

**NORTH WEST COMMUNITY COUNCIL**

**SPECIAL COUNCIL SESSION**

**MINUTES**

**JUNE 4, 1997**

PRESENT: Councillor Harvey, Chairman  
Councillor Rankin  
Councillor Mitchell

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Bill B. Campbell, Manager, Planning Services, Western  
Stephen Feist, Planner  
Shelley Dickey, Planner  
Sandra Shute, Assistant Municipal Clerk

Regrets: Councillor Barnet

**CALL TO ORDER**

The meeting was called to order at 6:15 p.m. at 2750 Dutch Village Road, Halifax.

**CASE 7431: BEECHVILLE ESTATES COMPREHENSIVE DEVELOPMENT DISTRICT AGREEMENT - TIMBERLEA/LAKESIDE/BEECHVILLE PLAN AREA**

The purpose of the meeting was to consider the above application which was deferred from the May 29, 1997 meeting of North West Community Council and, if advisable, make a decision. An Information Report dated June 4, 1997 was before Community Council providing clarification on supplementary funding for school services for future students in the proposed subdivision and on negotiations regarding the provision of playground equipment by the developer, as part of the Development Agreement process.

The Chairman advised that this was a duly called and duly advertised Special meeting of North West Community Council for this time and place to deal with deferred business from a meeting held in Beechville on May 29, 1997. On the question of deferral, each Councillor has a responsibility to reach an informed decision which they are comfortable with. At times, it is necessary to consider what has been heard and read before reaching a decision. The action of deferral, in his opinion, was very appropriate to allow Community Council to weigh all the issues and everything that has been said before reaching a decision. For the record, the Chair advised that Councillor Barnet was out of the province on municipal business. It was understood that Councillor Kelly would be in attendance.

The Chair referred to the two issues in the motion to defer - the education issue and playground/parkland issue - and requested that staff provide comments on same.

Shelley Dickey, Planner advised that on the issue of school provision of supplementary funding, staff had received information from the School Board earlier in the day that the School Board had determined that under the Education Act, if the Board does send students to Halifax area schools from the Beechville area, there could be no tuition charge to the students using the school.

Councillor Harvey said then, that under the Act there would be no charge which clarifies even further the Information Report because this was a forced transfer. There were some precedents set for this such as Herring Cove students going to J. L. Ilsley. There was a transfer of money to cover the supplementary funding but he was not sure where the funding came from. He thought it might be the amount that would have gone from the province to the Municipality for the students that would normally attend.

Stephen Feist, Planner stated that the issue was covered in the report.

Councillor Harvey referred to the amount of parkland mentioned at 16% and asked if it was 16% of the gross land area or the lot coverage area as he felt it said both in different parts of the documents. In reply, Stephen Feist said he thought it was the gross area. Councillor Harvey suggested that at some point for the record, staff might want to clarify which it was.

Councillor Rankin stated he appreciated the explanation of the deferral on the two items that had to be addressed by staff. He believed that there was sufficient comfort now that staff has satisfactorily addressed the issues. The School Board has substantiated their position and staff has elaborated on why they took the approach to the amount of parkland. The design of the parkland and general layout were pluses and, as well, other things that would not be there by right such as the trees and two turning lanes. He preferred this development over a development that could well have taken place by right which would be ad hoc and the sense of controls in this agreement would not relate to a by-right

development. It gives an opportunity to have the community grow in a way that is reflected from the community's input. The proponent has shown a measure of good faith and listened to the community, particularly when it goes to the name of the subdivision. There was no good reason to deny the CDD because it has followed good principles under a CDD application.

**MOVED by Councillors Rankin and Mitchell that the Comprehensive Development District (CDD) Development Agreement for Beechville Estates as contained in Attachment 1 of the Staff Report dated May 1, 1997 be approved.**

Councillor Mitchell stated that the Information Report has provided the information requested both with regard to the schools and parkland. He thought this was a good opportunity for Beechville and would give people an opportunity to have an affordable home. It has taken a long time to develop the Beechville area and he was in support of the application.

Councillor Harvey pointed out there were a number of issues that would be pursued in the future. If they go the way you would assume they should, the Development Agreement and the CDD will unfold in the best interests of the community as written in the agreement. The assumption of this Council was that students generated from the development would not go to the existing elementary school in Beechville. People buying homes in this development would have to understand up front that their children would be bused out of the community to another school. He did not want this matter coming back to the School Board or Community Council in a year or so by parents who thought the children could go to the local school. He admitted this could change if the province agrees to build a school in Timberlea and it was understood that Beechville/Lakeside/Timberlea was on the list for a school. If that should take place, the students would go there but, in the meantime, there would not be a negative impact on the already crowded school in the Beechville/Lakeside/Timberlea area. He still had concerns about the collector road but admitted this could work out fine if Halifax Regional Municipality agrees to cost share the road when required and required under the Development Agreement. If this is not the case and a collector road is not built, there may be difficulties in the future.

Councillor Harvey went on to say that the question that always comes up with CDD's - the question of ratios and density of housing and where to count R-1-0 cannot be solved in a particular CDD. In Sackville, before amalgamation, there had been a request for a Staff Report and direction on this question. He hoped it would soon be forthcoming to determine where exactly houses - 60' lots or 32' lots for instance - fit in terms of determining density under the CDD. The Municipal Planning Strategies must be made very clear on this point because it comes up time and time again and he did not think it was reasonable to try to solve this using a particular development that has come forward

under the existing Municipal Planning Strategy. He hoped that Planning Advisory Committee, working with the several communities and plans, could address this issue.

**MOTION CARRIED UNANIMOUSLY.**

Councillor Harvey added the development was going to have a major impact on the community. He hoped the terms of this agreement were such that those who live there now and those who live there in the future will feel that Community Council has done well by them.

**ADJOURNMENT**

**MOVED by Councillors Mitchell and Rankin that the meeting adjourn at 6:30 p.m.**

**MOTION PUT AND PASSED.**

Sandra M. Shute  
Assistant Municipal Clerk