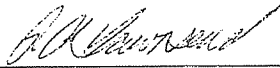


Harbour East Community Council
January 12, 2011

TO: Chair and Members of the Harbour East Community Council

SUBMITTED BY: 
Phil Townsend, Director of Planning and Infrastructure

DATE: December 15, 2011

SUBJECT: Case 17345 Russell Lake West Development Agreement,
Non-Substantive Amendment

ORIGIN

An application by Clayton Developments Ltd. for a non-substantive amendment to their existing Development Agreement for Russell Lake West to revise the conceptual layout of Blocks J and F to increase the number of lots on Krause Court from 30 to 34.

RECOMMENDATION

It is recommended that the Harbour East Community Council:

1. Approve, by resolution of Council, the reconfiguration of Krause Court from 30 to 34 single family lots as set out in the proposed amending agreement included as Attachment A to 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 Development Agreement for the Russell Lake West development, signed on October 3, 2005, permitted the creation of a mixed use development, consisting of residential and commercial uses. In the Existing Development Agreement the design of Blocks J and F indicated 30 single unit lots for the purpose of containing 30 single unit dwellings.

Proposal

Clayton Development has applied to amend the Existing Development Agreement to change the layout of Blocks J and F to permit 34 lots of proposed single unit dwellings on Krause Court. This will be achieved by reducing lot sizes to accommodate four additional lots. (Attachment A) As a result, 22 of the 34 lots proposed will have less than 50 feet of road frontage.

Location, Designation, Zoning and Surrounding Land Uses

The subject lands are:

- part of the Russell Lake West development which is bound by Russell Lake and Highway 111;
- located on Street J (Krause Court) in Blocks J & F of the Russell Lake West Development Agreement;
- situated within the Morris-Russell Lake Secondary Planning Strategy under the Dartmouth Municipal Planning Strategy (MPS) (Map 1); and
- zoned Comprehensive Development District (CDD) under the Dartmouth Land Use By-law (LUB) (Map 2).

Enabling Provisions

Part 5.1(a) of the Existing Agreement deems the replacement of low density housing with other low density housing, and in this case smaller lots, can be considered by Council as a non-substantial amendment as follows:

“5.1(a) Within Sub Area 1 as illustrated on Schedule I, lots designated for low density housing units (where low density housing units means single unit two unit or townhouse dwelling units) may be replaced with other low density housing units provided that the total number of dwelling units within Sub Area 1 does not exceed one thousand three hundred and twenty (1,320) and the proportion of single unit dwellings with less than fifty (50) feet of street frontage does not exceed twenty-five percent (25%) of the total number of single unit dwellings within Sub Area 1”

(Note: subject property is located within Sub Area 1 – currently the total number of dwelling units proposed is 1244 and 14% of single unit dwelling lots proposed have less than 50 feet of street frontage)

Harbour East Community Council can consider the proposed amendment as it is consistent with the intent of the Dartmouth MPS through Policies ML-18(i) and ML-19.

Due to the non-substantive nature of this application, the Harbour East Community Council can approve the requested amendments by resolution of Council as permitted under the HRM Charter.

DISCUSSION

Staff has reviewed the applicable sections of the Dartmouth Municipal Planning Strategy and the Existing Development Agreement and have determined that the requested amendment is consistent with both documents. The following issue has been identified for more detailed discussion.

Impact on Street J (proposed to be named "Krause Court")

The proposed amendments will create smaller lots which will result in an increased number of driveways accessed to Krause Court. Staff has reviewed the impact of the requested amendments and has no immediate concerns with the additional driveways access points. The locations of the proposed driveways will be further reviewed during the building permit application stage.

The proposed change will only increase the total number of units in Sub Area 1 from 1244 to 1248; still well below the maximum number of units permitted under the development agreement. Also, the percentage of single unit dwelling lots with less than 50 feet of road frontage increases from 36 to 58 lots or approximately 22% of all single unit dwelling lots; still below the maximum of 25%.

BUDGET IMPLICATIONS

No Budget Implications

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

Community engagement was undertaken during the original development agreement process. Non-substantial amendments to the Agreement do not require additional community engagement.

ALTERNATIVES


1. Council may choose to approve the proposed amending development 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 development agreement subject to modifications. This may necessitate further negotiation with the applicant.
3. Council may choose to refuse the proposed amending development agreement, and in doing so, must provide reasons based on a conflict with MPS policies and the general intent of the Existing Development Agreement.

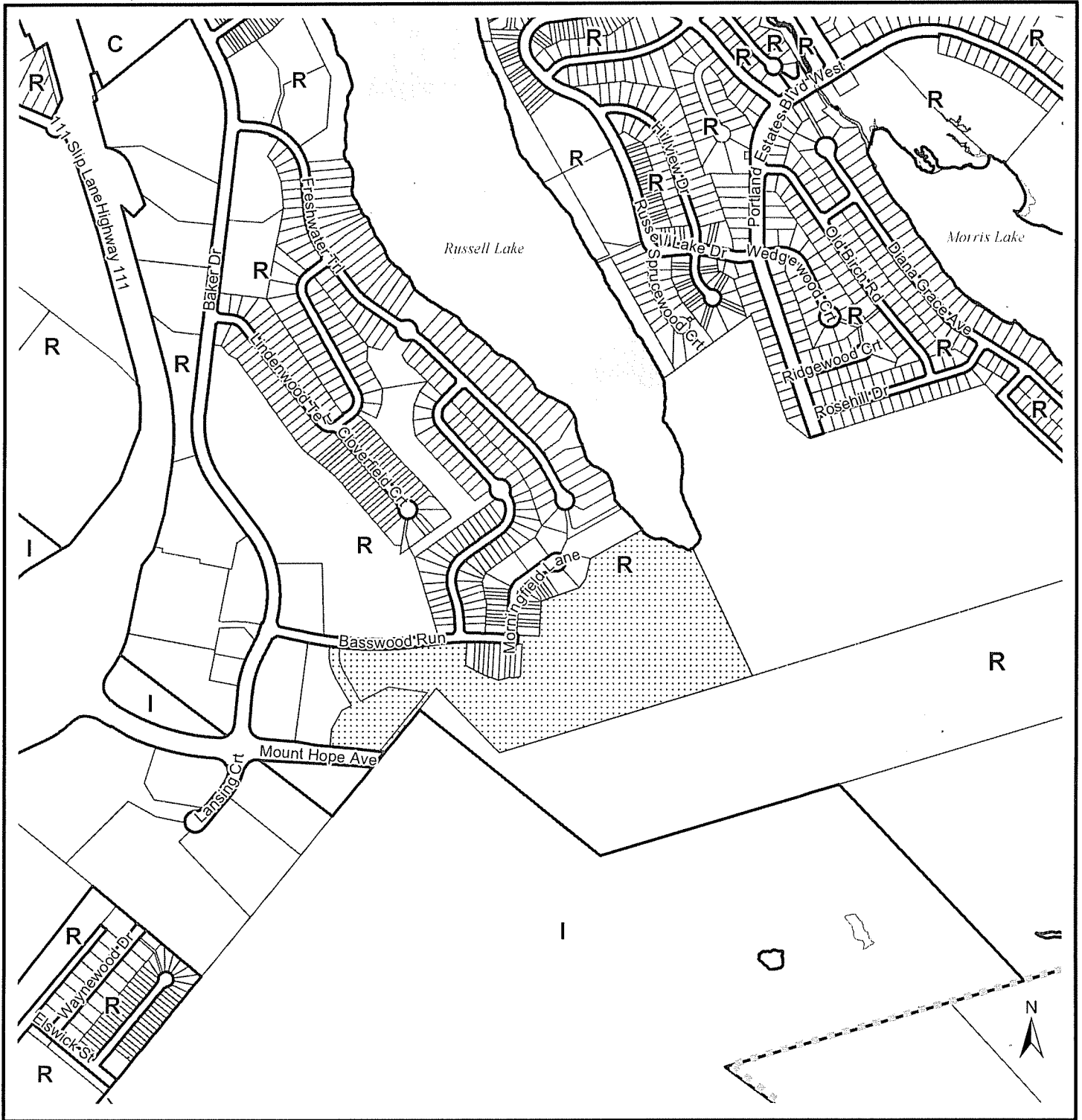
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Conceptual Suite Plan Russell Lake West
Attachment A	Proposed Amending 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 : Shayne Vipond, Senior Planner, 490 4335

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



Map 1 - Generalized Future Land Use

-  Subject Property
-  Plan Area Boundary

- Designation**
- R Residential
 - I Industrial
 - C Commercial

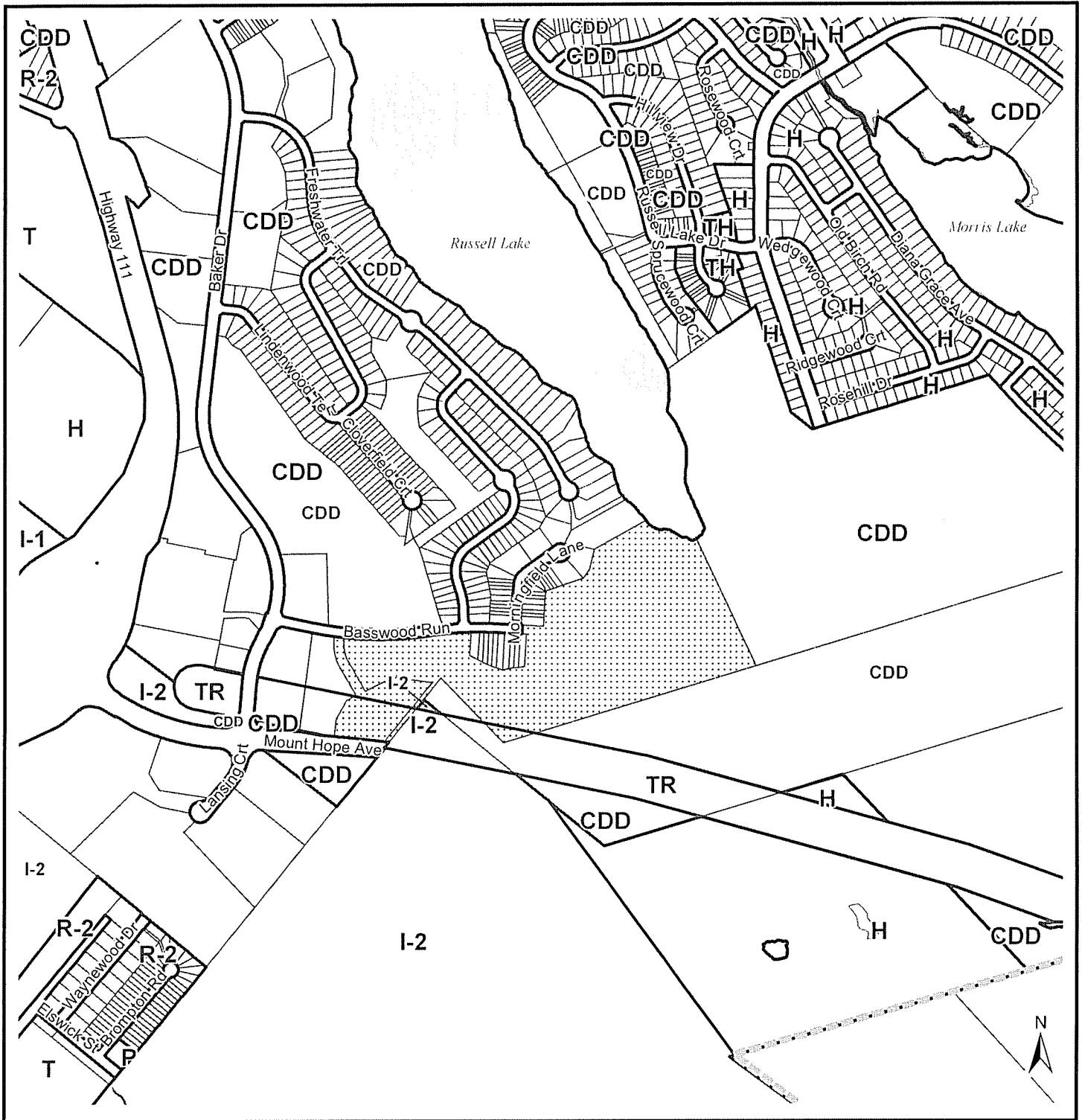
HALIFAX
 REGIONAL MUNICIPALITY
 COMMUNITY DEVELOPMENT
 PLANNING SERVICES

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

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Dartmouth Plan Area

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

Dartmouth Plan Area



Map 2 - Location and Zoning

-  Subject Property
-  Plan Area Boundary

Dartmouth Plan Area

Zone

- R-2 Two Family Residential
- TH Town Housing
- T Mobile Home Park
- I-1 Light Industrial
- I-2 General Industrial
- H Holding
- CDD Comprehensive Development District
- TR Transportation Reserve

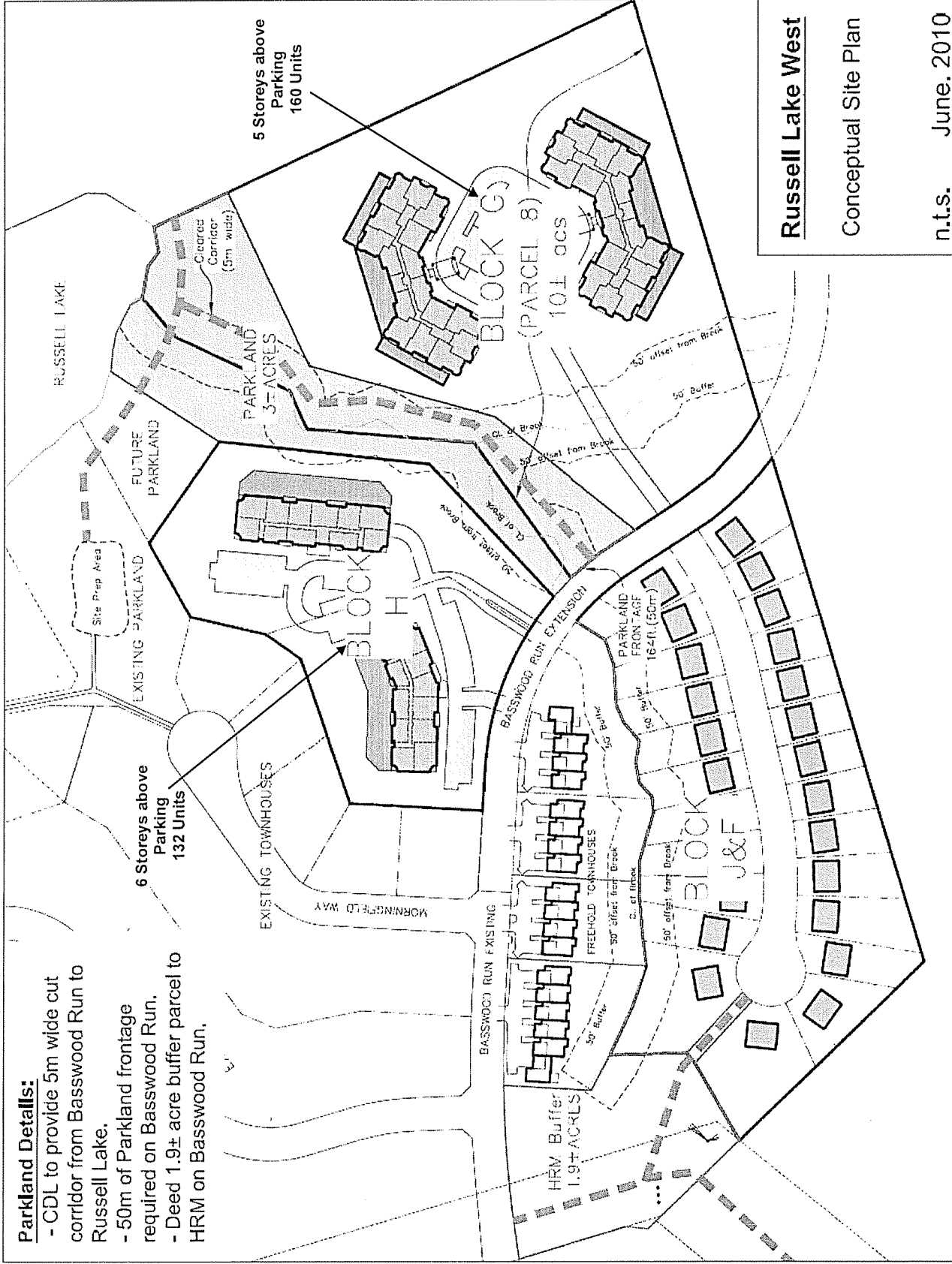


This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Plan Area.

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

Parkland Details:

- CDL to provide 5m wide cut corridor from Basswood Run to Russell Lake.
- 50m of Parkland frontage required on Basswood Run.
- Deed 1.9± acre buffer parcel to HRM on Basswood Run.



Russell Lake West

Conceptual Site Plan

n.t.s. June. 2010

Map 3: Proposed Land Use Plan

HRM does not guarantee the accuracy of any base information.

ATTACHMENT A – DRAFT DEVELOPMENT AGREEMENT

THIS AGREEMENT made this ___ day of [Insert Month], 20 __,

BETWEEN:

[INSERT PROPERTY OWNER NAME],
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located within Russell Lake West, Dartmouth and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Harbour East Community Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for a mixed use development on the Lands (Municipal Case Number 00731), which said Development Agreement was registered at the Land Registry Office in Halifax as Document Number 83812249 (hereinafter called the "Existing Agreement");

AND WHEREAS the Harbour East Community Council of the Municipality previously amended the Existing Agreement by entering into an Amending Agreement with the Developer on the 8th day of May 2007 (Municipal Case Number 00966) to replace the deadline date for completing all work associated with the extension of Baker Drive, which said Agreement was registered at Land Registry Office in Halifax as Document Number 87992815, (hereinafter called the "First Amending Agreement");

AND WHEREAS the Harbour East Community Council previously amended the Existing Agreement by entering into a Second Amending Agreement with the Developer on the 3rd day of March 2010 (Municipal Case Number 01336) to permit a revised layout for Block I of the Lands and a corresponding change to the Land Use Chart that forms Schedule VIII, which said Agreement was registered at the Land Registry Office in Halifax as Document Number 95631280, (hereinafter called the "Second Amending Agreement");

AND WHEREAS the Harbour East Community Council previously amended the Existing Agreement by entering into a Third Amending Agreement with the Developer on the 7th day of June 2011 (Municipal Case Number 015787) to permit a revised layout for Block I of the Lands and a corresponding change to the Land Use Chart that forms Schedule VIII, which said

Agreement was registered at the Land Registry Office in Halifax as Document Number 98839542, (hereinafter called the "Third Amending Agreement");

AND WHEREAS the Developer wishes to further amend the Third Amending Agreement to revise the layout and distribution of land uses in Blocks J and F, specifically on Street "J", pursuant to the provisions of the Existing Agreement and the HRM Charter (hereinafter called this Fourth Amending Agreement);

AND WHEREAS the Harbour East Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 17345:

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

-
1. Except where specifically varied by this Fourth Amending Agreement, all other terms, conditions and provisions of the Existing Agreement, First Amending Agreement, Second Amending Agreement and Third Amending Agreement shall remain in effect.
 2. Schedule B of the Existing Agreement shall be replaced with Schedule B-1 of this Fourth Amending Agreement as pertains to Blocks J and F.
 3. Schedule C (Land Use Chart) of the Existing Agreement shall be replaced with Schedule C-1 attached to this Fourth Amending Agreement.
 4. The Developer shall subdivide and develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 17345:

Schedule A: Legal Description of the Lands
Schedule B-1: Conceptual Site Plan for Krause Court
Schedule C-1: Land Use Chart Revised

5. The Existing Agreement is amended so that Blocks J and F are developed with a total of 34 lots on Krause Court (ie. Street J) as generally illustrated on Schedule B-1 of this Fourth Amending Agreement.
6. The street and all associated infrastructure shall conform with all applicable requirements of the Municipal Services Systems Specifications, unless otherwise approved by the Development Engineer, and with all applicable requirements of the Halifax Water Design and Construction Specifications, unless otherwise approved by Halifax Water.
7. The Developer shall construct a pedestrian walkway between Basswood Run and the public street in Blocks J and F, as generally illustrated on Schedule B-1. The walkway shall meet all applicable requirements of the Municipal Services Systems Specifications unless otherwise approved by the Development Engineer.

WITNESS that this Fourth Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2012.

SIGNED, SEALED AND DELIVERED) (Insert Registered Owner Name)
in the presence of)
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

Notes:



Revision		Date
No.	1	Conceptual Layout

DATE PLOTTED	11.24.10
DATE CHECKED	
DATE DESIGNED	
FILE	S:\Projects\17345\17345.dwg
DRAWN BY	N.T.S.

PROJECT
 Russell Lake West
Case 17345
Schedule B-1
Conceptual
Site Plan

DRAWING
 Krause Court
 Lot Layout
 34 Lots
 (22 @ 44ft wide)
 (12 @ 50ft wide)



Schedule C-1

SCHEDULE VIII

Russell Lake West

October 12, 2011

Sub Area 1 Land Use Chart

equals actual built or designed units

Total Acreage 174 acs.

Low Density Residential	Single Lake 50 - 60' LOTS	Single Lake Cul-De-Sac	Single > 50 FT.	Single < 50 FT.	Townhouse 22 ft.	Townhouse 28 ft.	Bungalow Townhouse
Street A (Freshwater Trail)	35	6	44		34		
Street B (Coldstream Run)							
Street C (Lindenwood Cres)			68				
Street D (Peachtree Hill)			31	36			
Street F (Cloverfield Way)							46
Street G (Morningfield Way)					48		
Street J (Block J&F)			12	22			
Total	35	6	155	58	82	0	46

(* - Alternative Landuse. ** - Not to exceed 50% of Total Low Density Residential Units)

254 Total Single Family
63.5 is 25% of total single family

Townhouses	Acres	upa
Block I (South of Basswood)	18	4.2
Total	18	4.2

	Units	ppu	People
Total Number of Single Units	254	3.35	851
Total Number of Townhouses	128	3.35	429
Total Number of Condo Townhouses	18	3.35	60
Total Low Density Residential Units % of total Units	400		1340
	36.8%		

Shannex Seniors Complex	Units*	Acres	upa
Block B (BD-2, BD-3)	150	8.9	16.9
* calculated based on 2 BR unit equivalents			
Total	150	8.9	

Total Number of Seniors Units % of total Units	150	2.25	338
	14%		

High Density Residential	Units	Acres	upa
Block A (BD-1)	180	7.3	24.7
Block C (BD-5A&B)	110	8.4	13.1
Block D (BD-7)	54	4.1	13.2
Block E (BD-4)	62	3.5	17.7
Block H (North of Basswood)	132	7.9	16.7

Total	538	31.2	
Total High Density Residential Units % of total Units	538	2.25	1,211
	49.4%		

Block G (School Site)	160	10	16.0
Total Residential Units	1088		
Total Residential Units Incl Block G	1248		3248
Total Gross Acres (Non Commercial)	170.9		
	7.3	upa	19.0 ppa

Community Commercial	Acres
COM 1 (BD-6)	3.1
Total	3.1

Total Community Commercial Acreage	3.1	40	124
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Total Gross Acres	174
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Case 17345