

NOTE: This sketch plan has been prepared for reference to Schedule "B" of this Agreement. It is not intended to form part of or be binding upon the parties to this Agreement.

SACKVILLE ADVISORY BOARD

P.O. Box 216 Sackville, N.S. B4C 2S9



June 18, 1986

Councillor Ray DeRoche
Chairman
Planning Advisory Committee
Municipality of the County of Halifax
2750 Dutch Village Road
Halifax, N.S.
B3L 4K3

Dear Chairman:

Re: Application no Da-Sa-28-85-19 Century
Park Development Agreement

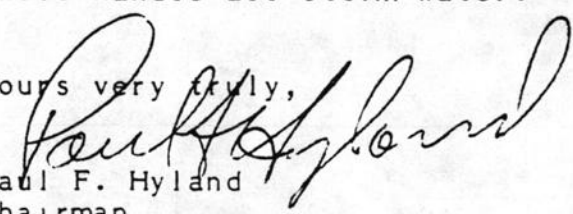
Please be advised that our board discussed the above application. As you are aware any new or increased lots to present mobile home parks within the Sackville Development Plan must be developed by Development Agreement.

Our board has briefly reviewed the proposed agreement and although has some concerns as to the number of mobile home units that Sackville Estates will have following development of this expansion, we feel that mobiles are a good and affordable means of housing.

We ask your committee and County Council to take a good look at the proposed buffer of only 5 feet. Our board feels that if at all possible this "buffer" be increased up to 25 feet and that all natural vegetation be not disturbed. Further we trust that recreation areas proposed will be able to service the expanded park in a proper manner.

One further concern is that of the Little Sackville River which runs through the Sackville Estates. We trust that servicing of the present and expanded park will not pollute the River and all storm drainage within the park will handle all storm water.

Yours very truly,


Paul F. Hyland
Chairman

PFH
c.c.f ile

July 21, 1986

The Municipality of the County Of Halifax Council
Dutch Village Road
Halifax, Nova Scotia

Gentlemen: RE: APPLICATION H DA-SA-28-85-19
CENTURY PARK 1986

I am Charles Passey. I am a small businessman located in the community of Sackville. I recently built a home located at 95 Loggen Road. My property and homesite is immediately adjacent to the proposed development - Century Park 1986.

I wish to present a submission against this development as a resident and businessman in this community, I regard this development to be against the best interests of Sackville and the development promises to have unfavourable consequences for my property and homesite.

I wish to express my appreciation for the assistance your staff have provided me and to you for hearing my submission. In examining the information provided me, I was not able to obtain certain soil engineering data which would characterize the physical nature of the soils and terrain of the proposed development. I therefore requested a personal acquaintance of mine to examine the site for me. His background was in soil science, when he spent a number of years as a soil scientist and director of soil science for the Government of Canada, and various Provincial Governments.

I have examined the proposed agreement between Century Park Limited and the County of Halifax, for the sake of brevity, my submission follows the subject matter described in the format of this agreement. Here then are the issues of concern I wish to place before you:

SEWAGE FLOW:

(4.1) Section 1, paragraph 1 requires the owner to reduce sewage flow in the existing park to 47,000 gallons per day average daily

flow but provides for a maximum of 69,000 gallons per day during wet weather peaks. The agreement does not prescribe how the reduction is to be attained. Does the owner intend to reduce the number of trailer units in the existing park? Reduce the population living in the existing park?

(4.3) Section 4, paragraph 3 describes the conditions that must be met by the owner upon completion of stage one of the park expansion which pertains to sewage flow. The owner is required to record sewage flow daily or weekly and forward this information to the Engineer.

Section 4, paragraph 4 requires the owner to obtain a written confirmation from the Engineer that the sewage flow is in accordance with Section 4, paragraph 6 of the agreement which states that " for the combined existing park and park expansion, the maximum daily sewage flow shall not exceed 92,000 gallons/day and the maximum wet weather park sewage flow shall not exceed 135,000 gallons per day". Should the daily sewage flow rate of the combined existing park and the flow rate prescribed in 4.6; will the second stage of the expansion that is the location of the additional 59 units be allowed and will the daily sewage flow rate be adjusted to accomodate the second stage of 59 more units?

My concern here is twofold:

- (1) Can the sewage system adequately accomodate the proposed expansion of Century Park and at what cost to the County of Halifax and the taxpayers of the County?
- (2) Will the additional load on the system and consequent costs be sufficient to satisfy this proposed development?
- (3) How is the sewage flow rate to be governed in the subsequent years following the expansion?

(5.2) STORM SEWAGE SYSTEMS

In discussing the storm sewage system, may I bring to the attention of Council, the lot plan for Century Park. You will note that a

number of the park roads follow a northerly direction that is down slope. The slopes are estimated at approximately 16 %. During heavy rainfalls and extended periods of precipitation such as we experienced in the current year, the park roads become conduits conducting rivers of water. Will the storm sewage system be able to cope with such flooding conditions? Upon an examination of the lot plan certain park roads would direct excess water during storm periods (Please note lack of curbs, gutters and basins in photo 7 and 8) to the area described for recreational purposes. Has the recreational area been planned or designed to cope with excess flood water?

(5.4.2) The physical features of the Century Park area are such as to favor the maintenance of the area in trees and parkland. The development of high density dwellings particularly trailer parks will cover the expanse of the area which features a rough terrain with steep slopes and places of stress (No. 6 - Note bulldozer clearing terrain in the upper lefthand corner) on the soils and landscape of the lot area. The steeper slopes tend to be unstable, this is particularly characteristic of the escarpment that presently separates the existing park and the southern boundary of the proposed expansion. (See photos # 1,2,3,8) While I have not been provided with or had access to soil engineering studies or analysis of soil materials in the proposed development I have taken the opportunity to have the area examined by a soil scientist. The field texture (particle size distribution) of the soils immediately adjacent to the escarpment is a clay loam, a heavy textured soil. The texture and structure of the soils would favor a high permeability and low percolation rate. With the removal of the forest cover and surface vegetation the soil will be highly eroded particularly along the escarpment.

The agreement does not describe any precautions during or after the construction of the park that would prevent erosion or mud slides or more importantly along the boundaries of the proposed development. Will the municipality of Halifax be called upon to provide protection for these areas? The owner amends only those slopes on mobile home spaces according to the conditions of the agreement.

(5.4) RECREATION SPACE

The agreement provides for a recreation space, a playing field to be seeded or sodded which is to be completed within one year of obtaining written approval of the inspector for the first stage in accordance with section 3.4. The lot plan shows the recreation area in the least favoured location of the development. It is not centrally located, it is favourably located only to the residents on Defalla Street, Dowland Street and Block Street that occupy lots immediately adjacent to the recreation area.

In fact, residents on both cul-de-sacs - Wagner Street, Byrd Street and Brahm Street are distant from the park and young children will experience difficulty in reaching the recreation area. The wooded or forested area on the boundaries of the development are much more accessible to children of residents on these streets than the recreation area. Children will enter into these wooded areas in preference to the difficulty of finding and travelling to the recreation area. While the recreation area is in a undesirable location, I would again draw to your attention that in its present location the area will receive excess or flood waters from all park roads. Therefore, the recreation area unless provided with an adequate drainage system, may be unavailable for many recreation purposes for extended periods of time.

The agreement while providing for a playing field does not describe the facilities that will be placed in the recreation area. Is the recreation area to be an open grass field, devoid of any facilities that would attract and hold the interest of children who reside in the park? Does the owner expect that such a field will interest the children? Nor, does the recreation area describe any facility that would interest teenagers. Does the owner expect teenagers to be interested in the recreational aspects of an open field or does the problem of recreation for these citizens of the park become a municipal problem?

The estimated population per acre is 18 people. Is this population consistent with population for the existing park? In any case, it is difficult to estimate what the population and age distribution of the residents of the proposed trailer park will be. Even accepting the conservative value of 18 people per acre, that population must be

served with a centrally located well designed recreational area. The area should be equipped with physical facilities, recreational equipment and playing field that will interest and attract particularly the youth living in the park. Any endeavour short of this places a problem upon homeowners living near and adjacent to the park and possible social problems with consequent costs upon the municipality. The present location of recreation area and the requirements for facilities within the area meet none of the desirable requirements for recreation in this park.

(8.6) BUFFERING

The agreement requires the owner to maintain a screen of trees within five feet of the side boundaries, and preserve existing trees wherever possible. The area under development was a mixed deciduous (hardwood) (softwood) evergreen forest. When such a forest is removed the trees in the boundary particular the evergreens, because of their shallow rooting system, are uprooted in storms. The preparation of the site by heavy equipment further disturbs the shallow root systems of the (softwood) evergreen trees in the boundary area so they are uprooted in subsequent storms. Evergreens provide the major screen for properties adjacent to the park. During the autumn and winter when deciduous trees have lost their leaves, there is very little screen effect. The agreement does not call upon the owner to build or erect a suitable screen where the park boundary border the property and homes of citizens adjacent to the boundary.

Gentlemen, I am a long time resident and businessman in the community of Sackville. It is my wish to stay in Sackville. Consequently, when I purchased the land and built my home in Sackville, it was with the intent of it being my permanent home. When I prepared to build my home on the property, I carefully selected a site within the forested area of the property. At some considerable cost, during the construction of the house, I ensured that all of the trees that could be saved remained on the site. I wished to minimize the impact of the construction on the environment and to retain syloan character of the home site. You are invited to visit the property to determine whether this has been done.

I am now confronted with the fact that despite my care, the environmental character of the site is destroyed by this development.

When I became aware that this development was to proceed, I contacted your planning office to determine whether I could exchange nearby property with the owner of the park. That property is located adjacent to my homesite on Loggen Road and borders the proposed Century Park 86. The planning office would have approved of the exchange. I then approached the owner of Century Park and offered to make the exchange of properties. The exchange would have been advantageous to both parties. It would have maintained a forested area, a buffer adjacent to the properties on upper Loggen Drive; protected the steeply sloping terrain in the now proposed park and provided the developer with an equal and more suitable land area for trailer sites. The owner of the proposed park declined the offer to exchange properties.

I am well aware of the housing shortage in this area. However, is it a wise decision to build another park? The photographs # 4 and 5 presented give graphic detail to the size and nature of the existing development, do we want to increase this kind of housing development in this area? In addition, a recent newspaper report suggested a 50 unit co-op trailer court was to be built in the Millwood development. Can the engineering services - sewage disposal recreational, educational and social services cope with the additional pressure of this concentrated population in this area of Sackville? (What are the costs to the municipality?) Surely there are other locations, other alternatives to provide adequate housing for people who wish to reside in Sackville.

Re: Council Approval for Expansion to Century Parks

TO WHOM IT MAY CONCERN:

In 1958, I purchased a 64-acre parcel of land in the Sackville area of which the land in question is a part, with the intention of using the land for a mobile home park. We have been extending the park at different times so there is presently 175 units already occupied with a balance of 159 mobile home spaces to be constructed.

Before I started the park originally, at the request of the county, I had received an affirmative petition from the housing occupants along the #1 Highway in Sackville. After we constructed the existing mobile home pads, lands began to build up on both sides, namely Sunnyvale and Loggen Road. Last fall we sold a 30-acre portion to Five Star Development with them knowing full well that we were to extend our park alongside their development. They agreed in writing that they would not contest any request for approval for a mobile home park extension. There is an outlet on the back end of the property with Barrett's Mill property immediately across the road. They have agreed that they have no objection to the request for approval for the mobile home park extension.

Millwood Village is a johnny-come-lately and the government has started a fine housing development with full knowledge that Sackville Mobile Home Estates and Century Parks mobile home parks development was well on its way and the people ther bought or built houses on the property with that knowledge also.

For those who would contest the extension of the mobile home park on the basis that they think the mobile home park will lower the value of their homes, may I say that this is nothing more than a fallacy or a supposition. Three housing developments have been started knowing full well that this was park land and they purchased houses immediately adjacent to the backs of mobile homes with no ill effects and with little concern of property value depreciation. If these people are arguing on the basis of prejudice, I understand that is not an acceptable reason in this country.

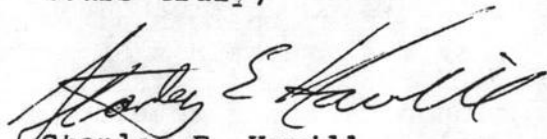
People deciding to live in mobile homes have a right to live also. It is their choice of housing and a way of life that they choose.

Bill MacDonald, Councillor for the area wisely moved that it advance for council's approval as he is representative of the many mobile home dwellers in the Sackville area as well as those living in houses. The Advisory Board has done a great deal of work and had numerous public hearings in order to put quality regulations in place for mobile home parks as a protection to both the mobile home dwellers and the other

dwellers in the various regions of Halifax County. From what I saw, it was painstaking, time-consuming and I am sure, frustrating for them at times. I wish to compliment them for their good intentions and certainly think it was a very positive step towards good park development and maintenance. As park developers, we want to do a good job and maintain tidy and well serviced parks. We know this will be done in the extension of Century Parks.

All the designs, layouts and engineering have been done thus far to the satisfaction of the Planning Department of the County of Halifax and with the stringent regulations cannot help but become a first-class mobile home park.

Yours truly,



Stanley E. Havill

SEH/ks

PUBLIC HEARING

JULY 28, 1986

PRESENT WERE: Warden MacKenzie
Councillor Poirier
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor Eisenhauer
Deputy Warden Wiseman
Councillor Mont

ALSO PRESENT: Mr. D.D. Reinhardt, Deputy Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
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. Reinhardt 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

APPLICATION BY THE COUNTY OF HALIFAX TO AMEND THE SIGNAGE REQUIREMENTS OF THE MUNICIPALITY'S LAND USE BY-LAWS

Mr. Hanusiak outlined the staff report as presented to Members of Council, identifying a number of problems that can occur with the present reading of the by-laws. Mr. Hanusiak informed the nature of the amendments is to repeal the section which states "no sign shall share the support of another ground sign."

QUESTIONS FROM COUNCIL

Warden MacKenzie asked if this amendment will apply to portable, illuminated signs often located outside of businesses. He noted they are seldom used and are often considered to be an eyesore. Mr. Hanusiak informed this amendment would have nothing to do with portable signs. On occasion, the Department of Planning and Development has gone after operators who have put the signs up without a permit or with flashing lights, which is prohibited under the land use by-law. He stated other than those two exceptions, portable, illuminated signs are permitted.

SPEAKERS IN FAVOUR OF THIS AMENDMENT

None

SPEAKERS IN OPPOSITION TO THIS AMENDMENT

None

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

"THAT the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Land Use By-law be amended to permit more than one ground sign on a supporting structure."
MOTION CARRIED UNANIMOUSLY

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

"THAT the Cole Harbour/Westphal Land Use By-law be amended to permit more than one ground sign on a supporting structure."
MOTION CARRIED UNANIMOUSLY

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

"THAT the Eastern Passage/Cow Bay Land Use By-law be amended to permit more than one ground sign on a supporting structure."
MOTION CARRIED UNANIMOUSLY

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

"THAT the Timberlea/Lakeside/Beechville Land Use By-law be amended to permit more than one ground sign on a supporting structure."
MOTION CARRIED UNANIMOUSLY

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

"THAT the Sackville Land Use By-law be amended to permit more than one ground sign on a supporting structure."
MOTION CARRIED UNANIMOUSLY

APPLICATION NO RA-SA-74-85-19 - APPLICATION BY FIVE POINT DEVELOPMENTS LIMITED TO REZONE A PORTION OF SUNNYVALE ESTATES SUBDIVISION, LOCATED OFF THE BEAVERBANK ROAD AT LOWER SACKVILLE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE

Mr. Hanusiak identified the application and read the report as circulated to Members of Council.

QUESTIONS FROM COUNCIL

Councillor MacKay noted the Engineering and Works Department originally recommended that the sewer line was not capable of handling flows from a development of the originally proposed scale, but with only 25 lots proposed, the system can handle the development. He asked about adjacent development and whether or not they would be hooking into these services to go to the main trunk. When the Engineering and Works Department originally stated there was not sufficient handling flows, where was it meant these flows were not sufficient. Mr. Hanusiak informed the flows were not sufficient on the Beaverbank Road where it runs into the main trunk sewer.

Councillor MacKay felt when the original part of Sunnyvale Estates was developed, the sewer lines came through the foot of Sunnyvale Crescent and crossed the Little Sackville River towards Gloria Court and hooked into the main trunk sewer there. Mr. Hanusiak informed the developers could better answer the question. However, the Department of Engineering and Works had detailed servicing layouts along the Beaverbank Road, and the size of pipes along the road runs suitable for the number of proposed lots. The Department of Engineering and Works reviewed the flows and densities which were established in the built part of the subdivision, and reproduced the figures on assumptions that the proposed development will have the same sewage flows. From this, the Department of Engineering and Works were able to determine that the subdivision was capable of handling approximately 140 single unit lots. The number shown is approximately 95, and if the density is doubled the development will be approximately 140 lots which the Department of Engineering and Works feel the line is capable of handling.

Councillor MacKay informed it was his impression that the services did not run up the Beaverbank Road; that the developer installed Phase I and Phase II of Sunnyvale Estates himself across the Little Sackville River, and anything further up the Beaverbank Road would be the responsibility of the developer, as per County policy. He stated he would address this question with the developer.

Councillor MacKay next asked Mr. Hanusiak to comment on the size of the lots being larger single family dwelling lots - larger than 6,000 feet - which is the minimum requirement for R-1 or R-2 lots. Mr. Hanusiak informed most lots carry a dimension of 60 x 100 feet, and the lots in this development are 10 feet deeper than the normal lots. This ten feet allows for more separation distance from yet to be developed single unit dwellings. Although the adjacent land is presently vacant, and the R-2 development bears no relationship to existing single unit

dwellings, the developer has had the forethought of extending the depth of these lots in order to provide the extra separation distance from what will be single unit dwellings.

Councillor MacKay noted the storm water is coming out Sunnyvale Crescent onto the Beaverbank Road and into the open ditch which flows towards the Beaverbank Connector. He stated at a previous public hearing, the storm water flows were going the same way. He asked if the Department of Engineering and Works have looked at the overall impact of all the development that would empty into open ditches on the Beaverbank Road. Mr. Hanusiak informed he thought the Department of Engineering and Works had considered this. He stated this application and the one for which a public hearing was held previously were received within a short period of time of one another, and both were reviewed as a package, and not isolated cases. He concluded the Department of Engineering and Works appear to be on top of matters with regard to servicing and storm water in this area.

Deputy Warden Wiseman expressed concern about reference in the staff report to the problem with the schools. She asked if a letter had been received from the School Board on this matter. Mr. Hanusiak outlined a letter received from the School Board respecting this matter, informing the reduction in the number of R-2 lots will reduce the impact on schools in the area; however, suitable school facilities are not available for additional students from the area of Sunnyvale Crescent. The letter informed the Department of Education has announced the construction of an elementary and a high school in Millwood. If construction begins on schedule, suitable elementary facilities should be available by December, 1987 and a new high school by September, 1988. Mr. Hanusiak stated staff have been faced with this question time and time again, and if this is used as a fundamental criteria, every application would be rejected. Staff are indicating to Council if such objections are continued to be received from the public, it will be difficult to isolate any development, and there will have to be a general moratorium on such rezonings until the school situation is under control. Deputy Warden Wiseman objected stating the problem only exists in certain areas of Sackville; she stated when areas are under extreme stress, one would expect the school board to respond to that effect and Council to react to the situation.

Councillor Deveaux asked if approval of this rezoning will allow 25 extra units. Mr. Hanusiak informed this is correct. Councillor Deveaux noted the school board uses the multiplier 0.6 for a family, which will give approximately 19 additional students. Mr. Hanusiak informed the exact numbers were never established, but 19 is a good estimate. It is a general concern that a rezoning to a higher density does cause problems in this area of Sackville.

Deputy Warden Wiseman clarified there are presently 25 lots existing and the request to have these lots rezoned to R-2 which would allow two units to every lot - 50 units in total. She stated a multiplier of 0.4 will provide 20 additional children to the elementary schools.

Councillor Deveaux stated under the present conditions the developer could develop as R-1, and R-2 zoning will allow 25 extra units. There are serious school situations in Sackville, but it is difficult to know where to draw the line. He questioned the seriousness of an additional 19 students in relations to the existing problems in some of the Sackville areas.

Mr. Reinhardt read two letters which were received in opposition to this application and public hearing. The first was from Councillor MacDonald, who was not in attendance, and the second was from the Sackville Advisory Board.

Councillor MacKay referenced the letter from the Sackville Advisory Board. He stated the Board consists of members from the community and Councillors. However, when this matter was voted on, no Councillors were present due to other commitments. Councillor MacKay expressed appreciation for the concerns of the Sackville Advisory Board, but he felt whether this property is developed R-1 or R-2 it will not have any impact of the Little Sackville River. Siltation methods will not depend on the zoning, the road will be the same size, the lots will be approximately the same size, and the size of the house will not vary much depending on the zoning; there will be no significant difference between the two developments. Councillor MacKay concluded he may have a difference of opinion with Mr. Paul Hyland, Chairman of the Sackville Advisory Board, but he stated he has tried to be very objective, and he still does not feel the effect on the Little Sackville River will be any different given R-1 or R-2 development.

Councillor DeRoche referenced the letter from Councillor MacDonald. He pointed out that the letter referenced a petition which was submitted to the Planning Advisory Committee. However, Councillor DeRoche notified that with respect to the original application for Sunnyvale Estates, Councillor MacDonald had indicated before the Planning Advisory Committee that he had a petition to submit. However, at the Planning Advisory Committee, Councillor DeRoche suggested it would be more appropriate to submit the petition to Council the night of the public hearing. Councillor DeRoche informed he had never seen a petition submitted to the Planning Advisory Committee with respect to the previous application or the present application.

Mr. Hanusiak informed he was not in receipt of any such petition.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Steve Moir, Alderney Consultants, advised he had been hired by Five Point Developments to provide survey and engineering planning services for the development of Sunnyvale Estates. He advised his client purchased two parcels of land. The first has been developed as Phases I and II with single unit dwellings. The entire development is subdivided into 157 lots. The first two phases for 50 lots has been developed. Phase III has been serviced, and will hopefully receive final endorsement within the next few days, for 39 additional lots.

The remaining Phases IV and V are yet to be developed - Phase V being the land in question. Mr. Moir informed the first two phases drain directly down to the Little Sackville River and trunk sewer, Phase III drains into Phases I and II, and Phases IV and V cannot be developed until the services are extended up the Beaverbank Road, which will hook into the Department of Housing services across the Beaverbank Road.

Mr. Moir continued that the road has been built to Department of Transportation standards. Development of this phase will begin this fall pending the outcome of this public hearing. He continued that the servicing should eventually be resolved on the basis of overall density for the development of 18 persons per acre for the entire subdivision. He stated there is concern about how many lots the subdivision could accomodate based on four persons per unit.

Mr. Moir advised the first application went to the Planning Advisory Committee with staff approval, and it was approved at that stage, although Councillor MacDonald spoke against it. The developer then reconsidered and revised Phase III to Phase V which physically separated the single unit development from the proposed two unit development. Access to Phase V will be obtained by the second access off the Beaverbank Road, so there is no concern about the impact of additional traffic on existing development. He stated the proposed R-2 development is seen as a buffer between the expansion of the mobile home park and the single unit dwelling development.

Mr. Moir stated more than one-half the lots in Phase III have been sold, and in each of the deeds there is a covenant indicating this application for R-2 zoning is outstanding; therefore, the people purchasing the lots are aware the adjacent lots could be zoned R-2. Also, Five Point Developments held a public meeting to discuss any concerns the public might have with this proposed development. At that time many expressed concern in general opposition to R-2 zoning, including the effect it could have on the value of homes in the area. Since that time, the developer had two appraisals done on the property to determine if this is true. Mr. Moir read a portion of the letters from the appraisors, both indicating the development of Sunnyvale Court with R-2 zoning will not have any detrimental effect on the value of homes in the area. One of the appraisors, Pat King, took into consideration three existing mixed subdivisions in Sackville, and their conclusions were similar to those of John Walker appraisors. Development of two unit dwellings in this area will not have a depreciating effect on the residences in the area. Mr. Moir concluded stating a representative of the development company will be available to answer any questions that he is not able to.

QUESTIONS FROM COUNCIL

Councillor Poirier asked how large the proposed lots are. Mr. Moir replied the majority of them have 60 feet of frontage and are 110 feet deep on the lower side of the cul-de-sac and 130+ on the other side of the cul-de-sac.

Councillor Poirier next asked where the extension to the mobile home park is located in relation to this proposed development. Mr. Moir identified the expanded mobile home park on the plan, stating it is next door to this proposed development.

Councillor MacKay asked for clarification that the time estimate for the extension of the servicing up the Beaverbank Road by the Department of Housing was this summer, so development could begin in the fall. Mr. Moir replied the Department of Housing presently has an application for subdivision approval in, and once that is approved, they will need time to call for tenders for the installation of the services and decide how much money will be spent initially, etc.

Councillor MacKay next asked if there has been any negotiation between the applicant and the Department of Housing about cost-sharing for the extension of services up the Beaverbank Road. Mr. Moir informed negotiations have ceased. They began with the understanding the Department of Housing would be going to approximately 800 feet where they have frontage, and Five Point Development would go another 800 feet to Stokle Drive, and the cost would be shared on a 50/50 basis. However, the Department of Housing have since stated they do not intent to consider Stokle Drive and the total 800 feet. Therefore, negotiations have ceased.

Councillor MacKay asked for confirmation that is it unknown when development of Phases IV and V can take place because it cannot be done until the Department of Housing consider extention of services to Stokle Drive. Mr. Moir stated development can proceed without cost-sharing, but it will be more costly.

Councillor MacKay next noted that lot sales from Phase III included a covenant notifying purchasers there was a pending application for rezoning to R-2. He asked if such a covenant would be included in lot sales for Phase IV. Mr. Moir expected such a covenant would be included in the deeds when the lots in Phase IV are sold.

Councillor MacKay noted in the appraisal from Pat King there was reference to other developments in Sackville where there was a mixture of housing. He asked which other developments were considered. Mr. Moir replied Bridlewood Subdivision, Millwood Subdivision, and the Judy Avenue and Denneb Crescent area.

Connie Rusk, Solicitor for Five Point Development Co. Limited, advised she was here as the applicant's solicitor and as a homeowner in the area of the proposed development. She advised she lives on Hillsdale Crescent near the cul-de-sac, and during her years of heavy property practice she has become very familiar with property values in the area. She stated after seriously considering this development, she has no objections to it. She added that her parents also live in the area, and they had indicated to her they have no objections to this application. Also, Mr. Stephen Cant, another solicitor, lives on Hillsdale Crescent, and he, too, has no objections to this application. Ms. Rusk concluded that any statement or document which suggests speaking for all the residents of Sunnyvale Estates did not go near those three households.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN OPPOSITION TO THIS APPLICATION

Doug Smith, 50 Sunnyvale Subdivision, presented a petition to Warden MacKenzie, which was earlier referenced in the letter from Councillor MacDonald. He informed there were 29 residents from Phases I and II of Sunnyvale Estates who signed the petition. He stated these residents are against the rezoning of the property in question. There was a meeting with the developer, and a percentage of homeowners in the area attended the meeting. It was appreciated that the developer withdrew the original proposal for rezoning in Phase III. The original petition was signed agreeing as homeowners that they did not want to see the zoning changed from R-1 to R-2.

QUESTIONS FROM COUNCIL

Councillor MacKay asked how many households the 29 signatures on the petition represent. Mr. Smith advised 29 households are represented by this petition. He stated either the husband signed the petition or the husband and wife signed as one from each of the 29 households.

Councillor Deveaux asked what the major objection against this development is. Mr. Smith informed many of the homeowners were advised the subdivision as a whole was going to be zoned R-1, and they want to see if remain with R-1 zoning. Some of the concerns included the increased population in the area and the increased traffic flow which brings the possibility of going to the Beavercreek Road from the other end instead of taking the route through the entire subdivision. He concluded the major concern was homeowners did not want duplexes or possible rentals of duplexes. They want to see the entire subdivision remain zoned R-1.

Councillor Deveaux noted the original proposal was to bring the R-2 zoning down to join Phase II of the subdivision. However, the developer has since compromised by revising his plans to have Phase V rezoned.

Councillor Lichter felt the petition was prepared when the original proposal was submitted to the Planning Department, and it could be objecting to the rezoning on the basis of the original proposal, which has since been revised. Mr. Smith read over the heading of the petition advising the petition was signed in April, in opposition to the original proposal. However, the original petition is felt to still be effective.

Councillor DeRoche noted the petition was with respect to the original proposal in Phase III, and that application has since been withdrawn, and an entirely difference location is now being considered. He asked if the residents who originally signed the petition have been surveyed to determined whether or not they are of similiar mind with respect to the present location, and if so, how many.

Mr. Smith advised he had contacted approximately 75 percent of the residents to advise of the public hearing, and only two showed up. Councillor DeRoche clarified that the neighbours were not contacted to determine if they were of the same mind with respect to the second application.

Deputy Warden Wiseman noted Mr. Smith had mentioned a covenant in his deed had stated the property was zoned R-1. She asked if it stated anything about the remainder of the property remaining R-1 in Sunnyvale Estates. Mr. Smith advised it did not.

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

"THAT the application by Five Point Development Limited to rezone a portion of the Sunnyvale Estates Subdivision from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone as shown in the staff report be approved by Municipal Council."

Councillor MacKay stated as a representative of the community of Sackville, he appreciates and understand the concerns of Councillor MacDonald. Sackville has been under tremendous development pressures within the last four to six years, and it will continue as long as there is serviceable land remaining. He also expressed appreciation for concerns about the school situation. He spoke on the general moritorium on development. He stated he came before Council approximately two years ago and asked the solicitor if there could be a general moritorium on development. The answer was a definate no, although requests for rezonings to higher density can be withheld or rejected. Councillor MacKay felt looking at the area in question from a development point-of-view, and knowing the expansion to the adjacent mobile home park has been approved, Phase V may not be the most desireable area for single unit homes. He stated he has taken exception to development along the Little Sackville River because there has been previous trouble with siltation in the Little Sackville River. There have been problems with the Department of the Environment, with the inability to impose proper siltation methods. However, Councillor MacKay did not feel this proposed development would have a significant impact upon development in the immediate area. He stated Bridlewood Subdivision, Millwood Subdivision and the Judy Avenue Denneb Avenue areas have all experienced good housing mixtures, as expressed by Mr. Moir from Pat King Appraisals. He concluded he can find many reasons to be opposed to this development, but he can find more reasons to be supportive of the application.

MOTION CARRIED UNANIMOUSLY

ADJOURMENT

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


"THAT this Public Hearing adjourn."
MOTION CARRIED

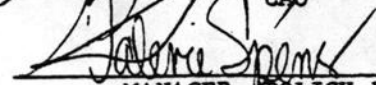
STAFF REPORT

TO: Planning Advisory Committee
 FROM: Dept. of Planning & Development
 RE: GROUND SIGNS

A BY-LAW TO AMEND THE ZONING BY-LAWS FOR
 SACKVILLE, EASTERN PASSAGE/COW BAY, COLE
 HARBOUR/ WESTPHAL, TIMBERERLEA/LAKESIDE/
 BEECHVILLE AND NORTH PRESTON, LAKE MAJOR,
 LAKE LOON, CHERRY BROOK AND EAST PRESTON

DATE: June 9, 1986



 CAO


 MANAGER, POLICY DIVISION

RECOMMENDATION:

THAT THE SACKVILLE, COLE HARBOUR/WESTPHAL, EASTERN PASSAGE/
 COW BAY, TIMBERLEA/LAKESIDE/BEECHVILLE/, AND NORTH PRESTON,
 LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON LAND USE
 BY-LAWS BE AMENDED TO PERMIT MORE THAN ONE GROUND SIGN ON A
 SUPPORTING STRUCTURE.

Information

The Department of Planning and Development has recently been made aware of a problem with those sections of the land use by-laws which deal with ground signs. All of the by-laws contain a section which states that:

"No ground sign shall share a supporting structure with any other sign."

The effect of the section is that in multiple occupancy commercial buildings, one supporting structure containing signs of all tenants in the building are not permitted (Figure 1, Page 2). This obviously can lead to a proliferation of signs on a single property given that each tenant is eligible to have three signs (see Figure 2, Page 3).

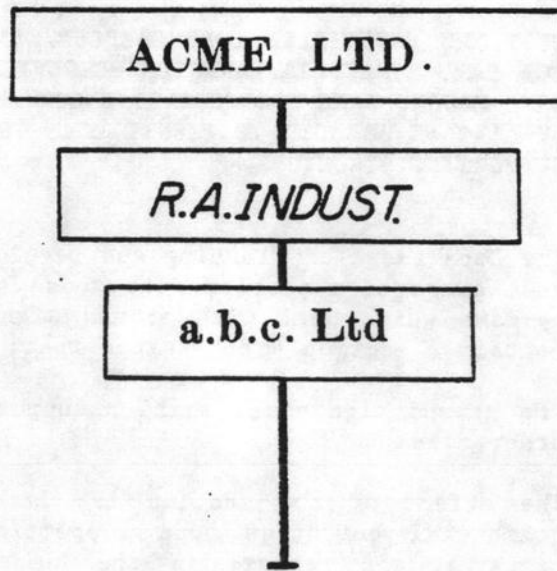
The by-law does however, technically permit erecting one ground sign and immediately below erecting a second and third sign by utilizing mutually exclusive supporting structures (see Figures 3 and 4, Page 4).

Buildings with two or more tenants are not uncommon in any of the plan areas and the present standards within the by-laws are not meeting the realistic needs of these businesses.

It is therefore recommended that the by-laws be amended in such a manner that would permit more than one ground sign to share a common supporting structure.

This amendment will have no direct effect on the size of signs. However, more than one sign of the maximum permitted size would be permitted on the same supporting structure.

Figure 1



NOT PERMITTED

Figure 2

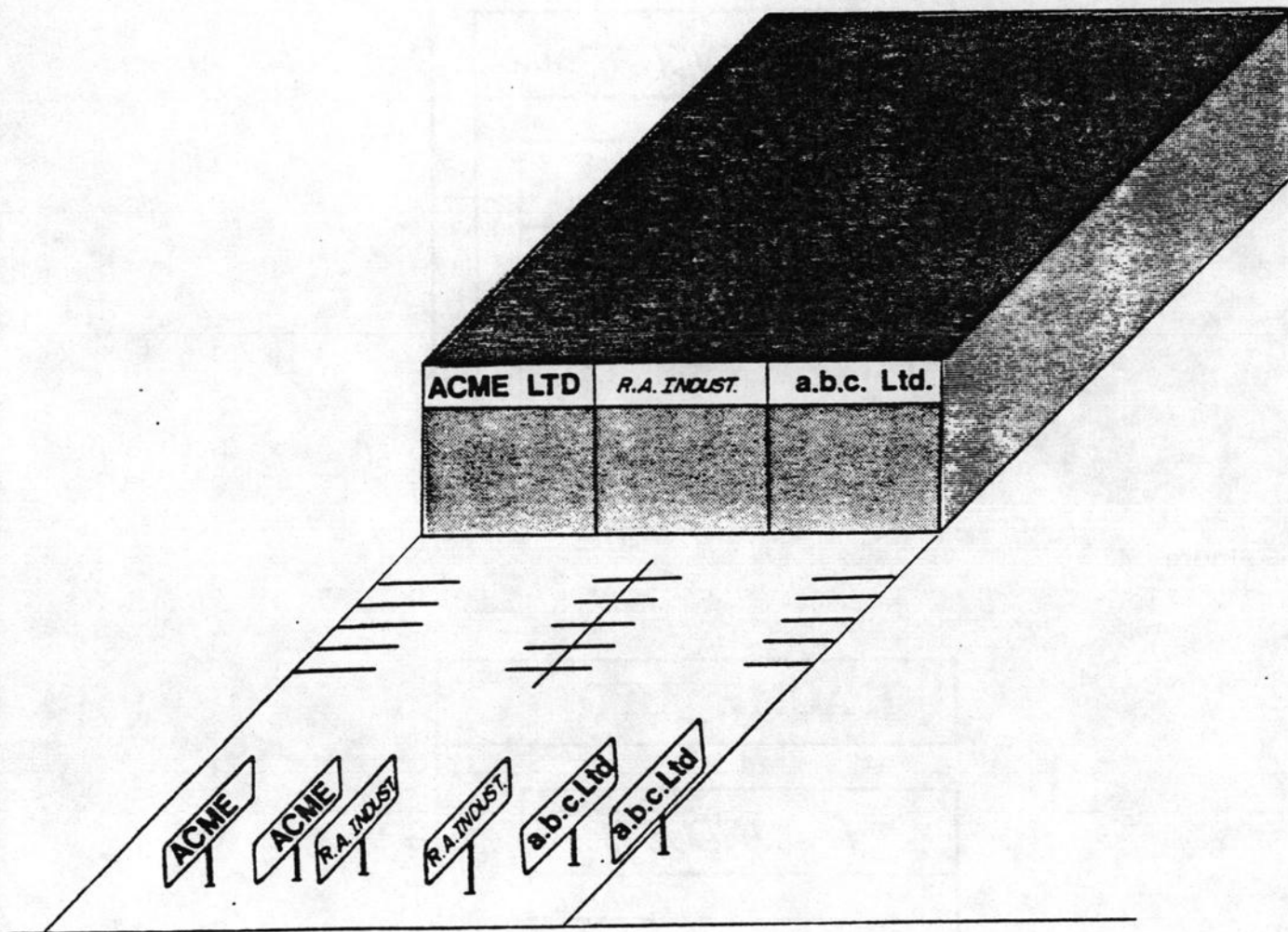


Figure 3

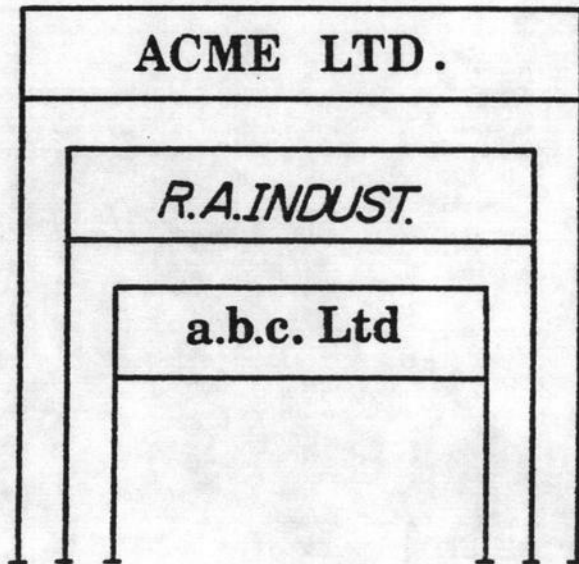
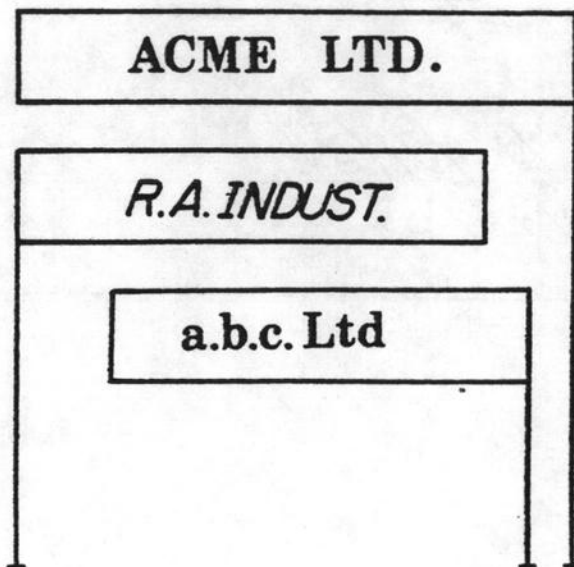


Figure 4



A BY-LAW TO AMEND THE LAND USE BY-LAW FOR

NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON

The Zoning By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended by:

- (a) repealing Section 5.27 (8)(e).

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR

COLE HARBOUR/WESTPHAL

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

- (a) repealing Section 5.9(d).

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR

EASTERN PASSAGE/COW BAY

The Zoning By-law for Eastern Passage/Cow Bay is hereby amended by:

- (a) repealing Section 5.9(d).

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE

The Zoning By-law for Timberlea/Lakeside/Beechville is hereby amended by:

- (a) repealing Section 5.8 (c).

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR SACKVILLE

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

- (a) repealing Section 5.8 (c).

D15A

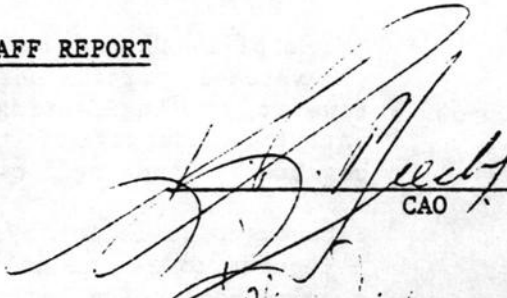
STAFF REPORT

TO: PLANNING ADVISORY COMMITTEE

FROM: PLANNING AND DEVELOPMENT

APPLICATION NO.: RA-SA-74-85-19

DATE: MAY 26, 1986



CAO

MANAGER, POLICY DIVISION

RECOMMENDATION

THAT THE APPLICATION OF FIVE POINT DEVELOPMENT LIMITED TO REZONE A PORTION OF THE SUNNYVALE ESTATES SUBDIVISION FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Alderney Consultants on behalf of Five Point Development Limited, to rezone 25 proposed lots of the Sunnyvale Estates Subdivision, as identified on Map No. 3 (p.4), from R-1 (Single Unit Dwelling) zone to R-2 (Two Unit Dwelling) Zone.

Description

Approximate Area: - 5.26 acres
Dimensions: As illustrated by Map No. 3 (p.4)
Features: - Municipal sewer and water available
- Gently undulating
- Partially covered in trees and shrubs
Surrounding Land Uses & Zoning: As illustrated by Map No. 3 (p.4). In addition, lands to the north west are under consideration for the expansion of an existing mobile home park.

ANALYSIS:

The area covered by this application lies within the "Urban Residential" designation of the Sackville municipal planning strategy. Within this designation, Council may consider amending the land use by-law for a variety of housing, including two unit dwellings.

The applicants had originally applied to rezone the entire undeveloped portion of the Sunnyvale Estates Subdivision. However, the Engineering and Works Department advised that the carrying capacity of the local sewer lines was simply not capable of handling flows from a development of that scale.

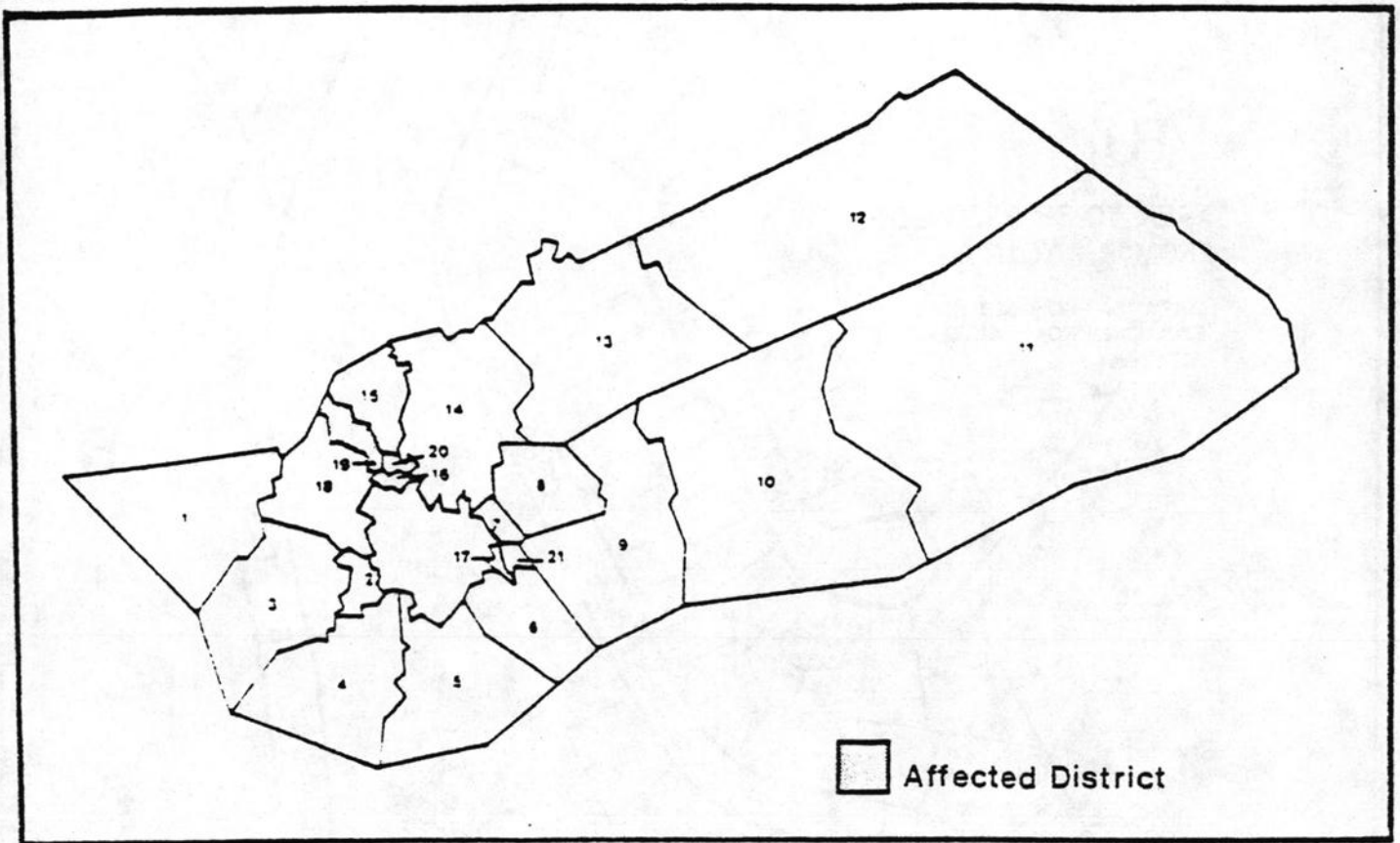
Subsequent revisions by Alderney Consultants have resulted in a request to rezone only 25 lots fronting on Sunnyvale Court, a cul-de-sac. The Engineering and Works Department has stated that is the maximum number of two unit dwellings that can be accommodated on the existing sanitary sewerage system for this area, and yet allow adequate capacity to service the remainder of the subdivision on a single unit basis. Therefore the Department now has no objections to the proposal as it now stands.

Surrounding land use, as shown on Map 3 (p.4) is composed of vacant land. The location of the R-2 lots on a cul-de-sac will provide a differentiation between areas of proposed single unit development and the proposed two unit dwellings. In addition, all the lots are a minimum of 10 feet deeper than required by the land use by-law, thereby offering additional separation distances.

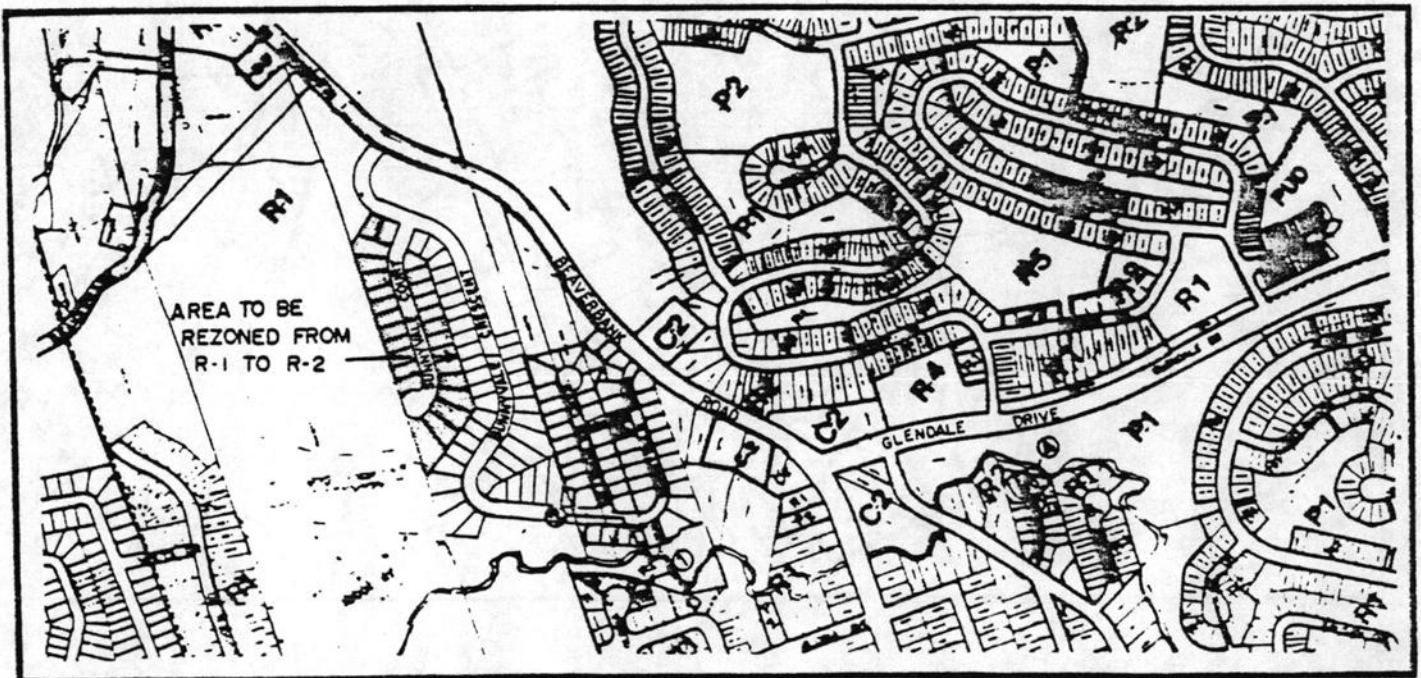
The Halifax County Bedford District School Board has indicated that schools in the area are over crowded and any development will have an adverse effect on the school situation. However this concern is one expressed by the School Board with respect to all higher density proposals. Therefore, by itself, this concern is not sufficient reason to deny the rezoning request. If the school situation is felt to be serious enough, a general moratorium on development would be more appropriate than would dealing with the situation on an individual basis.

In addition, recent announcements by the Province concerning school construction will work to reduce the problem of over crowding in the relatively near future.

MAP 1

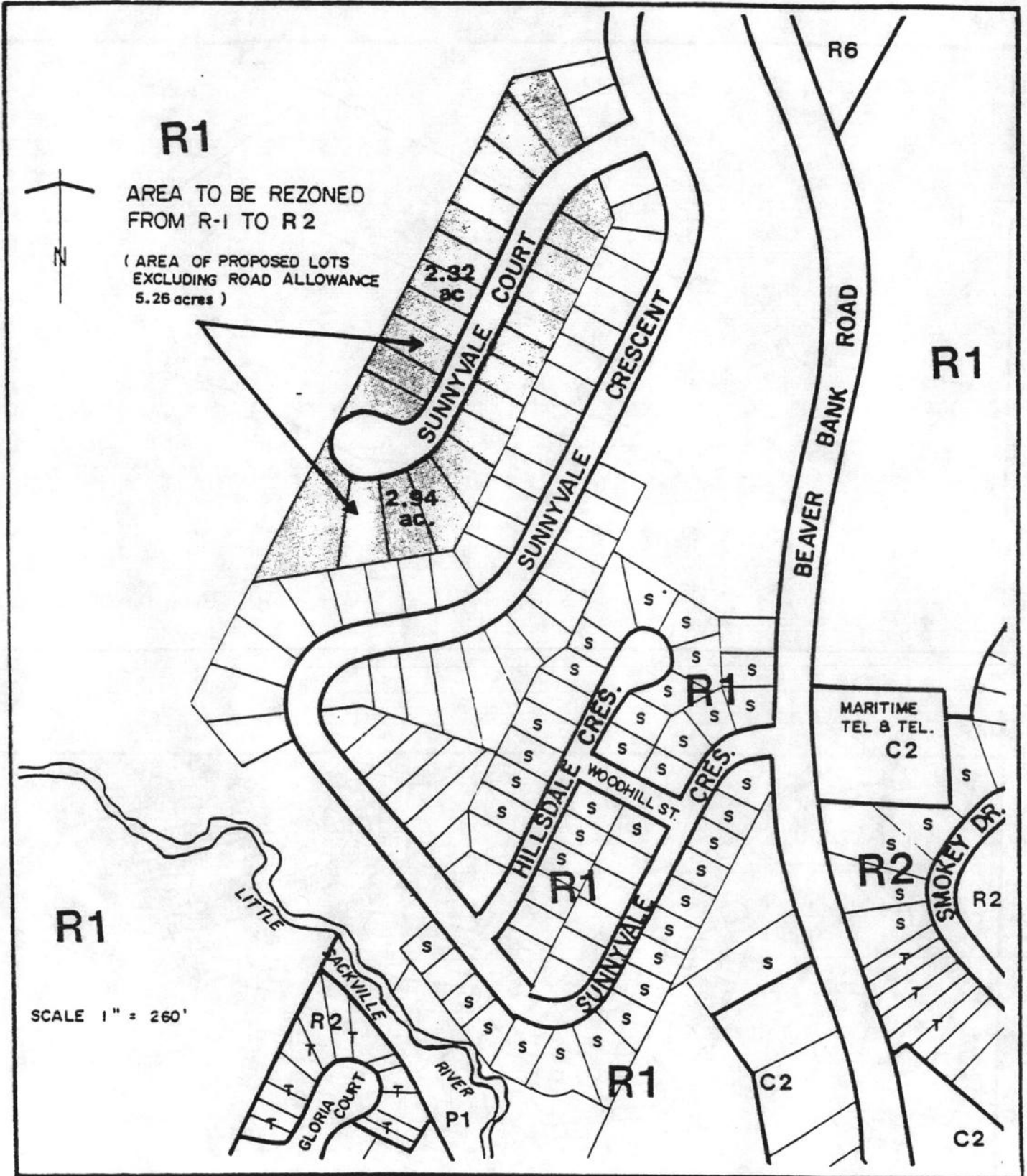


MAP 2



SURROUNDING LAND USES & ZONING

MAP 3



SACKVILLE ADVISORY BOARD

RECEIVED
JUN 25 1986

P.O. Box 216 Sackville, N.S. B4C 2S9

Planning and Development



June 18, 1986

Warden Arthur MacKenzie
and members of County Council
2750 Dutch Village Road
Halifax, N.S.
B3L 4K3

Dear Warden and Council Members:

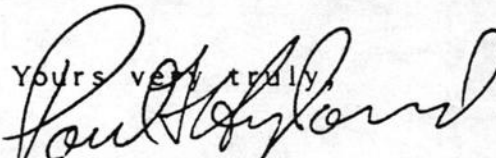
Re: Rezoning Application No. RA-SA-74-85-19 Five Points Development Limited==Sunnyvale Estates Subdivision

At the regular meeting of the Sackville Advisory Board on June 09, 1986 a motion was passed to oppose the above application.

During the discussions, it was determined that the developers in question, while development on an early phase show lack of concern for the the Little Sackville River and considerable sediment filled the River.

Whereas the County has no legal means to compel the developer to take necessary steps to control sediment during road and site development, the board feels an application to rezone from R1 to R2 for any future phases would increase sediment in the River and thus would not be in the best interest of the residents abutting the Little Sackville River downstream.

We ask Council to take this very real concern in consideration prior to making a final decision.

Yours very truly,

Paul F. Hyland,
Chairman

c.c. Minister of Enviroment
Province of Nova Scotia

✓ cc. Valerie Spencer
Policy Division

RECEIVED
JUN 23 1986

P. Hearing - July 28.



Halifax County Municipality

Councillor
District 19

Administration Centre
2750 Dutch Village Road
Halifax, Nova Scotia B3L 4K3
902-477-5641

July 21, 1986

Warden A. MacKenzie & Members of Council:

In reference to this evening's Public Hearing concerning the rezoning of lands of Sunnyvale Subdivision, the residents of Sunnyvale are not in favour of a rezoning from R1 to R2.

I submitted a petition to the Planning Advisory Committee at an earlier date from the residents opposing this rezoning. The Planning Department have a copy of the petition which I hope will be submitted and read at the hearing.

I am sorry that I can not be with you this evening due to a commitment to vacation with my family.

I ask you not to consider any changes to the zoning of Sunnyvale Subdivision and support the wishes of the residents.

Yours truly,

Councillor Bill MacDonald
District 19

Bill MacDonald
vav

cc Councillor R. DeRoche, Chairman, Planning Advisory Committee
Mr. Doug Smith

PETITION

APRIL 23/86

We the people of Sunnyvale Subdivision of Lower Sackville, N.S. are completely against the re-zoning of phase Three of Sunneyvale Subdivision to an R-2 zoning (duplex, multi family dwellings) & Semi's.

Presently Sunneyvale Subdivision is zoned R-I (single family units) as agreed upon in restrictive conventants schedule "B", and we demand it remains R-I Zoning so the value of our homes is protected.

Please find below and attached the signatures of the peoplee of Sunneyvale Subdivision in protest of R-2 Zoning for our Subdivision.

NAME: Douglas & Pamela Smith 50 Sunnyvale Cres., Dr. Loch
 Joe & Miriam Syms 58 Sunnyvale - 865-864-3571
 Tom & Suzanne K. Peltola 41 Sunnyvale - 864-3538
 William & Joan Jenkins 46 Sunnyvale 865-892
 Brent Hadenham 42 Sunnyvale Ct. 865-7981
 B. L. Boy 37 Sunnyvale Cres. 864-2866
 Doreen & Louis Price 29 Sunnyvale Cres. 865-4943
 Bruce & Joyce Grant 30 Sunnyvale Cres 865-1478
 Florence & Larry Lewis 26 Sunnyvale Cres. 865-8781
 Steve & Elaine Reeves 25 Sunnyvale Cres. 865-3869
 John & Family 38 Sunnyvale Cres. 865-9250
 Gaye & Roger Moreau 21 Sunnyvale Cres - 865-3381.
 Lud & Deborah Brennan 14 Sunnyvale Cres 865-4
 Donna & Floyd MacDougall 2 Sunnyvale Cres 864-3308

PETITION

- ✓ Mrs Geoffrey Ellis 5 ^{Sunnyvale} 865-8258
- ✓ Mrs Phyllis Patton 15 Sunnyvale Cres 865-9946
- ✓ Val Richard 6 WOODHILL ST SUNNYVALE SUB 864-3047
- ✓ Pearl Richard 6 Woodhill St, Le Sackville 25 864-3047
- ✓ Raymond Butler 5 Woodhill St. 865-1387
- ✓ Tranie Schup. 34 Hillsdale Cres. 864-3366
- ✓ Larry Andrews 18 Hillsdale 864-3988
-
- ✓ Miss Lopez. 14 Hillsdale Cres 864-2460
- Pauline LeBaile 28^{LOT} Sunnyvale Ct. 865-6436
- W. Hoge O. 9 Hillsdale Cres. 864-2645
- Frank Day 10 Hillsdale Cr. 864-2906.
- Cheryl Hill 22 Hillsdale Cr. 864-2762.
- M. Mrs. Phil Roman 46 Hillsdale Cr 864-3984
- Off. Corin lot 42 Hillsdale 865-5827

Wendy Johnson

37 Hillside Cr

865-4989

29 TOTAL