

North West Community Council
May 26, 2005

TO: North West Community Council

SUBMITTED BY: Gail Harnish / for
Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 00701 - Amendments to Development Agreement - 85/91 Sackville Drive

DATE: May 11, 2005

ORIGIN

North West Planning Advisory Committee meeting - May 4, 2005

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council:

- Give Notice of Motion for the proposed amending agreement, Attachment A of the staff report dated April 12, 2005, to amend the unit distribution per multiple unit building and alter the surface and underground parking ratio, and schedule a public hearing;
- Approve the amending agreement (Attachment A of the staff report dated April 12, 2005) to amend the unit distribution and alter the surface and underground parking ratio for 85/91 Sackville Drive; and
- Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.

ATTACHMENTS

Staff report dated April 12, 2005

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

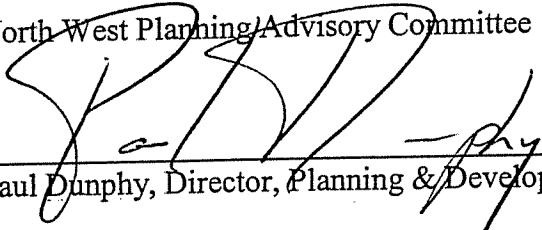
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937



PO Box 1749
Halifax, Nova Scotia
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North West Planning Advisory Committee
May 04, 2005

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director, Planning & Development Services

DATE: April 12, 2005

SUBJECT: Case 00701 - Amendments to Development Agreement - 85/91 Sackville Drive.

ORIGIN

Application by Legacy Developments Limited to amend an existing development agreement pertaining to the unit distribution per building and the ratio of surface and underground parking.

RECOMMENDATION

It is recommended that North West Community Council:

- Give Notice of Motion for the proposed amending agreement, Attachment A of this report, to amend the unit distribution per multiple unit building and alter the surface and underground parking ratio and schedule a public hearing;
- Approve the amending agreement (Attachment A) to amend the unit distribution and alter the surface and underground parking ration for 85/91 Sackville Drive; and
- Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.

BACKGROUND

- The original development agreement on the subject property between Strandbrook Properties Limited and the Halifax Regional Municipality was approved in 2001.
- The existing agreement permits development of three multiple unit buildings and two commercial buildings.

Proposal

Legacy Developments Limited has requested an amendment to the existing agreement to permit a redistribution of units within the three multiple unit buildings. The maximum number of units permitted for the overall development will not be increased. The purpose of this proposal is to allow the developer flexibility as the market demands change.

Additionally, a request regarding the ratio of surface and underground parking has been made by the owners. The number of permitted surface parking spaces will not be increased. Since the negotiation of the original agreement, the developer has discovered bedrock which will impact the placement of the underground garage. This proposed amendment would permit the developer flexibility while maintaining the integrity of the original agreement.

Land Use Zoning and Designation

The subject property is zoned PC (Pinehill/Cobequid Zone) and designated PC (Pinehill/Cobequid) according to the Secondary Planning Strategy and Land Use Bylaw for Sackville Drive (Maps 1 and 2 attached). The existing development agreement which applies to the property was approved in 2001 under policies COR-6 and COR-7 of the Municipal Development Plan for Sackville. Policy I-14 provides that Council may consider any proposed major or minor amendment to a development agreement which was approved before May 07, 2002.

Site and Surrounding Features

The characteristics of the site and surroundings are as follows:

- The property has one residential multi unit building developed with the remainder of the site undeveloped.
- The area to the south is zoned PC (Pinehill/Cobequid) and is under use as commercial properties (Petro-Canada-Canada and multi-tenant commercial. The properties to the north are zoned PC (Pinehill/Cobequid) and are developed as multi unit residential dwellings. The

properties located to the east are commercial (auto sales and veterinarian clinic) and zoned PC (Pinehill-Cobequid) and ODC (Outdoor Display Court)

Public Information Meeting

At the discretion of the area councillor, a public information meeting was waived. However, the owners of surrounding properties within the area shown of Map 3 will be notified of this application by regular mail should Council determine that a public hearing will be held.

DISCUSSION

In considering this amendment, relevant policies from the Sackville Drive Municipal Planning Strategy should also be considered. Policy I-14 is relevant to this application and is attached for the information of Council. In evaluating this application, staff identified the following salient matters:

Impact on surrounding neighbourhood:

Under the existing development agreement, the parking requirement was negotiated at a maximum rate of 1.2 spaces per dwelling unit. Underground parking garages were provided for two of the residential buildings while surface parking is provided for the other residential building and for visitors parking. This proposal would not increase the number of parking spaces located in surface parking areas or underground garages. It would provide the developer with an option to locate surface parking in underground garages and would allow a variance in the number of parking spaces located within each residential building.

The existing agreement limits the number of dwelling units to one hundred and eighty-six (186) distributed between the three buildings. The proposal is to alter the unit distribution of the buildings, however, the overall number of units will not be increased.

The proposed amendments are minor in nature and would have no impact on the surrounding neighbourhood.

BUDGET IMPLICATIONS:

There are no known HRM budget implications.

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

The following alternatives may be considered by North West Community Council:

1. Council may approve the development agreement as set out in Attachment A. This is the recommended alternative.
2. Council may choose to reject the proposed amending agreement giving specific reasons. This alternative is not recommended, as staff advise the proposed agreement satisfactorily complies with the policies and intent of the MPS.
3. Council may suggest changes to the proposed amendment as warranted. Any changes will require further negotiation with the proponent and may necessitate an additional public hearing. Should this alternative be followed, staff will prepare a supplementary report and amended agreement.

ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning
Map 3: Notification Area

Attachment A: Development Agreement
Attachment B: Relevant MPS Policies

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208

Report Prepared By: Jill Justason, Planner I, 869-4747



Map 1
Generalized Future Land Use



Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

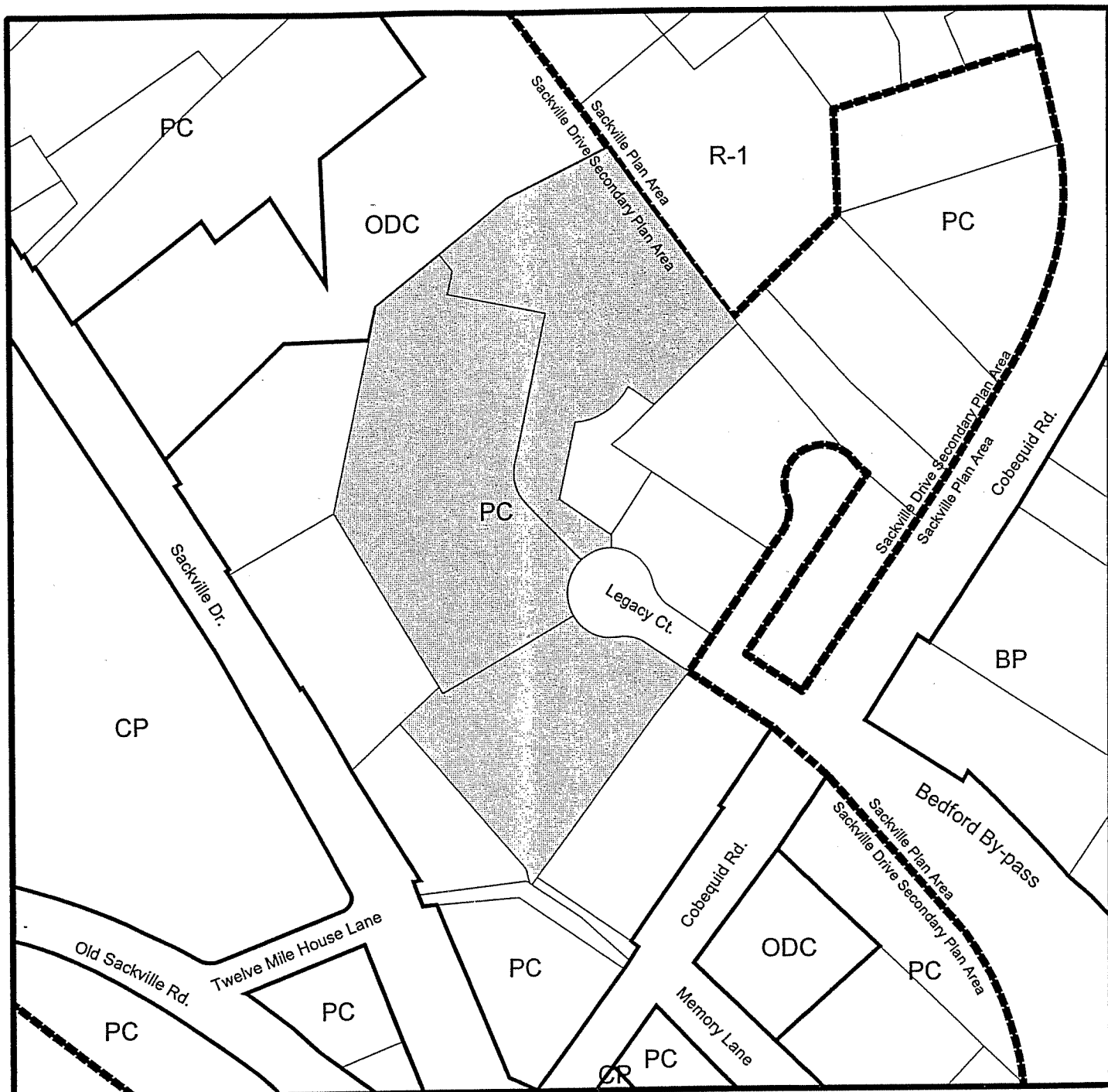
Sackville Drive Secondary Plan Area

PC Pinehill/Cobequid Designation

Sackville Drive Plan Area

UR Urban Residential Designation
BP Business Park Designation





Map 2 Zoning



Subject Properties

HALIFAX
REGIONAL MUNICIPALITY
Planning Services

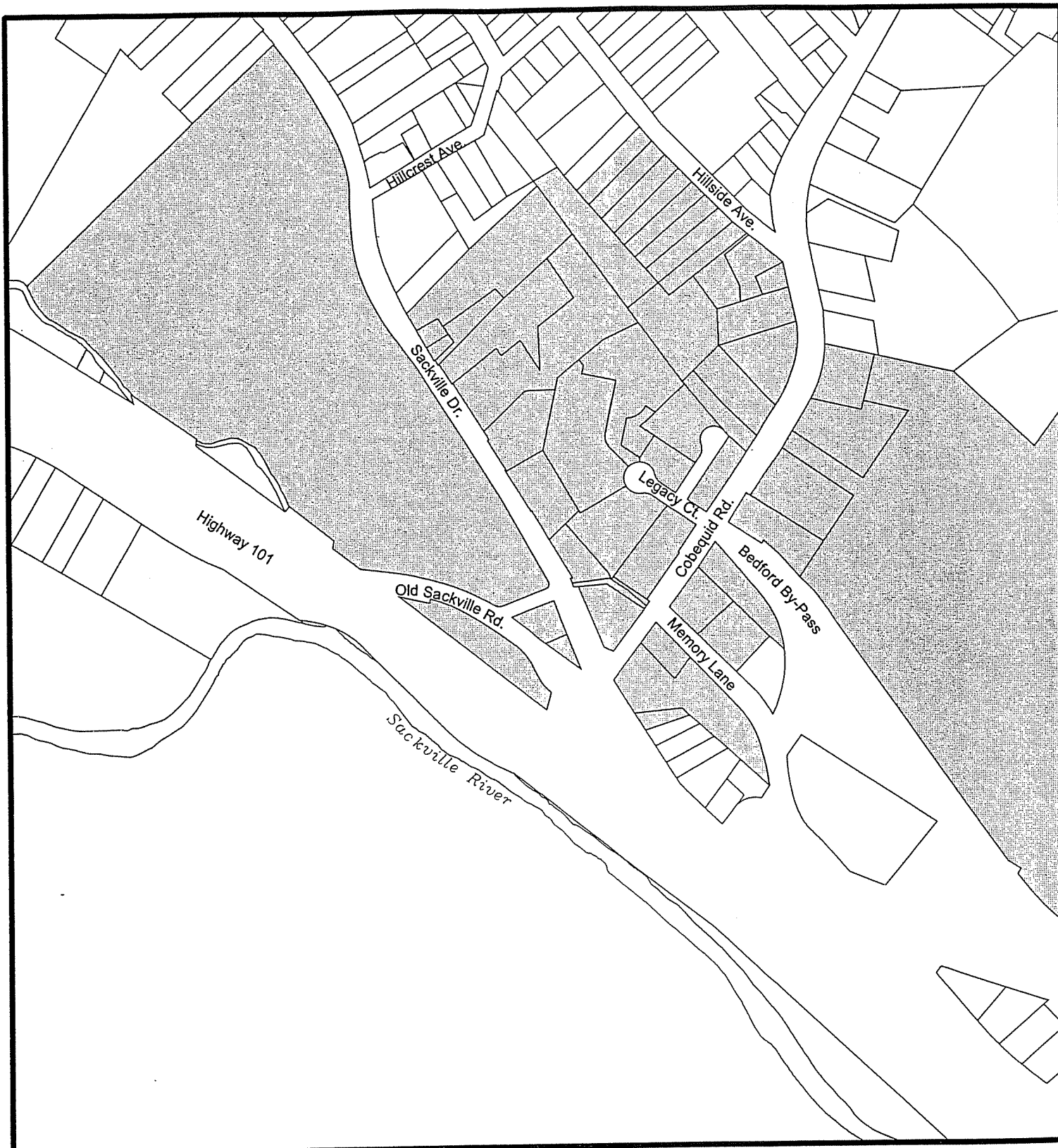
Sackville Drive Secondary Plan Area

PC Pinehill/Cobequid Zone
CP Community Parkland and Facilities Zone
ODC Outdoor Display Court Zone

Sackville Drive Plan Area

R-1 Single Single Unit Dwelling Zone
BP Business Park Zone

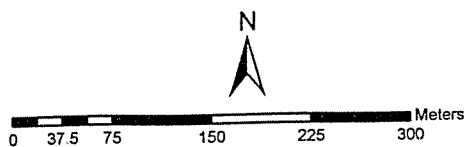




Map 3 Notification

 Notification Area

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



THIS AMENDING AGREEMENT made this day of , 2005,
BETWEEN:

OF THE SECOND PART

WHEREAS the Developer and Halifax Regional Municipality have previously entered into an Agreement to permit three multiple unit buildings and two commercial buildings on the lands in the community of Lower Sackville and more particularly described in Schedule "A", the said Agreement being recorded at the Registry of Deeds at Halifax County in Book ____, beginning at Page ____ (hereinafter called the "Existing Agreement").

AND WHEREAS the Developer has requested an amendment to the existing Agreement to amend the location of required parking and the distribution of units within the buildings (the maximum number of permitted units will not be increased).

AND WHEREAS the North West Community Council of Halifax Regional Municipality at its meeting on ____ the day of _____, 2005, approved the requested amendment, referenced as Case 00701.

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

Attachment B**Relevant MPS Policies**Policy I-14

Notwithstanding the foregoing policies, any proposed major and minor amendment to a development agreement approved before May 7, 2002, shall be considered by Council. In considering amendments Council shall have regard to the following matters:

- (a) the proposal furthers the intent of the streetscape guidelines established within the Land Use By-law relating to signage, architecture, landscaping, parking and driveway entrances;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or next to, or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) maintenance; and
 - (vi) any other relevant matter of planning concern.