

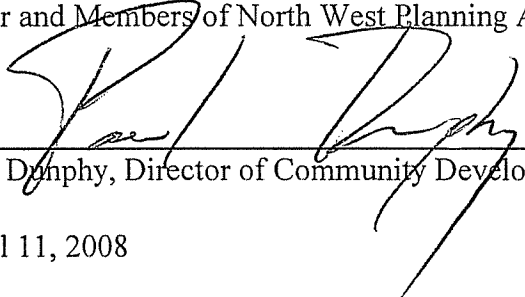


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North West Planning Advisory Committee  
May 7, 2008

**TO:** Chair and Members of North West Planning Advisory Committee

**SUBMITTED BY:**

  
Paul Dunphy, Director of Community Development

**DATE:** April 11, 2008

**SUBJECT:** Case 00955: Extension of the Deadline for the Signature of the  
Development Agreement

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**ORIGIN**

An application by Hampton Holdings to extend the date required for the signature of the development agreement by six months.

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Approve the proposed extension of six months to the signature deadline of the development agreement for Case 00955; and
2. Require the proposed development agreement be signed and delivered within 548 days (an extension of 183 days), or any extension thereof granted by North West Community Council on request of the applicant, from the date of final approval of said agreement by North West Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

**BACKGROUND**

On July 5, 2007, North West Community Council approved a development agreement (Case 00955) to permit a gas station and commercial building at 220, 228 and 232 Cobequid Road, near the corner of Glendale Drive and Cobequid Road. The site is:

- approximately 1.5 acres in size;
- located partially within the Urban Residential designation and located partially within the Community Commercial designation (Map 1);
- zoned P-1 (Community Facility) Zone, zoned C-2 (Community Commercial) Zone, and zoned R-2 (Two Unit) Zone (Map 2);
- contains land partially owned by HRM and subject to a purchase and sale agreement with the developer which has been approved by Regional Council.

Due to complex land transactions required between the developer, other land owners and HRM to enable this development, the approval included a one year time frame for the signature of the agreement by the applicant. To date, the land transactions required to enable this agreement have not been completed, and the applicant has not been able to sign the agreement. The applicant is concerned that the land transactions may not be complete in time to sign the agreement. The time frame requested by North West Community Council ends on July 4, 2008.

An application has been made to extend the deadline for signature by six months.

**DISCUSSION**

Staff have reviewed the proposed request for the extension to the signature deadline and offer the following comments:

- The applicant and HRM have been working to finalize the required land transactions which must be completed prior to the signature of the agreement.
- The transfer of land from HRM to the applicant has taken longer than anticipated, to the fault of neither party.
- The transfer of land to the applicant is anticipated in the near future and all other transactions are anticipated to be complete within the six month period.
- No new issues have arisen which would lead staff to suggest the denial of this request.
- The request does not require a public hearing, nor is the granting of an extension appealable to the N.S. Utility and Review Board.

***Conclusion***

Staff have reviewed the request to grant an extension to the timeline for the signature of the development agreement for Case 00955 and recommend that Council approve the request as outlined in the recommendation section of this report.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the C310 operating budget.

**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. Council may choose to approve the proposed extension to the deadline for the signature of the development agreement. This is the recommended course of action.
2. Council may choose to refuse the proposed extension to the deadline for the signature of the development agreement. This alternative is not recommended as outlined in the staff report.
3. Council may choose to approve the extension to the deadline for the signature of the development agreement subject to modifications.

**ATTACHMENTS**

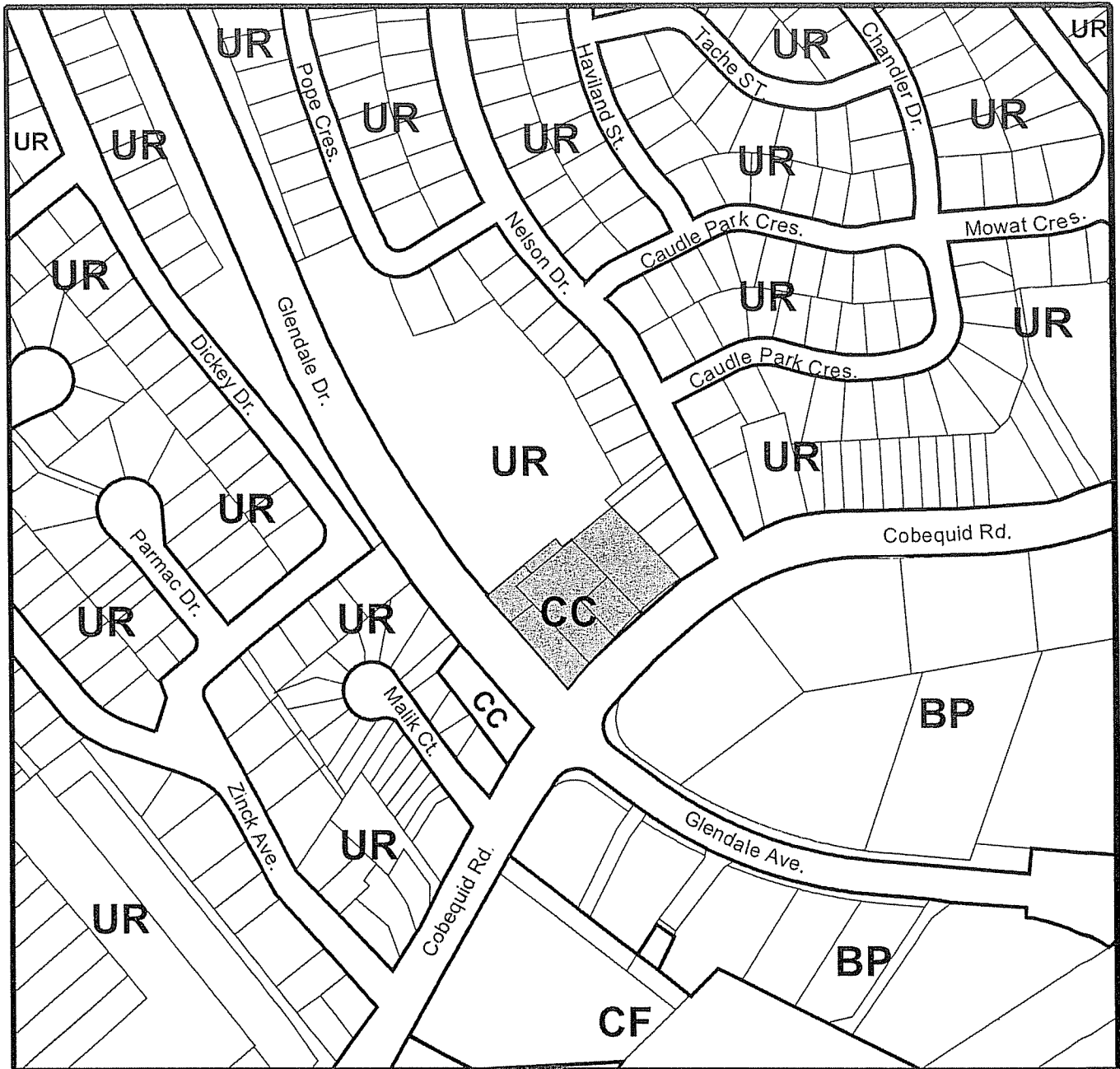
Map 1            Generalized Future Land Use Map  
Map 2            Zoning

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 :            Andrew Bone, Senior Planner, 869-4226



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



Map 1  
Generalized Future Land Use

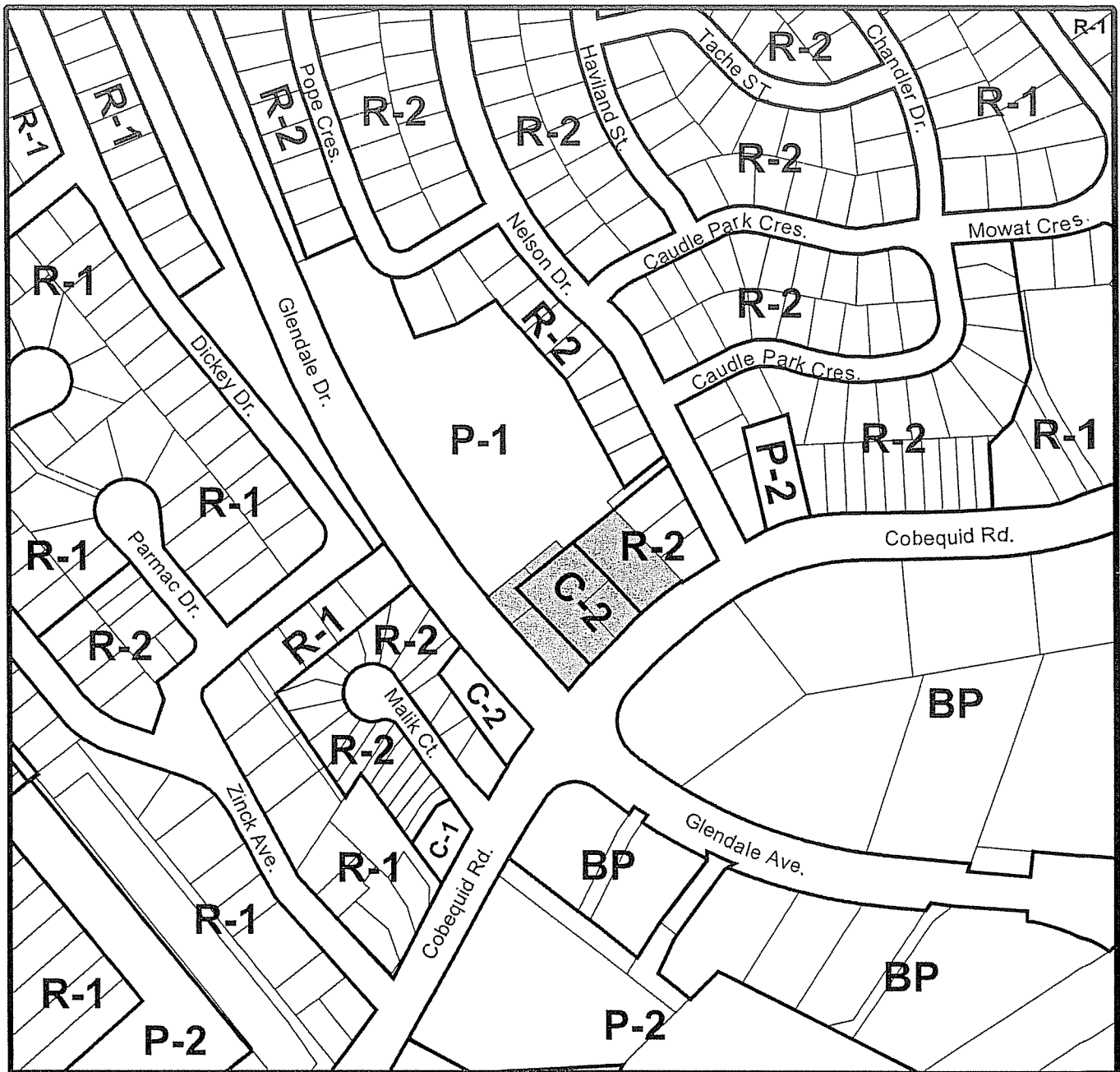


Subject Area



- UR Urban Residential Designation
- CC Community Commercial Designation
- CF Community Facility Designation
- BP Business Park Designation





Map 2  
Zoning



Subject Area



- R-1 Single Family Dwelling Zone
- R-2 Two Unit Dwelling Zone
- C-1 Local Business Zone
- C-2 Community Commercial Zone

- P-1 Open Space Zone
- P-2 Community Facility Zone
- BP Business Park Zone



