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PO Box 1749
Halifax, Nova Scotia
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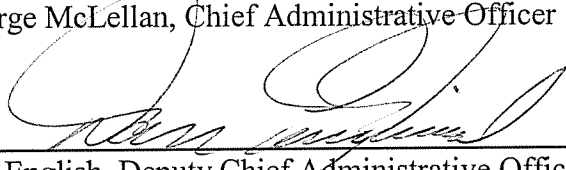
- Halifax Regional Council
January 18, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: January 7, 2005

SUBJECT: Case 00733: Amendments to Halifax MPS and LUB - 6770 Jubilee Road

ORIGIN

Request by the Halifax County Condominium Corporation #28 (The "Jubilee" on the North West Arm) to amend 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 (PID 00079038).

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Instruct staff to initiate a process to consider amending the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to allow, by way of a development agreement, for an additional dwelling unit through interior conversion at 6770 Jubilee Road, Halifax (PID 00079038).
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

BACKGROUND

Location, Designation and Zoning: The Jubilee on the North West Arm is a 17-unit condominium development located at 6770 Jubilee Road, site of the former Jubilee Boat Club (Map 1).

The subject property is designated LDR (Low-Density Residential) under the Halifax Municipal Planning Strategy (Peninsula Centre Area Plan) and zoned R-1 (Single Family). The surrounding area is zoned primarily R-1 (Single Family) with an adjacent property (St. Mary's Boat Club lands) being zoned P (Park and Institutional).

Past History of Site: In March of 1982, an application was made for a development agreement to allow for the development of a 17-unit residential building at 6770 Jubilee Road (Case 4154). At the time, the site was designated Residential Environment and zoned R-1, both of which did not permit a multiple unit building as-of-right. However, the property was identified in Schedule "C" of the Land Use By-law, which enabled Council to consider specific development requests that would otherwise be permitted in the Land Use By-law, provided these were consistent with the policies of the Municipal Planning Strategy (MPS).

Staff was of the opinion that the 1982 development proposal was in agreement with the MPS and recommended that City Council approve the 17-unit residential condominium building under a Schedule "C" development agreement. Council approved the development agreement on July 15, 1982. After an unsuccessful appeal of Council's decision to the Nova Scotia Municipal Board, the development agreement came into force on November 21, 1983.

The subject site was later removed from the Schedule "C" coverage area with the coming into effect of the Peninsula Centre Area Plan on January 13, 1983. With the removal of the site from the Schedule "C", the operative policies that allowed the development agreement at 6770 Jubilee Road are no longer in existence and therefore the existing agreement cannot be amended to permit the proposed additional unit.

Synopsis of Proposed Development: The applicant wishes to amend both the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a new development agreement to allow for one (1) additional 2-bedroom residential unit at 6770 Jubilee Road through interior conversion. Exterior changes would be limited to the addition of one door to the exterior deck on the west building face.

DISCUSSION

The original development agreement provides for a very large common area on the ground floor for use by the residents of the condominium development and their guests. However, according to members of the Condominium Corporation, there is no need for the meeting area envisioned in the original design.

Staff does not believe that there will be any major impacts from this project due to:

- the limited amount of change to the exterior of the building;
- the fact that there is an ample amount of parking available on-site (parking ratio of 1.7 spaces per unit); and
- the population will increase by only three (3) people.

Therefore, in order to make use of presently underutilised space and to provide for the opportunity to permit an additional dwelling unit through a development agreement, appropriate amendments to the Halifax MPS and Halifax Peninsula LUB to establish enabling policy should be initiated.

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

The following alternatives are identified:

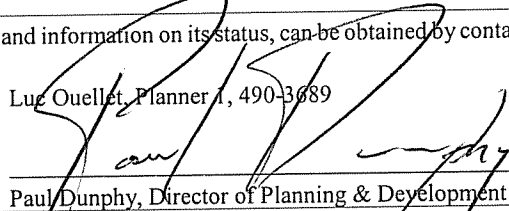
1. Regional Council may wish to follow the staff recommendation and initiate a process to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to allow, by way of a development agreement, for an additional dwelling unit through interior conversion at 6770 Jubilee Road, Halifax (PID 00079038).
2. Alternatively, Regional Council may choose not to initiate the amendments to permit an additional dwelling unit on the subject site. This is not the recommended course of action for the reasons stated previously.

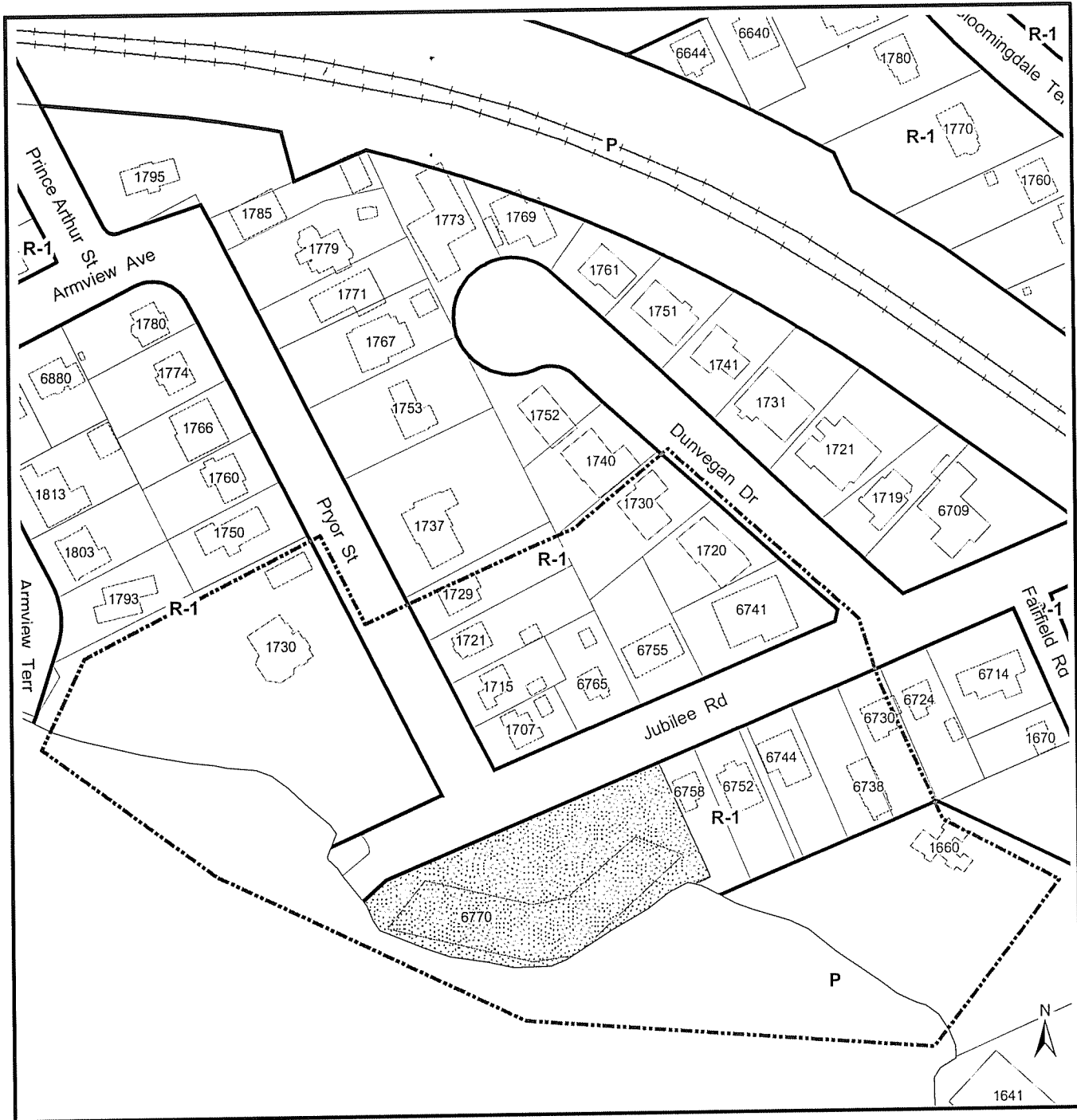
ATTACHMENTS

Map 1 Location and Zoning Map
Attachment "A" Existing 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 1, 490-3689

Report Approved by: 
Paul Dunphy, Director of Planning & Development Services



Map 1: Location and Zoning

6770 Jubilee Road
Halifax

-  Subject property
-  Area of notification

Halifax Peninsula By-Law Area

Zone

- R-1 Single Family Dwelling
- P Park and Institutional

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES



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

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

64110

THIS AGREEMENT made this 21st day of November, 1982;

BETWEEN:

THE JUBILEE ON THE NORTHWEST ARM
a registered partnership under the laws of Nova Scotia,
(hereinafter called the "Owner")

OF THE FIRST PART

RESOURCE DEVELOPMENT CORPORATION LIMITED

a body corporate in the County of Halifax, Province of Nova Scotia,
(hereinafter called the "Developer")

OF THE SECOND PART

- and -

THE CITY OF HALIFAX, a body corporate, in the County of Halifax, Province of Nova Scotia,
(hereinafter called the "City")

OF THE THIRD PART

WHEREAS the Developer wishes to obtain permission to construct a 17-unit residential building at 6770 Jubilee Road, in the City, pursuant to Section 83 of the Peninsula part of the Land Use Bylaw;

AND WHEREAS a condition of the granting of approval of Council is that the registered Owner enter into an agreement with the City;

AND WHEREAS the Council of the City, at its meeting on the 15th day of July, 1982, approved the said contract development to permit construction of a 17-unit residential building, subject to the registered owner of the lands described herein entering into this agreement;

AND WHEREAS the Nova Scotia Municipal Board on the 31st day of December, 1982, confirmed the decision of Council;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the City of the contract development requested by the Developer, the Developer agrees as follows:

1. The Jubilee on the Northwest Arm, a registered partnership, is the registered owner of the lands known as Block OG-1 at 6770 Jubilee Road, in the City of Halifax, described in Schedule "A" hereto (hereinafter called the "lands"). Pursuant to the Partnership Agreement between the partners of the Jubilee on the Northwest Arm, dated February, 1983, Clause 11.01, Resource Development Corporation Limited, has been appointed Developer of the lands.

APPROVED
IS TO FORM
City Solicitor

- 1:6
2. The Developer shall construct on the lands a building, which in the opinion of the Development Officer, is substantially in conformance with Plans No. P200/11034-40, filed in the City of Halifax Development Department as Case No. 4154, and shall not develop or use the lands for any other purpose than a 17-unit residential building.
 3. The Developer shall provide a right-of-way over the lands as shown on P200/12392 over which the City may construct a sidewalk so as to provide access to a walkway along the Northwest Arm.
 4. The Developer shall construct a lookout park which, in the opinion of the Development Officer, is substantially in conformance with the concept shown on Plan No. P200/12393 and which may contain a gazebo, street furniture and lighting.
 5. The design and construction of the park lookoff and the gazebo, furniture and lighting shall be of a standard acceptable to the Director of Engineering and Works.
 6. The Developer shall make improvements to the west end of Jubilee Road to supply public parking spaces generally as shown on Plan No. P200/12393 to the satisfaction of the Director of Engineering and Works.
 7. The use of the parking spaces at the west end of Jubilee Road will be subject to review by the City Traffic Authority from time to time. If the use of the parking spaces causes a safety problem or is a hazard to vehicles or pedestrians, the City Traffic Authority may change the layout of the spaces or may remove them.
 8. The sewer easement shown on the survey plan shall be kept clear of impediments so that the two manholes in the easement can be accessed for sewer cleaning purposes.
 9. Sanitary and storm sewer connections shall be completed to the satisfaction of the Director of Engineering and Works.
 10. Roof and parking lot storm drainage shall be piped to the Northwest Arm.
 11. Connections to the water service line shall be completed to the satisfaction of the Public Service Commission.
 12. Approval to put fill in the Northwest Arm shall be obtained from Transport Canada, the National Harbours Board and the Nova Scotia Department of the Environment.
 13. Notwithstanding any other provision of this agreement, the Developer shall not undertake or carry out any development on the lands which does not comply with all City of Halifax laws, including, without restricting the generality of the foregoing, the Building Code Ordinance and the Fire Prevention Ordinance and no permit shall be issued for any such development.

14. The City shall issue the necessary permits for the development upon the expiration of the twenty-one (21) day appeal period under Section 71 of the Planning Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the City shall not issue any occupancy permit for the development unless and until the development specified in the plans referred to in Nos. 2, 3, 4 and 6 hereof has been completed substantially in accordance with the said plans and the requirements of this have been met.

This agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

Patricia G. Schade

Patricia J. Schade

Patricia J. Schade

Patricia J. Schade

Judith A. Norrie

THE JUBILEE ON THE
NORTHWEST ARM

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RESOURCE DEVELOPMENT
CORPORATION LIMITED

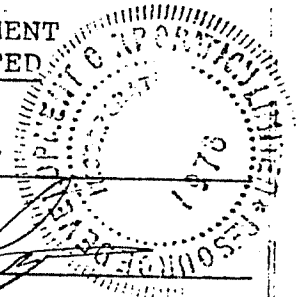
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CITY OF HALIFAX

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Schedule "A"

All and singular that certain lot piece parcel or block of land situate lying and being on the southern side of Jubilee Road in the City of Halifax County of Halifax Province of Nova Scotia and being Block OG-1 as shown on a plan showing Lot Consolidation of Lands of Olympic Gardens Limited dated the 20th day of April A.D. 1982 and Revised the 2nd day of September A.D. 1982 and drawn by K.W. Robb and Associates Limited, Nova Scotia Land Surveyors and which Block may be more particularly described as follows:

Beginning at a survey marker set on the southern boundary of Jubilee Road and which survey marker forms the northwest corner of Lands of Dorothy E. Weston and which survey marker is distant thirty feet (30') when measured at right angles from the centreline of the said Jubilee Road.

Thence to run on a bearing of south twenty-three degrees fifty-two decimal five minutes east ($S23^{\circ}-52.5'E$) one hundred and thirty decimal zero feet (130.0') along a portion of the western boundary of Lands of Dorothy E. Weston to a point marking the northeastern corner of a water lot owned by the aforesaid Dorothy E. Weston.

Thence to run along the northern boundary of the water lot owned by Dorothy E. Weston Water Lot on a bearing of south twenty-three degree fifty-two decimal five minutes east ($S23^{\circ}-52.5'E$) twenty decimal zero feet (20.0') to a point on the northern boundary of a Water Lot Granted to the City of Halifax by Order-in-Council dated March 23rd 1918.

Thence to run on a bearing of south sixty-seven degrees nineteen decimal five minutes west ($S67^{\circ}-19.5'W$) two hundred and sixty-three decimal zero feet (263.0') along the northern boundary of the aforesaid mentioned Water Lot to a point on the northeastern boundary of the Water Lot Granted to Henry Pryor on July 9th 1838.

Thence to run along the northeastern boundary of the aforesaid Water Lot granted to Henry Pryor on a bearing of north sixty-five degrees forty-four decimal one minutes west ($N65^{\circ}-44.1'W$) two hundred and five decimal two six feet (205.25') to a point marking the most northwesterly corner of the Block herein described.

Thence to run on a bearing of north sixty-seven degrees nineteen decimal five minutes east ($N67^{\circ}-19.5'E$) forty-seven decimal six eight feet (47.68') to a point on the western boundary of Jubilee Road.

Thence to run along a portion of the western boundary of Jubilee Road on a bearing of south thirty-eight degrees forty-six decimal five minutes east ($S38^{\circ}-46.5'E$) twenty-six decimal four two feet (26.42') to a point marking the most southwesterly corner of Jubilee Road.

Thence to run along the southern boundary of Jubilee road on bearings and distances of north fifty-one decimal five one feet (91.51') to a survey marker and north sixty-seven degrees nineteen decimal five minutes east (N67-19.5'E) three hundred and seven decimal zero eight feet (307.08') to the place of beginning.

All Bearings are M.T.M Grid (1976 values) and are derived from Nova Scotia Co-ordinate Monuments Nos. 4856 and 5190.

A Block of Land and Land covered by water containing fifty-five thousand and three decimal eleven square feet (55,003.11 sq. ft.).

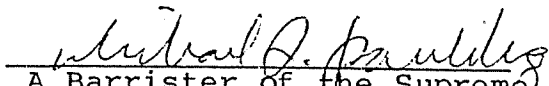
Province of Nova Scotia
County of Halifax

I hereby certify that the within instrument was recorded in the Registry of Deeds Office at Halifax, in the County of Halifax, N. S. at 3:06 o'clock P. M., on the 22nd day of NOV. A. D. 19 83 in Book Number 3775. at Pages 945-950

A. Geraldine Keefe
Registrar of Deeds for the Registration District of the County of Halifax.

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PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

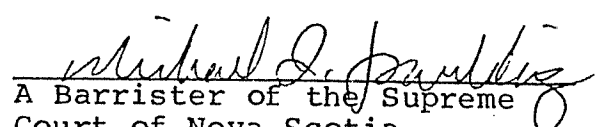
On this 21st day of November, 1983, before me, the subscriber personally came and appeared Patricia G. Schudt, a subscribing witness to the foregoing Indenture, who, having been duly sworn, made oath and said that the JUBILEE ON THE NORTHWEST ARM, one of the parties thereto, caused the same to be executed and its Corporate Seal to be thereunto affixed by the hands of ~~Ronald Gray~~ ^{Ronald Gray} its ~~President~~ ^{President}, and Ian B. Lorie, its duly authorized officers, in her presence.


A Barrister of the Supreme
Court of Nova Scotia

MICHAEL I. SPAULDING
A Barrister of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

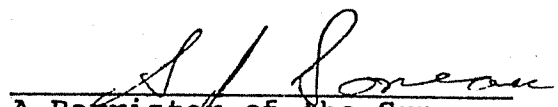
On this 21st day of November, 1983, before me, the subscriber personally came and appeared Patricia G. Schudt, a subscribing witness to the foregoing Indenture, who, having been duly sworn, made oath and said that RESOURCE DEVELOPMENT CORPORATION LIMITED, one of the parties thereto, caused the same to be executed and its Corporate Seal to be thereunto affixed by the hands of Ronald Gray, its President, and Ian B. Lorie, its Vice President, its duly authorized officers, in her presence.


A Barrister of the Supreme
Court of Nova Scotia

MICHAEL I. SPAULDING
A Barrister of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this 21st day of NOVEMBER, 1983, before me, the subscriber personally came and appeared JUDITH NORRIS, a subscribing witness to the foregoing Indenture, who, having been duly sworn, made oath and said the CITY OF HALIFAX, one of the parties thereto, caused the same to be executed and its Corporate Seal to be thereunto affixed by the hands of RONALD WALLACE, its Mayor and GLADYS BLENNERHASSETT, its City Clerk, its duly authorized officers, in her presence.


A Barrister of the Supreme
Court of Nova Scotia
GERALD J. GONEAU