

**North West Community Council**  
**September 17, 2013**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** Original Signed  
Ann Merritt, Chair, North West Planning Advisory Committee

**DATE:** September 5, 2013

**SUBJECT:** Development Agreement: Case 18336: 991 Windgate Drive, Beaver Bank

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**ORIGIN**

North West Planning Advisory Committee meeting held on September 4, 2013.

**LEGISLATIVE AUTHORITY**

*HRM Charter*; Part VIII, Planning and Development. North West Planning Advisory Committee, Terms of Reference, part 4: To advise the North West Community Council with respect to planning matters generally within the designated area incorporated into the North West Community Council. The term “planning matter” means any discretionary decisions of Community Council related to the use and development of land.

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Move Notice of Motion to consider the proposed development agreement as contained in attachment A to allow for a full service restaurant at 991 Windgate Drive, Beaver Bank and schedule a public meeting;
2. Approve the proposed development agreement with the following amendment: Clause 6.4.1 (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-Law for Beaver Bank, Hammonds Plains and Upper Sackville as may be amended from time to time; and
3. Require that the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the final

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**

At its meeting on September 4, 2013 the Committee reviewed and discussed the proposal as set out in Attachment A of the staff report dated August 12, 2013. The Committee approved the staff recommendation.

### **FINANCIAL IMPLICATIONS**

There are no financial implications at this time. There were no financial implications in the staff report dated August 12, 2013.

### **COMMUNITY ENGAGEMENT**

As per staff's report dated August 12, 2013.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **ALTERNATIVES**

North West Community Council may choose to:

1. Approve the proposed development agreement, as contained in Attachment A of the staff report dated August 12, 2013. This is the staff recommendation. A decision of Council to approve this development agreement is appealable to the NS Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse to approve the development agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. This is not recommended for the reasons discussed above. A decision of Council to reject this development agreement, with or without a public hearing, is appealable to the NS Utility & Review Board as per Section 262 of the *HRM Charter*.
3. Approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require an additional public hearing.

### **ATTACHMENTS**

Staff Report dated August 12, 2013

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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.

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