


10.1.3



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
September 12, 2005

TO: Peninsula Community Council

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

DATE: August 29, 2005

SUBJECT: **Case 00733: Amending Development Agreement - 6770 Jubilee Road, Halifax**

SUPPLEMENTARY REPORT

ORIGIN

- Approval by Regional Council on June 28, 2005, of amendments to the Halifax MPS and Halifax Peninsula LUB to permit an additional residential unit (18th unit) through interior conversion at 6770 Jubilee Road, Halifax (PID 00079038), by way of a development agreement.
- Request by the Halifax County Condominium Corporation #28 (The "Jubilee" on the North West Arm) to amend an existing development agreement at 6770 Jubilee Road, Halifax (PID 00079038), to permit an additional residential unit (18th unit) through interior conversion.

RECOMMENDATIONS

It is recommended that Peninsula Community Council:

1. Approve the Amending Development Agreement, as contained in Attachment "A", to permit one (1) additional 2-bedroom dwelling unit through interior conversion, at 6770 Jubilee Road, Halifax.
2. Require that the Amending 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/DISCUSSION

On June 28, 2005, Regional Council approved amendments to the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to permit an additional residential unit through interior conversion at 6770 Jubilee Road, Halifax. The amendments have been reviewed by the Nova Scotia Department of Housing and Municipal Affairs as per Section 208 of the Municipal Government Act. These amendments became effective on August 13, 2005.

As noted in the April 25, 2005, report, staff was to bring this matter back to Peninsula Community Council for a decision on the Amending Development Agreement once the MPS and LUB amendments took effect. It is now appropriate for Council to consider the attached draft Amending Development Agreement, on which the June 28, 2005, joint public hearing was held.

BUDGET IMPLICATIONS

There are no budget implications at this time.

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 proceed with the requested amendments to the existing development agreement. This is recommended for reasons described above.
3. Alternatively, Council may choose to refuse the requested amendments to the existing development agreement. This is not recommended for the reasons outlined above.

ATTACHMENTS

Attachment "A" Draft Amending Development Agreement

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: Luc Ouellet, Planner I (902) 490-3689

Attachment A

THIS AMENDING AGREEMENT made this day of , 2005,

BETWEEN:

HALIFAX COUNTY CONDOMINIUM CORPORATION #28
a body corporate, in the County of Halifax,
Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

-and-

HALIFAX REGIONAL MUNICIPALITY
a body corporate, in the County of Halifax,
Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the former City of Halifax previously entered into a Development Agreement with the Jubilee on the Northwest Arm of the first part and Resource Development Corporation Limited of the second part for a 17-unit residential building for 6770 Jubilee Road, Halifax (PID 00079038) on November 21, 1983, said agreement being recorded at the Registry of Deeds at Halifax in Book Number 3775 at Pages 945 to 950 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer is now the registered owner of 6770 Jubilee Road in Halifax (hereinafter called the "Lands");

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement;

AND WHEREAS Peninsula Community Council for the Municipality approved this request at a meeting held on , 2005, referenced as Municipal Case 00733;

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

1. Notwithstanding Section 2 of the Existing Agreement, the Developer shall be allowed to add an additional (18th) residential unit through interior conversion of the space identified as "pool" on Plan No. P200/11034 (Dock Level) of the Existing Agreement. This 18th residential unit shall contain a maximum of two (2) bedrooms.

2. Exterior structural changes in conjunction with an additional (18th) residential unit shall be limited to the addition of two doors opening onto the exterior deck on the west building face.
3. All other terms of the Existing Agreement shall remain in full force and effect.
4. This Amending Agreement and everything contained herein shall be binding upon the Parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set hands and seals to this Amending Agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of

Per _____

) HALIFAX COUNTY CONDOMINIUM
) CORPORATION #28

)

)

) Per _____

Sealed, Delivered and Attested by the
proper signing officers of Halifax
Regional Municipality duly authorized
on that behalf in the presence of

Per _____

) HALIFAX REGIONAL MUNICIPALITY

)

)

) Per _____

) Mayor

)

) Per _____

Municipal Clerk