

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

"THAT this item of correspondence be received."
MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Millwood Planned Unit Development Agreement

Councillor McInroy and Councillor Mont each declared a conflict of interest.

Mr. Kelly read the report from the Planning Advisory Committee.

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

"THAT the Millwood Planned Unit Development Agreement variance be accepted as recommended by staff."
MOTION CARRIED

Application No. DA-SA-01-86-19 - Development Agreement - IPCF Properties Ltd., Construction of Shopping Centre, Lower Sackville

Mr. Kelly identified the application, and reviewed the recommendation of the Planning Advisory Committee.

Councillor MacDonald felt the Public Hearing date should be set for August 11, 1986 as opposed to August 25, 1986. He stated there is much preparation of this property before actual construction can begin, and by the time the Public Hearing and the 21 day appeal period is over, it is questionable whether or not the proposal can be started in the good weather. He advised the earliest the Public Hearing could be held is Monday, August 11, 1986 in order to allow for advertising. He stated if the Public Hearing on August 11, 1986 runs too late the matter can be deferred to the next night. He concluded this property will bring much tax money and employment to the Municipality, so Council should cooperate as much as possible.

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

"THAT Application No. DA-SA-01-86-19 - the IPCG Development Agreement - be accepted as presented and that a Public Hearing be held on August 11, 1986 at 7 p.m."

Councillor DeRoche expressed concern about the proposed date, noting there are already four Public Hearings scheduled for August 11. However, he agreed if the Public Hearings that night run too late, the IPCF Development Agreement could be deferred to another night.

MOTION CARRIED

Application No. DA-CH/W-08-86-07 - Development Agreement - Crooks Racing Enterprises Limited, 676 Highway No. 7, Cole Harbour

Mr. Kelly outlined the report of the Planning Advisory Committee with respect to this application.

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

"THAT Application No. DA-CH/W-08-86-07 be approved and that a Public Hearing be held on August 25, 1986 at 7 p.m."
MOTION CARRIED

Application No. RA-SA-34-16-19 - Rezoning of Lot E-1, Located at 796 Old Sackville Road, Lower Sackville

Mr. Kelly identified the application and the recommendation of the Planning Advisory Committee.

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

"THAT Application No. RA-SA-34-16-19 be approved and that a Public Hearing be held on August 25, 1986 at 7 p.m."
MOTION CARRIED

File No. ZA-24-36-86 - Amend Zoning By-law No. 24

Mr. Kelly outlined the report, advising the recommendation is that the amendment be approved, and that a Public Hearing be scheduled for September 8, 1986 at 7 p.m., with the understanding that staff advertise the first ad immediately.

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

"THAT the amendment to By-law No. 24 be approved and that a Public Hearing be set for September 8, 1986 at 7 p.m. with the understanding that staff advertise the first ad immediately."

Councillor DeRoche informed the last part of the resolution is because the Planning Advisory Committee wishes to have the ad placed in order that Council's intent to consider an amendment to the By-law is declared so as to offset the possibility of any sudden applications for building permits for yacht or boat club in the area in question before the Public Hearing is held.

MOTION CARRIED

Application No. RA-24-37-86-01 - Zone Mason's Point

Mr. Kelly identified the application and the recommendation from the Planning Advisory Committee.

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

"THAT Application No. RA-24-37-86-01 be approved and that a Public Hearing be held on September 8, 1986 at 7 p.m. with the understanding that staff will advertise the first ad immediately."
MOTION CARRIED

CHIEF BUILDING INSPECTOR'S REPORT - LESSER SETBACK

Archie White, Ingramport

Mr. Kelly read the report from Mr. Hefler, Chief Building Inspector.

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

"THAT a lesser side yard clearance of three feet be approved for applicant Archie White on property located at Ingramport."
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Public Housing

Councillor McInroy and Councillor Mont declared a conflict of interest.

Mr. Kelly read the report from the Executive Committee, and he advised staff from the Social Services Department worked on the staff committee that prepared the report and presented it to the Executive Committee. Social Services staff were in attendance.

Councillor P. Baker ask for clarification that there are two additional units proposed for his district, so there will be a total of four units constructed in District 4. Mr. MacNeil confirmed this is the proposal. There have been two units allocated to District 4 under this special housing project.

Councillor P. Baker noted in the report there is reference to Public Service Commission and Department of Lands and Forests lands. He asked if representation for these lands is now being made. Mr. MacNeil advised the search for lands from these bodies has begun. Representation is being made at the present time.

Councillor P. Baker advised he had talked to Public Service Commission officials on another matter, and they stated they would not sell a lot to private individuals because they have a policy to sell large parcels of land. However, they would sell individual lots to a Municipality for such projects as housing, schools, etc. Therefore, Councillor P. Baker felt the lands would be made available for this purpose. He asked that the matter of lands in District 4 be settled as quickly as possible because there is a substantial need for public housing in District 4. He also asked to be kept informed as to what is taking place with respect to this.

Mr. MacNeil informed the 12 units discussed within the report are the result of a meeting between the Minister, Mr. Meech, Mr. Mason, and Warden MacKenzie about the need for public housing. In March, 1986 a decision was made by the Department of Housing to allocate 12 units to the County of Halifax. A survey through the Social Services Department indicated where the largest need for this housing is. Recommendations as per the report are for the initial six units. The recommendation is to ask the Department of Housing to present a proposal for the first six units as soon as possible in order to get these six units under construction in the immediate future. Mr. MacNeil advised four of these units will be in the general Sackville area and two will be in the Fall River area. At a later point in time, a recommendation will be made for the last six units - two of which will be in District 4, in the Goodwood-Prospect Road area, and the other four will be in the general Cole Harbour area depending on where land can be found. For the six units now in question, land on the Frenchman's Road was being considered because it is County-owned. However, it did not pass the Department of Health percolation test. The recommendation is that proposals be called for three, two unit dwellings, two in Sackville and one in District 14, and lands will be sought for the units in District 14. This will mean the Municipal contribution will increase from \$77,500 to \$97,500 due to the County-owned property at Frenchman's Road not being suitable.

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

"THAT staff continue discussion with the Department of Housing, Lands and Forests, and the Public Service Commission about the possibility of acquiring land from any of these agencies in District 4;

THAT investigation and cost estimates be produced for sites in the area of Ocean View Manor and the Halifax County Rehabilitation Centre; and

THAT proposals be called for three, two unit dwellings, two in Sackville as originally recommended and one in District 14 with the Municipal share increasing from \$77,500, as originally indicated to approximately \$97,500 due to the loss of the Frenchman's Road property."

Councillor DeRoche asked if the opportunity for approval of the land on Frenchman's Road is not going to be taken in order to utilize this County-owned property. He advised Section 38A of the Health Act is exemption from certain criteria for septic service.

Councillor DeRoche felt the Department of Health authorities should have discussed this when the percolation tests were done.

Councillor MacKay stated there is a dramatic need in Sackville for public housing, but there is also a need in the Waverley/Fall River area. Therefore, he suggested the motion be changed to read:

"THAT in the short term, staff continue discussions with the Department of Housing, Lands and Forests, and the Public Service Commission about the possibility of acquiring land from any of these agencies in District 4;

THAT investigation and cost estimates be produced for sites in the area of Ocean View Manor and the Halifax County Rehabilitation Centre; and

THAT there be further investigation into the land at Frenchman's Road."

Deputy Warden Wiseman agreed to the amendment to the motion.

Warden MacKenzie asked if there might be other County-owned lands on the Frenchman's Road that may be suitable for public housing. Councillor MacKay did not know of any. Mr. MacNeil advised there was a search in District 14 for suitable lands for this project, and the land in question was the only parcel owned by the Municipality.

Councillor Lichter advised he had talked to Councillor Snow about the land in question, and it was his opinion, after the percolation tests, that the land would not be suitable for this purpose. Councillor Lichter asked how the large parcel of land in question is. Mr. MacNeil did not know. Councillor Lichter then asked if the intent was to use a portion of the land or to have the building on the entire parcel of land. Mr. MacNeil informed it was his understanding that only a portion of the land as required would be used. Councillor Lichter stated if only a portion of the land is to be used, subdivision is involved, and Section 38A of the Health Act has nothing to do with it. If the entire parcel of land is to be used, Section 38A would be applicable. He felt this entire matter should be reconsidered before another parcel of land is sought. Mr. MacNeil informed the committee could reexamine the parcel of land in question.

Councillor DeRoche stated the motion on the floor at the present time is adequate in that authorization is being sought for some units while other County-owned property that is suitable is being sought. Perhaps at the next Session of Council the committee could report on the land in question and some alternative properties that might be identified in the interim.

MOTION CARRIED

Mr. MacNeil thanked Members of Council and advised he would get together with the committee to further investigate this property.

Request for District Capital Grant, District 7

Mr. Kelly outlined the report.

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

"THAT a District Capital Grant, District 7 be approved in the amount of \$5,865 for fencing public walkways."

MOTION CARRIED

Request for District Capital Grant, Districts 8 & 9

Mr. Kelly advised this is a request in the amount of \$450 (\$225 from each of the District 8 and 9) for capital improvements to recreational property at Lakeveiw School, Porter's Lake.

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

"THAT Council approve a District Capital Grant, District 8 and 9 in the amount of \$450 (\$225 from each of Districts 8 and 9) for capital improvements to recreational property at Lakeview School, Porter's Lake."

MOTION CARRIED

Request for District Capital Grant and District Parkland Grant, District 9

Mr. Kelly read the report from the Executive Committee.

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

"THAT Council approve a District Capital Grant, District 9 in the amount of \$1,000 and a District Parkland Grant, District 9 in the amount of \$1,000 for improvements to the Nathan Smith Park at East Chezzetcook."

MOTION CARRIED

Request for District Capital Grant, District 10

Mr. Kelly identified the request and the purpose of the request.

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

"THAT Council approve a District Capital Grant, District 10 in the amount of \$1,000 for the Musquodoboit Ballfield Association."

MOTION CARRIED

Request for District Parkland Grant, District 11 and General County Parkland Grant

Mr. Kelly outlined the report from the Executive Committee.

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

"THAT a District Parkland Grant, District 11 in the amount of \$610 and a General Parkland Grant in the amount of \$1,000 be approved for improvements to the Moser River ballpark."

MOTION CARRIED

Request for District Parkland Grant, District 14

Mr. Kelly read the report from the Executive Committee.

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

"THAT a District Parkland Grant, District 14 in the amount of \$800 be approved for improvements to the Fall River School Property playground."

MOTION CARRIED

Request for District Parkland Grant, District 18

Mr. Kelly outlined the request and purpose of the request as per the Executive Committee report.

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

"THAT a District Parkland Grant, District 18 be approved in the amount of \$1,020.50 for the provision of recreational facilities for the Hammonds Plains Consolidated School Playing Field."

MOTION CARRIED

REPORT, COLE HARBOUR PLACE

Councillor Mont noted the length of the report with respect to this item and stated Councillors did not receive their agenda until Monday evening. Therefore,

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

"THAT the matter of Cole Harbour Place be deferred to the next Session of Council in order to give Councillors an opportunity to study the report."

MOTION CARRIED

APPOINTMENT OF MEMBERS TO THE HALIFAX COUNTY REGIONAL HOUSING AUTHORITY

After some discussion and confusion, Members of Council agreed to nominate and appoint one representative from each sub-system of the Municipality to be a representative on the Halifax County Regional Housing Authority. The sub-systems were 1) the Waverley Sub-System, including the Fall River/Waverley and Hammonds Plains areas, 2) the Western Halifax Sub-System including District 1 through 5, 3) the Musquodoboit-Sheet Harbour Sub-System, including Musquodoboit Valley, Musquodoboit Harbour and Sheet Harbour areas, 4) the Eastern Suburban Sub-System including Districts 6, 7, 8, 17, and 21, and 5) the Sackville Sub-System including the Sackville Districts.

Western Halifax Sub-System

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

"THAT Mr. Leo Peddle be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor P. Baker advised Mr. Peddle is a retired Vice President of Twin Cities Dairy. He is public spirited, and he has spent time entertaining senior citizen groups and residents of Homes for Special Care.

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

"THAT Reverend Father Robert Coote be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor Walker advised Reverend Father Coote is the present director of St. Luke's Parish, Hubbards, and he was a previous member of the Halifax West Housing Authority. He was appointed in August, 1985 with a six month term and Councillor Walker felt he could do a good job given the opportunity.

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

"THAT nominations for the Western Halifax Sub-System cease."
MOTION CARRIED

Eastern Suburban Sub-System

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

"THAT Father Lynch be nominated as a representative on the Halifax County Regional Housing Authority."

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

"THAT Mrs. Helen Mosher be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor Deveaux informed Mrs. Mosher worked at Ocean View Manor for a number of years, and since her retirement she has provided many volunteer hours. She is a widow of the former Fire Chief, John Mosher, who was killed in a car accident approximately four years ago. Mr. Mosher gave many years of his life to the Fire Department, and he was a trustee for the community for 25 years. Councillor Deveaux concluded Mrs. Mosher is a present member of the Authority.

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

"THAT nominations for the Eastern Suburban Sub-System cease."
MOTION CARRIED

Sackville Sub-System

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

"THAT Rhetta Mattinson be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor MacDonald informed Mrs. Mattinson was a long-time member of the Halifax West Housing Authority.

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

"THAT nominations for the Sackville Sub-System cease."
MOTION CARRIED

Waverley Sub-System

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

"THAT Velma Ledwidge be nominated as a representative on the Halifax County Regional Housing Authority."

Deputy Warden Wiseman felt Mrs. Ledwidge would be a good representative, as she has proven to be in the past.

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

"THAT nominations for the Waverley Sub-System representative cease."
MOTION CARRIED

Musquodoboit - Sheet Harbour Sub-System

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

"THAT Gerald Cavicchi be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor Reid informed Mr. Cavacchi has been a member of the Halifax County Housing Authority for the past three years, and he has proven to be a very valuable member, always in attendance and hard working.

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

"THAT Kenneth Publicover be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor Walker informed Mr. Publicover is a former member of the Halifax County Housing Authority, and he resides in Sheet Harbour.

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

"THAT Charles Glasgow be nominated as a representative on the Halifax County Regional Housing Authority."

Councillor Adams informed Mr. Glasgow is a present member of the Halifax County Housing Authority, and he has been a good representative

to constituents in the area. The Manager of the Housing Authority agrees that Mr. Glasgow has done a good job of representing the interest of citizens with respect to public housing.

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

"THAT nominations for the Musquodoboit-Sheet Harbour Sub-System cease."

MOTION CARRIED

After elections Warden MacKenzie declared the following as representatives to the Halifax County Regional Housing Authority:

Reverend Father Coote
Mrs. Helen Mosher
Mrs. Rhetta Mattinson
Mrs. Velma Ledwidge
Mr. Gerald Cavicchi

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

"THAT a letter of appreciation be sent to those members of the former Halifax County Housing Authorities who will not be returning."

MOTION CARRIED

HOLLAND ROAD SCHOOL - COUNCILLOR SNOW
DEPARTMENT OF TRANSPORTATION - COUNCILLOR SNOW

Mr. Kelly advised in his absence, Councillor Snow had asked to have these two matters deferred to the next Session of Council.

DREDGING, THREE FATHOM HARBOUR - COUNCILLOR RANDALL

Councillor Randall advised he recently received correspondence from the Eastern Shore Fisherman's Protective Association noting the requirement for dredging, wharf repairs, etc. to the Eastern Shore. Dredging began at Three Fathom Harbour in 1984, but it was never completed. The Association and the Eastern Shore Development Commission have been lobbying small craft harbour dredgers and the Provincial and Federal Departments of Fisheries for infrastructure work in the Eastern Shore, one of the top priorities being completion of the dredging at Three Fathom Harbour. Councillor Randall advised they have contacted the project engineer responsible for dredging small craft harbours and have had no success. Communication with Federal and Provincial officials has produced little. The Association is hoping for assistance from the Municipality. There is a need for dredging, wharf repairs, and replacements from Eastern Passage through the Eastern Shore.

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

"THAT a letter be sent to the Department of Fisheries and Oceans in attention to the Small Craft Harbours Division, urging them to complete the dredging work which began at Three Fathom Harbour in 1984 this year, and that the Department be requested to state what plans they have for the upgrading of fisheries infrastructure along the Eastern Shore; and that a copy of this correspondence be sent to the Honourable Mike Forrestall, M.P., the Honourable Tom McInnis and the Honourable Elmer MacKay, M.P."

MOTION CARRIED

Warden MacKenzie advised at a recent meeting he was informed there is \$19,000 available for dredging and repairs to wharfs and breakwaters. He expressed concern that \$19,000 would not be sufficient for the amount of work required.

AGENDA ITEMS

Councillor Mont - Street Names

Councillor Mont advised he had raised the issue of duplicated street names earlier. He advised this concern has been expressed by the Deputy Fire Chief for Cole Harbour. His fire department has noticed there are many street names the same in the Eastern Passage/Cole Harbour area, as well as in other parts of the County. The Fire Department is concerned there will be a serious fire, and as a result of the duplication of street names, the fire apparatus will go to the wrong street, which could result in serious tragedy. He informed when he raised the issue earlier, Planning Department staff were going to look into the matter and return with a recommendation. However, the Deputy Fire Chief for Cole Harbour feels he is getting the run around from the Planning Department, being referred from one staff member to another only to be written a letter informing the problem is serious and complicated. Councillor Mont concluded if the fire departments are concerned, the problem must be serious, and he felt it is a problem that should be addressed.

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

"THAT staff be directed to report to Council with a recommended solution for the problem of duplicated street names within the next month."

Councillor DeRoche recalled this item being introduced before the Planning Advisory Committee, and at that time staff were directed through the Planning Advisory Committee to identify duplication of street names and report back to the Planning Advisory Committee. However, this has not yet been done.

MOTION CARRIED

Councillor Deveaux - Burning By-law

Councillor Deveaux informed he has been made aware of a problem with the burning of fires and the issuance of burning permits. When people acquire burning permits, problems arise because the issuance of such permits are not controlled by local fire departments. He felt this matter should be strongly considered with the possibility of implementing a fire by-law to protect against abuse of the right to burn. Councillor Deveaux informed that he had discussed this matter with Chief Harold Parker, and he agrees 100 percent there should be a fire by-law. Therefore,

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

"THAT the matter of burning permits and the possibility of establishing a burning by-law be referred to the Fire Advisory Committee for consideration."

Councillor DeRoche informed this matter is similar to one he identified approximately three years ago. He stated the problem is the difficulty with the issuance of permits by the Department of Lands and Forests without consultation with the local fire departments. He expressed support for the motion in hope the Fire Advisory Board would consider this concept.

MOTION CARRIED

ADDITION OF ITEMS TO THE AUGUST 5, 1986 COUNCIL SESSION

None

ADJOURNMENT

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

"THAT this Session of Council adjourn."
MOTION CARRIED

PUBLIC HEARING

JULY 14, 1986

PRESENT WERE: Warden MacKenzie
Councillor Poirier
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
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. B. Wishart, Planner
Mr. J.M. Hanusiak, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie 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 Poirier, seconded by Councillor DeRoche:

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

APPLICATION NO. RA-CH/W-06-86-21 - PROPOSED AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR COLE HARBOUR/WESTHPAL

Mr. Wishart reviewed the staff report advising the initial recommendation of the Planning Department was rejection of the amendment. However, two options were prepared, and the Planning Advisory Committee recommended the first, as per the staff report. This will allow a limited number of larger commercial uses through the

development agreement process. This does not mean every commercial use can proceed, but only those that service the neighbouring semi-rural market and the resource base economy, including businesses related to fishing, farming, hunting, etc. This type of business must proceed by development agreement within the Residential A designation, and it can only be a maximum of 2,500 square feet. The area must hold characteristics that make it appropriate for the proposed use, it must service a nearby semi-rural market, and it must be of a scale and nature which will not interfere with neighbouring properties.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked if a commercial business of 2,500 square feet could be established by development agreement with the present zoning. Mr. Wishart advised with the present zoning in the Residential A designation a maximum of 1,500 square feet for local commercial uses, such as small food and variety stores would be permitted. It would not include the use as requested by Mr. Walker.

Councillor Mont asked if there had been any correspondence respecting this matter received from the Cole Harbour/Westphal Service Commission. Mr. Wishart advised there has been no correspondence, but representation from the Service Commission was made at the Planning Advisory Committee level. Councillor DeRoche clarified there was representation from the Service Commission before the Planning Advisory Committee. The representation announced there were no objections to the proposal on the basis it was not changing the zoning, and should the business terminate, the zoning would remain. This would not break the cohesiveness of the plan.

Councillor Mont asked what other commercial uses are in the vicinity. Mr. Wishart advised Seaport Contractors Limited and Alesco Limited are both located across the street from Mr. Walker's property, and down the street there are a number of other commercial areas.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Gary Ricks and Derrick Ricks, Mineville, informed they have been buying feed from Mr. Walker for some years at a location in Dartmouth. Previous to that they bought from Ritchey's which is located across the road from the proposed Walker feed store. Gary Ricks stated it would be convenient to many people in Halifax County with a small feed requirements for livestock and animals. He stated he would like to see the amendment go through permitting Mr. Walker to build this facility, knowing he will be forced to evacuate the present site in a short period of time. The nearest feed store apart from Mr. Walker's present location is in Sackville. Derrick Ricks informed he operates a small farm in the Mineville area, and it is difficult to truck feed from Truro or Sackville, and it is also difficult on the present Walker site in the City of Dartmouth because traffic along the Cole Harbour Road is heavy. The proposed location will make it closer for those who live in the rural area. Cole Harbour is mostly developed, and there are very few farming areas left there. However, from there to Musquodoboit Harbour is basically rural fishing, farming, trapping, hunting, etc.,

and Mr. Walker will sell supplies for these purpose at his outlet. Derrick Ricks stated Mr. Walker has ready access from the main road; Ritcey's feed store operated across the road for years. He continued that this operation at the proposed location would be an asset to those people who need fishing, farming, trapping, etc. supplies. There are several other commercial properties located along the Cole Harbour Road, and he felt there is no difference between going into a variety store to pick of a bottle of pop than going to buy a bag of feed for animals. The only difference is the size - 1,500 square feet versus 2,500 square feet. He concluded he did not see any reason why the application should not be approved.

QUESTIONS FROM COUNCIL

Warden MacKenzie noted the staff report referred to bulk feed and asked how Mr. Walker plans to store this. Rick Walker informed that bulk feed refers to bales of hay and bagged feed in 40 and 80 pound bags. Warden MacKenzie clarified there will be no need for a hopper.

Dale Walker, informed he had nothing further to add to what the Ricks' stated, but he made himself available to answer any questions Council may have.

QUESTIONS FROM COUNCIL

Warden MacKenzie asked about the height of the proposed building. Mr. Walker informed he would be allowed to build to a maximum height of 35 feet, but he would build it below 30 feet. He added he plans to construct the building so it will not look any more commercial than absolutely necessary so it will fit into the community surroundings.

Warden MacKenzie asked the reason why Mr. Walker is moving from Dartmouth. Mr. Walker informed traffic is a problem at the present location, and the property has been sold; the building now occupied by Mr. Walker's store will be torn down in the near future. A large corporation bought the property, and it is intended to be used for a large grocery store.

Mr. Walker concluded that his biggest concern is to have the business disrupt the community as little as possible. He stated he would keep the property rustic looking, and he will be cleaning-up the pond, putting in a pathway and some park benches to encourage people to make use of the County-owned land on the far side of the pond. He stated he has had nothing but support from the entire neighbourhood.

Councillor DeRoche how long Mr. Walker had been living at this location. Mr. Walker informed he has been living at his present location for approximately three years, but he was born and raised in Woodlawn and spent much time in Cole Harbour.

Councillor DeRoche asked if he has already started work around the pond area. Mr. Walker informed with help from Seaport Construction the low, rocky area was filled in, compacted, graded, leveled out, and it will be graded to the pond and seeded or sodded.

Councillor DeRoche asked if there has been any disruption of the use of the pond as a result of the work done to date. Mr. Walker informed the ducks still come to the pond.

Councillor P. Baker asked if the operation is full-time. Mr. Walker informed it is run year around, and he has one full-time employee. He expressed hope to hire at least one additional full-time employee in the future. Councillor P. Baker stated he noted ducks in the pond when visiting last week.

Councillor Adams asked how many cars turn off the highway into his business during one day. Mr. Walker informed on a busy day there are approximately 100 cars at his business.

Councillor Adams asked if Mr. Walker proposes any traffic or parking problems at the proposed location. Mr. Walker replied there will be enough parking for 25 to 30 cars at one time; the building will be 60 to 80 feet back from the road, and that area will be made available for parking.

Councillor Mont referred to the dangerous chemical fire in Canning recently. He asked if Mr. Walker would be storing such chemicals at his location. Mr. Walker informed he only carries small quantities of pesticides and herbicides in the spring, and these quantities would not be near what other operations carry.

Warden MacKenzie noted a letter of opposition was received from Mr. James Gerogiannis and circulated to Members of Council.

Councillor Mont asked if Mr. Walker had spoke to his neighbours about this proposal. Mr. Walker informed one of his immediate neighbours would be speaking later, and he has had no negative reaction from neighbours at all.

Councillor DeRoche asked where the traffic be coming from. Mr. Walker informed most of it would come from the eastern direction of the property. He informed most people will be stopping on their way home from work. This proposal will not cause any more traffic on the Cole Harbour Road than there is now. He concluded most people who utilize his feed store travel the Cole Harbour Road anyway.

Charles Day, Cole Harbour, informed most people in this area of Cole Harbour are farm-minded in some way. He advised he lives directly across the pond from Mr. Walker, and he foresees no problem with the proposal. He stated Mr. Walker is a fine neighbour.

QUESTIONS FROM COUNCIL

None

Floyd Crawley, East Preston, informed he rushed to the Public Hearing from work because he would like to see Mr. Walker's proposal succeed. His business is convenient for many farmers in the area, and Mr. Walker

will stay open longer than usual if people are late. He concluded he was speaking on behalf of many others who feel the same about the proposal. It would be very convenient to many people in the area.

QUESTIONS FROM COUNCIL

None

Phil Morash, Bissett Road, Cole Harbour, informed he is employed by Mr. Walker. He stated he has lived in this area all his life. His grandfather was a farmer, and he would like to see this proposal passed. He felt the idea is great, and would not be detrimental to Cole Harbour in any way. If anything it will beautify the area more because Mr. Walker has done much work to the land, and he plans to do more.

QUESTIONS FROM COUNCIL

None

Lloyd Eisener, advised he has lived in the community all his life. He felt the project would be an asset to the community. The seed and small objects Mr. Walker sells would be an asset to the people of the community.

QUESTIONS FROM COUNCIL

Warden MacKenzie asked how many years Murray Ritcey ran his operation across the road. Mr. Eisener advised his operation was formerly the Cole Harbour Co-op before Mr. Ritcey made it a feed store. It was there for approximately 20 years.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None

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

"THAT an amendment to the Municipal Planning Strategy for Cole Harbour/Westphal be approved to allow Mr. Dale Walker to construct a feed store on his property."

Councillor DeRoche spoke about the letter of opposition from Mr. James Gerogiannis. He stated Mr. Gerogiannis was very active on the Public Participation Committee which saw the development of the plan in question. He felt Mr. Gerogiannis missed the point that with a development agreement, the zoning is not changed. Therefore, if the business under the development agreement terminates, the zoning is still there, and the character and cohesiveness of the community is not changed. Councillor DeRoche continued it is Mr. Walker's intention to improve the property and the pond to make it more presentable and useful to migrating ducks. He stated Mr. Walker has been following through on this since he first presented his proposal to the Planning Advisory Committee. Protection within the development agreement will provide

safeguards felt to be necessary. People must also remember the Cole Harbour Co-op and Murray Ritcey's Feed Store were both located across the road from the proposed development, and that property is now being used storage for insulation and aluminum siding. Behind the proposed development is Seaport Contractors. Councillor DeRoche felt if those commercial developments have not caused deterioration in the community, a feed store operation as proposed by Mr. Walker should not cause any disruption.

Councillor Mont stated he has been very impressed with Mr. Walker since he initiated this proposal last winter. He has demonstrated that he is a businessman who is willing to work with the Municipality. Councillor Mont felt there would be no problems with the operation. He added the proposal is supported by the former Warden, Ira Settle, and by former Councillor Nelson Gaetz. He asked for Council's support for this proposal.

MOTION CARRIED UNANIMOUSLY

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

"THAT an amendment to the Land Use By-law for Cole Harbour/Westphal be approved which would allow Dale Walker to locate a feed store on his property."

MOTION CARRIED UNANIMOUSLY

APPLICATION NO. DA-CH/W-06-86-21 - PROPOSED DEVELOPMENT AGREEMENT
BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND WILLIAM COLIN
WALKER TO PERMIT A FEED STORE ON LOT 2 OF THE LANDS OF STANLEY T.
RITCEY, LOCATED ON THE COLE HARBOUR ROAD, COLE HARBOUR

Mr. Wishart advised this matter is the development agreement with Mr. Walker which will enable him to carry out his development as proposed. He advised the development agreement is very straightforward, stating the use of the land will be restricted to the activities related to the sale of animal feeds, and garden, trapping, and farm related supplies and equipment including lawn motors, lawn and garden tractors, and shall not include the sale of general farm machinery or vehicles. Mr. Wishart also advised the agreement also calls for Mr. Walker to contain his property within the building zone as outlined on the map. There are adequate setbacks provided from neighbouring residential uses. The Department of Transportation has approved an exit/entrance onto the site and Mr. Walker proposed to place his parking directly off that.

QUESTIONS FROM COUNCIL

Councillor MacDonald asked how many parking spaces are included in the development agreement. Mr. Wishart advised the development agreement requires Mr. Walker to maintain a minimum of four parking spaces, but Mr. Walker has indicated an intention to maintain more. He has also left space for trucks to pick-up and deliver feed.

SPEAKERS IN FAVOUR OF THIS DEVELOPMENT AGREEMENT

None

SPEAKERS IN OPPOSITION TO THIS DEVELOPMENT AGREEMENT

None

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

"THAT the development agreement between the Municipality of the County of Halifax and William Colin Walker to permit a feed store on Lot 2 of the Lands of Stanley T. Ritcey, located on the Cole Harbour Road, Cole Harbour be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY

APPLICATION NO. RA-TLB-11-86-02 - APPLICATION BY BLUNDEN CONSTRUCTION LTD. TO REZONE LOT "AX" OF THE LANDS OF PETER DAVID, SUSAN CALDWELL, AND JOHN F. CIGUERE, LOCATED ON THE ST. MARGARET'S BAY ROAD AT TIMBERLEA FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-4 (MULTI-UNIT DWELLING ZONE)

Mr. Hanusiak identified the application and the location of the land in question. He advised the purpose of the application is to permit the construction of an apartment building. Based on the square footage of this property, the apartment building could contain a maximum of 11 units. He advised the property is a larger corner lot consisting of approximately 19,000 square feet. It is presently inactive with an existing structure that is considered to be an eyesore. The building in disrepair is proposed to be demolished prior to construction of the apartment building. The property is serviced by municipal water and sewer, and access to the development is proposed only from the St. Margaret's Bay Road for which the Department of Transportation has approved. Nicholson Drive is a private road and there is no indication from the developer that access would be sought to Nicholson Drive.

With regard to the Municipal Planning Strategy for Timberlea/Lakeside/Beechville, the land in question is designated Residential, and priority is given to the development of single unit dwellings. However, the plan is very clear that an eventual housing mixture will be forthcoming especially in areas such as along the St. Margaret's Bay Road that can accommodate multi-unit development. The proposed rezoning is in conformity with the plan because the property in question abutts an existing commercial activity - a Green Gables Store. Also, across Nicholson Drive there is an existing apartment building and an arcade and amusement centre. The Lakeside School is located further up the St. Margaret's Bay Road and another apartment building, which was approved by Council in the form of a rezoning approximately one and one-half years ago. Given the existing land-use and pattern of development, it is not felt the 11 unit apartment building would be out-of-scale with the existing developments along the St. Margaret's Bay Road.

Mr. Hanusiak informed the Department of Transportation has approved an access point to the Cole Harbour Road, although the exact location has yet to be specified, but from all indications it will be away from Nicholson Drive towards the Green Gables Store. Sanitary sewer and water systems in the area are capable of servicing this proposed development, and the Halifax County-Bedford District School Board has indicated there is sufficient capacity in the Lakeside School to accommodate the number of children that may come from the 11 unit apartment building. Mr. Hanusiak advised approval of the application is recommended.

QUESTIONS FROM COUNCIL

Councillor DeRoche asked for clarification of the location of the recently rezoned (R-4) property. Mr. Hanusiak advised going towards Halifax on the St. Margaret's Bay Road, the property is located around the bend.

Councillor DeRoche asked about the height of the proposed apartment building. Mr. Hanusiak informed under the Land Use By-law the height could be as high as 35 feet, possibly exceeding that given the type of roof and the definition that relates to the height of apartment buildings.

Councillor DeRoche noted there appears to be much rock, and he presumed the apartment building would have to be constructed on top of the rock. He asked if that would make a sizeable structure incohesive with the remainder of the neighbourhood. Mr. Hanusiak agreed there would be potential for that.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Seymour Prince, Halifax, advised he owns property at 24 Nicholson Drive. He stated the present structure on this lot is an eyesore, and an 11 unit apartment building would be a nice addition to the area. He felt the proposal would be in everybody's interest.

QUESTIONS FROM COUNCIL

Councillor Poirier asked where on Nicholson Drive Mr. Prince lives. Mr. Prince advised he does not live there, but he owns the house and property at 24 Nicholson Drive. He added he would be against a tall structure being constructed on this lot, but he felt a two or three storey building would look very nice.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

Edna Lang, 27 Nicholson Drive and another unidentified lady from Nicholson Drive, submitted a petition in opposition to this proposal. The petition was circulated to everybody on Nicholson Drive, Church Drive, and the immediate area surrounding the proposal.

Mr. Kelly advised the petition was dated July 9, 1986 to the Council of the Municipality of the County of Halifax. Mr. Kelly read the heading on the petition and advised there were approximately 30 signatures on the petition.

Ms. Lang advised there were only two people who would not sign the petition. She stated she has lived in Lakeside all her life, and a big apartment building is not needed in the centre of an R-1 area. There are other areas where this proposed apartment building could be located. The lot could be broken into two R-1 or R-2 lots. The unidentified lady advised the front of the property on the St. Margaret's Bay Road is solid rock and extends straight up. She felt people living on the apartment building would take short-cuts up Nicholson Drive or Church Drive across neighbouring properties because they lead into the property in question. She stated Nicholson Drive and Church Drive are private roads that are only 25 feet wide. In the winter the roads are only plowed enough for one car, and added traffic will make travelling here impossible. She added this will also add more traffic around the school grounds and a quiet neighbourhood, which people want to remain.

QUESTIONS FROM COUNCIL

Warden MacKenzie asked if Nicholson Drive is a listed street. The unidentified lady informed Nicholson Drive and Church Drive are both private roads not maintained by the Department of Transportation. Councillor Poirier advised the two roads are plowed by the Department of Transportation, but it is done as a courtesy to the community.

Warden MacKenzie clarified traffic travelling up Nicholson Drive can get into the lot in question. The unidentified lady informed traffic can enter the proposed development from Nicholson Drive, and she felt they would should this proposal be approved. She informed there is a driveway that was used by the Church that comes off the back end of the property. She felt people would use this exit, and it would cause problems in the winter. She added that many children who were born and raised in the area use her property as access to the lake. She stated she does not mind the few doing it now, but she would mind a whole entourage going through. Ms. Lang added there is no public access to the lake, and people with waterfront property will have more people going through their yards, and they do not want that because much money and work is put into the properties.

Councillor MacDonald clarified that the private roads are quite narrow. He stated he was looking at a property on Nicholson Drive last year, and the roads are very narrow. The unidentified lady agreed, and she stated in the winter the plow drives up and backs out, so there is only one lane to get cars in and out.

Councillor Deveaux clarified that a Department of Transportation vehicle plows the road. The unidentified woman informed it is, but the road is plowed as a courtesy to the neighbourhood.

Brian Miller, advised the amendment in question has raised much concern in the area. He stated the community itself is well established, and development in the past has been slowed by the fact there was no water and sewage. Now there are municipal services and everybody expects a major increase in development because of that. He felt there are good

and bad points to that. Mr. Miller continued that many houses very close to the proposed development are inhabited by elderly people, who do not want their surroundings changed. He felt they may feel threatened by this change in surroundings and security. He also felt property values in the area would be another concern. Many people are improving and updating their own properties. He commented that the existing building is an eyesore, and it would be an advantage to have it out of there, although it would be equally beautifying to have the development there restricted to R-2. He felt anybody would agree the appealing aspect of a multi-unit dwelling is not always wanted, and he felt this is the case in the surrounding community. Mr. Miller stated the previous rezoning from R-1 to R-4, down the road, was not welcome in the community. However, the people showed little opposition, but this may have been because they were not aware of the proposed development at that time. Mr. Miller asked if there would be any advantages to having this property rezoned to R-4. He also asked if any other consideration has been proposed for this land.

Mr. Hanusiak informed any advantages he could give to allowing the proposed development on this property would be subjective. He stated the apartment building would only house 11 units, and it is felt this bears no relationship to the residential activity other than it shares a rear lot line. All activity is oriented toward the front of the property, facing the St. Margaret's Bay Road, which is more associated with the commercial and institutional activity across the street. Mr. Hanusiak continued that the area has been picking up in terms of development, and confidence is being displayed by outside developers to build in that area. Properties being considered for development are those which have been in a very state of disrepair and inactivity for a number of years. These buildings in disrepair are eyesores, and they will be replaced with new buildings. He reiterated that the building is not very large, and he felt it would not reach 35 feet in height. He stated it was considered very carefully because it borders on the residential line, and if this type of development were proposed right on Nicholson Drive, there would be a recommendation of rejection. However, this is felt to be in keeping with the intent of the Land Use By-law for the area, so it is recommended for approval.

Warden MacKenzie asked if there could be an entrance to the proposed development from the St. Margaret's Bay Road. Mr. Hanusiak advised the Department of Transportation has approved only one ingress/egress point, that being from the St. Margaret's Bay Road. He advised the developer was made aware that he does border on a private road and an ingress/egress point from the private road would not be welcome. The developer has no intention of utilizing Nicholson Drive. Mr. Hanusiak informed he had a call from Mrs. Nicholson, who claims rights to the private road, indicating that in 1980 her husband had the matter reviewed with a lawyer, and he was satisfied that no easement or permission had ever been granted or gained to utilize Nicholson Drive in terms of an egress/ingress point to the property in question. The lawyer has indicated the matter would be one of trespassing if somebody utilized Nicholson Drive for access to the property.

Mr. Miller added the residents in the area are not against development, but they would prefer an R-2 development as opposed to R-4 development. He also stated it is located on a very high piece of property. From the St. Margaret's Bay Road to the existing level of that property would be approximately 15 feet above the grade of the road. This would have a very high profile position.

Conrad Marsh, 1499 St. Margaret's Bay Road, informed he is in attendance on behalf of himself and Mrs. Margaret Nicholson who owns Nicholson Drive. He advised he is opposed to the rezoning to R-4. He stated he participated on the Public Participation Committee when the zoning for the area was done, and it was felt a reasonable job was done. He stated a multi-dwelling complex of this size would be out of context with the neighbourhood. There is an amusement arcade with two apartments across Nicholson Drive; there is a small store and video store next door to the proposed development; however, these are small developments, and they are quite low and in conformity with the private dwellings in the area. He continued the land in question is elevated quite high - approximately 12 to 15 feet above road level. This would make any height of building noticeable. Mr. Marsh informed on behalf on Mrs. Nicholson he would speak with regard to the possibility of an egress or exit onto Nicholson Drive, which is on the same level as the proposed development. The contractor has indicated he would not be using this exit because it does front on a private road, but he expressed concern about the dune buggies, ATC's, snowmobiles, etc. using Nicholson Drive as a private egress. The letter from 1980 from Blois, Nickerson, Palmetter & Bryson indicates to the former owners of this property that there was no permission ever granted for egress or exit from this property to Nicholson Drive. He concluded the contractor may intend on using the St. Margaret's Bay Road for an entrance/exit point onto this property, but nothing will prevent the residents from using Nicholson Drive.

Warden MacKenzie suggested an open ditch be constructed to prevent people from using the exit. Mr. Marsh informed a small ditch is there now. Mrs. Nicholson had it put there recently because it has caused problems in the past.

QUESTIONS FROM COUNCIL

None

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

"THAT the request to amend the Timberlea/Lakeside/Beechville Land Use By-law by rezoning Lot "AX" of the Lands of Peter David and Susan Caldwell and John Frederick Ciguere, located at the corner of Nicholson Drive and the St. Margaret's Bay Road at Timberlea from R-1 (Single Unit Dwelling) Zone to R-4 (Multi-Unit Dwelling) Zone be rejected by Municipal Council."

Councillor Poirier informed the residents of Nicholson Drive have spoken clearly as to their intentions and desires. She informed she had only received one call in opposition to this and had heard nothing further. She stated there is a 13 unit apartment building on the corner of Green Road, and it is huge. It sits high on a hill. Councillor Poirier felt the proposed 11 unit apartment building would be quite similar. There are a number of two unit dwellings and bungalows on Nicholson Drive that accommodate many people who have lived in the area for most of their lives, and many are elderly. There is no access to the lake, and people will want to cross neighbours yard to get to it. The road is only a 25 foot right-of-way and the plow gets stuck there sometimes. She felt the people are being reasonable, allowing for an apartment of some type, but R-4 zoning does not limit the number of units to 11. Previously a gentleman proposed a five unit dwelling on Nicholson Drive, and he soon realized it would be out of the question for the surrounding community. A duplex was constructed with no problems. Councillor Poirier agreed the existing building on the lot in question has been an eyesore, but something other than an apartment building could replace it. She concluded she has no other alternative but to move rejection of this proposal for her residents.

MOTION CARRIED

15 FOR

1 AGAINST

APPLICATION NO. RA-CH/W-02-86-21 - APPLICATION BY KIEL DEVELOPMENTS TO REZONE A PORTION OF THE LANDS OF GORDON T. EISENER, LOCATED ON THE COLE HARBOUR ROAD AT COLE HARBOUR FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE - AND - TO REZONE ANOTHER PORTION OF THE LANDS OF GORDON T. EISENER LOCATED ON THE COLE HARBOUR ROAD FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-2 (GENERAL BUSINESS) ZONE

Mr. Hanusiak identified the application and the location of the property in question. He stated there are two recommendations relating to two separate requests for this property. The larger parcel of land at the rear of the subject property is approximately 7.4 acres of land. The request is to rezone this parcel to R-2 to allow for the development of approximately 35 two unit dwellings. A road is proposed from Silistria Drive, which would run through the property in a loop fashion back to Silistria Drive. He pointed out Leacock Court is not associated with this development from a traffic point of view.

Councillor Mont asked if a plan of subdivision has been submitted. Mr. Hanusiak informed no plan has been submitted. However, there is a plan from a number of years back which will be utilized. Councillor Mont clarified this development does not join Leacock Court, and it could not at a later point in time. Mr. Hanusiak stated the developer would have considerable difficulties doing this because servicing is orientated towards Beaufort Drive toward the Cole Harbour Road. If the lots cannot be serviced, there is no point trying to run through Leacock Court. In order to do this, the developer would have to lose two potential building lots.

Mr. Hanusiak continued stating under the Land Use Designation, the area is designated as Residential A, which allows for the consideration of two unit dwellings by amendment to the Land Use By-law. He stated the Department of Planning and Development has no difficulty with the rezoning. The surrounding land use around this property consists of a number of two unit dwellings. The units are all orientated inward on the property. The street pattern as proposed is the most efficient for the requested development.

Mr. Hanusiak pointed out that the staff report contains a recommendation of rejection. However, when this matter went to the Planning Advisory Committee, a negative comment had been received from the Department of Engineering and Works regarding the capacity of a sub-trunk system along Beaufort Drive to accommodate the proposed number of units. It is intended that the servicing from the property in question run through an old servicing easement which runs down past Beaufort Drive to a 14 inch line which runs into the Cole Harbour Road. Original indications from a Porter-Dillon report expressed concern that the Beaufort Drive easement line had insufficient capacity to accommodate additional development. That report was sufficient to recommendation rejection, and when it was brought to the attention of the Planning Advisory Committee, they wanted to work something out with the developer to allow hook-ups directly to the Cole Harbour Road trunk sewer or a cost-sharing agreement. Mr. Hanusiak stated cost-sharing agreements are not possible under the Plan or under the Department of Engineering and Works Operating Policy for this type of proposal. However, the Department of Engineering and Works put a flow meter into the line to determine actual flow patterns and characteristics through this system. The first time this was studied it verified the reports of the Porter-Dillon study because there was much sediment lying in the line below where the applicant was intending to come out. The Department of Engineering and Works then decided to flush the system entirely and put the flow metre back into the ground. The new figures are far more encouraging, and the Department of Engineering and Works has indicated they are close to allowing this development to hook into the system. They have concerns that any back surging in the second line could go to Beaufort Drive. However, the Department of Engineering and Works are trying to find a solution to this in the developer's interest. The developer has indicated that he is willing to redirect the easement in order to handle his development; this would be at his expense. Based on this information, the Department of Engineering and Works feel very comfortable the proposal can proceed; the Department of Planning and Development now recommend approval. Therefore, the recommendation of rejection has been changed to a recommendation of approval for the R-2 zone.

Mr. Hanusiak informed the C-2 portion of the application continues to give staff concern. The front portion of the Eisener property is presently zoned C-2; it is approximately 1.4 acres, and the area proposed for rezoning to C-2 is also 1.4 acres. If the zoning were approved, there would be 2.5 acres of commercial land for which there is no firm proposal. Therefore, the effects of a commercial development or another multi-unit development cannot be determined. Mr. Hanusiak concluded although this property is within the Community Commercial

Designation which allows for these particular developments to be considered, there is no firm proposal to base facts and figures on. Therefore, rejection is recommended at this point in time.

QUESTIONS FROM COUNCIL

Councillor DeRoche clarified that the rezoning to R-2 is now recommended on the basis of a reexamination by the Department of Engineering and Works. Mr. Hanusiak agreed and added the ability to hook in by right has not been confirmed by the Department of Engineering and Works. The remedial efforts that have been carried out on the line have presented more encouraging data to them to support the application. However, there are still a number of concerns to be worked out.

Councillor DeRoche asked if the Department of Engineering and Works reservations are still based on the accomodation of other properties yet to be developed. Mr. Hanusiak informed there are two points being considered: properties that lie within the area to be serviced now, which have R-1 or R-2 zoning and can be developed; and the Porter-Dillon report indicating that a portion of Phase 10 would also come through that line. However, the remedial work has presented much more encouraging figures.

Councillor DeRoche asked of the 102 units contained in Phase 10 of Forest Hills, how many have been developed. Mr. Hanusiak was not aware of any being developed.

Councillor DeRoche stated the Department of Engineering and Works are holding in reserve for development of 102 lots that are part of another development, as opposed to allowing 35 additions at the location in question. Mr. Hanusiak felt this is not true. The first situation was a system which was verified to be running at or near capacity even in dry weather conditions. A second concern was tracking the system through the sub-trunk to Forest Hills. He stated the fact that the line was full of sediment and was running at capacity was enough to recommend rejection. However, the line has been flushed and the figures are encouraging enough now to recommend approval, although some facts and figures still have to be checked. Mr. Hanusiak discussed the small concerns that may cause problems and still have to be investigated.

Councillor DeRoche asked if the worst scenario were considered for the lands to be rezoned to C-2, what kind of development could take place there. Mr. Hanusiak advised the C-2 zone allows for retail stores, food stores, service/personal shops, offices, commercial schools, banks and financial institutions, restaurants, and a number of other activities of a commercial nature, and a residential aspect being multiple unit dwellings. Mr. Hanusiak informed the square footage of the land in question would allow for an apartment building of approximately 70 units. This would be for the entire property zoned C-2, including that to be considered. Mr. Hanusiak stated this would be the highest use possible from a commercial point of view. A building up to 10,000 square feet could be built here, and a building could be considered by development agreement between 10,000 and up to 20,000 square feet.

Councillor DeRoche stated a 70 unit apartment building would generate more problems with servicing and consideration of ingress and egress points. Mr. Hanusiak agreed, noting there is also a 90 unit apartment building directly beside the proposed development, bringing the possible total to 150 units.

Councillor DeRoche asked of Mr. Cragg if Council could approve the application of rezoning, could they restrict or place some restriction on the approval with respect to access onto Leacock Court. Mr. Cragg stated he did not feel Council could approve an application with strings attached. He felt the application either had to be accepted, rejected, or a portion of the application accepted.

Councillor Mont asked what happens if the developer or land-owner agrees to this at the time of the rezoning. He expressed the importance of the development not being allowed access to Leacock Court, although he would like to see the rezoning approved. Mr. Cragg advised Council cannot force the applicant to give an undertaking verbally or in writing as suggested. However, Mr. Hanusiak has suggested that parkland may be utilized in this matter, and those lands closest to Leacock Court could be designated as parkland and turned over the Municipality to protect against access to Leacock Court. Mr. Cragg continued an approval should not be given on a developers word because he may agree not to do something, and then do it; or he may sell the property to somebody who did not know of the verbal agreement. He felt it would be unenforceable and difficult to prove. Councillor Mont stated that any developer who indicated his intention to do one thing before Council, and then did another would jeopardize any further projects he may intend in Halifax County. Mr. Cragg agreed, and stated he has such cases before the Municipal Board.

Councillor McInroy felt if Council does not have the ability in approving the subdivision of the lands to negate any access to Leacock Court, there is something wrong because Council should have that ability. He asked for clarification that Kiel Developments are prepared, if the existing sanitary-sewer lines are proven to be inadequate, to twin the line from their easement to the Cole Harbour Road and that it would solve all problems. Mr. Hanusiak agreed, stating there are no problems with the sewer that cannot be worked out.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Mitchell Rideauski, spoke in favour of the application. He felt it should be approved. With regard to access to Leacock Court, he stated he has no intention of using that as an access point.

QUESTIONS FROM COUNCIL

Councillor Mont asked for confirmation that should it be determined that another line is necessary, the developer is prepared to absorb those costs. Mr. Rideauski confirmed this.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None

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

"THAT the back portion of the lands of Gordon T. Eisener be rezoned from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling Zone)."

Councillor Mont expressed support for the rezoning. He stated he had two initial concerns when reading the report: 1) access onto Leacock Court, and 2) the capacity of the sanitary and storm sewers in the area. He stated he had received some opposition in the area to access taking place on Leacock Court. With regard to sanitary and storm sewers in the area, provided the Department of Engineering and Works will ensure the existing capacity is sufficient or it will be acquired through efforts of the developer, he has no objections to the rezoning. Councillor Mont also spoke of the second portion of this application with regard to rezoning a portion to C-2. He stated with the land in back rezoned to R-2 and with C-2 in the front and R-4 with a 90 unit apartment on one side, there is no sense to leaving the small portion zoned R-1. He felt it could not be accessed as R-1 land. He stated Gordon Eisener is a long-time resident of Cole Harbour and is a farmer. He once had a large farm that occupied much of what is now Forest Hills Land Assembly. This land was expropriated from him in the early 1970's to build Forest Hills. Therefore, Councillor Mont felt it only right that Mr. Eisener have the opportunity to develop some of the land himself. He stated Mr. Eisener has been a good citizen of Cole Harbour and felt he would act in the best interests of the residents of Cole Harbour. Councillor Mont expressed concern about the size of the C-2 development, and he stated there has been some concern expressed to him by residents about the possibility of a beverage room facility being established there. He stated this would be viewed very negatively, and Mr. Eisener has indicated he too would view a beverage room in a negative fashion. He stated it would not be Mr. Eisener's intention to allow that sort of development. He urged Mr. Eisener to keep this in mind when developing the land or to have a restrictive covenant in any deeds should he decide to sell the property.

MOTION CARRIED UNANIMOUSLY

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

"THAT the rezoning of approximately 1.4 acres of the Lands of Gordon T. Eisener, located off the Cole Harbour Road at Cole Harbour, from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone be approved by Municipal Council."

Councillor DeRoche stated considering the motion already adopted rezoning the 7.4 acres to R-2, it is inconceivable that Council would consider the 1.4 acres of land now trapped between the R-2 and the C-2 lands, not accessible for R-1 development. He added it would not be appropriate to leave it zoned R-1 in light of the C-2 properties

abutting the Cole Harbour Road. Therefore, this proposal should be supported to join two C-2 properties. Councillor DeRoche stated this would restore a capability the property-owner had prior to the adoption of the Municipal Planning Strategy because this property had commercial zoning prior to the adoption of the Plan.

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this Public Hearing adjourn."
MOTION CARRIED