



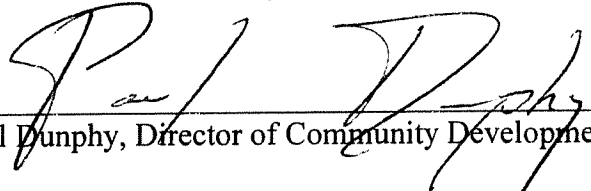
PO Box 1749
Halifax, Nova Scotia
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Harbour East Community Council
January 4, 2007

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: December 12, 2006

SUBJECT: Case #00784 -Time Extension to Sign Development Agreement

SUPPLEMENTARY REPORT

ORIGIN

Request by Twin Lakes Development Ltd.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- (a) require the signing of the Twin Lake Development Ltd. development agreement within 120 days following the land acquisition of the Bartlin Road right-of-way and portion of the Alderney School property as described in this report.

BACKGROUND AND DISCUSSION

On July 6, 2006, Community Council approved a rezoning and development agreement with Twin Lakes Development Ltd to permit a multiple unit dwelling up to 12 storeys high on lands located between Prince Albert Road and Alderney Elementary School (Map 1). On that date, Council required that the development agreement be signed within 180 days following the expiry of the appeal period. The appeal period expired on Monday July 24, 2006 and 180 days will have passed as of January 19, 2007.

Prior to signing the agreement the developer was in the initial stages of acquiring additional lands currently owned by HRM as described in Table 1. Since the date of the approval, HRM staff have been negotiating with the developer on the sale price of the lands in question, however the parties have not come to an agreement regarding the terms of the sale to-date.

Furthermore, a component of the land acquisition included the Bartlin Road right-of-way. Staff have determined that these lands are surplus to municipal needs, however as per the Municipal Government Act, a public hearing is required before the right-of-way can be closed and the lands conveyed. For these reasons, the developer has requested an extension to the time line originally granted to sign the development agreement of a further 180 days, upon expiry of the first 180 days on January 19, 2007.

It is anticipated that these terms can be agreed to and the land conveyed within this time frame.

| Property | PID | Owner | Zone | Area (s.f) | Present Use |
|----------|----------|-----------|----------|------------|------------------------------------|
| A | 113993 | Developer | C-2/ R-2 | 29, 649 | Single Dwelling, garage |
| B | 136036 | Developer | R-2 | 20154 | Single Dwelling, garage |
| C | 136044 | Developer | C-2 | 8400 | Single Dwelling |
| D | 40809998 | Developer | C-2 | 5342 | Parking |
| E | 40945230 | HRM | - | 10300 | Bartlin Road. R.O.W. |
| F | 767239 | HRM | R-2 | | Slope behind Alderney School, path |

Table 1 - Lands to be Subject to Agreement with Twin Lakes Development Ltd.

BUDGET IMPLICATIONS:

None.

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.

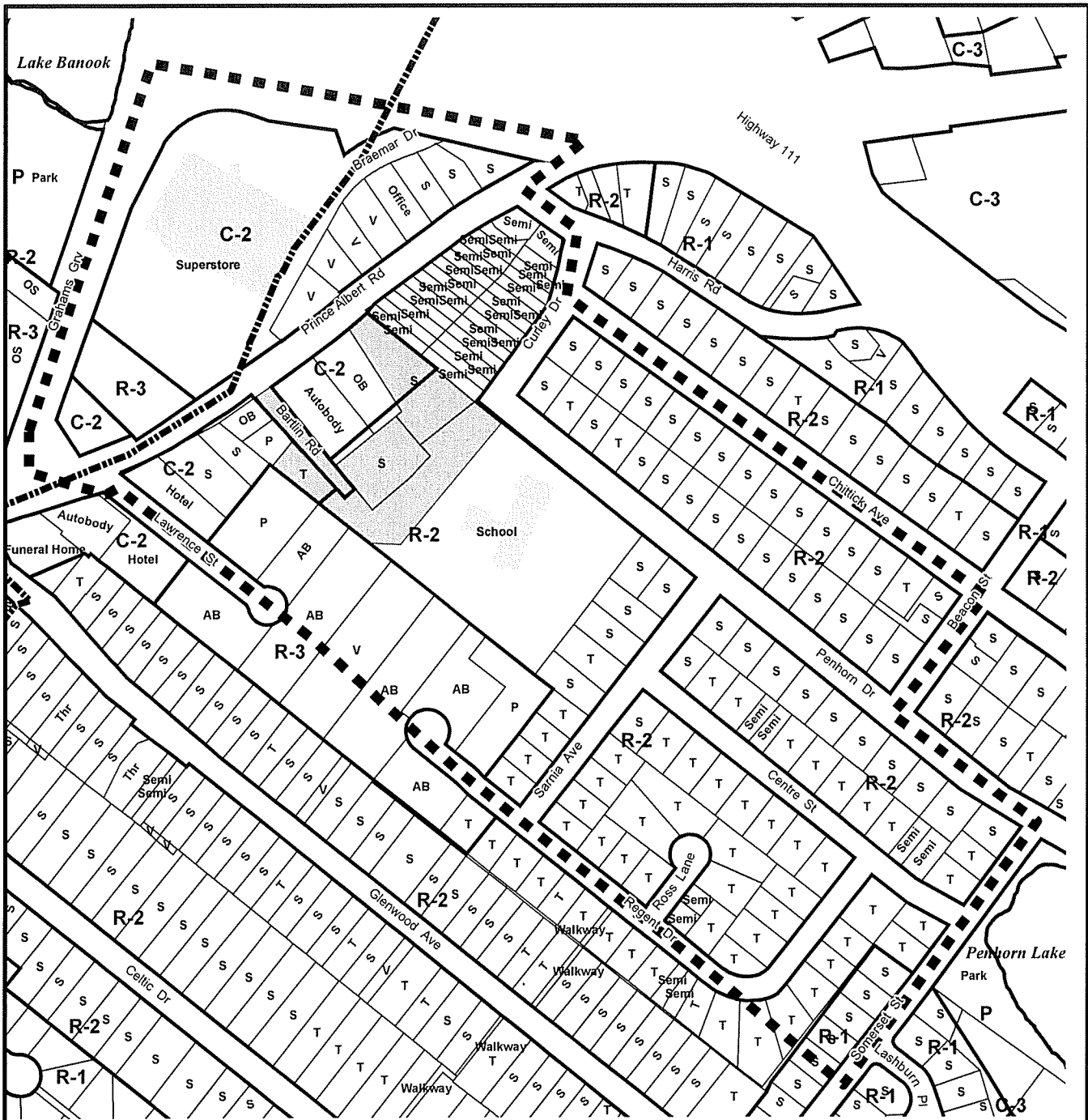
ALTERNATIVES

1. Community Council could extend the timeline for signing the development agreement by another 180 days. This is the staff recommendation.
2. Community Council could refuse to extend the timeline for signing the development agreement which would render the agreement void and any obligations arising under it to be at an end. This is not recommended.




ATTACHMENTS

Map 1

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report Prepared by: Hanita Koblents, Planner, 490-4181
Report Reviewed by: Roger Wells, Acting Manager, Planning Services, 490-4373

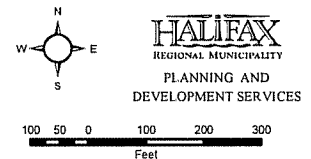


Map 1
339 Prince Albert Road

-  Approximate Subject Property
-  35' Height Limit
-  Notification Area

Dartmouth Land Use By-Law Area

- Zone**
- R-1 Single Family Residential Zone
 - R-2 Two Family Residential Zone
 - R-3 Multiple Family Residential Zone
 - C-2 General Business Zone
 - P Park Zone
- Land Use**
- S Single Unit Dwelling
 - T Two Unit Dwelling
 - Thr Three Unit Dwelling
 - Semi Semi-Detached Dwelling
 - AB Apartment Building
 - OB Office Building
 - V Vacant



This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area

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