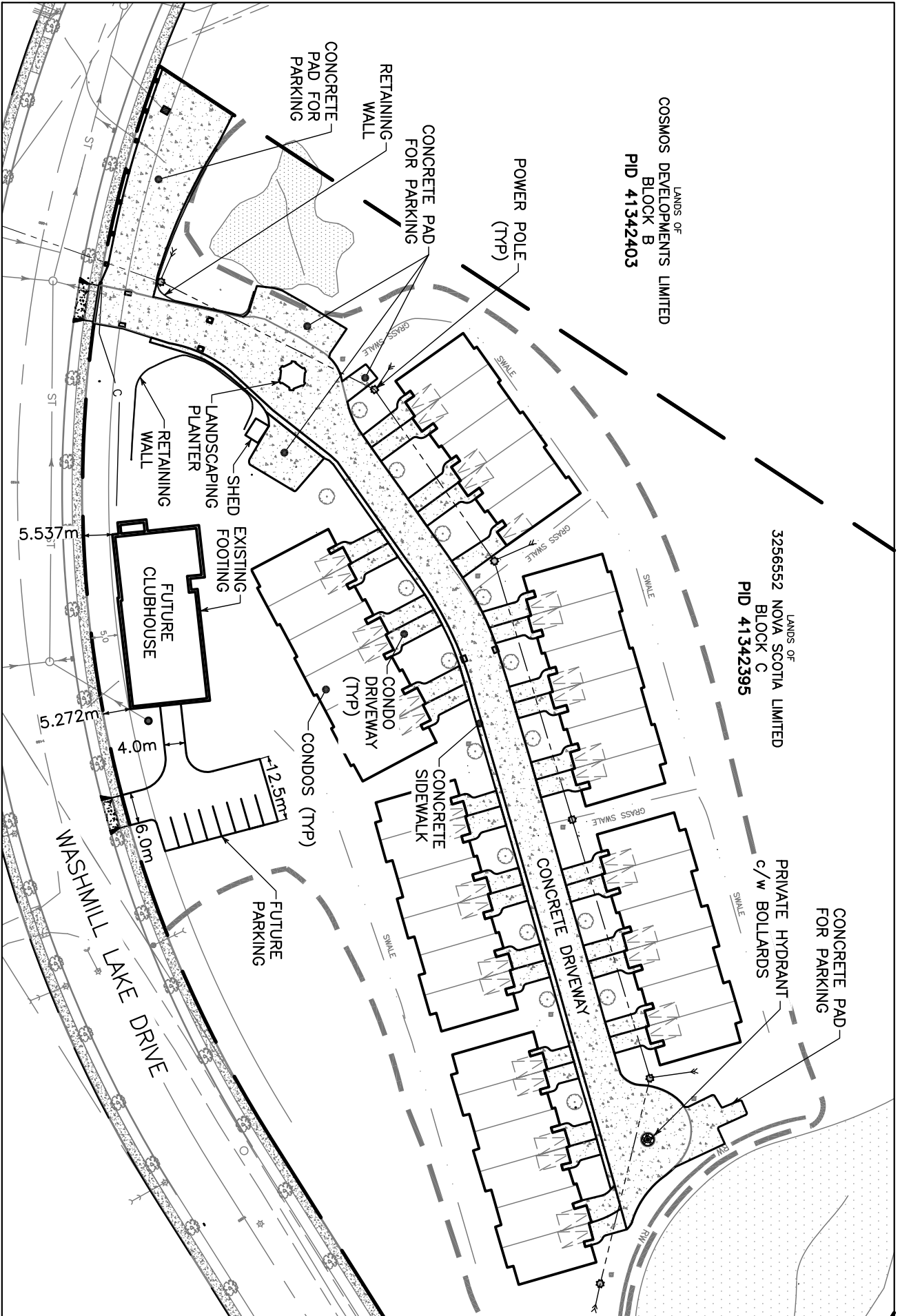
Per:_____
MUNICIPAL CLERK

B-1 - Site Plan

LANDS OF
COSMOS DEVELOPMENTS LIMITED
BLOCK B
PID 41342403

LANDS OF
NOVA SCOTIA LIMITED
BLOCK C
PID 41342395

CONCRETE PAD
FOR PARKING
PRIVATE HYDRANT
c/w BOLLARDS

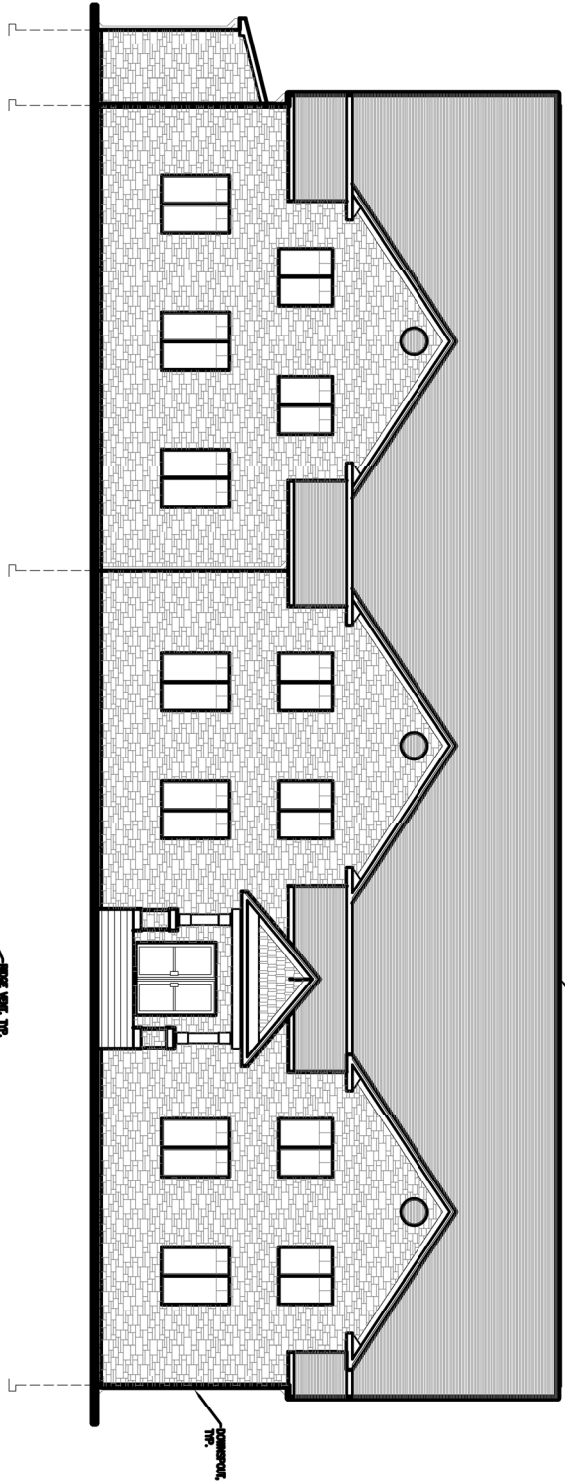


50 QUEEN ST, CHESTER, N.S.
BOX 140 P.O. BOX 959
TEL: 902-273-3050 FAX: 902-273-3072
www.ableinc.ca

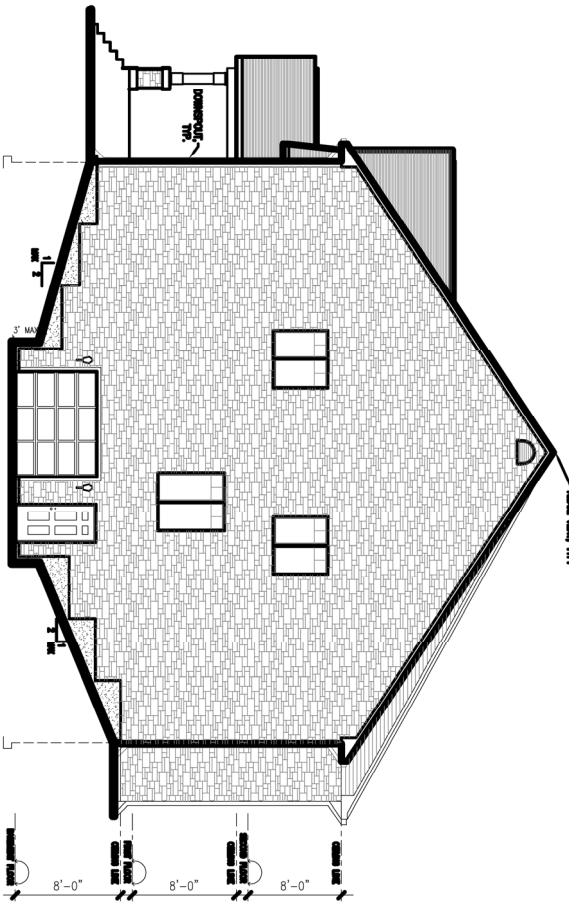
PROJECT: 120705-07 WASHMILL LAKE DRIVE, BLOCK C
TITLE: UPDATED FLATWORKS

DATE: OCTOBER.08.2014
SCALE: 1:1000

DRAWN: LSELLERS
DWG. NO.: C300A



FRONT ELEVATION
SCALE: 3/32" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 3/32" = 1'-0"

GENERAL NOTES:

ALL WORK MUST BE IN CONFORMANCE WITH THE N.B.C.C. 2005 & THE LOCAL BUILDING CODE.

CONTRACTORS TO VERIFY ALL DIMENSIONS BEFORE STARTING ANY WORK.

CONTRACTORS ARE RESPONSIBLE FOR CLEANUP OF THE JOB SITE.

ONCE THE PLANS ARE APPROVED BY OWNERS THEY ARE CONSIDERED TO BE THE FINAL THIS DOES NOT CHANGE TO BE DONE AFTER THIS STAGE EXCEPT DUE TO GRADE CONDITIONS.

GRADES SHOWN ON ELEVATIONS ARE FOR PERMIT PURPOSE ONLY.

GRADES TO BE DETERMINED ON SITE BY PROJECT MANAGER & IN COMPLIANCE WITH SITE GRADING PLANS.

2x6 BEARING WALLS IN FOUNDATION ARE SUBJECT TO CHANGE BY PROJECT MANAGERS TO LAMINATED OR STEEL BEAMS DUE TO SITE CONDITIONS.

ALL WINDOW AND DOOR SIZES ARE APPROXIMATES

THIS DRAWING IS INVALID FOR CONSTRUCTION UNLESS SIGNED & STAMPED BY THE OFFICE.

SUPERLOOR DEPRESSURIZATION:

PROVIDE A PIPE NOT LESS THAN 4" INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:

A. THE BOTTOM END OF THE PIPE OPENS INTO GRANULAR FILL MINIMUM 12" x 24" DEEP.

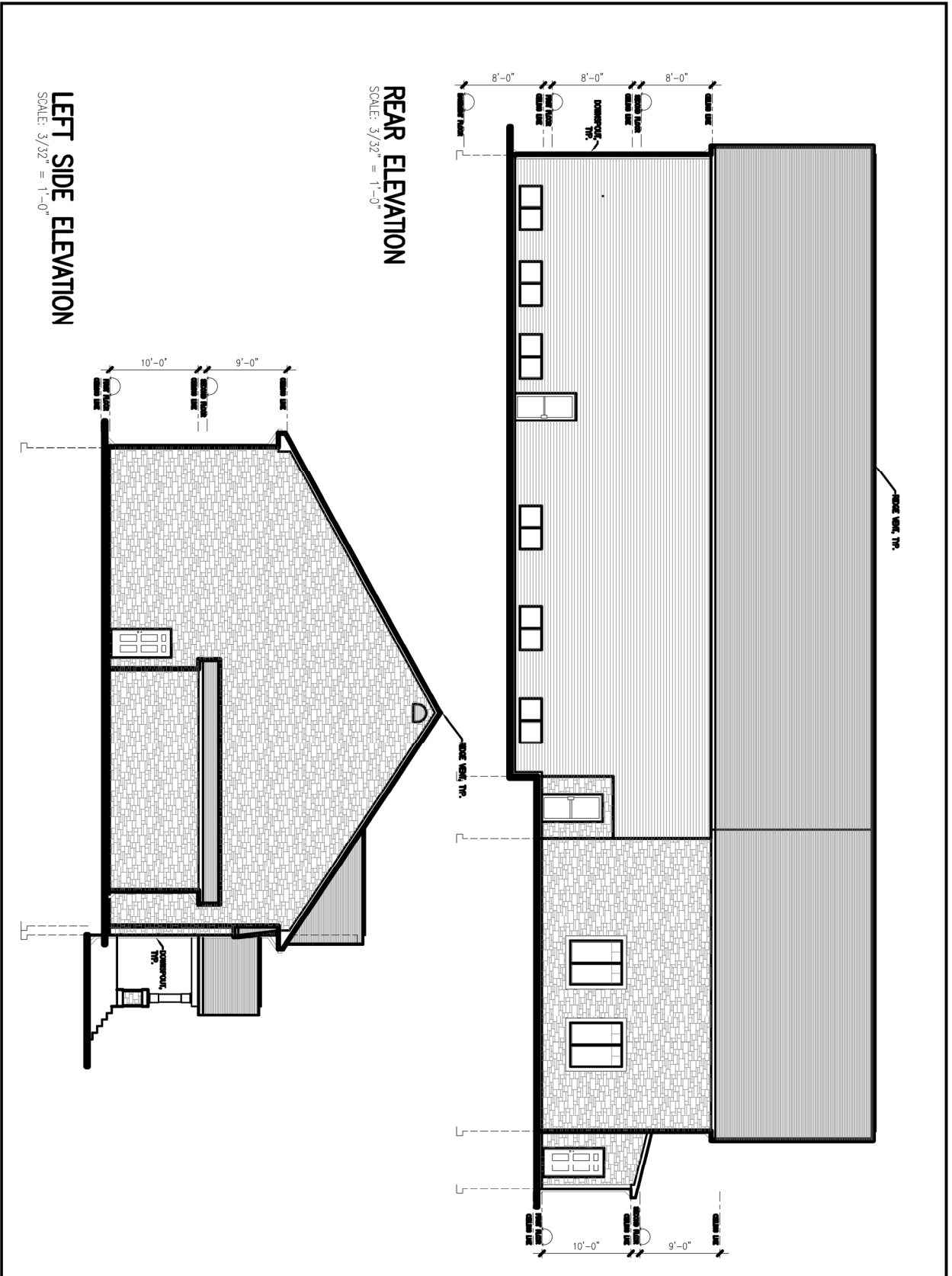
B. THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED FOR REMOVAL OF SOIL GAS.

KIVOTOS
Developments Ltd.

Club House

ELEVATIONS

Project name:	Club House		
Drawing name:	ELEVATIONS		
Drawn by:	CADtech		
Scale:	AS NOTED		
Date:	JULY 16, 2015		
Project no.	2011KDL-06	Drawing no.	A1



ROOF VENT TR.

ROOF VENT TR.

CHIMNEY TR.

LEFT SIDE ELEVATION

SCALE: 3/32" = 1'-0"

REAR ELEVATION

SCALE: 3/32" = 1'-0"

GENERAL NOTES:

ALL WORK MUST BE IN CONFORMANCE WITH THE I.B.C.C. 2005 & THE LOCAL BUILDING CODE.
 CONTRACTORS TO VERIFY ALL DIMENSIONS BEFORE STARTING ANY WORK.
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SUBFLOOR DEPRESSURIZATION:

PROVIDE A PIPE NOT LESS THAN 4" INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT OR NEAR THE CENTRE, SUCH THAT:
 A. THE BOTTOM END OF THE PIPE OPENS INTO GRANULAR FILL MINIMUM 12" x 24" DEEP.
 B. THE PIPE IS SEALED WITH A REMOVABLE CAP AND LABELLED FOR REMOVAL OF SOIL GAS.

KIVOTOS
 Developments Ltd.

Club House

ELEVATIONS

project name:	Club House	
drawing name:	ELEVATIONS	
drawn by:	CADtech	
scale:	AS NOTED	
date:	JULY 16, 2015	
project no.	2011KDL-06	drawing no. A2