

Peninsula Community Council
October 1, 2007

TO: Peninsula Community Council

SUBMITTED BY: Heather Ternoway
Heather Ternoway, Chair
District 12 Planning Advisory Committee

DATE: September 25, 2007

SUBJECT: Case 01068: Discharge of Development Agreement - Gottingen Street,
Halifax

ORIGIN

District 12 Planning Advisory Committee meeting - September 24, 2007

RECOMMENDATION

The District 12 Planning Advisory Committee recommend that Peninsula Community Council:

1. By resolution, approve the discharging agreement, presented as Attachment "A" of the staff report dated August 24, 2007, for lands identified as PID 00148783, located at 2448-2452 Gottingen Street, Halifax; and
2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

ATTACHMENT:

Staff report dated August 24, 2007

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.

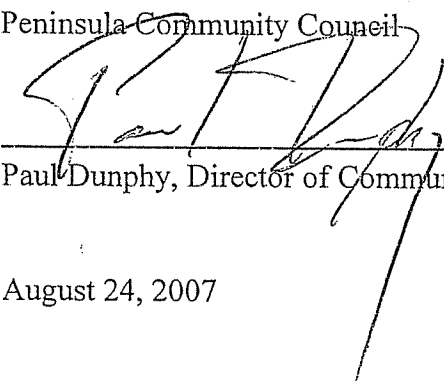
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
September 17, 2007

TO: Peninsula Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: August 24, 2007

SUBJECT: Case 01068: Discharge of Development Agreement - Gottingen Street,
Halifax

ORIGIN

Application by Mr. John Doucet, on behalf of the Province of Nova Scotia to discharge the existing development agreement at 2448-2452 Gottingen Street, Halifax, to permit redevelopment of the property.

RECOMMENDATION

It is recommended that Peninsula Community Council:

1. By resolution, approve the discharging agreement, presented as Attachment "A" to this report, for lands identified as PID 00148783, located at 2448-2452 Gottingen Street, Halifax; and
2. Require that the discharging agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

2448-2452 Gottingen Street (PID 00148783) is located on the west side of the street, between Charles Street and Creighton Street (refer to Map 1). The property abuts Victoria Hall, a registered heritage property, to the south and a vacant lot to the north. The 4582 square foot lot contains an existing 3-unit dwelling and is zoned R-3 Multiple Dwelling Zone.

In 1984 the Nova Scotia Housing Commission (NSHC) entered into a development agreement under Schedule "C" Section 83 of the Halifax Peninsula Land Use By-law. The agreement was necessary to authorize the Development Officer to allow NSHC to create an under sized lot for the existing 3-unit dwelling for public housing. A recent history of the property follows:

- 2003 2448-2452 Gottingen Street structure condemned due to fire.
- 2003 Nova Scotia Department of Community Services purchases adjacent property 2454 Gottingen Street and plans future redevelopment.
- 2006 Nova Scotia Department of Community Services, Central Region receives Federal funding to undertake new housing for low-to-moderate income families.
- 2007 The building remains boarded up because of break-ins and ongoing vandalism and is scheduled for demolition.

As noted above, in April 2006 the Federal government allocated money to provincial governments to address pressures with affordable housing. The Nova Scotia Department of Community Services, Central Region has been allocated approximately \$4.5 million to undertake three new rental projects, the first of which is construction of 4 townhouse apartments at 2448-2454 Gottingen Street, Halifax. The proposed four new townhouse dwelling units are two 2-bedroom ground floor apartments and two 3-bedroom townhouse apartments on the second storey for low-to-moderate income families (refer to Attachments B and C).

Discussion

The property and adjacent lands are zoned R-3 (Multiple Dwelling) Zone. The existing development agreement binds the property to redevelopment of a 3-unit residential dwelling. Schedule "C" Section 83 of the Halifax Peninsula Land Use By-law no longer applies to subject lands, consequently, amendment of the agreement is not possible.

Redevelopment of the site would not conflict with the policies of the MPS and therefore does not require discretionary approval by Council. The proposed 4 unit townhouse development is a permitted use under the Land Use By-law. The proposed project requires lot consolidation and lot variances. The property consolidation is being processed by the applicant and the Development Office has approved the required variances.

The Development Officer now requires that the existing agreement be discharged by Council, prior to the issuance of a development permit. To permit the redevelopment of the property as a 4-unit

townhouse the applicant has requested that the agreement be discharged to allow the lands to revert back to the land use regulations under the R-3 (Multiple Dwelling) Zone.

A public hearing is not required to discharge the existing development agreement.

Public Information Meeting

No public information meeting was held. Such meetings are not typically convened for applications to discharge a development agreement.

Staff is recommending Community Council approve the application to discharge the existing development agreement at 2448-2452 Gottingen Street.

BUDGET IMPLICATIONS

There are no budgetary 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

1. Council could accept to enter into a discharging agreement and allow the lands to revert back to the R-3 Zone. This is the recommended alternative.
2. Council could refuse to enter into a discharging agreement and the existing use would be retained as the only permitted use. This is not recommended for the reasons outlined above.

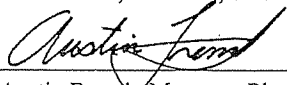
ATTACHMENTS

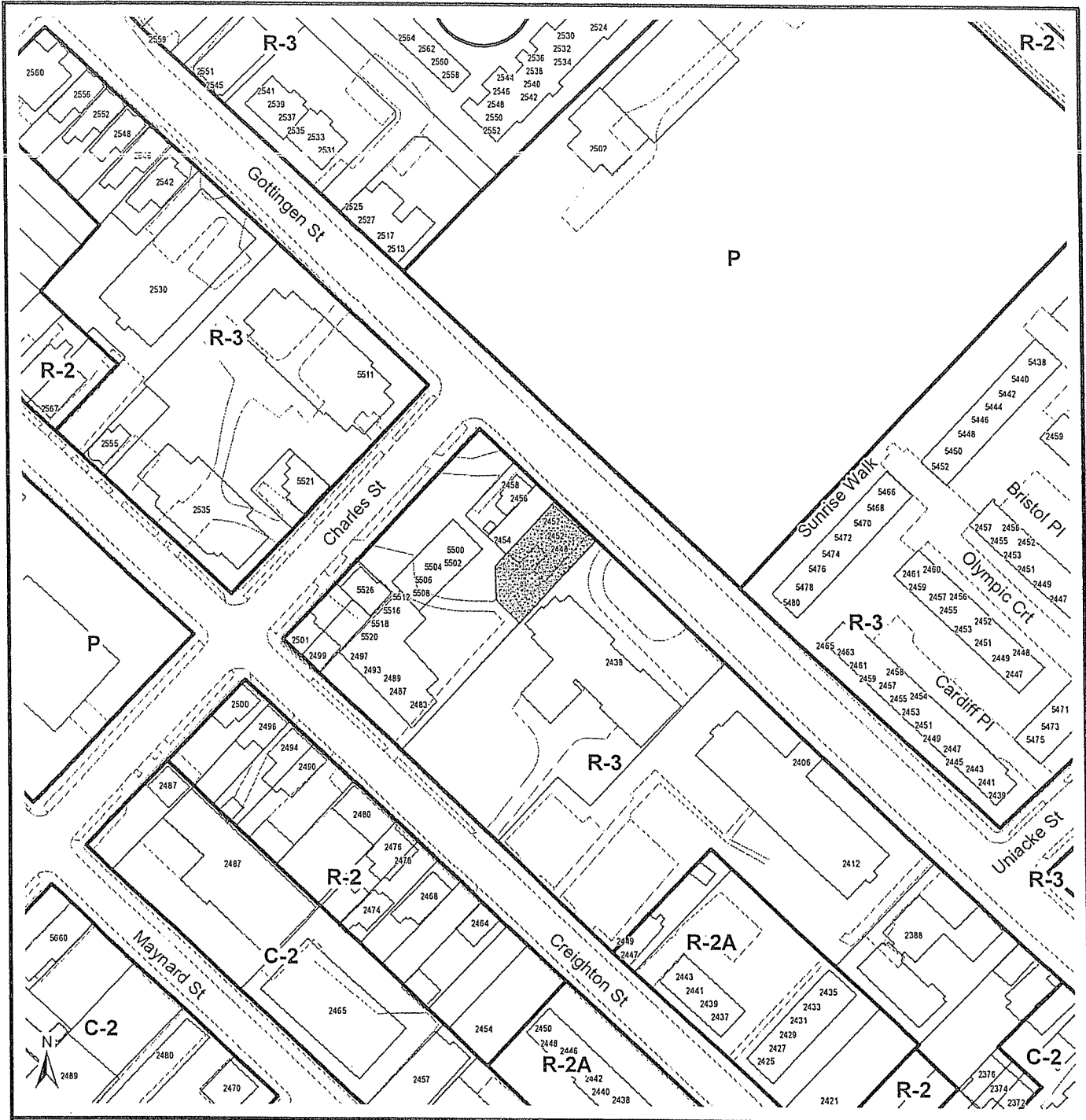
Map 1	Location and Zoning
Attachment "A"	Draft Discharging Agreement
Attachment "B"	Proposed Site Plan
Attachment "C"	Proposed Front Elevation

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: Brian White, Planner I, Planning & Development Services, 490-4793


Report Approved by:


Austin French, Manager, Planning Services

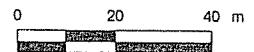


Map 1 - Location and Zoning
 2448-2452 Gottingen Street
 Halifax



 Property under development agreement to be discharged

Zone	
R-2	General Residential
R-2A	General Residential Conversion
R-3	Multiple Dwelling
C-2	General Business
P	Park and Institutional



Halifax Peninsula
 Land Use By-Law Area

This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula Land Use By-Law Area.

HRM does not guarantee the accuracy of any representation on this plan.

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

1. The Agreement is hereby discharged and shall no longer have any force or effect.
2. Any future development of the Lands shall conform with all applicable provisions and requirements of the Land Use By-law for Halifax Peninsula, as amended from time to time, and any future subdivision of the Lands shall conform with all applicable provisions and requirements of the subdivision by-law applicable to the area, as amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2007.

SIGNED, SEALED AND DELIVERED
in the presence of

SEALED, DELIVERED AND
ATTESTED to by the proper
signing officers of Halifax Regional
Municipality duly authorized
in that behalf in the presence
of

) MINISTER OF COMMUNITY SERVICES

)

) Per: _____

) Judith F. Ferguson, Deputy Minister

)

)

)

)

)

) _____
HALIFAX REGIONAL MUNICIPALITY

)

) Per: _____

)

)

) _____

)

) MUNICIPAL CLERK

- CONSTRUCTION:**
- 4" CONCRETE SLAB ON GRADE
 - 2 x 6 WOOD FRAMING
 - 5' EXPOSED HARDPLANK SIDING
 - CASHEMANT FIBERGLASS WINDOWS
 - 30 YEAR ASPHALT SHINGLES
 - 15 HR FIRE RATING BETWEEN OCCUPANCIES

AREA OF SITE: 5900 sq. ft.
 AREA OF EXISTING BUILDING: 1892 sq. ft.

AREA OF PROPOSED BUILDING INCLUDING CANOPIES: 2253 sq. ft.

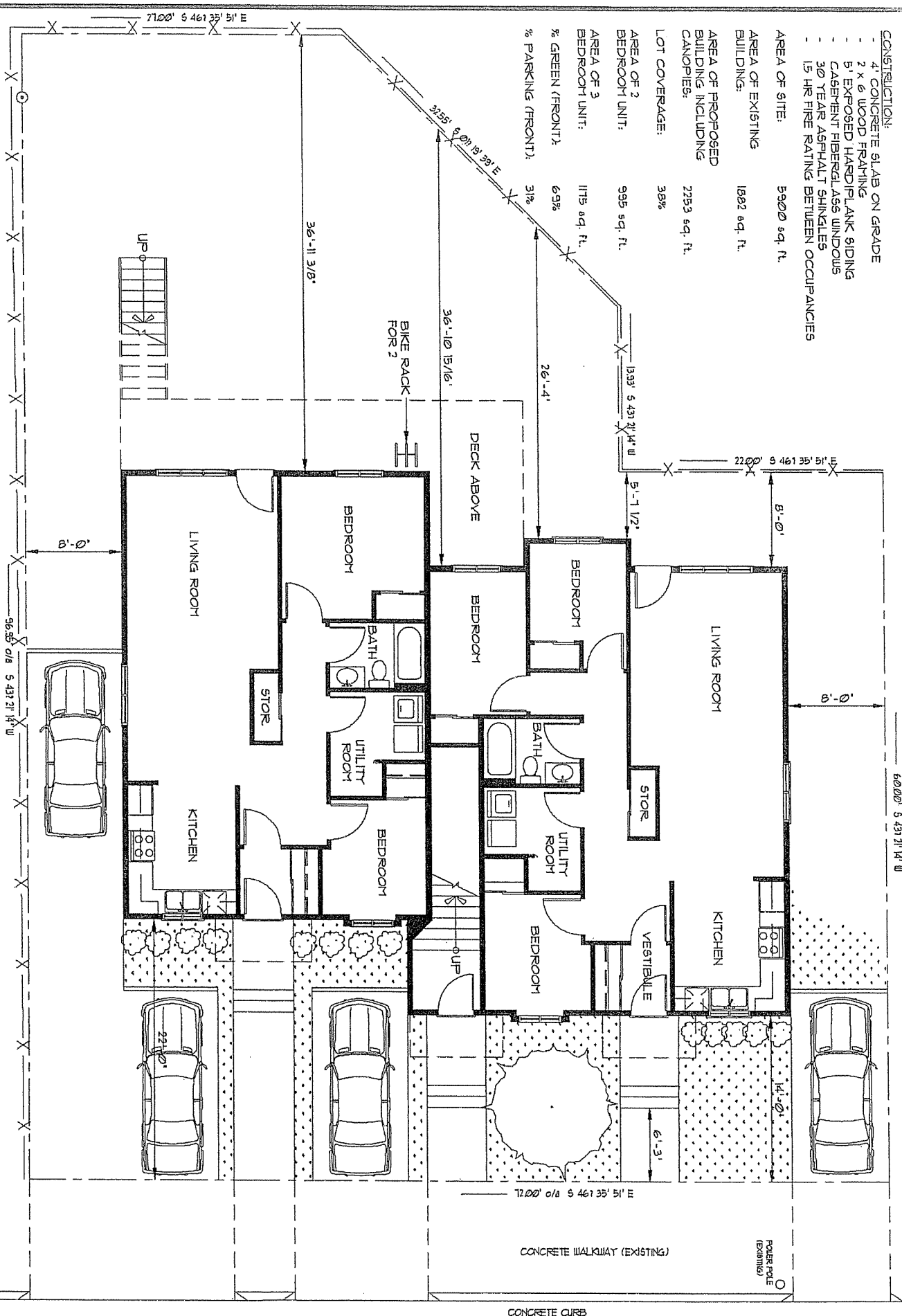
LOT COVERAGE: 38%

AREA OF 2 BEDROOM UNIT: 995 sq. ft.

AREA OF 3 BEDROOM UNIT: 1175 sq. ft.

% GREEN (FRONT): 69%

% PARKING (FRONT): 31%



Project
 TOWNHOUSE APARTMENTS CONCEPT
 GOTTINGEN ST
 2448-2454 GOTTINGEN ST., HALIFAX, NS

Dwg. Title
 ATTACHMENT B - SITE PLAN

Scale 3/32" = 1'
 Date AUGUST 17, 2001
 Job No. 07-014

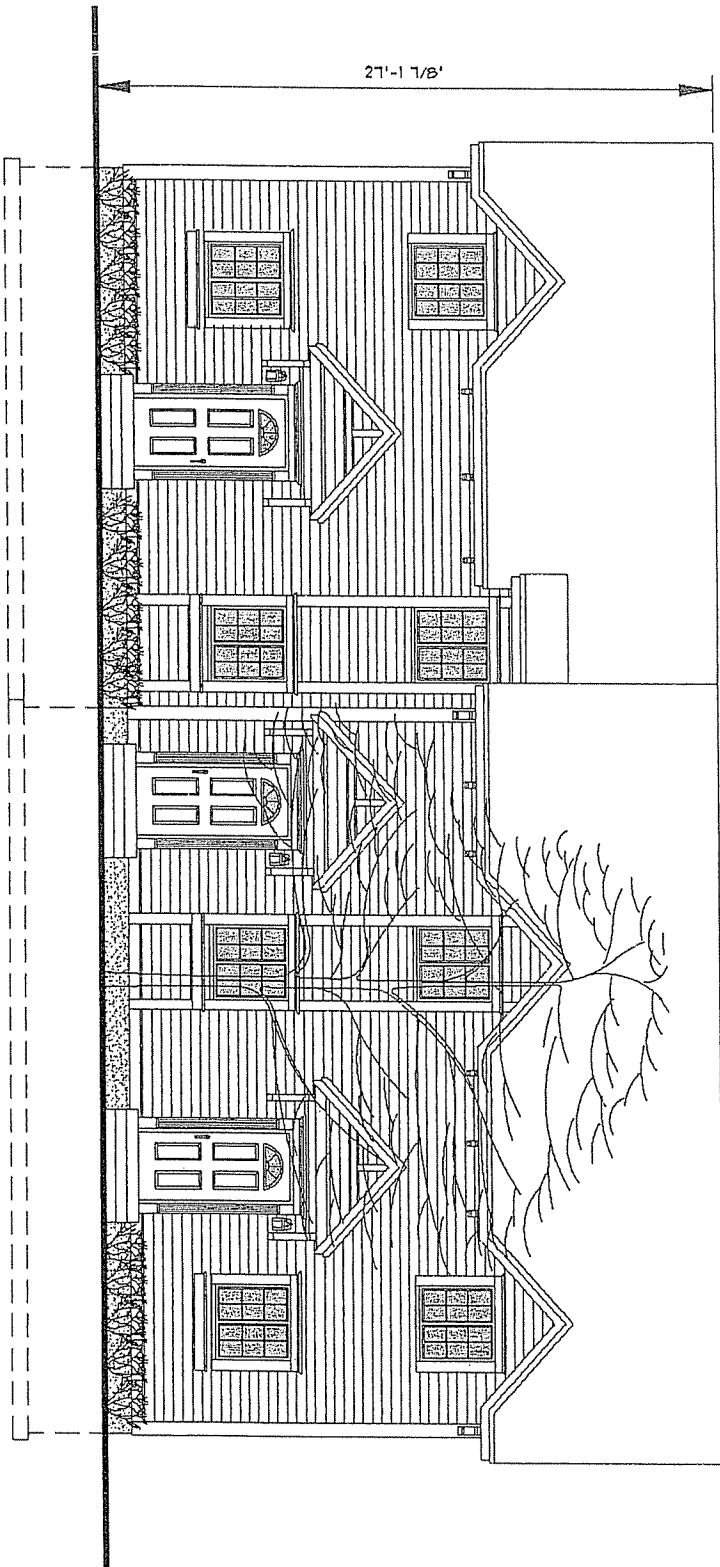
Dwg. No.
 SK-12



CONCRETE WALKWAY (EXISTING)

CONCRETE CURB

POWER POLE (EXISTING)



5

1

Project
 TOWNHOUSE APARTMENTS CONCEPT
 GOTTINGEN ST
 2448-2454 GOTTINGEN ST, HALIFAX, NS

Dwg. Title
 ATTACHMENT C - FRONT
 ELEVATION

Scale 1/8" = 1'
 Date AUGUST 17, 2007
 Job No. 07-014

Dwg. No.
 SK-13

