

Figure 2

Sockville Zoning Schedule "B"

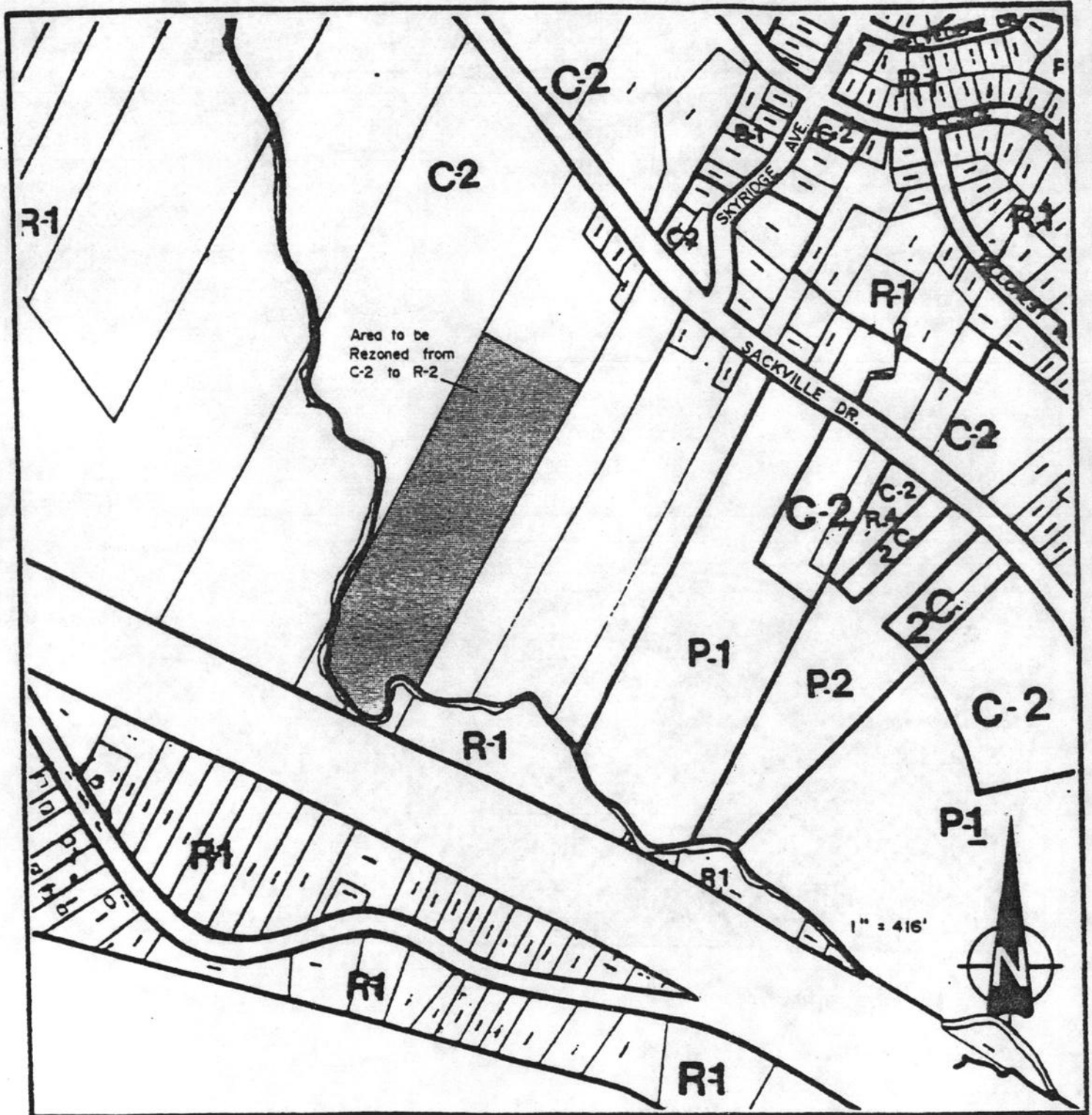
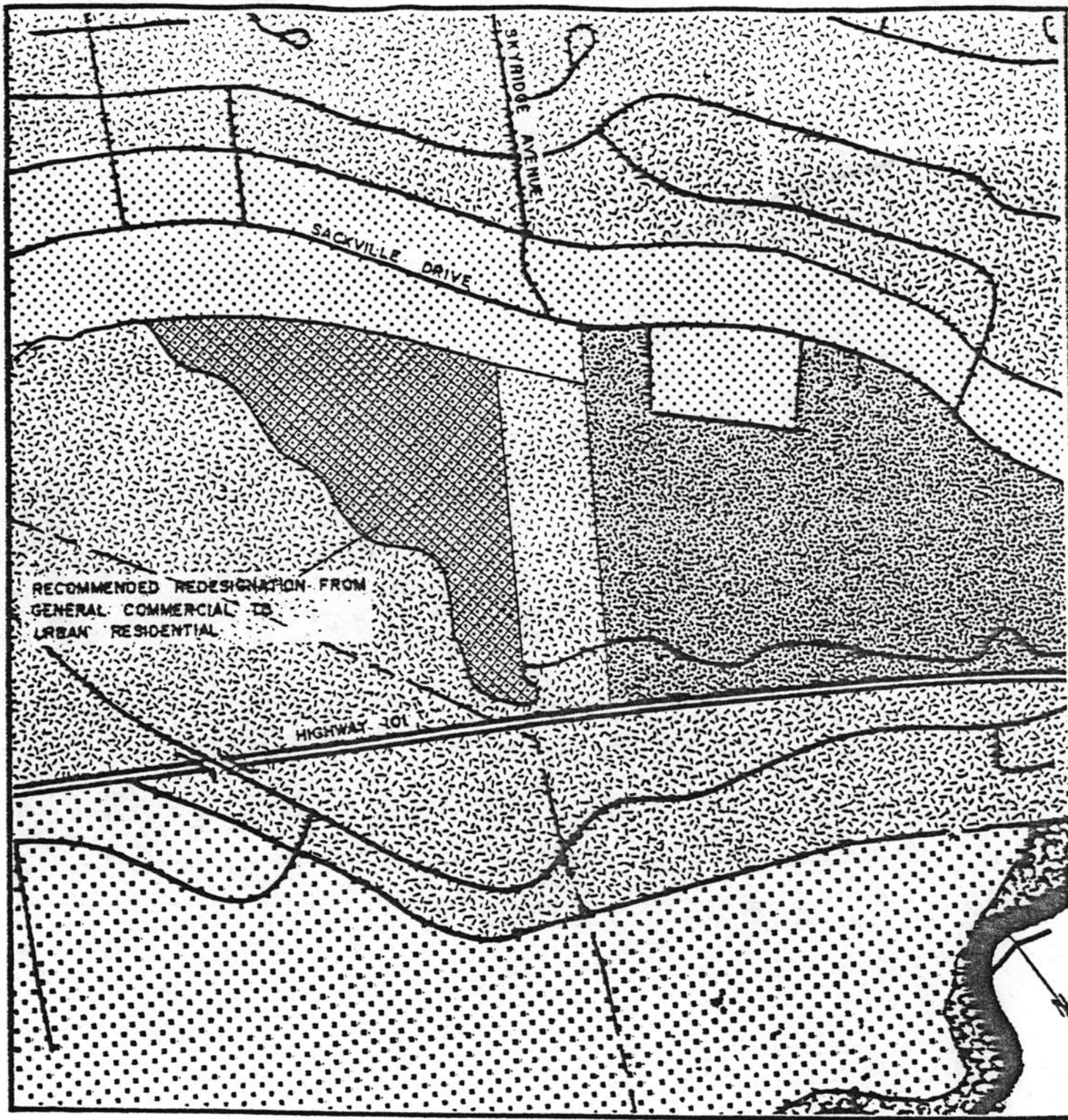





Figure 3

GENERALIZED FUTURE LAND USE MAP



SCALE 1:7000

-  URBAN RESIDENTIAL DESIGNATION
-  GENERAL COMMERCIAL DESIGNATION
-  COMMUNITY FACILITY DESIGNATION

PUBLIC HEARING

APRIL 21, 1986

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

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Ms. L. Henry, Acting Municipal Solicitor
Mr. J.M. Hanusiak, Planner
Mr. B. Butler, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie called the public hearing to order with the Lord's Prayer at 7 p.m. Mr. Meech called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Glenda Higgins be appointed as Recording Secretary."
MOTION CARRIED.

APPLICATION NO. PA-CH/W-03-85 - PROPOSED AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY AND THE LAND USE BY-LAW FOR COLE HARBOUR/WESTPHAL, WHICH WOULD PERMIT CONSIDERATION OF SERVICE, PERSONAL SERVICE, AND GARDEN MARKET OUTLETS ON LOTS WHICH ARE PRESENTLY ZONED C-1 (LOCAL BUSINESS) ZONE, BY DEVELOPMENT AGREEMENT

Mr. Butler identified the application, and advised Members of Council that Option 2 on Page 5 of the staff report is being considered at the hearing this evening.

He advised the effect of the proposed amendments would be to provide Council with the ability to consider additional uses on properties which are presently zoned C-1 in Cole Harbour. At the present time the C-1 zoning permits only food and variety stores. The amendment under consideration would also permit Council to consider permitting service and personal service uses as well as garden markets and garden centres.

Mr. Butler advised the amendments will apply to six lots and a portion of a seventh, which he pointed out on an overhead. In considering a development agreement for any one of these lots, Council shall have regard to the following: that the lot coverage and scale of the uses is consistent with the surrounding residential area; and that outdoor storage and display areas shall be fully screened from view from adjacent properties. A second amendment makes Policy P-39A effective.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT the Municipal Development Plan for Cole Harbour/Westphal be amended as per Option 2, Page 5 of the Staff Report dated February 3, 1986."

MOTION CARRIED UNANIMOUSLY

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

"THAT the Land Use By-law for Cole Harbour/Westphal be amended as per Option 2, Page 5 of the Staff Report dated February 3, 1986."

MOTION CARRIED UNANIMOUSLY.

APPLICATION NO. RA-24-12-86-18 - APPLICATION BY THE MUNICIPALITY OF THE COUNTY OF HALIFAX TO REZONE PARCEL "A" OF THE UPLANDS PARK SUBDIVISION, LOCATED ON WOODLYN DRIVE IN THE VILLAGE OF UPLANDS PARK, FROM R-2 (TWO FAMILY DWELLING) ZONE TO R-4 (GENERAL RESIDENTIAL) ZONE

Councillor McInroy declared a conflict of interest.

Mr. Hanusiak identified the application and reviewed the staff report.

Mr. Hanusiak advised that the Nova Scotia Department of Housing has expressed interest in purchasing the property for a 15 unit senior citizen complex, and Municipal Council has approved the sale of the property on the conditions that it be appropriately zoned and that an acceptable purchase price be met by the Department of Housing. The market value of the property has been tentatively determined.

After reviewing the report, Mr. Hanusiak advised that the technical aspects of the project are in keeping with municipal and provincial operating policies. Specifically, the Department of Engineering and Works has advised that central water and sewer services will be made available to the site. In addition, the property has sufficient road frontage along Woodlyn Drive to ensure safe vehicular ingress and egress. He encouraged Council to incorporate some form of landscaping protection clauses and strategy into any potential agreement of sale with the Nova Scotia Department of Housing.

QUESTIONS FROM COUNCIL

Councillor MacKay advised there was a letter circulated from Stewart, MacKeen & Covert indicating that the central sewage system is inadequate to service the existing development plus additional developments. He asked Mr. Hanusiak if he had discussed this matter with the Department of Engineering and Works. Mr. Hanusiak advised the matter of services were discussed between the Planning Department and the Department of Engineering and Works before the matter was taken to the Executive Committee in January, 1986. Members of the Engineering Department attended the Executive Committee meeting. It was felt that development of this property would be consistent with existing policies. A further extension of Kenwood Avenue would be inconsistent given the general problems of capacity. The Engineering Department did indicate to the Executive Committee that this parcel of land could be serviced with central water and sewer to accommodate this 15 unit senior citizen's complex, and in the future it may be available for more units.

Councillor MacKay advised he had not been aware that a report had been done in 1984 by P. Lane & Associates. He asked if the Engineering Department would have been aware of this report when they gave the presentation to the Executive Committee. Mr. Hanusiak was also unaware of the report. Mr. Meech advised that the Engineering and Works Department were aware of the report, but the conclusions of it were not accepted. There were consultations with the Department of the Environment asking them to establish a monitoring program to provide such information to the Municipality. This was initiated because the conclusions of the Department of Engineering and Works differed substantially from those of this report. Mr. Meech further advised this report was commissioned by Summit Realty or Mrs. Pender. He concluded that the Municipality has heard nothing further from the Department of the Environment.

Councillor Eisenhower advised that during the process of finding a site for this proposal, this particular site was suggested by the Department of Health while doing some tests in the area.

Councillor C. Baker felt this land should have been given back to Mrs. Pender. However, it is too late for this proposal.

Mr. Hanusiak stated that Mr. Schofield had indicated that he would not speak directly on the matter, but he is available for any specific questions from Council Members.

Mr. Schofield presented himself to Council to answer questions. There were no questions from Council.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Ken Cuning, Chairman of District 18 Subcommittee on PPC, stated the proposal is consistent with what was proposed last week to the Municipal Planning Committee. The only difference is that the MPC said yes to senior citizen housing in residential areas by development agreement. Discussion with Mr. Schofield has shown that the Department of Housing will proceed in a manner that is consistent with the neighbourhood. On these grounds, Mr. Cuning supported the application.

QUESTIONS FROM COUNCIL

Councillor Eisenhower asked where Mr. Cuning lives. Mr. Cuning advised he is from Uplands Park, but felt his residence had no bearing on the matter. District 18 of the PPC is consistent with District 15, and 19; all residential areas are represented on the committee and all representatives have agreed to the proposal for R-1 zoning which includes senior citizen housing by development agreement.

Councillor Lichter read Policy 67, and advised this policy was discussed recently in the MPS meeting. He asked for clarification that the discussion at the MPS meeting centered around what additional vacant lands could be developed; the discussion was not directly linked to the senior citizen's complex. Mr. Cuning agreed.

Councillor MacDonald asked if he saw any great problems with the sewage plant in Uplands Park. Mr. Cuning stated he knows nothing of problems with this plant. Residents of the Village of Uplands Park have only heard that there are no problems with this treatment plant.

David Pepperdene, Chairman of the Village Commission, Uplands Park, advised that after becoming aware that the Department of Housing were looking for a location for a senior citizen's complex in Uplands Park, a general meeting of the Village Commission was called to consider the matter. The general consensus of this meeting (30-35 people in attendance) was in favour of this particular housing development. There were five or six opposing votes, but overall there was a majority in favour. This meeting was held to get input from the Department of Housing, and they were very cooperative in attending the meeting and sharing information with regard to this proposal. Mr. Pepperdene advised he was speaking on behalf of the residents of Uplands Park.

QUESTIONS FROM COUNCIL

Councillor C. Baker advised he is not against senior citizen's housing, but he is against the location of this particular proposal because he felt the property should have been returned to Mrs. Pender.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

Mr. Robert Grant, lawyer representing Mrs. Jean Pender and Summit Realty Limited, stated that neither Mrs. Pender or Summit Realty are against the location of a senior citizen's complex in Uplands Park, and the purpose of opposing this application is not to continue the argument put forth by Mr. Pugsley at the Council Session regarding the reconveyance of the lands.

Mr. Grant informed that his submission is that the proposed senior citizen's complex on this site, given the present central sewage system, is not in the best interest of the Municipality. The location of the 15 unit senior citizen's complex on this particular site will only serve to put an increased strain on an already over-burdened central sewage treatment plant, which is obsolete at this stage.

He advised that Uplands Park Subdivision is serviced by a sewage treatment plant that was installed in the late 1960's, and at that time it was owned by the developer of Uplands Park Subdivision. In 1973, the plant was transferred to the Village Commissioners of Uplands Park. In 1980, the County took over maintenance of the plant, and the plant is located on lands of Summit Realty Limited, which have been expropriated by the County.

In 1979, the Department of the Environment reviewed the performance of the plant, and it was determined there is inadequate performance and maintenance of this plant. Mrs. Pender directed this information to all of the appropriate Municipal and Provincial authorities. Many of her protestations were confirmed with the type of analysis of the affluent being discharged from this plant, which have been taken over a long period of time (1982-1985). The amount of analysis of the affluent from this plant has not been done on a regular and consistent basis, but what has been done demonstrates that the plant is not doing the job it should be. In 1984, Mrs. Pender and Summit Realty Limited commissioned the preparation of an independent analysis of the performance of the plant from an environmental engineering standpoint. This is the P. Lane & Associates report already referenced this evening. Mr. Grant drew Councillors' attention to several points in the report. Terry Collins, the engineer who prepared the report, during one visit to the site found several small boys playing near the plant. He noted the plant was not enclosed; it was open, and the boards over some of the treatment ponds are not safe and represent a danger to the public. Mr. Grant advised that one of Mr. Collins findings with respect to this plant was that the actual plant is not treating the affluent, but the affluent is being treated in the area surrounding the plant. There is a large bog of affluent which creates

a stench, attracts flies and has bacteria. All bacteria is identified in the report. It is in this surrounding land that the affluent is being treated, and this land does not belong to the Municipality. It belongs to Summit Realty.

Mr. Grant further stated that in the course of his report, Mr. Collins took samples of the affluent over a period of one month; he drew a number of conclusions, none of which support the view that the Municipality is doing its job or that it is adequately maintained.

Mr. Grant reviewed some recommendations from the report. There should be a fenced area that would prohibit immediate entry by the public. "At present the possible spread of disease and personal harm, especially with children playing in and around the building, are serious concerns." A second recommendation suggested the introduction of measures and controls that will ensure safe disposal of the discharge with minimal impact on the surrounding environment. The third recommendation indicated that the land directly behind the affluent discharge area acts as a settling pond receiving a continuous daily discharge, and a pool of affluent persisted during an extremely dry period, when other nearby areas were completely dry. The settling area and affluent route acts as an environmental filter and sewage is only diluted during rainfall or snow melt periods. This has resulted in a build-up of organic matter and the development of associated biological species that invade a polluted zone of this type.

Mr. Grant stated he is not an engineer and it is difficult to extract conclusions from the report. The report was sent to the Departments of Health and the Environment, to the Municipal Engineering Department, and the Board of Health for the County. The conclusion drawn by Mr. Giffin, Environmental Engineer, is one that Council should draw as well. It reads as follows: "The test results could indicate inconsistency in the degree of maintainence the plant receives, the various hydraulic loadings or limitations in the plant itself. We have, therefore, concluded that prior to any additional loadings, the plant should be upgraded to a level which would permit direct piping to a flowing brook, thus by-passing the present contaminated area." Mr. Grant stated there has been no further information indicating that this position of the Department Environment has changed at all. The obvious question raised is how does the County propose to obtain approval from the Department Environment to increase the loading on this particular sewage treatment plant by an additional 15 units. The concerns expressed in this letter from the Department of the Environment are echoed in the draft Municipal Planning Strategy for the area. Policy P-67, which Councillor Lichter has already referenced, states: "it shall be the intention of Council to undertake a complete assessment of the Uplands Park sewerage treatment system in order to determine its overall capacity." Mr. Grant stated there is obviously a need for the capacity of this treatment plant to be assessed, and until this is done, it is appropriate for Councillors to ask how it is known that it is safe to add an additional 15 units to this sewage treatment plant. The present application is for the rezoning of the subject site from R-2 to R-4. This rezoning will permit construction in excess of a 15 unit building, as high as 28 units. The worsening of an already bad

situation with the central sewage system has to be given consideration, and given appropriate consideration, it will be seen it is not in the best interest of the Municipality to allow this type of construction to proceed at this time. The present sewage treatment plant is obsolete, and such a plant today would not receive the necessary sanctions to be constructed. It would be insisted upon to hook into a modern and efficient centralized sewage treatment plant. Council should focus on a permanent solution to this problem, by hooking into a modern system, such as that at Mill Cove.

Mr. Grant circulated some photographs taken within the past several weeks. They showed the way the plant appeared three weeks ago, with no fence and rotten boards over the settling ponds. More recent photographs show a wire fence around the plant. However, this does not solve the problem as outlined in the P. Lane report, because some people have gained access to the plant. One of the doors to the plant has been knocked over and has been opened. Children can get between the fence or they climb over the fence onto the roof of the plant. Windows to the plant have been broken out and the siding on the plant is less than well-maintained. He stated that the photographs are indicative of the type of maintenance at the plant, with regard to the physical exterior and the performance of cleaning and treatment of sewage from the plant.

QUESTIONS FROM COUNCIL

Councillor Lichter asked Mr. Grant if he and the consultant consider the plant in question to be a health hazard. Mr. Grant informed he is not qualified to pass such an opinion, but it is certainly the opinion of P. Lane & Associates. Councillor Lichter asked what form the report from P. Lane & Associates was directed to the County Board of Health. He asked if it was by letter, phone call, or presentation to the Board. Mr. Grant advised a copy of the report was forwarded to Mr. D'Eon of the Atlantic Health Unit. Councillor Lichter advised the Board of Health has not had a report on Uplands Park since 1985. Mr. Grant suggested he may have been in error when referring to the Board of Health; he may have meant the Atlantic Health Unit. Councillor Lichter suggested that the Board of Health of the County would have been the most appropriate body to which this kind of report should have been sent.

Mr. Grant invited Mrs. Pender to assist in answering questions from Council.

Mrs. Pender advised that Mr. Pugsley had sent this report to Mr. Meech, asking him to distribute it to the proper authorities. The County Board of Health was notified by Mr. Pugsley, and correspondence went back and forth between Mr. Pugsley and Mr. Reinhardt. Mr. Reinhardt insisted over a period of time that everything at the Uplands Park sewage treatment plant was operating fine. Mr. Reinhardt informed in a letter that he had met with the County of Board of Health, and the Board had decided on the advise of the Engineering Department, that they would not consider the matter any further.

Mrs. Pender advised that from 1980, when the County took over maintenance of the plant until the present time, Mr. Pugsley had been corresponding with Municipal officials, and the only word he received back was that the plant was one of the best maintained in the country. Mrs. Pender advised that Mr. Wdowiak had sent the same letter a number of times to Mr. Pugsley, and she also received a couple of copies. A letter was sent from Mr. T.D. Ryan of the Department of the Environment a few months after the County took over maintenance of the plant congratulating them of the better performance. Mrs. Pender advised this letter is being sent to her solicitors and to herself saying this is proof that the plant is being maintained beautifully. This letter is dated 1980, and it cannot be proof in 1985 that the plant is being maintained properly.

Mrs. Pender stated two more letters were sent to stress the beautiful maintenance of this plant. The first was from the Department of Health, which stated everything was fine, there was great cooperation from the County, and the plant was being inspected three days a week. The same letter was received from Mr. Reinhardt, and another from Mr. Wdowiak saying the plant is inspected five days a week. Mrs. Pender insisted this is not the case. She stated the last report from the Department of Health was in November, 1985.

Mrs. Pender advised that Mr. Pugsley had asked for reports in November, 1985. Mrs. Pender believed that Mr. Wdowiak sent two reports, spaced months apart. A letter to Mr. Pugsley from Mr. Wdowiak advised he should get in touch with Mr. Bernie Hanlon, Department of Health in the case of more reports. Mr. Hanlon was not available, so Mrs. Pender called Mr. D'Eon, and he passed the reports along. She find these reports nauseating.

On April 18, 1986, Mrs. Pender called Mr. D'Eon asking for the reports since November, 1985. She stated that Mr. D'Eon was busy when she called on April 18, 1986. She asked him if she could pick up the reports since November, 1985, but Mr. D'Eon informed he had too much at stake to pass the reports onto her; he stated he would have to look at the reports before they were turned over the Mrs. Pender. Mr. D'Eon suggested that she get her lawyer to ask for the report. He then informed Mrs. Pender she had no right to request the reports. Mrs. Pender informed him it was her right as a member of the public. At that point, Mr. D'Eon stated he was tired of being used by her in her battle with the Municipality, and he hung up.

Mr. Grant indicated it cannot be said that Mrs. Pender has not taken the appropriate steps to draw this unfavourable report regarding the maintenance and operation of the Uplands Park sewage treatment plant to the appropriate authorities. Mr. Grant informed it has been a seven year mission of Mrs. Pender's part, and she has not received satisfactory answers. The answers which she has received have been partial, the 1980 letter has been produced numerous times as support for the present operation of the plant, and Mr. Grant felt the best evidence regarding the operation of the plant is the letter from Mr. Giffen from which he quoted in his presentation.

Councillor Lichter asked if there has been any time when the solicitor or Mrs. Pender has decided to go to the Board of Health. He stated that Mr. Reinhardt is the secretary, Mr. Wdowiak is the Engineer, and the Atlantic Health Unit personnel are provincial employees who advised the Board of Health. However, Councillor Lichter could not recall the Board of Health receiving a letter from Mrs. Pender or her solicitor.

Mrs. Pender advised she has letter that would confirm that Mr. Reinhardt said this matter had been referred to the County Board of Health and that the County Board of Health had decided not to pay any attention to it because of favourable reports from the Engineering and Works Department. Councillor Lichter requested copies of those letters.

Mrs. Pender added that she had called Mr. Wdowiak and asked for the reports from the Department of Health. He informed those report were sent to the Mill Cove treatment plant. Mrs. Pender wondered why copies of those reports were not made before they were sent to Mill Cove. Mr. Wdowiak informed it was too much. Mrs. Pender informed she would pick the reports up, and when she did, Mr. Wdowiak asked her to come to the Municipal building. When she arrived, Mr. Wdowiak passed her a report that was conducted daily, excepting weekends, during November and December by the Department of the Environment. The Department of the Environment had sent a letter to Mr. Wdowiak indicating they would permit no further overloading of this situation.

Mr. Wdowiak asked Mrs. Pender on the morning of April 21, 1986, to come in at noon to pick up reports which were being sent in from the Mill Cove treatment plant. The reports would include results of all tests taken between November, 1985, and April, 1986. When she arrived at 12:30, Mr. Wdowiak was not there, and his secretary informed there were no reports since November, 1985. Mrs. Pender concluded there had been no testing since November, 1985.

Councillor DeRoche advised he read the letter from Mr. Grant and he has puruse the report from P. Lane & Associates. He asked if Mr. Grant was aware that the samples taken were in July and August, 1984, and they were taken from a particular site that had nothing to do with the treatment plant or its outfall. Mr. Grant advised the samples were taken from five specific sites. Councillor DeRoche informed there are only three sites referenced in the report, and they are all on the property that have nothing to do with the treatment plant - what is going in and what is coming out of the outfall pipes. He stated the three sites are very specific and are marked on the map. They relate to affluent which could have collected on the property over an extended period of time. Councillor DeRoche advised he did not see information in this report which would support the conclusions.

Mr. Grant stated that the report was compiled at a substantial cost to Mrs. Pender, and it would have been desirable to have the sites sampled over a more extended period of time, but this cannot be the responsibility of a private citizen. The point of the report was to draw to the attention of the appropriate authorities that the maintenance of this plant is not as accurate as portrayed by other authorities.

Mr. Giffen, an engineer with the Department of the Environment, felt the conclusions of this report, as substantiated by the evidence set out in the report was sufficient to recommend no further loading of the report until it is upgraded. Councillor DeRoche questioned this, stating there is nothing in the report to substantiate that the plant is overloaded or that it is not treating the affluent in the proper manner. Mr. Grant felt it fair to read from the report that the treatment is not being done in the treatment plant. Councillor DeRoche stated that conclusion could not be drawn from this report, and he felt any unbiased individual would be able to support this conclusion from this report.

Councillor Snow advised he would have to concur with the report, as it stands from 1984. However, there is no up-to-date report on what the conditions are right now. He asked if there has been any recent report, because many things can change since 1984. Mr. Grant advised it is inappropriate to direct this question to Mrs. Pender as a private citizen. He felt the on-going monitoring performance of this plant is the responsibility of the appropriate governmental authorities. The purpose of the report circulated to Councillors was to point out to the appropriate authorities the problems being experienced. Councillor Snow stated the problems were in 1984. He asked Mr. Meech if he is aware of any up-to-date reports that indicates the situation is still this bad. Mr. Meech advised that as a result of this report, a letter was sent to the Deputy Minister of Environment (October, 1985) suggesting that they, in cooperation with the Department of Health, should undertake to do a specific sampling program over a period of time on a 24 hour basis.

Mr. Meech further advised that if the Engineering people were in attendance they would probably feel there are many generalizations in the report. Other reactions of the report would refute many things that Mr. Grant retrieved from the report. It appears that whatever conclusions desired can be had from this report. Mr. Meech advised there is supposed to be regular sampling going on by Municipal employees involved with the operation of the treatment plant. He understood this sampling program was to be arranged, but he was not aware of receiving any specific reports indicating they had began the process. There has been some on-going communication between the Department of Health, the Department of the Environment, and Municipal people with respect to the plant. Municipal employees did agree that some of the aesthetic and security matters are not up to standards. They also agreed there is some need to enhance the chlorinator capability. The report, however, attempts to make one believe that the maintenance of the facility has been anything less than acceptable, but this is not an accurate reflection of the situation over the last number of years.

Councillor Deveaux commented on the conflicting reports with regard to this matter, and he questioned the absence of a representative of the Engineering and Works Department. He felt any public hearing dealing with a matter such as this should be represented by a member of the Engineering Department in order to make statements. Councillor Deveaux read a portion of the staff report indicating that central water and

sewer services will be made available to the site. He felt if the Engineering Department can state this, they must intend to provide some other type of system for central sewer and water.

Mr. Hanusiak advised this issue has been discussed at length with the Department of Engineering and Works, and the proposed development will tap into the existing system. He stated that the report lays out a stinging attack on the existing situation, but page 5 of the report indicates that the chlorination system as it is today is destroying all disease-carrying organisms that eventually come through the funnel-collector apparatus in the chlorination unit. He felt what is being described in the report is a situation that has come about over a number of years, perhaps the worst part was when the system did not fall under Municipal control. This unit has provided services for a long period of time, and problems could have stemmed from long ago. The situation will not be further compounded because disease-carrying organisms are being removed, and what is going into the soil at the present time is acceptable. The report clearly describes what may be considered an unacceptable situation that has occurred in the past, and the Engineering Department will be looking at this aspect more closely.

Councillor Deveaux felt if the plant and the estimation of the Engineering Department is operating at a sufficient capacity at the present time, it should have been clarified by representation by the Department of Engineering and Works.

Councillor Lichter noted that Mr. Grant had previously indicated that he had calculated that the Department of Housing would be able to develop a certain number of units. He asked for the figure again. Mr. Grant informed he had calculated 28 units. Councillor Lichter asked if he had done some calculating as to what could happen presently under the R-2 zoning. Mr. Grant informed he had not. Councillor Lichter asked what the present lot sizes would be in Uplands Park if there were hooked up to the present system. Mr. Hanusiak indicated they would be in the vicinity of 6,000 square feet, minimum. He stated that realistically there could be approximately five or six duplexes along Woodlyn Drive. Councillor Lichter clarified this could accommodate 10 to 12 families, and pointed out this is not very different from 15 senior citizen units.

Councillor Lichter commented that he had appreciated Mr. Grants opening remarks with regard that he does not want to open up the issue that Mr. Pugsley had brought to Council. However, he mentioned three times, probably intentionally, the term "school site". Councillor Lichter felt he could have honoured his opening remarks by not referring to this parcel of land as a school site.

Deputy Warden Wiseman asked about the staphylococcus bacteria that Mr. Grant had referred to. She stated she could not determine from the report which staphylococcus bacteria was so dreaded. She asked if there were any other lab reports that would indicate which staphylococcus bacteria was so dreaded. Mr. Grant stated it was an adjective applied to any staphylococcus. Deputy Warden Wiseman advised that staphylococcus bacteria is very prevalent and common.

Deputy Warden Wiseman next questioned the motives of Mrs. Pender and Summit Realty. She felt it unlikely their concern would be for the environment and protection of the Municipality at this point in time. She asked Mrs. Pender if she is the owner of the land on which the treatment plant is located. Mrs. Pender advised she is not because the County expropriated the land last August. She informed Summit Realty was the former owner of the property. Deputy Warden Wiseman asked for the size of the land involved affected by the affluent. She expressed confusion over it once being referred to as a swamp, and then it was referred to as a treatment pond in the report. She asked for clarification as to what is there and the size of the land affected.

Mrs. Pender advised her purpose is to protest the rezoning to allow the construction of a 15 unit senior citizen' complex because this construction hooking up to the present system will overload it; the system is at capacity now. Deputy Warden Wiseman stated this answer is not to her satisfaction in view of a statement made earlier that the outfall is presently being adequately treated and the chlorination is effective in treating the affluent from the plant. She advised there is no indication that there is a real problem.

Mr. Grant took issue with the statement that the sewage is now effectively treated; He stated that Mr. Hanusiak apparently gleaned this from the report, but this is not his position. He referred to the readings taken at site 3, which describes the affluent directly out of the chlorination area, and various bacteria counts were very high. Deputy Warden Wiseman pointed out that this was as of August 6, 1984, not now. Mr. Grant felt this should raise the question of how the plant has performed since August 6, 1984. Council should also question the actual capacity of the plant.

Councillor Poirier asked if the treatment plant was specifically for Uplands Park and the amount of buildings there now. Mrs. Pender advised the sewage treatment plant was installed in 1968, and it was designed to provide treatment for 200 homes in the park. There are approximately 84 homes hooked into the system. Councillor Poirier asked if it is the general feeling that 84 homes put this plant at capacity. Mrs. Pender answered that she had come to see Mr. Wdowiak in 1982 about hooking into this plant. Mr. Wdowiak informed he would not allow one more hook-up because the plant was at capacity then.

Councillor Poirier commented on the questioning of motives. She felt she understood the reasoning behind the presentation by Mrs. Pender and his solicitor. She stated that the land had remained in an undeveloped state since its acquisition by the Municipality but this was because it was given for a school. Councillor Poirier stated she did not realize there was a price tag on the land in question, and if she had known that when voting on whether or not to deed the land to the Department of Housing, she would have voted against it. The land was generously donated for a school, and if the school is not going to be built, the land should be given back to Mrs. Pender. She felt the motion agreeing to transfer the lands to the Nova Scotia Department of Housing should be reconsidered and rescinded.

Mr. Meech clarified that the entire parcel was not granted. There were three lots which were purchased by the Municipality for which they paid \$6,000 in 1961. The balance of the land was contributed to the Municipality.

Councillor MacDonald stated that at a recent Municipal Planning Strategy meeting it was pointed out that the capacity of the plant in question was three times the homes there now. He commented that the plant was underdesigned or the proper system was not installed. It would be interesting to find out why it will now hold 80 homes when it was supposed to accommodate 200. Councillor MacDonald next asked if the Municipal Department of Engineering and Works had done any tests on this plant since November, 1985. He wondered if there have been any new reports and if the plant had improved. Mr. Meech answered that when it is stated there has been no testing done November, 1985, it must mean testing by the Department of Public Health because there are certain tests done by Municipal employees on a regular basis with all sewerage treatment plants. Other tests are normally done by the Department of the Environment and the Department of Health. Councillor MacDonald asked if this is the consensus Mr. Hanusiak is recommending the zone change on. Mr. Hanusiak answered there are two points. The Department of Engineering and Works has referenced overall capacity in the system, and the treatment capabilities of the plant - what is going in and what is coming out. The Department of Engineering and Works has indicated they are in a finite situation in Uplands Park in terms of water and sewer. However, there is 300 feet of property frontage here that is capable of accommodating a number of duplex units at the present time. Engineering and Works has stated they are not in a situation to extend new Municipal water and sewer services. The lines are presently there; they only have to be hooked up. The situation is that the land may be sold to accommodate a 15 unit apartment building and that the land could be developed with approximately six duplexes. Therefore, the County is considering 12 units versus 15, and the amount of water and sewage use in those 15 units is not considered to be any more than the six duplexes that could be created now. Therefore, the Department of Engineering and Works feel the 15 unit apartment building can be built with no adverse impact on the system.

Second, this matter is subject to a purchase agreement before the property is sold, so there is no reason why a condition cannot be put into the agreement to say 15 units now, possible expansion at some point in time when all points about the water and sewer capabilities have been straightened out.

Councillor MacDonald clarified that the 15 unit senior citizen's complex will not put any more strain on the system than if there were six duplexes built on the land. He then asked Mrs. Pender if she is still interested in retaining the property in question. Mrs. Pender felt it was her right to retain the property. Her husband had expected to be able to go ahead with the development. He was asked to change his plan and give the County part of the commercial site for a school site. She stated that Mr. Pender gladly gave it to the County after already giving 3½ acres to the County for a park site.

Mr. Grant added that it is certainly Mrs. Pender's wish that the land be returned, but that is not the purpose of the presentation tonight. The commissioning of the report from P. Lane & Associates substantially predates any questions of Mrs. Penders entitlement to the school site. The reason for the report being commissioned was that the operation of the plant was polluting Mrs. Pender's lands. Councillor MacDonald commented that the problems would have been far worse if a school had been built on this site.

Mrs. Pender stated that she did resent Councillor Lichter and Deputy Warden Wiseman commenting that it is strange that she waited 25 years to come after the land. Mrs. Pender stated that when her husband gave the land in October, 1961 and up until he died in 1975, he believed that development would open up there. She added that it was fully expected that the school site would be used.

Councillor P. Baker stated that in February he was opposed to the County not returning the lands back to Mrs. Pender. He agreed with Councillor Deveaux in questioning why the Department of Engineering and Works was not represented at this public hearing. Mr. Wdowiak should have known that this issue would come up, as he had conversations with Mrs. Pender. He stated he agrees with Councillor Poirier in opposing the recommendation with regard to the rezoning. Although the school site is not in question tonight, Councillor P. Baker felt there is a moral obligation for the County to return the land to Mrs. Pender.

Mr. Grant stated that Members of Council had not heard a submission on behalf of the Engineering and Works Department to the effect that the existing sewage treatment plant can handle the extra capacity of a 15 unit senior citizen's complex. You have heard from Mr. Hanusiak that presently the school site could be developed for 12 units, and it would not be much worse to have it developed with 15 units by the Department of Housing. Mr. Grant felt this was a false assumption; it was not taken into account that the County now controls the use of that land. The County is not a developer. The County is not going to make application to develop those lots for 12 units; therefore, it is incumbent on the County to consider, before it allows this land to be released for development, whether or not the sewage treatment plant can handle the excess capacity. Mr. Grant submitted that this answer has not been given tonight.

Warden MacKenzie stated that if the letter written by Mr. Grant had been circulated earlier, the Department of Engineering and Works would have been represented at this public hearing. However, nobody saw this letter until they sat down at their desks tonight.

Councillor MacKay asked Mrs. Pender what she would do with this land if she received it from the County. Mrs. Pender advised she did not know what she would do with the land because of the question of the sewage treatment plant. She agreed that the sewage treatment plant in its present capacity could not service any additional development in the area, based on the report by P. Lane & Associates and the fact that she has been around the plant, and it is a horrible situation. The situation has not changed since the time of the report. Councillor

MacKay next commented that when the land was given for the park site, between the "school site" and the Green Gables, it was given to the County for recreation purposes, and there was no requirement under the County Subdivision By-law for parkland dedication. He asked why the land was given. Mrs. Pender stated the land was given out of the goodness of her husband's heart. Councillor MacKay commented that the land may have been given as an incentive to attract potential purchasers to have such amenities as recreational facilities. Mrs. Pender stated that she has a letter which specifically states that her husband gave the land to help with recreation facilities for the community. She stated it was a generous gesture on his behalf to give 3½ acres of prime land facing on the Hammonds Plains Road. It was not a requirement, but he was approached by the Planning Director for the County to give the school site, after it was found that an adjacent property had no entrance to be used for a school site. The County Planner asked Mr. Pender to change his plans and donate part of the commercial area for a school site. Mr. Pender agreed when he was approached.

Councillor MacKay asked for what purpose the County purchased the other three lots. Mrs. Pender advised that her husband had donated almost 100,000 square feet of land for the school site, and the three lots which were purchased only comprised approximately 19,000 square feet. Mr. Brown was paid \$2,000 for each lot.

Councillor Merrigan asked if Mrs. Pender has other lands in the area which she wants to develop. Mrs. Pender advised she has other lands in the area, but she has not considered development. Councillor Merrigan asked if she had applied to develop other lands, but was refused because the County would not allow any more hook-ups to the treatment plant. Mrs. Pender advised no, she had not applied for any development. Councillor Merrigan found it strange that Council was approached earlier to give the lands back to Mrs. Pender so she could develop them as she saw fit, but tonight, because Council decided not to give the lands back and they are considering a rezoning, Mrs. Pender is not stating there is a major problem that was found in a report back in 1984. He felt it unfair that at one point Mrs. Pender would approach Council to get the land back, and then have her solicitor tell Council the land should not be developed because the treatment plant is unfit.

Councillor Reid clarified that Mrs. Pender had been told by Mr. Wdowiak that no other development could hook into the system. He then commented that Mrs. Pender had told Councillor Merrigan that she was not interested in developing any more land in this area. Mrs. Pender corrected the statement. Councillor Eisenhauer had stated to her that he could not see why there should not be a hook-up to other lots in the area. However, Mrs. Pender knew no other hook-ups would be permitted, so she spoke to Mr. Wdowiak to see what his opinion was. Mr. Wdowiak advised her that no other development would be hooked up to this system. She stated she is not a developer; she only questioned whether or not there could be another hook-up. She stated that when one owns land, they are entitled to ask questions, but it does not mean they will develop.

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

"THAT Application No. RA-24-12-86-18, Uplands Park, be rezoned from R-2 (Two Unit Dwelling) Zone to R-4 (General Residential) Zone."

Councillor Eisenhauer advised that the report by P. Lane & Associates has been put forth on other occasions. This document is a separate on-going issue and the Department of Health in 1980 came to the Municipality and himself saying that something had to be done about the treatment plant in Uplands Park. The Village Commission also advised they were not experts in running the treatment system, and they requested the County to take the system over. Prior to that, what is in the report is true. The Municipality then operated the system and eventually took it over. The Village Commission put on a program to remove all subpumps from basements in the area. Also major construction work was done to the manholes to ensure that the inflow of water ceased. During this time, the ownership of the treatment plant was in the name of Summit Realty. The Village of Uplands Park Commission had an agreement with Summit Realty to use the system until 1989 with a renewable clause. In 1984-1985 they received notice to vacate the premises and to have the sewer go elsewhere. Hence the report by P. Lane & Associates came as a defense to the expropriation. The intention of the report was to defend the expropriation of the lands.

Councillor Eisenhauer advised that this site was used in marketing homes in the area. However, from reading three deeds, there is no covenants in these deeds referring to any school site. The deeds were for the areas which were too low and the front lots which were useable were purchased by the County for \$6,000 - \$2,000 each - in 1961. He advised that the front area was a large septic tank, and this tank is still under the ground. The Village Commission mandated to have the sewer extended through other lands of Summit Realty to have other lands worth more. The Village Commission tried to get the lands serviced, and after looking at various alternatives, the only one left was to expropriate the land.

Councillor Eisenhauer advised that the Municipality is not going to private enterprise with this land; they are simply changing it to another level of government. The Department of Housing want these lands because the others are wet. The question tonight is whether or not the lands should be rezoned from R-2 to R-4. There has been much dialogue with the Village Commission and the Department of Housing who have also tried to satisfy all the needs of Summit Realty and Mrs. Pender. The maintenance of the plant is an on-going issue, and everybody wants to make sure that the system is working properly. Mr. Wdowiak has prepared a response to this report. There is somebody going into the park on a regular basis. Mrs. Pender was also there on Easter Monday. Councillor Eisenhauer stated that when sites were being considered for this project, it was found that the Department of Health had recommended that serviced lots were available for a senior citizen's complex. The site is perfect for this project because it is

next to a store, it is next to a church, and there are many people around. The residents of the area have no objections to complex going here. Councillor Eisenhower felt this project is best for the community; there is no private enterprise going here; the Department of Housing will be taking care of this project, which the County can still take part in and manage it. The sewer system plant is going to be on-going as a maintenance that is County responsibility, and it will hopefully be extended to Farmer's Dairy resolving the problems once and for all.

Councillor Lichter urged Members of Council to defer their decision on this issue to allow the Board of Health to investigate the allegations that have been made. The allegations are quite serious, and a number of things should be checked out. The Board of Health has an obligations to examine their minutes and any correspondence that was directed to it to determine whether or not that correspondence reached the Board of Health. Councillor Lichter felt if the Municipality did not own this land, if it was a private land owner who came with a similar situation, Council Members would demand that the situation be investigated further. He stated he is not prepared to vote because he has too many unanswered questions.

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

"THAT Application No. RA-24-12-86-18 be deferred pending a meeting with the Board of Health, no later than May 8, with a report coming to Council on May 20."

MOTION CARRIED

RA-SA-80-85-19 - APPLICATION BY MR. JOSEPH JREIGE TO REZONE A PORTION OF THE LANDS OF JOSEPH JREIGE, LOCATED AT THE INTERSECTION OF HIGHWAY NO. 1 AND THE BEAVER BANK CROSS ROAD AT MIDDLE SACKVILLE, FROM C-2 (GENERAL COMMERCIAL) ZONE TO R-2 (TWO UNIT DWELLING) ZONE

Mr. Hanusiak identified the application and outlined the staff report dated January 17, 1986. He advised the purpose of the rezoning is to facilitate the development of two two-unit dwellings. The application has stated his intention to re-subdivide the unused portion of the lot into two lots for development as two unit dwellings. He advised approval of the application is recommended.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT Application No. RA-SA-80-85-19 to amend the Sackville Land Use By-law by rezoning a portion of Parcel "X" of the lands owned by Joseph Jreige, located at the intersection of Highway No. 1 and Beaver Bank Cross Road, Middle Sackville, from C-2 (General Commerical) Zone to an R-2 (Two Unit Dwelling) Zone be approved."
MOTION CARRIED UNANIMOUSLY.

APPLICATION BY THE MUNICIPALITY OF THE COUNTY OF HALIFAX TO AMEND THE MUNICIPALITY'S LAND USE BY-LAWS IN ORDER TO STANDARDIZE SETBACK REQUIREMENTS FOR ACCESSORY USES IN RESIDENTIAL ZONES

Mr. Hanusiak advised this particular application affects each of the Municipality's five land use by-laws, but does not affect the Municipality's Zoning By-law No. 24. He outlined the staff report dated March 3, 1986, advising that a standard four foot setback is recommended to allow more flexibility in locating other accessory buildings and structures. A four foot setback for accessory buildings meets the requirements of the National Building Code regarding fire separation distances. Mr. Hanusiak advised this matter has been discussed with Council and the Planning Advisory Committee on a number of occasions.

QUESTIONS FROM COUNCIL

Councillor MacKay clarified that at the present time, a main use cannot be within eight feet of the side yard clearance. He then asked what governs patios, steps, etc. Mr. Hanusiak advised the Land Use By-law contains a section that indicates this setback does not cover uncovered patios, some inground facilities, and steps. The requirements for these types of structures are not as severe. This section does deal with sundecks on a house. Councillor MacKay clarified that a sundeck is considered to be part of the main structure, and it is not accessory in any way.

SPEAKERS IN FAVOUR OF APPLICATION NO. ZA-SA-13-86

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. ZA-SA-13-86

None.

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

"THAT the Zoning By-law for Sackville (Application No. RA-SA-13-86) be amended to standardize setback requirements for accessory uses in residential zones."
MOTION CARRIED.

SPEAKERS IN FAVOUR OF APPLICATION NO. ZA-CH/W-14-86

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. ZA-CH/W-14-86

None.

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

"THAT the Zoning By-law for Cole Harbour/Westphal (Application No. RA-CH/W-14-86) be amended to standardize setback requirements for accessory uses in residential zones."
MOTION CARRIED

SPEAKERS IN FAVOUR OF APPLICATION NO. ZA-EP/CB-15-86

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. ZA-EP/CB-15-86

None.

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

"THAT the Zoning By-law for Eastern Passage/Cow Bay (Application No. ZA-EP/CB-15-86) be amended to standardize setback requirements for accessory uses in residential zones."
MOTION CARRIED.

SPEAKERS IN FAVOUR OF APPLICATION NO. ZA-TLB-16-86

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. ZA-TLB-16-86

None.

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

"THAT the Zoning By-law for Timberlea/Lakeside/Beechville (Application No. ZA-TLB-16-86) be amended to standardize setback requirements for accessory uses in residential zones."
MOTION CARRIED.

SPEAKERS IN FAVOUR OF APPLICATION NO. ZA-LM-17-86

None.

SPEAKERS IN OPPOSITION TO APPLICATION NO. ZA-LM-17-86

None.

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

"THAT the Zoning By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston (Application No. ZA-LM-17-86) be amended to standardize setback requirements for accessory uses in residential zones."
MOTION CARRIED.

ADJOURNMENT

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

"THAT this Public Hearing adjourn."
MOTION CARRIED.

STAFF REPORT

To: Planning Advisory Committee
From: Department of Planning & Development
Date: February 3, 1986
File No.: PA-CH/W-03-85

CASAVECHIA GARDEN CENTRE
REQUEST - COLE HARBOUR

CAO

DIRECTOR

RECOMMENDATION:

IT IS RECOMMENDED THAT NO AMENDMENT TO THE COLE HARBOUR/
WESTPHAL MUNICIPAL PLANNING STRATEGY WHICH WOULD PERMIT A
GARDEN CENTRE OUTLET ON MR. CASAVECHIA'S PROPERTY BE
UNDERTAKEN AT THIS TIME.

IT IS FURTHER RECOMMENDED THAT A REVIEW OF THE ROAD SYSTEM
AND THE COMMERCIAL POTENTIAL OF THE AREA BE AMONG THE
PRIORITIES AT FIVE YEAR REVIEW.

DISCUSSION:

As per PAC's request, attached are specific amendments for
three alternatives by which the Cole Harbour/ Westphal
municipal planning strategy might be amended so as to
accommodate a garden centre outlet on the lands of Mr.
William Casavechia located on the Caldwell Road.

Option 1 contains amendments which would apply only to Mr.
Casavechia's property and would permit the establishment of
a garden centre by development agreement. Failing from
previous discussions of the PAC, the amendment presents the
circumstances of the particular property in lieu of overall
planning considerations as a basis for Council's policy.
PAC is aware that staff has concern with this approach.

Option 2 would permit the consideration of garden centres and service and personal service shops by development agreement on lots which had C-1 (Local Business) zoning on the effective date of such an amendment. Six properties and a portion of a seventh would presently be affected by this option. Five of these properties have local convenience stores on them while the sixth and portion of the seventh, both owned by Mr. Casavechia, are undeveloped. These amendments were presented to PAC in a June 10, 1985 staff report.

Option 3 would permit Council to consider a broader range of commercial activities along the Caldwell Road than would be permitted elsewhere within the Residential A Designation. The basis for this option is that the Caldwell Road is a major collector road between Eastern Passage and Cole Harbour and as such may be an appropriate location for larger scale commercial activities. Although these amendments refer only to the Caldwell Road, the Bissett Road, Ross Road, and Montague Road are similar in nature and may be equally appropriate for such commercial uses.

OPTION 1

A BY-LAW TO AMEND THE MUNICIPAL DEVELOPMENT PLAN FOR COLE HARBOUR/WESTPHAL

The Municipal Development Plan for Cole Harbour/Westphal is hereby amended by:

- a) inserting the following text and policy immediately following Policy P-39:

During Council deliberations on adoption of this Plan in 1983, a specific request was received from Mr. William Casavechia to have the proposed C-1 (Local Business) Zone applied to his property located on the Caldwell Road. His expressed intention at that time was to eventually establish a local convenience store on the property. As the property had been commercially zoned for some time, Council extended the C-1 zoning as requested.

Subsequent to the adoption of this Plan, a local convenience store was built on a nearby property. In 1984, Mr Casavechia approached the Planning Advisory Committee with a request to establish a garden centre outlet on his property, stating that the proximity of an existing local convenience store and the narrow range of alternative uses permitted by the C-1 zone, had the practical effect of severely constraining the commercial potential of his property.

In light of his previous commercial zoning and in sympathy with his request, it is felt appropriate that consideration should be given to the establishment of a garden centre outlet on this property.

P-39A Notwithstanding Policy P-30 it shall be the intention of Council to consider permitting a garden centre outlet on the lands of Mr William Casavechia, LRIS No. 40299307, according to the provisions of sections 33(2)(b) and 34 of the Planning Act. In considering such an agreement Council shall have regard to the following:

- (i) the adequacy of parking and access to and from the Caldwell Road;
- (ii) that display areas not be located within the required front yard and that they be fully screened from view from adjacent properties;
- (iii) that the total lot coverage of such an operation, including all accessory buildings and area devoted to display and open storage, shall not exceed 50%; and
- (iv) that the storage of materials related to the operation but not intended for direct retail sale be contained within an enclosed structure.

(b) and by inserting immediately following Policy P-92 (i)(c) (uses permitted by development agreement within the Residential A and B Designations) the following:

(d) a garden centre outlet on the lands of Mr William Casavechia, LRIS No. 40299307, according to Policy P-39A.

OPTION 1

A BY-LAW TO AMEND THE ZONING BY-LAW FOR COLE HARBOUR/WESTPHAL

The Zoning By-law for Cole Harbour/Westphal is hereby amended by:

a) adding the following as clause (j) to Section 3.6:

(j) a garden centre, outlet on the lands of Mr William Casavechia, LRIS No. 40299307.

OPTION 2

A BY-LAW TO AMEND THE MUNICIPAL DEVELOPMENT PLAN FOR COLE HARBOUR/WESTPHAL

The Municipal Development Plan for Cole Harbour/Westphal is hereby amended by:

- a) inserting immediately following Policy P-39 the following policy:

P-39A Notwithstanding Policy P-39, and in recognition of the provisions of previous commercial zoning permitting a wide range of uses, Council may consider permitting service and personal service shops, and garden markets and garden centres on lots having the C-1 (Local Business) Zone on (effective date) according to the provisions of Sections 33(2)(b) and 34 of the planning Act. In considering such agreements, council shall have regard to the provisions of Policy P-93 and the following:

- (i) that the lot coverage and the scale of such uses be in keeping with surrounding residential areas; and
 - (ii) that outdoor storage and display areas shall be fully screened from view from adjacent properties.
- b) and by inserting immediately following Policy P-92 (1)(c) (uses permitted by development agreement within the Residential A Designations) the following:
- (d) service and personal service shops, and garden markets and garden centres on lots which were zoned C-1 (Local Commercial) Zone on (effective date) according to Policy P-39A.

OPTION 2

A BY-LAW TO AMEND COLE HARBOUR/WESTPHAL

2. The Zoning By-law for Cole Harbour/Westphal is hereby amended by:

- a) adding the following as clause (j) to Section 3.6:

(j) service and personal service shops and garden markets and garden centres on lots which were zoned C-1 (Local Business) on (effective date).

OPTION 3

A BY-LAW TO AMEND THE MUNICIPAL DEVELOPMENT PLAN FOR COLE HARBOUR/WESTPHAL

The Municipal Development Plan for Cole Harbour/Westphal is hereby amended by:

- a) adding the following text and policy immediately after Policy P-39:

The Caldwell Road serves an important collector road function for the western portion of the Cole Harbour community as well as provides a link to Eastern Passage. As such, it is one of the most travelled roadways in the plan area and is attractive to a wider range of commercial activities than are permitted within the Residential A Designation. The existence of relatively undeveloped areas along its length serves to increase this attractiveness.

Among the types of uses which might be most attracted to this area are those which require increased amounts of outdoor storage or open display, such as garden centres and building supply outlets. Other commercial uses such as service and personal service shops and kennels and veterinary hospitals which are intended to primarily serve the local rather than regional market area may also be appropriate.

P-39A Notwithstanding Policy P-30, it shall be the intention of Council to consider permitting commercial uses such as garden centres, building supply outlets, service and personal service shops and other commercial uses which are intended to serve the local community market, according to the provisions of Sections 33(2)(b) and 34 of the Planning Act. In considering such developments, Council shall have regard to the provisions of Policy P-93 and the following:

- a) that the use does not exceed 5,000 square feet of gross floor area;
 - b) the adequacy of parking and access to the Caldwell Road;
 - c) visual buffering or screening of open storage or outdoor display areas from nearby residential properties; and
 - d) the design and scale of buildings and structures relative to the surrounding residential neighbourhood.
- b) and by inserting immediately following Policy P-92(1)(c) (uses permitted by development agreement within the Residential A and B Designations) the following:
- d) commercial uses on the Caldwell Road according to Policy P-39A.

OPTION 3

A BY-LAW TO AMEND THE ZONING BY-LAW FOR COLE HARBOUR/WESTPHAL

The Zoning By-law for Cole Harbour/Westphal is hereby amended by:

a) adding the following as clause (j) to Section 3.6:

(j) commercial uses along the Caldwell Road.

STAFF REPORT

To: Planning Advisory Committee
 From: Department of Planning & Development
 Date: January 17, 1986
 Application No.: RA-SA-80-85-19

[Handwritten Signature]
 C.A.O.
[Handwritten Signature]
 DIRECTOR

RECOMMENDATION

THAT THE REQUEST TO AMEND THE SACKVILLE LAND USE BY-LAW BY REZONING A PORTION OF PARCEL "X" OF THE LANDS OWNED BY JOSEPH JREIGE, LOCATED AT THE INTERSECTION OF HIGHWAY NUMBER 1 AND BEAVER BANK CROSS ROAD, MIDDLE SACKVILLE, FROM A C-2 (GENERAL COMMERCIAL) ZONE TO AN R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

General Information

An application has been submitted by Mr. Joseph Jreige to rezone part of a lot identified in Map 3 (p 4) from a C-2 (General Commercial) Zone to a R-2 (Two Unit Dwelling) Zone. The lot contains a general store and small video rental outlet in one building. The applicant has stated his intention of re-subdividing the unused portion of the lot into two lots (See Figure 1, p 5).

Description

MPS:	Sackville
Area:	13,960 square feet
Dimensions:	See Figure 1 (p 4)
Features:	Level and treed adjacent to Beaver Bank Cross Road. Sharp incline to Highway No. 1.
Surrounding Land Use and Zoning:	See Map 3 (p 5)