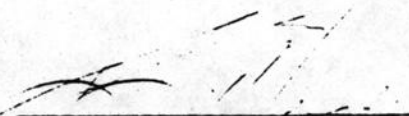
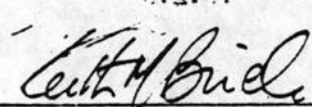




STAFF REPORT

TO: Planning Advisory Committee  
BY: Dept. of Planning & Development  
RE: APPLICATION NO. DA-CH/W-27-85-17  
DATE: December 17, 1985

  
C.A.C.  
  
DIRECTOR

RECOMMENDATION:

THAT THE 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, BE APPROVED BY MUNICIPAL COUNCIL.

INFORMATION

Attached is a proposed development agreement between the Municipality and Edwards Fine Foods Ltd., for the alteration of lands and premises located at 960 Cole Harbour Road, Cole Harbour. The purpose of the agreement is to permit the existing Kentucky Fried Chicken outlet to expand its fast food and take-out operations through the installation of a "drive-thru" and take-out window. The agreement further provides for an enlarged parking lot as well as an additional driving aisle to service the take-out window. The necessity for a development agreement stems from Policy P-53 of the Cole Harbour/Westphal planning strategy.

ANALYSIS

The Cole Harbour/Westphal planning strategy requires that development agreements for fast food and take-out restaurants be considered in light of the community's concerns for safe vehicular ingress and egress, adequate

parking areas and refuse storage, and effective buffering from residential neighbourhoods. Approval of the proposed agreement is recommended for the following reasons.

First, the lands and premises in question are presently maintained in a very neat and tidy condition. The provisions of the contract will ensure that the agreed upon alterations can be completed without diminishing the general appearance of either the property or the building.

Second, Clause 4 of the proposed agreement provides for additional planting at the rear of the property. The type and size of the required vegetation will serve to screen the drive-thru traffic from the abutting residential neighbourhood.

Third, the Department of Transportation has reviewed the applicant's development plans. The Department has advised that it has no objections to an altering of the existing ingress/egress point as proposed in Appendix "A" of the development agreement.

Finally, Clause 2-6 (inclusive) of the agreement have been tied to very specific site plans (Appendix "A" and Appendix "B") 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.

FIGURE NO. 1 - KEY PLAN AND DISTRICT PLAN

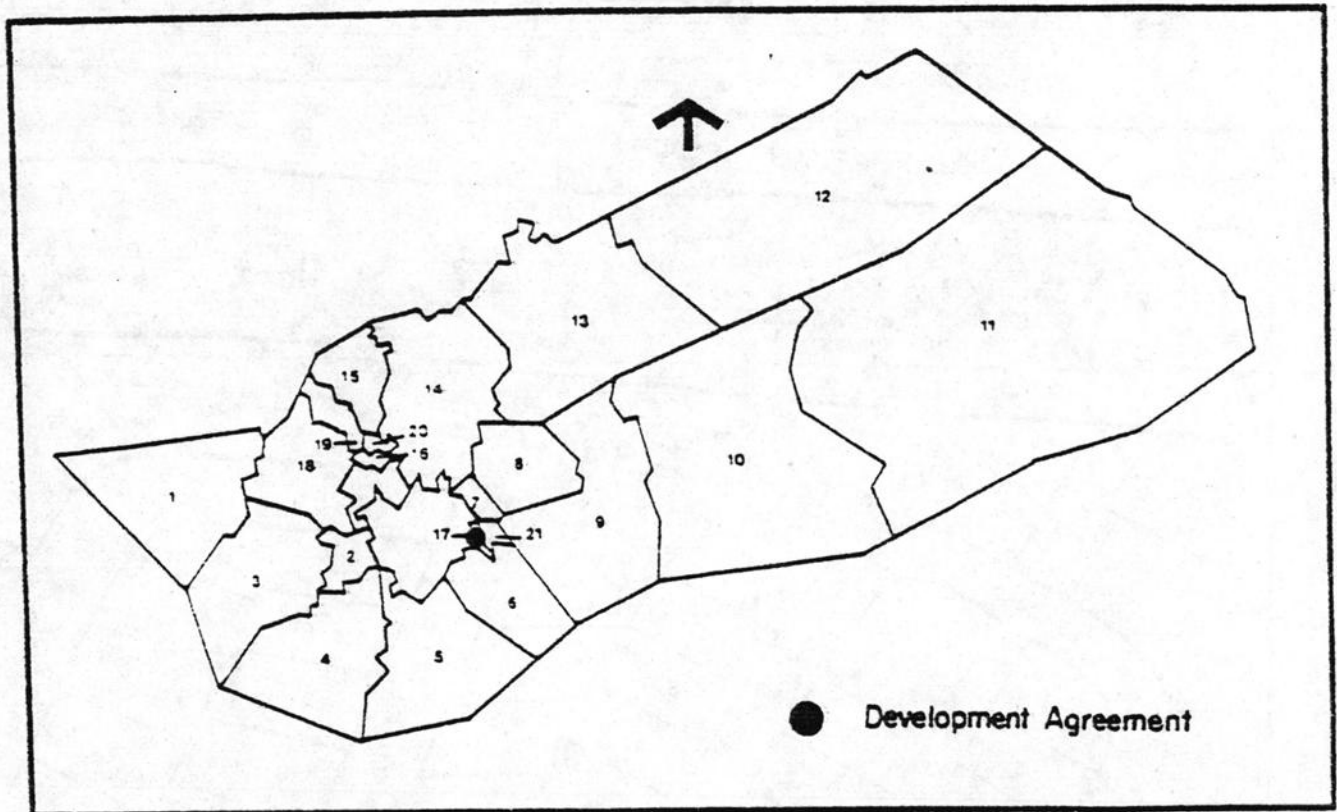
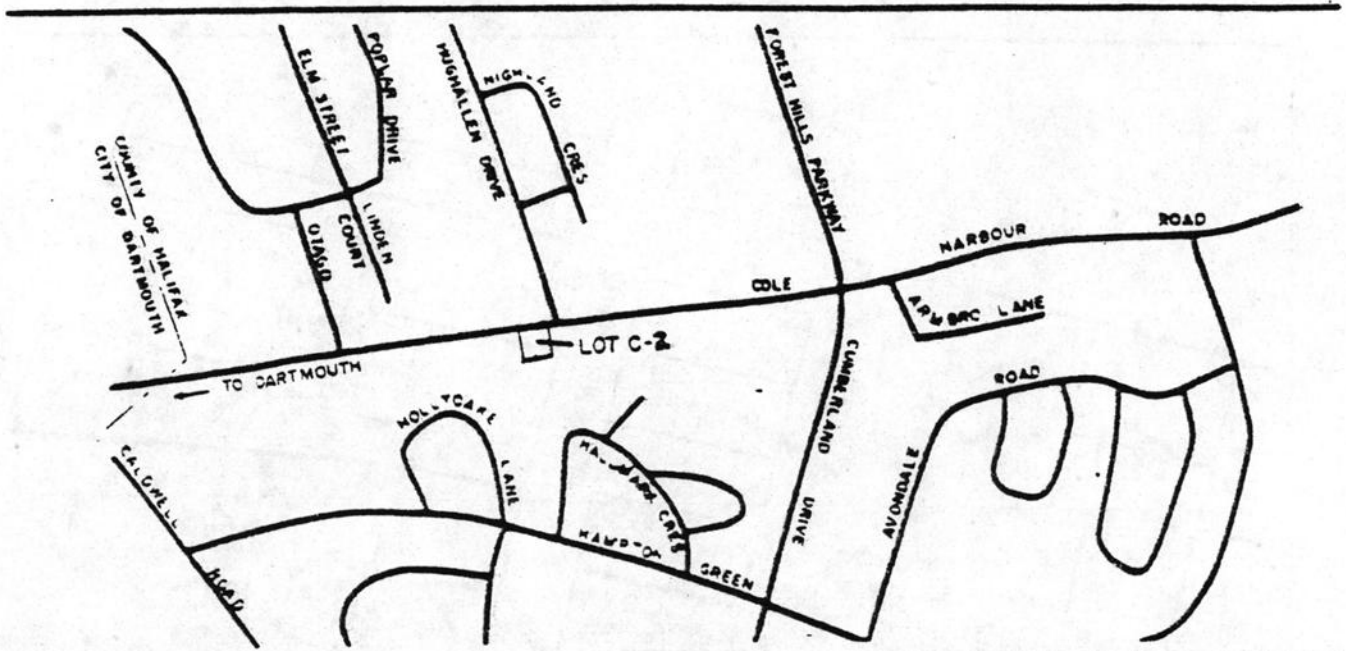
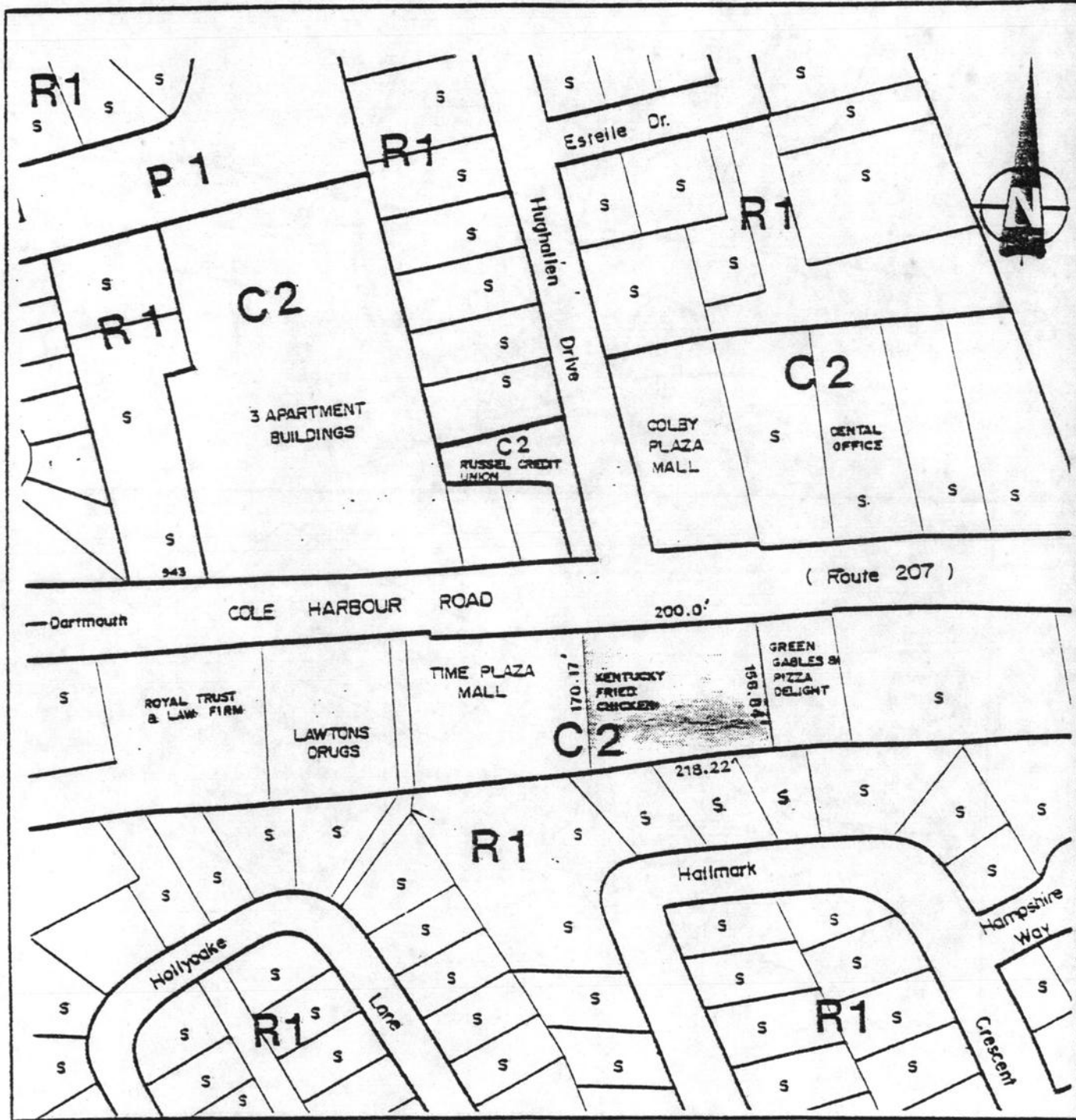


FIGURE NO. 1 - SURROUNDING LAND USES & ZONING



Scale 1" = 166'

BETWEEN:

EDWARDS FINE FOODS LTD., a body corporate, of  
Halifax, in the 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 C-2 of the Lands of Clayton Developments Limited, located at 960 Cole Harbour Road at Cole Harbour, in the County of Halifax, Province of Nova Scotia, which said lands (hereinafter called the "Property"), are more particularly described in Schedule "A" of this Agreement;

AND WHEREAS pursuant to Section 3.6 (d) of the ZONING BY-LAW FOR COLE HARBOUR/WESTPHAL, the Developer has requested that it be permitted to undertake certain alterations to the Property and premises (hereinafter called the "Building"), the purpose of which is to facilitate a revised vehicular parking scheme and customer service operation;

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 alterations to the Property and Building are agreed upon between the Developer and Municipality subject to the following terms and conditions:

1. (a) That the use of the Property and Building be restricted to those land use activities identified in Section 16.1, PART 16 of the Zoning By-law for Cole Harbour/Westphal.
- (b) Notwithstanding sub-clause (a), the present use of the Property and Building as a restaurant and fast food/take-out operation shall be permitted subject to the terms and conditions of this Agreement.
2. That the design of the parking lot and loading space on the Property shall conform to the layout identified in Appendix "A" of this Agreement and be constructed in accordance with the following specifications:
  - (a) The surface of the parking lot and loading space shall be paved with asphalt and the limits of the parking lot shall be defined by a concrete curb measuring at least six (6) inches in height.
  - (b) All parking spaces shall measure at least eight (8) feet in width by twenty (20) feet in depth unless otherwise specified on Appendix "A" of this Agreement and the limits of each parking space shall be identified on the surface of the parking lot by painted lines.

- (c) All driving aisles to be used for two-way vehicular traffic shall measure at least twenty-four (24) feet in width unless otherwise specified on Appendix "A" of this Agreement and all driving aisles to be used for one-way vehicular traffic shall measure at least twelve (12) feet in width.
  - (d) The location and dimensions of the point of vehicular ingress and egress to and from the Property shall be as specified on Appendix "A" of this Agreement, or as directed by the Department of Transportation for the Province of Nova Scotia.
  - (e) Lights used for the illumination of the parking lot and loading space shall be arranged so as to divert light away from adjacent properties.
3.
  - (a) That alterations to the exterior of the Building shall be permitted for the purpose of providing what is commonly known as a "drive-thru and take-out window service", provided that such alterations do not result in a further increase to the height, size or general volume of the Building.
  - (b) Notwithstanding sub-clause (a), the "take-out window" identified in Appendix "A" of this Agreement, may protrude from the existing main wall of the Building for a maximum distance of two (2) feet.
4. That the Developer shall provide additional planting on the Property in accordance with the following requirements and as illustrated by Appendix "B" of this Agreement:
  - (a) All trees and vegetation in existence between the Building and the western side yard of the Property shall be transplanted to the immediate rear of the Building as identified in Appendix "B" of this Agreement.
  - (b) New vegetation shall be planted in the southeast corner of the Property in accordance with the planting schema identified in Appendix "B" of this Agreement. It is agreed that the type, size and location of all trees and flowering shrubs shall be as identified by the said appendix.
5. That the Developer shall be responsible for maintaining the Property and Building in a neat and tidy condition, including the provision of waste receptacles as shown in Appendix "A" of this Agreement.
6. That upon completion of the work agreed to in this Agreement, the Developer shall not alter or cause to be altered the general design or layout of the parking lot or loading space or the general volume of the Building without the mutual consent of the Municipality.
7. That upon the signing of this Agreement by the parties, the Municipality may at the request of the Developer, amend any or all of the stated conditions by a majority vote of the whole of Municipal Council.
8. For the purposes of this Agreement, all words shall carry their customary meaning except those defined under Part 2 of the Zoning By-law for Cole Harbour/Westphal wherein such words shall carry the meaning defined therein.
9. Subject to the provisions of this Agreement, the Developer shall be bound by all by-laws and regulations of the Municipality as well as to any applicable statutes and regulations of the Province of Nova Scotia.

Agreement the Municipality, may, after thirty days notice in writing to the Developers 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 Developers by direct suit and shall form a charge upon the Property.

- 11. This Agreement shall run with the land and be binding upon the Developers' heirs, assigns, mortgagees, lessees, successors, and occupiers 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 )

EDWARDS FINE FOODS LTD.

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

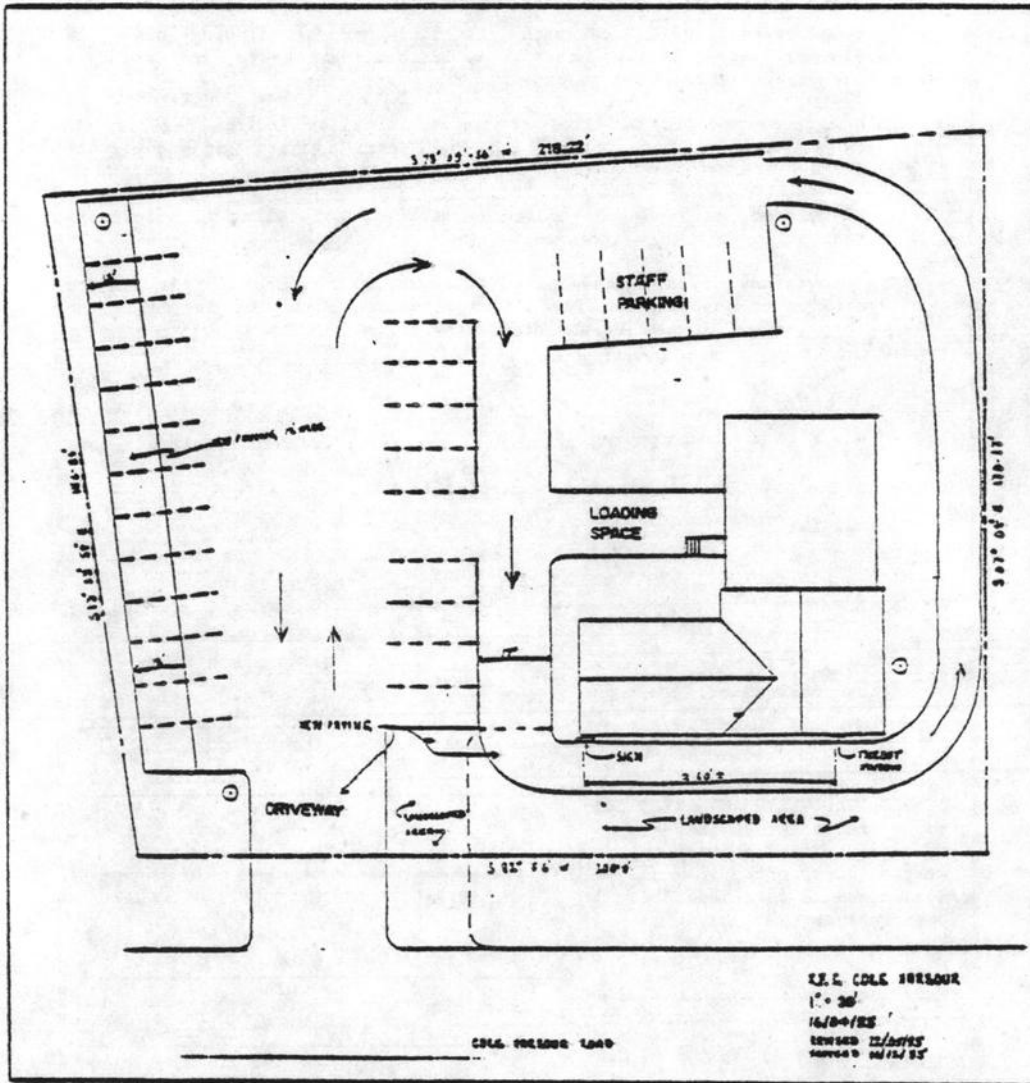
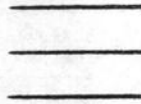
MUNICIPALITY OF THE COUNTY OF HALIFAX

WARDEN

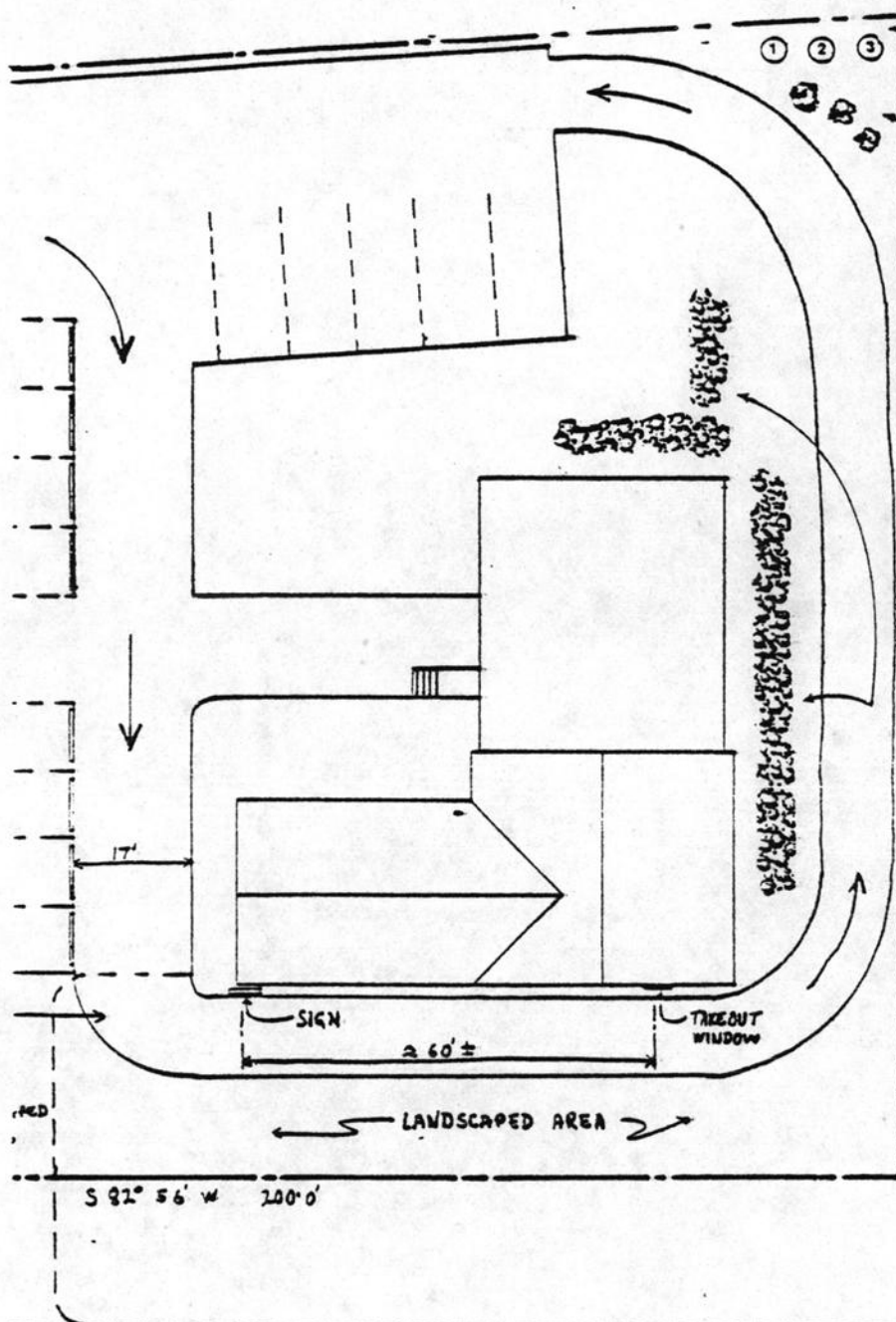
CLERK



APPENDIX "A"



APPENDIX "B"



① ② ③  
 Evergreen Trees - To be at least 10 feet in height at time of planting.  
 Flowering shrubs or yew trees to be planted between evergreen trees and driveway aisle.

Existing vegetation to be transplanted to rear of building.

COLE HARBOUR ROAD

K.F.C. COLE HARBOUR  
 1" = 20'  
 16/04/85  
 REVISED 22/05/85  
 REVISED 06/12/85

MINUTES & REPORTS

OF THE

FIRST YEAR MEETINGS

OF THE

FORTY - SECOND COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

ANNUAL COUNCIL SESSION

TUESDAY, MARCH 4 and 18, 1986

&

PUBLIC HEARINGS

MARCH 10, 1986

March Council Session - 1986

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COUNCIL SESSION

MARCH 4, 1986

PRESENT WERE: Warden MacKenzie  
Councillor Walker  
Councillor Poirier  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Merrigan  
Councillor McInroy  
Councillor Eisenhower  
Councillor MacDonald  
Deputy Warden Wiseman  
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer  
Mr. R.G. Cragg, Municipal Solicitor  
Mr. G.J. Kelly, Municipal Clerk

SECRETARY: Glenda Higgins

-----

Warden MacKenzie called the Council Session to order at 6:05 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Glenda Higgins be appointed as Recording Secretary."  
Motion Carried.

APPROVAL OF MINUTES

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

"THAT the minutes of the February 4, 1986, Council Session be approved as circulated."  
Motion Carried.

AGENDA ITEMS

Councillor C. Baker - Lands and Forests  
Councillor Deveaux - Changes in the Unemployment Insurance Act  
Councillor Deveaux - Snow Removal  
Councillor MacDonald - Beaverbank Connector  
Councillor P. Baker - Public Housing

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that the first item of correspondence is from the Minister of the Environment with respect to PCB storage facility in Sackville.

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

"THAT this item of correspondence from the Minister of the Environment be received."  
Motion Carried.

Councillor DeRoche pointed out that while the decision by the Minister of the Environment was favourable, he does provide a word of caution in the final paragraph of his letter. Councillor DeRoche urged other Councillors to pay heed to this paragraph. Warden MacKenzie expressed agreement with Councillor DeRoche.

Mr. Kelly advised that the next letter is from the Minister of Transportation in acknowledgement of Council's recent correspondence with respect to traffic and traffic concerns at the Prospect Road Connector. He advised that the Minister has advised that this matter will be further reviewed and a report will be sent to Council with the Department of Transportation's recommendations.

Councillor P. Baker stated that he was very pleased with the response and the time length involved.

It was moved by Councillor P. Baker, seconded by Councillor Fralick:

"THAT this item of correspondence be received."  
Motion Carried.

PLANNING ADVISORY COMMITTEE REPORT

PA-SA-17-85 and RA-SA-75-85-16 - Proposed amendment to the Sackville Municipal Planning Strategy - Jim Jer Investments Limited

Mr. Kelly outlined the recommendation of the Planning Advisory Committee.

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

"THAT Council accept the recommendation to amend the Sackville Municipal Planning Strategy by redesignating lands as indicated from General Commercial to Urban Residential; also that a public hearing for the Municipal Development Plan and the Zoning By-law amendments be held on April 7, 1986, at 7 p.m."  
Motion Carried.

File No. PA-CH/W-03-85 - Casavechia Garden Centre Request, Cole Harbour

Mr. Kelly identified the report and advised that is the recommendation of the Planning Advisory Committee that Council support the changes outlined in option two and that a public hearing on this matter be held on April 21, 1986 at 7 p.m.

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

"THAT Council support option two as outlined in the staff report and hold a public hearing on this matter on April 21, 1986 at 7 p.m."  
Motion Carried.

Application No. RA-SA-80-85-19 - Amend the Sackville Land-Use By-law by rezoning a portion of Parcel X, owned by Joseph Jreige, Middle Sackville

Mr. Kelly identified the application, and advised that it is Planning Advisory Committee's recommendation that Council approve staff's recommendataion and set a public hearing for April 21, 1986, at 7 p.m.

It was moved by Councillor DeRoche, seconded by Councillor Poirier;

"THAT Council approve of staff's recommendation and set a public hearing date for April 21, 1986, at 7 p.m."  
Motion Carried.

Application No. P 29-86-05 - Undersized Lot Legislation - Lots A nd B of the John and Mary Power Subdivision, Herring Cove

Mr. Kelly identified the application and advised that the Planning Advisory Committee has recommended acceptance of staff's recommendation and that staff be empowered to advertise the proposed undersized lot application once the necessary survey has been completed.

It was moved by Councillor DeRoche, seconded by Councillor C. Baker:

"THAT Council approve of staff's recommendation and empower them to advertise the proposed undersized lot application once the necessary survey has been completed."  
Motion Carried.



Proposed Amendment to the Planned Unit Development Agreement - Forest Hills Town Centre, Stage 5, Cole Harbour

Mr. Kelly outlined the report from the Planning Advisory Committee, and advised that their recommendation is to approve of staff's recommendation.

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

"THAT Council approve of the change in the designation of Lot TC-5-6, Town Centre Stage 5, Forest Hills from Commercial to Institutional."  
Motion Carried.

Letter - Miss J.E. Colbert

Mr. Kelly outlined the report from the Planning Advisory Committee, and advised that it is the recommendation of the Committee that the information supplied in the staff report be supplied to Miss Colbert.

It was moved by Councillor Reid, seconded by Councillor Deveaux:

THAT the information provided in the staff report be supplied to Miss Colbert."  
Motion Carried.

Councillor McInroy asked if a report forthcoming from the Planning Advisory Committee regarding posting of properties that are the subject of rezoning applications will be forwarded to Miss Colbert when it is finalized. He suggested she should be advised in this regard.

Councillor DeRoche advised that the Planning Advisory Committee have not yet received this report. However, when it is received, Councillor Deveaux advised that Miss Colbert will receive a copy.

EXECUTIVE COMMITTEE REPORTRequest for District Capital Grant, District 3

Mr. Kelly outlined the report from the Executive Committee.

It was moved by Councillor Fralick, seconded by Councillor C. Baker:

"THAT Council approval of a District Capital Grant, District 3, in the amount of \$4,500 for the purchase of equipment for the Seabright Volunteer Fire Department."  
Motion Carried.

Request for Property Conveyance

Mr. Kelly outlined the report, and advised that it is the recommendation of the Executive Committee that the Municipality transfer to Mr. MacLean that portion of property requested for the sum of \$1 with the provision that Mr. MacLean assume responsibility for all associated costs of the transactions.

It was moved by Councillor Reid, seconded by Deputy Warden Wiseman:

"THAT the Municipality transfer to Mr. MacLean that portion of property requested for the sum of \$1 with the provision that Mr. MacLean assume responsibility for all associated costs of the transaction."

Councillor Mont expressed concern over such a matter being discussed without his knowledge. In his capacity as Councillor for the district and as Chairman of the Board of Directors for the Rehabilitation Centre, he should have been notified of this proposed conveyance. Councillor Mont stated that he does not have a strong disagreement to the transaction, but he questioned the conveyance for the sum of \$1.

Councillor Reid advised that the land in question is part of the property that Council has agreed to transfer to the Department of Lands and Forests. He further advised that this land was originally used by the administrator of the Rehab Centre for his own purposes. In the original transaction of this in the late 1960's, this piece of land was considered part of the transaction. This is why the Executive Committee agreed to transfer it for \$1.

Councillor McInroy advised that at the Executive Committee meeting he had raised concern of the dollar amount that this land would be conveyed for. He advised that this property has been sold twice since the former administrative lived here, and it was discovered by the solicitor for the purchaser that over 3,000 square feet of the land in question (including a change room for the swimming pool) was on property not owned by the vendor. Councillor McInroy stated that regardless of whether the land is being transferred to one government to another for \$1, it does not follow that land be transferred from the taxpayers assets to a private individual for \$1. Councillor McInroy suggested that the formal addition of this land will make a difference in the sale and the sale price.

Councillor Mont advised that he is not interested in stopping the sale of this property. He asked if the Department of Lands and Forests have been made aware of this transaction, as Council has already agreed to convey this land to them.

Mr. Meech advised that Mr. Brine had been asked to discuss this matter with the Department of Lands and Forests, and they have shown no objections to this conveyance.

Councillor Mont commented that it is a fairly large piece to be selling for \$1. He asked if the Department of Lands and Forests have acquired title to this land through adverse possession. Mr. Cragg advised that if this person had this land for a period in excess of 30 years, he would certainly acquire a right to continue using. Mr. Cragg did not know if he has actually acquired title to it at this point. Councillor Mont asked if the changing room has been there for 30 years.

Mr. Meech advised that the house has only been there for some 20 years, and it is assumed that the shed may have only been built since the swimming pool was installed.

Councillor Mont commented that these facts do make a considerable difference. He suggested that we may be setting a precedence when giving such a large piece of property to somebody without any compensation.

Councillor Deveaux suggested that the County should bear some responsibility for what happened in the past. They should have made sure that the building was not encroaching on their land when it was built. He stated that the County would not be doing anything wrong by allowing this property to go for \$1.

Councillor Merrigan advised he cannot support selling this property for \$1.

Motion Carried.

#### Acquisition of Property, East Ship Harbour

Mr. Kelly outlined the report, and advised that it is the recommendation of the Executive Committee that the Municipality acquire this property from Mr. Foster Monk for the sum of \$2,500 for the Tangier Volunteer Fire Department.

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

"THAT the Municipality acquire this property at East Ship Harbour from Mr. Foster Monk for the sum of \$2,500 for the purpose of constructing a building for the Tangier Volunteer Fire Department."

Motion Carried.

#### Halifax County Fire Chiefs' Association

Mr. Kelly advised that that Fire Chiefs' Association has requested that the Municipality provide funds in the amount of \$5,000 towards the cost of hosting a social evening function during the Maritime Fire Chiefs' Association Annual Convention in Halifax in July. The Executive Committee recommended to Council approval of funds in the amount of \$5,000 for the Halifax County Fire Chief's Association Convention.

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

"THAT Council approve that funds in the amount of \$5,000 be provided for the Halifax County Fire Chief's Association Convention."

Councillor DeRoche asked from which source these funds will come. Warden MacKenzie stated that it would have to be included in the budget. Councillor DeRoche then suggested that this matter should be discussed in relation with budget discussions.

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

"THAT this matter be deferred until the budget is dealt with."  
Motion Defeated.

The original motion carried.

#### CUBS AND SCOUTS

Warden MacKenzie welcomed the Sixth Sackville A-Troups of Scouts and their leaders. Councillor MacDonald extended his appreciation to the leaders for the time spent with these people. He advised that these members were in attendance as a requirement to earn their Citizens badge. Councillor MacDonald introduced each of the leaders and members.

#### URBAN SERVICES COMMITTEE REPORT

##### Lively Subdivision, Water and Sewerage System

Mr. Kelly outlined the report and the recommendation from the Urban Services Committee.

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

"THAT approval be granted for capital expenditures in the order of \$130,000 to \$160,000 to carry out required replacement of existing sanitary and water distribution mains with the funds being obtained through the environmental rate after all other funding sources have been investigated; also that the water rate be increased as per the schedule noted on the report to support the operating expenditure as well as enable the utility to recover the accumulated deficit."  
Motion Carried.

##### Policing Service, Districts 6, 7, 17, and 21

Mr. Kelly outlined the report and the recommendation from the Urban Services Committee.

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

"THAT a request be made to the Attorney General to have the R.C.M.P. evaluate the policing service within Districts 6, 7, 17, and 21, and advise Council of their recommendations."  
Motion Carried

Councillor Mont advised that this action is in response to the letter received from the Attorney General suggesting that he would be prepared to look at this question.

#### BUILDING INSPECTOR'S REPORT

Mr. Kelly advised that approval is recommended for a lesser setback and side yard clearance of 29.3 feet and 7.5 feet respectively on Lot 202, Essex Drive, Churchill Estates, Herring Cove.

It was moved by Councillor DeRoche, seconded by Councillor C. Baker:

"THAT approval be granted for a lesser setback and side yard clearance of 29.3 feet and 7.5 feet respectively on Lot 202, Essex Drive, Churchill Estates, Herring Cove."  
Motion Carried.

#### RESOLUTION, RE SACKVILLE EXPRESSWAY

It was moved by Deputy Warden Wiseman, seconded by Councillor Fralick:

"THAT the Municipality request the Nova Scotia Department of Transportation to finalize the alignment of the Sackville/Burnside Drive Expressway from the Cobequid Road in the community of Sackville to Burnside Drive in the City of Dartmouth and to begin the immediate construction of Phase I of the roadway from the Cobequid Road to Rocky Lake Drive in the Town of Bedford, including an interchange on Highway No. 102, with Phase II from Rocky Lake Drive to Burnside Drive in the City of Dartmouth to be completed within five years."  
Motion Carried.

Warden MacKenzie advised that the same resolution has gone to the City of Dartmouth, who have sat in on a meeting with the County and have supported this resolution. The same resolution has also gone to the Town of Bedford. He expressed hope that these two Municipalities will show support for this resolution.

#### GARBAGE COLLECTION - COUNCILLOR LICHTER

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

"THAT Municipal garbage collection be extended to the entire of District 13, and that staff be authorized to call tenders for this service."  
Motion Carried.

Councillor Walker asked how much this proposal would cost. Councillor Lichter advised that Mr. Wdowiak had checked with the financial controller who indicated that there would be no impact on the 8.8 cent area rate. The area in question is quite small, and this will be somewhat more expensive than the urban collection because of the scattered roadways and houses; however, there will be no impact on the 8.8 cent area rate.

#### CRIPPLE CHILDREN - COUNCILLOR SNOW

Councillor Snow advised that he had left a package on each Councillor's desk pertaining to the Shriners. He stated that he will be visiting the Shriners Hospital on the weekend, and with permission from Council, he would like to thank them on behalf of the County for the many hours of dedicated serviced that they have given to children, many from within the County. He advised that if there is any child under 18 years of age that has a physical disability, the Shriners provide help free of charge. The problem should be brought to the attention of Councillor Snow or some other Shriner.

Members of Council agreed to have Councillor Snow thank the staff and the administrator of the hospital in Montreal.

#### R.C.M.P. - COUNCILLOR SNOW

Councillor Snow expressed concern about the R.C.M.P. who are supposed to be patrolling the district 14 area responding to traffic accidents in the Town of Bedford. He was concerned that the Sackville and District 14 areas are without this protection when the R.C.M.P. respond to calls within the Town of Bedford.

Councillor MacDonald agreed with Councillor Snow. He advised that he previously had the same complaint and when he spoke with the Attorney General's Department, he was informed that the R.C.M.P. are responsible for any provincial highway. However, Councillor MacDonald informed that he has seen the Bedford Police respond to accidents on the provincial highway.

Mr. Cragg advised that the R.C.M.P. do have authority over provincial highways. The Bedford Police can also stop somebody on County property if they followed them from their own jurisdiction.

Councillor Snow advised that the incident he is speaking of took place on Magazine Hill, well within the confines of Bedford. The officer on the scene that night informed Councillor Snow that the R.C.M.P. do all investigations of car accidents, and this takes them away from District 14 and the Sackville area.

Warden MacKenzie advised Councillor Snow that this matter would be followed up with the appropriate authorities.

APPEAL OF MINOR VARIANCE

Mr. Gough read the report, identifying the matter as an appeal of minor variance decision for Lot 16, Hallmark Avenue, Lower Sackville.

Questions from Council

Councillor DeRoche clarified that if the foundation had been located in compliance with the yard clearance as specified on the Development Permit there would have been no need for a minor variance. He then asked why a minor variance could not be granted in this instance. Mr. Gough advised that construction of the building began before the building permit was issued. This was discovered when the applicant applied for the minor variance. Councillor DeRoche felt the matter was one of interpretation until it cannot be determined that the minor variance is needed until the foundation is poured.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Mr. Ernie McEwen, stated that this was an honest mistake; it was never done intentionally. He stated that he had to go ahead with the foundation because the survey was tied up and the weather was getting bad. He advised that they went ahead and put the footings in, thinking they were eight feet away from the line.

Questions from Council

Warden MacKenzie asked Mr. McEwen if he had a permit when he started. Mr. McEwen informed that he had a permit for the footings.

Councillor DeRoche asked if the foundation was poured by a subcontractor. Mr. McEwen advised that it was.

Councillor MacDonald asked if there is a house next to the property in question. Mr. McEwen informed that there is, and the owners were presented with a letter, and they have had no objections to the granting of this minor variance.

Speakers in Opposition to this Application

None.

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

"THAT the minor variance for Lot 16, Hallmark Avenue, Lower Sackville be approved."  
Motion Carried.

AMENDMENTS TO THE METROPOLITAN AUTHORITY ACT

Mr. Kelly advised that a copy of these amendments were circulated to Councillors at the last session of Council. This matter was deferred at the last session of Council pending further consideration by Councillors. A report on the amendments to the Metropolitan Authority Act from Mr. Cragg has also been circulated to Councillors.

It was agreed by members of Council that this document be dealt with page by page.

Councillor DeRoche expressed concern over the wording of Section 2(i), page 2. He felt that another Municipality could not confer the responsibility for that service on the Authority if they did not own it. Mr. Meech stated that he has always understood that any two municipalities could collectively get together and agree to have a service provided through the Metropolitan Authority. However, any municipality that did not agree would not be responsible for financial consideration of the operation. Councillor Deveaux felt that once the service was turned over as a responsibility of the Metropolitan Authority, every municipality under the Act would be responsible for cost-sharing. Mr. Meech argued that only municipalities who agreed to confer this responsibility to the Metropolitan Authority would be responsible for cost-sharing. Mr. Cragg expressed agreement with Mr. Meech.

Councillor DeRoche questioned the meaning of Section 5, page 4 - Voting at Meetings. He wondered if a vote cannot be taken if a participating body is not represented. Mr. Meech stated this is how he interpreted this section. Mr. Cragg advised that if a participating body does not go to a meeting, there is a procedure for a subsequent meeting which can exclude that participating body from having the right to have one member present of that six. Councillor DeRoche clarified with Mr. Cragg that this procedure will offset the aspect of holding up an issue by not showing up at meetings. Mr. Meech questioned the meaning of "two or three" in this section. Mr. Cragg advised that this appears to be an error, and it will be brought to the attention of the Authority for clarification. This appeared a number of times throughout the Act, and was regarded as an error at this point.

Councillor Deveaux asked that Section 9B, page 5 be clarified by the Metropolitan Authority. Councillor McInroy advised that pages 9 and 10 itemize some of Councillor Deveaux's concerns.

Councillor DeRoche expressed concern over the meaning of Section 11 (1), page 6. He felt that if a municipality agrees to something and then cannot opt out, it is prejudicial. Councillor McInroy felt that if this section was changed, there would be too many participating bodies wanting out of many agreements, causing confusion.

Councillor Lichter suggested that Sections 15(2) and (3), page 11 should read "participating body" instead of "person", because person was not defined at the beginning of the Act. Mr. Cragg agreed that this should be worded "participating body."



Councillor DeRoche suggested that a change be made to Section 14(4) so that only participating bodies by agreement will be held to paying costs of the expenses attributable to the duties or functions of a District Planning Commission.

Councillor Deveaux felt that there has been a change to Section 15(2) although it is not highlighted. He felt that the matters outlined here have been paid for by all participating bodies in the past - not just the participating body which requested them. Mr. Meech explained that matters which are of a regional nature are cost-shared, but the Metropolitan Authority does have the ability to provide a requested service to a single unit if it is requested to do so, and it would be at the cost of that particular participating unit. Councillor Deveaux felt that this should be reviewed.

Councillor DeRoche asked if there is not a phrase missing from Section 19(1), page 13 with regard to summary convictions. Mr. Cragg advised that many by-laws throughout the province are in place without reference to a summary conviction. However, good drafting dictates that it should be included and Municipal Affairs would agree with this.

Councillor DeRoche asked if Section 24(8), page 17 is consistent with the previous Metropolitan Authority Act. He felt that it is an escape clause in that if a participating body did not agree specifically to certain costs, it would not be held accountable. Mr. Cragg advised that this clause means that if a participating body does not agree, and does not pass a by-law accepting financial responsibility, they do not have to pay. This clause could be related to the on-going operation or the termination and winding-up of it.

Councillor Eisenhauer expressed difficulty with Section 34, page 21 with regard to the election of an independent chairperson. He felt it would be harmful to the Metropolitan Authority to have an independent body who is not elected when it is made up of elected people by appointment. He stated that he could not support an independent person setting up the Metropolitan Authority, spending tax dollars, being a spokesman on the part of the elected bodies, and not being accountable to the ballot box. Mr. Meech explained that presently there is no independent person; everybody that sits on the Metropolitan Authority has loyalty for their respective units that appointed them. It is suggested that it may be required to have somebody who is independent to participating units. It is difficult for an elected person from one of the member units to provide such initiative and leadership that is needed. Warden MacKenzie felt that an independent chairman would be able to dedicate himself more to the work of the Metropolitan Authority. Councillor Eisenhauer continued to express difficulty with an independent chairman because he felt that such a Metropolitan Authority would be remote from the people. Councillor McInroy also expressed some difficulty with this. He felt it would be difficult to find an independent chairman.

Warden MacKenzie stated that he did not see it as necessary to have two candidates for chairman of the Authority (Section 34(4), page 21). Mr. Meech agreed. He further advised that he thought the chairman was going to have a vote; it must have changed at the Metropolitan Authority level. Councillor Deveaux felt the chairman should have a vote. Councillor MacDonald expressed agreement with the independent chairman aspect of the Act.

The majority of Council Members agreed that they were in favour of an independent chairman and that he not have a vote.

Councillor Lichter asked for clarification of the meaning of Section 39(1), page 24. Mr. Cragg advised that a complaint can be made to the Metropolitan Authority but not to the Public Utilities Board about the transit system operated by the Metropolitan Authority unless a response is not heard from the Metropolitan Authority within 20 days of the complaint. This is as outlined in Section 38, page 23.

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

"THAT the amendments to the Metropolitan Authority Act be approved subject to the matters discussed being clarified and/or changed to the solicitor's satisfaction."

Motion Carried.

Councillor DeRoche advised that the other municipal units involved may be evoking changes that the County may or may not be in agreement with. Also, this is an Act of the legislature, and it is not necessary for the County to adopt it by resolution. He felt that Council should simply indicate their feelings toward the changes to try and make any changes before it is presented to the legislative committee for consideration. Mr. Meech advised that the Metropolitan Authority will be required to have approval of the amendments from each respective municipal unit before the province will accept it.

Councillor McInroy agreed with Mr. Meech, and added that this Council will not be approving anything other than what is before them, subject to the clarifications as outlined. By approving this motion, Council will not be approving whatever any other Council proposes. At this point, Council needs to let the Metropolitan Authority know how they feel about the amendments.

#### COUNCILLOR C. BAKER - LANDS AND FORESTS

It was moved by Councillor C. Baker, seconded by Councillor P. Baker:

"THAT a letter be written to the Department of Lands and Forests reminding them of upgrading that was promised to Garden Look-off at Herring Cove and to Crystal Crescent Beach one year ago."

Motion Carried.

Councillor Deveaux - Unemployment Insurance Benefits

Councillor DeRoche declared a conflict of interest.

Councillor Deveaux expressed concern over recent changes to the Unemployment Insurance Act. The changes in this Act apply to Armed Forces people especially, but also to many others who are receiving pensions. Councillor Deveaux explained some of the changes and how they would affect people. Middle and low income persons are losing because of these change.

It was moved by Councillor Deveaux, seconded by Councillor P. Baker:

"THAT a letter be sent to the Prime Minister expressing concerns regarding these changes in the Unemployment Insurance Act; also that Council request that these changes be discontinued immediately and revert back to the old system; also that a copy of this letter go to the federal Minister of Employment, who is responsible for the changes, to all Members of Parliament for Halifax County, to the Federation of Canadian Municipalities, and the Union of Nova Scotia Municipalities."  
Motion Carried.

Councillor Eisenhauer stated that he had difficulty supporting the motion because he did not have enough information.

COUNCILLOR DEVEAUX - SNOW REMOVAL

Councillor Deveaux expressed concern over the Department of Transportation plowing the snow off the roads onto the sidewalks. He stated that in many cases there is only a sidewalk on one side of the street, and when they are snow covered, walking is made very difficult.

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

"THAT Council request the Department of Transportation to look into plowing the snow on the opposite of side of the road from sidewalks and that they try to avoid covering sidewalks with snow once they have been cleared; further that mailboxes that have been destroyed by snowplows be replaced by the Department of Transportation; further that copies of this letter go to the M.L.A.'s in Halifax County."  
Motion Carried.

COUNCILLOR MacDONALD - BEAVERBANK CONNECTOR

Councillor MacDonald stated that the corner of the Beaverbank Connector and the Old Sackville Road has been a problem for motorists for the past year with the increased growth in population and traffic. Councillor MacDonald advised that he has had many complaints concerning safety measures at this intersection. There is presently a yellow flashing light, a barrier that prevents people from seeing on-coming cars, and left turns cannot be made here. There is a regular occurrence of accidents here.

It was moved by Councillor MacDonald, seconded by Councillor Eisenhower

"THAT a letter be written to the Department of Transportation requesting their plans for the Beaverbank Connector at the corner of the Old Sackville Road. In this letter, they should be reminded that there has been a request for lights, and that a study was done of the area."  
Motion Carried.

Warden MacKenzie advised that there had been a meeting with the former minister of Transportation where he indicated there was some work to improve that section of the highway in this year's budget.

#### COUNCILLOR P. BAKER - PUBLIC HOUSING

Councillor P. Baker advised that in the federal budget there was reference to funds for public housing. He felt that Council should approach the federal government and let them know that Halifax County expects to see money for public housing. He stated that in District 4 there is a grave need for public housing because of the large number of older, run-down homes.

Warden MacKenzie advised that the County has had meetings with the other Chief Magistrates in the area, and since that time, the Municipality of the County of Halifax has not been included in meetings with the two mayors and the Minister of Housing because it was determined that the need was much greater in the two cities. Warden MacKenzie advised that he had been supportive of affordable housing in the two cities ALONG WITH the County. A report from the Social Services Department has indicated that approximately 100 units are required in Halifax County. These needs are in all parts of the County, but Sackville has the greatest needs. Therefore, a resolution from this County would reinforce the need in Halifax County, and that we are looking for funding for such needs.

Councillor P. Baker felt that there is a much greater need than 100 housing units.

It was moved by Councillor P. Baker, seconded by Councillor Fralick:

"THAT a letter be sent to the Minister of Housing requesting funding for public housing in Halifax County, pointing out that a previous study did show a need for 100 units, but this figure is believed to be higher now."  
Motion Carried.

#### ADDITION OF ITEMS TO THE MARCH 18, 1986 COUNCIL SESSION

Councillor MacDonald - Springfield Lake

IN-CAMERA ITEM

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

"THAT Council go in-camera."  
Motion Carried.

Members of Council agreed to come out of camera.

ADJOURNMENT

There being no further business, the Council Session adjourned.

PUBLIC HEARING

MARCH 10, 1986

PRESENT WERE: Warden MacKenize  
Councillor Poirier  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Randall  
Councillor Lichter  
Councillor Merrigan  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. R.G. Cragg, Municipal Solicitor  
Mr. J.M. Hanusiak, Planner  
Mr. C. Reddy, Planner

SECRETARY: Glenda Higgins

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Warden MacKenzie called the Public Hearing to order at 7:05 p.m. with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Glenda Higgins be appointed as Recording Secretary."  
Motion Carried.

APPLICATION NO. RA-SA-73-85-20 - AMEND THE SACKVILLE LAND USE BY-LAW,  
DEPARTMENT OF HOUSING, PHASE II, SACKVILLE DEVELOPMENTS, FIRST LAKE  
DRIVE

Councillor McInroy declared a conflict of interest.

Mr. Hanusiak identified the application as a request from the Nova Scotia Department of Housing to rezone five existing residential lots from their present R-4 (Multi-Unit Dwelling) Zone to R-1 (Single Unit Dwelling) Zone; also to rezone another parcel of land located immediately adjacent behind the five dwelling lots from the R-4 (Multi-Unit Dwelling) Zone to P-1 (Open Space) Zone. Mr. Hanusiak advised that this application has been advertised in accordance with

the provisions of the Planning Act, and to date no correspondence has been received either in favour of or in opposition to this application.

Mr. Hanusiak advised the five lots in question are almost directly across from Cavendish Drive. He stated that the property was originally rezoned from R-1 to R-4 by the Housing Commission in 1983. Subsequent to that application, the Housing Commission subdivided these five lots, as well as parcel DR, with the intention of donating this property to the Municipality. Before Development could occur, the property had to be rezoned back from R-4 to R-1. In 1984, Council rejected this application mainly on the advise of Deputy Warden Wiseman that the rezoning back to Single Family would be premature in light of the demand for multiple unit dwellings in Sackville. However, in the last year it has become evident that actual multiple dwelling starts are beginning to take the pressure off the need for that form of housing, also there are presently a number of applications for multiple unit dwellings.

Mr. Hanusiak advised that a discussion had taken place between Deputy Warden Wisema, the area residents, and the Nova Scotia Department of Housing; Deputy Warden Wiseman was in agreement to seeing the property now rezoned from the R-4 to the R-1 status because of the lack of demand in her district for multiple unit dwellings.

As far as the planning strategy is concerned, the plan clearly permits the rezoning to take place. Based on this, and the fact that Deputy Warden Wiseman has no objections to the amendment, it is the recommendation of the Planning Advisory Committee that this application be approved.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT the request to amend the Sackville Land Use By-law by rezoning Lots DLA-1 to DLA-5 inclusive and Park Area Parcel DR, of the lands of the Nova Scotia Department of Housing, Phase II, Sackville Developments, located on First Lake Drive from R-4 (Multi-Unit Dwelling) Zone to R-1 (Single Unit Dwelling) Zone and P-1 (Open Space) Zone, respectively, be approved."  
Motion Carried Unanimously.

APPLICATION NO. PA-CH/W-14-85 - AMENDMENTS TO THE COLE HARBOUR/WESTPHAL MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

Mr. Reddy identified the application and advised it is with regard to the control of access from commercial and multiple unit residential uses within the C-2 Zone along the Cole Harbour Road. He advised this is the second hearing with regard to this application. At the first hearing, the matter was referred back to the Planning Advisory Committee, and they recommended that staff prepare a report with respect to allowing access to roads other than the Cole Harbour Road only by development agreement.

Mr. Reddy advised that staff has concerns with respect to the fact that the Planning Act stated that the Municipality must provide at least one access per lot. This could provide some problems because the Department of Transportation would deny access to the Cole Harbour Road, and the Municipality would deny access to the side road. Also, there is concern with the public conception of what might be occurring when Council is hearing such a development agreement for access. Another aspect that has raised concern is the concurrent public perception that the Municipality may be able to alter the density of the particular use as a result.

However, staff has prepared a number of amendments that would seem to answer these concerns on a temporary basis. In the long-run the Municipality, using the manuals available on the design of access points and the technical information, deal with the Department of Transportation towards preparing a plan of access for the Cole Harbour area. It may also be useful in other locations throughout the Municipality.

Mr. Reddy advised that as a result Appendix "A" and Appendix "B" of the report has been prepared as the appropriate amendments that would achieve this particular goal.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

Councillor Mont advised that Mr. Ron Cooper, Chairman of the Cole Harbour/Westphal Service Commission has informed that he could not attend the Public Hearing, but the Commission have reviewed the new amendment and because of safety reasons, as outlined by the Department of Transportation, they have given their consent to the amendments.



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

"THAT the amendments to the Cole Harbour/Westphal Planning Strategy be adopted in conjunction with amendments previously adopted and awaiting approval of the Minister of Municipal Affairs; also that a priority be placed on developing a set of firm standards to replace development agreements, and to be considered during plan review or earlier."  
Motion Carried Unanimously.

Councillor McInroy expressed concern over the wording of the motion, but not the intention. He felt it was too general and should be worded more firmly. Mr. Cragg advised that it appears to be worded properly and it conveys the intent. The Municipal Planning Strategy is a series of policies and statements of intent, and they are meant to be generalized in nature, rather than trying to pinpoint them specifically to certain areas or certain instances.

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

"THAT the Zoning By-law for Cole Harbour/Westphal be amended in conjunction with the amendments to the Municipal Planning Strategy for the area."  
Motion Carried Unanimously.

ADJOURNMENT

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

"THAT the Public Hearing adjourn."  
Motion Carried Unanimously.

D19

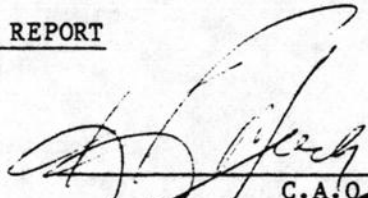
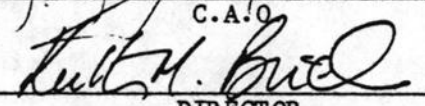
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: RA-SA-73-85-20

DATE: December 13, 1985

  
C.A.O.  
  
DIRECTOR

RECOMMENDATION

THAT THE REQUEST TO AMEND THE SACKVILLE LAND USE BY-LAW BY REZONING LOTS DLA-1 TO DLA-5 INCLUSIVE AND PARK AREA PARCEL DR, OF THE LANDS OF THE DEPARTMENT OF HOUSING, PHASE II, SACKVILLE DEVELOPMENTS, LOCATED ON FIRST LAKE DRIVE FROM R-4 (MULTI-UNIT DWELLING) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE AND P-1 (OPEN SPACE) ZONE, RESPECTIVELY, BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by the Department of Housing to rezone the lands identified in Figure 2 (p 4) to R-1 (Single Unit Dwelling) Zone and P-1 (Open Space) Zone. The purpose of the rezoning is to permit construction of five single unit dwellings on Lots DLA-1 to DLA-5, as well as conveyance of Parcel DR to the Municipality for parkland.

In September, 1983, Municipal Council rezoned the lands from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone for the purpose of constructing an apartment building.

Subsequently the Department of Housing abandoned its plans and proceeded to subdivide the original parcel into lots DLA-1 to DLA-5 and Parcel DR. A request to have the lands rezoned back to R-1 was rejected by Municipal Council in July, 1984.

Description

MPS:	Sackville
Area:	As illustrated by Figure 2 (p 4)
Dimensions:	As illustrated by Figure 2 (p 4)
Surrounding	
Uses & Zoning:	As illustrated by Figure 2 (p 4)

ANALYSIS

The municipal planning strategy for Sackville designates the property "Urban Residential". The designation allows for the development of a variety of housing types but gives priority to single unit dwellings.

Development in the surrounding area consists solely of single unit dwellings. Therefore the proposed development is consistent and fully compatible with neighbouring uses. Adequate sewer and water services exist to accommodate the proposed number of dwellings. In addition, the parkland donation is acceptable to the Municipality.

FIGURE NO. 1 - KEY PLAN AND DISTRICT PLAN

