

DA-CH/W-36-85-17 - APPLICATION FOR A DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND ROGER AND YVETTE SOLLOUM FOR A FAST FOOD AND TAKE-OUT RESTAURANT AT 958 COLE HARBOUR ROAD, COLE HARBOUR

Mr. Hanusiak outlined the report from the Department of Planning and Development. He stated that this is for the establishment of an A&W restaurant including a proposed drive-thru in the Time Plaza Mall, Cole Harbour.

Mr. Hanusiak indicated that this application, as well as the next to be considered, were both advertised in accordance with the provisions of the Planning Act. To date, no correspondence has been received in favour of this application. However, correspondence to the negative of this application, as well as the application to follow, has been received.

Mr. Kelly read a letter from Clayton Developments Limited addressing their concerns with regard to this proposed Development Agreement. The letter was circulated to Members of Council. Mr. Kelly also outlined a petition addressed to Halifax County Council with reference to two proposed Development Agreements (DA-CH/W-36-85-17 and DA-CH/W-27-85-17). The petition was in opposition to both of these agreements, and it was signed by a number of residents of the area.

Mr. Hanusiak circulated pictures of the area and a map showing where the opposed residents live.

Mr. Hanusiak advised that the Department of Planning and Development has no objections to the establishment of an "A&W" restaurant at the proposed location. However, there is difficulty with the drive-thru aspect of this proposal for two reasons.

First, the lane to be used for the drive-thru was approved for an exit lane, and it cannot function both as the exit lane and for the drive-thru service at the same time.

Second, putting all this additional activity at the rear of the property will have an adverse affect on the abutting residential area.

Mr. Hanusiak clarified that the Department of Planning and Development is still recommending rejection of the proposal notwithstanding the fact that there is a Development Agreement attached to the report.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Mr. Roger Salloum, 8 Colburn Walk, Dartmouth, spoke on behalf of Time Plaza. He explained that the eat-in and take-out aspect of this proposal have already been discussed with positive aspects. However, there are some concerns with the drive-thru.

First, there is concern about the drive-thru causing disturbances from car lights, voice boxes, etc. Mr. Salloum stated that the solution would be to screen off the residential area with a wall cutting lights and sound, and positioning the voice boxes towards the building. If the sound of the traffic noise is acceptable, then a drive-thru would not add much additional sound.

A second concern is the traffic flow. Mr. Salloum stated that the solution for this would be to provide a number of signs around the building indicating a 10 mph or 15 kph speed limit zone, and the entrances and exits. The limited menu also minimizes the duration of the vehicular state.

A third concern is a conflict of loading with drive-thru hours. To eliminate this problem, loading hours would commence in the morning and early evening time, while the drive-thru business is not in operation.

Mr. Salloum stated that they have only found positive aspects to the approval of this proposal. It would benefit the community of Cole Harbour providing jobs, public service, and additional traffic to all area businessmen. Mr. Salloum stated that all suggestions would be welcome for the benefit of the existing properties.

QUESTIONS FROM COUNCIL

Councillor Deveaux stated that trees and fences may help to eliminate the problem of the lights, but the menu and voice box may cause much noise that would be heard by the neighbouring residences. Mr. Salloum replied that one must be standing directly in front of the voice box to hear it. Councillor Deveaux voiced opposition to this, stating that a person could probably hear the voice box, but they may not be able to make out what is being said.

Councillor Deveaux also stated that the one-way exit does not appear to be sufficient for this type of operation. Councillor Deveaux also noted that trees are going to be planted in the area, but he wondered if the developers would be willing to install a wall. Mr. Salloum stated that all suggestions would be taken into consideration. If a wall would be appropriate, it would be investigated. However, because the main concern is the lights, this problem will be overcome by the trees. Councillor Deveaux asked if there will be any lights in the yard that will be on all the time during hours of operation. He stated that if there were lights there, facing away from the residents, there might not be the need for cars to leave their headlights on. Mr. Salloum advised that there are presently lights situated on top of each door. However, additional lights facing away from residents could be considered.

Councillor McInroy asked if the company Mr. Salloum is proposing to enter into a lease agreement with is The Ederts Easy Developments Ltd. from Grand Falls, Newfoundland. Mr. Mike Melonchuck stated that he represents A&W and he is also the president of Ederts Easy Development. He stated that they presently have an operation in the City of Dartmouth, and their head office is in Grand Falls, Newfoundland.

Councillor McInroy stated he felt it extremely one-sided to suggest that the cars are very quietly going to order their meals and considerately leave the back of the building. In fairness, it has to be conceded that some carrying on will be take place, because it always has in these kinds of operations at that hour of the day. Councillor McInroy also suggested that the location of this proposal will have some impact on abutting residential areas. There appears to be other areas in Cole Harbour that would be more suited to this proposal than this small lot in Time Plaza that very abruptly abutts onto existing residential lots. The buildings that face Cole Harbour Road provide a buffer from the noise and activity in front of the buildings and on Cole Harbour Road, but when the focus is in the other direction, there is a major departure from what the intention has been with respect to the development along Cole Harbour Road. Councillor McInroy stated that a row of trees or a fence would not have much effect on reducing the kinds of adverse effects that this kind of operation will provide. Mr. Salloum stated that a wall has been suggested to cut the lights completely. He further advised that the traffic on the Cole Harbour Road will cause much more noise than what will be heard from this proposed A&W drive-thru. Other suggestions might be to have security in place during certain hours of operation, and to limit the hours of the drive-thru operation. Councillor McInroy stated that once this operation is in place, the only enforceable laws are those that are now in effect, which are pretty difficult to control.

Councillor McInroy asked if negotiations had commenced with A&W at the time the Building and Municipal Development Permits were issued. Mr. Salloum advised no, there were no negotiations with A&W at that time. Councillor McInroy asked if there are negotiations under way with another party in the event that A&W does not get the drive-thru and chooses to locate elsewhere. Mr. Salloum preferred not to comment on this.

Mr. Melonchuck stated that one of these operations are presently run in St. John's, Newfoundland, and the noise factor has not been a problem. As a suggestion to this operation, the voice box would be located to the extreme right of the building, which would take the sound away from the adjoining properties.

Councillor Mont stated that he does not feel the noise from these voice boxes is only audible from a distance. He advised that from his experience in going thru drive-thru operation, the conversation over the voice box can be heard from several cars back. He stated that this would be a very frequent source of irritation to residents of the area. Mr. Salloum replied that from his experience with voice boxes, he could not hear the conversation until he was right up to the voice box.

Councillor Mont asked Mr. Melonchuck if he is only interested in this location if he can have a drive-thru. Mr. Melonchuck replied that this is true. Councillor Mont stated that many A&Ws are now inside malls where they do not have any drive-thru operation. He asked Mr. Melonchuck if he would be interested in this type of arrangement. Mr. Melonchuck replied that this type of operation would be extremely difficult in the Cole Harbour area because the traffic flow in this area is all by vehicle.

Councillor Mont next asked what sort of location the A&W in Newfoundland is. Mr. Melonchuck advised that it is located in a commercial and industrial area. Councillor Mont asked if any other location has been considered for this proposal. Mr. Melonchuck advised that the addition to the Forest Hills Shopping Centre has been considered, but this is not suitable because it is on the wrong side of the highway for the best business. The traffic patterns for most fast food operations work best on the going-home side of the highway. Councillor Mont stated that there is a lot of traffic at the Forest Hills Shopping Centre and it may be a logical spot. The new shopping plaza that Clayton Developments is building may also be an ideal location.

Councillor Mont declared he has some difficulty with the application as it now stands.

Councillor DeRoche clarified that this proposal will be a sit-down and take-out restaurant, as well as the drive-thru. He then asked what volume of business is expected to be obtained from the drive-thru portion of the operation. Mr. Melonchuck stated that expectations are to be in to 30 to 40 percent range of the total business.

Councillor DeRoche asked how many drive-ways are on the property. Mr. Salloum advised that there is one entrance and one exit on the side. Councillor DeRoche asked how the traffic patterns are envisioned with respect to vehicles on the lot with relation to the drive-thru traffic. Mr. Salloum advised that there will be a number of signs provided indicating the speed limit. The exits and entrances will also be clearly indicated. He further stated that the traffic from the drive-thru business would be behind the building, but people doing business in other parts of the mall would use the parking spaces to the right of, to the left of, and in front of the building.

Councillor DeRoche expressed much concern over the traffic patterns that would be affected by this proposal. Traffic patterns would be contrary to one another that would heighten the number of accidents that happen in this parking lot. Mr. Salloum stated he feels that signs will be a solution to this problem. Councillor DeRoche stated that signs do not mean a thing; the care and intention that is necessary to ensure that traffic patterns are maintained, does not lend itself to safety.

Councillor MacDonald stated that it appears there is neither the space nor the land available here to develop this proposal properly. When the proposal is complete, there would be a lot of congestion. He stated that he can understand the concerns of the people in the area. There would be an increase in the noise and lights. Councillor MacDonald felt the petition expressed concerns of the people in the area, and Council should respect their wishes.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

George Croucher, abutting land owner, stated that most of the concerns of the abutting residents have already been addressed by Council. One other important concern is the value of the real estate.

When the houses in the area were purchased, the Municipal Development Strategy was known. This proposal is not part of the intent of this plan. Mr. Croucher stated that many people do not observe signs. The residents of this area also have concerns about the voice box. The abutting land owners are concerned about the level of the voice people placing their orders. In a still summer evening, this can be heard over some distance.

QUESTIONS FROM COUNCIL

Councillor McInroy asked Mr. Croucher if he had any contact from the owner of the mall with regard to the proposal. Mr. Croucher advised that the abutting land owners and several other residents have had no contact with the land owner at all. Mr. Croucher further advised that the residents of the area are not concerned about the traffic on the front of the building. However, there is concern about the traffic coming to the back to the order box. There will be line-ups of running cars, teenagers running from car to car, etc. Councillor McInroy stated that if this happened, the people that now have some buffer between the commercial activity and the homes, would become the buffer to the homes beyond.

Mr. Croucher again pointed out that when the homes in the area were purchased, it was known that they were next to a commercial area. When the Development Plan was investigated, the residents felt comfortable that there were secure from a drive-thru process. Councillor McInroy agreed that the residents deserve some support if they familiarized themselves with the Zoning By-law and Municipal Development Plan before purchasing their homes.

Councillor Lichter asked Mr. Croucher in what year he built his house. Mr. Croucher advised that his house was built about one year ago, but it was not occupied until November, 1985.

Councillor Snow stated that Mr. Croucher presently has no privacy in his backyard. Mr. Croucher agreed. Councillor Snow suggested that the 400 series fence does stop sound and it would provide more privacy to Mr. Croucher. Councillor Snow advised that a 400 series fence is similar to a metal fence but it is quite attractive. He also

suggested that the sound from the order box could be resolved by a telephone system. Mr. Croucher stated that it is difficult to stop the sound once it starts. Also the people moved here knowing the Municipal Development Plan and the Zoning By-law, and that is why many have built here. They never thought they would be burdened with such a proposal.

Councillor Snow asked if the residents are now satisfied with the amount of privacy they now have. Mr. Croucher stated that some residents have planted hedges, and there is a problem with trespassing children. However, when the residents moved here they knew what the situation was and they were prepared to live with that. Now there is a proposal to change the situation, and the residents are not prepared to live with that.

Councillor P. Baker stated that nobody would like to have such an operation next door to them. Commercial development in this area is needed, but it doesn't matter what precautions are taken against the noise and lights (trees and fences), it is never suitable.

Kevin Storey, 81 Hallmark Crescent, stated that there are many people here in opposition to this application. He stated that one problem which has not been addressed is the garbage handling. Sometimes the breeze blows and sends neighbouring scraps through to the residential area. This happens with the businesses that are there now, and the residents do not look forward to more with this proposed new development.

Another concern is the additional traffic pattern in the back of this building that would create an additional number of people hanging around the area. Presently, it is very easy to hear the activity that takes place behind these buildings. There is a metal reflective wall on the back of this building, and it tends to magnify noise rather than reduce.

He also expressed concern over the type of cooking utensils that will be used. Propane and other types of gas could pose a problem.

QUESTIONS FROM COUNCIL

None.

Ron Cooper, Dalkeith Drive, spoke on behalf of the Cole Harbour/Westphal Service Commission in capacity of Chairman of the Planning Committee. The Commission has three basic areas of concern with this proposal: 1. the road networks and the adequacy of them adjacent to the proposed development; 2. traffic patterns on the property; and 3. the effect that this development will have upon the residential homes in the neighbourhood of the proposed development.

Mr. Cooper stated that the particular area where this development is proposed is getting to be one of the more hazardous corners of the Cole Harbour/Westphal area. Within 700 feet of this corner there are approximately 18 businesses. All of these businesses directly access to either the Cole Harbour Road or to Hugh Allen Drive, which comes at a 90 degree angle in front of the proposed development. The businesses

generate an extreme amount of traffic, and the proposed development will only increase it.

In addition, there is a school at the end of Hugh Allen Drive, and across the road there is a school crossing. The school is in use at night as a community school, which means there will be continuous traffic until 9 or 10 p.m. There is also the bus traffic.

With respect to the second concern, there is parking on the west end of the building. Anybody using that parking when the drive-thru is in operation must either get in the same line as the drive-thru operation or go against the flow of traffic around the building. Getting caught in this kind of traffic will discourage people from patronizing any business presently in the mall.

The third concern is with regard to residential properties in the neighbourhood. The community is basically an urban-residential community with a majority of single family dwellings. The intent of the Municipal Development Plan is to maintain that as the prime characteristic of the community. The noise and light levels that will come from the rear of this building will be detrimental to the enjoyment of the residential property. Any traffic entering that property is above the grade of the land on which the building is built. The lights from that particular traffic will go over a fence to a height of approximately nine or ten feet and shine on the residential properties. The drive-thru is anticipated to operate from late afternoon until early in the morning. It is also anticipated that it is geared to the younger people of the community; therefore the noise that will laminate from the property can be well imagined. Mr. Cooper pointed out to Councillors that these developments are governed by the Municipal Development Plan, Policy P-93.2 (c) of this plan indicates that adequacy of road networks leading from, adjacent to, or within the proposed development. Policy P-93.3 (c) deals with traffic generated - access to and egress from, and P-53 also requires that the adequacy of a buffer be taken into consideration.

On all three counts, the development that is proposed should not be put into the community.

QUESTIONS FROM COUNCIL

Councillor Bayers noted that the people who have shown opposition to this proposal are mainly opposed to the drive-thru aspect of it. He asked Mr. Cooper if he is opposed to the drive-thru window or to the whole proposal of an eating establishment. Mr. Cooper stated that he is not opposed to a take-out operation because there are already some in the community.

Mr. and Mrs. Wood, 77 Hallmark Crescent, advised that their property is directly behind the proposed A&W establishment. They stated that when they bought the house, they were prepared to put up with a view of the back of a commercial plaza where there is very occasional useage. However, if this proposal is approved, there will be a constant stream of traffic within feet of their property.

They stated they agree with all points made by other people in opposition to this proposal. The level of garbage is a great concern especially with a number of children in the area.

The question of the take-out instead of the drive-thru concern Mr. and Mrs. Wood because a take-out would still generate a lot of noise and odours.

QUESTIONS FROM COUNCIL

None.

Paul Walker, 25 Hollyoake Lane, stated that he has been living in this area since 1976. Other residents who have been here this long have gone along with the growth in the area over the last few years. Several developments in the area have not been in favour of the residential development.

There is dust and garbage that blows into the backyards of the residents from behind Lawtons. This proposal would create more dust and garbage.

There is a lot of traffic generated in this area already, and such a proposal would only generate more, causing a hazard to people crossing the street. Mr. Walker stated that he liked the appearance of the building when it was built, and he enjoys the fact that it provides a bit of a barrier from the traffic noise, etc. It seems the parking lot at this mall is inadequate for a take-out that will sit 20 or 30 people.

QUESTIONS FROM COUNCIL

None.

It was moved by Councillor McInroy, seconded by Councillor Mont:

"THAT Council approve of the staff recommendation that an application for a Development Agreement between the Municipality of the County of Halifax and Roger and Yvette Salloum, for a fast food and take-out restaurant at 958 Cole Harbour Road, Cole Harbour be rejected for the reasons given by the Department of Planning and Development in the staff report."
Motion Carried Unanimously.

Councillor McInroy commented that Council should acknowledge that people who live abutting the commercial zone have done so in a manner where they have not made any intentional difficulty for the development as long as things were going according to the proper zoning requirements and the plan regulations. These people deserve the support of Council to deny any applications to have the commercial activity spread beyond where it is presently concentrated.

Councillor McInroy next read a portion of a letter from Fred Lee, Director of Traffic Engineering, Department of Transportation, addressed to David Nantes, MLA for Cole Harbour. The letter referred to the upcoming application, but has as much bearing on this application. It deals with proposed upgrading of traffic control on Cole Harbour Road.

After he read the letter, Councillor McInroy stated that if this proposal were approved, it would compound the problems outlined by Councillor DeRoche and the residents opposed to this proposal. A better use for this land would be to widen the Cole Harbour Road.

Councillor DeRoche stated that he had concerns for the safety aspect on this property. Therefore, Councillor DeRoche stated that he would be supporting the motion to reject this application. There has been an indifference displayed with respect to traffic patterns on the property and the safety factors that can evolve from that traffic pattern. Councillor DeRoche stated that it would only take one serious accident to cause many regrets.

DA-CH/W-27-85-17 - PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND EDWARDS FINE FOODS LTD., FOR THE ALTERATION OF LANDS AND PREMISES, BEING LOT C-2 OF THE LANDS OF CLAYTON DEVELOPMENTS LIMITED, LOCATED AT 960 COLE HARBOUR ROAD, COLE HARBOUR

Mr. Hanusiak advised that correspondence has been received and read regarding this application.

He advised that this application is for a proposed expansion to the existing Kentucky Fried Chicken operation located on the Cole Harbour Road. There is an existing Kentucky Fried Chicken outlet on the property. The nature of this particular application is to facilitate the development of a drive-thru and take-out window. The proposed development would be to allow a driveway to be constructed (it has been constructed) around the entire perimeter of the building, whereby traffic would enter from the Cole Harbour Road, go towards the rear of the property, and back up along a private lane leading to the order box which would be located at the front of the building. From there traffic would circle around the building to the back of the property and back out to the main parking lot to the Cole Harbour Road.

Mr. Hanusiak advised that staff had looked at a number of factors when preparing this agreement and recommending its approval. First, the nature of the use as it now stands is the most attractive property along the Cole Harbour Road. Looking at this situation, it is felt that this development can take place without any detrimental effect to the existing appearance to the property.

Second, the Department of Transportation has advised that it has no objections to altering the existing ingress/egress point as proposed in the Development Agreement. Keeping the noise factor down for the benefit of neighbouring residents is a major concern. To overcome this problem, the agreement would require that the order box and take-out window be located at the front of the building, buffering the noise to the residential properties at the rear. The entire operation, from the time of ordering until the time of pick-up, is orientated towards the Cole Harbour Road.

Another concern considered by staff was that of screening drive-thru traffic from the abutting residential neighbourhood. The proposed agreement provides for additional planting at the rear of the property in order to serve this purpose. He further stated that Council has the authority to require that additional planting be placed at the rear of the property, or it can be completely revamped in favour of a fence, for example, at the rear of the property.

Staff have indicated that noise is not a key feature in this matter; however, traffic lights are, and the proposed development agreement should adequately cover this situation.

Clauses 2 to 6 inclusive of the agreement have been tied to very specific site plans of the overall development proposal. This will permit careful monitoring of the agreed upon alterations, while at the same time preventing any confusion or misunderstanding of the terms and conditions of the agreement.

Mr. Hanusiak advised that the Department of Planning and Development are recommending approval of this application.

QUESTIONS FROM COUNCIL

Councillor Mont read the full letter from Mr. Fred Lee, Director of Traffic Engineering, Department of Transportation. The letter read that a second driveway request from the Kentucky Fried Chicken outlet has been denied by the Department of Transportation, and they are concerned about additional traffic volumes at the outlet since the existing driveway is slightly offset from the Hugh Allen Drive intersection. The letter further read that preliminary plans are now being considered for the installation of a fifth lane for left turning traffic along the Cole Harbour Road. If a final decision is made to carry out this work, additional property would probably be required in front of the Kentucky Fried Chicken outlet. The Department of Transportation expressed hope that the County would consider this when making their decision about this outlet.

Councillor Mont asked Mr. Hanusiak if the applicant had met with the area residents. Mr. Hanusiak advised that Mr. Frank had indicated that either he or the manager of the Cole Harbour store had contacted the people. Councillor Mont recalled that Mr. Frank had stated at the Planning Advisory Committee that the residents were not concerned.

Councillor Deveaux stated that Mr. Hanusiak had indicated the Department of Transportation would not allow a second driveway on this particular property. He asked what the reasoning was behind this decision. Mr. Hanusiak advised that an original proposal for a new driveway was rejected by the Department of Transportation because it would cause confusion and interfere with traffic operations at the Hugh Allen Drive intersection. On the basis of this letter, the applicant was informed that the proposal could not proceed to a public hearing or to the Planning Advisory Committee until such time as this situation was resolved with the Department of Transportation. Unique to the Cole Harbour Road is the fact that the right-of-way in front of the Kentucky Fried Chicken and across to Hugh Allen Drive is 20 feet wider than any other point on the Cole Harbour Road. Therefore, it is doubtful that one lane would necessitate additional land expropriation by the Department of Transportation at this point.

Councillor Deveaux expressed confusion over the Department of Transportation approving a driveway access for the A&W application, but not the Kentucky Fried Chicken application, when the two are side-by-side. Councillor Deveaux next asked if the owners have been asked to agree to putting a fence, a wall, or some other structure up to prevent the glare of light from causing any problems to the adjoining residents. Mr. Hanusiak stated that this point has not been brought up directly with the applicant, but perhaps this matter could be addressed to him when he speaks. Also, Council does have the ability to direct that a fence be put in in favour of additional planting as part of the Development Agreement.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Bill Frank, Edwards Fine Foods, P.O. Box 906, Armdale, advised that when he spoke to the Planning Advisory Committee, he told the members that the residents of the area had been contacted and informed of this proposal. He stated that it was his firm belief that an agent of Edwards Fine Foods had been in touch with the residents when construction was commenced in early November. However, on February 11 Mr. Frank found out that the residents had not been contacted, and on February 11 and 12 an attempt was made to contact all residents to inform them what was going on.

Mr. Frank noted that the people who signed the petition and Mr. Shaw in his letter suggested that a change-of-use was requested. Mr. Frank stated that this is not the case. They only want to increase their ability to maintain the current level of business. The Kentucky Fried

Chicken on Cole Harbour Road presently generates in excess of 80 percent of its business in a drive-in, take home scenario. He further stated that they have been good corporate citizens, and they have maintained their store and property in first class condition.

It has been suggested that there will be huge increases in the business at this outlet, causing huge increases in the traffic pattern of the property. Mr. Frank stated they do not anticipate any huge increases, but they anticipate they will be successful if they maintain their current level of business. The Cole Harbour Road is becoming more of a commercial centre causing more competition for the operation of this business. Two Kentucky Fried Chicken outlets presently have drive-thru windows, and in these cases the operation has been able to maintain their current level of business.

Mr. Frank pointed out that a great deal of time and effort has been spent trying to prepare for the drive-thru concept with minimal inconvenience to the residents. The program has been designed to take all the traffic and noise to the front of the property. The Department of Transportation refused one egress point, and in response to that, the lane that goes down the west side of the property and around the back was created. The direction of the traffic will not alter that which presently exists. The drive-thru driveway is constructed to minimize speed. He also stated that a double shadowboard fence that presently exists on the east side of the property is about eight feet in height and is a very effective barrier.

With reference to grade levels, Mr. Frank advised that the Kentucky Fried Chicken outlet in question is presently about six feet below grade. When people drive around the back of the property, they will be down in a bit of a gully, and it is felt that an eight foot fence would work very well. He further stated that due to the nature of this business, controlled hours of use would be considered. The possibility of widening the road has been discussed. There is approximately 50 feet of land from the face of the building to the street. This could easily be given up in favour of the Department of Transportation, should it be necessary. It would not affect the proposed drive-thru or the landscaping presently there.

QUESTIONS FROM COUNCIL

Councillor Deveaux clarified that Mr. Frank would be willing to construct a fence or some type of barrier in the rear of the building which would defray any concerns regarding lights and noise. Mr. Frank replied that his organization would do whatever is necessary to alleviate any problems.

He advised that much money has already been spent on the property, and the landscaping aspect has already begun. This began because it was believed permission had been obtained to go ahead. However, upon notification that work was not supposed to start, construction ceased.

Councillor Deveaux asked if the letter from Mr. Lee indicated that changes would have to take place prior to the approval of this proposal. Councillor Mont replied that a fifth lane along that stretch of highway has been considered that would have some impact of the property in question. The Department of Transportation, in their letter, has stated they hope Council will take this into consideration when making their decision. Councillor Deveaux clarified that the Department of Transportation cannot prevent the approval of this proposal. He further clarified that there could be some changes required later as a result of widening the Cole Harbour Road. Councillor McInroy added that the Department of Transportation is also concerned about the potential conflict with additional traffic volumes at the outlet since the existing driveway is slightly offset from the Hugh Allen Drive intersection.

Councillor DeRoche clarified with Mr. Frank that it is only anticipated that the current level of business will be maintained.

Councillor DeRoche asked how long it would take between the time of ordering and the time of pickup. Mr. Frank advised that depending on the nature of the order, it would take somewhere between two and one-half and six and one-half minutes. Councillor DeRoche next asked if there is a possibility of a fairly substantial backup of traffic at the busiest times. Mr. Frank advised there is room for 12 automobiles in the drive-thru lane. This far exceeds any experiences that have been had in the other drive-thru outlets.

Councillor DeRoche expressed concern over the U-turn aspect of this proposal. He clarified that a vehicle enters the parking lot, proceeds to the back of the lot, and has to do a U-turn around a parking space to gain access to the travel lane. He stated that not every driver would be able to enter this lot and make this U-turn without causing some interference. Mr. Frank replied that towards the south side of the plan the width of the driveway between the parking spaces is greatly increased to facilitate such problems. Also, should this pose as a real problem, two parking spaces could be eliminated to increase the width and give greater room for the turning radius. Mr. Frank advised that many drive-thru outlets in the City of Halifax and the City of Dartmouth utilize such U-turn situations with no great problem.

Councillor DeRoche stated that he is a patron of the Kentucky Fried Chicken outlet in question; therefore, he has some concern about the traffic pattern suggested on the plan. Mr. Frank stated that the existing parking spaces will be widened quite a bit. Approximately 12 feet of the east and west side of the properties have been obtained to widen the whole driveway process. Some of the landscaped area will also be used to create the 17 foot drive. There will be a lot more space available for vehicle movement in this parking lot than presently exists, although, even as it exists today, it is more than adequate by measurable standards.

Councillor DeRoche clarified that the only reason there is vehicular traffic to the rear of the building is because the Department of Transportation rejected an additional point of egress.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

George Croucher, 73 Hallmark Crescent, stated that he lives directly in back of the Kentucky Fried Chicken in question. He stated that most of the points of concern, with the exception of the speaker, have been dealt with very well. However, the traffic will be affecting the residents behind the Kentucky Fried Chicken outlet twice as a coming and going feature. This traffic will create enough noise and nuisance to aggravate the neighbours. He also stated that this proposal is in violation of the existing Zoning By-law and Municipal Development Plan for the Cole Harbour area.

QUESTIONS FROM COUNCIL

Councillor Deveaux stated that the circumstances surrounding this case are different than that which was dealt with earlier. The reasons for this were well pointed out by Mr. Hanusiak. Councillor Deveaux stated that when the parking lot is almost full, it is necessary to go around to the back and turn. Therefore, it could be said that at the present time car lights do flash on the houses of the residents in back of this establishment. If the people concerned are willing to put up a fence, it may make the situation better than it is presently. Mr. Croucher replied that the back of the lot is generally used for employee parking now. There are only one or two cars that park in that area. They cause no problems whatsoever as they come and go. This new proposal will create traffic in the back of this building on a continual basis. Councillor Deveaux stated that this cannot be predicted.

Councillor Deveaux advised that Kentucky Fried Chicken has been a good corporate citizen. They have attempted to have an egress where cars would not have to go behind the building. However, this was not allowed by the Department of Transportation. Safety-wise, there will be no extra cars parked here because there are no other commercial outlets in the building that use this parking lot. This cuts down on the probability of accidents. Mr. Croucher stated that the residents are concerned about safety, but their major concern is with the volume of traffic. It will depreciate the value of properties which border on the property in question. When the people in the area bought their homes, they did so thinking that there was to be no drive-thru outlets. Councillor Deveaux stated that this is understandable. However, when one moves into an area abutting a commercial outlet, the fact that the outlet can make an attempt to expand must be concerned. Mr. Croucher pointed out that according to the Municipal Development Plan and the Zoning By-law this type of proposal is not acceptable. Therefore, people bought and built homes under this pretense.

Councillor Deveaux stated that over the last two years a lot of requests for changes to the Municipal Development Plan and the Zoning By-law have been approved. This is all that Edwards Fine Foods are requesting as well.

Councillor MacDonald stated that he cannot see any difference between the two applications. He advised that the previous application was turned down because of the noise and the aggravation that the traffic and lights would create to the homes behind. This request is basically the same concept, and there is not enough difference between the two to make a different decision.

Rod Ashby, 61 Hallmark Crescent, advised that there is a small portion of land owned by the Department of Transport, next to the property in question. It was stated by Mr. Frank that a fence would be built and trees planted there. However, the snow has been pushed on top of the existing fence. Mr. Ashby advised that he has lived in the area since last July, and he has had the fence repaired on several occasions. He has also had the RCMP there to ward kids from climbing over the fence. Clayton Developments have informed Mr. Ashby that Kentucky Fried Chicken has no interest in repairing this fence themselves. If another fence were constructed by Kentucky Fried Chicken, the children would jump the Green Gables fence directly onto Mr. Ashby's property, completely ruining the lawn.

Mr. Ashby stated that the noise from the Kentucky Fried Chicken outlet is presently bothersome. The drive-thru would cause more traffic making the situation unbearable.

Mr. Ashby informed that the Kentucky Fried Chicken outlet does keep its grounds clean, but children who buy merchandise from the Kentucky Fried Chicken outlet dispose of their garbage in front of the residential area backing Kentucky Fried Chicken.

Lights are another problem.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked why Mr. Ashby moved there. Mr. Ashby stated that he viewed the house in the winter, and he did not see any of the adverse points of the house at that time.

Councillor Deveaux stated that if trees were planted there and another fence installed, it would stop the car lights. It would probably make the situation better than it is now. He asked how the children get across the property now. Mr. Ashby informed that he has put barb wire, he has tarred the fence with undercoating tar, and it has not deterred the children at all. Mr. Ashby advised that this is not his fence. He concluded stating that if Kentucky Fried Chicken do build a fence here, it will divert the traffic of the children onto his property.

Dave Cook, 9 Hollyoak Lane, stated that he frequently uses the facility in question. He advised that the driveway is on a downward slope. People are required to make a U-turn going down the hill. The people using this facility will be in a hurry, and it will be very difficult for them to make this U-turn on a downward slope. It appears that the people in the area enjoy using the facility as it now exists. There is no necessity for a drive-thru window.

Mr. Cook advised that people who use the facility now, turn their cars off and go into the establishment. If a drive-thru were installed, the cars would be left running causing more noise.

Mr. Cook stated that the opposed residents are not here to change the by-law, but to protect it as it stands. The people who have moved to the area within the last two years bought there thinking that the By-law and the Municipal Development Plan protected against such development. If this proposal is approved, the property value will go down in the residential area.

Mr. Cook concluded stating that his main concerns are with snow removal and salting, along with noise.

QUESTIONS FROM COUNCIL

Councillor Deveaux stated that the plowing of snow will be taken care of by management at Kentucky Fried Chicken. He also advised that the owners would also be responsible for keeping the downward entrance to the establishment clear of ice and snow. These people want to keep their business in good form, so they are not going to leave any hazards present that will stop people from going here. Councillor Deveaux commented that a take-out will also be available if one does not like the drive-thru.

Councillor Eisenhower asked if the houses behind the Kentucky Fried Chicken outlet are on an upward slope. Mr. Cook advised there was some grade built up by Clayton Developments, but it has been worn down a lot. Councillor Eisenhower observed that the headlights of cars entering the premises will be shining down, away from the houses that back this property. Mr. Cook stated that Mr. Frank has a nice property there now, and something of this nature will take away from the appearance of this property.

Gerry Landry, 67 Hallmark Crescent, advised that he also lives directly behind the Kentucky Fried Chicken parking lot. He stated that he is at ground level with the parking lot, and the lights from the vehicles presently shine directly through his patio doors. Mr. Landry commented that this drive-thru will increase the light situation, and will carry on into later hours of the night. He further advised that these lights will affect in two directions, when the car enter and when they exit.

The noise level from the vehicles will also be increased because the cars will undoubtedly be in a greater count, and the motors will be running rather than shut off. The sound of horns and squealing of tires if presently heard, so there will be an increase in this as well.

Mr. Landry stated that during the summer months his patio doors are regularly kept open, and with the cars in an idling position in a line-up to a take-out window, there will be gas fumes present.

He also added that garbage is another concern. It is not unusual to have to clean-up scraps around the yard, and this will increase with a drive-thru window.

This drive-thru window will definitely hinder on any privacy that is presently had in Mr. Landry's backyard. Friday nights, Saturday's, and Sunday's are very busy here, and Mr. Landry stated his feelings that there will be a continuous line-up here, especially on the weekends.

Mr. Landry concluded that he was approached by somebody from Kentucky Fried Chicken in February, and he responded negatively at that time.

QUESTIONS FROM COUNCIL

None.

Ron Cooper, Dalkeith Drive, spoke as a representative of the Cole Harbour/Westpal Service Commission. He stated it is the opinion of the Service Commission that the two applications in question tonight are basically the same. The standards which apply to one property sitting next to another, having the same disturbing effects upon residents to the rear of these properties cannot be treated differently. Mr. Cooper pointed out that the traffic pattern on this property would result in increased light pollution to the properties behind.

There is also a safety concern with this piece of property. The lower level is approximately five feet down. Traffic must come up towards the street level and the lights of the traffic will be pointing up into the traffic coming down Hugh Allen Drive and coming along the Cole Harbour Road. It will present an extreme safety hazard at this corner.

Mr. Cooper further commented that there are many businesses in the area, as well as a 96 unit apartment building that are entering and exiting onto the Cole Harbour Road, and they all meet at the intersection. There is pedestrian traffic to the area school using the crosswalk at this intersection. At this corner, there is an extreme traffic hazard situation and there have been many accidents and injuries here.

Mr. Cooper directed the Councillors attention to the Municipal Development Plan and its intend, more specifically: policy P-93 - adequacy of road networks leading to adjacent to the development; policy P-93.3 (c) - traffic generation, access, and egress; policy P-53 deals with drive-thru take-outs, and it mentions location of access drive-thru lanes, parking areas, etc.

Mr. Cooper concluded stating that this application should be treated the same as the previous one, as it would result in undue disturbance to the neighbouring residential properties.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked if Mr. Cooper feels this situation is exactly the same as the previous one. He stated that the safety conditions and many other factors within this application are much different from those present in the previous applications. There are a number of reasons present that make this a very different situation than the one

that was dealt with earlier. Mr. Cooper pointed out that he did not particularly address the location of the window in this establishment. The traffic patterns are the major area of concern with this application. Mr. Cooper stated that he can see no difference in the two establishments and the number of light passes that will go over the properties.

Councillor Deveaux stated there are a number of different circumstances which make the situation quite different from the original application.

It was moved by Councillor McInroy, seconded by Councillor Mont:

THAT the proposed Development Agreement between the Municipality of the County of Halifax and Edwards Fine Foods Limited for the alteration of lands and premises being Lot C-2 formerly of the Lands of Clayton Developments Limited, located at 960 Cole Harbour Road, Cole Harbour be rejected by Council."
Motion Carried.

Councillor McInroy stated that the fundamental issue with regard to this application is the same as the fundamental issue in the previous application. If you listed the negative aspects of this application, it might not be as long as a list of negative aspects of the previous application, but it is still a request to change what is currently accepted in a C-2 Zone to a more intense use, to change a traffic pattern or any associated with a commercial activity from the front of the building to the rear of the building. It is something that the residents thought they were protected from by virtue of the Municipal Development Plan.

Councillor McInroy stated that there is no significant reason to approve this request. The Department of Transportation has clearly indicated their position in opposition to the proposed development, although they have no direct jurisdiction. When this building was located and oriented as it is on the Cole Harbour Road, it was never intended that there be a drive-thru. Councillor McInroy stated there is a definite negative impact with approving this application.

Councillor McInroy further stated that it is frustrating to people who take the time to investigate the zoning and surrounding land-uses before purchasing land or a house, and specifically read that take-out or drive-thru operations are not allowed. They trust that this plan, that was only adopted by Council in 1982, will stand.

The only people who will suffer from the approval of this proposal are those directly abutting the property and perhaps those on nearby streets. However, the Municipality or Cole Harbour will not benefit in any general sense. There is no majority good for the sake of a few suffering. The principal is identical with the lot next door. The issue is whether or not Municipal Council will permit commercial activity behind the buildings in question.

Councillor McInroy asked that other members of Council support the motion and the people who have taken the time to show their opposition.

Councillor DeRoche spoke in support of the motion. He stated that he appreciates what the owner and operators of Kentucky Fried Chicken are proposing to do, and they are good corporate citizens, but they have not provided sufficient substantiation to cause Council to permit intrusion on the property owners to the rear of this proposal. They have not provided sufficient substantiation for Council to grant exemption clauses which were put in the Municipal Development Plan. The Municipal Development Plan was developed by the residents of the area in support of their lifestyle. This proposal is a request to change the residents' lifestyles. No evidence has shown that the residents are prepared to change this lifestyle.

Councillor Deveaux stated that he does respect the concerns brought forward by the residents, but based on the reasons he put forward earlier, Councillor Deveaux stated that he will vote against the motion.

ADJOURNMENT

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

"THAT the Public Hearings adjourn."
Motion Carried.

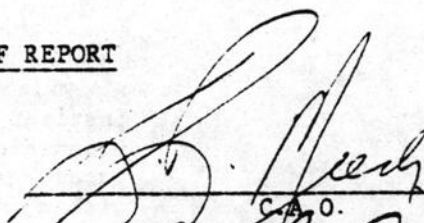
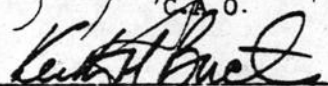
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Planning and Development

APPLICATION NO.: DA-LM-35-85-08

DATE: December 16, 1985


C.A.O.

DIRECTOR

RECOMMENDATION

THAT THE DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND MERLIN R. DOREY, TO PERMIT AN EXPANDED AUTOMOBILE REPAIR OUTLET ON LOT L3 OF THE SUBDIVISION OF THE LANDS OF SHIRLEY M. DOREY, LOCATED ON BELL ROAD AT EAST PRESTON BE APPROVED BY MUNICIPAL COUNCIL.

Information

Attached is a proposed development agreement between the Municipality of the County of Halifax and Mr. Merlin Dorey for the construction of a new building on the rear portion of the lands identified in Figure No. 2 (p 4) of this report. The applicant presently operates an automobile repair outlet from a small garage on the property. The purpose of the agreement is to permit the relocation of the business to a new and considerably larger building. The principal residence of the applicant is located on the same lot.

Section 7.1(3) of the Zoning By-Law for the communities of the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston, limits commercial uses in the RSI (Rural Residential) Zone to 2000 square feet of gross floor area. Council's ability to consider larger commercial activities by development agreement is set forth under Policy P-42 of the planning strategy.

ANALYSIS

This Department recommends approval of the proposed agreement for a number of reasons. The proposed development can be undertaken without adversely affecting abutting land uses. The proposed agreement will address the size and location of the building and its associated parking, outdoor storage, as well as the general upkeep of the entire property.

A wide variety of residential, commercial and institutional uses are permitted in the RSI Zone. The proposed agreement is in conformity with the plan's intent to accommodate larger, yet similar activities within the zone that cannot be established by right under the land use by-law.

All activities associated with the automobile repair outlet will be confined to the rear of the property. Given that the existing single unit dwelling will screen the development from Bell Road, the use will not be visible to the travelling public. Additional landscaping or buffering is not considered necessary.

FIGURE NO. 1 - KEY PLAN AND DISTRICT PLAN

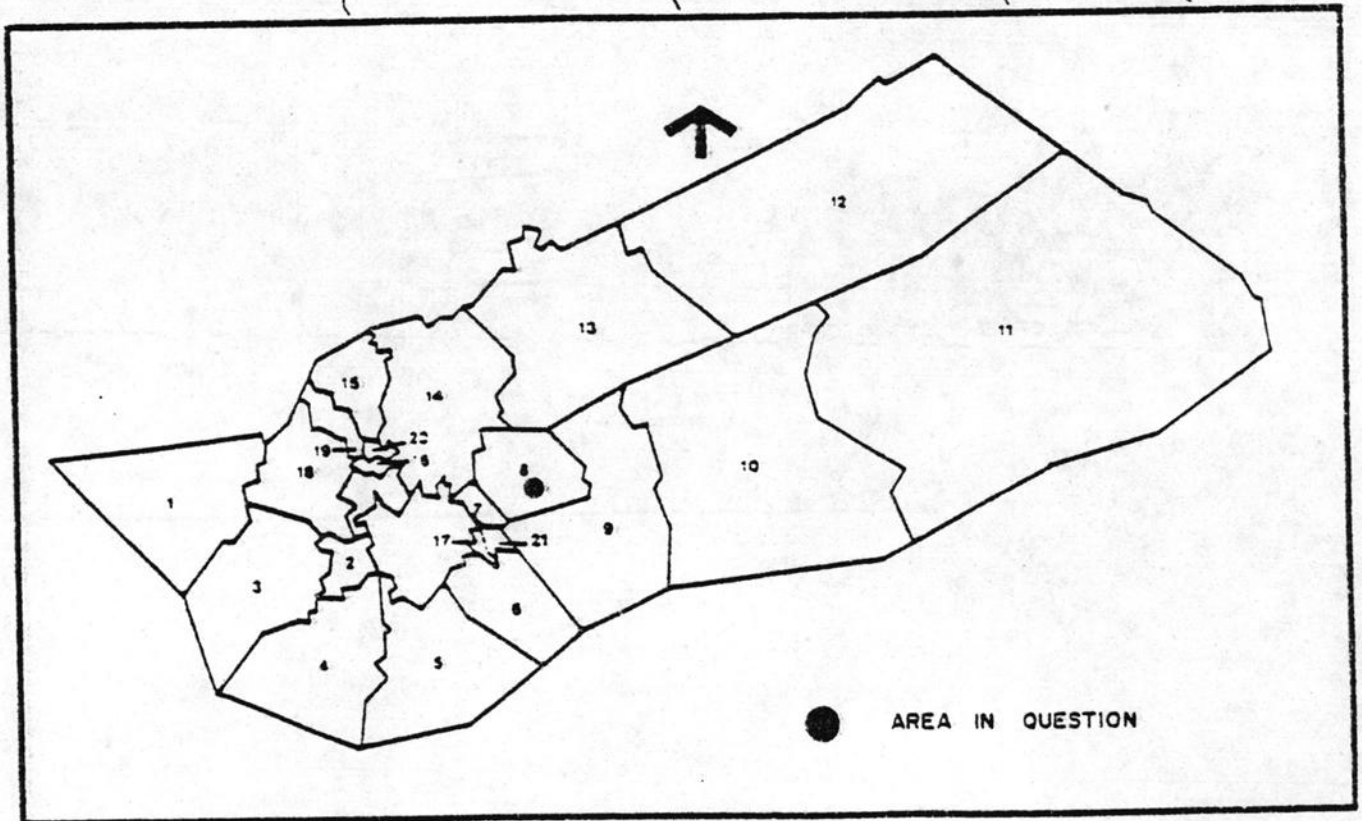
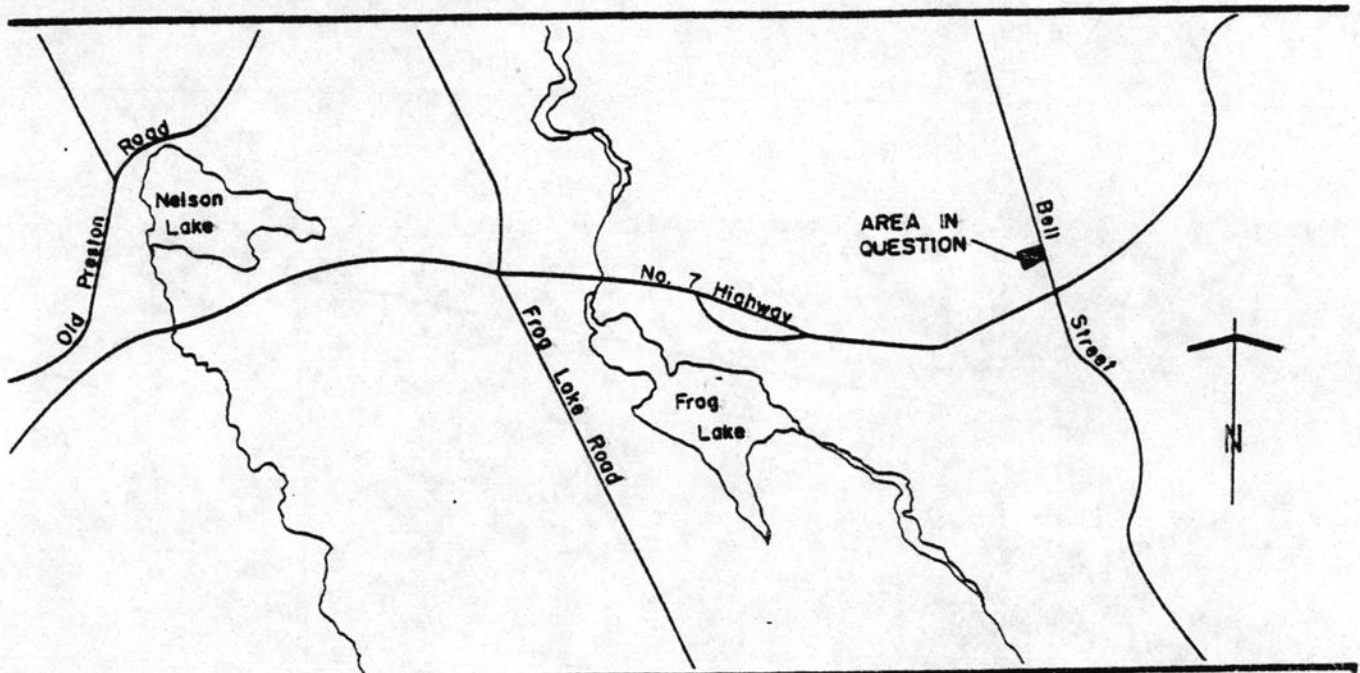
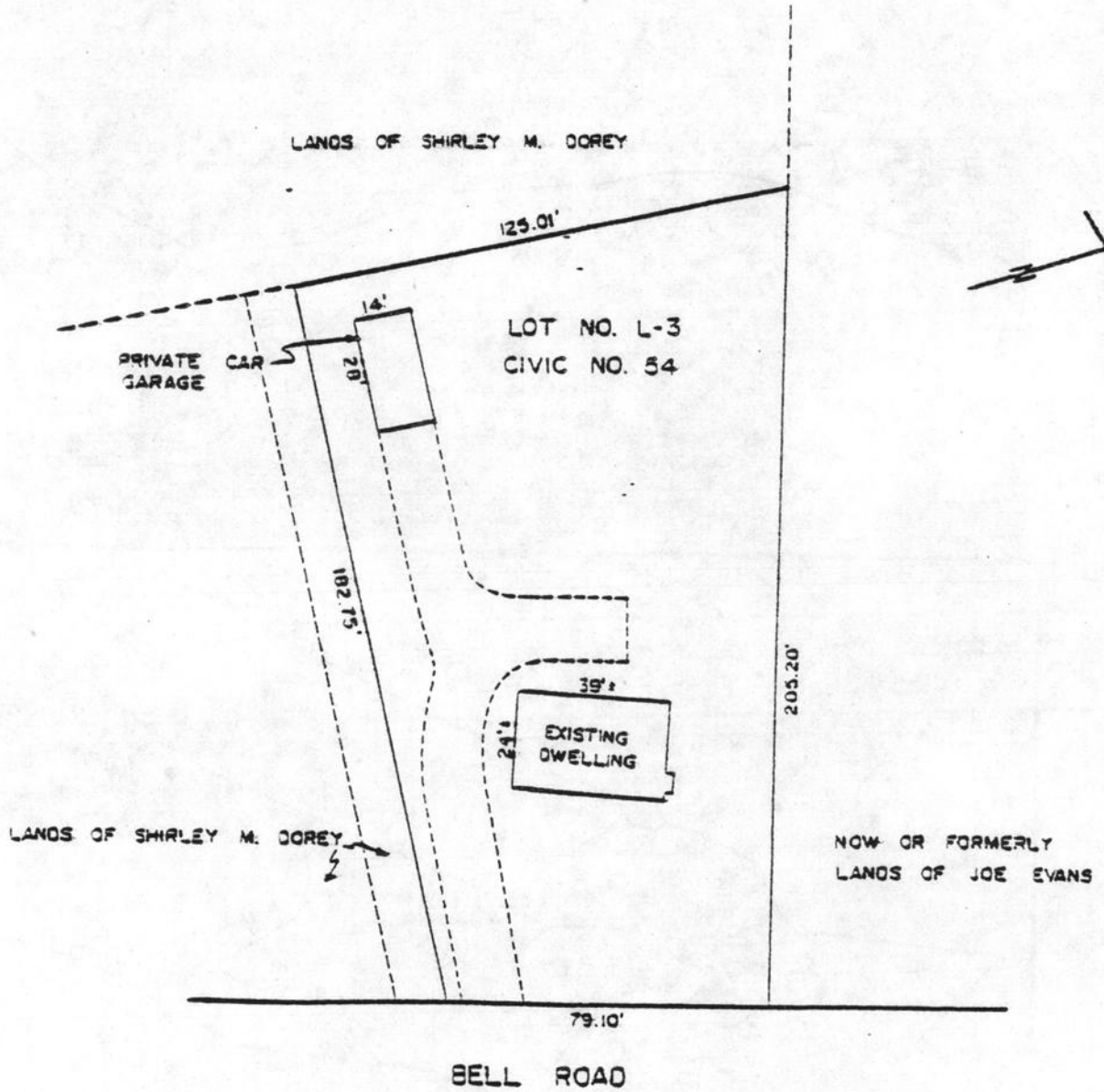


FIGURE NO. 2 - SITE PLAN



SCALE 1" = 40'

THIS AGREEMENT MADE THIS ____ DAY OF _____ A.D., 1986

BETWEEN:

MERLIN R. DOREY, of East Preston, in the County of Halifax, Province of Nova Scotia, hereinafter called the "Developer"

OF THE FIRST PART

-and-

THE MUNICIPALITY OF THE COUNTY OF HALIFAX, a body corporate, hereinafter called the "Municipality"

OF THE SECOND PART

WHEREAS the Developer has good title to lands and premises known as Lot L-3 of the Shirley M. Dorey Subdivision, located on the Bell Road at or about East Preston, in the County of Halifax, Province of Nova Scotia, said lands (hereinafter called the "Property") being more particularly described in Schedule "A" of this Agreement:

AND WHEREAS at the request of the Developer that he be permitted to erect, construct or otherwise locate an additional building (hereinafter called the "Building") on the Property for the purpose of carrying on the activities customarily associated with an automobile repair outlet;

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged) the request for the construction of the Building is agreed upon between the Developer and the Municipality, pursuant to Section 7.5 of the ZONING BY-LAW FOR THE COMMUNITIES OF NORTH PRESTON, LAKE MAJOR, LAKE LOON / CHERRY BROOK AND EAST PRESTON and subject to the following terms and conditions:

1. RESTRICTIONS ON USE OF PROPERTY

That the use of the Property be restricted to, in addition to those activities permitted under Section 7.1 of the ZONING BY-LAW FOR THE COMMUNITIES OF NORTH PRESTON, LAKE MAJOR, LAKE LOON / CHERRY BROOK AND EAST PRESTON, the activities customarily associated with an automobile repair outlet and without limiting the generality of the foregoing shall include paint and body repair, muffler, brake, tire and glass replacement, transmission repair and replacement, and other customizing activities directly related to the repair or alteration of motor vehicles, but shall not include the manufacturing or fabrication of motor vehicle parts for the purpose of sale.

2. ALL OTHER WORDS TO MEAN

All words appearing in this Agreement shall carry their customary meaning except those defined under Part 2 of the ZONING BY-LAW FOR THE COMMUNITIES OF NORTH PRESTON, LAKE MAJOR, LAKE LOON / CHERRY BROOK AND EAST PRESTON wherein such words shall carry the meaning as defined.

3. BUILDING REQUIREMENTS

That the Building shall be erected, constructed or otherwise located on the Property in accordance with the following requirements and as illustrated by Appendix "A" of this Agreement:

| | |
|--|-------------------|
| Minimum Front Yard (Property Line "A") | 110 feet |
| Minimum Side Yard (Property Line "B") | 30 feet |
| Minimum Side Yard (Property Line "D") | 20 feet |
| Minimum Rear Yard (Property Line "C") | 15 feet |
| Maximum Height | 18 feet |
| Maximum Gross Floor Area | 2,750 square feet |
| Minimum ^{Separation} clearance between the Building and other structures | 8 feet |

4. USE TO BE CONTAINED WITHIN BUILDING

That all activities relating to the Automobile Repair Outlet shall be wholly contained within the Building, with the exception that accounting and bookkeeping operations for the use may be conducted from the dwelling unit on the Property.

5. PARKING REQUIREMENTS

That the Developer shall construct and maintain in good repair a parking area on that portion of the Property identified in Appendix "A" of this Agreement. It is agreed that the parking area shall be created so as to prevent the rising of dust and loose particles and shall be of a size and dimension to adequately accommodate a minimum of four (4) motor vehicles.

6. NO OUTDOOR STORAGE PERMITTED

That no outdoor storage of any equipment relating to the Automobile Repair Outlet or any derelict motor vehicles shall be permitted on the Property.

7. PROPERTY TO BE KEPT IN A TIDY CONDITION

That the Property shall be kept in a neat and tidy condition including the removal of any and all derelict motor vehicles presently located on the Property.

8. SIGN REQUIREMENTS

That one (1) ground sign shall be permitted on the Property for the purpose of identifying the Automobile Repair Outlet. It is agreed that the said sign shall not incorporate any flashing or moving illumination, exceed fifteen (15) feet in height, or exceed twenty-five (25) square feet on a single face.

9. AMENDMENTS TO AGREEMENT

That the Municipality may, at the request of the Developer, amend any and all provisions of this Agreement by majority vote of Municipal Council.

10. MATTERS INCIDENTAL TO AGREEMENT

Upon breach by the Developer of any of the terms or conditions of this Agreement the Municipality, may, after thirty days notice in writing to the Developer of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses whether arising out of the entry or from the performance of the terms and conditions may be recovered from the Developer by direct suit and shall form a charge upon the Property.

11. This Agreement shall run with the land and be binding upon the Developer's heirs, assigns, mortgagees, lessees, successors, and occupier of the Property from time to time.

12. This Agreement shall be filed by the Municipality in the Registry of Deeds at Halifax, Nova Scotia, and shall form a charge or encumbrance upon the Property.

13. The Developer shall pay the costs of recording and filing all documents in connection with this Agreement

14. The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforcement of any other provisions.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective parties on this _____ day of _____, A.D., 1986.

SIGNED, SEALED AND DELIVERED)
in the presence of)

_____)
)
)

MERLIN R. DOREY

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

_____)
)

MUNICIPALITY OF THE COUNTY OF
HALIFAX

WARDEN

CLERK

SCHEDULE "A"

ALL that lot, piece or parcel of land, lying and being situated at or about East Preston, in the County of Halifax, Province of Nova Scotia, and being Lot L-3 of the subdivision of the Lands of Shirley M. Dorey, as shown on a plan prepared by Allan M. Hunter, N.S.L.S., dated the 24th day of July, A.D. 1974 and being approved by the County of Halifax on the 26th day of August, A.D. 1974, which said lands are more particularly described as follows:

BEGINNING at a point on the western boundary of Bell Street, said point being the northeast corner of a portion of Lot L2A;

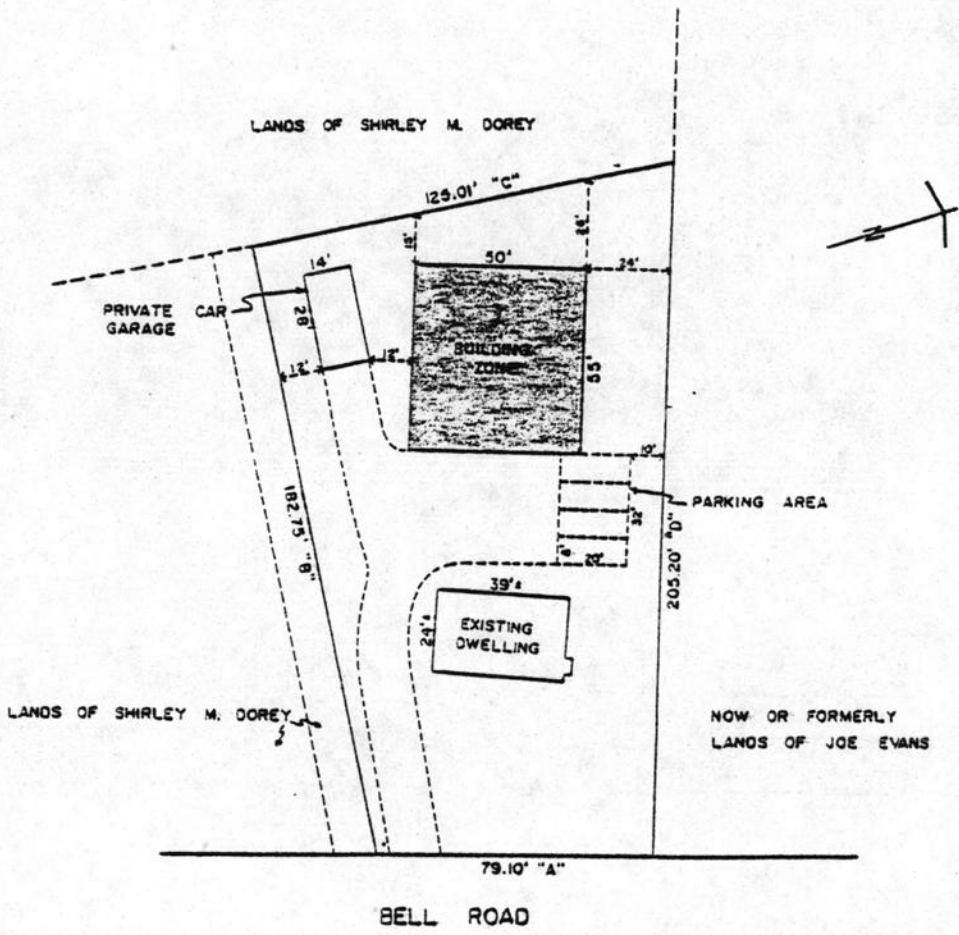
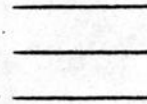
THENCE S86° - 42'W for a distance of 182.75 feet;

THENCE N03° - 18'W for a distance of 125.01 feet;

THENCE S79° - 51.08'E for a distance of 205.20 feet;

THENCE S08° - 58.8'W for a distance of 79.10 feet to the place of Beginning.

APPENDIX "A"



SCALE 1" = 40'

D19


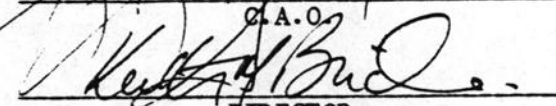
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: DA-CH/W-36-85-17

DATE: December 9, 1985


G.A.O.

DIRECTOR

RECOMMENDATION

THAT AN APPLICATION FOR A DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND ROGER AND YVETTE SALLOUM, FOR A FAST FOOD AND TAKE-OUT RESTAURANT AT 958 COLE HARBOUR ROAD, COLE HARBOUR BE REJECTED.

INFORMATION

An application for a development agreement has been submitted by Mr. Roger Salloum, owner of the Time Plaza Mall, 958 Cole Harbour Road, Cole Harbour. The purpose of the agreement is to permit a fast food and take-out restaurant (A & W) in the easternmost portion of the mall. The applicant has stated that the restaurant would utilize the driveway along the eastern side of the mall for a "drive-thru" window service. Council's ability to consider the proposed agreement is set forth under Policy P-53 of the Cole Harbour/Westphal planning strategy.

ANALYSIS

This Department has no objections to an "A & W" restaurant at the proposed location. A development agreement could be prepared to address such issues as as parking, refuse collection, signs, etc. However, the application must be rejected on the grounds that a contract cannot provide reasonable assurances that the drive-thru service will operate in an efficient and non-obtrusive manner.

Specifically, the driveway leading around the perimeter of the mall was approved under a municipal development permit as a singular exit lane for delivery trucks and customer traffic. Given that it cannot be widened to accommodate this essential function along with a drive-thru service lane, the development should remain as originally approved.*

Equally important, the drive-thru service will generate a significant amount of traffic at the rear

of the property. This will have an adverse effect on the abutting residential neighbourhood in terms of noise and car lights. The problem is compounded by the fact that the menu display and order box must be located near the southeast corner of the property. While a development agreement can require buffering, treeplanting or fencing will not resolve the problem of noise, particularly during evening hours of operation.

*Figure No.3 (P 5) is a copy of the site plan that was submitted by the applicant for the purpose of obtaining municipal development and building permits. The location of the proposed restaurant and drive-thru window has been added.

FIGURE NO. 1 - KEY PLAN AND DISTRICT PLAN

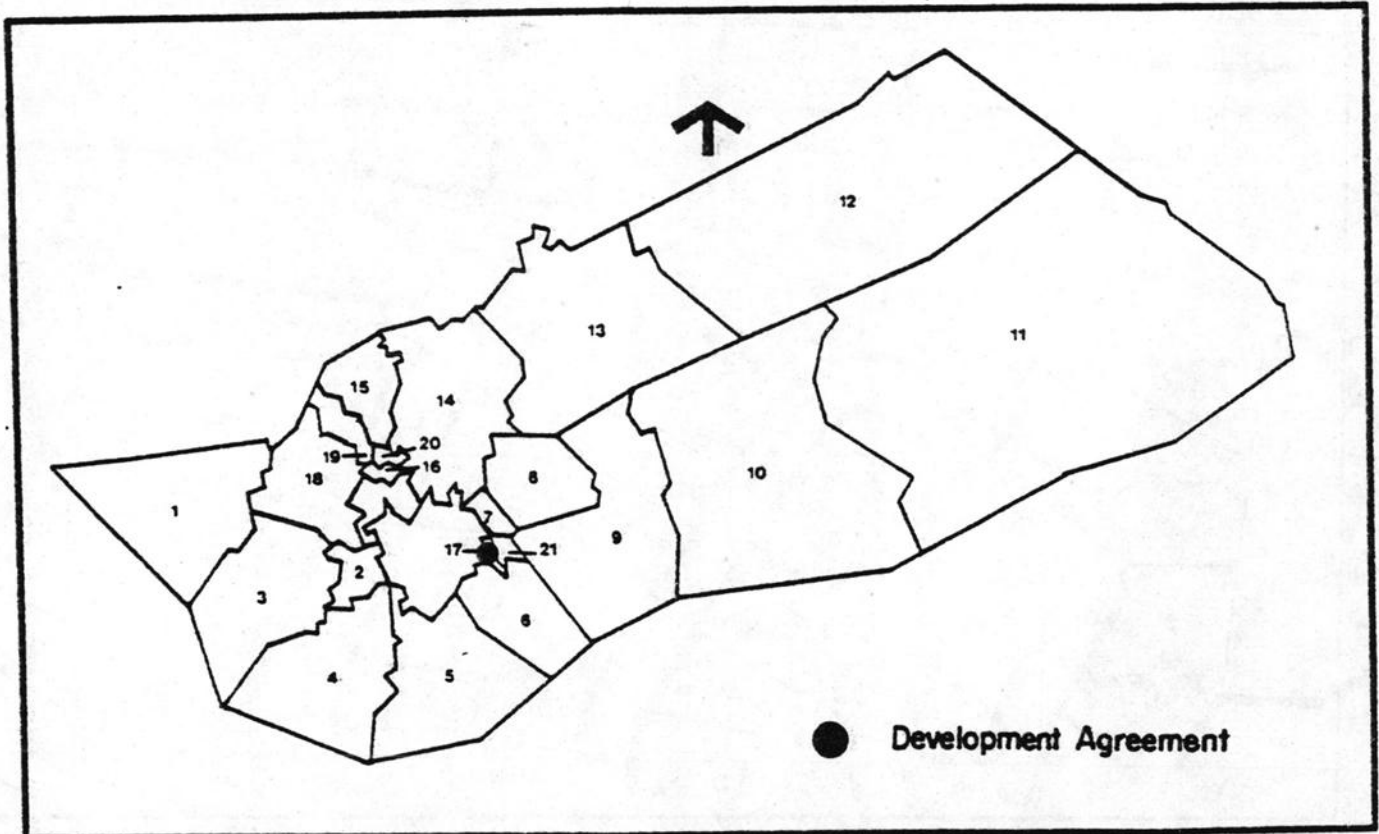
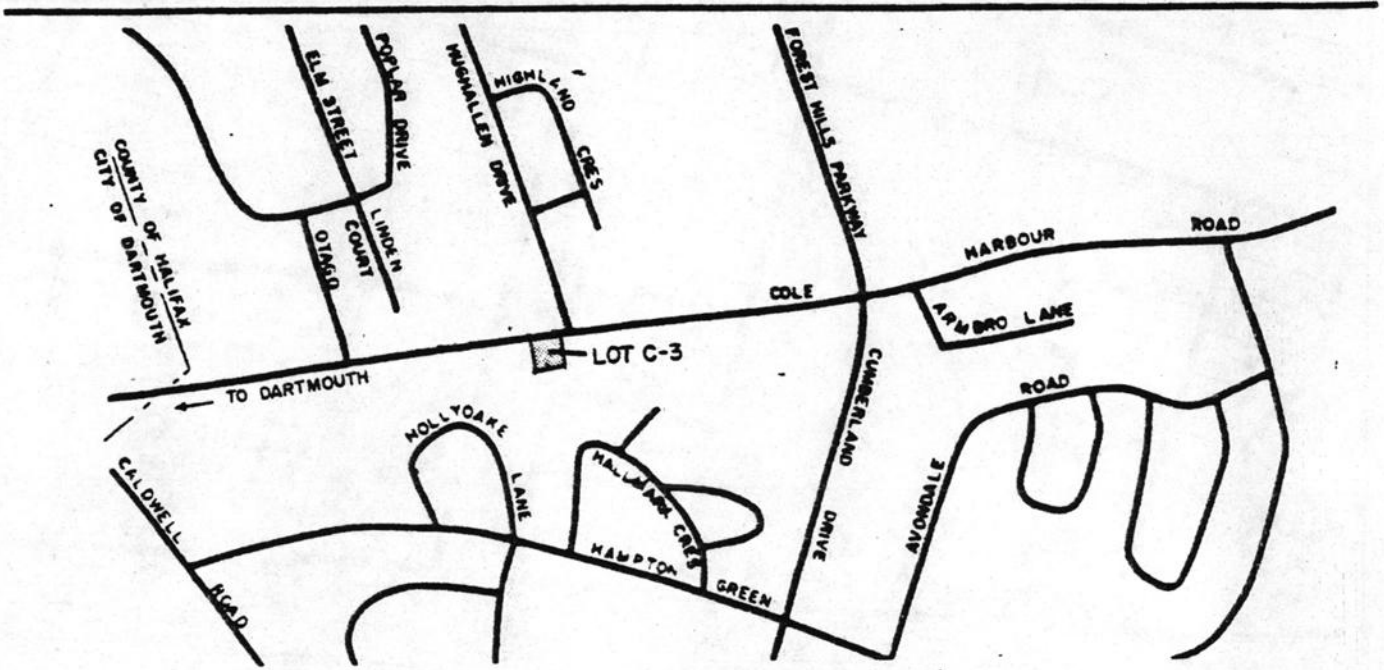
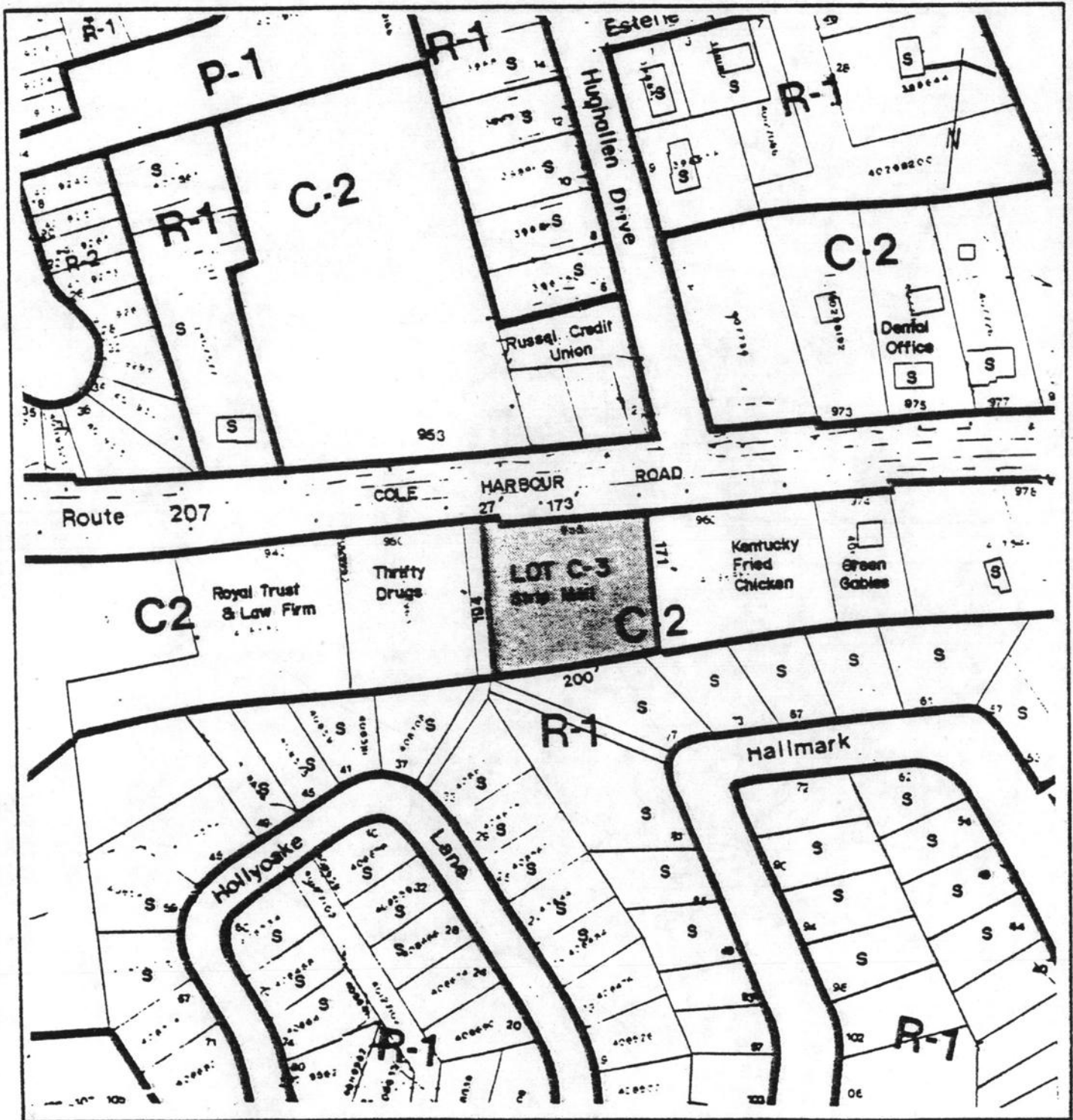


FIGURE NO. 2 - SURROUNDING LAND USES & ZONING



SCALE 1" = 166'