

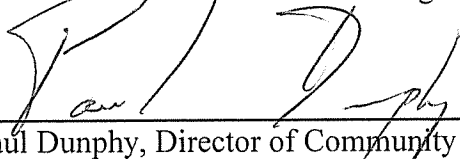


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
July 27, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: June 24, 2009

SUBJECT: Case 01242: Discharge Development Agreement - 1030 Terence Bay Road, Terence Bay

ORIGIN

Staff request to discharge the existing development agreement at 1030 Terence Bay Road, Terence Bay.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Approve the discharging resolution, presented as Attachment "A" to this report, for lands located at 1030 Terence Bay Road, Terence Bay.

BACKGROUND

The subject properties (PID 00384834 and 40501124) are located on the Terence Bay Road, and have direct access to Terence Basin. Combined, the lands are approximately 1.72 acres in area. They are designated Mixed Use (MU) under the Planning District 4 (Prospect) Municipal Planning Strategy (MPS) and are zoned MU-1 (Mixed Use 1 Zone) under the Planning District 4 (Prospect) Land Use By-law (LUB). With the exception of the adjacent HRM owned wharf and boat launch facility, which is zoned P-2 (Community Facility), the surrounding lands are zoned MU-1.

This site was the former location of Northland Fisheries. In 1999, after the closure of the fishplant, the Coastal Communities Economic Development Cooperative Limited (CCEDC) purchased the lands. The mandate of the CCEDC was to create sustainable economic and employment opportunities throughout the area. To allow for redevelopment, on May 22, 2001, an MPS amendment was approved, and on June 25, 2001, Western Region Community Council approved a development agreement for the site. This development agreement, which is still in effect, allows for community, commercial, and resource related uses.

The CCEDC was not able to redevelop the property as envisioned, and had difficulty in maintaining the fisheries building and surrounding site. As a result, HRM has recently acquired the property, and the fisheries building has been demolished. At this time, HRM has no immediate plans for the site.

DISCUSSION

The intention of the CCEDC was to redevelop the former fisheries building. The MPS and development agreement reflect this, and both require the retention of the building. However, the building deteriorated over time, was further damaged by Hurricane Juan, and was eventually thought to be unsalvageable. Once HRM gained ownership of the lands a permit was issued to demolish the building. The lands are now vacant, with the exception of a small gazebo.

The existing development agreement primarily addresses the redevelopment of the former Northland Fisheries building. It allows for a variety of uses within the building, specifically those that are supportive of the tourism industry and surrounding community. As the building has been removed, the existing agreement is no longer applicable, and should be discharged.

Council should be aware that there have been some discrepancies regarding the zoning on the property. The lands are zoned MU-1, but due to a technical error, for several years digital maps have shown the zoning of these parcels to be P-2. This error has now been corrected. Should the development agreement be discharged, the MU-1 zone will apply.

It is noted that, as HRM is the owner of this property, a traditional development/discharging agreement is not appropriate as the municipality cannot enter into an agreement with itself. All procedures pursuant to the *Halifax Regional Municipality Charter* will be followed with the exception that the Resolution of Council, rather than a development agreement, will be filed at the Registry of Deeds.

Public Information Meeting

No public information meeting was held. Such meetings are not typically held for applications to discharge a development agreement.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council could choose to discharge the existing development agreement and allow the subject property to revert back to the MU-1 (Mixed Use 1) Zone under the Planning District 4 (Prospect) Land Use By-law.
2. Council could choose not to discharge the existing development agreement. Development of the property would continue to be subject to the terms of the development agreement.

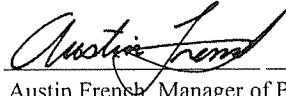
ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment "A"	Draft Discharging Resolution

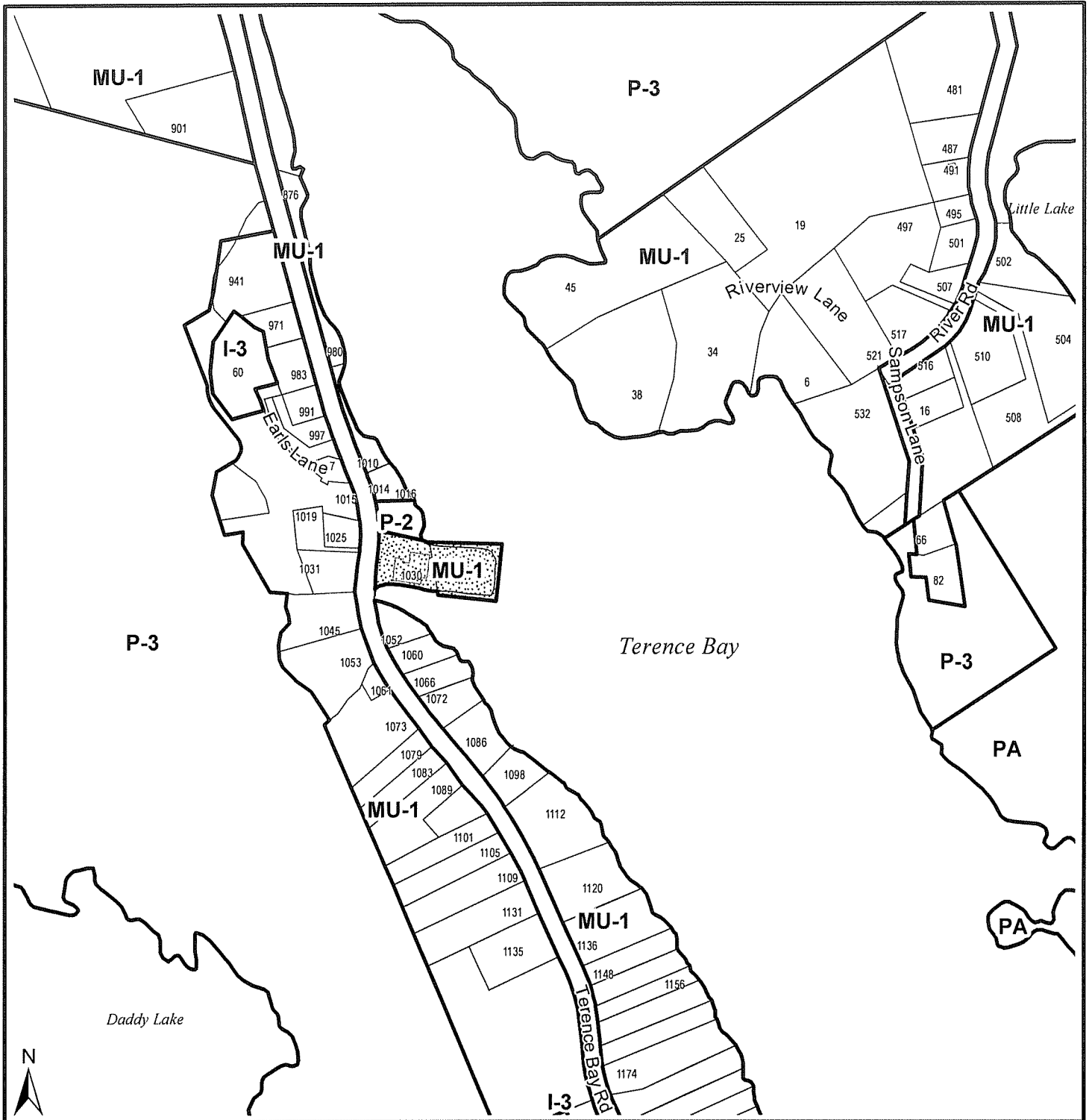
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Patricia Hughes, Planner I, Community Development, 490-1948

Report Approved by:




Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

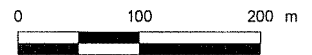
1030 Terence Bay Road
Terence Bay

 Subject area

Planning District 4
(Prospect) Plan Area

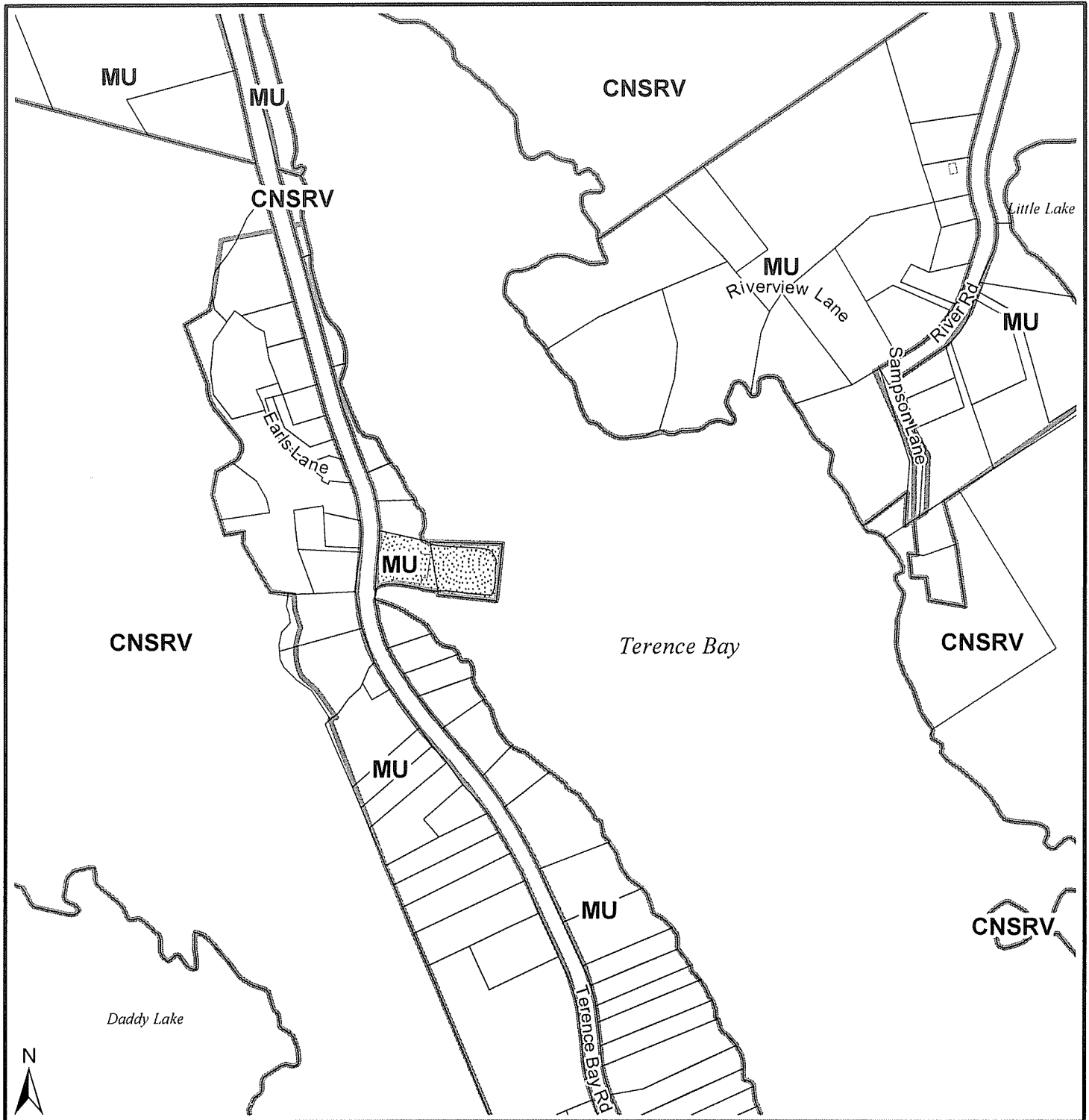
Zone

- MU-1 Mixed Use 1
- I-3 Local Service
- P-2 Community Facility
- P-3 Conservation
- PA Protected Area




This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 4 Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use

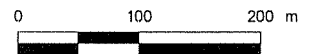
1030 Terence Bay Road
Terence Bay

 Subject area

Planning District 4
(Prospect) Plan Area

Designation

MU Mixed Use
CNSRV Conservation



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Planning District 4 Plan Area

HRM does not guarantee the accuracy of any representation on this plan

Attachment A

IN THE MATTER OF the Halifax Regional Municipality Charter
being Chapter 39 of the Acts of 2008

- and -

IN THE MATTER OF the development of certain lands
owned by Halifax Regional Municipality

DISCHARGING RESOLUTION

WHEREAS the Halifax Regional Municipality is the registered owner of certain lands located at 1030 Terence Bay Road, Terence Bay (INSERT PID #), and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Western Region Community Council granted approval of a development agreement to allow commercial, community, and resource related uses on the Lands, on June 25, 2001, which was recorded at the Registry of Deeds in Halifax as Document Number 42751 in Book 6902 at Pages 516-532 (hereinafter called the "Agreement");

AND WHEREAS pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the Western Region Community Council approved the discharge of this Agreement, by resolution at a meeting held on the day of 2009, referenced as Municipal Case Number 01242;

NOW THEREFORE THIS RESOLUTION APPROVES AS FOLLOWS:

1. The Agreement is hereby discharged and shall no longer have any force or effect.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Planning District 4 (Prospect) Land Use By-law, as amended from time to time, and any future subdivision of the Lands shall conform with all applicable provisions and requirements of the Regional Subdivision By-law, as amended from time to time.

Signed, sealed and delivered in the presence
of:

per: _____

Sealed, Delivered and Attested by the proper
signing officers of Halifax Regional
Municipality duly authorized on that behalf in
the presence of

per: _____

HALIFAX REGIONAL MUNICIPALITY

per: _____

MAYOR

per: _____

ACTING MUNICIPAL CLERK