

Councillor MacKay questioned Mr. Morgan regarding the Fire Marshall's requirements. Councillor Rawding questioned Mr. Morgan with regard to signage and the regulations that would apply in this case. Mr. Morgan and Ms. Spencer responded to these and other specific questions from Council regarding the requirements of the Sackville Land Use By-Law. Councillor DeRoche asked what other uses are permitted in a P-2 zone. Ms. Spencer advised that any community type building - i.e, church, fire hall, day care facilities, government offices, etc., would be permitted.

Concern was expressed that the rezoning could provide an avenue at a later date for some other type of use other than the present doctor's office that is proposed. It was also suggested that a large sign on a stand could be placed on the property. The other item of concern was the parking area. There is nothing preventing the use of the front lawn as a parking area. Councillor MacKay also pointed out that while there are certain side-yard requirements for adding stories to buildings, a minor variance could be applied for and granted by the Development Officer, thus permitting the building of additional stories on this building.

Speaking in Favour:

Mr. Beaufort Mader, 15 Madeline Avenue, Sackville

Mr. Mader spoke on behalf of Dr. Rosemary Taylor. He advised that he had acted as her agent in applying for the rezoning. He further stated that it was Dr. Taylor's intention to use the building, with minor renovations, as an office for her small medical practice. He advised that Dr. Taylor has lived in Sackville for 10 years and that her only intention was to use the building for her practice. He said she intends to put up a small sign, identifying the fact that it is her office, and to put up small directional signs in the driveway (Entrance and Exit). He felt that the parking was adequate as Dr. Taylor's patients are by appointment only, at the rate of 3 or 4 per hour. He further stated that he felt that the people who circulated the petition were misinformed and that he had since spoken to several of the people who had signed a petition against the rezoning and felt that they were now satisfied with Dr. Taylor's intention. He further stated that, if necessary, Dr. Taylor could move in to the house and would then have the right to operate her clinic from her home.

Rosemary Taylor, 30 Memory Lane

Dr. Taylor said that she would like to emphasize the remarks made by Mr. Mader and to express the truth of those remarks. She also said she would like to emphasize on her own behalf, that her medical practice is small, contained and dignified. She also said she would like to move in with the blessings of the neighbourhood. To a question from Councillor DeRoche about the number of hours she works in a week, from her office she replied between 35 and 40 hours, and advised that she has approximately 2,000 patients. She also advised

that she always sees her patients by appointment.

In Opposition of the Re-Zoning:

Roy Weagle, 18 Beaverbank Road

Mr. Weagle spoke on behalf of the neighbourhood. He has lived in the area for many years, and he and the local residents do not want to see any more commercial development up the Beaverbank Road. He also stated that he felt the facts had been garbled. He advised that although Mr. Mader had spoken to him and others in the area with regard to the rezoning application since the petition has been circulated, he felt that contrary to what Mr. Mader says, if the petition were recirculated, the reaction would be much the same. He felt this would be because no matter what else, people do not want the rezoning. Mr. Weagle further stated that he had been told by Mr. Mader that Dr. Taylor had purchased part of the lot next door to 11 Beaverbank, and that it was to be used as a parking lot. Councillor Wiseman addressed this last statement and said that part of a lot could not be sold without subdivision approval.

Councillor Deveaux said that he got the impression that the major concern is what could possibly happen to this property in the future. He further said that he wondered if the residents would feel safer if some type of agreement was drawn up. He then asked Mr. Cragg if the Municipal Planning Strategy could be changed and then a Development Agreement be drawn up. Councillor Deveaux asked Mr. Cragg if a Development Agreement would be possible in this situation. Mr. Cragg said that if the roadway was clear to do this, we could put a clause in, but they are hard to control, easier to break, and that there is more protection in zoning than in a Development Agreement.

Mr. Weagle said that he did not feel that the current method of advertising Public Hearings for rezoning was adequate. He thought that the Planning Department should come up with a better way of letting residents in the area know that a property is being considered for rezoning.

Joyce MacLeod, 10 Dorothy Drive

Ms. MacLeod said that Mr. Weagle was truly speaking on behalf of all the local area residents. She advised that they had only recently found out about the application and had asked him to speak on their behalf. She said that she had spoken to Mr. Mader and felt great admiration for Dr. Taylor and would love to have her as a neighbour and see her operate her clinic from her residence. She said that the only objection anyone has is the question of re-zoning the lot.

The Deputy Warden ended the Public Hearing and turned to Council for a decision.

Councillor MacKay then addressed Council saying that after listening to the presentations this evening, he was prepared to make a motion.

It was moved by Councillor MacKay seconded by Councillor Eisenhauer:

"THAT the application by Beaufort Mader to rezone the lands of Noel Feetham, 11 Beaver Bank Road, District 19, from R-1 (Single Unit Dwelling) Zone to P-2 (Community Facility) zone be denied by Municipal Council."

Councillor Deveaux said that earlier he would have had reservations with regard to denying the application, but he knows that Dr. Taylor can move in to the property and operate her business from there.

MOTION CARRIED (VOTE. FOR - 10; AGAINST - 3)

3. Application Number RA-SA-17-87-16 - Application by Wayne Ivany to rezone lands at 30 Skyridge Avenue, Lower Sackville, District 16, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone. The stated purpose of the request is to permit the construction of a duplex residential unit on the lot.

Mr. Morgan read the application and background, as contained in his report of September 21, 1987.

No one wished to speak either in favour or against this application.

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

"THAT this application be denied."

Both Councillors MacKay and Wiseman spoke in favour of denying rezoning. There was discussion concerning the residents of Sackville and their feelings about R-2. Councillor Lichter said that he would like to know if Councillor MacKay had been contacted specifically on this piece of property. He said that there have been Appeals made to the Municipal Board and that we should be able to substantiate that we have good reason to reject this application. Councillor MacKay said that he had received several calls on this specific matter, and that he would, if necessary, appear before the Municipal Board and make a presentation.

Councillor DeRoche said that from his recollection when this came up before PAC he could not recall it being opposed by the residents in the area. He said he was prepared to support the staff report.

MOTION CARRIED (VOTE COUNT: FOR - 7; AGAINST - 6)

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

"THAT this meeting adjourn."

The meeting adjourned at 9:20 p.m.

MEMORANDUM

TO: Warden MacKenzie and Councillors
FROM: Paul Morgan, Planner, Policy Division
RE: PUBLIC HEARING, NOVEMBER 9, 1987
DATE: November 9, 1987

Three rezoning applications will be presented at tonight's hearing in the following order. Approval of each rezoning application requires a majority vote of Councillors present.

1. APPLICATION NUMBER RA-SA-23-87-20 - Application by the Municipality of the County of Halifax to rezone Lots 224 to 248 inclusive, at Crimson Drive, Sackville, District 20, from R-3 (Mobile Dwelling) Zone to R-1 (Single Unit Dwelling) Zone. The purpose of this application is to rezone these lots to reflect existing land use in the neighbourhood.

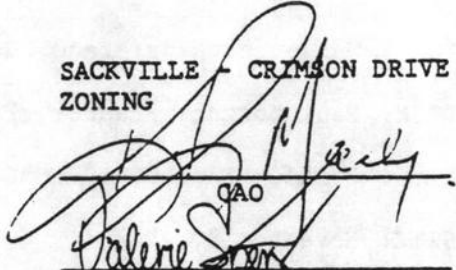
2. APPLICATION NUMBER RA-SA-18-87-19 - Application by Beaufort Mader to rezone lands formerly of Noel Feetham, 11 Beaver Bank Road, District 19, Lower Sackville, from R-1 (Single Unit Dwelling) Zone to P-2 (Community Facility) Zone. The stated purpose of the request is to permit the conversion of an existing single unit dwelling on the lot for use as a medical clinic.

3. APPLICATION NUMBER RA-SA-17-87-16 - Application by Wayne Ivany to rezone lands at 30 Skyridge Avenue, Lower Sackville, District 16, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone. The stated purpose of the request is to permit the construction of a duplex residential unit on the lot.

STAFF REPORT

TO: Planning Advisory Committee
FROM: Dept. of Planning and Development
DATE: September 21, 1987

SACKVILLE - CRIMSON DRIVE
ZONING



DIRECTOR, PLANNING AND
DEVELOPMENT DIVISION

RECOMMENDATION; THAT COUNCIL CONSIDER REZONING LOTS 224 TO 248 INCLUSIVE, AT CRIMSON DRIVE, SACKVILLE FROM R-3 (MOBILE DWELLING) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE

BACKGROUND: In 1983, a portion of Phase 12, Sackville Lakes Land Assembly was rezoned to R-3 (Mobile Dwelling) Zone in order to permit the Department of Housing to pursue a model mobile home subdivision. The need for this housing option was longstanding and the Sackville planning strategy specifically discussed and supported the concept.

The subdivision along Crimson Drive was specifically designed to allow proper siting of mobile dwellings. Lots were deeper than average and the two corner lots at the intersection of First Lake and Crimson Drives were allotted extra frontage to provide some separation from the street and allow an attractive entrance to the subdivision.

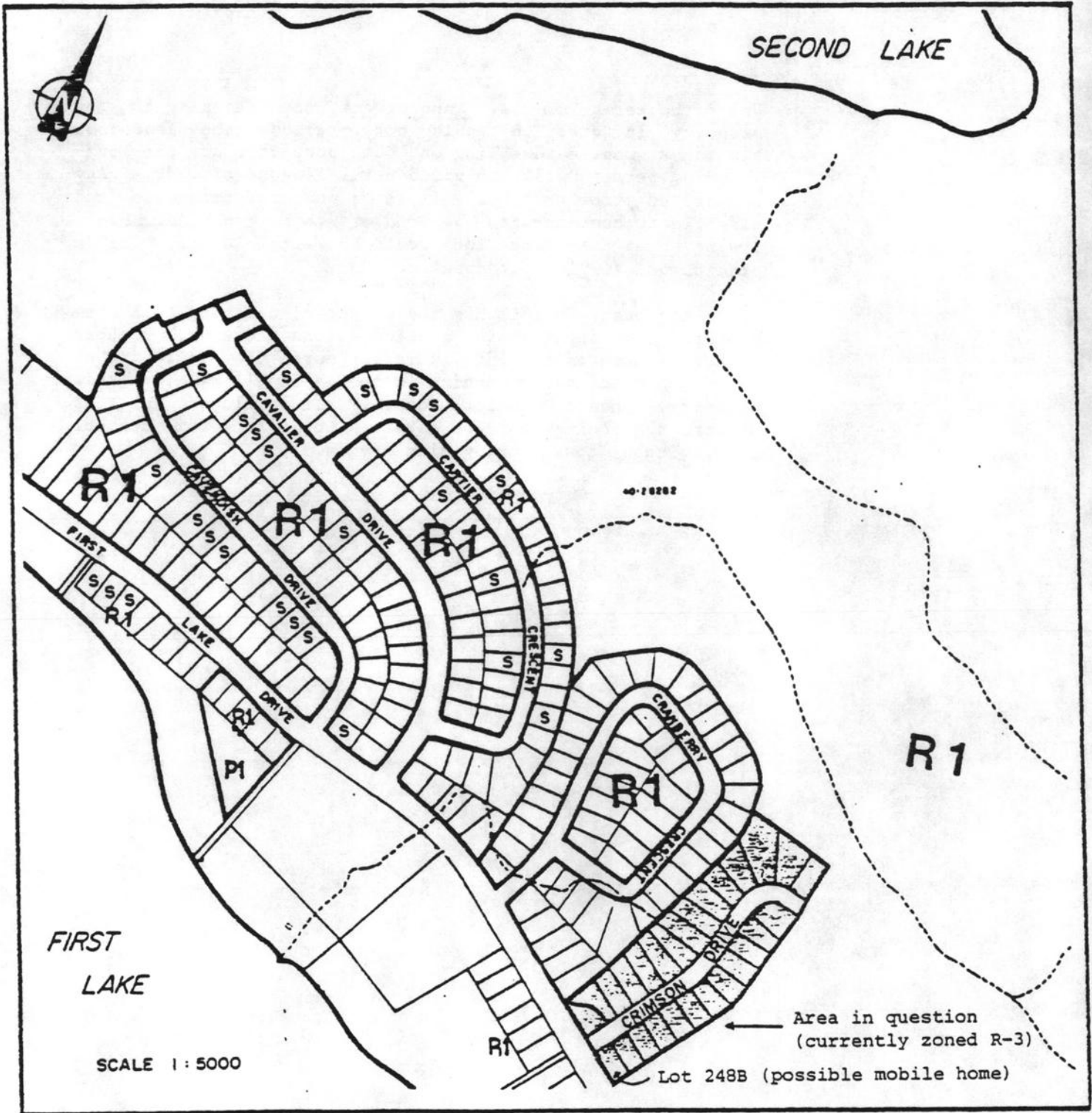
In spite of all attempts, the sale of lots to mobile home owners was not successful and, as the R-3 Zone also permits traditional units, the subdivision was developed with these homes. Although some consideration was given to reverting the land's zoning to R-1, this was not pursued as the development was apparently complete.

By early 1987, the owners of each of the large corner lots had subdivided their properties. A single unit dwelling was constructed on the west side of Crimson Drive and application was made for permits to locate a mobile home on the east side.

Although the property in question may rightfully be used to locate a mobile home, it is the opinion of the Department that this is no longer the most desirable use of the land. Consideration given to the original R-3 zoning was based upon a comprehensive proposal of subdivision design and mobile home siting as controlled by the Department of Housing. In addition, the lot which has been created is that part of the subdivision which was specifically represented as providing a separation distance for and from mobile units, and as such would not be used as a mobile home site. As the subdivision now stands, the mobile home would be subject only to minimal standards.

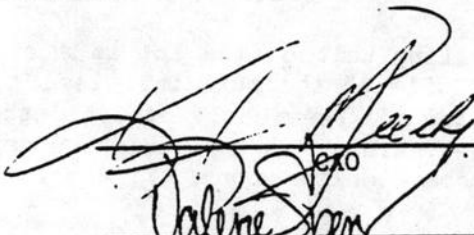
Under the terms of the Planning Act, the rezoning of the property in question would not preclude the landowner placing a mobile dwelling on the property, as the outstanding permit will be valid until August of 1988. Any home sited prior to this will be a non-conforming use and eligible to continue, to be sold or to be replaced. Following this date, the lot would be eligible only for a traditional single unit dwelling.

As in the past, Council has the option of deleting this one property from any rezoning considerations, however, without an actual home on the lot, it is suggested that there is no immediate need to recognize a mobile dwelling for this property. Should the lot actually be developed in this manner, the zoning could be altered to R-3 and this can be done, without cost, during plan review.



STAFF REPORT

TO: Planning Advisory Committee
 FROM: Dept. of Planning & Development
 DATE: September 21, 1987
 APPLICATION NO. RA-SA-18-87-19


 DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE APPLICATION BY BEAUFORT MADER TO REZONE THE LANDS OF NOEL FEETHAM, 11 BEAVER BANK ROAD, DISTRICT 19, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO P-2 (COMMUNITY FACILITY) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

The applicant, Beaufort Mader, has requested the rezoning described above, to permit the property to be used for a medical clinic. If approved, he intends to renovate the existing single unit dwelling on the lot. Most of the renovations would involve interior modifications to the building. No enlargements to the structure are anticipated. He does not intend to use any part of the building for residential occupancy.

The applicant has stated that in the immediate future, the clinic would contain only one consulting room. However, he has indicated a desire to introduce one more consulting room in the future, as he estimates that there is adequate internal floor space to accommodate this growth.

Mr. Mader expects that external modifications would involve the addition of small lighted signs for advertising and traffic direction, and possibly a small spot light directed into the parking area.

Description

MPS:	Sackville
Area:	10,973 sq. ft.
Dimensions:	As illustrated by Map 3, p.5
Surrounding Uses and Zoning:	As illustrated by Map 3, p.5

The lot is located on an inclined portion of Beaver Bank Road, adjacent to the Judy Avenue intersection and just north of Sackville Drive.

A majority of lots in the immediate neighbourhood are occupied by single unit dwellings. However, a number of community facilities including a church, a fire hall, and a day care centre can be seen on the south side of Judy Avenue and on the west side of Beaver Bank Road between Sackville Drive and Judy Avenue.

The dwelling unit on the lot is a single storey structure. Two driveways, one on each side of the building, lead to a paved parking area in the back yard. A contractor had previously occupied the property and had created the parking area to store vehicles and construction materials. A garage is also located adjacent to the open parking space (Figure 1, p.6).

ANALYSIS:

The municipal planning strategy for Sackville designates the property and surrounding neighbourhood as urban residential in support of the existing single unit residential environment. However, the designation recognizes that certain community services and facilities conveniently serve the public from locations in general residential areas. Provisions were, therefore, included in the strategy to allow for the review of development proposals of this nature on a case-by-case basis, through rezoning procedures.

The main criteria in evaluating their acceptability are as follows:

- (i) that they are situated to serve the needs of the local population and are easily accessible via local and collector streets;
- (ii) that the provision of municipal services is feasible; and
- (iii) that the use and location of such facilities would not generate unwarranted conflicts with adjacent or nearby land uses.

Staff believe that the proposal will meet these criteria. The lot is easily accessed from the surrounding residential areas via Beaver Bank Road and Sackville Drive, and yet the scale of the proposal is small enough that the additional traffic generated on Beaver Bank Road should be insignificant. The Engineering Department and Department of Transportation have stated that the proposal would not present any difficulties from their perspectives.

Its location, adjacent to existing community facilities is also viewed as a positive attribute. If the exterior of the building were not significantly altered, the property would maintain the visual appearance of the surrounding residential units but extend community facility uses across the street.

The existing parking lot in the rear yard is well suited to accommodate parked vehicles with minimal disturbance to surrounding properties. A wooden fence is located along the rear property line and the nearest houses on Dorothy Drive are at a lower elevation and have relatively large setbacks from the parking lot. Abutting properties on either side along Beaver Bank Road are buffered by the combination of existing foliage, the garage, and the natural change in grade. The two access lanes also facilitate efficient movement of vehicles to and off from site.

The existing parking lot has adequate space to meet the by-law requirements for a single consulting room. The land use by-law for Sackville requires that medical clinics maintain five parking spaces for each consulting room, plus one additional space for the mobility disabled.

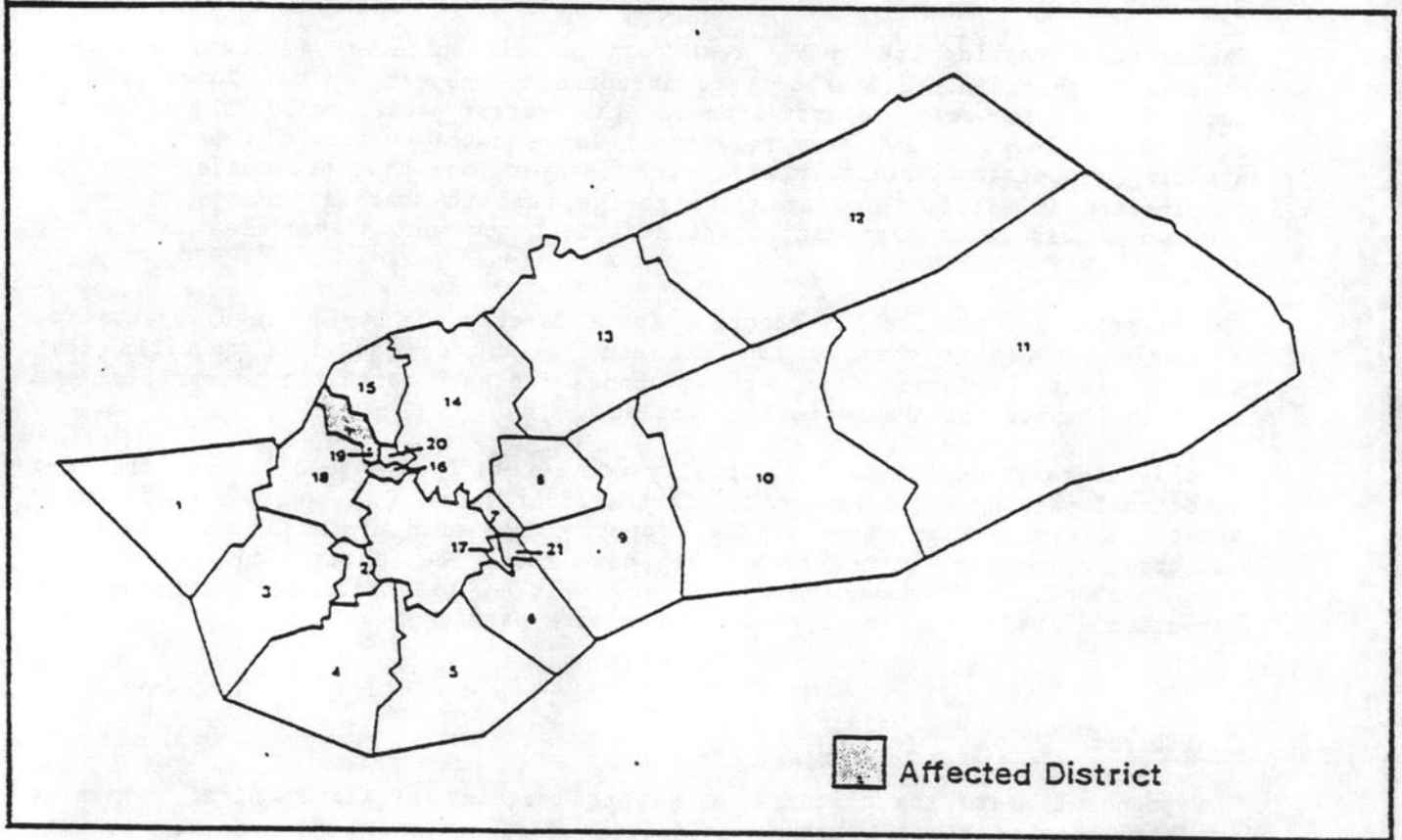
Should future expansion to the facility occur, staff have some concern that any additional parking would be located in the front yard. This would significantly alter the visual appearance of the property and would diminish the relatively unobtrusive manner with which the use could be integrated within the neighbourhood. Mr. Mader has, however, written to indicate that he has no intention of using the front yard for use as a parking lot.

Conclusion

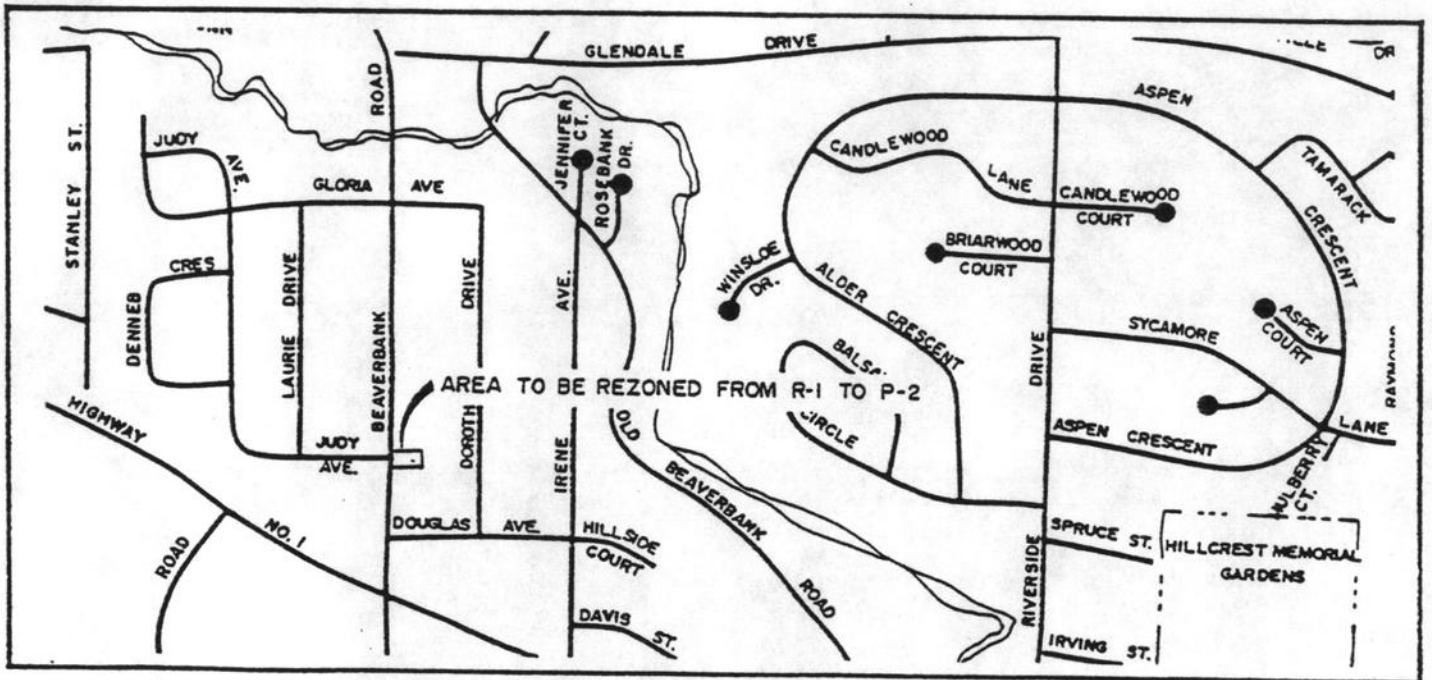
The proposal meets the criteria to permit rezoning to the required community facility zone within the urban residential designation. The property is well situated to serve the local community and would not require any modification to existing municipal services and infrastructure.

SURROUNDING USES AND ZONING

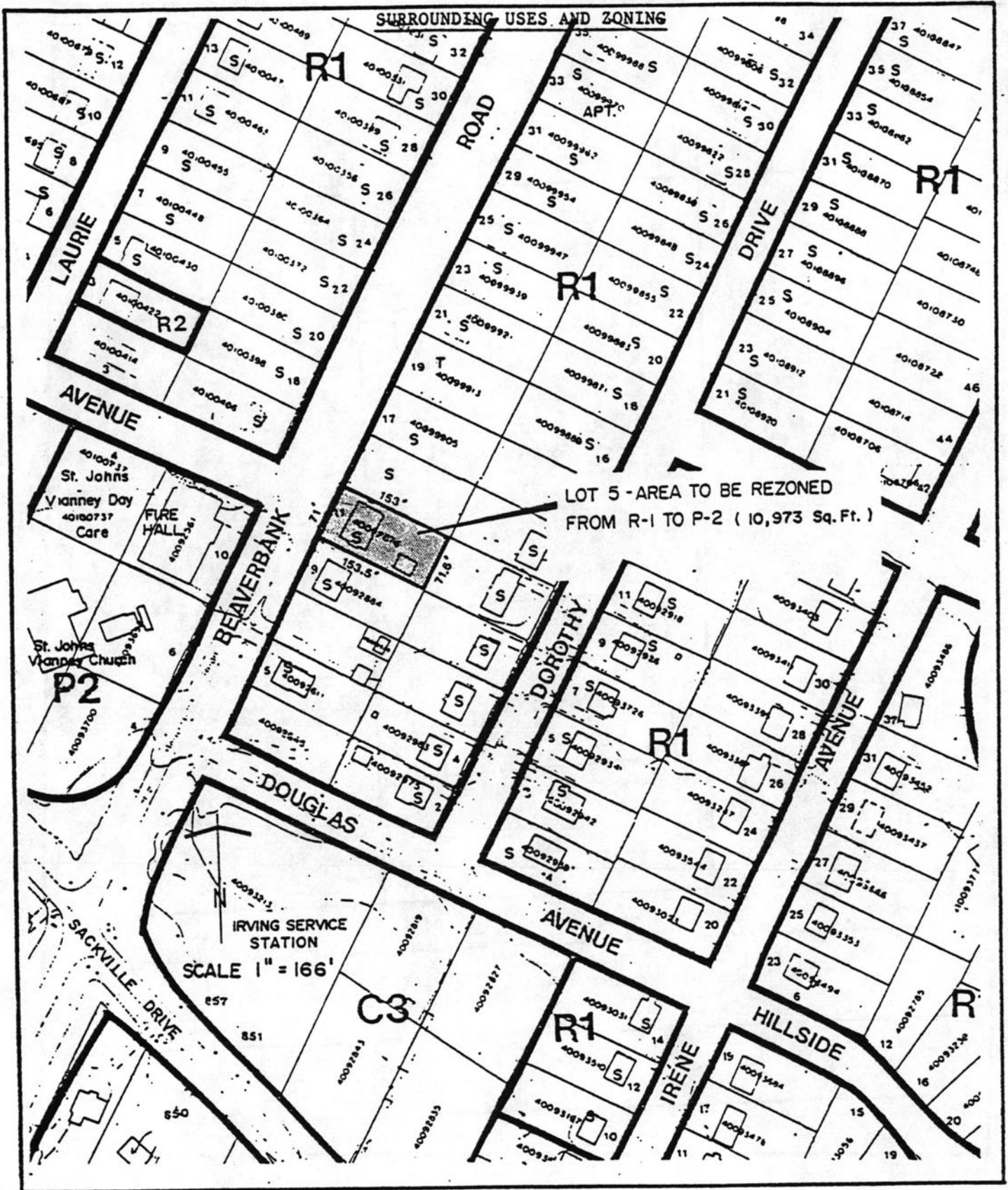
MAP 1



MAP 2

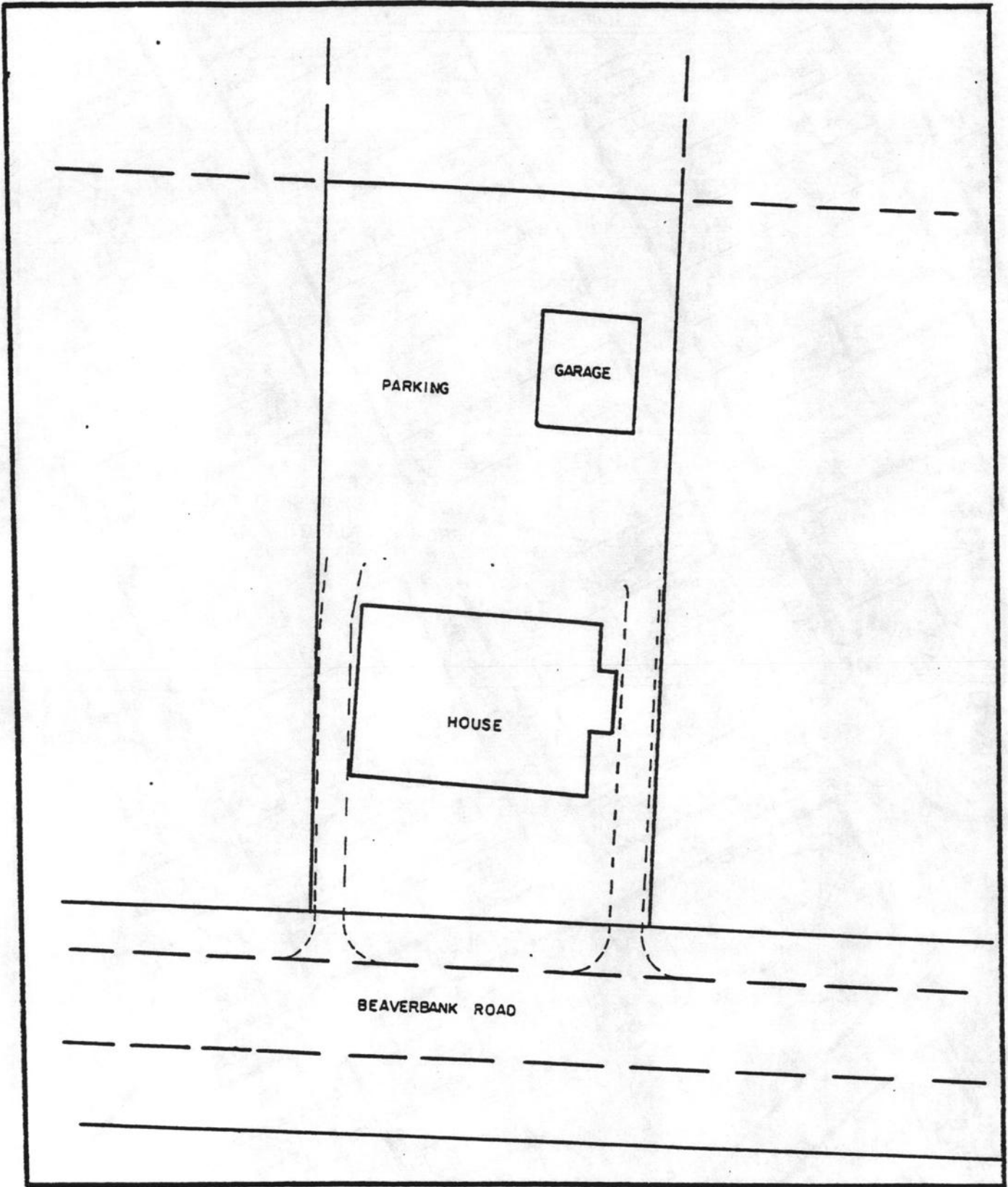


MAP 3



NOT TO SCALE

FIG. 1



PETITION TO THE COUNTY OF HALIFAX

SUBJECT: Re-zoning of 11 Beaverbank Road from R1 to P2.

Public Hearing Scheduled for November 9, 1987, at the Council Chambers of the County Building on Dutch Village Road, in Halifax.

STATEMENT:

It is the view of the attached signatories that the re-zoning of this property will be the commencement of a major disruptive force in our neighborhood. It contains serious potential for future events which could change the character of our community for the following reasons:

1. The staff report clearly indicated that the Doctor who intends to use the house wishes to eventually expand.
2. There is nothing to prevent such expansion from leading to the paving of the front yard for parking, as it is required that five parking spaces per consulting office be supplied. This paving would immediately alter the visual aspect of the neighborhood.
3. Alternatively the adjacent property could be acquired and re-zoned.
4. The adjacent property is already owned by the same prospective seller.
5. Informal enquiries have already been made of the county for re-zoning this adjacent property.
6. Property at #17, up the same side of the street, is already owned by the brother of the proposed purchaser of #11.
7. It seems obvious that the long term goal of these individuals is to alter substantially the current use of this string of properties.
8. Most importantly the neighborhood residents wish to keep the character of this area as it is.

Robert J. Blakemore - 25 Beaverbank Rd.
 Janet Blakemore - 25 Beaverbank Rd.
 Mona Woods 28 Beaverbank Rd.
 Jerry & Evelyn 20 Beaverbank Rd.
 Nita Roache 42 Beaverbank Rd.
 Thessa Dunham 40 " "
 Lora Dali 44 Beaverbank Rd.
 Effie Rhodeman 37 Beaverbank Rd.
 Joan Wood 35 Beaverbank Rd.
 Pearl Wood 35 Beaverbank Rd.
 Shirley O'Sullivan 23 Beaverbank Rd.
 Thomas O'Sullivan 27 Beaverbank Rd.
 Margie Kosky 30 Beaverbank Rd.
 C. W. Kraft 42 Beaverbank Rd.
 Alabine 36 Beaverbank Rd.
 E. Kraft 31 Beaverbank Rd.
 Jean Munn 41 Beaverbank Rd.
 Jean Munn 41 Beaverbank Rd.
 Fern Lorcum 43 Beaverbank Rd.
 Margaret David Bayers
 Robert Pittale 44 Beaverbank Rd.
 Nan Reid 38 Beaverbank Rd.
 Debbie Lott 32 Beaverbank Rd.
 Mary R Woods 28 BEAVERBANK RD.

NAMEADDRESS

Margaret Butch	17	Beaverbank Rd
L. C. Wleage	18	Beaverbank Rd.
Susan L. Theriault	9	Beaverbank Rd.
Louis F. Theriault	9	Beaverbank Rd.
Paula Mayich	20	Beaverbank Road
John S. Majid	20	Beaverbank Road
Asa B. Deagle	18	Beaverbank Rd.
Glen W. Deagle	21	Beaverbank Road.
Florence Keraym	22	Beaverbank Rd.

Albert Robert	11 Dorothy Drive
Jackie Robert	" "
Betty Cairns	12 " "
Eva Porter	16 " "
John Porter	16 " "
James Stewart	18 " "
James Stewart	18 " "
Murray Alal	17 " "
Shirley Alal	17 " "
James Alal	24 " "
James Alal	24 " "
Claire Van Roper	26 " "
Verby Van Roper	26 " "
Marie Smith	37 " "
Don Smith	37 " "
Helene Spidese	43 " "
John Spidese	43 " "
Linda Mahar	2 Gloria Ave
George Mahar	2 Gloria Ave
Elizabeth Connally	29 Dorothy
Maryann Connally	29 Dorothy
John Connally	19 " "
John Connally	19 " "
Mrs C. Lewis	7 Dorothy
Mr A Lewis	7 Dorothy
K. O. Hire	4 Dorothy Dr.
Ruby Hire	4 Dorothy Dr.
Sharon MacKay	15 Dorothy Dr.
R. B. MacKay	15 Dorothy Dr.
C. Sampson	14 Dorothy Dr.
Roy Sampson	14 Dorothy Dr.
Grace Leonard	22 Dorothy Dr.
Kay Leonard	22 Dorothy Dr.
Beverly R. Kyle	31 Dorothy Dr.
Michael R. Kyle	31 Dorothy Dr.

Ruth Gamble	39	Dorothy Dr.
William R. Gamble	865-2620	
Jamie Balcom	28	Dorothy Dr.
John Balcom	28	Dorothy Dr.
Emp J. Thomas	25	Dorothy Dr.
John W. Thomas	25	Dorothy Dr.
Dominique Teniere	23	Dorothy Dr.
John Teniere	23	Dorothy Dr.
Mona Mullenger	27	Dorothy Dr.
Charles Mullenger	27	Dorothy Dr.
Barbara White	30	Dorothy Dr.
Maxine Weagle	6	Douglas Ave.
Joy Weagle	6	Douglas Ave.
Joyce MacLeod	10	Dorothy Dr.
Alan MacLeod	10	Dorothy Dr.

18 Beaverbank Road
Lower Sackville, Nova Scotia
B4E 1G5
November 6, 1987

The County of Halifax

To Whom This May Concern:

RE: The Rezoning of 11 Beaverbank Road, Lower Sackville, N.S. From R1 To P2

A few days ago we became aware of this request for rezoning. Our family has lived in this location for sixteen years and are concerned to see changes taking place that could alter the nature of this residential neighborhood.

I can understand the positive motivation of the council and staff in feeling that the addition of a Medical Clinic to the area might be a useful service, however, given that within a few hundred yards we have a doctor's office in Downsview Mall, along with a Walk-in Medical Clinic recently opened in the Superstore, and a few other such operations, within a reasonable distance, it seems this proposed Clinic is unnecessary.

I would also like to point out the fact that in the new Post Office Commercial Complex, there is plenty of space available and as yet unrented. This is only several hundred feet away on the main street.

Our experience of living on Beaverbank Road is with the knowledge that it is well travelled with hitchhikers; the RCMP once called this particular stretch of street "a hitchhikers crime of opportunity" for house break-ins. This evokes in myself a fear that break-ins might occur in search of drugs or other such medical supplies at the Centre. This activity or related actions could then spread to the homes in the neighborhood.

I recall an incident some time back involving a Medical Clinic located in the Lower Sackville Shopping Centre known as the Sackville Medical Clinic--some

children while playing discovered and retrieved from the garbage, used and disposed hypodermic needles. This incident created media attention and caused many parents to worry. Well, we have small children here in this area. There is always the potential such an incident could happen again.

The staff report indicates the future holds expansion by the Doctor's own statement. Bylaws indicate that five parking spaces are required per consulting office. There is apparently five spaces available at the back. (Why a private home would need so much parking I don't understand, was a bylaw being violated all these years?) Where will more parking space come from? Once the rezoning takes place, there is nothing legal to prevent the owner from paving the front of his business, and this is not an appropriate esthetic change for a residential community. The letter of intent has no legal force.

There is presently, a FOR SALE sign on the other property, up the hill next to Number 11, also owned by Mr. Noel Feetham. This property has already had an unofficial inquiry regarding rezoning for it. The buyer of Number 11 is Mr. Beaufort Mader. The revenue from one property enables the acquisition of the other property. The home owners of Number 17 are an older couple, both are not in good health so this piece of realty can be waited on, for the moment. The owner of Number 19, is Mr. Gary Mader (brother of the above Beaufort Mader) and he rents out this house. The scene unfolds that a chain of property is owned by two brothers and basically under one control. What sort of development does the future hold for this land?

Mr. and Mrs Butt are a prime concern for their neighbors. They are long time residents of this property and comfortable in the surroundings in which they find themselves. This kind of concern for their future is not something they need.

I do not wish to attribute any machiavellian motivation to the participants in this situation. It can be characterized as good business sense and practiced by many. Yet, either way the results remain the same for the people who live here. An obviously unnecessary, and superficially simple, rezoning turns our neighborhood into something of quite a different character. We did not move into this and do not want to see this happen.

I believe that you will find many people in the area concerned as we are at this proposal. Please exercise good judgement relative to any realistic need for this rezoning and compassion for those of us who live here and have given a significant portion of our life and resources to making our home here and to maintaining it as our neighborhood.

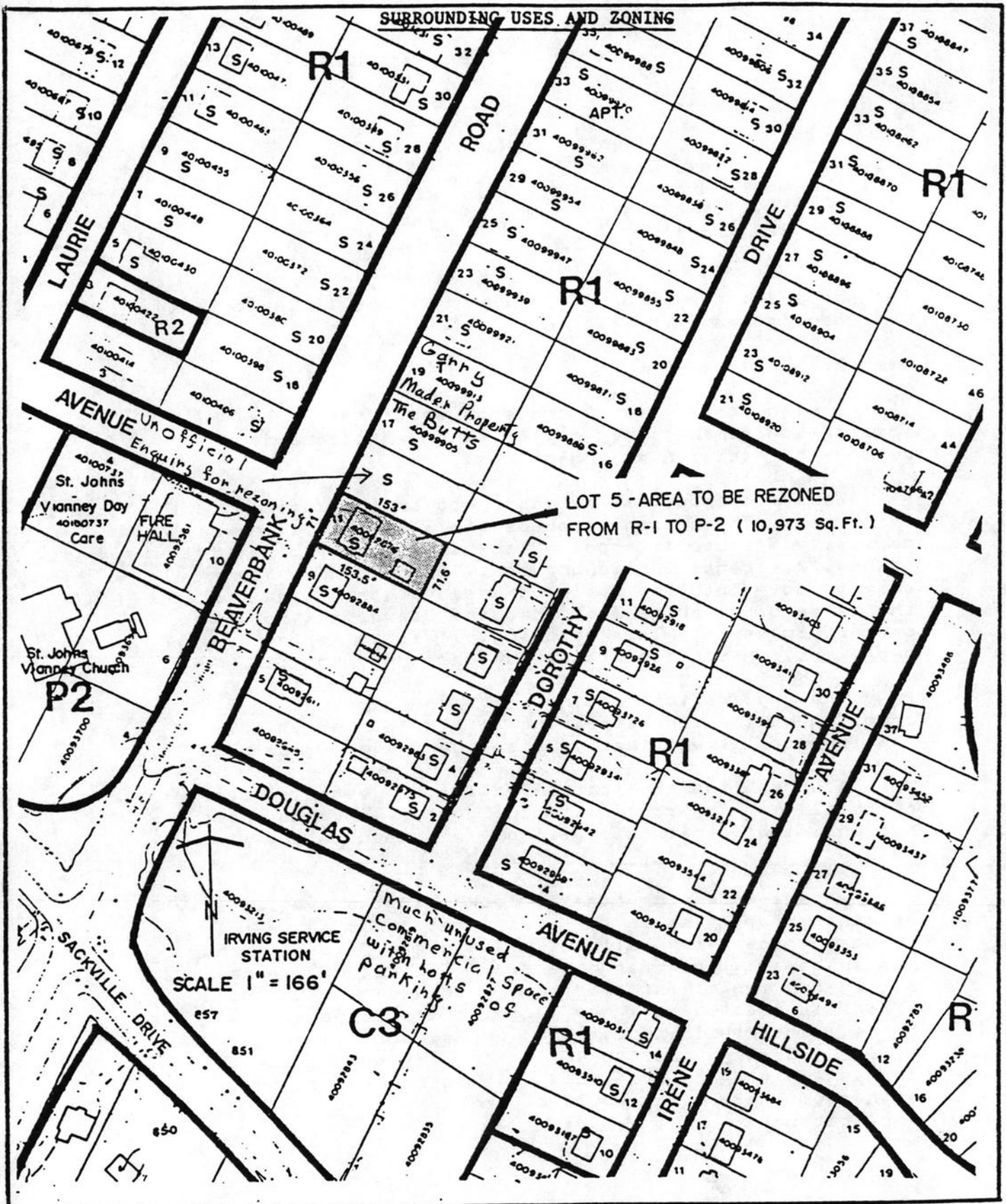
Yours truly,

A handwritten signature in cursive script, appearing to read "L. C. Weagle".

Anna & LeRoy Weagle

MAP 3

SURROUNDING USES AND ZONING



LOT 5 - AREA TO BE REZONED FROM R-1 TO P-2 (10,973 Sq. Ft.)

SCALE 1" = 166'

Much unused Commercial Space with lots of parking

Unofficial Enquiry for rezoning

IRVING SERVICE STATION

Garry Mader Property The Butts

St. John's Vander Church

Yvanney Day Care

FIRE HALL

20 Beaverbank Road
Lower Sackville, N.S.
B4E 1G5

Nov. 3, 1987

Mr. Gerald Kelley, Clerk
Halifax County Municipality
2750 Dutch Village Road
P.O. Box 300 Armdale
Halifax, N.S.

Re: Application # RA-SA-18-87-19 to rezone 11 Beaverbank
Road from R-1 to P-2

Dear Mr. Kelley;

I wish to express my concerns about this application so that they may be taken into consideration during the decision making process.

We moved into this neighborhood in the spring of this year. The reason we choose this area to live was primarily because it appealed to us as an established stable, residential neighborhood. It would have been easy to move into the Millwood area but this area lacked the sense of establishment that the Beaverbank Road property gave us. This rezoning, if it is approved, represents an erosion of that neighborhood spirit.

The application does not give any binding commitment that the appearance of the property would continue to reflect that of a residential neighborhood.

Although the application is for the establishment of facilities to accommodate one doctor, I cannot help but anticipate that this will be increased in the future.

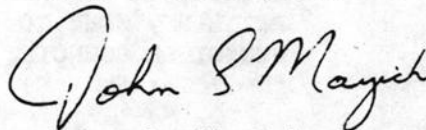
I have taken the time to look into the availability of other properties in the area, that could serve this purpose. Downsvew Mall now has a doctor's office and has space available for others. (Contact Ms. Verna Bulley for rental information.) In addition the post office is located in a new building at 833 Sackville Drive. This building is owned by Mr. John J ardine (835-9145 and 846-4673) who has informed me that he has ample space available. It is my opinion that either of these sites would be better suited for this application.

Both of these locations have adequate parking and are places where people would have more than one reason to go to. If anything, they are more readily accessible and, the use of one of them would not disrupt the existing neighborhood on Beavercreek Road or at either of these alternate sites.

These are only two places that I thought of to phone. I am certain that there are others in the immediate area that would provide Dr. Taylor with a wider selection and serve both her needs and those of the community.

In conclusion, I wish to go on record as opposing this application.

Sincerely Yours;

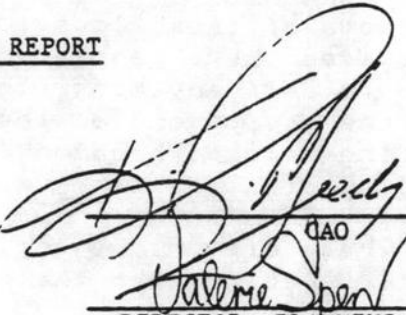
A handwritten signature in cursive script that reads "John S. Mayich". The signature is written in dark ink and is positioned above the printed name.

John S. Mayich

D26

STAFF REPORT

TO: Planning Advisory Committee
FROM: Dept. of Planning & Development
DATE: September 7, 1987
APPLICATION NO. RA-SA-17-87-16



DAO
Valerie Sparrow

DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE APPLICATION BY WAYNE IVANY TO REZONE 30 SKYRIDGE AVENUE, LOWER SACKVILLE, DISTRICT 16, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

The applicant, Wayne Ivany, property manager for 500 Ventures Ltd. (owners of the lot), has indicated that his firm requests rezoning to permit construction of a 1½ or 2 storey duplex. He anticipates that construction will begin next spring or summer if the application is successful. After completion, it is intended that the property will be maintained for rental accommodation.

Description

MPS: Sackville
Area: 15,800 sq. ft.
Dimensions: As illustrated by Map 3, p.4
Surrounding Uses
and Zoning: As illustrated by Map 3, p.4

ANALYSIS:

Within the Sackville municipal planning strategy, the property falls along the boundary line between the Urban Residential and General Commercial Designations, with the majority of the lot falling within the former designation.

Although a predominantly single unit dwelling environment is intended within the Urban Residential Designation, the plan also recognizes the need for higher density development to meet the diversified housing needs of the community. Rezoning to two unit dwellings is permitted where servicing commitments can be met and where the scale and location will not conflict with adjacent properties or be generally inconsistent with the existing neighbourhood.

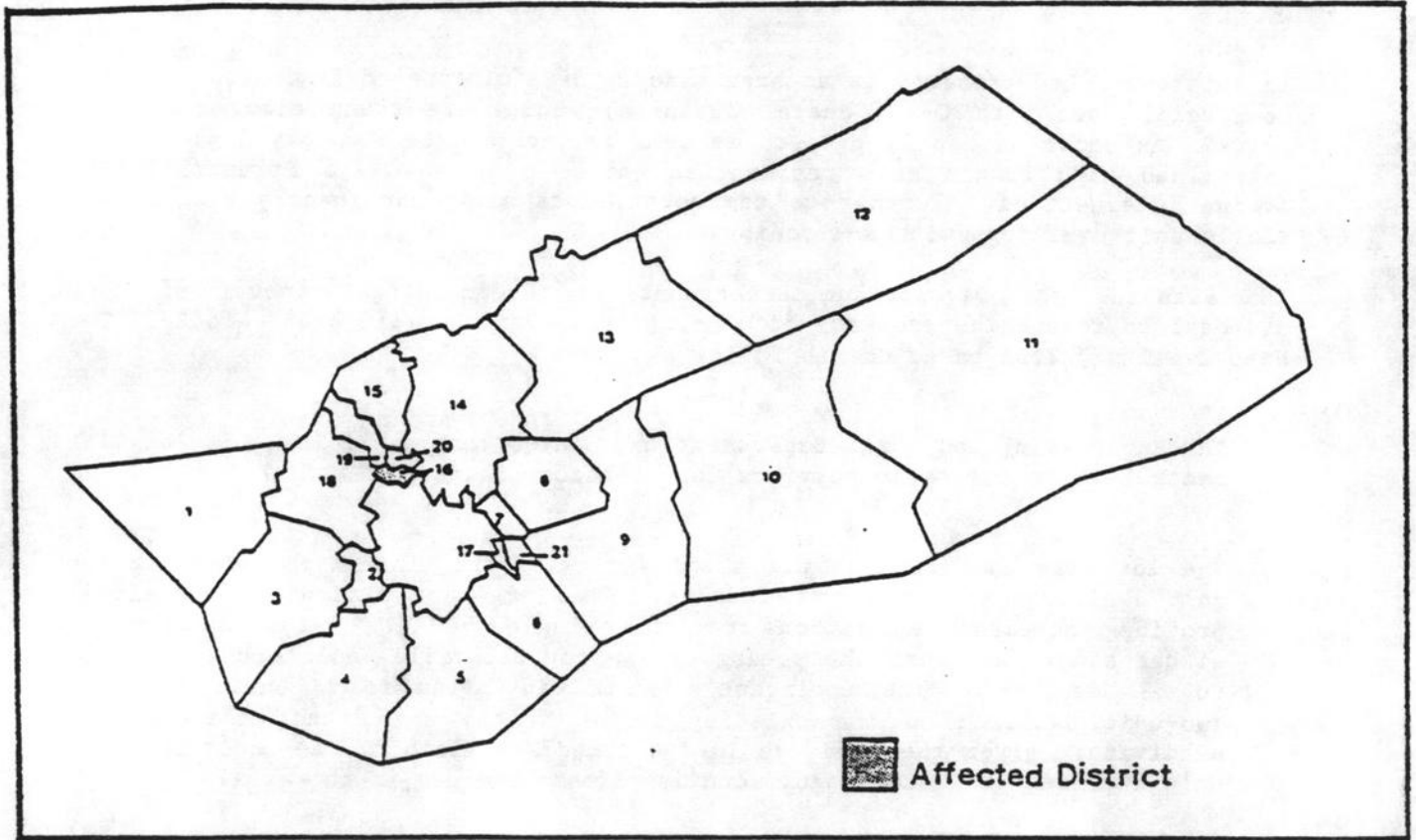
In this case, the property is an area made up of a mixture of land uses. Mainly commercial uses with C-2 (General Business) zoning are found along Sackville Drive. As shown on Map 3, p.4, commercial uses also extend up Skyridge Avenue, intermixed with single unit residential units up to the Kaye Street/Hillside Avenue intersection. Further to the north, lots are predominantly occupied by single unit dwellings with R-1 zoning.

The Planning and Development Department is recommending approval of this proposal to rezone the property from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone based on the following:

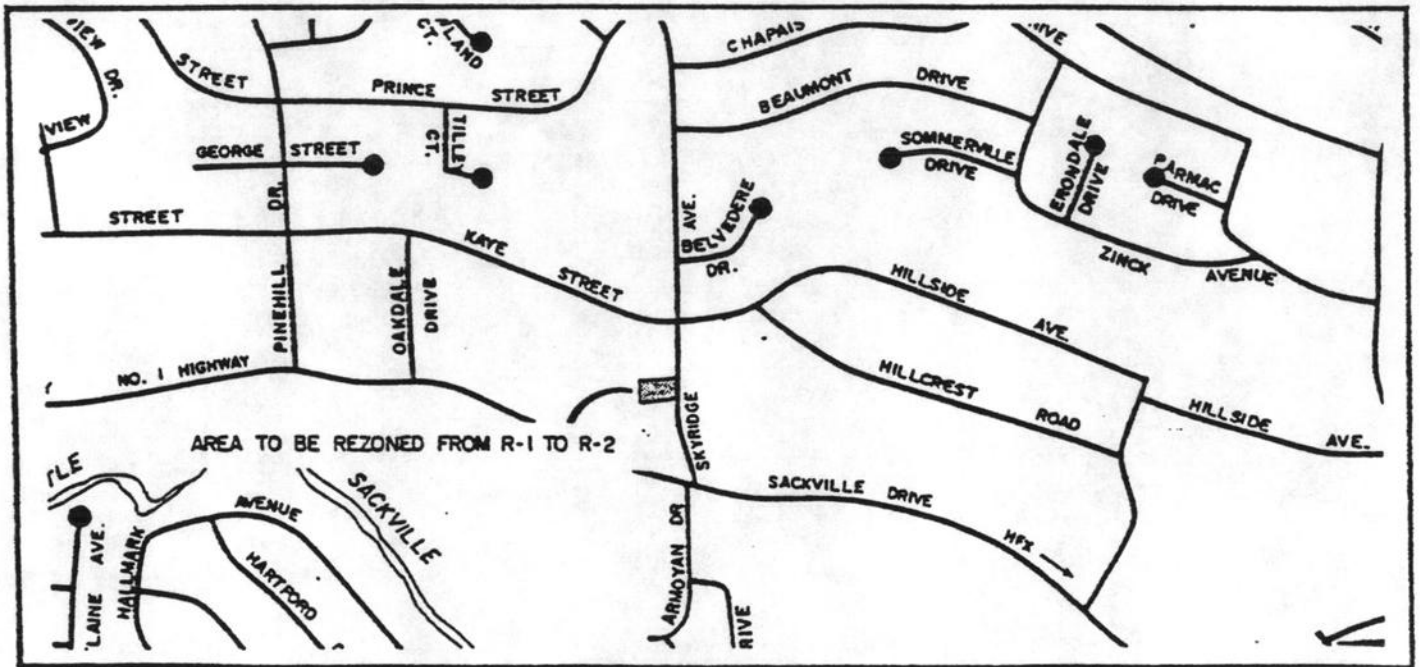
1. The Engineering and Works Department has stated that servicing this lot with central water and sewer services can be accommodated.
2. The lot size and frontage are both over twice the minimum required for two unit dwellings within serviced areas. The large lot size will, therefore, provide increased separation from the single dwelling units abutting on either side. Although the zoning by-law for Sackville would enable the lot to be subdivided, the applicant's stated intention is to build only one two-unit dwelling on the existing lot. In the event that the lot was subdivided, given the land use in the immediate vicinity, an additional two unit dwelling would not significantly effect land use in the area.
3. Uses in the immediate vicinity are a mixture of commercial and residential, with commercial uses predominating. Introduction of a duplex should not be detrimental to existing or future development patterns.

SURROUNDING USES AND ZONING

MAP 1

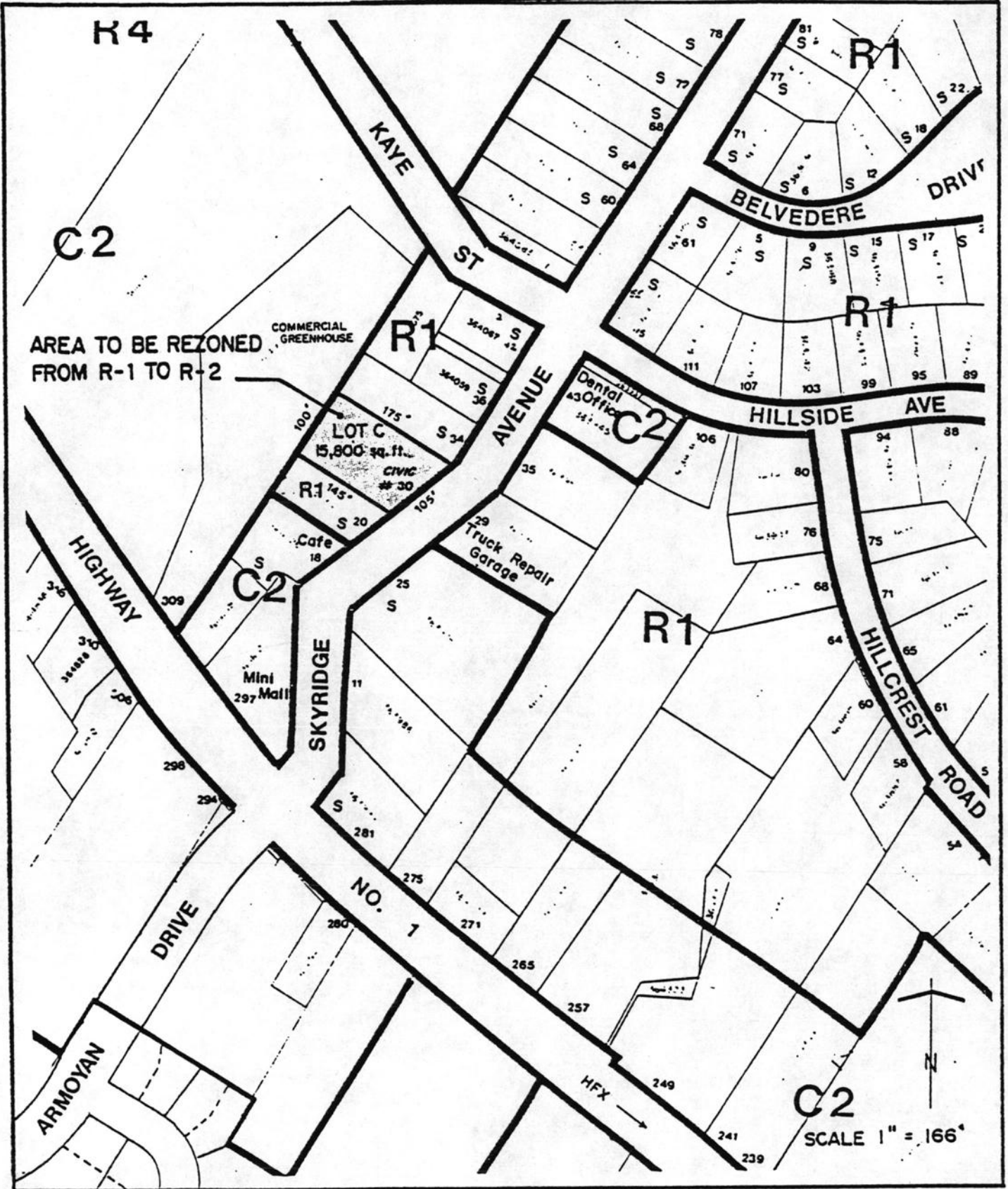


MAP 2



MAP 3

SURROUNDING USES AND ZONING



PUBLIC HEARING

NOVEMBER 23, 1987

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

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk
Mr. R. G. Cragg, Municipal Solicitor
Mr. Bill Butler, Director of Policy Division

SECRETARY: Mrs. M. R. Murphy

Warden MacKenzie called the Public Hearing to order at 7:00 with the Lord's Prayer. Mr. Kelly called the Roll.

The Warden read the procedures to be followed at the Public Hearing.

Mr. Butler presented the following application:

1. APPLICATION NO. PA-CH/W-07-86 - PROPOSED AMENDMENT TO THE COLE HARBOUR-WESTPHAL MUNICIPAL PLANNING STRATEGY REGARDING THE EXPANSION OF THE SERVICE BOUNDARY.

Mr. Butler explained that the expansion of the Eastern Passage Sewage Treatment Plant, has allowed for an expansion in the Cole Harbour Service Boundary. This issue has been before Planning Advisory Committee for some time, and the first staff report on this was presented in May, 1986. It had been determined that approximately 570 additional acres could be brought within the service boundaries of the Eastern Passage/Cole Harbour/Westphal Service Boundaries. It was decided that the additional acreage should be split 50/50 between Cole Harbour and Westphal.

Mr. Butler outlined the seven areas which are recommended for inclusion in the Plan. The Staff report dated September 21, 1987, details the recommendation.

Councillor Eisenhauer asked what the difference was between the Development and Service Boundary. Mr. Butler advised that in the Cole Harbour Plan, there is a Service Boundary established which directs that development within that Boundary must proceed on water and sewer services. There is also a Development Boundary established which includes Phases 10 and 11 of the N.S. Department of Housing. The Plan now states that services may be extended into that area and would require no Plan Amendment. If those lands are to be included within an expanded Service Boundary, the need for a Development Boundary is gone. Councillor Eisenhauer asked where the Development Boundary came from. Mr. Butler explained that the Service Boundary was determined by the Consultants who originally designed the water and sewer system for Cole Harbour/Westphal. The Development Boundary was established as a result of the Planning Process when the Plan and By-Law for Cole Harbour were adopted. At that time, because the Housing Commission had clearly indicated its intention to develop those lands at some future point, it was determined that those lands should be capable of being serviced at such time as the Housing Commission got to them.

Councillor Eisenhauer asked if there had been any investigation or any site surveys to determine whether or not the gravity flow will be in existence, or whether pumping stations will be required in some areas. Mr. Butler advised that the cost of servicing the Housing Dept.'s land is in the order of \$100,000, for some upgrading of pumping stations and some trunk lines.

Councillor Eisenhauer asked about the rest of the boundaries -- how far before it is too far from the treatment plant to have a gravity system? Mr. Butler advised that of the lands included, except for the Humber Park/Lake Loon Crescent area, and the Dept. of Housing Phases 10 & 11, they could all be serviced from existing infrastructure at minimal cost to the Municipality. He further advised that the Pollution Control Study which was carried out in 1984 identified that servicing the Humber Park area of Westphal would cost approximately \$830,000, to bring that area within the existing service infrastructure. The Dept. of Housing lands were in the area of \$100,000, as previously stated, for upgrading. Mr. Butler further confirmed that the Development Boundary was not set based on elevations.

Councillor Deveaux asked for clarification of the number of acres involved in the expansion of the Service Boundary. Mr. Butler advised that there are 570 acres in total for the two communities; PAC directed that this was to be equally split, at 285 acres per community. The proposed amendments would only include 263 acres out of the 285 acres. The balance of approximately 20 acres is part of the number of acres (50) to be retained in reserve to accommodate

higher density proposals, which would occur within the existing Serviceable Boundaries. The Serviceable Boundary at present is based on 18 persons per acre. This reserve would allow for higher density proposals. Councillor DeRoche stated that the recommendation from staff that 50 acres be held in reserve was adopted by PAC, recommended to Council, and subsequently adopted, thus leaving a total of 520 acres to be divided between the two communities.

Councillor McInroy asked if we had confirmed that the acreages contained in the recommendation are accurate. Mr. Butler said that to the best of his knowledge they were accurate. Councillor McInroy also asked if the Plan displayed, which had shaded areas, is accurate. Mr. Butler said that the areas shown on the map were in fact wrong. The shading is not correct, but the areas are described in detail.

SPEAKING IN FAVOUR

Heather Robertson, from the law firm of Burchell, MacDougall & Gruchie
Representing OAKNAH REALTY

Ms. Robertson spoke in favour of the amendments to the Cole Harbour/Westphal Planning Strategy and expansion of the Service Boundary, and also asked if this could be expanded further to include 17.6 acres of land owned by Oknah Realty Limited. A copy of the proposal dated November 18, 1987, was circulated to all Councillors.

Councillor Deveaux asked if these services were provided up to Athlea Drive, would this be of any benefit to the Athlea Subdivision. Ms. Robertson felt that it would end the isolation. Councillor Deveaux said that it seemed to make sense to him to include some acreage in this area.

Councillor McInroy advised that with regard to Councillor Deveaux's question, the proposal by Oknah would not provide a road link and we will still require 7.5 acres to make the road link.

SPEAKING IN FAVOUR:

Mr. Steve Moir, Alderney Consultants
Representing Don Williams and Lake Loon Developments Limited

Mr. Moir's clients also wanted to be included in the Serviceable Boundary. They felt that there was adequate street infrastructure in the area and they have access to Highway No. 7. Both of these properties can be serviced by gravity. They are also in the same servicing area as Humber Park and it would be efficient to consider them at the same time. The development of these properties on Loon Lake would allow public access to the Lake. With respect to the density of the proposal, on the basis of 18 persons per acre, he felt that that included the contingency. He said that based on four lots per acre, and based on single family dwellings, you are looking at 15 people per acre, and he hoped Council would see fit to use some of the 50 acres set aside for high density development, based on these figures.

Councillor DeRoche asked Mr. Moir to point out the land of Lake Loon Developments and Montague Estates. Councillor DeRoche also asked if this was not included for municipal services at this time, how the land would be developed. Mr. Moir advised he thought his clients would proceed and go for unserviced development, with on-site services for the lots.

Councillor Lichter asked for clarification on the acreage involved. He also commented on the struggle that PAC has gone through to come up with the present recommendation. He said that decisions were hard to make, and asked Mr. Moir what he would suggest be left out, if Council was to decide to include this land in the serviceable area. Mr. Moir said that he wouldn't recommend something be left out; however, he would recommend that consideration be given to the fact that the contingency may already be included in the figures for the multi-family development, and that the 50 acres that has been set aside as a reserve for higher density, may not in fact be required. He said he didn't believe a density of 18 persons per acre is valid in Cole Harbour.

SPEAKING IN FAVOUR:

Bob Hodgson, Chestnut Realities

Mr. Hodgson spoke in favour of the recommendation to Council, and said that the inclusion of Chestnut Realities property in the Serviceable Area would permit a road to be built which would connect Caldwell Rd. to Astral Drive, which will be called Sherwood Street. This plan has been approved by the Dept. of Transportation. He said he hoped that the recommendation would be approved.

SPEAKING IN FAVOUR:

Dennis Doyle, Cole Harbour

Mr. Doyle stated that his concerns were not with regard to the development of lands that he might own, but with those adjacent to the community in which he lives. This is Atholea Drive/Beaver Crescent. It is an isolated community and has existed for approximately 35 years, and the proposed boundary expansion should include areas that would make the link between his community and Astral Drive. This would enable them to have direct access to the schools, thereby eliminating the need for school bus transportation, providing for after-school access to school facilities, and hopefully will allow use of Metro Transit services, as this connection would provide the required loop road, and would include his community. With respect to the Boys and Girls Club of Cole Harbour, Mr. Doyle advised that he is working on a project to acquire Crown lands from the Federal Government, located on Caldwell Road at Atholea Drive.

To enable this land to be developed to its fullest, Mr. Doyle said he spoke with several businesses to ascertain if they would participate and contribute towards its development. Oknah Realty has said they will provide for full year round recreational opportunities for the existing residents of Astral Drive, Atholea Drive and the adjoining streets, as well as provide for future development prior to completion, as opposed to leaving the service to be provided by the municipality after development is complete. He felt that Council should seriously consider the inclusion of the Oknah Park Development, Phases 1 through 4, within the boundaries of the Cole Harbour expansion of the Municipal Development Boundaries. He said that this developer shows a great interest in assisting the Boys and Girls Club to expand its services to include a site capable of providing the beach and waterfront program to include swimming, boating and canoeing, as well as a future facility that could encompass indoor program accommodations, a swimming pool and a gym. Mr. Doyle advised that he had met with Oknah on several occasions and suggested to them several areas of their proposal that could be reconsidered, such as provisions for a senior citizens' facility on the waterfront, also straightening out portions of Caldwell Road and a commitment towards the Boys and Girls Club to develop existing and future holdings in this community. The company looked at these suggestions and included some of them in its proposal tonight, as well as expanded on some of the ideas. Mr. Doyle also stated that this development would provide a wider tax base without cost to the municipality, as the necessary trunk lines are already in place.

SPEAKING IN FAVOUR:

George Joyce
DHL Holdings

Mr. Joyce spoke in favour of the lands of DHL Holdings Limited and the Lillian Hoffman property being included in the Serviceable Boundary. He advised that an application had been made but was not accepted, and thought it should be reconsidered. He felt this land could provide a road link; it opens up transportation for servicing vehicles; it completes sewer and water all the way around, and it opens up the land at the back which is not accessible at the present time. He said that he had done a comparison of these properties. He found that they have 100 acres plus each, they both offer the county extensive advantages at no cost. He said it was logical to him that this would be an excellent opportunity to put these together. He asked Council to reconsider including these properties.

SPEAKING IN OPPOSITION: No one wished to speak in opposition.

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

"THAT Council approve amendments to the Cole Harbour/Westphal Planning Strategy to incorporate both text changes as well as changes to the Environmental Health Services map related to the expansion of the Service Boundary, to reflect the inclusion of the following areas within the expanded boundary:

1. Humber Park/Lake Loon Crescent (51 acres)
2. Dept of Housing, Phases 10 & 11 (133 acres)
3. W. D. Morash (6.5 acres)
4. Willowdale Estates (22.3 acres)
5. A. R. Hemming Lands (11 acres)
6. Chestnut Realty Lands (32 acres)
7. Astral Drive/Parkway Drive Connection (7.5 acres)

The total acreage involved is 263.3."

Councillor DeRoche advised that the map appended to the report may be slightly in error, as pointed out by staff. However, the intent is that the 7 areas listed be included and that the map be corrected. He also pointed out that the reason for the motion is that PAC recommended the additional acreage be divided equally between the Cole Harbour/Westphal and Eastern Passage/Cow Bay Plan Areas, and Council adopted that approach. PAC also recommended that the additional acreage be utilized to accommodate first of all presently developed areas, and following that, would then look at areas that are abutting present development and to proceed in sequence from that point forward. He said that there is certainly a substantial rationale in support of the recommendations that have been put forth, and indicated in the staff report. There was certainly not sufficient acreage to include all holdings, so some hard decisions had to be made. He said that some rationale was put forth this evening with respect to some particular developments, and he suggested that some of our rationale might apply to other properties as well as those that have been addressed tonight. He said that what he was asking Council for is to in fact adopt the motion put forth, with the understanding that the review of the Cole Harbour/Westphal Plan is about to commence, and that should additional capability be realized, then that can form a major discussion point during the review process and at the conclusion of that, it is conceivable that a new serviceable boundary might be recommended and adopted by Council. In the meantime, however, he said that the particular properties discussed, can continue to proceed to development, or to realization of the necessary funding for accommodation on this system.

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

"THAT Council consider an Amendment to the Motion, as follows:

"THAT in addition to the seven parcels of land included, Council include 17.6 acres of land owned by Oknah Realty, as referred to in their presentation to Council at the Public Hearing this evening. The total acreage involved is now 280.9 acres."

The Warden called for a vote on the Amendment first.

AMENDMENT CARRIED

MOTION CARRIED

Councillor McInroy advised that he has had some difficulty with the process over the past couple of years. He said that he wrote to the Planning Advisory Committee with regard to District 17, in March of this year, and pointed out that his main concern was the area from the entrance to Astral Drive on Caldwell Road to and including the Atholea Drive/Beaver Crescent area, and said that whatever could be done to address existing dwellings, to address improved road connections, networks, or anything that made sense from a planning point of view, these were the items that mattered first. He said he is comfortable with what's been recommended with respect to that particular area; however, one of the things he mentioned in his letter was the importance of the connection from Astral Drive to Parkway Avenue. The other thing was that we not by-pass any lands as we are going in an orderly fashion. These things were accommodated by staff and agreed to by PAC and are being recommended. As well, in a letter to the Chairman of the Planning Advisory Committee in July, Councillor McInroy noted that if in fact there was any other acreage capacity available, or if it became available, that beyond the Texaco Right-of-Way in his view, the logical place to go was the next step to get to Atholea Drive. Because we thought we were running out of acres, we chose to go with the 7.5 acre connection, which essentially provided the network to complete a loop.

Councillor McInroy said that in terms of uniting that end of the district, the acreage wasn't available. He asked Mr. Wdowiak if in fact we can allocate a portion of the reserve to accommodate this acreage, from an engineering point of view. The other question was with regard to the suggestion that there would be some benefits to both Texaco and our own force main activity in that area, if we were able to acquire the Texaco Right-of-way.

Mr. Wdowiak replied with regard to the 50 acre reserve, that staff's initial recommendation was that 570 acres was available as a result of the expansion, and that 50 acres of this was to be left in reserve for higher density developments. With regard to the suggestion that the present Texaco Right-of-Way be made into a public roadway, as opposed to a private right-of-way, Mr. Wdowiak said that this certainly would be advantageous, rather than having a force main or any kind of municipal servicing infrastructure within rights-of-way and these are