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Halifax and West Community Council
August 7, 2013

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY: Brad Anguish, Director of Community and Recreation Services

DATE: July 26, 2013

SUBJECT: **Case 16803 – Development Agreement Signing Extension, 2569 -2581 Brunswick St., Halifax**

SUPPLEMENTARY REPORT

ORIGIN

- January 7, 2013 motion of Peninsula Community Council:

“MOVED by Councillor Watts, seconded by Councillor Mason that West Community Council approve a further 240 days extension to the time period required for the Development Agreement at 2569-2581 Brunswick Street, Halifax as originally approved by Peninsula Community Council on March 5, 2012 and extended on September 10, 2012, to be signed by the property owner. MOTION PUT AND PASSED.”

LEGISLATIVE AUTHORITY

- *HRM Charter*; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council approve a further extension of one year to the time period required for the development agreement at 2569-2581 Brunswick Street, as originally approved by Peninsula Community Council on March 5, 2012, and extended on September 10, 2012, to be signed by the property owner.

BACKGROUND / DISCUSSION

On March 5, 2012, Peninsula Community Council (PCC) approved a development agreement for 2569-2581 Brunswick Street to permit the development of a 34 unit residential building by Harbour City Homes (Case 16803). Council's motion required the development agreement to be signed within 180 days of Council's decision including any applicable appeal periods. This signing period was extended a further 120 days during PPC's September 10, 2012 meeting requiring the development agreement to be signed by January 18, 2013 and further extended at the January 7, 2013 West Community Council, requiring the development agreement to be signed by September 15, 2013.

At the date of Council's decision, a portion of the lands to be developed was owned by HRM and the developer, Harbour City Homes, was negotiating with HRM for their purchase (see Attachment A). It was anticipated that the sale of the subject properties would be finalized soon after Council's decision on the proposed development agreement. To date, the property transaction has not been finalized.

The proposed development agreement cannot be signed by Harbour City Homes until it takes ownership of the subject lands. Therefore, staff recommends that Community Council pass a motion to extend the signing period of the development agreement by one year as it should provide ample time for the sale of the property to be completed. The deadline for signing the development agreement by Harbour City Homes would then be extended to September 15, 2014.

FINANCIAL IMPLICATIONS

There are no financial 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.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. As the matter under discussion is regarding the time required to sign the development agreement, community engagement was not required.

ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

ALTERNATIVES

1. Council may choose to approve an extension of one year to the time period required for the development agreement at 2569-2581 Brunswick Street, Halifax, to be signed by the property owner. This is the recommended course of action.
2. Council may choose to approve an alternative time period required for the development agreement at 2569-2581 Brunswick Street, Halifax, to be signed by the property owner.
3. Council may choose to refuse an extension to the time required for the development agreement at 2569-2581 Brunswick Street, Halifax, to be signed by the property owner. This alternative is not recommended and may result in the approved development agreement becoming null and void.

ATTACHMENTS

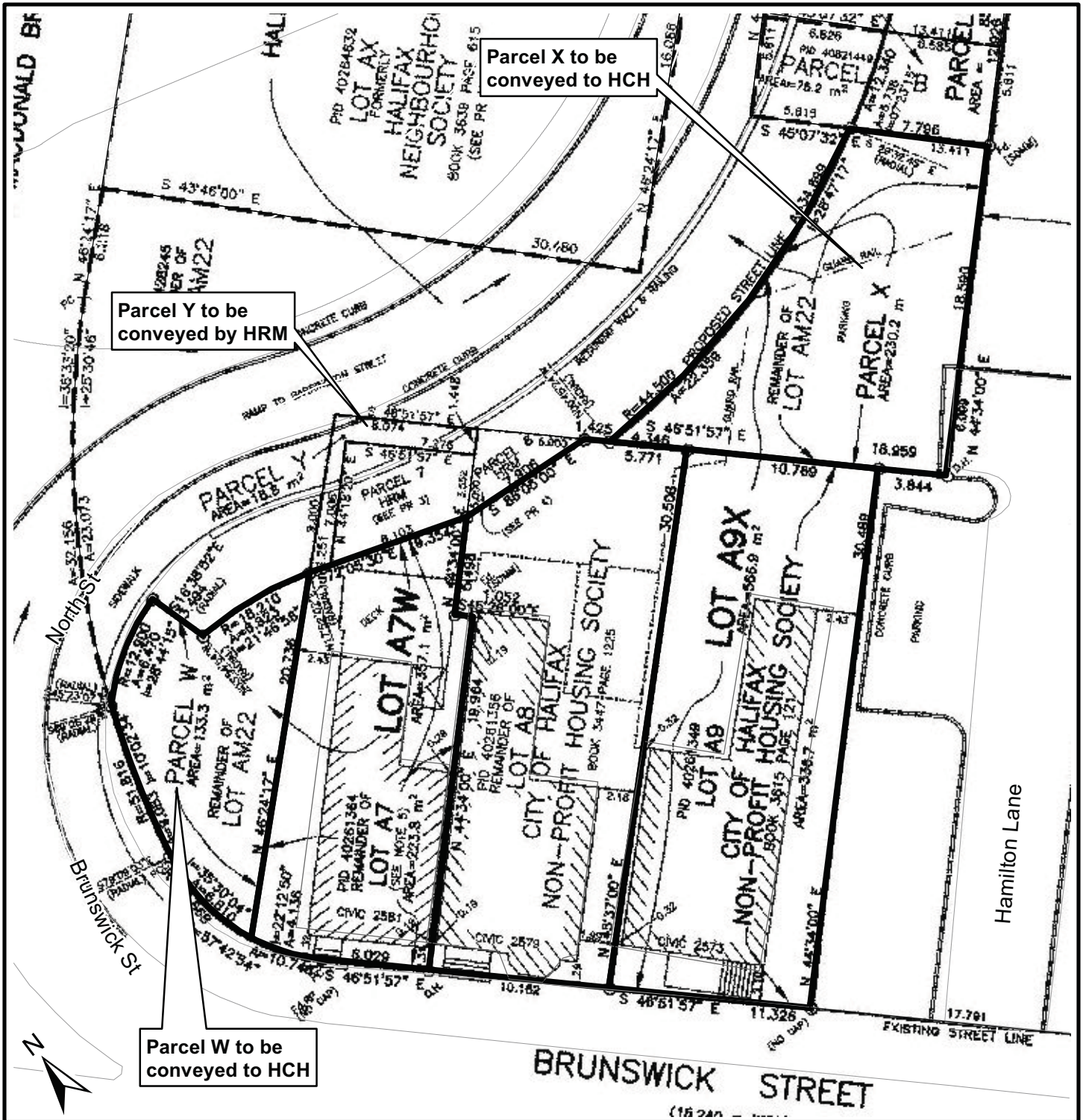
Attachment A Properties to be Purchased / Sold

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 I, Development Approvals, 490-4423

Original Signed

Report Approved by: _____
for: Kelly Denty, Manager, Development Approvals, 490-4800



Attachment A - Properties to be Purchased/Sold

2571-2581 Brunswick Street
Halifax



Survey information extracted from preliminary survey plan, 22 November 2004

Halifax Peninsula
Land Use By-Law Area

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