

It was moved by Councillor Wiseman and seconded by Councillor Bayers:

"THAT the Warden and the Deputy Warden be appointed to meet with groups who wish to discuss concerns experienced in their areas and further to examine ways in which the Municipality may resolve their concerns." Motion Carried.

Mr. Kelly read the Resolution to be forwarded to the Chairman of the FCM for the Annual FCM Conference.

It was moved by Councillor DeRoche and seconded by Deputy Warden Adams:

"THAT Council submit the following resolution to the Annual FCM Conference:

WHEREAS the Federal Government of Canada has discontinued the Community Services Contribution Program; and

WHEREAS these grants have provided necessary funding to Municipalities for the purpose of providing infrastructure;

THEREFORE IT BE RESOLVED the Federal Government of Canada reconsider the implementation of the Community Services Contribution Program or a similar program to enable the Municipalities to provide infrastructure in Development areas."
Motion Carried.

Resolutions - Pedestrian Crosswalks

The presentation was made by Mr. Kelly indicating it was necessary for Council to pass resolutions to establish crosswalks in two areas of the County requesting pedestrian crosswalks.

It was moved by Councillor DeRoche and seconded by Councillor Gaudet:

"THAT a pedestrian crosswalk be established in the vicinity of Civic 852 Goodwood, in the County of Halifax." Motion Carried."

It was moved by Councillor Snow and seconded by Councillor Mont:

"THAT a pedestrian crosswalk be established in the vicinity of Grand Lake Playground and Highway Number 2 in the County of Halifax." Motion Carried.

1984 GARBAGE DISPOSAL BUDGET

The 1984 Garbage Disposal Budget was presented by Mr. Kelly to be tabled until the regular Budget meeting.

It was moved by Councillor Mont and seconded by Councillor DeRoche:

"THAT the 1984 Garbage Disposal Budget be tabled until the regular budget meeting." Motion carried.

The Council Session was adjourned at 10:43 p.m.

MINUTES & REPORTS

OF THE

SECOND YEAR MEETINGS

OF THE

FORTY-FIRST COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

ANNUAL COUNCIL SESSION

MARCH 6, 20 and MAY 1, 1984

&

PUBLIC HEARINGS

MARCH 5, 12, 19 & 26, 1984

PUBLIC HEARING MINUTES

MARCH 5, 1984

PRESENT WERE: Warden MacKenzie, Chairman
Councillor Walker
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Margeson
Councillor MacKay
Councillor McInroy
Councillor Eisenhower
Councillor MacDonald
Councillor Wiseman
Councillor Mont
Deputy Warden Adams

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor

SECRETARY: Bonita Price

CALL TO ORDER

The Chairman called the meeting to order at 7:10 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor DeRoche, seconded by Deputy Warden Adams:

"THAT Bonita Price be appointed Recording Secretary for the meeting."
Motion Carried.

APPLICATION

The Chairman stated that the first application to be heard is No. RA-SA-54-83-19, to rezone Lot 9-N of the A. Shultz Subdivision located at 32 Riverside Drive, Lower Sackville.

He asked that those in favour of the application first express their opinions, and then those speaking against the application. Each speaker was asked to be brief and concise and to speak only once.

STAFF REPORT

Mr. Hanusiak said that the application was advertised in accordance with the provisions of the Planning Act and to date no correspondence has been received either in favour of or opposed to the zoning application.

He said the property indicated for R-2 zoning is located at 32 Riverside Drive in Lower Sackville. The applicant is requesting R-2 zoning to build a basement apartment in the existing single family dwelling. The lot is 25,500 square feet. To the immediate south of the property and to the east, are existing single family dwellings, to the north and northeast are apartment buildings, each carrying R-4 designation.

The avenue under which Council can consider and possibly approve the application is Policy P-31 of the Municipal Development Plan. In evaluating the application Council is directed to adhere to P-104 of the plan.

The Department of Planning and Development recommends that the proposed rezoning be approved for the following reasons -

- The proposed rezoning is in conformity with all applicable provisions of Policy P-104;
- The proposed development will not involve any enlargement or alteration to the exterior of the buildings, and the surrounding neighbourhood will not be adversely affected. Also it should be noted that this lot abuts an R-4 zone.

QUESTIONS FROM COUNCIL

Councillor McInroy asked if the lot was zoned R-2 prior to the current Zoning By-law in Sackville. Mr. Hanusiak said to the best of his knowledge, it was not. Probably it was zoned R-1 when the original zoning came in in 1972.

SPEAKERS IN FAVOUR OF THE APPLICATION

There were no speakers in favour of the application.

SPEAKERS IN OPPOSITION TO THE APPLICATION

There were no speakers in opposition to the application.

DECISION OF COUNCIL

It was moved by Councillor MacDonald, seconded by Councillor Lichter:

- "THAT Application No. RA-SA-54-83-19 be approved."
Motion Carried.

APPLICATION

The Chairman outlined the second application, proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, which if approved will remove a portion of the Commercial Designation at Metropolitan Avenue and First Lake Drive, and permit R-2 Residential development.

STAFF REPORT

Mr. Carroll said that this application, initiated by Stevovan Developments Ltd., was advertised in accordance with the provisions of the Planning Act. An addendum has been added to the initial Staff Report, explaining the specific amendments required to support the application.

The proposal is to redesignate a portion of land in Sackville, located at Metropolitan Avenue and First Lake Drive, to permit the development of two-unit dwellings. The area is now designated General Commercial, which includes a second lot currently developed by the Sackville Town Centre.

Because the abutting lands are not residential, a zoning approach can't be applied here for the development to proceed with two-unit dwellings. It is necessary for the Plan to be amended specifically for at least this portion of General Commercial to be changed to Urban Residential. The Planning Department recommends changing the whole designation to Urban Residential and not just the portion requested in the application.

The general policies of the Sackville Plan in regard to Commercial and residential use can be summarized as follows - the most important commercial policy is the development of the commercial core. The Plan does support General Commercial development in other areas where there was existing commercial development, but the overwhelming thrust is to direct commercial development to the commercial core. As regards residential development, while clearly the Plan supports single family dwellings as the main form of dwellings in Sackville, it supports development of a variety of housing and does allow rezoning in residential land from single family dwellings to two family dwellings.

In this request the applicant has indicated he wishes to develop a number of two-unit dwellings on that particular lot. He provided evidence that was reviewed and agreed by the Planning Department. First of all, there is a need for this type of housing in Sackville, and secondly, there is sufficient commercial land in this area to allow removal of a portion of that land for residential uses.

The Planning Department report was written in December before the new assessment figures were out. The new figures show there was an increase in commercial development in Sackville Town Centre but the vacancy rate is still around half of the available space. This is one of the main arguments in support of redesignating that land.

A map of the area surrounding the Sackville Town Centre shows commercial facilities, recreational land, a junior high school, arena, residential land further back, with single and two family units, and the church campus.

The Plan does refer to the fact there is a significant concentration of facilities here, but does not talk about potential use of that land for commercial facilities. In looking at the plan in terms of normal rezoning procedure from single to two family area, Council would be asked to consider the scale and location of the area to make sure there was consistency. There is quite a wide separation between the proposed area and the existing residential areas, separation by treed lands in many locations and the recreational land and the church campus.

In looking at this proposal it will be necessary to look at the impact of this type of development on municipal services. In the first instance the only objection was from the Engineering Department, who felt there was a chance of the sewer system not being able to handle this type of development. The recommendation on the original report rejected that application on the basis of that advice. As shown in the supplementary report, the department of Engineering changed their minds subject to receiving sufficient security that they would have no objection to this development. The impact on other municipal services was not considered to be of sufficient nature to recommend against this type of development.

On the basis this development will have some benefit to the municipal assessment base, they see no short or long term negative consequences that would be sufficient to oppose the application, the Planning Department supports the application to redesignate this land and to institute zoning on it which would allow the development of two-unit dwellings.

The specific proposals that would need to be approved in order to allow this to happen are contained in the addendum and consist of a By-law to amend the Municipal Development Plan, and the redesignation of this land that is presently designated General Commercial, to Urban Residential. Further, to allow development of the two-dwelling units, the by-law schedule would have to be changed and the land which is presently zoned General Commercial would be changed to R-2, allowing two-unit dwellings. This would not affect the status of the other lot in the General Commercial designation, the lands of the Sackville Town Centre, which would retain its zoning and therefore have all of its rights intact.

Questions from Council

Councillor MacDonald asked if the \$15,000 provided to pay for the upgrading of the pumping station is significant enough to change the Planning Department's mind. Mr. Carroll replied they have to accept the Engineers' word that it would be sufficient.

Councillor MacKay asked about the consultants' study re the need for R-2 development in Sackville which helped change the mind of the Planning Department. Mr. Carroll said this is difficult to prove conclusively in that they can't survey people for two unit housing. The evidence from Alderney Consultants was information from real estate agents and from interested people, and indicated they were interested in two unit dwellings anywhere in Sackville, and in that location especially. Councillor MacKay felt there is a great abundance of land that can be rezoned R-2 without going through any Plan amendment. There is nothing in the Plan that stops anybody from rezoning R-1 lands to R-2. Mr. Carroll thought what land was available to rezone from R-1 to R-2 was scattered. This location represents an area where a developer can get a good sized development, and there isn't really any other place for a project such as this.

Councillor MacKay asked if consideration was given to the history of that particular lot under the Plan and how it became commercial, and the intent of the owners at that time. He was told basically they used the Plan to see where it stood in relation to this application. The owner of the land has indicated his support for this proposal. Nowhere did the Planning Department see that the Plan opposed it, and in fact they felt that by taking away the General Commercial designation they would encourage the concepts of the commercial core.

Councillor MacKay asked about the impact on schools and the availability of classroom space. There are provisions in the Plan that this should be addressed in considering any changes. Mr. Carroll said he spoke to Dr. Morrison of the School Board, who felt there would not be a problem. In September 1985 a new school will be built to take care of elementary and junior high students in that part of Sackville and the system for a year could take care of anything that might come.

Councillor MacKay said when the preliminary report was given, the Engineering Department and Department of the Environment had concerns about servicing; (1) the area was over serviced in fire fighting for residential and was better served for commercial; (2) the sanitary sewer was just the reverse. He said he hasn't seen any documentation of existing or future capacity, reserve, what is required, how much it will cost, how long the proposed bond would be in effect, ect. He asked what would happen if this area was changed to Residential and then the Department of Transportation declined to grant an access onto Metropolitan Avenue or First Lake Drive. Mr. Carroll replied that the application is for rezoning for a purpose, not a specific development. Councillor MacKay found it amazing that a comment from the Engineering department and a report from a consultant could turn the Planning Department from a negative position to a recommended acceptance.

Councillor MacDonald asked the main reason for amendments to plans. He felt it should be for an injustice that was done or a mistake in the plan, not for development of an empty lot.

Mr. Wdowiak came forward to answer questions.

Councillor MacKay asked what has changed the mind, or recommendation of the Engineering Department. Mr. Wdowiak said that to have a pumping station adjacent to a lake is always a concern. First Lake is a recreational area immediately adjacent to the pumping station. The present capacity has been put into place because of the requirements to enable the Nova Scotia Housing Commission to carry on development in Phases 11 and 12. There was an expenditure of \$100,000 by the Housing Commission to twin the pumping station. At present there is sufficient capacity to meet the requirements of the proposed housing development, however there is always concern with the ongoing problem of inflow infiltration. The systems are designed using a certain criteria of peak flows generated, and although these may be quite liberal, there are times when they are surpassed. However, it is felt that with prudent construction techniques and so on, that the anticipated flows could be met by the existing system.

Councillor MacKay asked if he would agree Residential puts more demand on sewer services than Commercial. Mr. Wdowiak said general experience indicates that commercial development would generate less sewage than residential development.

Councillor MacKay asked how long a bond would stay in effect. Mr. Wdowiak said the bond would have to be negotiable and retrievable until such time as all the development in that pumping station watershed has been completed, and that includes the Nova Scotia Housing Commission.

Councillor Eisenhower asked about density of people per acre. In this particular case there is no comment on whether or not it is within the defined limits as to what the main trunk would take as far as density is concerned. Mr. Wdowiak said in the past, if land holdings were individual holdings, they have applied the 18 person per acre density. These lands were originally owned by the N.S. Housing Commission. Given that their overall holdings have not generated in excess of the design criteria, the Engineering Department have not addressed it in this case.

Welcome to Participants

The Warden extended a warm welcome to former member of the Council, Malcolm MacKay, MLA in the County of Halifax, and also to residents of the County present for the Hearing.

SPEAKING IN FAVOUR OF THE APPLICATION

Dick Murtha, Solicitor for Stevovan Developments Ltd. Mr. Murtha was accompanied by Mr. Stevens of Stevovan Developments and Mr. Swanson of Alderney Consultants.

Mr. Murtha said he resides in Sackville and practices law in Bedford. Mr. Armoyen and Mr. Stevens, both engineers, are seeking approval from Council for the rezoning of the property in question.

The Municipal Development Plan for Sackville was developed as the result of weekly meetings over a period of eighteen months. After completion of this work, there was editing done by persons who were not members of the eighteen month committee, and the final document was delivered. Mr. Murtha said the truth of these comments became apparent a number of months ago when he appeared before Council on an application concerning a C-2 lot in Sackville. That C-2 lot had to do with a cabaret. The definition of C-2 as set out in the Municipal Development Plan for Sackville, and this property in question is a C-2 property, allows one to develop any number of things. In fact it is basically a kitchen sink development plan, which he is told has its derivation in a trip from the corner of Sackville Drive and Cobequid Road to the Beaverbank Road, making careful note of the existing commercial uses at the time and listing them so as to ensure that all would be preserved by a C-2 zone, that is, no one would be hard pressed because they had a commercial use that would become a non-conforming use and present them with difficulty should they want to change it.

The first time this MDP for Sackville was examined was at that hearing on the cabaret. A number of people present were witness for him, Mr. Hyland who is present, Councillors MacKay and Margeson, and he thinks it is true to the consensus of the fact that no one intended that a C-2 zone would permit certain things, but nevertheless it is there. How do we know what the intention was? We look to page 1 of the MDP for Sackville; this says all the policy notes are preceded by comments and these comments are to be given the effect of law. This means there is a very serious concern, and we want you to know, people out there, what we intended for the development of Sackville. On Page 28 it says, "the intent of the General Commercial designation (C-2) is to recognize those areas where commercial development has been established within the community". Past tense is used. It goes on, "all commercial retail uses and office uses with less than 5000 square feet of office space shall be permitted within the designation". Mr. Murtha submits that the intention here was to limit in a C-2 zone any further commercial development, and to ensure that the commercial development be in the C-3 zone - to ensure that the hub of all those commercial enterprises that would be worthy of locating within the County of Halifax in Sackville be in the C-3 zone.

So here we are in a C-2 zone, asking that there be a limitation on the number of things that could develop there right now, asking that an amendment take place that would be a "people's amendment". Stevoyan Developments has stated, apparently agreed by the Planning Department, that there is a need for this type of zoning, that there is need in Sackville for R-2. Somewhere in the statement of the committee, or perhaps in Stevoyan's presentation, there is a statement that there is a .0 vacancy rate in residential units in the Sackville area. Certainly it is difficult to get an apartment at a reasonable price. An R-2 zone, permitting the uses that it would, would allow for more affordable dwellings. The developers are asking that they be allowed to develop this portion of land to create thirty-one R-2 lots, to allow sixty-two families to acquire dwellings.

There are a number of points that could be raised. With regard to sewage and capacity, Mr. Swanson will make some comments. With regard to questions about sewage capacity compared between commercial and residential, it may be that sewage capacity in a residential area would be greater than for instance an industrial park. But in many areas Sackville is the fast food capital of the country. It is suggested that kind of sewage might well be more burdensome than a residential facility.

Right across from the location of the property in question is the Metropolitan Field, and it is terribly under-utilized. Directly behind the property and abutting it, is the Church Campus, which serves a number of churches. It is suggested it is no problem to have people next door to a church, or to recreational facilities. That's why they are there. On the other side there is the shopping centre. Sackville Town Centre has been a hollow place for a very long time; with additional persons coming in it might get greater utilization. Across the street is First Lake, and a canoe club up the road. All of these things are people-oriented.

The 7.2 acres of land will create a greater tax base for the municipality and will create a location for people to live, in a subdivision to be called Lakeview Subdivision, where most of the properties will be overlooking the lake. It will be a very nice location, sloped to only 20° to be a very nice setting for people to live. The R-2 zone will be a welcome thing in a needed time. Interest rates are down, people who couldn't afford to buy homes before may now be able to do so.

It is fair to say R-1 is predominant in the area, but what area are we talking about? The word "neighbourhood" was mentioned. In the Municipal Development Plan, strangely enough, there is no definition for neighbourhood. So what is a neighbourhood? Is it a street, a section? The church, the shopping area, the beach, the playground, all are R-2. Sackville is a growing community, a living community, and the MDP must be a living document to reflect the needs of the time. It was meant as a roadmap to where Sackville was going and why. It should also reflect where Sackville has been. If there is a problem with the Plan it is perhaps because changes in time was not reflected. Here we have a need, a piece of land that has done nothing since 1972, 12 years. Without a change in zoning it could become the next nightclub in Sackville. With a change in zoning, people can locate there and people can utilize the facilities that are there. Sackville is supposedly a planned community, but sometimes it appears as though it really isn't planned at all. The green areas showing on the map were very good for recreational use if you wanted to teach your child how to repel from mountain tops. This slope of 20°, with all the surrounding uses, is a good location for people to live.

Mr. Murtha said he has appeared before Council many times before on issues that have involved people within the community, and he now appears on behalf of persons who wish to develop for use by people. Stevovan Developments is not the largest company in the world, but it is a company that is prepared to enter into an agreement with the

County, to answer any concerns about the sewage problem, a problem he is told developed in part when Sackville was developed and people hooked in without permit to the sewage system due to poor policing by the County, and this has caused a fear of overloading. Not only the developer, but also the County, bear the burden. In future with further restrictions and better piping equipment, these problems can be avoided. But the company is prepared to answer the request in the amount specified, and on terms that are reasonable and equitable to all parties.

With regard to plan development, Stevovan is only going to be preparing lots, but restrictive covenants will be prepared, to the satisfaction of Council, within reason. Within reason, because he is a lawyer, and requires instructions from his client. But Council are reasonable, and have had much experience in matters of this type.

With regard to road access, Mr. Murtha is told it has been approved off First Lake Drive. Their plan indicates a 25 foot buffer which the developer is prepared to deed to the County so that 25 feet of trees will remain on all outside roads. In addition in developing a lot some trees would be left behind the house. Restrictive covenants could speak to the felling of trees.

The developer must have an answer before going beyond this, but what is being suggested now will be followed through.

Questions from Council

Councillor MacKay asked Mr. Swanson if he felt that Commercial puts less demand on sewage than Residential. Mr. Swanson replied that it depends on the type of commercial development. Office buildings or shopping centres put less demand than Residential, but the average water consumption and therefore sewage generation of a fast food outlet such as MacDonalds, on 1/2 acre, would generate about the same amount of sanitary sewage as thirty private homes.

Councillor MacKay suggested there were two documents prepared, one the Municipal Development Plan, and the other a Zoning By-law. The labour of love expressed by the community was primarily in the direction of the MDP, which was the land use designation, and not the Zoning By-law, which the experts edited, and which set out permitted uses within that designation. This question is not like the cabaret situation, which was a permitted use on a land use designation.

He agreed that the comments that preceded the Policies would be recognised as law. He felt that the Metropolitan Field, if anything, is over-utilized, to the point that it has had to be resodded twice. Also, across the road there is more than a beach and canoe club, there is quite a development by Kinsmen on land owned by the County, and an arena. He suggested there would be a definite impact on these services.

Councillor MacKay agreed there is no question the tax base would be increased, but felt that for residential development additional services are needed which are hard and expensive to deliver.

He asked who approved the road access. Mr. Swanson said no formal request has been made for approval but the guidelines were discussed with the Department of Transportation, and interpreted by Alderney's staff.

Councillor MacKay asked if the 25 foot buffer to be deeded to the County is parkland dedication. He was told the parkland dedication has already been fulfilled by the Housing Commission.

Councillor MacKay asked further about the covenants regarding vegetation, and the 25 foot strip to be used as a buffer zone. Mr. Murtha suggested the strip would protect the area, and as far as enforcing the covenants is concerned, people must be considered honest until proven otherwise.

Councillor Wiseman said she felt commercial development was needed in Sackville. Also she objected to the green areas being described as the side of a cliff. She asked what kind of control could be enforced for the covenants. She did not feel they would provide adequate protection.

Councillor MacDonald asked about the size of the lots proposed for the development. Mr. Stevens said generally they would be no smaller than the minimum requirements of the Zoning By-law; 60x110 or 120 would be average size. There would be one parking space per unit. Councillor MacDonald suggested this would cause a parking problem.

Councillor MacDonald suggested the MDP is a people's plan, and the people wanted C-2. Mr. Murtha said the Municipal Development Plan, not the Zoning By-law, defines this area as one intended to acknowledge existing use. The Plan left it as C-2 because it was the intention to preserve existing uses so there would be no non-conforming use problems.

Councillor Eisenhower expressed concern about the visual aspects of that part of the development adjacent to the shopping centre, and Mr. Murtha agreed this is a valid concern and the developers would welcome suggestions for overcoming it.

Councillor Margeson said he felt that with all the amenities in the area, this is a natural place for the development suggested.

Councillor DeRoche suggested the density per acre of the development would far exceed the recommended density. Mr. Swanson said it is necessary to look at density in the overall area, and here, if you take a circle to include 100 acres around, the density would be low. In reply to further questions from Councillor DeRoche about covenants, Mr. Murtha said they would run with the land. He said the developers are honestly attempting to put on the market a good place for people to live.

SPEAKERS IN OPPOSITION TO THE APPLICATION

Malcolm MacKay, MLA for the Sackville/Beaverbank Area. Mr. MacKay said he was at one time a member of Council representing District 20, where the proposed development is requested. He said he was representing the people of the area, who are opposed to the development.

Mr. MacKay said he has already made a brief presentation at the Sackville Advisory Board. It was his understanding that the PAC, before making a decision on whether or not Mr. Armoyen and the developers would be permitted to make their presentation at a public hearing, wanted the opinion of the Sackville Advisory Board. At their meeting, of ten people present, one was in favour of this meeting. So the opposition to the proposed development was almost unanimous. Based on these odds, he wondered why we are here tonight.

He mentioned some of the reasons he is opposed to the development and why he feels the community is opposed to it. The people in the community are important, and Mr. Murtha was anxious to find out what a neighbourhood was. Mr. MacKay said he knows what a neighbourhood is, its where he lives. He knows the feelings of the people he lives with, people that are his neighbours. On the map he can see some very distinct neighbourhoods in that area. P and Q sections are a neighbourhood. People in that area are doing things in common and they share a common interest. When they bought their homes back in the early 70's they did so with the knowledge there would be some commercial development behind them. But they bought with the knowledge there would be a top lot, a green area, and an elementary school, which they haven't seen yet.

Why did it happen that a group of people who in good faith purchased lots so they could provide a place for their families to grow and enjoy the services of the new community of Sackville - they didn't want the changes that took place at that time, the County Councillors were opposed, yet it happened. How did it happen? Presentations were made by the residents, by County Councillors, by interested people, opposing the development, the development of the Town Centre shopping complex. Yet it happened, in spite of all the objections from the people. Not to suggest motives for anybody, but the government in power then, and the Member of the Legislature representing that government, are not there today. And one of the major reasons he's not there today is because they did something the people didn't want.

People don't want this new change. That's his view from the number of calls he's had from people, not just in P and Q, but in other areas whom it might affect. If you drive up Metropolitan Avenue you will see a high school, Kinsman Park, a school site, junior high school, playing field, ball field, green area dividing Metropolitan and Lumsden. You could create another neighbourhood in the proposed development, but the people don't want that area of beauty and of service to the community to be crowded.

Also, people are concerned because of past experiences. The Town Centre was put in against their wishes, and some of the scars are still there. There's a sheer cliff behind the houses on the lower side of Polara. Some people fought with everything they had, destroying their lives, because of that situation. One of the promises was a nice green buffer area between the parking lot and the houses, and a fenced area. Now, there's not one tree, no green buffer area, just a sheer cliff. Whoever was responsible for having that shopping area put in there in the first place, it was never a success. And the tot lot and the green area and school could have been there and used and enjoyed by the people in the neighbourhood. The site we are talking about now probably would have been a small shopping centre that was proposed for that area in the beginning.

Mr. MacKay referred to the interpretation of the guidelines of the Department of Transportation mentioned by Mr. Swanson, to permit a roadway entrance in from First Lake Drive. Mr. MacKay felt there are times right now when the congestion is so great there that traffic is backed up right to the arena. On the other side of the lake is the Kin Centre and Sackawa Canoe Club, and any time the parking lot is filled with cars. The Kin Centre and the church have parking problems and they use the Town Centre parking lot. The developers are suggesting that they put sixty-two more families, and a lot have two cars, or three or four if teenage children, in an area that doesn't comply with the density in the first place. Where are they going to put the cars, and how will they get them in, during peak hours on a four lane highway. He suggests that the Department of Transportation would not approve access for the development.

People in the neighbourhood have been sending young children to school in portables, going on for ten years. A new school will be under construction shortly but NSHC have already developed phase 11 to 200 lots or more and phase 12 is coming up, all adding more children, and we'd be no further ahead.

Water and sewer would be a problem in a small area with thirty-one duplexes. There is not very much ground. The surface water has to go somewhere and will go into the already overloaded storm sewer. The big holdup on phases 11 and 12 for years was because the engineers said the sewers couldn't handle the existing effluent.

To put a housing development there is not in the best interests of the people in the community. Should we continue to rim our recreation area with houses? The purpose of planning is to designate an area that people can enjoy and see some beauty.

The development there in the first place happened against the wishes of the people, who don't want it to happen again. It was suggested by the developer that anything could go in there, but the market will dictate and then there are other planning roadblocks. The community won't allow just anything to go in.

Questions From Council

Councillor Lichter said the PAC is following the principle of consultation and this hearing is one of the forums in which consultation is taking place. It cannot allow its mandate to go to any other body and if that body says no, simply bow to it. Also, he said Mr. MacKay indicated the previous provincial representative is no longer there because the wishes of the people were not considered, but it requires a majority of votes in Council in order to succeed. Mr. MacKay said it was not a decision made by Council, and the people recognized that.

Councillor Lichter asked, in view of the traffic problems now existing, whether Mr. MacKay felt the facilities are in the wrong place. Mr. MacKay said this is not his opinion. Councillor Lichter said NSHC apparently caused some of the problems and asked whether Council should assume individual developers should not be in competition with the government. Mr. MacKay said no, not at all.

Councillor Deveaux said he wasn't put on Council to rubber-stamp recommendations from the Sackville Advisory Board. He said with recreational areas all around, common sense says this is a logical place for a residential area. There is a church, which probably would be in favour of it, a highschool, an elementary school being constructed. To turn this down from private enterprise and go along with phases 11 and 12 seems to border on discrimination. Mr. MacKay suggested Councillor Deveaux did not have all the facts, and hoped Councillors have visited the site so they can visually see the situation involved.

The Warden asked Mr. MacKay what he saw for use of the site, and he replied he would like to see it downzoned and made into Recreational or Institutional.

Councillor Wiseman said she was in full agreement with most of Mr. MacKay's remarks. She said the reason she brought the matter to the Sackville Advisory Board was to get support to bring an item forward which deserved to have a public hearing. One of her major objections to the planning for this property is the fact it would be extremely densely populated; she wouldn't want to live in this situation or subject other people to do so.

Councillor Lichter mentioned if the property was to be downzoned to Parks and Institutional, and since there is a MDP in existence, the Planning Act demands compensation to the owner of the land. Also, he said he does not feel that having an option only on the land should be held against the developer, since Council has been asking others why they have purchased when the zoning was not right.

Councillor Eisenhower said he did not think the Shopping Centre should be written off. It suffered from high mortgage rates, and he feels the planners are looking for another anchor store.

Mr. MacKay said he was not at the hearing to recommend downzoning, though he would rather have recreational for that piece of property. As to the possibility of undesirable commercial development for the property, he would fight it with every fibre of his being.

At this point the Deputy Warden took the Chair.

REVEREND GORDON MURRAY, representing the Board of Directors, Sackville Church Campus -

Mr. Murray distributed to Council a submission by the Sackville Church Campus Board of Directors, but did not read this report.

Mr. Murray said they come to this issue from the point of view of ethics, which puts them in a difficult position because from the biblical and theological base that churches come to issues from, it was a toss-up between the plan and the people. The church would not want to do anything to block anything beneficial to people, but at the same time their report reflects some of the betrayal that can come from the proposed amendment. They are separating the amendment from the actual zoning issue because all their planning for themselves as a church campus was based on a study done some time ago, which has implications for capital costs but they are prepared to find alternates if indeed it means that people will be without homes. They are in favour of R-2 zoning, but if at all possible, not where proposed for this development.

He said he was pleased to hear Mr. MacKay's comments. There is anxiety in the area when change from the Plan in a densely populated area happens. They can accept phases 11 and 12 because they are part of the plan. There is heightened anxiety for a change like this because it departs dramatically from how people were expecting the plan and development to occur.

The church affirms the need for R-2 housing in Lower Sackville and requests Council to commit themselves to oversee availability of R-2 homes. They believe there is need for housing for less cost than R-1.

The church campus is anticipating growth. They process 1200 people every Sunday and expect to pick up a lot of the development from Millwood and Second Lake when it comes. They are going to need parking space. The parking space on their property was put there on the understanding that there would in the future be parking available in a proposed development of the property in question. They can use the high school and the Town Centre but the back of the Town Centre is loaded with glass, and not a desirable parking place.

If Council should favour the amendment and change in zoning, they feel it necessary to provide walkways to facilitate pedestrian traffic towards the Town Centre, the P-9 proposed for phase 11 and the high school, and also P-1 green areas. This is consistent with other residential development in the area.

QUESTIONS FROM COUNCIL

Councillor Lichter asked if the church board has looked at the possibility of taking an option on lands they think should be needed for parking. Mr. Murray replied this would be too big a capital expense. Councillor Lichter did not think he could deprive the owners of a piece

of land, or those who have optioned it, of the land for the benefit of somebody who hasn't looked seriously at the need and made an attempt to discuss with parishioners to see if a purchase offer could be made.

Mr. Murray said it is a matter of a previous understanding. He tried to get documentation, if any, from the Housing Commission, and has appended some correspondence from the early 1970's to the submission from the Church Campus. Councillor Lichter asked him if he did not think the Housing Commission betrayed the understanding by selling the property, but Mr. Murray thought the Development Plan zoned the area with this understanding in mind.

Councillor Margeson suggested people in the proposed development could walk to church and would not affect the parking.

MALCOM C. BENNETT, Chairman, Board of School Trustees, School Section No. 75, Lower Sackville -

This new school at Cavendish and Cavalier Crescent will accomodate 600 students, Primary to Grade 9, from Phases 11 and 12, and P and Q sections. The students from P and Q sections are presently attending Gertrude Parker elementary school and Leslie Thomas Jr. High School, while the students from Phase 11 are attending Caudle Park School and Leslie Thomas School. The three schools in this area, Smokey Drive Elementary, Gertrude Parker Elementary and Leslie Thomas Junior High have been overcrowded since the day they opened. A total of 14 portable classrooms are in use at these schools, four at Gertrude Parker, 5 at Smokey Drive, and 5 at Leslie Thomas. When the new school opens, 150 students (P and Q sections) will transfer from Gertrude Parker school and 76 from Leslie Thomas Junior High; with boundary changes the student population at Gertrude Parker school and Smokey Drive school will be within acceptable levels. We were very optimistic that this new school being built in conjunction with the housing, would eliminate the overcrowding problems that have plagued this area for years, but now we feel that this proposed duplex community would immediately over-crowd our school system again.

I would like to give you the following statistics for your consideration:

The new P-9 school will accomodate 600 students and will contain 6 junior high classrooms, 4 special education classrooms and 14 elementary classrooms.

<u>Phase 11</u>	<u>Phase 12</u>	<u>Proposed Duplex</u>
182 single family	75 single family	68 units
40 multi-family *	25 mobile home sites	
<u>222</u>	<u>100</u>	<u>68</u>

*This multi-family site is 1.5 acres. Type of housing construction has not been decided as yet, this figure considers the maximum potential which is apartment units.

Student Population

Based on 1 student per household Elementary; .5 students per household junior high

<u>Transfer</u>	<u>Phase 11</u>	<u>Phase 12</u>	<u>Proposed Duplex</u>
150 Elm. G.P.	222 Elementary	100 Elementary	68 Elementary
76 Jr. High L.T.	111 Jr. High	50 Jr. High	34 Jr. High
<u>226</u>	<u>333</u>	<u>150</u>	<u>102</u>

Total estimated student population less proposed duplex development:

472 Elementary students
237 Junior High students
709 Total Students

Total estimated student population including proposed duplex development:

540 Elementary students
271 Junior High students
811 Total Students

From the statistics given you it is evident that the new P to 9 scheduled to open in September of 1985 will do little more than catch up on the overcrowding of schools in that area. An overcrowding situation that has existed far too long.

To further emphasize the overcrowding of the existing facilities, I would point out that two additional portable classrooms will be required at Leslie Thomas Junior High School in September 1984. This school presently has five portables and has no room left to accommodate any more. If the development proposal were permitted the effect would be to increase the enrolment of the new school in Section 11 by one-third of its intended capacity.

For the reasons given we are asking that rezoning not be permitted."

QUESTIONS FROM COUNCIL

Councillor Lichter said for the first time Council have a good reason for taking a careful look at the situation. However, earlier the Planning Staff quoted Dr. Morrison that neither short nor long term overcrowding would occur. He suggested perhaps the meeting might adjourn until Dr. Morrison could appear before it.

Mr. Bennett said he went over his figures with Dr. Morrison, who thought either postulation was possible. Mr. Bennett pointed to the record of overcrowding in schools when opened, and suggested the School Board estimations were not correct.

Mr. Meech pointed out that the School Board in calculating the school population uses .7 with respect to Elementary rather than 1, and this makes the difference.

Councillor Deveaux agreed with the overcrowding in Sackville schools, but felt the 62 units contemplated would not have much impact.

Councillor MacKay said he has never seen a school built in Sackville that wasn't overcrowded the day it was built. He commended the Board of Trustees for the statistics they have compiled; he has yet to see any one of their figures disputed, because they've been accurate.

Mr. Murtha asked if he could speak again, but permission was denied by the Chairman.

GORDON GILLIS, 32 Dickey Drive, Lower Sackville, N.S. -

Mr. Gillis said he was appearing on behalf of his wife and himself, and presented a submission as follows:

"We are charter members of St. Timothy's (Disciple - United) congregation and residents of Lower Sackville since 1971.

One of the reasons we located in Lower Sackville was because of a very comprehensive plan that had been done to set out the best overall use of the developing area (Sackville Lakes Development Plan, Murray V. Jones and Associates Ltd. 1970).

One of the many positive features of this plan was the concept of a Church Campus set in an area of commercial, recreational and community services using shared parking facilities with the shopping centre.

Most of this development proceeded as planned with the exception of the remaining parcel of C-2 land (TC"-D). This parcel of land is crucial to the original concept in order, when developed commercially, to provide much needed parking for the Metropolitan Playing Field and the Church Campus.

The change to R-2 would remove the visibility of the Shopping Centre, including its main sign on the corner of Metropolitan and First Lake Drive, thereby further undermining its viability.

The proposed plan change is to facilitate a development of Duplex Housing which could only be considered bad planning for the following reasons:

1. access directly onto the turning lane of First Lake Drive where traffic problems have been apparent for several years, from shopping centre and rink traffic.
2. a concentration of all duplex construction which has been avoided up to now by good planning on the part of the Nova Scotia Housing Commission by mixing single family and duplex allowing at the most six duplex units together.

3. the higher ratio of young children in duplex housing area which is surrounded by two main streets, a shopping centre and a church parking lot, separating them from schools and playgrounds.

In conclusion the only zone change that could be considered that is in harmony with the original plan and agreements with the surrounding properties would be a change to P-2 for community use."

QUESTIONS FROM COUNCIL

There were no questions from Council.

JOHN HOLMES, Member of Sackville Advisory Board, former Member of the Public Participation Committee, Resident of Sackville for Fourteen Years -

Mr. Holmes said he was speaking on behalf of the Chairman of the Sackville Advisory Board, and of the Board. At their February 14 meeting the Board passed a motion that a representative of the Board be present to express their strong opposition to the proposed Plan amendment and application for rezoning Parcel TC2-D from C-2 to R-2.

He said he would like to make two points, which are expansion on the reasons for the Board's opposition as put in a letter from Mr. Sutherland, the Advisory Board's Chairman, to Councillor Lichter as Chairman of the Planning Advisory Committee.

First, the owner of the land in question has consistently insisted that the Commercial zoning stay in place, although there was an opportunity to change it when the Municipal Development Plan was being developed. It was felt by the people who worked on it that this Plan would serve as a framework for development within the community for a period of five years. However, the residents recognized that no plan is cast in stone, and this is why it is proposed to be up for amendment in five years time. It is now only two years into the time.

The Sackville Municipal Development Plan is a legal document and Policy P97 on page 68 states: "In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through the Planning Advisory Committee and liaison with the Sackville Advisory Board." Mr. Holmes contended that such liaison did not take place in this case.

In a few years time, if the land has not been sold, or developed commercially, it may be possible that another proposal may be considered for this property, and another zoning. However that could possibly also be done by contract zoning. In the meantime the Sackville Advisory Board believes that the MDP should be followed and the lane in question remain C-2 as the owner himself requested only two years ago. The credibility of the Sackville MDP may be at stake, in part.

The Sackville MDP aside, this particular R-2 proposal is not conducive to good planning and as a result is incompatible with adjacent land uses. There was no detailed conceptual plan presented along with the request for plan amendment, and rezoning application. We have heard some suggestions that it will probably be 31 units but we haven't got any detailed proposal. When the developer was asked certain questions, the words "probably", or "possibly", or "most likely" were used. We saw a 25 foot buffer zone drawn around it so probably you couldn't get any more lots out of it anyway. And 25 feet is not much of a buffer zone in any event. We can talk about covenants, but we don't have any guarantee of how they can be carried out. We are going on good will.

Mr. Holmes said he is a school teacher and often students come before him and say, I haven't got my homework done, do I have to have a detention, and he could say, well Johnny, I trust you and believe you and I won't give you a detention, but little Freddy across the aisle, he tells me he doesn't have his homework done and I have to give him a detention because I don't trust him. It's not a matter of trust.

It was mentioned earlier by the developer that they have put forward a good sound development and we should take them at their word. While not questioning his word, Mr. Holmes suggests that for a Plan amendment it would seem reasonable to have a detailed conceptual plan. So in an effort to be consistent with good planning, and in the light of the owner's insistence until recently, that the land remain C-2, the Advisory Board asks that Council deny the application.

QUESTIONS FROM COUNCIL

Councillor Lichter mentioned the question of liaison between the Sackville Advisory Board and the PAC. He felt there had been consultation between the two bodies. Mr. Holmes said he understood that the motion brought before the Advisory Board was rejected, and that the PAC had made their decision ahead of this. Councillor Lichter said the PAC did have the opinion of the Advisory Board before the matter came before Council. He felt that only the elected representatives, the Council, should be the deciding body.

Councillor Deveaux said he believes individuals should be given the opportunity of coming forward to a public hearing to request changes in a municipal development plan.

Councillor Reid asked Mr. Holmes as a former member of the Public Participation Committee what the recommendation of the committee with regard to this property was at the time the Plan was developed. Mr. Holmes said as far as he could remember they went along with the owner's wish to have it remain C-2, although a number of the members might have preferred Parks and Recreation.

PAUL HYLAND, 59 Belleshire Drive, Lower Sackville -

Mr. Hyland said he has lived in Sackville for the past fourteen years. He is a self employed accountant, operating under the name of Hyland's Financial Records Services, at 579 Sackville Drive, for the past ten years.

Mr. Hyland said that during the development of the Sackville Municipal Development Plan he was Chairman of the Public Participation Committee, and presently he is a citizen member of the Halifax County Planning Advisory Committee. He said he has no interest in the property under discussion, nor does he anticipate any such interest. His interest is in his community and the MDP that he and other volunteers spent eighteen months discussing prior to its adoption. Two years ago, April 1, 1982, Council adopted the Plan and By-law, and it was signed by the Minister of Municipal Affairs on May 14, 1982. The community of Sackville had a Plan and Bylaw that the people endorsed.

He said there seems to be some confusion of what is being discussed. There are two documents, one is the Municipal Development Plan, the other is the By-law. Tonight a Plan amendment is being discussed. Mr. Murtha mentioned a C-2 land designation. That's not quite true. The land designation is talked about in the MDP and that's all it talks about, in several designations. In Sackville there is the Urban Residential designation, Rural Residential, General Commercial, Commercial Core, Industrial, Regional Park, Community Facility. That is what is talked about with a Plan amendment. A zone or zone change is the next process.

Since the time that the Plan was adopted in Sackville there've been some housekeeping changes, but this is the very first Plan amendment proposal that goes clearly against the intention of the Sackville Development Plan. The area in question very clearly has a designation for Commercial, and it was put there very deliberately. There was discussion at the PPC level. The community has a Sackville Town Centre which has to be recognized and encouraged, not written off. Mr. Hyland was disappointed at some discussion earlier, that it is dead, gone, and pleased that one Councillor drew attention to the fact a lot of shopping centres are turning over their tenants because of the economic conditions. The planning process did not write off the Centre, but had the encouragement of the then owner of the Centre, and present owner of the property in question, coming to the committee and asking for continuation of the Commercial that he already had, to allow for the expansion of the Town Centre. And in just a two year period people are suggesting change that would necessitate a plan amendment.

He said his first objection is the manner in which the Plan amendment has been handled by the PAC, of which he is a member, and he accepts some of the responsibility, and by Staff and other parts of the County. He read part of the introduction section of the Plan. "The policies adopted by Municipal Council in the Plan are prefixed by ... material which shall be a legal part of the Plan. Of the maps which are included and specifically referred to, the generalized future land use map ... service boundaries map ... transportation map ... shall constitute legal parts of this Municipal Development Plan." In the section called Implementation, page 68, the first paragraph states - "In accordance with Section 19(1) of the Planning Act the adoption of this Municipal Development Plan shall not commit Council to undertake any of the projects of actions contained; however Council cannot take any action within the scope of this Plan which would in any manner be inconsistent with the Plan or at variance with it." Policy 96 states - "The Municipal Development Plan shall be implemented by means of powers conferred

upon Council by the Planning Act, the Municipal Act, and such other Provincial Statutes as may be applicable." Policy 97 states - "In addition to employing specific implementation measures and planning, it shall be the intention of Council to maintain ongoing and monetary process to its Policy Advisory Committee and liaison with the Sackville Advisory Board." Another Section, Policy 98 - "It shall be the intention of Council to require amendments to the Policies and Maps in the Municipal Development Plan under the following circumstances - (1) where any policy is to be changed; or (2) where a request for a zoning amendment which is not permitted is made and subsequent studies show that the Policies or the Plan should be amended."

Mr. Hyland suggests the Sackville Advisory Board was not liaised as to the wording of the Plan amendment, but was asked for comment on the subdivision only. They have never had an opportunity to address or understand the consequences of a Plan amendment. They never had the opportunity to speak on it. Further, the wording of the Plan amendment, which is the first thing being dealt with tonight was the last thing the Planning Advisory Committee dealt with, just last week. Staff's report stated in effect - you fellows want a Plan amendment, here's the wording. Most of the wording was addressing the Sackville Town Centre, there was one paragraph of two lines that talked about this piece of land.

Staff are suggesting that Plan amendments are nothing more than a means to an end. But any Plan amendment should be thoroughly discussed in the community as a first step as were all the policies of the Plan before they were into the Plan. Plan amendments are not rezone applications. There are many provisions in the Plan to address rezones and Council should deal with them. Plan amendments are different; they can alter the course of a Plan of an entire community.

Plan amendments were thoroughly discussed in the process of the PPC. Policy 99 clearly states situations where Council can consider Plan amendments. There are three specific areas, one dealing with Little and Big Sackville Rivers, another with industrial parks, and the third the Cobequid Road and changes in that area. There were many meetings just on that part of the Plan. They did not want the Plan to be not flexible, they wanted it to be flexible in specific areas that would require an additional change and a Plan amendment. The one before Council tonight is not addressed in any of these three specific areas.

It should be noted that Council and the Policy Advisory Committee have no set procedure in handling requested Plan amendments. For example, for the Plan amendment in the Eastern Passage area, the PAC held a special meeting and heard from the residents of the area before considering the amendment. With a similar amendment to the Timberlea-Lakeside Plan, the Committee travelled to the site and had a first hand look. For an amendment for the Cole Harbour-Westphal area recently the Committee insisted on liaison with the Service Commission in the area before a decision was sent to Council. With this particular application, no meeting was held in Sackville, there was no liaison with the Sackville Advisory Board, no visit to the site that was organized by the Committee for Committee members, no request for public input except

the hearing. It is hoped that in future there will be a set of procedures dealing with Plan amendments. There are five development plans, there will be another four or five in a year or so, the goal is to have plans in the entire county.

Mr. Hyland said his second objection to this particular application is that the PAC had not dealt with the subdivision part of the application. The subdivision, its layout, should be discussed before deciding whether to amend the Plan. The Committee as a committee had not even seen what was proposed by the applicant. The process tonight could change a Plan and a zone and yet the proposal might not even receive subdivision approval, or Department of Transportation approval. There would be a property with a change in use that could not be accommodated.

The third objection is the Staff report. The report states some reservations about the capacity of the sewage system to handle peak flows. It states, "the pumping station may have difficulty in handling at peak times". The pumping station is the same one that was responsible for pollution of First Lake when it failed. Although it has been upgraded, this was for Phases 11 and 12, not any future residential development that is being proposed.

With relation to the Alderney Consultants report supplied by the applicant - during the brief discussion at the PAC, it was noted that neither the firm, nor Staff, referred to the Master Plan of 1971 of the Housing Commission. That Master Plan calls for a lot of residential housing for the entire area, yet the report before Council did not even address it. This commercial piece of land will come into its own. There will be a need. First Lake Drive is now all the way to the Cobequid Road, and should help with the patronage of the Town Centre. There are now two exits, and this was clearly known and addressed during the process.

The fourth objection is to the proposal itself, and is a personal objection. As a Sackville resident Mr. Hyland sees here a nonresident of the County placing before Council a proposal on a tract of land owned by another non-resident. The non-resident owner approached the Committee less than two years ago and asked to retain commercial to allow for future expansion of his then shopping centre. Now that he has lost that, he wants it changed so he can possibly recover his losses by having it sold. This is not a good reason to change the course of planning for the community.

The fifth objection is the development on this lot. Nowhere in Sackville do you find such high density development in a residential designation. There is R-2, but not in such high density. In the original proposal there was no allowance for a buffer area; tonight we see a 25 foot buffer area, but that is not much of a buffer. There is no provision for green or recreation areas. R-2 is completely inconsistent with the church campus, the Kinsmen recreational hall, the Sackville arena and the Town Centre.

Mr. Hyland said he was surprised that the amendment has been broadened to take the Town Centre into the designation and take the whole Commercial designation off. The amendment is going to put in the Plan a Residential designation to a Shopping Centre. There is a lot of Residential land in Sackville that would be available to any developer and no Plan amendment would be required to rezone from R-1 to R-2.

If what Council has heard is not enough to reject this application, they are asked to ensure the development of this lot is done by development agreement. This agreement should take into consideration all aspects of such development and the impact during construction, especially environmental concerns. When the Shopping Centre was constructed and the residential area above it, serious erosion took place. This erosion turned First Lake chocolate brown and it took seven years to bring it back. Such an agreement would be consistent with the agreement Council entered into with NSHC when developing Phases 11 and 12, to protect the lake.

Or if these objections are not enough, at least place dual zoning on this lot, Commercial and another, so if the proposal did not receive subdivision approval, or the developer decides not to proceed, the lot would not be restricted to R-2.

QUESTIONS FROM COUNCIL

Councillor Lichter asked Mr. Hyland if he has not been against any changes to the Plan from the beginning. Councillor Lichter feels if someone wishes to approach Council they should be allowed whether or not they succeed. Mr. Hyland said he agrees with the planning process and what is in the Plan is the law. The community supports the Plan and he did not think it should be amended in a frivolous way.

Councillor DeRoche stated that although P-99 identifies three areas where amendments might be entertained, yet in the preface to the Plan it states that Council should not be constrained by the contents of the MDP. He suggested that by virtue of this the three areas listed in P-99 were not the only ones Council were able to address.

Councillor DeRoche also suggested that liaison was carried out with the Sackville Advisory Board in the same manner as with the Westphal - Cole Harbour Area Services Commission, that is by correspondence.

Finally, Councillor DeRoche reminded Mr. Hyland that as a member of PAC he had the opportunity to rescind the motion to send the matter to a public hearing. Mr. Hyland said he tried to do this, but Councillor DeRoche said he was not supported by any of the Committee.

Councillor Reid asked Mr. Hyland if the Plan states no other than the three areas mentioned in Policy 99 should be amended. The reply was that the Plan is flexible, but Policy 98 mentions "subsequent studies" and Mr. Hyland did not think these studies took place.

Councillor Deveaux said he could not see that the requested amendment is not in the interests of good planning. Times and conditions change. The shopping centre is 65% vacant and a housing development would bring in more people.

Councillor Wiseman said she supported what Mr. Hyland said. She said Council should realize that if the amendment is approved the land will be zoned R-2 and if the developers cannot get subdivision approval the matter will be back to Council again.

DECISION OF COUNCIL

It was moved by Councillor Wiseman, seconded by Councillor DeRoche:

"THAT the proposed amendment to the Sackville Municipal Development Planning Strategy be denied."
Motion Carried. 11-5

ADJOURNMENT

Upon motion of Councillor DeRoche, the meeting adjourned at 11:55 p.m.

PUBLIC HEARING

MARCH 12, 1984

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Margeson
Councillor MacKay
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Councillor Mont

Also Present: Mr. G.J. Kelly, Municipal Clerk
Mr. R. Cragg, Solicitor
Mr. Keith Birch, Director of Planning
Mr. Mike Hanusiak, Planner
Mr. Bill Butler, Planner

CALL TO ORDER

The Warden brought the Public Hearing to order at 7:07 P.M. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

RECORDING SECRETARY

It was moved by Councillor Gaudet and seconded by Councillor Walker:

"THAT C. Lynn Weeks be appointed as recording secretary."
Motion Carried.

PUBLIC HEARING PROCEDURES

The Warden outlined the proceedings for a public hearing for the people in the gallery.

REZONING APPLICATION No. RA-SA-50-83-20Staff Report

Mike Hanusiak gave the staff report outlining the rezoning application for 186 Sampson Drive, Lower Sackville to re-zone Lot 56-S of Area S, Sackville Developments, Phase 8 from an R-1 to an R-2 zone.

Mr. Hanusiak indicated that the purpose of the rezoning was to allow the basement portion of the existing dwelling to be converted to an apartment for rental purposes.

Mr. Hanusiak recommended the proposed rezoning given the facts that the proposed rezoning is in conformity with the applicable provisions of Policy P-194 and that the proposed development will not involve any enlargement or alteration to the exterior of the existing dwelling, the surrounding neighbourhood will not be adversely affected.

SPEAKERS IN FAVOUR OF THE APPLICATION

Me. Allan Warner, 186 Sampson Drive came down to speak in favour of the application. He indicated there was no opposition in his neighbourhood to the re-zoning.

Councillor MacKay inquired if there would be ample parking for an apartment as well as the main residence. Mr. Warner indicated there would.

SPEAKERS IN OPPOSITION OF THE APPLICATION

None.

QUESTIONS FROM COUNCIL

None.

It was moved by Councillor Wiseman, seconded by Councillor MacDonald:

"THAT Council approve re-zoning application NO. RA-SA-50-83-20 to re-zone lot 56-S of Area S, Phase 8, Sackville Developments, located at 186 Sampson Drive, Lower Sackville.
Motion Carried.

RE-ZONING APPLICATION NO. RA-SA-42-83-16Staff Report

Mr. Mike Hanusiak presented the report from staff indicating Lester G. Crowell had applied for a re-zoning of Lot 5, lands of Terrance B. Blackburn located at 433 Old Sackville Road, Lower Sackville. The rezoning application requested that a change be made from an R-1 zone to an R-2 zone to allow the development of a basement apartment for relatives of the applicant to live in.

Councillor DeRoche inquired if a re-zoning application was needed due to the fact it was relatives of the applicant moving in to the apartment. Mr. Hanusiak indicated that a re-zoning would be required because the apartment would be fully self-contained.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF APPLICATION NO. RA-SA-42-83-16

Mr. Lester Crowell, 433 Old Sackville Road, spoke before Council indicating his reasons for applying for the re-zoning.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION OF APPLICATION NO. RA-SA-42-83-16

None.

It was moved by Councillor MacKay, seconded by Councillor Snow:

"THAT the application to re-zone Lot 5 of the Lands of Terrance B. Blackburn located at 433 Old Sackville Road be re-zoned from R-1 to R-2 to install an apartment in the basement of the existing dwelling be approved.
Motion Carried.

PROPOSED AMENDMENT TO THE TIMBERLEA/BEECHVILLE/LAKESIDE MUNICIPAL DEVELOPMENT PLAN

Staff Report

Bill Butler presented the staff report recommending a senior citizen's housing development agreement be instituted. Mr. Butler reviewed the staff report outlining the changes which were required of the MDP and the zoning by-law.

SPEAKERS IN FAVOUR OF THE APPLICATION

Ms. Corrine Edwards, 15 Lakeside Drive, spoke in favour of the application outlining her reasons for supporting the application.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN OPPOSITION OF THE APPLICATION

None.

QUESTIONS FROM COUNCIL

None.

It was moved by Councillor DeRoche and seconded by Councillor Snow:

"THAT the staff report be accepted and Council approve the changes to Timberlea/Lakeside/Beechville Municipal Development Plan to allow for a Senior Citizen's Home constructed and maintained by a public Housing Authority."
Motion Carried.

It was moved by Councillor Gaetz and seconded by Councillor Mont:

"THAT the necessary changes to the zoning by-law for the Timberlea/Lakeside/Beechville area be made to allow for a Senior Citizens Development."
Motion Carried.

There being no further business, the Public Hearing adjourned at 7:50 P.M.

PUBLIC HEARING MINUTES

MARCH 19, 1984

Present Were: Deputy Warden Adams, Chairman
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Gaudet
Councillor Baker
Councillor DeRoche
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Margeson
Councillor MacKay
Councillor McInroy
Councillor MacDonald
Councillor Wiseman
Councillor Mont

Also Present: Mr. G. J. Kelly, Municipal Clerk
Mr. Bob Cragg, Solicitor, County of Halifax
Mr. Keith Birch, Chief of Planning & Development
Ms. Dorothy Cartledge
Mr. Bob Gough, Director of Development
Mr. Lorne Denny, Executive Director, Halifax County
Industrial Commission

SECRETARY: C. Lynn Weeks

CALL TO ORDER

Deputy Warden Adams called the meeting to order at 7:04 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the role.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Poirier, seconded by Councillor Walker:

"THAT C. Lynn Weeks be appointed as recording secretary."
Motion Carried.

PUBLIC HEARING PROCEDURES

The procedures for the format of a public hearing were explained to those persons in the gallery by the Deputy Warden.