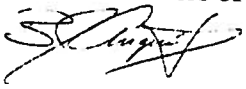




P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Western Region Community Council  
June 25, 2012

**TO:** Chair and Members of Western Region Community Council  
  
**SUBMITTED BY:** Brad Anguish, Director, Community and Recreation Services  
**DATE:** June 5, 2012  
**SUBJECT:** Case 16559: Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove Drive, Hubley

**SUPPLEMENTARY REPORT**

**ORIGIN**

- On April 23, 2012, the staff report for Case 16559 was tabled with Western Region Community Council;
- On May 28, 2012, a supplementary report dated May 21, 2012, was tabled with Western Region Community Council; and
- On May 28, 2012, Western Region Community Council passed a motion to approve a Classic Open Space Design development agreement for lands located off Granite Cove Drive, Hubley (Case 16559).

**RECOMMENDATION**

It is recommended that Western Region Community Council confirm their approval of Case 16559 by approving the following motion:

1. Approve the Development Agreement as contained in Attachment "A" of the Supplementary Report dated May 21, 2012, to allow for a Classic Open Space Design development agreement off Granite Cove Drive, Hubley, subject to the sale of the Road Reserve lands by HRM; and
2. Require that the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligation arising hereunder shall be at an end.

## BACKGROUND

On April 23, 2012, staff tabled a report with the Western Region Community Council dated April 3, 2012, regarding a proposed development agreement for a Classic Open Space Design Development off Granite Cove Drive in Hubley. A supplementary report dated May 21, 2012, was also tabled with the Western Region Community Council on May 28, 2012, which clarified the requirements of the proposed development agreement relative to the delineation of wetlands and watercourses. The subject site is part of the Three Brooks Subdivision. The proposed development agreement can be considered through the Open Space Design Development policies of the Regional Municipal Planning Strategy (RMPS). Under these policies, subdivisions are designed to conserve ecological and culturally significant areas while allowing for development.

At the May 28, 2012 Western Region Community Council meeting, a public hearing was held to consider the development agreement for the proposed open space subdivision. At the public hearing, Council asked questions to staff in response to comments from the public. One of the questions asked of staff related to the number of lots which could be permitted as-of-right on the subject properties. Staff indicated that approximately 31 lots could be developed based upon an approved Concept Plan. This is also referenced in the background section of the staff report dated April 23, 2012. However, the Concept Plan that was approved in August 29, 2003 for the subject properties and revised in April 30, 2004 and July 24, 2009 shows only 13 lots.

## DISCUSSION

As the information provided to Council and the public on the number of as-of-right lots was incorrect, staff has reviewed its recommendation to determine what impact, if any, the revised information would have on its recommendation.

Council can consider Open Space Design Development Agreements based on Policies S-15 and S-16 of the RMPS. These policies do not contemplate nor suggest the comparison of a proposed development against what may be permitted as-of-right. In most cases, this is not an issue as the RMPS severely restricts as-of-right development. Under Policy S-16, Council can consider a maximum density of 1 unit per acre for any Classic Open Space Design Development. Under this density ratio, the applicant could apply for up to 31 lots on the subject properties. The proposed development is for only 25 units which is a density of less than 1 unit per acre.

Although there was a discrepancy as to what was communicated as being the as-of-right potential, staff continues to recommend approval of the proposed development agreement as it meets the density threshold and all other applicable policy criteria as set out in the staff report dated April 3, 2012. Therefore, staff is requesting Western Community Council pass a motion re-confirming their motion of approval of the proposed development agreement for a Classic Open Space Design Development off Granite Cove Drive in Hubley.

### **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, 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 community engagement process is consistent with the intent of the HRM Community Engagement Strategy as describe in the staff report dated April 3, 2011.

### **ENVIRONMENTAL IMPLICATIONS**

No additional implications were identified beyond the issues raised in staff's report dated April 3, 2012.

### **ALTERNATIVES**

1. Council may confirm the Motion put and passed by Western Region Community Council during the May 28, 2012 Community Council to approve the proposed development agreement as contained in Attachment "A" of the Supplementary Report, dated May 21, 2012 and subject to the sale of the Road Reserve lands by HRM. This is the recommended alternative.
2. Council may rescind their motion to approve the proposed development agreement and request further clarification from staff or require a second public hearing to be held.
3. Council may rescind their motion to approve the proposed development and pass a new motion to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with the MPS policies.

### **ATTACHMENTS**

None

**Case 16559: Open Space Development Agreement  
Granite Cove Drive, Hubley  
Community Council Report**

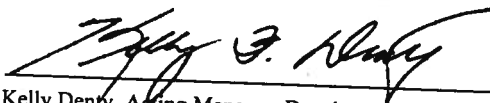
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**June 25, 2012**

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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 1, 490-4423



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

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