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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Community Council
November 27, 2008

TO: North West Community Council

SUBMITTED BY:

Paul Dunphy, Director of Community Development

DATE: November 14, 2008

SUBJECT: Case 01206: Discharge of Development Agreement - 690 Shore Drive, Bedford

ORIGIN

Application by Michel and Denise Levesque to discharge the Development Agreement at 690 Shore Drive (formerly 116 Shore Drive), Bedford.

RECOMMENDATION

It is recommended that North West Community Council:

1. By resolution, approve the discharging agreement, presented as Attachment A to this report, for lands located at 690 Shore Drive, Bedford; and
2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND/DISCUSSION

In 2005, the owner of 690 Shore Drive (Nancy Boyne) entered into a development agreement with HRM to permit the creation of a flag lot and the construction of an additional residential single unit dwelling on the property. Michel and Densie Levesque, the current property owners, have applied to discharge the existing development agreement on their property as they have no interest in creating the flag lot. Further, the development agreement is prohibiting the applicants from constructing an addition to their existing residential single unit dwelling on the property.

Location/Designation/Zoning

The subject property (690 Shore Drive) is:

- located between Fort Sackville Road, Shore Drive, Wardour Street, and Perth Street in Bedford (Maps 1 and 2)
- designated Residential ® under the Bedford Municipal Planning Strategy (MPS) (Map 1); and
- zoned Residential Single Unit Dwelling (RSU) under the Bedford Land Use By-law (LUB) (Map 2).

Discharging the development agreement on the property is not in conflict with the MPS. By discharging the development agreement, the property will continue to be regulated by the underlying RSU Zone.

A public hearing is not required to discharge the development agreement, Council may discharge the development agreement by resolution of Council. Staff are recommending North West Community Council approve the application to discharge the development agreement at 690 Shore Drive in Bedford.

Public Information Meeting

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

BUDGET 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.

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

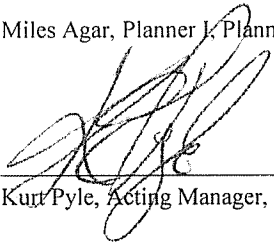
1. Council could choose to enter into a discharging agreement and allow the lands to revert back to the RSU Zone. This is the recommended alternative.
2. Council could choose not to discharge the existing development agreement. Therefore, development on the property would be subject to the conditions of the Development Agreement.

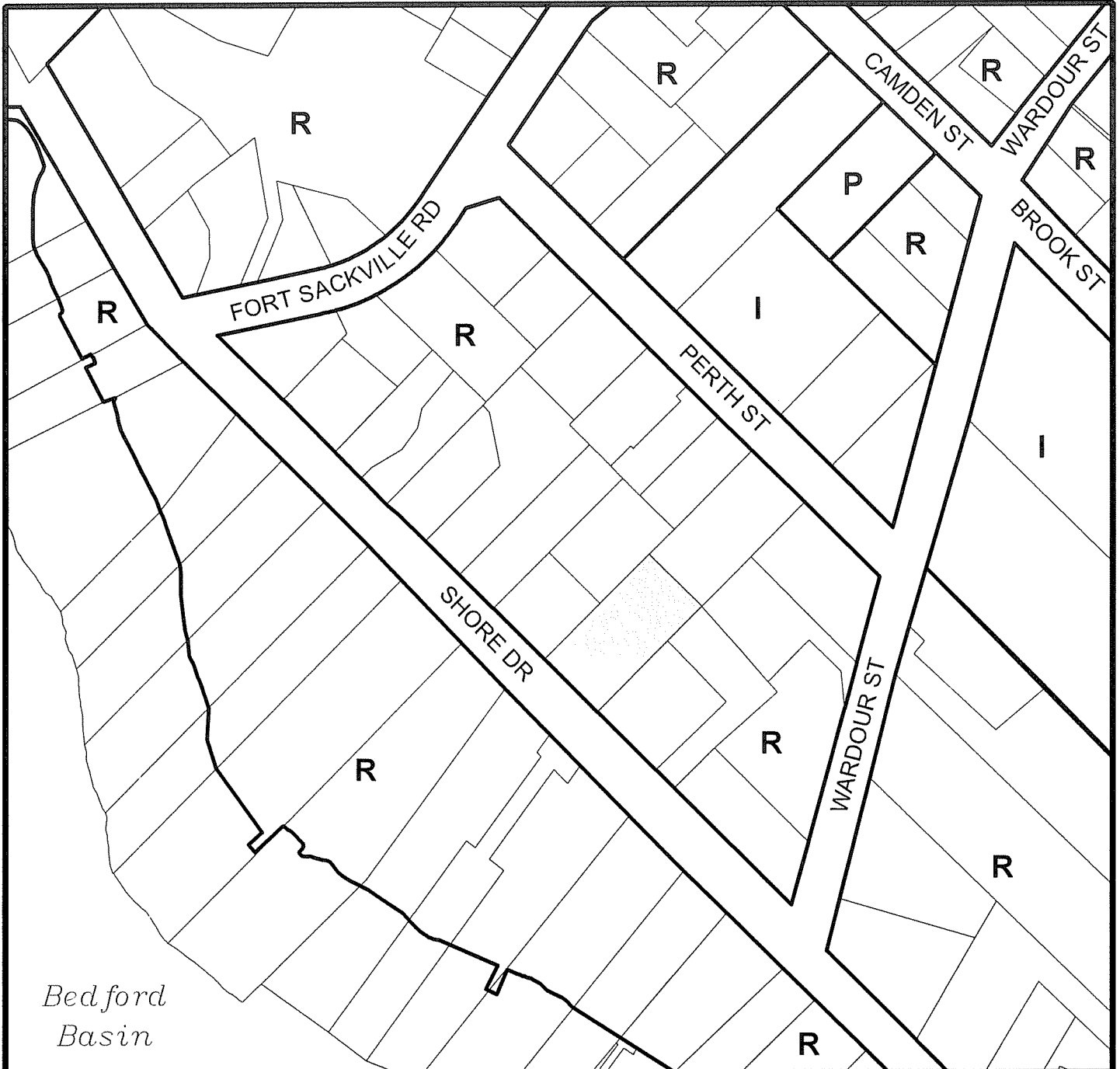
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment "A"	Discharging Agreement


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: Miles Agar, Planner I, Planning & Development Services, 869 4262

Report Approved by: 
Kurt Pyle, Acting Manager, Planning Services, 490-7066



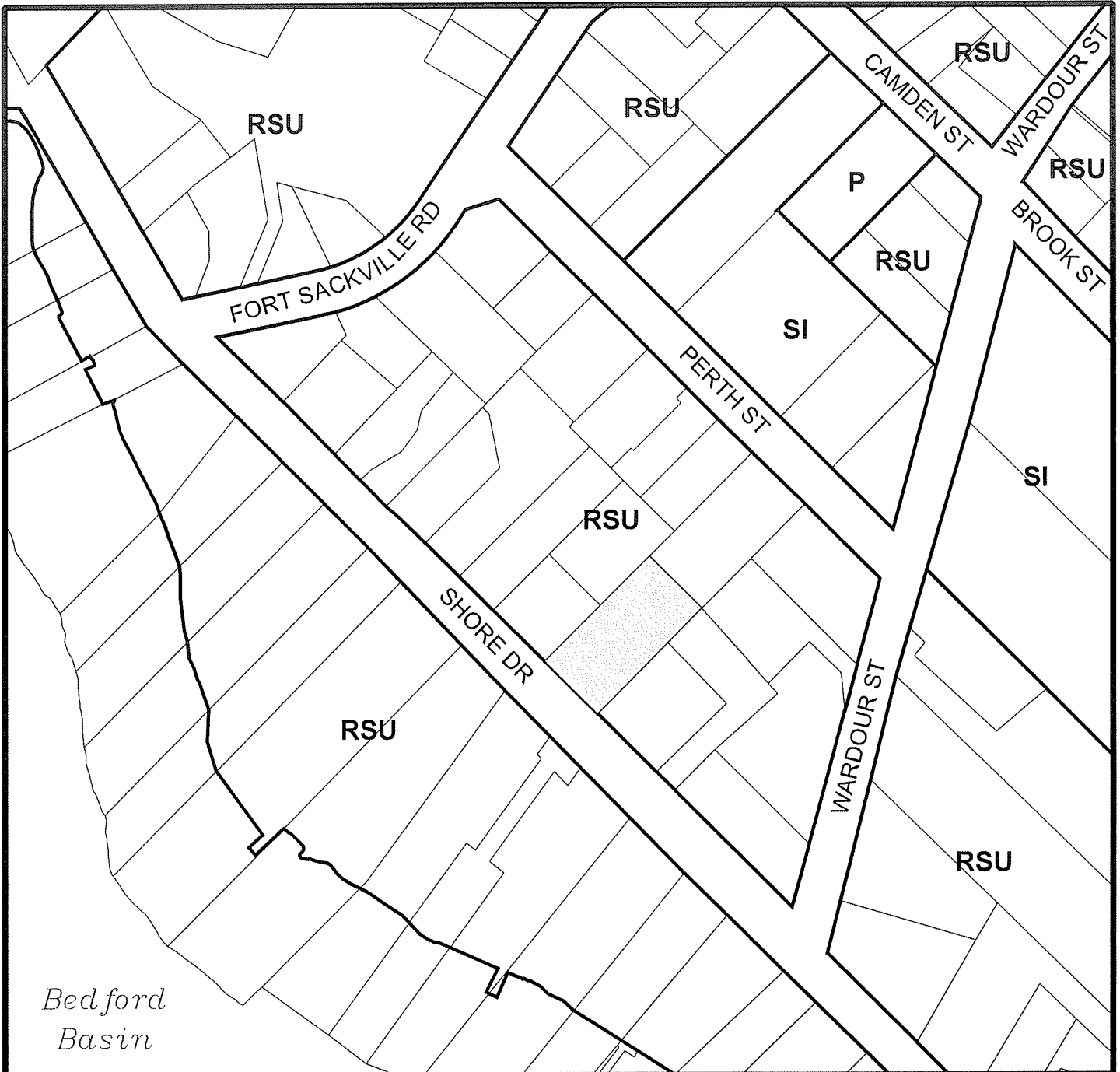
Map 1
Generalized Future Land Use

 **Subject Property**

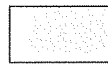


- R Residential Designation
- I Institutional Designation
- P Park and Recreation Designation





**Map 2
Zoning**



Subject Property



- RSU Single Dwelling Unit Zone
- SI Institutional Zone
- P Park Zone



Attachment A

THIS DISCHARGING AGREEMENT made this day of , 2008,

BETWEEN:

MICHEL and DENISE LEVESQUE
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS Nancy Boyne entered into a development agreement with the Halifax Regional Municipality, August 3rd, 2005, to allow for the subdivision of a flag lot and the construction of a residential single unit dwelling at 690 Shore Drive, and which agreement was recorded at the Registry of Deeds in Halifax (hereinafter called the "Agreement");

AND WHEREAS Nancy Boyne has transferred her interest in the lands to Michel and Denise Levesque (hereinafter called the "Developer");

AND WHEREAS the Developer is now the registered owner of certain lands located at 690 Shore Drive, Bedford and which said lands are more particularly described in Schedule A attached hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Agreement be discharged;

AND WHEREAS in accordance with the requirements of the Municipal Government Act, the North West Community Council approved this request at a meeting held on _____, 2008, referenced as Municipal Case Number 01206;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the parties agree 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 Bedford 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.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2008.

SIGNED, SEALED AND DELIVERED)
in the presence of)

_____)

_____)

Per: _____
MICHEL LEVESQUE

Per: _____
DENSIE LEVESQUE

SEALED, 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
Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK

Council Report Sign-Off Sheet

Subject: Case 01206: Discharge of Development Agreement - 690 Shore Drive, Bedford

Meeting Date: November 27, 2008 Regular Council In Camera Information Report
 Community Council Board/Committee

Prepared by Miles Agar, Community Development Date: November 14, 2008
 Name and Business Unit

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD	Thea Langille	Nov 14/08		
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager	<i>[Signature]</i> G. Roussel	Nov 19/08		
	Fire				
	HR				
	IAM				
	Legal - By-Laws - Admin Orders - Other				
	Police				
	TPW				
	Library				
	Halifax Water				
	Councillor(s)				
	Regional Youth Advisory Committee (RYAC)				
	Stakeholder - External				

Revised: March 2008