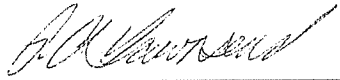


Chebucto Community Council
November 7, 2011

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Phillip Townsend, Director, Planning and Infrastructure

DATE: October 24, 2011

SUBJECT: **Case 17231: Non-Substantial Amendment to the Existing
Development Agreement for Governor's Brook, Halifax**

ORIGIN

Application by Armo Capital Inc.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Approve, by resolution, the 4th Amending Agreement, as provided in Attachment "A" of this report; and
2. Require that the Development 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 shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

The Governor's Brook subdivision is a 351 acre site located between McIntosh Run and Colpitt Lake in the Mainland South area of Halifax (see Map 1). The development of the land is subject to a development agreement for a comprehensive residential development that was approved by Council on January 10, 2005.

The agreement permits a mixed residential development including:

- 503 single unit dwellings;
- 238 two unit dwellings;
- 68 townhouses;
- 2 multiple unit dwellings totalling 96 units;
- approximately 486 acres for parkland as conservation parkland and active parkland; and
- a neighbourhood commercial site.

The agreement was previously amended three times:

- July 30, 2007 - to replace multiple unit dwellings with semi-detached dwellings;
- October 6, 2008 - to modify the permitted driveway width; and
- Oct 5, 2009 - to remove the limitation on the rate of development.

The developer believes there is no market for a neighbourhood commercial use in this development. The existing agreement outlines amendments that are considered non-substantial and can be considered through a resolution of Chebucto Community Council. Included is the ability to convert the neighbourhood commercial property to Type "B" residential lots.

Proposal

The current proposal includes converting the existing neighbourhood commercial property to 4 "Type B" single family residential lots (see Attachment B), through a non-substantial amendment as outlined in Section 2.11(c) of the existing agreement.

Location, Designation and Zoning

The subject area is zoned RDD (Residential Development District) under the Halifax Mainland Land Use By-Law and is designated Residential Development District in the Mainland South Secondary Plan in the Municipal Planning Strategy for Halifax Mainland. Policies 1.5, 1.5.1 and Schedule I of the Mainland South Secondary Plan outline criteria to be considered for development within the Residential Development District Designation. A detailed review of these policies was completed when this agreement was first contemplated.

DISCUSSION

Policies within the MPS regarding development within RDD areas encourage large scale residential development mixed with recreational, commercial and institutional uses by

development agreement. The commercial uses are to be of a smaller scale such that they serve only the immediate neighbourhood (see Attachment C).

When the development agreement was originally contemplated, the option to convert the neighbourhood commercial site into residential lots was identified as being a matter that could be dealt with by a non-substantial amendment. It should be noted that the subject property serves as the only commercial site for the development and should its conversion to residential lots be approved, the closest commercial area serving the neighbourhood would be on Herring Cove Road.

Although the commercial site could serve an important role in providing convenience services for the neighbourhood, the developer has indicated that there is no market for a commercial site in this area. Allowing the property to be developed for residential lots would better serve the neighbourhood from a unified site design perspective, as per the MPS policy direction, than a potentially long-term vacant, commercial site.

Density

By converting the neighbourhood commercial site into 4 single unit dwelling lots, the overall density of the development will be increased to 18.7 persons per acre. This is in keeping with the overall maximum density of 22 persons per acre permitted through the guidelines for development in Residential Development Districts.

Parkland Dedication

The existing and amending agreements require approximately 50 acres of parkland and approximately 194 acres of conservation land all to be deeded to HRM. The total amount of lands to be dedicated to HRM for parkland and conservation lands exceeds both the 5% required under section Schedule I of the MPS and the 10% required by the Regional Subdivision By-Law.

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 this application is for a non-substantial amendment neither a public information meeting nor a public hearing is required. Information concerning the application has been made available on the HRM website.

ALTERNATIVES

1. Council may choose to approve the proposed amending agreement as set out in Attachment A of this report. This is the recommended course of action.
2. Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiation with the applicant.
3. Council may choose to refuse the proposed amending agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended as the proposal is consistent with the MPS.

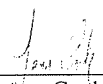
ATTACHMENTS

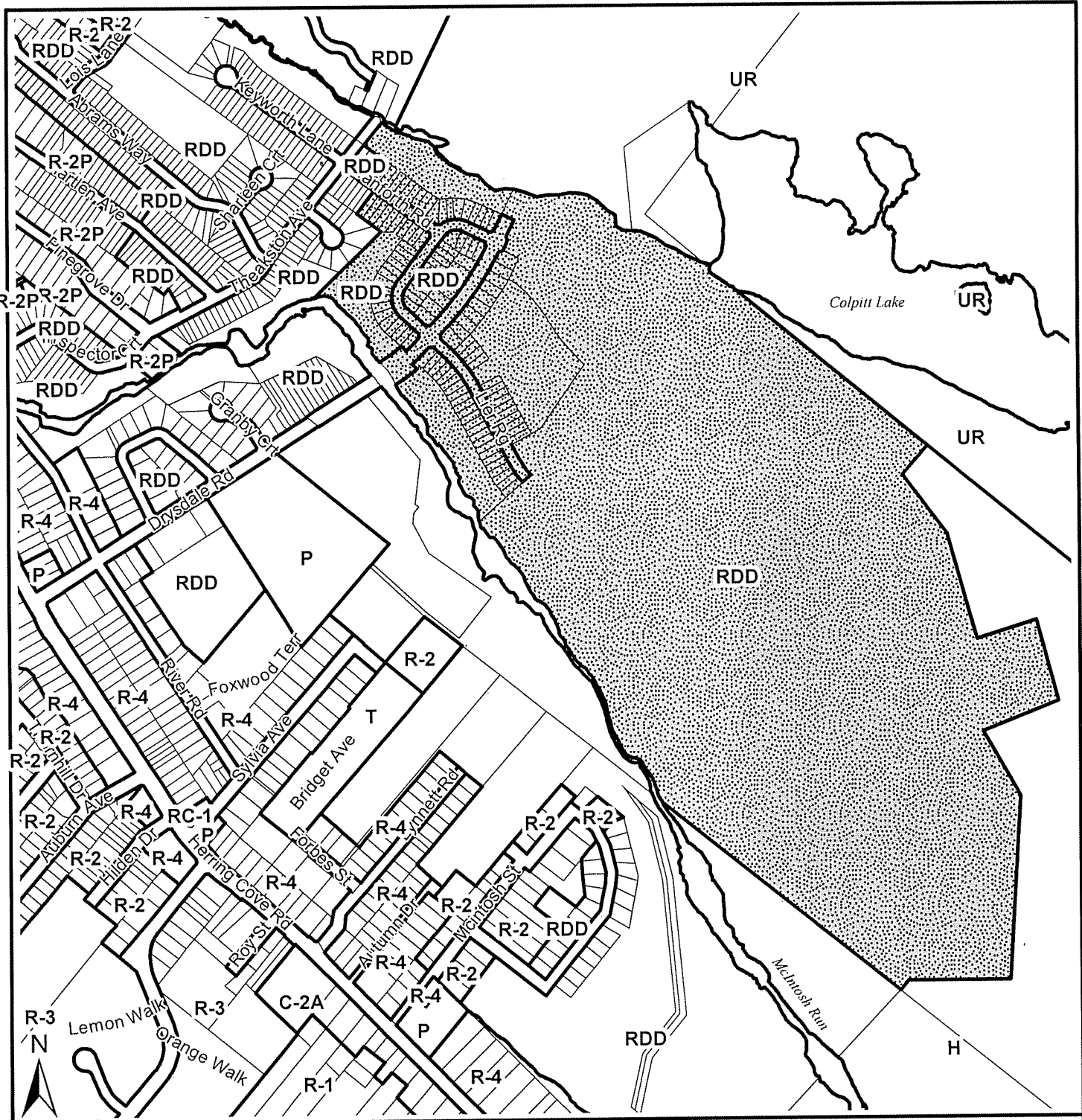
Map 1	Location and Zoning
Attachment A	Proposed 4 th Amending Agreement
Attachment B	Proposed Lots
Attachment C	Applicable Policies from the MPS for Halifax

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: Jillian MacLellan, Planner, 490-4423

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

Financial Approval by: 
James Cooke, CGA, Director of Finance/CFO, 490-6308



Map 1 - Location and Zoning

Governors Brook
Halifax

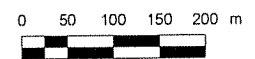
 Extent of development agreement area

Halifax Mainland
Land Use By-Law Area

Zone

- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-2P General Residential
- R-2AM General Residential Conversion
- RC-1 Neighbourhood Commercial
- C-1 Local Business
- C-2A Minor Commercial
- P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



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

Registration Office as Document Number 92570341 (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Chebucto Community Council of the Municipality approved an application to enter into an amending development agreement to remove the limitation on the rate of the development on October 5, 2009 (municipal reference number 01253) on the Lands, which said development agreement was registered at the Halifax County Land Registration Office as Document Number 94876407 (hereinafter called the "Third Amending Agreement");

AND WHEREAS the Developer has requested further amendments to the Existing Agreement and Amending Agreements to convert the neighbourhood commercial lot to 4 Type B (32' single family) lots;

AND WHEREAS the Chebucto Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 17231;

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

1. Section 2.1(a) of the Existing Agreement as amended is further amended by :
 - (a) replacing "Schedule B Landscape Plan" with "Schedule B.1 Landscape Plan";
 - (b) replacing "Schedule D Concept Plan (015)" with "Schedule D.1 Concept Plan";
 - (c) replacing "Schedule F Unit Types (021)" with "Schedule F.1 Site Plan By Unit Types"; and
 - (d) replacing "Schedule G: Phasing (023)" with "Schedule G.1 Phasing Plan".
 2. The Existing Agreement as amended is further amended by:
 - (a) replacing all references to "Schedule B" with "Schedule B.1";
 - (b) replacing all references to "Schedule D" with "Schedule D.1";
 - (c) replacing all references to "Schedule F" with "Schedule F.1"; and
 - (d) replacing all references to "Schedule G" with "Schedule G.1".
 3. Section 2.1(b)(iii) of the Existing Agreement as amended is further amended by replacing the number "270" with "274" when referring to the number of Type B residential lots to be developed.
 4. Section 2.1(b)(vii) of the Existing Agreement as amended is further amended by replacing the number "1" with "0" when referring to the number of neighbourhood commercial facilities.
-

WITNESS that this Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 201[#].

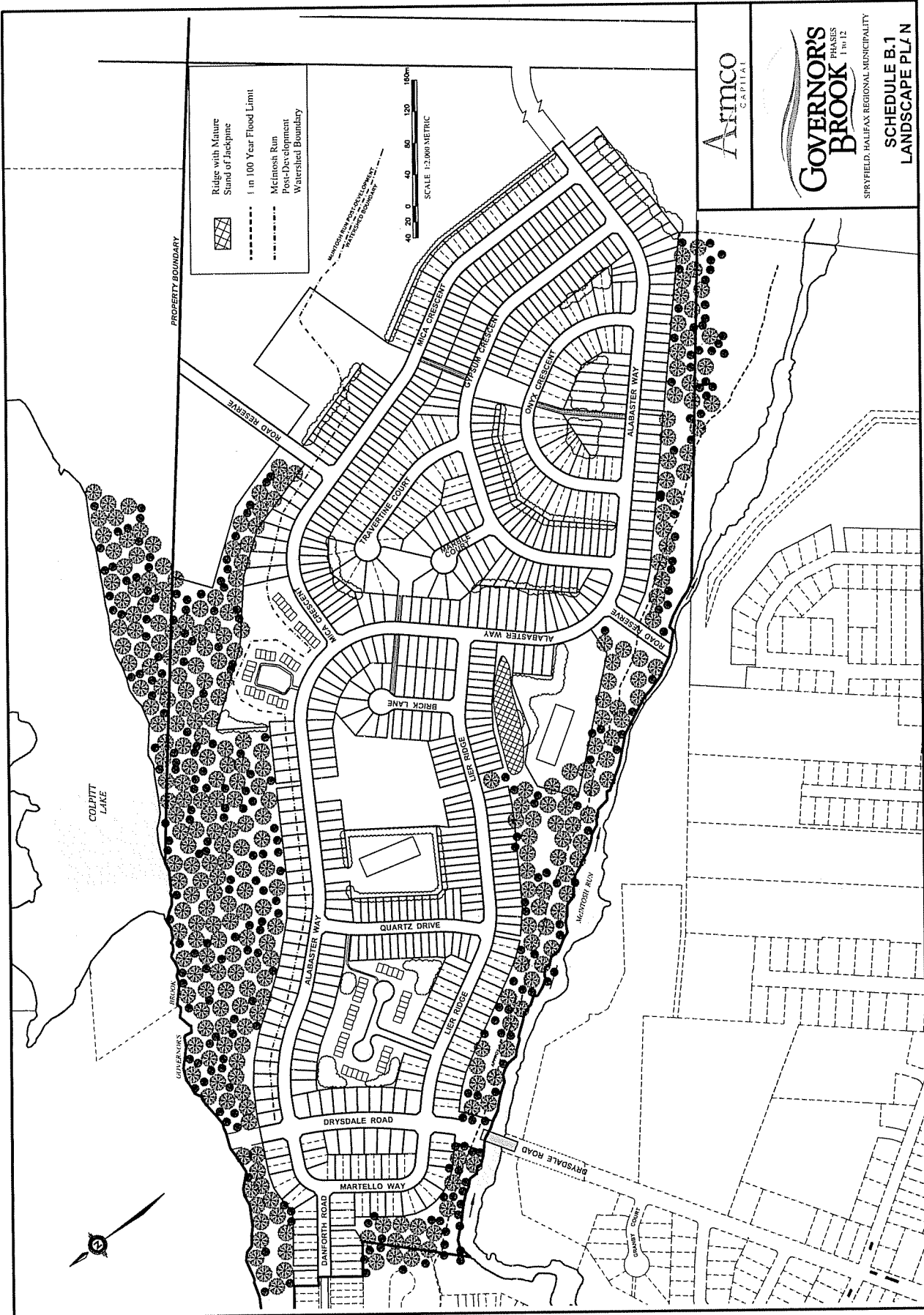
SIGNED, SEALED AND DELIVERED) **(INSERT - REGISTERED**
in the presence of) **OWNER NAME)**
per _____) per: _____

per _____) per: _____

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

per _____) per: _____
MAYOR

per _____) per: _____
MUNICIPAL CLERK



Ridge with Mature Stand of Jackpine
 1 in 100 Year Flood Limit
 McInosh Run Post-Development Watershed Boundary

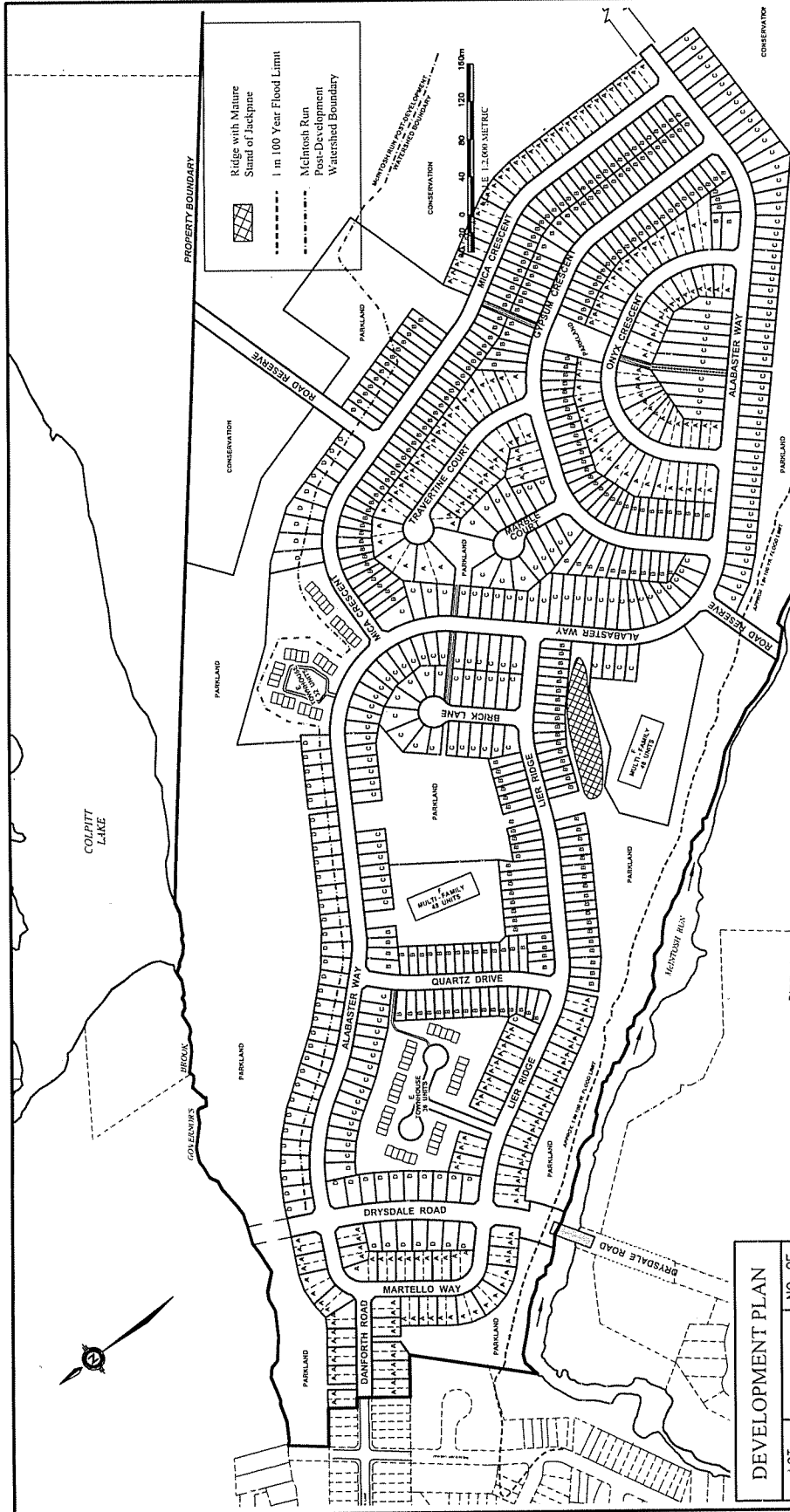


Armco CAPITAL

GOVERNOR'S BROOK PHASES 1 TO 12

SIRYFIELD, HALIFAX REGIONAL MUNICIPALITY

SCHEDULE B.1 LANDSCAPE PLAN



PROPERTY BOUNDARY

Ridge with Mature Stand of Jackpine

1 in 100 Year Flood Limit

McIntosh Run Post-Development Watershed Boundary

McINTOSH RUN POST-DEVELOPMENT WATERSHED BOUNDARY

CONSERVATION

PARKLAND

SCALE 1:2,000 METRIC

0 40 80 120 160m

Armco CAPITAL

GOVERNOR'S BROOK
PHASES 1 to 12

SPRINGFIELD, HALIFAX REGIONAL MUNICIPALITY

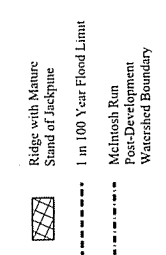
SCHEDULE F.1

SITE PLAN BY UNIT TYPE

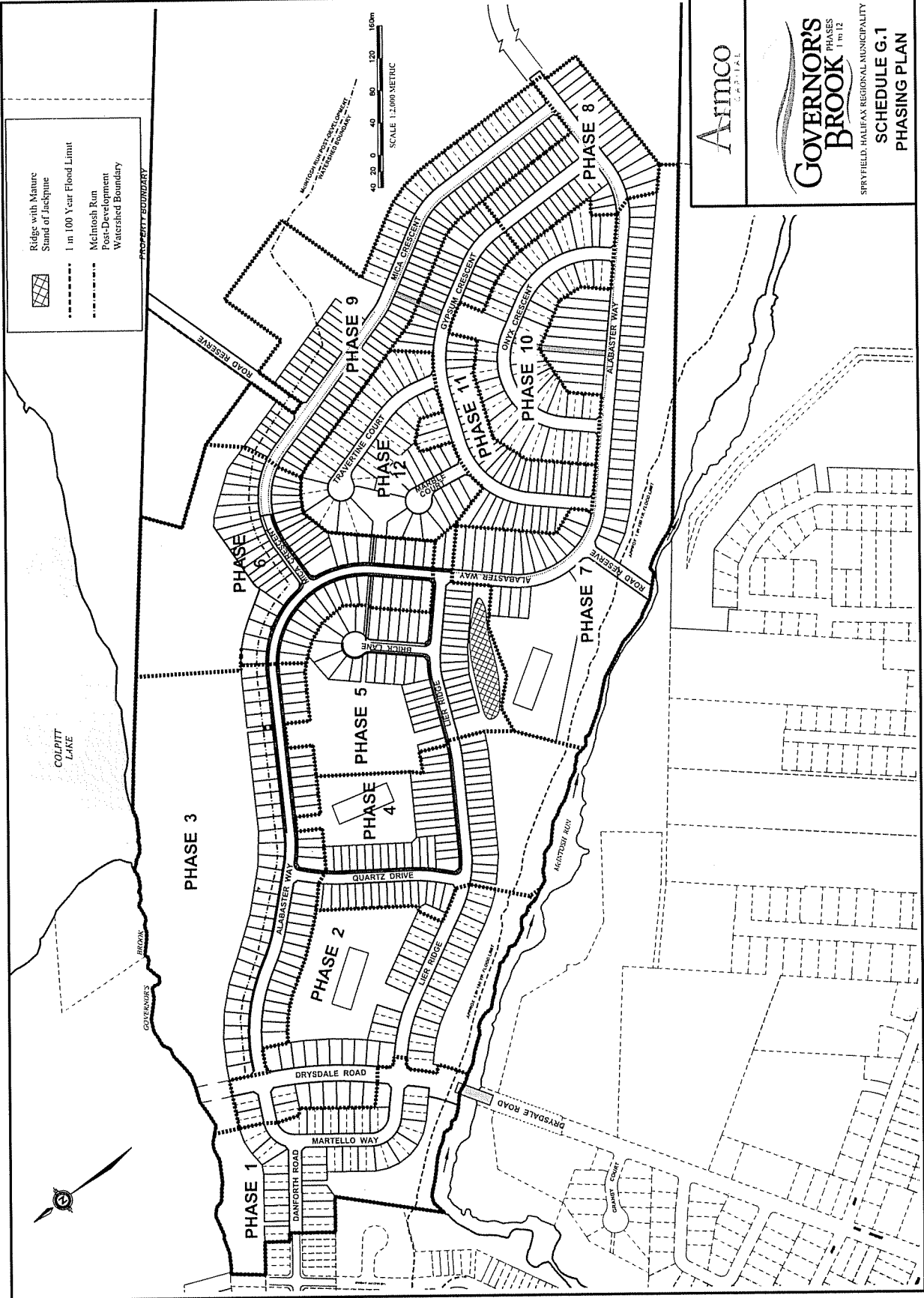
DEVELOPMENT PLAN		NO. OF UNITS
LOT TYPE	HOUSING TYPE	
A	32' SEMI-DETACHED	238
B	32' SINGLE-FAMILY	274
C	40' SINGLE-FAMILY	173
D	50' SINGLE-FAMILY	60
E	TOWNHOUSE	68
F	MULTI-FAMILY	96
TOTAL		909

AREAS (Ac)	
DEVELOPMENT	106.0±
COMMERCIAL	0.0±
PARKLAND	51.0±
CONSERVATION	194.0±
TOTAL	351.0±





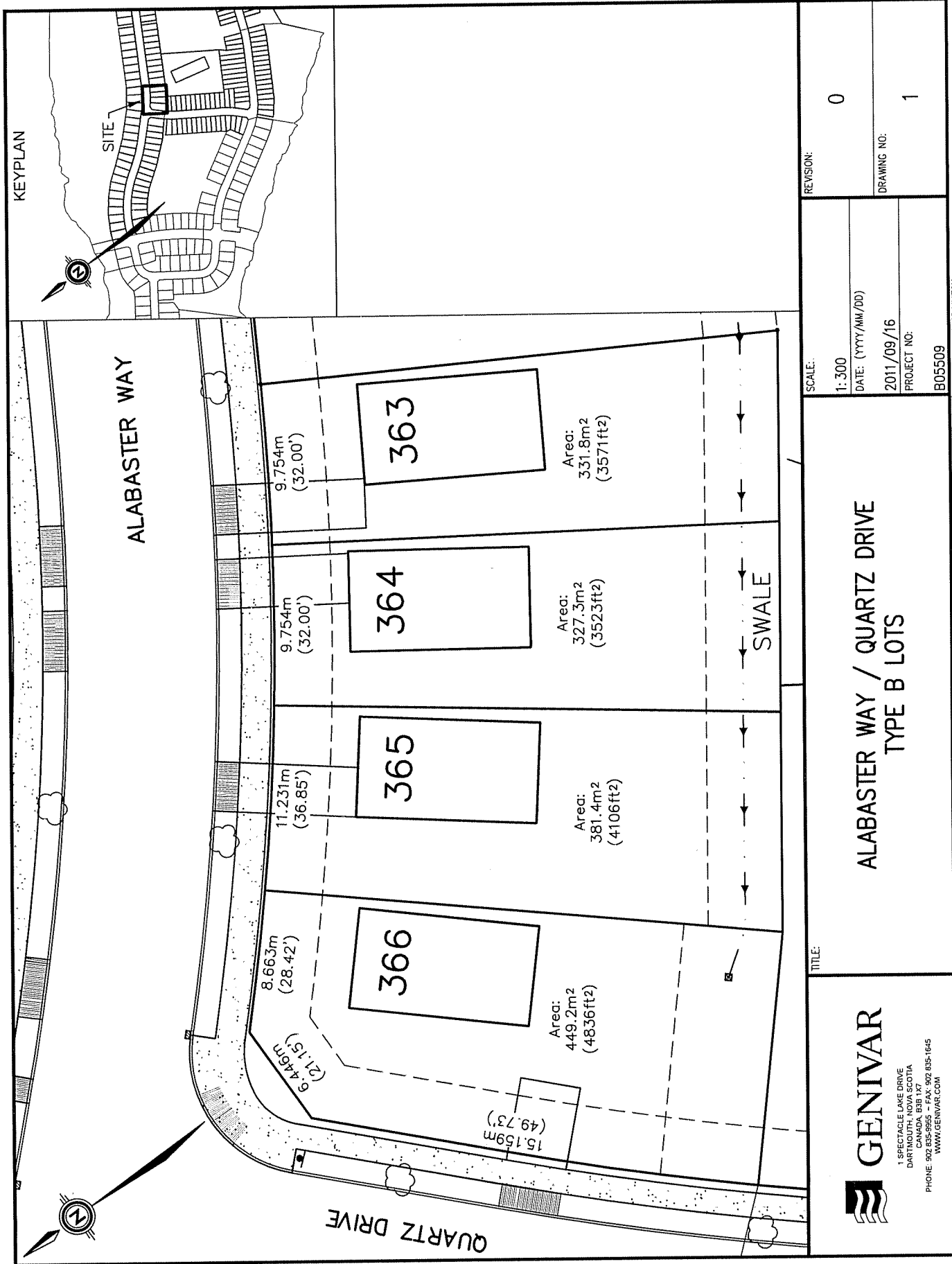
 Ridge with Mature Stand of Jackpine
 1 in 100 Year Flood Limit
 McIntosh Run
 Post-Development
 Watershed Boundary



Arimco
CAPITAL

GOVERNOR'S BROOK
PHASES 1 to 12

SPYFIELD-HALIFAX REGIONAL MUNICIPALITY
SCHEDULE G.1
PHASING PLAN



REVISION:	0
SCALE:	1:300
DATE: (YYYY/MM/DD)	2011/09/16
PROJECT NO:	B05509
DRAWING NO:	1

TITLE: ALABASTER WAY / QUARTZ DRIVE
TYPE B LOTS

GENIVAR
 1 SPECTACLE LAKE DRIVE
 DARTMOUTH, NOVA SCOTIA
 CANADA, B3B 1X7
 PHONE: 902-835-9555 - FAX: 902-835-1645
 WWW.GENIVAR.COM

Attachment C
Applicable Policies from the Municipal Planning Strategy for Halifax

SECTION X – MAINLAND SOUTH SECONDARY PLAN
1. RESIDENTIAL ENVIRONMENTS

- 1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.
- 1.5.1 Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.

SCHEDULE I
GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:
Uses Which May be Permitted

1. Residential Uses
 2. Community Facilities
 3. Institutional Uses
 4. Neighbourhood Commercial Uses
 5. Commercial Convenience Centres.
- Site Development Guidelines

5. Residential

- a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.
- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.
- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.

Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space.
8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.
9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.
10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.
12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

General

13. The minimum required site size for a contract within this area shall be three acres.
14. Municipal infrastructure must be adequate to service any proposed development.