

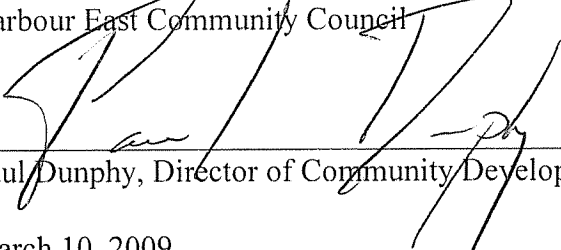
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PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
April 2, 2009

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: March 10, 2009

SUBJECT: Case 00798: Time Extension to Sign Development Agreement

SUPPLEMENTARY REPORT

ORIGIN

- On August 7, 2008, Harbour East Community Council approved a Stage I development agreement to permit a mixed-use development on the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth
- On December 4, 2008, Harbour East Community Council approved a 120 day time extension for signing the Stage I Agreement which ends April 3, 2009
- An additional time extension of 120 days for signing the approved development agreement has been requested.

RECOMMENDATION

It is recommended that Harbour East Community Council require the development agreement for the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth, be signed within 120 days of the date of this granted extension, or any additional extension thereof granted by Council on request of the Applicant; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND /DISCUSSION

On August 7, 2008, Harbour East Community Council approved the Stage I development agreement to permit a mixed-use development on the former Dartmouth Marine Slips property, Alderney Drive, Dartmouth (Map 1). On that date, Council required that the development agreement be signed within 120 days following the expiry of the appeal period. The appeal period expired on Monday August 25, 2008 and 120 days would have passed as of December 23, 2008. However, on December 4, 2008 a time extension of 120 days was granted in order to provide sufficient time to address land ownership issues relative to the development. The time extension will expire on April 3, 2009. Although the ownership issues are being addressed as expected, the process has required more time than anticipated. As a result, the Developer has requested an additional 120 day extension.

Staff are of the opinion that the requested extension is reasonable in light of the size and complexity of the development and necessary to address the ownership issue. Further, it is staff's understanding that 120 days will exceed the required time period to address the ownership issues but staff believe that provision of the additional time is a more prudent approach intended to avoid further extensions if there is an unforeseen delay.

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. Community Council may choose to approve the requested time extension for signing the development agreement by 120 days. This is the recommended course of action.
2. Community Council may choose to not approve the requested time extension for signing the development agreement which would render the agreement null and void and any obligations arising under it to be at an end after April 3, 2009. This is not recommended.

ATTACHMENTS

Map 1 Zoning and Location

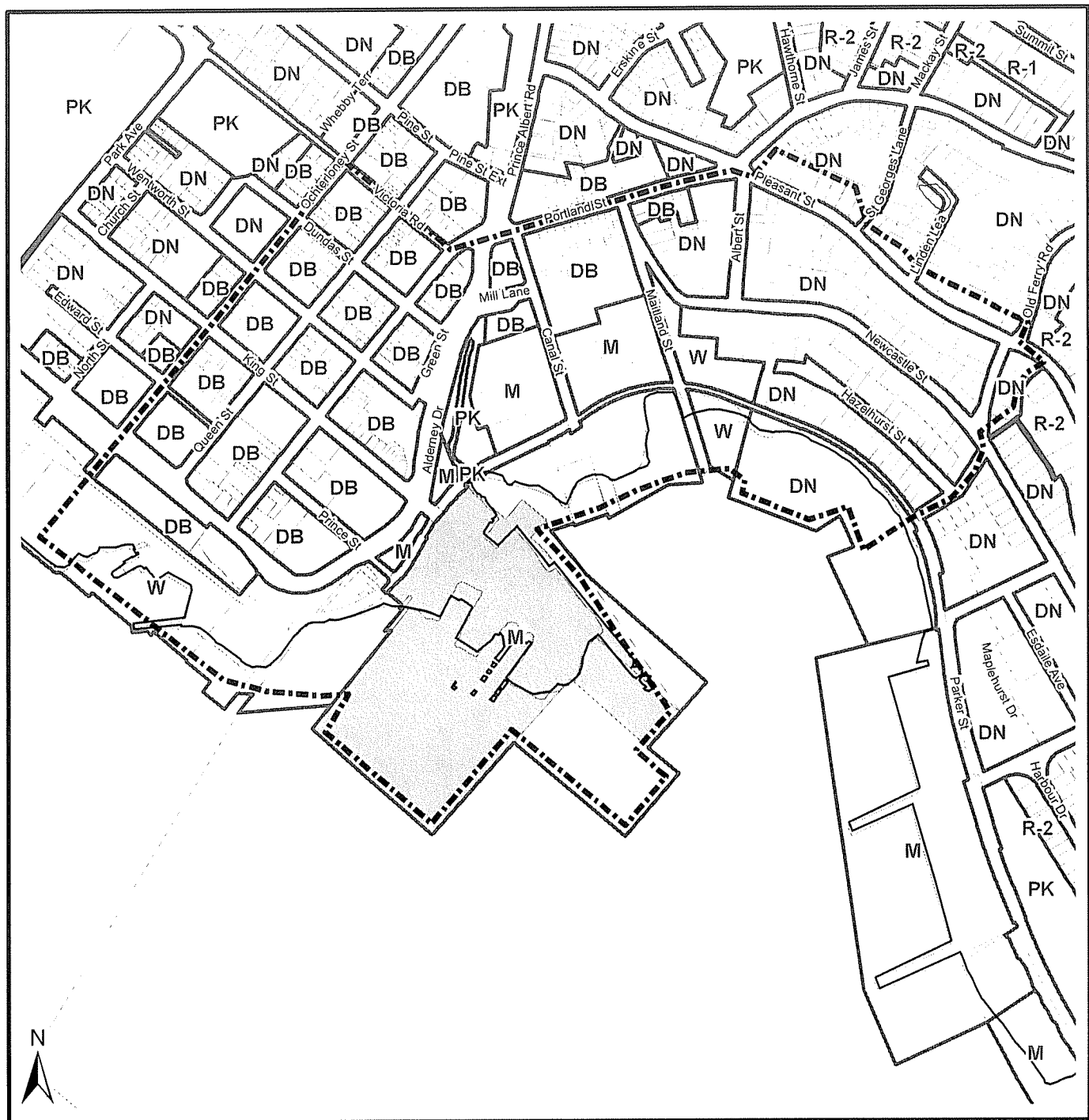
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Joseph Driscoll, Senior Planner, 490-3991




Report Approved by:


Austin French, Manager of Planning Services, 490-6717



Map 1 Zoning and Location

Dartmouth Marine Slips

 Subject Lands

 Proposed Notification Boundary

Downtown Dartmouth & Dartmouth By-law Area

Zone

- DB Downtown Business District
- DN Downtown Neighbourhood
- PK Park and Open Space
- W Waterfront
- M Marine Business

- R-1 Single Family Residential
- R-2 Two Family Residential



COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Downtown Dartmouth & Dartmouth Land Use By-law area

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