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Chebucto Community Council
October 3, 2011

TO: Chair and Members of the Chebucto Community Council

SUBMITTED BY: _____
Ken Reashor, P.Eng., Director, Transportation & Public Works

DATE: September 1, 2011

SUBJECT: Sale of Land, Bayers Lake Business Park, RFP# 10-063

INFORMATION REPORT

ORIGIN

At the August 8, 2011, meeting of Chebucto Community Council, a motion was put and passed that requested that staff provide an information report to Chebucto Community Council regarding an update on the status and any details that may be able to be provided from the confidential RFP Award Report as approved by Regional Council.

BACKGROUND

In 2010, HRM issued an RFP for the opportunity to purchase municipally owned lands at Bayers Lake Business Park for development in keeping with the approved Functional Plan. At its April 5, 2011 In-Camera Session, Halifax Regional Council Awarded RFP# 10-063 to Banc Developments Ltd.

DISCUSSION

The successful interface between the Bayers Lake Business Park and the Blue Mountain Birch Cove Lakes Wilderness Area is an objective of the Regional Plan (Functional Plans), the RFP for the sale of the business park lands and the approved Agreement of Purchase and Sale for the Business Park lands.

Staff has been working with the Purchaser/Developer over the summer months to move from conceptual plans to detailed design with respect to the park boundary and area. The piece (defining the requirement) has been led by HRM Real Property Planning. Staff have presented HRM's preferred parkland dedication plan to the purchaser/developer and it has been well received and accepted in principle.

Due to the size of the property being sold, and its location adjacent the proposed Regional Park, the public has taken an active interest in this real estate transaction. Inquiries to date have focussed on areas of interest including the status of the sales transaction, required development approvals, parkland dedication/regional park access, and the contents of the Regional Council in-camera approval report.

In-Camera Approval Report

All municipal real estate transactions are brought forward In-Camera and the terms contained therein are confidential until the sale closes. This is a standard practice in both the public and private sector respecting confidentiality of the Purchaser in each specific transaction prior to a final transaction being closed. The recommendations contained on the front page of all In-Camera Reports are available to the public which indicate the nature of the approval.

This transaction has been a highly public process with the land opportunity having been put out to public tender outlining all critical details of the intended transaction being provided therein. The purchaser has also been identified from the outset as has their intended development of the property. Of key importance, the proposed development conforms to the existing approved property zoning and is in full accordance with the Regional plan (2006) and Functional Plan (2009) being two very extensive public processes. The purchase price is market value supported by an independent real estate appraisal and the transaction is in full adherence to HRM land sales policies.

Sales Transaction Update

HRM and Banc Developments are presently well advanced towards the Closing of the land sale transaction in keeping with the Council Award of RFP for the land. Banc Developments have entered in to the Agreement of Purchase and Sale and are now undertaking their due diligence prior to Closing.

Development Approval

The property in its entirety is zoned I-3 and the proposed development is fully permitted under the existing zoning. As an "as of right" development, the property is presently in the final stages of the Concept Plan Approval Process which is the same process for all similar developments in the private sector.

Parkland Dedication/ Regional Park Trailhead

The parkland dedication required under the concept plan approval process, will be delineated and retained by HRM. The regional park is intended to be large and serve a number of bordering but separate communities. Therefore, the Bayers Lake Entrance is one of a number of planned entrances to the proposed park. Each entrance will be sized and located to best accommodate various activities, number of anticipated users and appropriate levels of environmental protection. The entrance being planned as part of this sale of land is to be a secondary entrance leading to some intensively used areas of the park but is more so intended for access to largely "backcountry" areas of the park with lower usage. Thus this trail head entrance will require only a moderately sized parcel of land. The parkland will provide portage and trail access for canoeists and hikers and HRM is working closely with the Province to achieve these goals.

Present access to the existing park area is difficult and unsafe and the public are anxious to see a proper park entrance with parking. A key opportunity provided by this proposed development is that the access to the parkland will be provided much more quickly than may have otherwise been possible.

HRM Real Estate, Real Property Planning and the Purchaser are in the process of delineating the final parkland dedication area required under the subdivision by-law in keeping with the goal of the April 5, 2011 Council RFP Award.

Further to the original RFP, HRM is registering Restrictive Covenants against the entire property to ensure the original intent of development and to provide protection to the interface with the proposed regional park.

The purpose for Blue Mountain-Birch Cove Lakes Regional Park viewshed includes protection of the wilderness park experience, which is, in part; defined by wilderness views and vistas from the proposed Blue Mountain - Birch Cove Lakes Regional Park. These wilderness views establish the setting and essential character of the park.

Wilderness park viewsheds and vistas are valued assets of the landscape of the proposed Regional Park which require protection from diminution and loss can result in the visually undesirable impacts of development.

Development along the ridgeline and side slopes of hills at elevations near and proximal to the elevations at the interface of the Property and the proposed Regional Park present risk of undesirable visual impacts and changes to valuable views and vistas. Development controls

presented in the restrictive covenants are designed to limit such undesirable visual impacts and minimize the visual impact of permitted development to the extent reasonably achievable. The regulation of development within the Property under these covenants is intended through good civic design and arrangements requiring development to have regard for the predominant tree line of existing vegetation within the Wilderness Park.

BUDGET IMPLICATIONS

There are no budget implications identified at this time.

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 future development of the remaining lands at Bayers Lake was brought before the public during the Regional Plan (2006) and subsequent Business Parks Functional Plan (2009) process.

ATTACHMENTS

Attachment 1 – General Property Boundary Illustration

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.

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ATTACHMENT 1 - General Property Boundary Illustration

