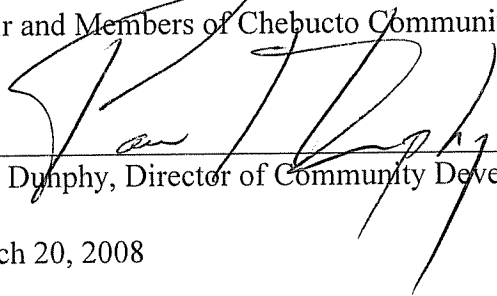




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Chebucto Community Council
April 7, 2008

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: March 20, 2008

SUBJECT: **Case 01005: Development Agreement for 11 Ramsgate Lane, Halifax**

SUPPLEMENTARY REPORT

ORIGIN

- Application by Mr. George Oickle, on behalf of Melville Ridge Holdings Limited and Gem Health Care Group, to amend the Halifax Municipal Planning Strategy (MPS) to enable additional nursing home beds at 11 Ramsgate Lane, Halifax;
- February 19, 2008 approval by Regional Council of amendments to the Halifax MPS.

RECOMMENDATION

It is recommended that Chebucto Community Council:

1. Approve the proposed amending agreement as presented in Attachment A; and
2. Require the amending agreement be signed within 120 days, or any extension thereof granted by the Chebucto Community Council on request of the applicant, from the date of the final approval of said agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

On February 19, 2008 following a public hearing held jointly with Chebucto Community Council, Regional Council approved amendments to the Halifax Municipal Planning Strategy (MPS) to enable additional nursing home beds at 11 Ramsgate Lane, Halifax. The amendments have been reviewed by Service Nova Scotia and Municipal Relations as per Section 208 of the Municipal Government Act. These amendments became effective on March 29, 2008.

Gem Health Care Group, responding to a community need for additional nursing care beds, intends to increase the number of nursing beds in the Melville Gardens facility from 80 to 91. No exterior changes to the Melville Gardens building will be necessary. The increase in density from 80 beds to 91 beds is achieved through the conversion of existing one bedroom assisted living suites on the fourth floor into smaller semi-private nursing care rooms.

DISCUSSION

As noted in the December 20, 2007 report, this matter returns to Chebucto Community Council for a decision on the amending agreement now that the MPS amendment has become effective. Council may now consider the proposed amending agreement (Attachment A).

The addition of 11 nursing home beds to Melville would further exceed the RDD density guideline of 22 persons gross acre. However, the policy guidelines do permit Council to consider proposals that would exceed the density provided that the development does not exceed the sewer capacity. Staff have reviewed the applicant's submission and determined that the proposed increase in density can be accommodated without exceeding the sanitary sewer system design capacity.

The proposed amending agreement also adds a new section to the development agreement that would allow Community Council to consider future amendments to the number of beds as a non-substantial amendment and to render a decision on such amendments by resolution.

In consideration of the immediate need for nursing care beds, and that the proposal to increase beds can be accomplished without an exterior change to the building, staff recommend that Community Council approve the requested amending agreement presented in Attachment A.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and the work can be carried out within the approved budget with existing resources.

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 amending agreement presented in Attachment A to permit the 11 additional nursing home beds at 11 Ramsgate Lane, Halifax. This is the recommended course of action.
2. Council may choose to refer the case back to staff with specific changes to modify the amending agreement.
3. Council may choose to refuse the proposed amending agreement. This is not recommended for the reasons cited above. Reasons must be provided for a refusal.

ATTACHMENTS

Attachment A Draft Amending Agreement

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Brian White, Planner I, 490-4793

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

Attachment A

THIS AMENDING AGREEMENT made this day of , 2008,

BETWEEN:

MELVILLE RIDGE HOLDINGS LIMITED,

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 municipal body corporate,
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer warrants that it is the registered owner of the lands described in Schedule "A" hereto (hereinafter called the "Lands");

AND WHEREAS the Developer did construct an 80-bed residential care and retirement facility known as "Melville Gardens" at 11 Ramsgate Lane in the Melville Ridge senior citizens retirement community in Halifax, pursuant to a development agreement approved by Chebucto Community Council of Halifax Regional Municipality, at its meeting on the 7th day of December 1998, and registered in the Halifax County Registry of Deeds as document #1344, book # 6331, pages 105-113 (hereinafter called the "Existing Agreement");

AND WHEREAS the Developer wishes to enter into an amending agreement to allow, by internal conversion, the addition of 11 nursing home beds to the "Melville Gardens" residential care and retirement facility at 11 Ramsgate Lane, Halifax (hereinafter called the "First Amending Agreement");

AND WHEREAS Halifax Regional Council at its meeting on the day of 2008, did approve an amendment to the Halifax Municipal Planning Strategy, policy 1.5.3.5 of the Mainland South portion of the Halifax Municipal Planning Strategy to permit an increase in the number of beds in the "Melville Gardens" residential care and retirement facility at 11 Ramsgate Lane, Halifax;

AND WHEREAS a condition of the granting of approval of Council is that the Developer enter into an agreement with the Halifax Regional Municipality;

AND WHEREAS the Chebucto Community Council of Halifax Regional Municipality, approved this request at a meeting held on the **day of 2008**, to the registered owner of the lands described herein entering into this agreement, referenced as Municipal Case #01005;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained. The Parties agree as follows:

The existing development agreement shall be amended as follows:

1. *PART 2.1 is deleted and replaced with the following:*

The Developer shall construct on the lands a building which, in the opinion of the Development Officer, is substantially in conformance with Schedules B, C, D and E (Plans No. 001 - 004 filed in the Halifax Regional Municipality Community Services Department as Case 00017) and shall not develop or use the lands for any purpose other than an **91-bed** residential care and retirement facility.

2. *Adding "PART 5: Amendments" immediately following "PART 4: Enforcement and Rights and Remedies on Default" as follows:*

PART 5: AMENDMENTS

5.1 Substantive Amendments

Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

5.2 Non-Substantive Amendments

A change in the total number of beds provided that the proposed increase in density can be accommodated without exceeding the sanitary sewer system design capacity as per the RDD policy guidelines provisions of Schedule I "Guidelines for Residential Development Districts" in the Mainland South Secondary Planning Strategy is considered by both parties to be not substantive and may be amended by resolution of the Council.

WITNESS that this First Amending Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2008.

SIGNED, SEALED AND DELIVERED
in the presence of

) (**MELVILLE RIDGE HOLDINGS LIMITED**)

)

)

) Per: _____

)

)

)

)

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

)

)

) _____
HALIFAX REGIONAL MUNICIPALITY

)

)

) Per: _____

)

MAYOR

)

)

) Per: _____

)

MUNICIPAL CLERK