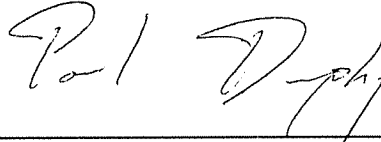


Western Region Community Council
February 2, 2010

TO: Chair and Members of Western Region Community Council



SUBMITTED BY:

Paul Dunphy, Director of Community Development

DATE: January 27, 2010

SUBJECT: **Case 01306 - Development Agreement - 2273 Prospect Road, Hatchet Lake**

SUPPLEMENTARY REPORT

ORIGIN

- Application by RCS Retail Construction Specialists Inc. for lands of Atypia Limited to enter into a development agreement for a new pharmacy and medical clinic building at 2273 Prospect Road, Hatchet Lake.
- December 3, 2009 staff report to WRCC.
- January 18, 2010 motion of Western Region Community Council (Item 8.2.1) requesting additional information.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Approve the development agreement, as contained in Attachment A of the December 3, 2009 report.
2. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

A staff report and draft development agreement dated December 3, 2009 were before the Western Region Community Council (WRCC) for a public hearing on January 18, 2010. During subsequent deliberations on the application by members of WRCC, concerns were raised with the preliminary stormwater management plan shown on Schedule B of the draft development agreement. The following motion was put and passed by WRCC on this issue:

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council defer decision on this matter pending receipt of certification of groundwater arrangements by external (certified) engineers and if design changes be warranted that those changes be identified and that the Western Region Community Council hold a special meeting upon receipt of the Certification.

Councillor Lund requested that HRM staff (Planning/Engineer/Legal Services) also review the groundwater issue.

DISCUSSION

This application falls within an area of the Municipality without HRM-owned infrastructure. Therefore, Development Engineering has no jurisdiction to enforce the Municipal Service System Design Guidelines or drainage by-laws. The property has frontage on a provincially-owned road and associated stormwater ditch system. As well, drainage between private properties is a civil matter, which also falls outside of HRM's jurisdiction. However, at the request of the Western Region Community Council, Development Engineering has reviewed the preliminary stormwater management plan submitted by Terrain Group Inc., the applicant's engineering consultant. Based on the information provided and discussions with representatives from both the Terrain Group and NS Transportation and Infrastructure Renewal, it appears that the preliminary design is satisfactory and meets appropriate engineering design principles of reducing storm water flows post development.

As this proposal is only at the Development Agreement stage of the process, the final detailed design of the stormwater management plan has not been completed. The final design will occur at the building permit stage, where the Developer's consultant has indicated that they will provide a post construction review of the works to ensure conformance with the design drawings. This certification should help to alleviate drainage concerns to adjacent properties.

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, 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 chose to approve the entire development agreement, as contained in Attachment A. This is the recommended course of action.
2. Community Council may choose to alter the terms of the development agreement. This may necessitate further negotiation with the Developer, and may require an additional public hearing.
3. Community Council may choose to refuse the entire development agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal, based on the policies of the MPS.

ATTACHMENTS

Attachment A January 19, 2010 letter from Terrain Group Inc.
Attachment B Preliminary Stormwater Management Plan dated January 19, 2010

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 : Luc Ouellet, Planner I, 490-3689



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



D09226

January 19, 2010

Robert Lambur
Retail Construction Specialists
26 Topsail Court
Bedford, Nova Scotia
B4B 1K5

email: rlambur@rcsinc.ca

Dear Robert,

Re: Proposal Brookside Pharmasave Redevelopment

We understand that during the public hearing process concern was expressed about a possible increase in storm water to the rear of the property, PID No. 40545626, now or formerly owned by Lindsay Allen. The area of concern is the natural low area located at the southwest corner of the Atypia Limited lands and identified as Point 'B' on the Stormwater Management Drawing.

The original Stormwater Management Plan, Terrain drawing No. D09226001, Revision 2 dated 01-Dec-09, shows that the post development flows to Point 'B' are less than the pre-development conditions. This was based on one half of the new building roof area contributing to the Point 'B' flow. Paul Vincent, RCS, has confirmed that entire roof drainage for the proposed building will be piped to the Highway 333 ditch. Our stormwater management plan, Dwg. No. D09226001 Revision 2A dated 19-Jan-10, reflects this condition. The stormwater model shows that flow to Point 'B', the southwest corner, is less in the post developed scenario for both the 1:5 year and the 1:100 year design events.

Therefore, the peak flow rate to the rear of the neighbouring property will be less post development than currently exists. Terrain has been retained to provide a post-construction review of the works for conformance with the design drawings.

Yours truly,

TERRAIN GROUP INC.

Ronald A. Hiltz, P.Eng., FEC, CDP

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