

Councillor P. Baker - First Chain Lake

Councillor P. Baker referenced First Chain Lake as a small lake before the intersection of the St. Margaret's Bay Road the Prospect Road. He stated he had talked with an engineer about the effect of siltation run-offs on a body of fresh water. He next stated that First Chain Lake is brown in colour, and the pollution comes from the City of Halifax. All waterways in the Province of Nova Scotia belong to all residents of the Province. If any developer or builder created such a situation, they would be charged, but the City of Halifax gets away with such pollution. First Chain Lake is usually a beautiful lake, and it is supposed to be a back-up water supply, but it is polluted.

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

"THAT the matter of pollution in First Chain Lake be referred to the Department of Environment to be studied."  
MOTION CARRIED.

Councillor Poirier also expressed concern about this lake. The City has built a settling pond above the lake and the overflow runs into the lake. Councillor Poirier informed that after the last heavy rain, the lake was brown in colour. She felt something should be done before the situation gets out of hand.

Councillor P. Baker - Missing Link

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

"THAT a letter be sent to the Minister of Transportation requesting that early consideration be given to the construction of a road between Terence Bay and Pennant"  
MOTION CARRIED.

Councillor C. Baker - Nova Scotia Department of Housing

Councillor McInroy declared a conflict of interest.

Councillor C. Baker requested a need for a date that the Department of Housing would commence construction of their housing units. He advised that residents of his district are getting anxious, and he would like to be able to give them an answer.

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

"THAT staff inquire as to what the situation is with regard to the construction of the housing units in his area."  
MOTION CARRIED.

Councillor Deveau - Rehab Centre

Councillor Deveau spoke with regard to comments made in the newspaper about the rehab centre. He advised he had received a number of calls from people wondering if there are problems here. Councillor Deveau

asked for clarification on the comments which were made in the newspaper.

Councillor DeRoche advised that following discussions with the Vice Chairman of the Board of Management for the Rehab Centre, they are not in a position to make any formal statement with respect to the articles in the newspaper. There is a civil litigation being considered and this matter is not for debate in a public forum at this point in time.

Councillor MacKay asked if the Board is investigating the complaints and allegations. Warden MacKenzie advised there have been meetings with Board Members and staff at the Rehab Centre. It is expected this matter will be dealt with by the Board of Management alone.

Councillor P. Baker expressed agreement with the comments made by Councillor DeRoche. He advised there is a policy at the Rehab Centre that the administrator not make comments. He further advised he will be looking at the situation as a party of the investigation. He expressed hope that peace will prevail after this matter is over, because it appears that history is repeating itself. This matter will be dealt with fairly in all respects, and if something goes wrong, Councillor P. Baker informed he would break the silence to Council on behalf of the administrator and staff.

Councillor MacDonald stated that many people are involved in this matter, and for the well being of the residents of the Rehab Centre, this matter should be closed as quickly as possible.

#### Councillor Deveau - Visit to Shearwater

Councillor Deveau informed the date of the visit to Shearwater has been changed to April 24. This is the day the Executive Committee meets, but perhaps this meeting could be changed in favour of the visit to Shearwater.

Warden MacKenzie advised that the staff at Shearwater had made an effort to invite Councillors to the base, so every effort should be made to visit it. He advised that the Executive Committee meeting could be cancelled, and if something of an emergency nature should come up, another date could be set.

Councillor Deveau asked for an indication of how many Councillors would participate in the visit to Shearwater. Warden MacKenzie stated he would check again at the Executive Committee meeting for interested Councillors.

#### FCM CONFERENCE

Warden MacKenzie advised that he had selected the Members of Council to attend the FCM Conference in Hamilton, Ontario. They were: Councillor Gordon Snow, Councillor Murdock MacKay, Councillor Ronald Walker, Councillor Cyril Randall, Councillor Raymond DeRoche, Councillor Eugene Deveau, Councillor Harry McInroy, and Warden MacKenzie.

He advised that Councillor DeRoche, Councillor MacKay, and himself would be voting delegates.

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

"THAT Warden MacKenzie be authorized to make any necessary changes to the members attending to the FCM Conference."  
MOTION CARRIED.

Councillor MacKay informed he would not be able to attend the conference. Warden MacKenzie replaced Councillor MacKay with Councillor Eisenhower.

ADDITION OF ITEMS TO THE MAY 6, 1986 COUNCIL SESSION

Councillor MacKay - Acadia School

ADJOURNMENT

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

"THAT this session of the annual session be adjourned to May 6, 1986."  
MOTION CARRIED.



PUBLIC HEARING

APRIL 7, 1986

PRESENT WERE: Councillor Walker  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveau  
Councillor DeRoche  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Merrigan  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Deputy Warden Wiseman  
Councillor Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. R.G. Cragg, Municipal Solicitor  
Mr. Bill Butler, Planner

SECRETARY: Glenda Higgins

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Deputy Warden Wiseman called the Public Hearing to order at 7 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

RA-CH/W-67-85-17 - A REQUEST BY CHARLES F. REARDON TO REZONE LANDS ON  
ATHOLEA DRIVE IN COLE HARBOUR FROM R-1 (SINGLE UNIT DWELLING) ZONE TO  
R-3 (MOBILE DWELLING) ZONE

Mr. Butler informed that the last digits of the application number should read 17 instead of 21. The lands in question are located in District 17.



Mr. Butler outlined the report as presented to the Planning Advisory Committee. He advised it is felt R-3 zoning will not have a negative effect on the long-term development of the area, and approval is recommended for this application.

#### QUESTIONS FROM COUNCIL

Councillor McInroy asked if the Department of Planning and Development is basing their recommendation on the fact that this is an isolated area as opposed to an application coming from an area closer to Colby Village. Mr. Butler informed the location of Atholea Drive is somewhat removed from the more densely developed portion, off the Caldwell Road, and this was considered. Given its location away from the existing smaller lots, it was felt the mobile homes would not be inappropriate.

Councillor McInroy next asked how many lots could be obtained from this land, assuming it were serviced. Mr. Butler informed approximately 40 to 50 lots could be created if the lots were serviced. However, mobile homes are not permitted where there are services. Councillor McInroy then asked what happens to existing mobile homes that later become serviced. Mr. Butler informed they would become a non-conforming use.

Councillor DeRoche asked if the assessment is based on the square footage figures of lots within the plan area at a 20,000 square foot minimum and on-site sewage disposal systems. Mr. Butler stated this is the case; with on-site services it was not done on the basis of it ever being serviced.

#### SPEAKERS IN FAVOUR OF THIS APPLICATION

Charles Reardon, advised he has been associated with the area in question since 1959, at which time Atholea Drive was barely passable. A few years later Parkway and Beaver Crescent were constructed. Development was brisk for a few years; then all development stopped and stayed that way.

Mr. Reardon stated that a committee should be formed to deal with the county and other problems that might arise. This committee should include a few landowners willing to work on such a committee. Developers are the only hope if the homeowners expect to receive the services - such as transporation, parks, etc., now lacking in this area.

Mr. Reardon informed a Mobile Home Subdivision is very different than a Mobile Home Park. In the subdivision, the Mobile Home Owner owns the land and the home. In a Mobile Home Park, he simply rents the lot. He stated this Mobile Home Subdivision is a community service needed by many people who would prefer to own a lot in a planned subdivision in an area with other homeowners. He stated the subdivision will have restrictions and covenants in the deeds to ensure that development will be up to standards. He stated the details of restrictions or covenants

could be worked out between the planning staff, architects and engineers as hired by Mr. Reardon. This would alleviate fears that adjacent homeowners might have regarding the Mobile Home Subdivision. He further advised that mobile homes today should not be compared to the old trailer concept. A well planned, landscaped mobile home subdivision will be an asset to Atholea Drive.

Mr. Reardon concluded stating that he is anxious for good development in this area because he too is an adjacent land owner and he wants to protect it against shoddy development.

#### QUESTIONS FROM COUNCIL

Councillor McInroy asked Mr. Reardon to what capacity and to what extent he has been involved in the area since 1959. Mr. Reardon advised he purchased some land here in 1959, and he still has this land. He advised he has never developed any lands in the area.

Councillor MacKay asked what type of restrictive covenants would be included in the subdivision agreement. Mr. Reardon advised that this question could be better answered by Mr. Brown, who will be speaking later.

Ted Brown, Architect with the Nova Scotia Association of Architects, advised that Mr. Reardon had engaged him to develop a set of design criteria and covenants to create and maintain a first-class Trailer Subdivision compatible to the adjacent land owners. Terms of reference have not yet been finalized. However, he advised it is their purpose to create a set of design criteria and covenants to create a first-class trailer development, to preserve as much natural landscaping as possible, to ensure that individual landowners spent a stipulated minimum amount on landscaping and upgrading of their lots, to ensure the character of the neighbourhood as a family development, to control additions to these trailers, to control activities, as well as controls on fencing, refuse burning, garbage, waste materials, etc. He outlined a set of covenants developed for a housing project in the City of Halifax and advised a number of these items were appropriate. It would establish a minimum amount of square footage, no buildings or additions unless the design of such is approved by the grantor in writing, and in approving such plans, the grantor may take into consideration the conditions of a trailer, the proposal of foundations, the finished floor elevations, material and colouring of the trailer. Mr. Brown stated that the owner is particularly sensitive about landscaping. He concluded stating that the property will be owner-occupied, not rented.

#### QUESTIONS FROM COUNCIL

Councillor MacKay asked what would be anticipated as the cost for one lot. Mr. Brown advised that he does not know; the owner would have to advise of this. Councillor MacKay next asked what the anticipated cost



is to develop the lot including well, septic tank, excavation, landscaping, etc. Mr. Brown advised that he has not yet broken this down. Councillor MacKay asked if any covenants have been included that would require a foundation under the mobile home, skirting, etc. Mr. Brown advised there is no reason such stipulations could not be part of the covenants, but he has not yet put all the ideas together. Councillor MacKay explained that people are often under the impression they can buy their land relatively cheap and move their mobile onto it in order to be out of a renting situation, but they can still live in their mobile homes. However, once the land is subdivided, the restrictive covenants added, a foundation put in, landscaping done, etc., the people found such proposals not economically viable. Councillor MacKay suggested the same thing would happen here, because it would be better for people to sell their existing mobile home in the park and buy a conventional home.

Councillor McInroy commented that what Mr. Brown has read is only an example of an existing agreement somewhere in the City of Halifax. However, there are no covenants for the proposed development in question, and those used for an example will not necessarily be included in any covenants if they are developed. Restrictive covenants are only as good as the enforcement. Councillor McInroy stated it is up to the people who live in the area to take collective action against somebody who might be violating those covenants. Mr. Cragg agreed that restrictive covenants are generally contained in the deed conveying the lands which when signed by the grantees, means they have contracted with the grantor to abide by the restrictive covenants. The contract is strictly between the buyer and the seller, and if the buyer does not adhere to the restrictive covenants, it would technically be up to the grantor to enforce the restrictive covenants. Therefore, people outside of the contract, such as residents in the area, would not necessarily have a right to enforce restrictive covenants. Councillor McInroy asked what happens if a developer dies or leaves the country. Mr. Cragg informed if the company is defunct, the covenants can no longer be enforced. If the grantee in the first conveyance sees fit not to include them in the deed for the next conveyance, the original covenants would no longer be enforceable. Restrictive covenants are very difficult to enforce.

Councillor MacDonald asked if this subdivision would accept used mobile homes or strictly new ones. Mr. Brown advised it is not something that must be written into the covenants, but it would be covered under the colour and the condition of each mobile home, so the individual mobile home would have to be approved by the grantor. Perhaps Council could proceed with an approval subject to the approval of the covenants that will be used in the development of the mobile home subdivision. Councillor MacDonald commented that the answers seem very vague. Mr. Brown informed he was contacted on April 6 to work on this project.

Councillor DeRoche asked how many units could be accommodated on this property utilizing the minimum 20,000 square foot lots. Mr. Brown advised approximately 14 lots could be accommodated allowing for road structures. Mr. Brown then advised he has not studied this land nor has he laid anything out on it yet.



Councillor Snow asked if there have been any plans for recreation in the area. Mr. Brown advised he has seen no plans at all.

Bill Grace, Bedford, spoke in favour of the application advising he has been familiar with this property for many years. There has not been a great deal of development in this area, and the present property owners know that the property values have been depressed for years. Therefore, any development that will take place in this area will improve the area. If this development is put here, the properties in the area will be enhanced. He stated the acreage in question is not too large and it is not a bad spot for a trailer park development. Also trailers today are very compatible with the development in the area. Mr. Grace informed he is speaking on behalf of Elizabeth Smith who also has an interest in property in this area.

#### QUESTIONS FROM COUNCIL

Councillor Eisenhower commented on the price of the lots, servicing and landscaping them. A mobile home is different as far as capital layout is concerned. He asked what it is in the market that would create this type of need for development. Mr. Grace informed that many people who live in mobile homes are simply not interested in living in a house. He advised a mobile home is good for people starting out and for retired people. There is much less housekeeping to a mobile home than there is to a house.

Councillor McInroy commented on Mr. Grace's statement that mobile homes will help the area. He stated it is an insult to the people in the abutting neighbourhoods. Mr. Grace stated that mobile homes would generate development, which will keep the development and the assessment up. Councillor McInroy stated that he does not feel this type of development will improve the area. If the area is developed properly, it will be beneficial, but it should not be suggested that just anything will be an improvement.

Kent Noseworthy, 2745 Dutch Village Road, advised he is a lawyer who has been asked to speak in favour of this application on behalf of Spryfield Mobile Home Park Ltd., which is the owner of a piece of property adjacent to Beaver Crescent. He stated the Spryfield Mobile Homes have owned this property for ten years and have been unable to develop it. This company is not in the business of selling mobile homes or managing any trailer park, and they have no intention of developing their piece of property as a mobile home park or trailer park. They simply want to see some kind of development in this area. This appears to be a good development that will open their property to future development and increase the property value. Mr. Noseworthy advised that he has also been asked to speak on behalf of George DeYoung, who is also the owner of a piece of property almost directly across the street from the property in question. Mr. DeYoung has owned this property since 1982 and it has been in his family for approximately 25 years. It too is in raw state, and Mr. DeYoung is in favour of this development because it will open development for his own

piece of property. Mr. DeYoung is hopeful that the mobile home subdivision will lead to the extension of municipal services in the area. Mr. Noseworthy advised that the dollar value that will be placed on the proposed mobile home subdivision is comparable to the dollar value of the current residences in the neighbourhood. Mr. Noseworthy also felt that once the original lot in a development is sold with restrictive covenants, every other lot in that development must be sold with the same covenants, and every lot owner can enforce them.

#### QUESTIONS FROM COUNCIL

Councillor MacKay commented that restrictive covenants only originate development. After the purchaser of the land has built according to the restrictive covenants, it is impossible to enforce the covenants because the average person does not have the resources to go through the judicial process in enforcing the restrictive covenants.

Councillor MacDonald suggested that if the lots in question would be more valuable as residential lots when the existing zone area is R-1. Mr. Noseworthy advised that his clients were concerned that there has been no development in the area for some time, and the proposed mobile home subdivision would promote development in the area. Councillor MacDonald suggested that if the present landowners desire development in the area, they should begin by developing the land they own.

Mr. Kelly advised he had received two letters in favour of this application, which have been circulated to Council Members. The first letter was read by Mr. Reardon in his presentation. Mr. Kelly read the second letter from Mr. Joe Adler. Mr. Adler felt the proposed development was unique and very much needed. The letter read that Mr. Adler has built two duplexes and hopes to built six more should the red tape be untangled. He felt this development would help to untangle the red tape, and it would also increase the number of taxpayers to the area. Councillor McInroy advised that Mr. Adler does not live in the Cole Harbour area, but has only developed there.

#### SPEAKERS IN OPPOSITION TO THIS APPLICATION

Dennis Doyle, Beaver Crescent, presented a petition in opposition to this application to Deputy Warden Wiseman. He advised he and his wife have lived on Beaver Crescent for over 15 years. The properties in the area have suffered depreciation for economic obsolescence for many years. He felt the reasons for this depreciation are the result of three factors. First, the subdivision was created for the relocation of housing units from another area which required a central water supply and sewage treatment plant. Both were constructed, but were inadequate to handle the full development in the area. Second, the Municipality of the day felt the new development could best be used by relocating welfare recipients to these units. However, this failed in time due to the isolation of the area. Third, most of the units, which contained basement apartments, were owned and managed by distant landlords who neglected the properties as well as water/sewage



treatment plants. Mr. Doyle advised that the above facts have left the area in a stigma. Mr. Doyle stated that this stigma will continue as long as people who do not live in the area will continue to make decisions according to the misconceptions the people have of Beaver Crescent/Atholea Drive. Mr. Doyle advised that the residents of the area enjoy the isolation from continuous traffic, residential uses of R-1 and R-2 with one property zoned P-2. The crime rate is very low, and Atholea Drive contains the only facility for children in Cole Harbour, which has an annual budget of more than \$60,000. The homes in the area are affordable with low taxes, and full services are provided. He stated that it has taken this community a very long time to see development, but development in the Cole Harbour area is rapidly moving towards Atholea Drive and Beaver Crescent, and the people want this development as long as it is restricted to R-1 and R-2 zoning uses. The proposed mobile home subdivision is not in the best interest of the Municipality or property owners in the community. The Staff Report as presented to Council does not reflect the impact that such a development would have on the community. This zoning, if approved, would permit seven mobile homes to be placed providing the Department of Health approve the individual disposal systems. Future expansion of the municipal development boundaries would provide an opportunity for the developer to proceed through with another change from the subdivision to a mobile home park. This is the ultimate desire of Mr. Reardon as he has interest in two mobile homes parks, sells mobile homes, and is also attempting to create a park in Amherst, Nova Scotia. Mr. Doyle advised that such development would increase the number of mobile home units to 70. Also vehicular traffic would increase, the increase in elementary school population would necessitate additional busing costs which could result in overcrowding at the elementary school. Teachers positions will not be increased, and the teacher-pupil ratio will increase. The proposed subdivision could become a dumping ground for undesirable mobile homes located in more desirable subdivisions. Use of the land for single unit dwellings in R-1 and R-2 zoning would provide a higher assessment which would provide more taxes for the Municipality. The Municipality has demonstrated in the past their lack of concern for community development by the past performance in the creation of the Ettinger/Beaver Subdivision. The lack of good development has cost all residents of the area through lower property values, unwarranted discrimination, and demands for higher than normal down-payments to purchase properties, lack of proper sewage disposal and much more. Mr. Doyle concluded that the costs to provide seven lots for mobiles far outweighs the benefits of selling lots individually. The Department of Housing has tried a similar concept recently which was unsuccessful and resulted in a rezoning to R-1. He felt if this application is approved, it will be a stepping stone towards the justification of a mobile home park in the near future.

#### QUESTIONS FROM COUNCIL

Councillor DeRoche clarified that the residents of the area are not opposed to development in the area provided that it is in keeping with the R-1 and R-2 Zoning. Mr. Doyle advised that townhousing may even be



Upon request, Mr. Kelly read the letter attached to the petition submitted by Mr. Doyle. The letter read that the people object to the rezoning of a portion of the lands of Charles F. Reardon on Atholea Drive from R-1 (Single Unit Dwelling) Zone to R-3 (Mobile Dwelling) Zone. Mr. Kelly advised there are approximately 65 signatures in opposition to the proposed development.

Councillor Deveau asked why the people are so opposed to the application. Mr. Doyle advised this development would depreciate the value of the properties presently there. It would at least keep the value stigmatized. The residents of the area feel that Mr. Reardon's ultimate aim is not a mobile home subdivision, but the rezoning that will make it easier to obtain a mobile home park here later. Councillor Deveau agreed this may be a possibility, but the Councillors must base their decision on what is presented now, and not on what may happen in the future. Councillor Deveau stated that mobile homes are not in the same category they were in the past. For comparable assessment, mobile homes more than hold their own today. Councillor Deveau advised that the Mobile Home By-law is presently being revised. It has been found there is a shortage of mobile homes, and there are people who have to or want to live in mobile homes. If everybody is opposed to these types of homes, where will these mobile homes be placed? Mr. Doyle advised he is speaking on behalf of his community only, and they do not want to see mobile homes in the area because they will be a detriment to the entire community. The community has suffered enough. The community is not an isolated area as people think. In fact, the area is rapidly growing with the expansion of the municipal development boundary. The area will soon be a part of the heart of Cole Harbour. Councillor Deveau stated that if this request is approved, it will be up to the developer to make the project financially feasible.

Councillor Lichter asked for the reaction of the Cole Harbour/Westphal Service Commission. Mr. Doyle read a letter from the Commission, signed by Mr. Ron Cooper. The letter read that the Commission felt the R-3 zoning and abutting provisions would ensure that the density is kept on the low side with respect to adjacent development. The Commission requested that certain points be kept in mind when considering this application.

Councillor Lichter next asked where the money for the Boys and Girls Club comes from. Mr. Doyle advised that Halifax County Council provides approximately \$25,000 per year. Councillor Lichter advised that he would have to consider the applicant as a taxpayer, and the funds from the Boys and Girls Club come from the taxpayers.

Glen Collecutt, Atholea Drive, advised that he has lived in the area for a long time. He stated that development here has been very slow, and the people want development. However, it has been slow because of absent landowners, and people had no pride in ownership because they simply rented their homes. In the last ten years, the majority of the homes have become owned by the occupiers. The appearance of the houses

and the community spirit that has developed has been admirable. Mr. Collecutt advised that Atholea Cooperative had submitted a subdivision plan for approval when Mr. Reardon was the County Engineer. With some changes to the plan, approval was granted. At the same time, Mr. Reardon acquired land across the road from Atholea Drive. There was a definite conflict of interest, and after this was pointed out to Council by Mr. Ken Robb and members of the Cooperative group, Mr. Reardon resigned as County Engineer. Mr. Collecutt further advised that around the same time, all the residents of the area signed a petition requesting that this area only be designated as R-1 and R-2. They also fought against Imperial Oil and Clarence Park Homes being brought into this area. However, Council saw fit to establish Beaver Crescent with this type of development. It became a very unattractive development because of the absent homeowners, single family parents and welfare people who lived in the area. Mr. Collecutt advised there has been tremendous improvement in the area with owner-occupiers purchasing the homes and fixing them up. Mr. Collecutt advised he is opposed to the proposal not because it is development, but because the people do not want any more poor development. It is felt that the present R-1 zoning being changed to R-3 will be a stepping stone to an unattractive trailer court. Mr. Collecutt stated that it is the residents of the area who will have to live with this development, and Council should listen to these residents.

#### QUESTIONS FROM COUNCIL

Councillor P. Baker stated that it is unfair to use the applicant's name in such a defamatory manner. Mr. Collecutt stated he did not mean to be defamatory, but Council made a mistake 30 years ago, and they should be trying to rectify it now.

Joseph Babin, 125 Atholea Drive, advised that he has owned this property for approximately 25 years. He stated that he knows Mr. Reardon quite well. He advised he tried to purchase land from Mr. Reardon a few years ago, but Mr. Reardon was not even aware of where the land was he owned. Therefore, Mr. Babin felt Mr. Reardon did not know enough about the land in question. Mr. Babin also advised that Mr. DeYoung has tried to get land in the area developed, but the Department of Health has been unable to approve it. Therefore, he felt it would be difficult to get water for the proposed development because most wells there now are contaminated. Mr. Babin felt a trailer subdivision would prove to be the mess that Beaver Crescent was a few years ago.

#### QUESTIONS FROM COUNCIL

Councillor Snow asked if the houses in the area are presently serviced with sewer and water. Mr. Babin advised they are. Councillor Snow then asked what the situation was like when the area was serviced privately. Mr. Babin informed he had a lot of trouble with his sewer system, and his well was condemned because of arsenic. Mr. Babin further advised that the end of Atholea Drive was not further developed because it is all swamp.

Larry Moore, 40 Parkway Drive, advised he moved to the area approximately three years ago. He stated around the corner of his street there are three new houses, two new duplexes, and after a three week vacation last summer, he returned to two more new houses. He advised he has put approximately \$6,000 into renovations to his house, and he felt a mobile home subdivision would depreciate the value of his house, which he has worked hard at. He stated that the neighbourhood is very nice and his son can play outside without worrying about traffic.

QUESTIONS FROM COUNCIL

None.

Terry Lahey, 12 Beaver Crescent, advised he and his wife bought a home in this area approximately one year ago. Since that time he has put over \$10,000 into it for renovations and repairs. It is now worth over \$15,000 more than the purchase price. He stated he can see the whole area improving with renovations and additions. He advised the area is quiet and R-1 and R-2 development is supported. There are many taxpayers present in opposition to the application, not just the applicant. These taxpayers want to see development, but not a trailer park. Mr. Lahey felt that people will leave the community if this proposal is approved by Council. Mobile homes will depreciate the value of the homes in the area. A mobile home is not a good investment; if somebody has to pay a lot of money for a parcel of land and a mobile home, it would be more worthwhile to put the money into a home.

QUESTIONS FROM COUNCIL

None.

Russel Webb, 40 Beaver Crescent, advised that the property was a mess three years ago, but it has since been upgraded. Children are safe playing the area, and neighbours look out for each other. He felt a mobile home subdivision would not be approved by the Department of Health. Further, the people do not want this type of subdivision because it will not be feasible.

QUESTIONS FROM COUNCIL

None.

Chris Layhole, 26 Beaver Crescent, advised he purchased a home in this area about three weeks ago. He stated he is not happy about the mobile home subdivision proposal, but he is not opposed to the right type of development. He stated that people can be heard from Colby Village on



a quiet evening, but this type of development will not move any closer if a mobile home subdivision is approved. Years ago, this area was not in very good shape, but it has improved a lot. He felt the situation will improve more because the people are repairing the homes and fixing the yards up. The people are working hard at improving their neighbourhood, and a mobile home subdivision will be detrimental to the area.

#### QUESTIONS FROM COUNCIL

Councillor Colin Baker asked why so many repairs are necessary to homes in the area. Mr. Layhole advised that years ago the owners did not live in the houses; they rented them, and the tenants did not have any pride in the area. Now people that own the home and have rental units in them, take care of them, and make sure that the tenants take care of them as well.

Leo Deveaux, 44 Beaver Crescent, advised he is a newer resident to the area, and when he was looking for a lot two years ago, people had a bad opinion of the area. However, it was cheap and the R.C.M.P. informed him that the area was not that bad. Mr. Deveaux advised there are many young people moving into the homes in the area and they are working at fixing their homes and their neighbourhood up. Mr. Deveaux stated he has invested \$60,000 into a house for his family and many others have done the same, but they do not want to lose their investments to a mobile home subdivision. People moving into the area see development coming, and they want development, but not mobile homes. Mr. Deveaux stated that if Council approves of this application, they will be putting a stop to the future for this area. He advised he would sell his property if this proposal is passed.

#### QUESTIONS FROM COUNCIL

None.

Alf Giles, nearby resident, advised he is very much opposed to spot zoning and the proposal for a mobile home subdivision. He stated that much effort has been put into the community. He advised he would like to develop the land in unison and harmony with the residents who live there now. He advised the land is very dense clay which does not lend itself to disposal systems. Underneath the clay is slate rock which is the forebearer of the arsenic problem mentioned earlier. If this proposal is approved, there will be a major problem in the near future. Mr. Reardon wants to develop his land, but it should be done in harmony with the people there. It should be made a community of single family dwellings, as was decided less than one year ago.

#### QUESTIONS FROM COUNCIL

None.

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

"THAT the request to amend the Cole Harbour/Westphal Land Use By-law by rezoning a portion of the Lands of Charles F. Reardon on Atholea Drive from R-1 (Single Unit Dwelling) Zone to R-3 (Mobile Dwelling) Zone be denied by Municipal Council."  
MOTION CARRIED.

Councillor McInroy felt it significant that out of 80 homeowners, the people in the gallery do not represent a minority; they represent by far the majority of homeowners in the neighbourhoods. They are showing their pride in their community and their hope for fashionable development in the area. Any planning changes should be suspected because it is well-known that the area is currently being considered for expansion of the serviceable boundary. It would be premature for Council to make related decisions when the applicant is well aware of the possibilities that exist. Councillor McInroy felt that anything besides the R-1 and R-2 zoning in the area would be a dangerous precedent. The Planning Department would certainly become very busy with other such requests. Councillor McInroy stated that this proposal will not benefit the area or the Municipality, but it will have a negative affect on the people of the community.

Councillor DeRoche commented that the residents of the area contributed their fair share when the Municipal Development Plan for the area was adopted. When the Plan was adopted in 1982, the residents saw fit to have the area zoned R-1 and R-2, and there is no particular reason to have this changed now. Councillor DeRoche stated that if Mr. Reardon's prime interest is in recovering his investment in the property, Council would not be doing him a favour by rezoning it to R-3; the possibility of recovering his investment would be far greater if he developed on the R-1 and R-2 lots.

Councillor Mont felt it commendable to see such a large portion of residents from an area to support what they feel is right. They are interested in redeveloping an area that has become run down in past years, and they are working hard at this. He stated if there was a need for low-rental housing units in the area, it might be feasible to approve such a request, but the people want to develop the area as a nice one, which cannot be done with a mobile home subdivision in the area.

Councillor P. Baker commented on the past conditions of the area. He agreed they were plagued with problems years ago. The people did not take pride in their houses at that time. However, on a tour several months ago, Councillor P. Baker informed that he noted a difference in the area. The people should be commended for the pride they have taken in the community. Councillor P. Baker felt Mr. Reardon should reapply for R-1 and R-2 development, and he would be more successful.

Member of Council agreed to take a five minutes recess.

APPLICATION NO. PA-SA-04-85 - AMENDMENTS TO THE SACKVILLE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW WHICH WOULD PERMIT COUNCIL TO CONSIDER, BY DEVELOPMENT AGREEMENT, THE EXPANSION ONTO ADJACENT LOTS ZONE C-2 (GENERAL COMMERCIAL) WITH THE RURAL RESIDENTIAL DESIGNATION

Mr. Butler gave some background information with respect to the proposed plan amendment. He stated the rural residential designation within the Sackville Plan Area permits a very limited amount of commercial development. In October, 1985, Council held a public hearing with respect to a plan amendment which would have created a new C-4 Zone, which could have been applied within the rural residential area. That zone would have permitted a broader range of commercial activity than presently permitted. However, at that public hearing, Council denied the proposed plan amendment because it was somewhat broad in application. The matter was referred back to the Planning Advisory Committee, and staff were asked to prepare amendments for an option that would be narrower in application.

The amendments as outlined tonight are the result of the referral back to the Planning Advisory Committee. Mr. Butler stated that the amendments would permit properties which are zoned C-2 within the Rural Residential designation to expand onto adjacent properties. There are seven properties to which this amendment would apply. Businesses located on any of those properties would be able to apply to Council for a contract should they wish to expand beyond the bounds of the C-2 Zone; the property zoned C-2 would be permitted to expand to its fullest extent. The criteria for the development agreement included that any proposed use subject to an agreement must be related to an existing business, and the agreement would apply to the entire business; not just to the area of expansion. Mr. Butler further noted that where the expansion is to occur on an adjacent lot, the agreement would require that the whole operation be consolidated onto one lot, as opposed to having an existing business plus a new part on a separate lot. If there is an agreement with respect to an expansion, the existing C-2 Zone would be removed, such that the business would be permitted solely under the development agreement. Open storage and outdoor display would be subject to consideration within the agreement, the adequacy of separation distances and screening from adjacent residential and community facility uses would also be subject to consideration as would the adequacy of transportation facilities serving the use, and the general compatibility of the proposed use with the surrounding land uses by virtue of its nature, scale, and hours of operation. Mr. Butler added there is also a brief amendment to the Zoning By-law, which is a measure to implement the development agreement process.

QUESTIONS FROM COUNCIL

None.



SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

Gerry Woodworth, 90 Scott Edward Drive, Lower Sackville, did not speak in opposition to the application, but questioned how the by-law will be enforced if it is passed.

Councillor MacKay stated that contract development is a formal contract between the Municipality and the developer. The development agreement also goes through the public hearing process, at which time people can voice their opinion in favour of or in opposition to the agreement. After the contract is approved, it becomes a duly registered document which is recorded at the Registry of Deeds. Should there be violations of the contract, the developer would be notified that he violated the contract and the County would work towards making the necessary corrections, and it goes back as a lean against the property. Hours of operation, etc., would be up to the County to enforce upon should they be receiving complaints.

Mr. Woodworth expressed concern that the Municipality should be taking the enforcement action; that it would be left to the residents of the area at their expense through legal procedure. Councillor MacKay advised if there were violations, they would have to be brought to the attention of the Municipality, it would be investigated and it would be the Municipal responsibility to follow through on that.

Candy Palmer, Scott Edward Drive, also questioned the enforcement. She wanted to know if this amendment would provide more enforcement than there is to present County By-laws.

Mr. Cragg advised there are two areas which Mrs. Palmer has addressed. The first is a general enforcement of the by-laws which provide various modes of prosecution and penalties. The second is how a contract such as a development agreement is enforced. Mr. Cragg advised that what is to be enforced will be put into the agreement; also the Municipality can quite clearly stipulate in the development agreement what happens if the other party fails to adhere to his part of the agreement. Mr. Cragg felt the Municipality would not hesitate in commencing action to seek either an immediate cessation of whatever is being done in alleged violation of the terms of the agreement. There are also provisions in the Planning Act that would allow the Municipality to proceed to the Supreme Court immediately to seek a stop to the alleged problem.

Mrs. Palmer clarified that it is much easier to prosecute a violation and the Municipality would be prepared to get involved in one, because the action has not been taken in the past. She advised that she was speaking on behalf of all the residents on Scott Edward Drive.

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

"THAT the amendments to the Sackville Municipal Planning Strategy which would permit Council to consider, by development agreement, the expansion onto the existing lots zoned C-2 (General Commercial) with the Rural Residential Designation be approved."

MOTION CARRIED UNANIMOUSLY.

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

"THAT the amendments to the Sackville Land Use By-law which would permit Council to consider, by development agreement, the expansion onto the adjacent lots zoned C-2 (General Commercial) within the Rural Residential Designation be approved."

MOTION CARRIED UNANIMOUSLY

APPLICATION NOS. PA-SA-17-85 AND RA-SA-75-85-16 - AMENDMENTS TO THE SACKVILLE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW WHICH WOULD REDESIGNATE APPROXIMATELY 9 ACRES OF LANDS OWNED BY JIM-JER INVESTMENTS LTD. FROM GENERAL COMMERCIAL TO URBAN RESIDENTIAL AND REZONE IT FROM C-2 (GENERAL COMMERCIAL) TO R-2 (TWO UNIT DWELLING) ZONE

Deputy Warden Wiseman declared a conflict of interest and asked Councillor DeRoche to take the chair as chairman of the Planning Advisory Committee.

Mr. Butler outlined the staff report as circulated. He advised the Planning and Development Department feel that residential development in this area is appropriate and they recommend approval of the application.

#### QUESTIONS FROM COUNCIL

Councillor MacKay asked if the Planning Department has checked with the School Board as to where the students would be going to elementary school. Mr. Butler informed this was still undecided about one month ago. The students would either be going to Acadia School or Centennial School across from Sackville Drive.

Councillor MacKay stated he last spoke with the School Board when the Tri-Arm Development was heard, and at that time, Mr. Tom McGlone, Sackville Sub-System Supervisor, advised that students would not be going to Acadia School, and it was not known if the students would attend Centennial or Hillside School. In any event they would be bussed because of the four-lane highway. Mr. Butler informed that he had spoken to Mr. Morrison, Supervisor of Operations, who informed the two schools in question are Acadia School and Centennial School.

Councillor MacKay asked if the parkland had already been donated when these lands were developed on a commercial basis and subdivided. Mr. Butler advised that he had not seen any more than a preliminary plan with respect to this application, but he felt the Municipality would continue to try to get land along the Little Sackville River to maintain public ownership along the river. Councillor MacKay felt they had already given more than their fair share of land.

Councillor MacKay asked if the road going into this development comes directly off Sackville Drive or hooks onto the adjacent development. Mr. Butler advised it hooks onto the adjacent development.

Councillor MacDonald asked what the separation distance would be between the homes in this development and J.B. Country Palace. Mr. Butler informed the existing parking lot for J.B.'s County Palace will remain and it is approximately 200 feet away. Councillor MacDonald then asked if there will be a separation distance between the parking lot and the homes. Mr. Butler informed that if a lot was to abutt the parking lot of J.B.'s the eight feet side yard clearance is all that would be required. It would up to the developer to decide whether or not to have a buffer between the homes and the parking lot.

#### SPEAKERS IN FAVOUR OF THIS APPLICATION

John MacLean, Real Estate Broker representing Jim Jer Investment, advised there is a proposed green belt planned along the Little Sackville River. The 5 percent land take-up will be completely along the Sackville River and the houses will be back from the green belt. J.B.'s will be approximately 225 feet from the houses and a privacy fence is being built right along the line as well as trees being planted to ensure privacy to the people living there. Mr. MacLean stated it is a well planned community, with well constructed, three bedroom units which will meet the needs of the area.

#### QUESTIONS FROM COUNCIL

None.

#### SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT the Sackville Municipal Planning Strategy be amended by redesignating the lands in question from General Commercial to Urban Residential"

MOTION CARRIED UNANIMOUSLY

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

"THAT the Sackville Land Use By-law be amended by rezoning the lands in question from C-2 (General Business) Zone to R-2 (Two Unit Dwelling) Zone."

MOTION CARRIED UNANIMOUSLY

#### ADJOURNMENT

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

"THAT the Public Hearing adjourn."

MOTION CARRIED.



STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning &amp; Development

APPLICATION NO. RA-CH/W-67-85-17

DATE: January 6, 1986

C.A.G.

DIRECTOR

RECOMMENDATION

THAT THE REQUEST TO AMEND THE COLE HARBOUR / WESTPHAL LAND USE BY-LAW BY REZONING A PORTION OF THE LANDS OF CHARLES F. REARDON ON ATHOLEA DRIVE FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-3 (MOBILE DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

Mr. Charles Reardon has submitted an application requesting that a portion of the lands of C.R. Reardon located at Cole Harbour, as shown on Figure No. 3(p5) be rezoned from R-1 (Single Unit Dwelling) Zone to R-3 (Mobile Dwelling) Zone. Mr. Reardon proposes to create a mobile home subdivision on these lands.

Description

|                              |   |
|------------------------------|---|
| MPS:                         | Cole Harbour/Westphal   |
| Area:                        | approximately 7.7 acres   |
| Dimensions:                  | as illustrated in Figure No. 3(p5)  |
| Features:                    | <ul style="list-style-type: none"><li>- central municipal services are not available</li><li>- relatively level terrain covered in shrub growth</li></ul> |
| Surrounding Uses and Zoning: | as illustrated in Figure No. 3(p5)  |

ANALYSIS

The municipal planning strategy for Cole Harbour/Westphal designates the southern portion of the property Residential "A" while the northern part is designated Residential "B". (Figure 2 p4)

The planning strategy allows for the consideration of the R-3 zone within the Residential "A" Designation where central services are not available and states that single mobile dwellings on individual lots provide an alternate form of housing.

Council may also consider extending the R-3 Zone into the Residential "B" Designation. The strategy states that a zone which is permitted in one designation may be applied to an adjacent property in an abutting designation, provided that all other intentions of the strategy and by-law are met. In this instance this provision of the strategy allows for the consideration of a comprehensive residential development on a property which has been split into two designations.

The Atholea Drive area is a relatively isolated, clustered mix of residential uses at the end of a long cul-de-sac as shown on Figure No. 1 (p3).

While there is a central municipal sewerage and water system serving existing development in the area, there is no capacity available for new development. The Department of Health has examined the site on a preliminary basis and has indicated that larger than minimum lot sizes may be required for the proposed lots.

The low density and larger lot size lots required by on-site services allow for the proper set-up of long mobiles and for separation from other forms of residential development.

The Planning and Development Department is aware that Council will be considering proposals concerning the provisions of services in Cole Harbour which were not foreseen at the time of the adoption of the strategy. These proposals could result in servicing improvements to the Atholea Drive area. However, several unknowns, particularly financial unknowns to both the Municipality and private landowners make it difficult at this point to estimate either time frames for possible service upgrading for this area or its priority in an overall servicing scheme.

Given the limited amount of development that Mr. Reardon's property can accommodate without services, R-3 zoning will not have a negative effect on the long term development of the area.

FIGURE NO. 1 - KEY PLAN AND DISTRICT PLAN

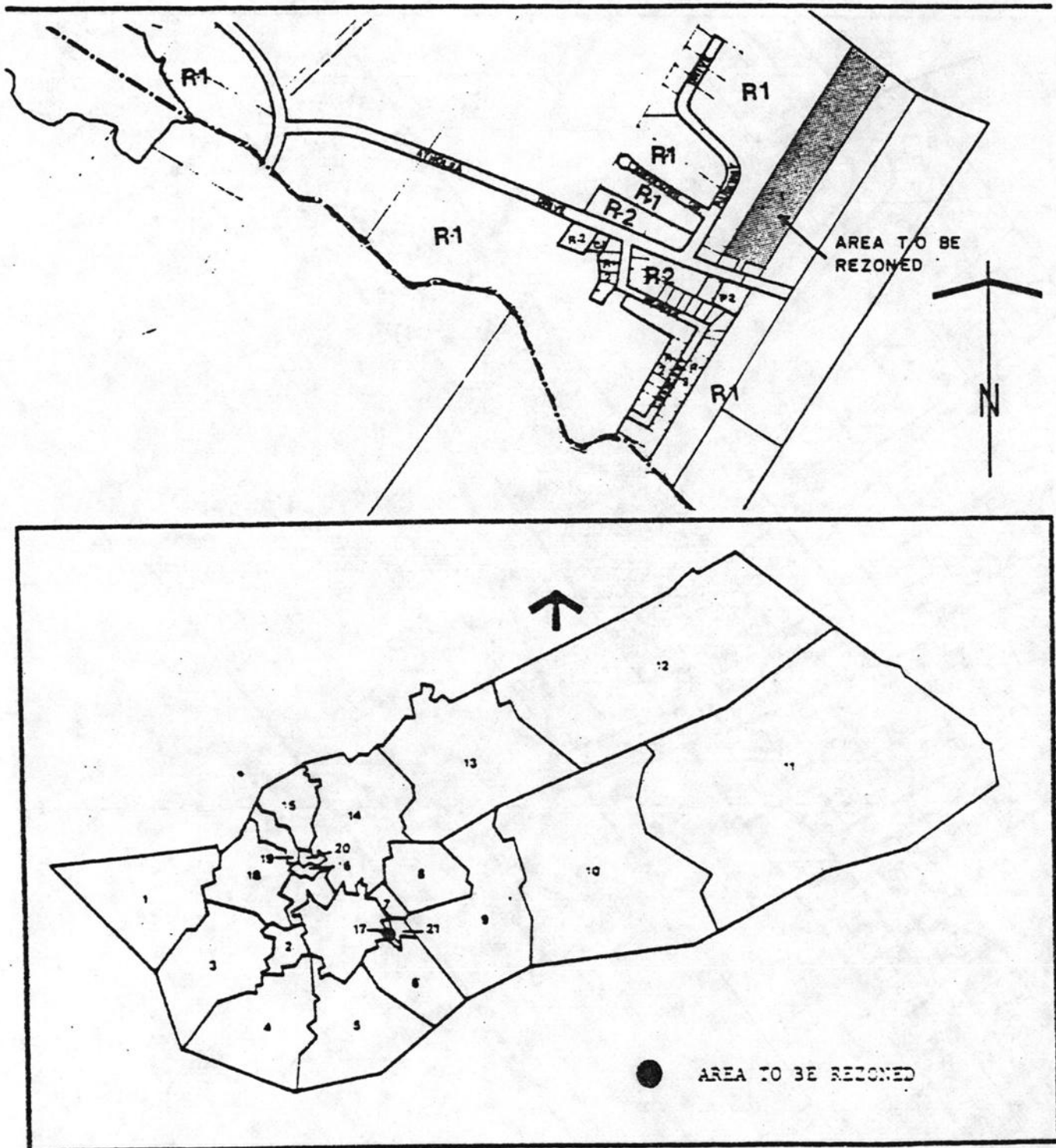




FIGURE NO. 2 - DESIGNATIONS

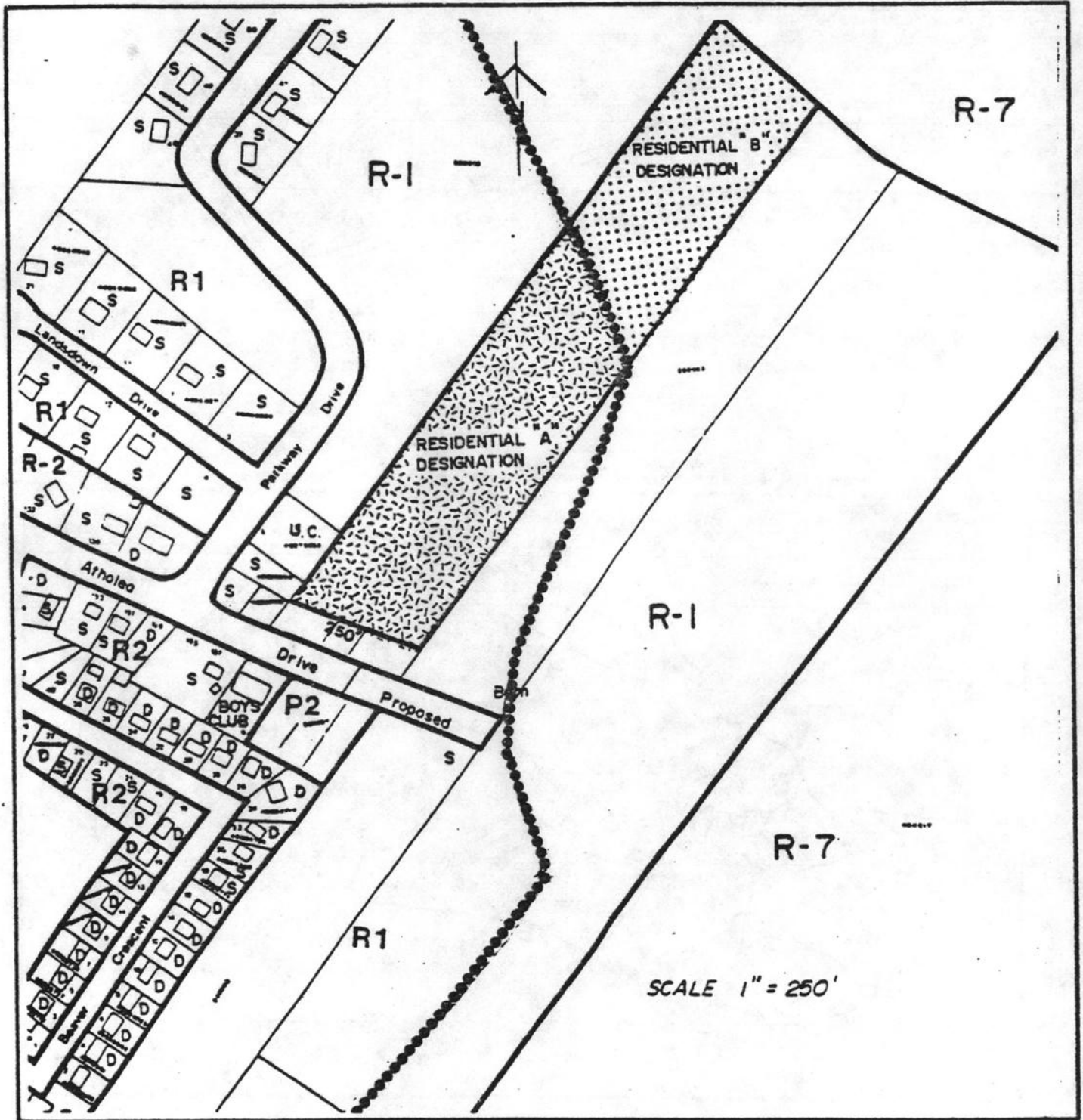
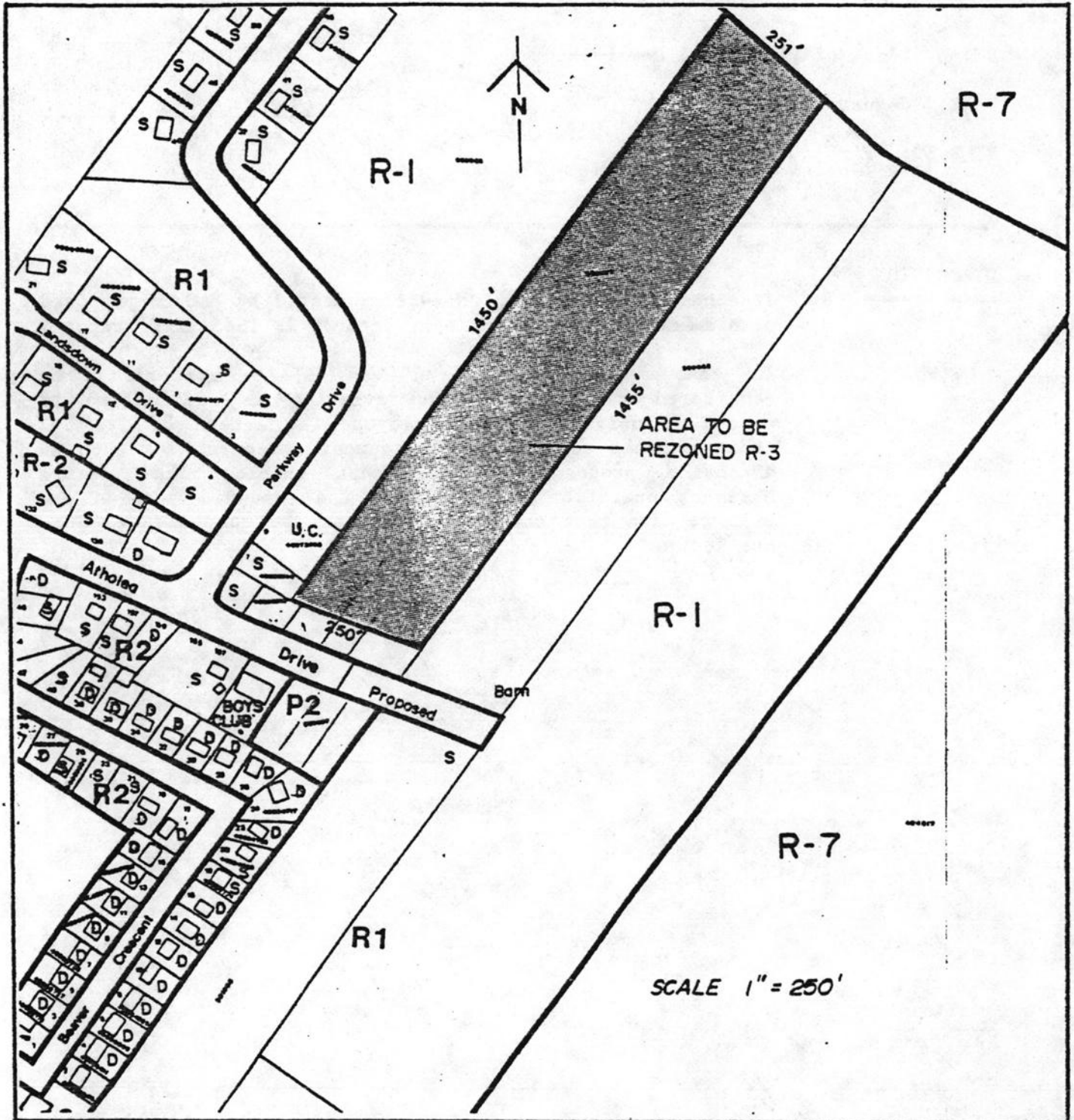


FIGURE NO. 3 - SURROUNDING LAND USES & ZONING



L6B

STAFF REPORT

TO: Planning Advisory Committee

AMENDMENTS TO THE SACKVILLE MPS. -  
EXPANSION OF EXISTING BUSINESSES.

BY: Dept. of Planning & Development

DATE: January 27, 1986

FILE NO: PA-SA-04-85

  
DIRECTOR

  
C.A.G.

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DISCUSSION

Attached are changes which were requested by PAC to proposed plan amendments outlined in a December 2, 1985 staff report.

The changes add clauses "(a)" and "b" the criteria to be considered by Council when reviewing an application to expand a business operation beyond the extend of its C-2 zoning. When adopting a development agreement for such an expansion proposal, Council must consider the entire business operation and not just the expanded portion and will require that the entire business be consolidated into one lot.



A BY-LAW TO AMEND THE  
MUNICIPAL PLANNING STRATEGY FOR SACKVILLE

The Municipal Development Plan for Sackville is hereby amended by:

- a) inserting immediately following Policy P-45 the following:

Although it is not the intent to encourage general commercial development within the Rural Residential Designation, there are several existing businesses to which the appropriate commercial zone will be applied. This will allow the business operator to fully utilize the property and yet will provide the community with known limits to any expansion based on the size of the existing lot. In keeping with the intention of this Plan, commercial zoning will not be extended should the property be increased in area. In the event that an existing commercial operation is proposed to be expanded beyond the zoned area, it is reasonable to evaluate this on a case-by-case basis through application of a development agreement and corresponding removal of the commercial zone.

- b) and by inserting as Policy P-45A the following:

P-45A Notwithstanding Policy P-44, and with reference to the provisions of Policy P-102, it shall be the intention of Council to recognize and accommodate within the zoning by-law several commercial properties located within the Rural Residential Designation. Further, Council shall consider any proposed expansion of such uses to adjacent or expanded properties according to the provisions of Sections 33(2)(b) and 34 of the Planning Act. In considering any agreement, Council shall have regard to the following:

- a) that the proposed use is related to an existing business and that the agreement applies to the existing as well as to the expanded business use;
- b) that the lot on which the expansion will occur is consolidated with that of the existing business use;
- c) that any the agreement is contingent on removal of the commercial zone;
- d) the extent and location of open storage and outdoor display with respect to abutting properties;
- e) the adequacy of separation distances and screening from adjacent residential and community facility uses;
- f) the adequacy of transportation facilities serving the use, including entrance to and access from the site; and

A BY-LAW TO AMEND THE  
ZONING BY-LAW FOR SACKVILLE

The Zoning By-law for Sackville is hereby amended by:

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

(j) Expansion of existing commercial uses situated on properties previously zoned C-2 (General Commercial) with the Rural Residential Designation.

- g) the compatibility of the proposed use with the surrounding land uses by virtue of its nature, scale, and hours of operation.
- c) and by inserting immediately following Policy P-103(ii)(b) (Uses considered by development agreement within the Rural Residential Designation) the following:
  - c) expansion of existing commercial uses according to Policy P-45A.



STAFF REPORT

To: Planning Advisory Committee

PROPOSED AMENDMENT TO THE  
SACKVILLE MUNICIPAL PLANNING  
STRATEGY - JIM JER INVESTMENTS  
LIMITED

From: Department of Planning &amp; Development

Date: February 3, 1986

File Nos. PA-SA-17-85  
RA-SA-75-85-16

CAO

DIRECTOR

RECOMMENDATION

THAT THE SACKVILLE MUNICIPAL PLANNING STRATEGY BE AMENDED BY  
REDESIGNATING THE LANDS SHOWN ON FIGURE NO. 3 OF THIS REPORT  
FROM GENERAL COMMERCIAL TO URBAN RESIDENTIAL.

THAT THE SACKVILLE LAND USE BY-LAW BE AMENDED BY REZONING THE  
LANDS SHOWN ON FIGURE NO. 2 FROM C-2 (GENERAL BUSINESS) ZONE  
TO R-2 (TWO UNIT DWELLING) ZONE.

Background

Jim Jer Investments Limited has applied for an amendment to the Sackville municipal planning strategy which would redesignate approximately 8.6 acres of land from General Commercial to Urban Residential (page 4). The applicant has also requested that this land be rezoned from C-2 (General Business) Zone to R-2 (Two Unit Dwelling) Zone (page 5). A preliminary subdivision plan shows the creation of approximately 30 lots.

The area for which redesignation is being sought is the rear portion of the property upon which J.B.'s Country Palace is located. The front portion would remain within the General Commercial Designation and would retain its present C-2 zoning.

A similar application with respect to approximately 11 acres of land abutting to the east was approved by Council in October 1985 and received ministerial approval on December 10, 1985. A staff report to Planning Advisory Committee, dated August 22, 1985, supported this previous application for a number of reasons which are equally applicable to this application.

The General Commercial Designation along Sackville Drive is intended to recognize the commercial strip which has evolved. For the most part, the designation is approximately 200-500 feet back from this roadway except in the area under consideration where the distance exceeds 1000 feet.

Reducing the amount of commercially designated land in this area will enhance the Commercial Core area as the commercial focus of the community, a goal strongly supported by the Sackville plan.

Residential development will also be consistent with the general evolution of this portion of the community.

#### Services

A preliminary assessment of this application by the Department of Engineering identified no major servicing or stormwater problems which would preclude the land being developed for residential purposes. Detailed servicing and stormwater requirements would be instituted at the subdivision stage.

The proximity of the recreational facilities of the Riverview Recreation Complex would be a valuable asset to the proposed development as would its relatively central location to other community services and facilities.

The area in question falls within the Acadia School enrollment area. Since this school already has some capacity problems a firm decision has not been made by the School Board as to whether or not children would attend this school or, in the alternative, attend Centennial School. Any decision in this regard will apply not only to school children from this proposed development but to those from the previously approved area as well.

The School Board has not indicated that school children from this area cannot reasonably be accommodated within the school system.

#### Conclusion

The redesignation of the land shown in Figure No. 1 for residential development is one which is considered to be consistent with the overall intentions of the Sackville plan. It would also be consistent with a recent amendment approved by council with respect to lands adjacent to the east.

The August 22, 1985 staff report concerning the previous plan amendment application, recommended that the entire area outlined in Figure No. 3 be redesignated from General Commercial to Urban Residential. It was felt that redefining the boundary to more closely parallel Sackville Drive would maintain the potential for commercial development along the road itself while permitting residential development to the rear.

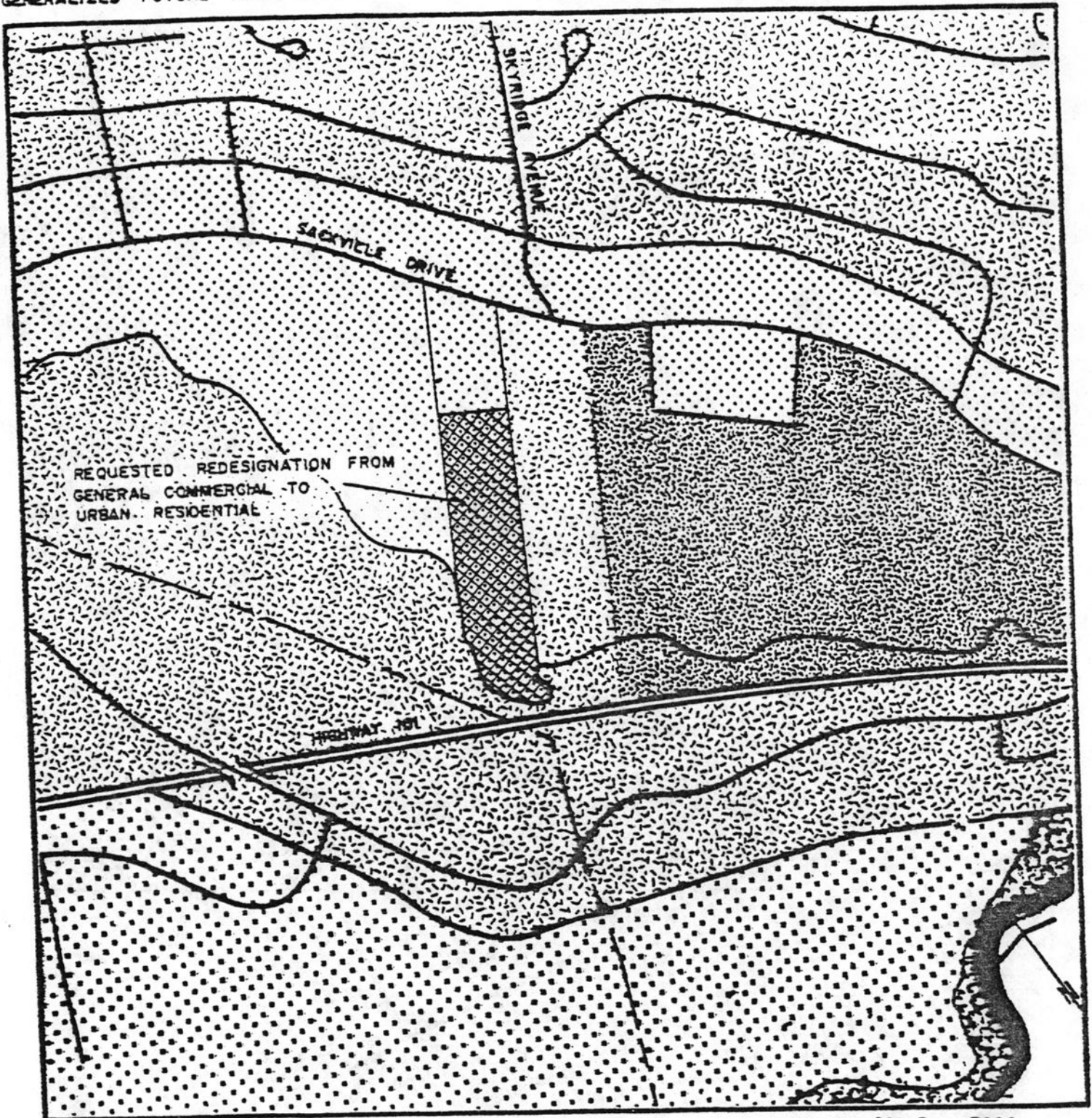
It was further recommended that the existing C-2 zoning be maintained so as to minimize the effect upon landowners within this area.

This proposal is again recommended since it would clearly indicate support for residential development in the entire area while not affecting existing commercial property rights. Should these landowners decide at a future date to develop residentially, only a rezoning would be required.






Figure 1

GENERALIZED FUTURE LAND USE MAP



SCALE 1:7000

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