


Chebucto Community Council
October 3, 2011

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Austin French, Manager, Planning Services

DATE: September 19, 2011

SUBJECT: Case 17001: Discharging Agreement -- Royale Hemlocks, Halifax

ORIGIN

Application by Armco Capital Inc.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. By resolution, approve the discharging agreement, presented as Attachment A to this report, for lands located at the intersection of Larry Uteck Blvd. and Bedford Highway in Halifax; and
2. Require the 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/DISCUSSION

In 1998, Chebucto Community Council approved a Stage I development agreement for the Royale Hemlocks subdivision. The agreement enabled the development of a mixed-density residential subdivision. Subsequent Stage II development agreements approved by Community Council for Phases 1A and 2 and then Phases 1B and 3 to 9 addressed the various details of each phase of the development.

Proposal

Armco Capital Inc. wishes to discharge the Stage I development agreement from a small portion of their lands near the intersection of Larry Uteck Boulevard and the Bedford Highway, thereby allowing the development of the parcel in accordance with the land use by-law.

The subject parcel was part of the original bulk land holdings and became a remnant lot after the right of way for Larry Uteck Blvd. was established. The lands were not assigned any development rights under the Stage I agreement or any of the subsequent stage II agreements and therefore cannot be developed under the existing agreement.

Location/Designation/Zoning

The subject property is:

- 17,611 sq. ft. in area and is located on the western side of the Bedford Highway at the intersection of Larry Uteck Boulevard and adjacent to the Bluenose Inn (Map 1);
- zoned C-2B (Highway Commercial) and within Schedule R under the Halifax Mainland Land Use By-law (LUB); and
- designated HC (Highway Commercial) under the Bedford Highway Secondary Planning Strategy (BHSPS) of the Halifax Municipal Planning Strategy (MPS) (Map 2).

The parcel's underlying C-2B zoning permits a variety of residential and commercial land uses to be developed subject to meeting the applicable requirements of the land use by-law. The lands are also located within Schedule "R" of the by-law which, pursuant to policy 1.7, enables Community Council to consider mixed residential and commercial projects or wholly residential developments exceeding thirty-five feet in height through the development agreement process.

Discharging the development agreement on the property does not pose a conflict with the MPS as it enables both as-of-right and discretionary development approvals. The Bedford Highway Secondary Plan through the application of Schedule R, supports mixed use redevelopment to prevent conflict between new and existing uses and any such future proposal on the lands will require public engagement and Council's approval of a development agreement. As such, it is recommended that Chebucto Community Council approve the proposed discharging 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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

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.

ALTERNATIVES

1. Council could choose to enter into a discharging agreement and allow the lands to revert to the existing C-2B 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 existing Stage I Development Agreement.

ATTACHMENTS

Map 1	Location and Zoning Map
Attachment A	Proposed Discharging Agreement

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 : Kelly Denty, Supervisor Planning Applications, 490-6011

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 20__.

SIGNED, SEALED AND DELIVERED
in the presence of

ARMCO CAPITAL INC.

per _____

per _____

per _____

per _____

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

HALIFAX REGIONAL MUNICIPALITY

per _____

per _____

MAYOR

per _____


per _____

CLERK



Map 1 - Location and Zoning

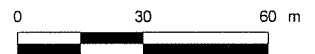
11 Larry Uteck Boulevard
Halifax

 Lands subject to discharging agreement

Halifax Mainland
Land Use By-Law Area

Zone

- C-2B Highway Commercial
- P Park and Institutional
- WA Water Access
- K Schedule K



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

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