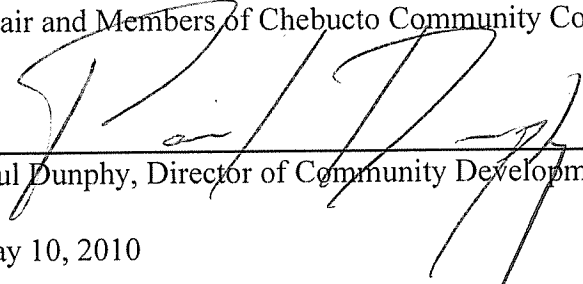




PO Box 1749
Halifax, Nova Scotia
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Chebucto Community Council
June 7, 2010

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: May 10, 2010

SUBJECT: Cases 16023: Non-substantive amendment, Neighbourhood B of
Wentworth/Bedford South Master Plan Area.

ORIGIN

An application by Cresco Holdings Limited to amend the development agreement for Neighbourhood B of Wentworth/Bedford South Master Plan Area.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Approve, by resolution, the proposed amending agreement, as set out in Attachment A of this report, to permit the issuance of Development and Building permits for the remaining multiple unit dwellings within Cresco Holdings Limited lands in Neighbourhood B prior to the interchange at Highway 102 and Larry Uteck Boulevard being connected to Larry Uteck Boulevard and open to vehicular traffic; and
2. Require the agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, 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

A portion of Neighbourhood B within the Wentworth Secondary Planning Strategy (SPS) is owned by Cresco Holdings Limited, and is subject to an existing development agreement (Maps 1 and 2). The existing agreement enables high density multi-unit buildings along Larry Uteck Boulevard.

This site is part of the Wentworth / Bedford South (Map 2) Master Plan Area which encompasses approximately 625 acres (253 hectares) of land located between Highway 102, the Royale Hemlock, Oceanview, Millview and Fernleigh Subdivisions.

Policy (MS-7) limits the number of residential units permitted prior to the completion and connection of Highway 102 and Larry Uteck Boulevard. However, the policy permits Council to consider the removal of this restriction once the connection is provided.

The existing agreement limits the amount of residential development to 215 units prior to the construction of the interchange at Highway 102 and Larry Uteck Boulevard and its connection to Larry Uteck Boulevard (Map 2)(Attachment B). Construction permits have now been issued for these 215 units.

The Interchange

On December 17, 2008 the federal and provincial announcement was made which secured funding for the new interchange. The funding is part of the Provincial Territorial Base Funding Agreement which secures funding for infrastructure projects throughout the Province. The interchange is now under construction and is expected to be open by late this year.

The construction of the interchange provides for alternate access points for development in the Royale Hemlocks, Wentworth, Bedford South and Oceanview subdivisions. This interchange will allow traffic from these areas to use Highway 102 as an alternate means of access and will reduce the traffic load on the Bedford Highway.

The Proposal

Cresco Holdings Limited has made an application for a non-substantive amendment to the development agreement to consider permitting the issuance of additional (beyond 215 units) Development and Building Permits for residential development prior to the opening of the interchange and its connection to Larry Uteck Boulevard. The proposed amendment only applies to lands controlled by Cresco Holdings Limited (Map 1) within Neighbourhood B.

Non-substantive Amendments

The existing agreement permits the consideration of a non-substantive amendment to permit construction activity to begin prior to the completion of the interchange through Section 3.12 of the agreement (Attachment B). Non-substantive amendments do not require a public information meeting or a public hearing and Community Council may approve such amendments by resolution.

DISCUSSION

Staff have reviewed the proposed non-substantive amendment relative to the intent of the existing Agreement and Policy MS-7 of the Wentworth Secondary Planning Strategy as required. The following comments are offered:

Policy MS-7:

No development agreement shall be approved which would permit building permits to be granted for more than 2,000 housing units within the master plan area and the abutting Royale Hemlocks Subdivision unless:

- a) *the interchange has been constructed and connected to Larry Uteck Boulevard or the financing for the interchange and roads has been secured, a time frame for implementation agreed upon; and*

The interchange is currently under construction. The concrete work for the main span across Highway 102 appears to be substantially complete. Further, the construction of the extension of Larry Uteck Boulevard to the interchange is underway. It is anticipated that both projects will be complete by late summer or early fall of 2010. Staff are satisfied that clause a) of MS-7 is satisfied.

- b) *consideration is given to the transportation improvements recommended by the Prince's Lodge/ Bedford South Transportation Study or any other transportation study available to the Municipality. A development agreement application shall not be approved where a traffic study concludes that the level of service for any road within the secondary planning strategy or connecting to the abutting road network does not conform with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the applicant shall be required to provide the analysis, prepared by a qualified consultant, needed to make such a determination. Without limiting the generality of the foregoing statement, particular consideration will be given to traffic impacts on the Bedford Highway, Nine Mile Drive and Oceanview Drive.*

The Prince's Lodge/ Bedford South Transportation study recommended a number of improvements to the greater transportation network between 2005 and 2020. In summary, they included:

1. Immediate improvements to signal timings at Hammonds Plains Road and the Bedford Highway. (This has completed.)
2. Monitoring all adjacent traffic signals and adjustments to timings as required.
3. Monitoring of the Bedford Highway and Nelson's Landing Boulevard intersection to determine if further upgrades were required.
4. Consideration of the widening of Highway 102 to six lanes at some point after the year 2010.
5. Construction of the Larry Uteck Boulevard interchange at Highway 102 (Currently uinderway).
6. Monitoring of significant intersections to determine upgrades are required.

A review of the recommendations has indicated that there are no improvements required at this time. Traffic Services constantly monitors the traffic situation and will take action as required. Consideration of the future widening of Highway 102 is currently being considered in the Highway 102 Corridor Study and the construction of the Larry Uteck Boulevard Interchange will include a widening of a small portion of Highway 102 to six lanes.

In accordance with this policy, staff have reviewed the Prince's Lodge/ Bedford South Transportation Study. This study contemplated the development levels for the Bedford South/Wentworth areas including the proposed development. Therefore, staff have waived the need for a further transportation study.

Risk of Allowing Development Prior to the Interchange

Specifically, assuming a 18 month construction and occupancy period of a multiple unit building, the first development enabled by the proposal will not be ready for occupancy until approximately Dec 2011. This date is nearly 14 months after the expected opening of the interchange and connection to Larry Uteck Boulevard. Therefore, since it is anticipated that the interchange connection will have been completed and opened to the public, the proposed amendment will have a minimal impact on the existing road network, specifically Bedford Highway.

Further, as part of the subdivision process, bonding has been provided by another developer for the construction of Larry Uteck Boulevard and its connection to the interchange. Thus, there is little risk that Larry Uteck Boulevard will not be constructed and connected to the interchange. In addition, the proposed amendment only enables the issuance of construction-related permits. Occupancy permits cannot be issued until the interchange is connected to Larry Uteck Boulevard and open to the public.

Impact on Surrounding Residential Streets

When the Wentworth/Bedford South development is connected to Nine Mile Drive, Starboard Drive and adjacent streets, the impact is anticipated to be beneficial to all surrounding streets as an additional major accesses for the subdivision and surrounding neighbourhoods will be provided. It is not anticipated that the additional units as proposed will have a significant impact on surrounding streets.

Previous Related Applications

Both Chebucto and North West Community Councils have accepted the proposed justification for this proposed amendment on two previous cases (Case 01343 and 01344) which permitted Clayton Developments to proceed with construction of residential units prior to the opening of the interchange.

Public Consultation

A public information meeting (PIM) was not held for this proposal as it is not required for a non-substantive amendment. In addition a public hearing is not required by Council to render a decision on this matter.

Conclusion

Staff have reviewed the request for a non-substantive amendment to the Cresco Holdings Limited Neighbourhood B development agreement and have concluded the proposal complies with the intent of the existing agreement and Policy MS-7. Staff recommends Chebucto Community Council, by resolution, approve the non-substantive amendment to enable the issuance of Development and Building permits for all remaining residential units prior to the construction and connection of the interchange to Larry Uteck Boulevard as identified in the recommendation section of this report.

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 Amending Agreement. This administration of the Amending Agreement can be carried out within the proposed budget with existing resources.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the proposed 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 may choose to approve the proposed amending development agreement. This is the recommended course of action.
2. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons for refusing the amendment. This alternative is not recommended as staff are satisfied that the proposed agreement are consistent with the intent of the existing agreement and the MPS.
3. Council may choose to approve the proposed amending development agreement subject to modifications. This may necessitate further negotiation with the applicant.

ATTACHMENTS

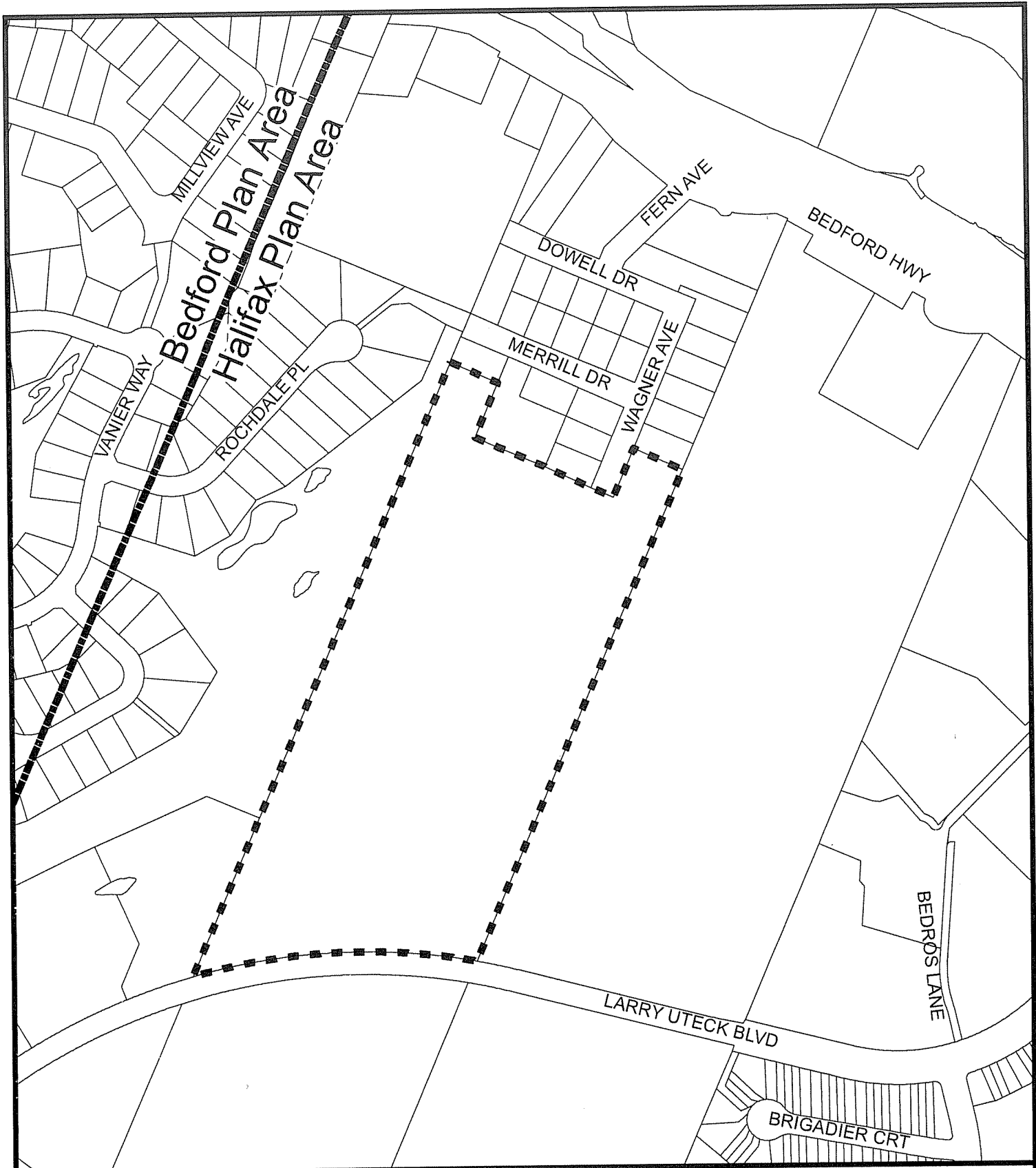
Map 1	Lands of Cresco Holdings Limited
Map 2	Wentworth / Bedford South Master Plan
Attachment A	Proposed Amending Agreement - Neighbourhood B
Attachment B	Relevant Clauses from the Existing Development Agreement- Neighbourhood B

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 : Andrew Bone, Senior Planner, Planning Applications, 869-4226



Report Approved by: _____
Austin French, Manager of Planning Services, 490-6717



Map 1






-  Lands of Cresco Holdings Limited
-  Subject to Development Agreement

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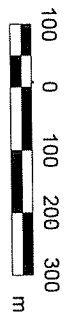


Map2 Bedford South / Wentworth Master Plan

Proposed Land Use

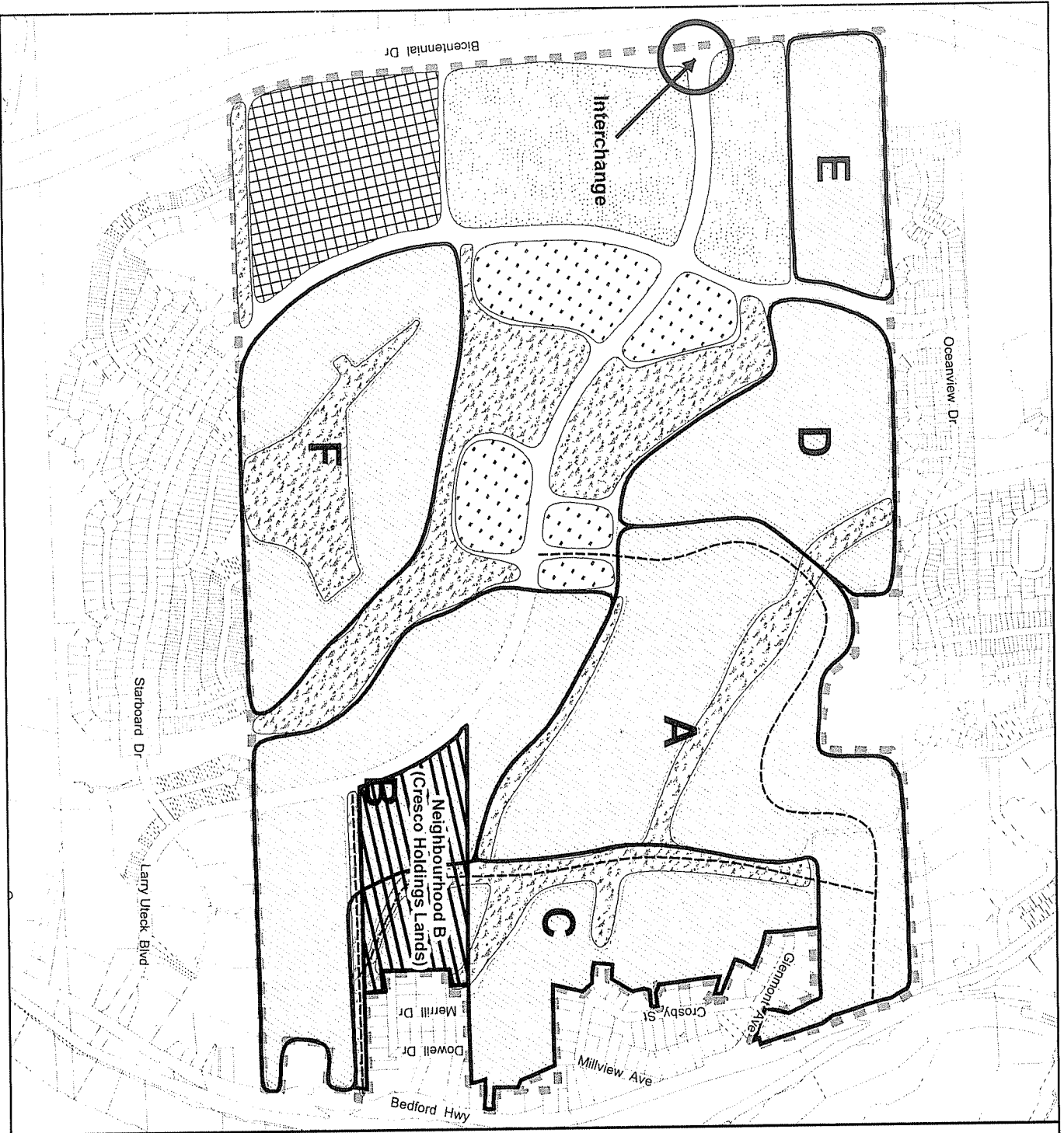
-  Residential Neighbourhoods
-  General Commercial
-  Community Commercial / Institutional
-  Mixed Use / Business Campus
-  Park / Open Space (Major Areas)

Note: Neighbourhood Parks to be confirmed by Development Agreement.



Apr. 06, 2010

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Attachment A: Proposed Amending Agreement - Neighbourhood B

THIS AMENDING AGREEMENT made this day of , 2010,

BETWEEN:

CRESCO HOLDINGS LIMITED
a body corporate, in the Halifax Regional Municipality,
Province of Nova Scotia (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 the Developer is the registered owner of certain lands located to the north of the Royal Hemlocks subdivision and west of the Bedford Highway in Halifax, and which said lands are more particularly described in Schedule "A" of this Amending Agreement (hereinafter called the "Lands");

AND WHEREAS the Chebucto Community Council approved an application by the Developer to enter into a development agreement to allow for development of Neighbourhood B within the Wentworth Estates Secondary Planning Strategy on the Lands, which said development agreement was registered at the Registry of Deeds in Halifax as Document Number 89732771 on January 14, 2008 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer wishes to amend the Existing Agreement to enable additional residential development prior to the completion of construction of an interchange at Highway 102 and Larry Uteck Boulevard on the "Lands" pursuant to the provisions of the *Halifax Regional Municipality Charter*, (hereinafter called the "First Amending Agreement");

AND WHEREAS the Chebucto Community Council approved this request at a meeting held on [INSERT-Date] referenced as Municipal Case Number 16023;

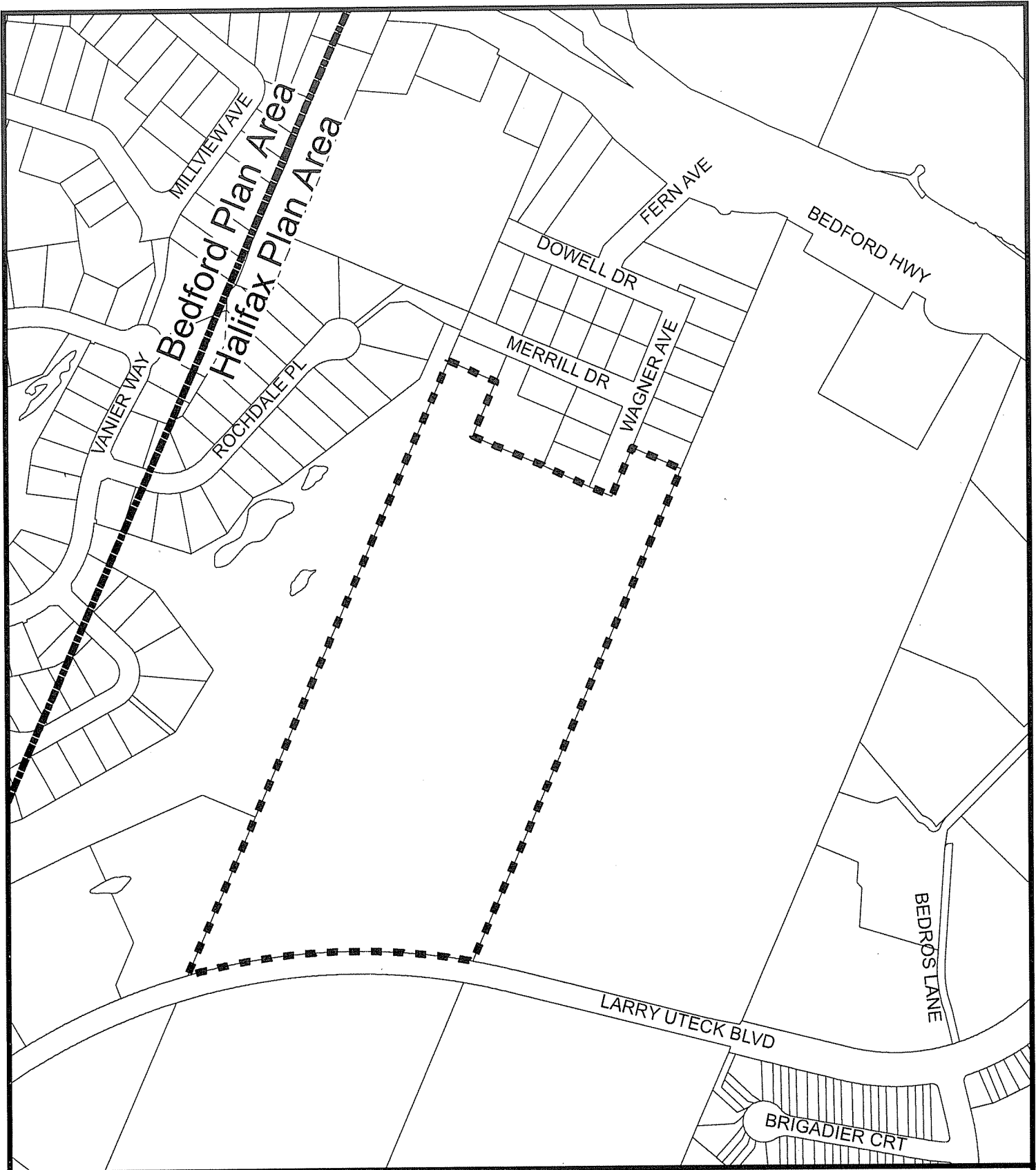
THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

Attachment B
Relevant Clauses from the Existing Development Agreement -Neighbourhood B

Existing Agreement

2.14 Dwelling Units Prior to the Interchange

- 2.14.1 The Developer shall not seek development or building permits for more than 215 dwelling units on the lands until the interchange has been constructed and connected to Larry Uteck Boulevard. Furthermore the Development Officer shall not grant Development Permits for more than 215 dwelling units on the lands until the interchange has been constructed and connected to Larry Uteck Boulevard.



Schedule E

- ■ ■ ■ Lands of Cresco Holdings Limited
- ■ ■ ■ Subject to Development Agreement

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