

develop properly, the developer will get his bond back which is additional profit to him. Councillor DeRoche felt there should be stronger controls than the requirement for a bond; developers should not be able to walk away from development problems without paying for it. Much discussion evolved from this matter.

Councillor DeRoche next referred to Section 9 of the proposed legislation, asking under what conditions it would be necessary to install a new public sewer where one exists that is less than 20 years old. Mr. Preeper informed any reference to the statute includes any amendments, and this was included in an amendment in 1972. It may be necessary to install a storm sewer in addition to sanitary sewer, and residents will have to be responsible for paying both. Councillor DeRoche suggested several residents may have been paying the environmental rate under the assumption that both have existed.

With respect to the lot grading and drainage control presentation, Councillor Lichter clarified that the recommendation no. 7 means serviceable area, rather than serviced area. Councillor Lichter felt if a study has not been done concluding with the percentage of approved lots developed with certain time frames, the implications of bonding has not been investigated; there could be bonding costs over a long period of time. Mr. Sheppard advised there has been some discussion about a time limit on the length of time a bond will be held. Councillor Lichter objected, stating the small developers are the backbone of the County, and this action will hurt them the most. He stated he would never support this legislation until there is a public hearing. Councillor Lichter stated even with a requirement for \$1,000 for every lot this will only be passed onto the purchaser of the lot - it is only the cost of doing business in the County. If the money were put into an account to solve drainage problems in the future. However, the idea of bonding will not work. He stated the proposed legislation will only cause small developers to cease work in the County, and large developers will enjoy economies of scale through this process. He stated the subdivision process will be long and drawn out with the approval of this legislation.

Following further comments by Councillor Lichter, Councillor McInroy felt there may be an urban/rural problem. He stated most developers in the urban areas develop more than five lots per year; he expressed concern about the purchasers of homes that has not been protected against flooding and storm drainage because development has not been followed upon properly. He stated in the urban areas there is no room for storm water and a lot of water collects rapidly in the spring; if lots are not properly graded, there are problems. He felt staff should not only be concerned about the immediate development when they are approving drainage plans, but they should also take into consideration development down the road or behind the proposed development. He stated the ideal thing would be to have the County examine final grading, although this is costly and time consuming, which it is intended to cut back on. With respect to posting bonds, Councillor McInroy suggested the bond be taken until the grade is completed to satisfaction. There are concerns about tying this money up, etc.

Mr. Sheppard informed drainage problems often tend to come in groups of lots, and it is intended to have the subdivider responsible for more than one lot. Also, if the subdivider is not made responsible, the homeowner is most likely to get stuck with the drainage problems, etc., and it is he we are trying to protect. If he gets the building permit, he must post the bond. This would leave the County with a bond from the person it was intended to protect. It is intended to make the subdivider responsible for good lot grading and building, rather than a new builder or homeowner. Also, this would protect against additional administrative work. Councillor McInroy felt a bond should be posted by the developer when application is made for approval, until the development is completed satisfactorily - even if somebody else is building. Councillor McInroy stated bonds should be taken as late as possible and returned as soon as possible, and he felt a bond should not be taken until the lot is going to be developed - when a building permit is issued for the lot.

Councillor MacDonald felt there should be grading requirements, and beyond a certain grade the County should have the authority to stop development; neighbouring properties must be protected, as well as the lot being developed.

Following further discussion, Mr. Sheppard stated the serviced areas have a much higher concentration of drainage problems than rural areas, and there is flexibility in the Act to allow for the extension of controls beyond the serviced area if Council requests this.

Mr. Porter next reviewed the report on funding and cost-sharing as circulated.

Councillor Rawding expressed concern about Section 5(1) of the legislation. He asked if a capital fund could be created in some other way other than increasing taxes. He asked if a tax must be created, why must it be on the environmental rate. Mr. Porter informed the money to build up the revolving fund is not a new cost. Whatever is done with that money will be helpful to the developer, and he would have to do it himself at his own cost, if the County were not doing it. Mr. Sheppard stated the increase in the environmental rate is to generate money to serve the functions as outlined on page two of this presentation. This money will be used to benefit new and existing development. Somehow this money must be raised. Councillor Rawding objected to additional taxes. He felt this should be considered on a capital basis for specific areas of concern. He concluded with comments with regard to the existing relationship with the Department of Transportation; they presently do not respond to problems on their own property. Mr. Sheppard stated one recommendation is to have significant discussion with the Department of Transportation in terms of these issues. Regardless of any by-law, if the County does not own the storm sewer system in the street, we are at the call of the Department of Transportation.

Councillor DeRoche asked if the County assumes ownership of storm sewer systems, will the County have any say in their design and installation. Mr. Sheppard informed his office presently does this;

under the Subdivision By-law they review the plans and surveys and determine the pipe sizes. Councillor DeRoche stated if the County had control over anything else besides pipe sizes, there may not have been a number of flooding problems which the County has had to address over the last few years. The placement and angle of the pipe should also be controlled by the County. Mr. Sheppard stated the County has no jurisdiction over the installation of DOT storm sewer systems.

Councillor Lichter asked who the Municipality is as referred to in the recommendations regarding cost-sharing and funding. He stated he would not want to leave these funding decisions up to staff; these decisions should be made by Council. Mr. Porter indicated the intent was to leave this power with Council.

Councillor Lichter next clarified that annually \$1.2 million will be raised - \$600,000 for the fund, and \$600,000 for on-going costs.

Councillor Lichter concluded that it must be understood that when services were installed in District 2 residents from every part of the County helped to pay for the overrun. Residents of District 2 only paid 8 to 10 percent of the total cost; there was 85 percent paid upfront and the other \$4.5 million was paid for by the entire Municipality.

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

"THAT the storm drainage legislation be forwarded to Council with a recommendation for approval and submission to the legislature."

Councillor Lichter felt the rural areas should be discussed, as well as the urban areas. He stated this should be discussed before the legislation is dealt with. He stated he would walk out and the quorum would be lost, if subdivision approvals outside the serviceable boundary is not discussed now.

Several other Councillors expressed agreement with Councillor Lichter.

Mr. Sheppard reviewed the report on subdivision approvals outside the serviceable area boundary as circulated.

Councillor Bayers inquired about the meaning of more formal when recommending that the Engineering Department be formally involved in the approval process relative to storm drainage. Mr. Sheppard stated involvement would be no more than it is at present. Involvement will include checking pipe sizes and plans.

Councillor Bayers and Councillor Lichter stated proposals for the rural areas should be made more clear at this point. They felt subdivision approval outside the serviceable boundary is not specific enough.

MOTION DEFEATED

Following the vote on the motion, the meeting adjourned for loss of a quorum.

PUBLIC HEARING

MARCH 7, 1988

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. D. Weir, Acting Municipal Solicitor  
Mr. R.E. Gough, Manager, Development Division  
Mr. Brant Wishart, Senior Planner

SECRETARY: Glenda Hill

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Warden MacKenzie called the public hearing to order at 7:05 p.m.

Mr. Kelly called the Roll.

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

"THAT Glenda Hill be appointed Recording Secretary."  
MOTION CARRIED

Warden MacKenzie reviewed the procedure for the public hearings.

PUD-CH/W-01-87 - REQUEST BY THE DEPARTMENT OF HOUSING (RON CROSSMAN,  
AGENT) TO REDESIGNATE TWO LOTS ON BEAUFORT DRIVE, COLE HARBOUR, FROM A  
SINGLE UNIT TO A SEMI-DETACHED DESIGNATION

Mr. Gough reviewed the staff report and recommendation respecting this application.

Questions from Council

Councillor DeRoche noted the remainder of the lots surrounding that in question were subdivided and approved for semi-detached in 1984. He asked why these lots were given single family designation. Mr. Gough informed the Department of Housing made an application to have these lots designed for semi-detached housing, but they withdrew the application. They did not proceed with the re-designation of these two lots until now. He stated he does not know why these lots were not initially given a semi-detached designation.

Councillor McInroy clarified that both of the lots in question are subject to a service easement; they are the only two on the street so-affected. There is also a change in the configuration of the Department of Housing lands at that time; therefore, it is probable that the Department of Housing chose to have these lots designated single family at that time leaving them more flexibility in terms of setbacks, side yard clearances, etc.

Speakers in Favour of this Application

Elwin MacNeil, Solicitor for Ron Crossman, informed the lot in question is surrounded by homes and lots designated to accommodate semi-detached homes. This redesignation would be consistent and advantageous for the conformity of the neighbourhood. He confirmed that the sewer easements on these properties initially caused this matter to be deferred by the Department of Housing. It is only lately they have addressed the question of these lots for semi-detached buildings.

Questions from Council

Councillor DeRoche asked if it will be possible to build semi-detached homes on these lots and maintain the proper separations, given the details of the easements. Mr. MacNeil replied it will be possible. He referred to a survey of the two lots in question, showing the configuration of the lots and how semi-detached will be built on each.

Speakers in Opposition to this Application

None

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

"THAT the request to amend the Land Use Designation of Lots 5 and 6, Beaufort Drive, Forest Hills Town Centre, Stage 5, from "single family " to "semi-detached" be approved by Municipal Council."  
MOTION CARRIED UNANIMOUSLY

tA-CH/W-03-87 - PROPOSED AMENDMENTS TO INCLUDE THE SALMON RIVER DRIVE/RICHARDSON'S SUBDIVISION AREA WITHIN THE COLE HARBOUR/WESTPHAL MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

Mr. Wishart reviewed the staff report and recommendation concerning this application. He noted the area in question on a map on the overhead projector. Mr. Wishart also reviewed a letter from Mr. Bernard J. Rogers in which he expressed dissatisfaction that access to Highway No. 107 is required as part of the development agreement; otherwise, he was supportive of the amendments. Copies of this letter were circulated.

Questions from Council

Councillor Adams noted Mr. Wishart had referred to three businesses that can remain in existence, but they will not be allowed to expand. He asked if the owners are aware of this. Councillor Adams advised he has not had any negative response in this respect. Mr. Wishart advised he is of the understanding these three property owners are aware they cannot expand their businesses at these three locations. He also advised he has not received any negative response in this respect.

Councillor Walker inquired about the possibility of future access onto the 107 Highway. Mr. Wishart informed this highway is a limited access highway, but there is talk of a re-alignment of the 107 to connect to the Forest Hills Parkway. At that time, the 107 would not be a limited access highway. However, there are no guarantees as to when or if this will occur. He noted the letter from Mr. Rogers expressed dissatisfaction with the requirement of a development agreement that commercial development should be conditional upon access to Highway 107. Mr. Wishart felt there is no way to accommodate this request from the residents' point of view. He noted the Department of Transportation will approve a single driveway access because of sight distances, but they will not approve a road entrance to allow for full commercial utilization of this property. The only other point of access is through property adjacent to that in question, but Mr. Rogers does not own that property.

The location of the bakery with access onto the 107 Highway was noted. Mr. Wishart advised this property probably had access before the limited access restriction.

Councillor Lichter clarified that the restriction only refers to commercial property. Councillor DeRoche agreed this restriction only applies to a commercial development agreement. There is access of Chader Drive for residential development. He added with the Department of Transportation proceeding with the 107 By-pass, it is conceivable that the existing restriction may be lifted; however, nobody is prepared to guarantee this.

Mr. Wishart reviewed a letter from the Department of Transportation dated November 25, 1987. The letter noted the Bernard Rogers property has frontage on the 107 Highway and Chader Drive, but the 107 Highway is a controlled access highway, and access from the property in question onto the 107 Highway is not permitted. Sight-stopping

distance restrictions also limit access on Chader Drive to a driveway for a single family dwelling only. He confirmed that the only practical access to this property would be if Richardson Drive were extended to the property in question. He stated there does not seem to be much development potential for this property, and commercial development would be further restricted in terms of the development agreement.

Councillor Rawding expressed concern about landlocking this land. Mr. Wishart advised the property in question will be landlocked, but it is by the Department of Transportation by not being able to receive access onto the 107 Highway. The development agreement does not reference the residential potential of the property, but if there is commercial potential, it is not to result in commercial traffic going through Richardson Drive.

#### Speakers in Favour of this Application

Mr. Jack Way advised he is seeking commercial development for his property, as identified in the staff report. He stated this property will serve best as a commercial use. He noted the Department of Transportation once took a small parcel of his land, indicating he would have no trouble accessing the 107 Highway. He agreed to a commercial development agreement with the County of Halifax, and he asked that Council support this application.

#### Questions from Council

None

Mr. Rick Swan identified his home and some property that he owns on the map on the overhead projector. He stated he has no objections to Mr. Way's property being zoned commercial by development agreement. He stated he is concerned about the future use of the Rogers property, as it abutts his home. He advised when he purchased the home three years ago, there was a verbal understanding that the Rogers property was a County-owned greenbelt. It was only discovered about six months ago that it is not. He stated if there is future commercial potential for this lot, it should be controlled, as the entire area is predominantly residential, and it should be maintain as such.

#### Questions from Council

Councillor Fralick inquired about the verbal understanding that the Rogers property was County-owned parkland. Mr. Swan advised is was mentioned by the previous owner when his home was purchased. It was not through real estate or in any written or formal agreement.

Councillor DeRoche noted Mr. Swan has resided at his property for three years, and he asked how long Mr. Rogers had owned the property in question. Mr. Swan advised he is not aware of this; he only found out six months ago that Mr. Rogers owns the property in question and that it is not a County-owned greenbelt.

Mr. Ron Cooper, Cole Harbour/Westphal Service Commission stated this matter has been on-going for some time now and has been the topic of much debate. The area in question is distinctly residential and it is part of the plan area. The residents have indicated quite strongly on the type of development they would like to have in the area, and this is reflected in the plan. Mr. Cooper advised the Service Commission is in favour of the report; the Commission's original preference was for R-1 development, but they are prepared to go along with the wishes of the residents. He expressed concern about access from the Rogers property through the prime residential area; there is presently no heavy commercial traffic through the local area, and the residents would hate to see this started.

Questions from Council

None

Speakers in Opposition to this Application

None

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

"THAT the Salmon River Drive/Richardson Drive area be included with the Cole Harbour/Westphal Municipal Planning Strategy by approving the amendments to the Cole Harbour/Westphal Municipal Planning Strategy shown on Appendix "A" of the staff report."  
MOTION CARRIED UNANIMOUSLY

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

"THAT the Salmon River/Richardson Drive area be included within the Cole Harbour/Westphal Land Use By-law by approving the amendments to the Cole Harbour/Westphal Land Use By-law shown on Appendix "B" of this report."  
MOTION CARRIED UNANIMOUSLY

PA-CH/W-01-88 - PROPOSED AMENDMENTS TO INCLUDE APPROXIMATELY SEVEN ACRES OF LAND OWNED BY MR. DONALD WILLIAMS, OFF THE MONTAGUE ROAD, WITHIN THE SERVICEABLE AREA OF COLE HARBOUR/WESTPHAL

Mr. Wishart reviewed the staff report respecting this application, and he identified the location of the property in question on a map on the overhead projector.

Questions from Council

None



Speakers in Favour of this Application

Mr. Don Williams informed he is the owner of the property in question. He advised the land is in an area of nice homes, and he would like to have this land included in the serviceable area boundary.

Questions from Council

None

Speakers in Opposition to this Application

None

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

"THAT the Municipal Development Plan for Cole Harbour/Westphal be amended by amending the Environmental Health Services Map (Map 2) to include approximately seven acres of land owned by Mr. Donald Williams, off the Montague Road, within the serviceable area of Cole Harbour/Westphal as shown on Schedule "A".

Councillor DeRoche noted this could have been included when the expansion of the serviceable boundary for Cole Harbour/Westphal was considered; this public hearing would not be required if that had been done. However, it was noted at a later time that this property was not included and could not be considered as an adjustment to the decision reached at that public meeting. Councillor DeRoche advised Mr. Williams' land is already built upon on two sides, which provides a second access onto his property. If this land is included in the serviceable boundary, it will facilitate the servicing Lake Loon Crescent and the Montague Road area.

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this public hearing adjourn."  
MOTION CARRIED

The public hearing adjourned at 7:50 p.m.

PUBLIC HEARING

MARCH 21, 1988

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. D. Weir, Acting Municipal Solicitor  
Mr. Tony O'Carroll, Planner  
Ms. Joan MacKinnon, Planner  
Mr. Paul Morgan, Planner

SECRETARY: Glenda Hill

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Warden MacKenzie called the Public Hearing to order at 7:05 p.m.

Mr. Kelly called the Roll.

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

"THAT Glenda Hill be appointed Recording Secretary."  
MOTION CARRIED

RA-TLB-01-88-02 - APPLICATION BY THE MUNICIPALITY TO REZONE THE  
PROPERTIES AT CIVIC NUMBERS 1590 AND 1594 ST. MARGARET'S BAY ROAD  
(HIGHWAY NO. 3) IN LAKESIDE, FROM R-1 (SINGLE UNIT DWELLING) ZONE AND  
TO REZONE THE PROPERTIES AT CIVIC NUMBERS 1610, 1614, AND 1618 ST.  
MARGARET'S BAY ROAD FROM C-2 TO R-1

Mr. Morgan reviewed the staff report as presented to Council. He noted it was the intention of staff to zone 1590 and 1594 St. Margaret's Bay Road as C-2, but they were incorrectly identified as 1610, 1614, and 1618 St. Margaret's Bay Road. Those properties at 1610, 1614, and 1618 St. Margaret's Bay Road contained single unit

dwellings when the zoning by-law was adopted, and they continue to be used as such. Therefore, properties at 1590 and 1594 are non-conforming uses.

Mr. Morgan noted that Mr. Tsimiklis, owner of 1610 St. Margaret's Bay Road, has recently indicated that he would like to have the zoning of this property remain C-2 in order to accommodate a proposed tailor shop. However, the final recommendation is that all five properties be rezoned to accommodate the existing uses.

#### Questions from Council

Councillor Rawding inquired of Mr. Morgan staff's opinion of Mr. Tsimiklis' request to leave 1610 St. Margaret's Bay Road zoned C-2 to accommodate his proposed tailor shop. Mr. Morgan advised that staff has been made aware of this request, but they are not supportive of it because it was never intended to allow C-2 uses here; it was intended to be designated residential. Also, it is felt the residents would not have had a fair opportunity to consider this request because the advertisement for this public hearing did not read that allowing 1610 St. Margaret's Bay Road to remain as C-2 would be considered. This request represents a new feature in the request.

There was some discussion and clarification concerning Mr. Tsimiklis' request in relation to the Municipality's application for this rezoning. Mr. Morgan clarified that in December, 1987 Mr. Tsimiklis made application to rezone 1594 St. Margaret's Bay Road. At that time, 1610 St. Margaret's Bay Road was not owned by Mr. Tsimiklis, although he has purchased it on March 15, 1988. It is believed Mr. Tsimiklis was aware of the zoning of the property he recently purchased, although it is not known when the first offer was made on this property. Mr. Tsimiklis initiated this application, and at that time gave no indication that he wanted to retain the C-2 Zoning at 1610 St. Margaret's Bay Road.

Councillor Lichter clarified that when Mr. Tsimiklis originated the application it was for one of the R-1 lots to be changed to C-2; it was not to change the C-2 lot to R-1 at 1610, 1614, and 1618 St. Margaret's Bay Road. He stated Mr. Tsimiklis did not originate the entire application as it is before Council, but only one aspect of it. County staff initiated the rest of the application due to an error in the original application.

Councillor Mont asked when Mr. Tsimiklis was informed of the zoning error, if he was told that when this was corrected the residential property were also incorrect and would have to be changed. Mr. Morgan informed it took some time to determine the problem, and at first his request was denied. However, this staff report was tabled before the Planning Advisory Committee of February 1, 1988, and on February 2, 1988 a copy of the report was sent to all respective property owners. This is the latest Mr. Tsimiklis would be aware of this change. This was also explained during several visits to the office by Mr. Tsimiklis.

Mr. Kelly read a letter from Mr. Tsimiklis dated March 16, 1988 requesting that his property at 1610 St. Margaret's Bay Road remain zoned C-2.

#### Speakers in Favour of this Application

Mr. Tsimiklis advised his brother recently purchased property at 1610 St. Margaret's Bay Road, and he and his wife would like to see this property remain zoned C-2 in order to accommodate their proposed trailer shop.

Mr. Morgan felt Mr. Tsimiklis is speaking in opposition to the application, and he should speak when comments in opposition are called for. There was some discussion about this. Several Members of Council felt Mr. Tsimiklis is in favour of the application in addition to their request that 1610 St. Margaret's Bay Road remain zoned C-2.

Anne Fornier advised she had not intended to speak on this application because the newspaper advertisement read that this public hearing would be to rectify an error in the zoning. However, it appears that after the newspaper advertisement a request for a change has occurred, and she felt it would be very inappropriate to deal with this request now. The request to allow 1610 St. Margaret's Bay Road to remain C-2 is asking the public if they want to increase commercial uses along the Bay Road where the Municipal Development Plan does not support this.

#### Questions from Council

Deputy Warden MacDonald clarified the use of 1590 and 1549 St. Margaret's Bay Road. He was informed businesses occupy both of these lots, and they only need to be changed from a R-1 designation to a C-2 designation.

Warden MacKenzie inquired about the advertising for this public hearing and if it was done correctly. Mr. Morgan informed the advertisement read that Council may consider and deem adviseable rezoning of these properties. However, Mr. Tsimiklis recently purchased the property at 1610 St. Margaret's Bay Road and he is asked that the C-2 zoning be allowed to remain, although this was a zoning error when the plan was adopted. He clarified there is no formal application, but he requests this as part of this application.

There was further discussion concerning the procedure for this public hearing.

Mr. Stanley Dauphinee advised that he and his wife own 1618 St. Margaret's Bay Road, two homes away from 1610 St. Margaret's Bay Road, which the owners want to remain C-2. He stated he is in favour of the staff report and recommendation that both of these properties be rezoned to R-1.

#### Questions from Council

Councillor Rawding asked if there have been any conversations between Mr. Dauphinee and his neighbour, Mr. Earl. Mr. Dauphinee advised he has not, but his wife has talked with Mr. Earl very briefly. He felt

the Earl's are in favour of the staff report and recommendation, as well. Mr. Dauphinee concluded that he and his wife are not in favour of any commercial property so close to their own, which has been residential for more than 30 years.

Arthur Earl advised he is the owner of 1614 St. Margaret's Bay Road, next to Mr. Dauphinee's property. He advised he is in favour of the staff report and recommendation, and he would like to see those lots zoned C-2 changed to R-1 as was the intention of the plan.

#### Questions from Council

Councillor Rawding inquired of Mr. Earl's opinion of the tailor shop next to his home. Mr. Earl indicated he does not want to see a tailor shop located here.

#### Speakers in Opposition to this Application

Mr. Tsimiklis advised he spoke earlier, and he is supportive of the staff recommendation with the exception that his brother's lot at 1610 St. Margaret's Bay Road remain zoned C-2.

#### Questions from Council

None.

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

"THAT Council rezone the properties at Civic Numbers 1590 and 1594 St. Margaret's Bay Road (Highway No. 3) in Lakeside from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone, and that the properties at Civic Numbers 1610, 1614, and 1618 St. Margaret's Bay Road be rezoned from C-2 to R-1."

Councillor Rawding stated this application is by the Municipality to clear up a scheduling error in the implementation of the 1982 Land Use By-law for District 2. He stated 1590 is a commercial establishment and has been for some time. Mr. Tsimiklis' property at 1594 St. Margaret's Bay Road has been operating as a popular restaurant since 1940, so there has been longstanding commercial useages and these designations of commercial properties is a clerical error and not in keeping with their useage. He also noted that the plan does not want any further commercial development along the main route. Councillor Rawding stated the residents in favour of the application based on changing the properties as noted in the staff report, and at this point it would not be fair to consider Mr. Tsimiklis' request to allow 1610 St. Margaret's Bay Road to remain C-2. He stated this was not advertised, and it legally should not be considered at this time. If this is to be pursued a formal application should be brought back to Council. He added that all responses he has had to this proposal were not supportive of it, and he agreed, stating it is a long-standing residential section, and it should be retained as such. He requested Council's support for the motion.

MOTION CARRIED UNANIMOUSLY

RA-TLB-25-87-02 - APPLICATION BY MIKE WILLETT AND RENNIE SMITH TO REZONE LOT L-2 ON HIGHWAY NO. 3, TIMBERLEA FROM R-1 TO R-2 AND R-4.

Mr. O'Carroll presented the staff report and recommendation to Council as circulated. He identified the location of the lands in question on the overhead projector, as well as the railway right-of-way and the Nova Scotia Power Corporation line. He recommended approval of the request in support of a housing mix without any direct impact on the existing residential environmental.

Questions from Council

Councillor Rawding clarified that once this rezoning is approved there is nothing to stop the applicant from building a 30 unit apartment building. Mr. O'Carroll advised there is not an exact measurement available at this time, but it appears this land could occupy a 29 or 30 unit apartment building.

Councillor Rawding asked if there has been any examination of the environmental impact of the proposed development on the Nine Mile River. Mr. O'Carroll advised that the Provincial Department of the Environment were asked to comment on this proposed rezoning; their letter was in response to an original application for a 66 unit apartment building. It was felt this response would also apply to this application, as well. The comments indicated no problems with the proposed use of this land, other than that the developer would have to make sure there is no negative impact on the waters of the Nine Mile River; this would be reviewed during the development process. Councillor Rawding felt surface water draining into the Nine Mile River as a result of construction would result in run-off, and this would have a negative impact. Mr. O'Carroll advised the Department of the Environment was concerned about a detrimental impact, and they would inform the developer of guidelines as to how this can be dealt with. He stated the Municipality is not responsible in this respect. The comment from the Department of the Environment was interpreted as saying there is no problem, except that the developer would have to show how he would deal with any runoff into the River.

Councillor Rawding asked if staff gave any consideration to the requirements of a sewage pump for hooking into municipal services. Mr. O'Carroll advised that the Assistant Director of Engineering visited this site with members of the PAC, and it was determined sewage would have to be pumped, and there are plenty of engineering ways to approach this, and it would be dealt with during the building permit stage.

Councillor Rawding inquired about the evaluation report with respect to education concerns in the area. Mr. O'Carroll advised the District School Board were asked to comment on this development and their capacity to deal with the increased number of students. They

indicated with an affirmative letter towards this application. The letter consisted of one phrase indicated this support.

Councillor Rawding noted there was an accident near this site a few years ago, and he asked if the Department of Transportation had any concerns in this respect. Mr. O'Carroll advised the Department of Transportation expressed no concerns about this development; their preliminary indication was that they would grant access for this proposed zoning. They have seen plans and made site visits to the proposed development.

Councillor Rawding next inquired about the size of Site 1, as shown on the staff report. He asked if it is big enough to allow sufficient setbacks without construction on the Power Corporation's right-of-way. Mr. O'Carroll advised Site 1 is proposed to be zoned R-2, and it is possible to build a conventional size semi-detached building and meet all the yard requirements without going into this right-of-way.

With respect to the Power Corporation's right-of-way, Councillor Rawding asked if there is any indication that they will abandon this right-of-way. Mr. O'Carroll stated the Power Corporation indicated they may have plans for this right-of-way; they were not interested in releasing it at all. He noted this right-of-way is very narrow, and there is no chance of being given permission to build any structure, although it can be used for parking.

Councillor P. Baker expressed concern about the environmental impact of this development on the Nine Mile River. He noted this River flows through his district into Shad Bay.

Councillor McInroy asked for clarification concerning the potential density of this land; he asked if Site 4 includes the buffer designated R-1, or if the 46,500 square feet does not include the buffer. Mr. O'Carroll advised that the buffer area is to remain R-1 and be separate and apart from Site 4, which is proposed to be zoned R-4. He informed the buffer area attaches to Site 4 and to Sites 2 & 3 and Site 1 at the ends, but it remains separate. He advised this buffer area is to protect the river; it would be impossible to develop the buffer area because there is no access to it.

#### Speakers in Favour of this Application

Michael Willet, 67 Asian Court Crescent, Colby Village, advised that he is the co-owner of the property in question along with Renault Smith of Tantallon. Mr. Willet advised that he and his partner have owned this property since 1972, and when it was purchased it was zoned general. The intention was to build an apartment or small commercial site with an apartment. Due to the arrangement of servicing patterns for Glengarry Gardens in 1972, this land was not serviceable. Therefore, in the mid-1970's the land was controlled by the Regional Development Plant and it required on-site services, which were very difficult to get at that time. In 1982, the Municipal Development Plan was adopted. He stated the progress of the plan was monitored with staff, and they were informed that no lands would be pre-zoned

for R-4 or R-2; there would be a residential designation on the plan. Mr. Willet informed from that information they gave up on the idea of commercial development in this area. He continued that it was not until 1985 that interest rates approached reasonable levels. In 1986, serious discussion concerning the rezoning of this property began with staff. In 1987 a number of alternatives were discussed with staff. It was necessary to come up with a proposal for a number of different zones over a piece of property. The R-1 zone along the River is a way of guaranteeing that the R-4 development would not encroach into the buffer zone along the river. The natural vegetation could remain. He felt the development scheme proposed offers the residents and the County a plan that will meet the policies of the MDP; staff then recommended the proposal.

Mr. Willet advised he was not aware of any opposition until March 18, 1988. He noted all undeveloped lands under this MDP are designated residential, and this application is for residential units. He felt it cannot be expected that all of Timberlea and Lakeside will be developed as R-1, especially along the St. Margaret's Bay Road. The services are now readily available here now, as well as a transportation system. Mr. Willet stated the application is consistent with the MPS and addresses such concerns as the protection of existing development in the area, offers a housing mix, sewer services are available and adequate in capacity; there would not be a big impact on schools because school age children do not live in apartments and there are only three R-2 buildings (six housing units). He noted the Department of Transportation has no difficulty with the proposed safety factors and sight-line distances. There are minimal visual impacts of this proposal to the existing and surrounding areas. Storm water management technics would deal with the protection of the Nine Mile River. These technics would be reviewed during the subdivision approval process, as well as the building permit process.

Mr. Willet concluded stating he is presently Vice President with Clayton Development Limited, and he has been employed with them for 15 years. He stated he takes pride in his work, and this project will be good for the community of Timberlea. He stated he is familiar with the community, having watched the development of it carefully. He requested the support of Council for this project.

Mr. Renault Smith, Tantallon advised he is currently self-employed as a general building contractor and will probably be the prime developer of this property. He stated he is responsible for an aware-winning restoration of a house in Paddy's Head in 1986. This won first place in the Nova Scotia Architectural Awards and was an honourable mention in the Governor General's awards. He stated he is presently involved in the construction of St. Margaret's Arena as project manager. Mr. Smith advised when this land was purchased, both he and Mr. Willet were involved in project planning and involved in the planning process. He assured it is in his best interests to see this property properly developed. The environmental impact will be of concern to him, as well as the residents. The boundaries of this land are fixed, and this cannot be expanded. He concluded that this proposal will make an excellent addition to the community.



Questions from Council

None

Speakers in Opposition to this Application

Ms. Anne Fornier, Timberlea, advised she has been a resident of the area for 16 years. She expressed appreciation to Mr. Willet and Mr. Smith for explaining their position. She expressed nothing against them as developers or their intentions for their property, but the residents want to speak about the intent behind the plan.

Ms. Fornier stated in 1980 the County was dissatisfied with the proposed Provincial plan, so they decided to go through a review process more individual to the planning area. Ms. Fornier referred to page two of the Municipal Development Plan Committee No. 24 as put forth in 1980 under the preparation of the MPS. She stated Timberlea is presently going through a plan review process, and there has been discussion about concerns of housing mixtures. She stated it is the desire of the residents to protect the rural residential environment, and this is the intent of the general land use map and the plan. Ms. Fornier stated every single word of the plan must be considered in context with the rest of the plan; parts of the plan cannot be isolated from others. She also noted there has been discussion at Plan Review Committee meetings about the definition of low density residential uses. She felt the R-2 zone as part of the Timberlea plan was intended to accommodate the in-law suites and basement apartments for family. However, the R-2 allows full two-unit residences. This was not the intent of the plan; she stated this is not low density use and it needs to be reviewed further during the plan review process.

Ms. Fornier next referred to Policy 23 of the Plan, indicating it is the intention of Council to preserve the existing single unit dwelling residential environment with its associated institutional and associated uses.

Mr. Fornier next referred to Policy 33, concerning multi-unit dwellings by amendment to the Zoning By-law.

Ms. Fornier informed she had inquired of Mr. Tam, Assistant Director of Engineering & Works, what can be done about the pumping of sewage for this proposed development. He indicated the developer will be responsible for installing a pump; however, she questioned the problems when the pump breaks down; she felt there are concerns in this regard which need to be addressed.

Ms. Fornier next referred to the traffic and transportation problems in the area. She stated separation distances from low density residential development is important in this aspect. She felt an R-2 area is not a satisfactory buffer. Ms. Fornier referred to parking stipulations in the Zoning By-law. Parking is allowed 30 feet from the front property line, and parking will be allowed in front of the building with auxillary parking to the side. She expressed dissatisfaction with this.

Ms. Fornier presented petitions signed by 352 residents of the immediate area surrounding this proposal. She stated these people feel the intent of the plan is to protect the single residential environment.

Ms. Fornier commented on the financial capability of the Municipality to absorb any costs relating to this development. She expressed concern about problems that may occur to the neighbours with regard to lot grading and drainage problems. Ms. Fornier also expressed concern about the adequacy of sewer and water services, of the road networks, etc. She stated the old mill site in Timberlea is considered by many to be a historic site, and it should be protected in this regard.

This proposal will also create traffic. Ms. Fornier stated the Department of Transportation's tests for approval do not take into consideration the sun during certain periods of the day, icy conditions, etc. She continued that she is concerned about the school situation in the Timberlea/Lakeside area. Added development in Glengarry Gardens will create overcrowding in the schools next year, and this development will create additional student population. The School Board's comment only reflected the development of the 24 unit apartment building - not the three two-unit dwellings. She continued that the whole plan must be taken into consideration. Two unit dwellings will be occupied by young people with children which will add to the student population. She advised that Dr. Morrison had advised her that he is concerned about the student population in this area, and he will be recommending to the Board that a new elementary school be built here. She questioned the financial capabilities of the Municipality to allow this development, given the need for a new school.

Ms. Fornier continued with concern about the soil and geological conditions of the site, as well as lot grading, etc. She felt these considerations have not been seriously considered by the Engineering and Works Department; she felt they only considered whether or not this development could hook into the central services. No other soil and erosion tests were done, and they will not be done until subdivision approval is applied for. She stated this proposal includes two zones on one lot, which will save the developer money because if the soil tests are not satisfactory for the apartment building, the developer can still build a single unit dwelling here.

Ms. Fornier concluded that she was informed by planning staff that the Plan and Land Use By-law for District 2 was done very quickly, and people relied on the planner for their protection. She asked why Mr. Willet and Mr. Smith did not come forward during the planning process to make presentations concerning the development of this land. She should not have allowed the R-1 use to be placed on their property knowing the people would feel this use would be protected.

Questions from Council

None

Ralph Wheadon, Timberlea, advised he lives across from the area in question, and he has resided there since 1959. He stated if he had wanted to be surrounded by subdivisions and apartment buildings, he would have moved to the City. He stated if there are plans for the Nova Scotia Power Corporation right-of-way, higher steel towers will have to be built to go over the 35 foot high rise buildings; this will mean more unsightly steel towers.

Mr. Wheadon stated if this area is rezoned to allow an apartment, there will be an impact on services because this rezoning will be a precedent, and eventually there will be more apartments and a strain on the services.

Mr. Wheadon stated there are four homes on his private lane, and three of these homes should be serviced by the sewer and water, but they were not because the main forcing water up Fraser Road cannot push water to these home on a little grade. He felt these services were not installed here because it would be too expensive for the services to cross the railroad. He commented there is no problem to cross the railway for larger developments to install services at Glengarry Gardens or to install a culvert to drain effluent from construction at Fraser Road. He complained that when it rains there is only muddy water.

Mr. Wheadon stated this development will create more traffic problems. Drivers do not obey speed limits, they do not clean their windshields off, and the sunlight affects traffic. He felt the traffic problem will be enhanced with this proposed development and there is not enough police services to help control this.

Mr. Wheadon commented that the sewer system servicing this area is quite small, and this is why the City of Halifax was not allowed to hook into the system. He stated the water of the Nine Mile River is low during the summer months, and it stinks during the warmer weather. He stated this development will affect surrounding properties. He complained that his view will be destroyed by this development.

Mr. Wheadon concluded that there must be change, but changes are supposed to be controlled by single family units. However, with more development, more people cut across his lawn to get to the school, and this problem will be greatly increased if these units are approved. Also, people use his driveway to turn their vehicles now, and this problem will also be increased with the additional units. He inquired about parking during the winter months when the parking bans are imposed. He noted there are problems along the MacIntosh Run because of high density development and this will be the result in Timberlea, as well, if this development is approved. There will also be an increased problem of dogs and cats in his garden. Mr. Wheadon stated the units may bring more tax revenues, but taxes will raise because

additional services will also be needed. He stated there is never a decrease. He continued that this development will also lower property values in the area. He stated he is completely opposed to this development as proposed.

Questions from Council

None

David Greenwood, Chairman, Municipal Planning Strategy Review for District 2, reviewed his presentation as circulated to Members of Council. He stated the residents of this area do not want Council to approve this request. The apartment building will not blend with the character of the area, and it will lower the existing aesthetic value of the area. Mr. Greenwood stated the residents do not want the area to have the problems Sackville and Spryfield are now experiencing due to housing mixtures. He referred to Policy 23 of the Plan which stated it shall be the intention of Council to preserve the existing single unit dwelling residential environment. He stated it was with this intent that the residents moved to District 2. Also, within newly developed R-2 zones, concerns have been raised about the detrimental affects of noise, traffic, and closeness. Mr. Greenwood also referred to Policy 33 which states Council may consider amendments to the Zoning By-law based on various conditions. He stated there are serious safety concerns not recognized by the Department of Transportation. The proposed concept indicates that seven direct access points to Highway No. 3 on a curve of this main arterial has not been considered realistically. The sun has also temporarily blinded drivers entering and exiting the proposed seven access points on this curve. There has also been an increase in traffic flow on the main highway, and these new dwellings and access points will only encourage accidents. He stated the Department of Transportation should not allow approval of this application.

Mr. Greenwood next commented on a noticeable steepness between Highway No. 3, the proposed dwelling, and Nine Mile River, which does not blend with other amenities. He also stated there should be concern that large sections of the land have saw dust located on it as the land once belonged to a lumber mill. He stated potential dwelling spillage will cause future problems to the already designated conservation areas located along the River floodplains.

Mr. Greenwood next spoke of capacity in local schools. He stated this is already under investigation, and he questioned the affect of these apartment units. He noted applicant's can state good intentions on initial requests and change their minds later, which usually have a more drastic effect that considered within the application. We asked that Council not approve this application because of these concerns. He suggested all R-4 rezoning applications be held until the Plan for District 2 has been completely reviewed and complete.

Questions from Council

None

Robert Fournier, Timberlea, advised he is a member of the original planning group that created the existing plan. He stated it is important to realize that when the Municipal Development Plan was created, it was felt it reflected the needs of the community. The residents feel Timberlea is a low density, rural community, and the people like this and want to retain this difference. He stated the residents feel this proposed development will change the character of the community, and it will soon be undistinguish from other communities. People are concerned about their quality of life changing, and they want to have the ability to decide on their own community; the MDP is for this purpose. He noted the first plan was not very well prepared, and it is not under review in an attempt to satisfy the residents of the area.

#### Questions from Council

None

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

"THAT the request to amend the Timberlea/Lakeside/Beechville Land Use By-law by rezoning a portion of Lot L-2 of the lands owned by Michael Willett and Renault Smith, located between Highway No. 3 and the Nine Mile River at Timberlea, from an R-1 (Single Unit Dwelling) Zone to an R-2 (Two Unit Dwelling) Zone and an R-4 (Multiple Unit Dwelling) Zone be DENIED by Municipal Council."

Councillor Rawding advised he has significant problems with this application, and he asked for support in denying this application. He stated the potential environmental problem is of major concern. This river runs through District 2 and into Shad Bay, and Halifax County has been working hard to protect this for residential development. There is also transportation problems with this application. The number of cars coming from a 24 to 30 unit apartment building onto Highway No. 3 would be significant for an area already being used to capacity. He stated the driveway in question will be on a corner, which will be a death trap. He stated a separate exit for Timberlea, which has been sought for some time now, has been approved to accommodate existing traffic. Councillor Rawding stated R-1 residents in this area would not be protected by the approval of this development. He stated the area is very quiet and pleasant, and the noise from this development would go throughout the community; the R-1 area behind the designation R-4 area would not serve as much of a buffer.

Councillor Rawding stated existing apartment building development in District 2 has not been entirely satisfactory; he advised action is now being taken to remove derelict vehicles from an existing apartment building. No matter how well managed this building is, there would be an overabundance of garbage which will eventually spill into the river and area. Aesthically is it not very pleasing.

Councillor Rawding stated the petition presented with 352 signatures is important. He stated all these people pay taxes for all services,

and there signature against this development should be considered. He noted the existing plan is under review and consideration is being given to requiring that all R-4 applications be done by development agreement. Councillor Rawding stated this consideration shows that staff is cognizant of the situation and that more restrictions are needed.

Councillor Rawding advised besides the presentations made at this public hearing he has received numerous telephone calls in opposition to this application.

Councillor Rawding stated if the people were asked in 1982 what kind of community they wanted, they would have chosen one much more favourable toward R-1, low density development. He stated it is a surprise to the people that the Municipal Board can interpret the plan to give the ability for large parcels of land to be developed as R-2 development; this was not the intention behind the plan. He stated people are not happy with the planning process, and until the exact words and intentions of the people are written into these plans, the people will not be happy.

Councillor Rawding concluded that the overcrowding of schools in the area at present is intolerable. He expressed objection to the School Board's support for this application. He stated there is a need for pressure for a new elementary school in Timberlea. He asked Council for support in denying this application.

MOTION CARRIED UNANIMOUSLY

#### ADJOURNMENT

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

"THAT this public hearing adjourn."  
MOTION CARRIED

COMMITTEE OF THE WHOLE

March 29, 1988

Present Were: Warden MacKenzie                      Councillor DeRoche  
                  Councillor Rawding                      Councillor Reid  
                  Councillor Mont                              Deputy Warden MacDonald  
                  Councillor Merrigan                      Councillor MacKay  
                  Councillor Lichter                      Councillor Randall  
                  Councillor Fralick                      Councillor Snow  
                  Councillor C. Baker                      Councillor Bayers  
                  Councillor P. Baker                      Councillor Wiseman  
                  Councillor H. McInroy

Secretary:     Virginia Veinot

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

"THAT the Committee of the Whole session be held incamera."  
MOTION CARRIED.

It was agreed that Council come out of camera.

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

"THAT it be recommended to Council that approval be given  
to release the remainder of the \$36,000.00 allocated to the  
Special Adhoc Committee on Sackville Status to carry out  
their mandate."  
MOTION CARRIED.

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

"THAT the meeting adjourn."  
MOTION CARRIED.

L10H

SPECIAL COUNCIL SESSION

MARCH 29, 1988, 7:00 P.M.

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Walker  
Councillor Rawding  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Randall  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor McInroy  
Councillor Eisenhauer  
Councillor Mont

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk  
Mr. D. Weir, Solicitor  
Ms. V. Spencer, Director, Planning & Development  
Mr. B. Butler, Manager, Policy Division

SECRETARY: Ms. R. MacNeil

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Warden MacKenzie called the session to order at 7:10 p.m. Mr. Kelly called the roll.

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

THAT ROSEMARY MACNEIL ACT AS RECORDING SECRETARY.

Motion carried.

Warden MacKenzie explained the purpose of the meeting is to discuss and deal with the recommended amendments and possible approval of the Planning District 14 Municipal Planning Strategy and Land Use By-law. Submissions and recommendations have been discussed at Planning Advisory Committee. Councillor McInroy expressed concern regarding the number of Council members present, inquiring if there were enough in attendance eligible to vote. It was indicated that attendance was sufficient.



Warden MacKenzie then called on Mr. Butler to present the recommended amendments. Councillor Lichter pointed out that each motion would require a unanimous vote in order to be passed, given the number in attendance.

Mr. Butler suggested that he could present each amendment separately, with a motion for each amendment. At the end of this presentation, motions could be taken separately on the documents as amended.

1. CHS Developments Limited

Mr. Butler gave a brief explanation of the recommendations, after which Councillor Snow moved, seconded by Councillor Lichter:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO CHS DEVELOPMENTS, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 1)

2. Connie Walker

Mr. Butler gave a brief explanation of the recommendations, after which Councillor Snow moved, seconded by Councillor McInroy:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF CONNIE WALKER, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 2)

3. Diana Lidstone

Mr. Butler gave a brief explanation of the recommendations, after which Councillor Snow moved, seconded by Councillor Lichter:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST BY DIANA LIDSTONE, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 3)

4. Gary Isenor

Mr. Butler gave a brief explanation of the recommendations, after which Councillor Lichter moved, seconded by Councillor Reid:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF GARY ISENER, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Councillor Mont asked if the land in question is vacant at the moment. Mr. Butler indicated that this was the case.

Motion carried unanimously. (See Appendix 4)

5. Brightwood

Mr. Butler gave a brief explanation of the recommendations. Councillor Mont questioned the second part of the request from Brightwood, asking what would be required in order to develop the land if the lot sizes had to be reduced. Mr. Butler indicated that a plan amendment would be necessary. He added that the question of lot sizes was a major issue in the plan area, and the PPC for Planning District 14 felt very strongly about requiring larger lot sizes.

Councillor Snow moved, seconded by Councillor P. Baker:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF BRIGHTWOOD GOLF AND COUNTRY CLUB, OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 5)

6. E. Riggs; S. Helnyk

Mr. Butler gave a brief explanation of the staff report. Councillor Snow moved, seconded by Councillor Reid:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF E. RIGGS AND S. HELNYK, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Warden MacKenzie asked if the requested zone would limit the number of livestock permitted on the lot. Mr. Butler indicated that the zone permits more than one horse.

Motion carried unanimously. (See Appendix 6)

7. Alan Hayman

Mr. Butler gave a brief explanation of the recommendations. Councillor Snow moved, seconded by Councillor Rawding:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF ALAN HAYMAN (FOR IRVING OIL LIMITED), AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Councillor Mont asked if PAC had considered zoning the front portion only as C-4. Councillor Lichter explained the PAC had not given this possibility consideration. It was hoped that the truck stop might be relocated to a more appropriate area.

Motion carried unanimously. (See Appendix 7)

8. Residents of Charleswood Subdivision, Windsor Junction

Mr. Butler gave a brief explanation of the recommendations, after which Councillor Snow moved, seconded by Councillor Rawding:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF THE RESIDENTS OF CHARLESWOOD SUBDIVISION, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 8)

9. David F. Barrett, Barrett Lumber Co. Ltd.

Mr. Butler gave a brief explanation of the recommendations, indicating that there are two separate requests to be considered. Councillor Snow moved, seconded by Councillor McInroy:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF BARRET LUMBER CO. LTD., AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 9)

10. Kim Conrad

Mr. Butler gave a brief explanation of the recommendations. Councillor P. Baker moved, seconded by Councillor Randall:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE REQUEST OF KIM CONRAD, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 10)

11. Former Enfield Drive-In Site, Enfield.

Mr. Butler gave a brief explanation of the recommendations, indicating that the property would be designated CDD. This would permit commercial development by development agreement. The recommendation would not really change the status of the property, except that instead of being zoned residentially, it will be covered by CDD. Councillor Snow moved, seconded by Councillor Lichter:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO THE FORMER ENFIELD DRIVE-IN SITE, ENFIELD, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 11)

12. Amendments (6) to the Land Use By-law

Mr. Butler indicated that these amendments are intended mainly to correct errors that were made in the draft. It was moved by Councillor Lichter, seconded by Councillor Snow:

THAT THE AMENDMENTS TO THE LAND USE BY-LAW AS RECOMMENDED BY THE PLANNING ADVISORY COMMITTEE, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 12)

13. Amendments Related to Private Roads

Mr. Butler gave a brief explanation of the recommendations, indicating that the MPS does not permit new private road development. However, it recognizes that such roads are presently in existence, and therefore requires amendments to the Land Use By-law and Subdivision By-law. It was moved by Councillor Snow, seconded by Councillor Baker:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO AMENDMENTS TO THE LAND USE BY-LAW AND THE SUBDIVISION BY-LAW REGARDING PRIVATE ROADS, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 13)

14. Reduced Lot Frontage Provisions

Mr. Butler gave a brief explanation of the recommendations. Councillor Snow moved, seconded by Councillor Mont:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY, LAND USE BY-LAW AND THE SUBDIVISION BY-LAW, REGARDING REDUCED LOT FRONTAGE PROVISIONS, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 14)

15. AeroTech Business Park

Mr. Butler gave a brief explanation of recommended amendments to the Municipal Planning Strategy, regarding the AeroTech Park. Councillor Lichter moved, seconded by Councillor Reid:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY REGARDING THE AEROTECH BUSINESS PARK, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously. (See Appendix 15)

Mr. Butler gave a brief explanation of recommended amendments to the Land Use By-law, regarding the AeroTech Park. Councillor Snow moved, seconded by Councillor McInroy:

THAT THE RECOMMENDATIONS OF THE PLANNING ADVISORY COMMITTEE WITH RESPECT TO AMENDMENTS TO THE LAND USE BY-LAW REGARDING THE AEROTECH BUSINESS PARK, AS OUTLINED IN THE ATTACHED REPORT, BE APPROVED BY MUNICIPAL COUNCIL.

There was brief discussion regarding methods for measuring height of structures. It was felt that it may be worthwhile to review these practices, since there are a number of factors that could be taken into account.

Motion carried unanimously. (See Appendix 16)

Councillor P. Baker moved, seconded by Councillor Snow:

THAT THE MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICT 14 BE APPROVED BY MUNICIPAL COUNCIL, AS AMENDED.

Motion carried unanimously.

Councillor Snow moved, seconded by Councillor C. Baker

THAT THE LAND USE BY-LAW FOR PLANNING DISTRICT 14 BE APPROVED BY MUNICIPAL COUNCIL, AS AMENDED.

Motion carried unanimously.

Councillor Snow moved, seconded by Councillor Fralick

THAT THE AMENDMENTS TO THE SUBDIVISION BY-LAW, WITH RESPECT TO PRIVATE ROADS AND REDUCED LOT FRONTAGE PROVISIONS, BE APPROVED BY MUNICIPAL COUNCIL.

Motion carried unanimously

Councillor P. Baker moved, seconded by Councillor Snow:

THAT THE PLANNED UNIT DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND CHS DEVELOPMENTS BE DISCHARGED.

Motion carried unanimously.

Councillor P. Baker moved, seconded by Councillor McInroy:

THAT THE SPECIAL COUNCIL SESSION BE ADJOURNED.

Motion carried unanimously. The meeting adjourned at 7:55 p.m.

MINUTES & REPORTS

April

APRIL

OF THE

THIRD YEAR MEETINGS

OF THE

FORTY - SECOND COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

APRIL COUNCIL SESSION

TUESDAY, APRIL 5 and 19, 1988

&

PUBLIC HEARING

APRIL 11 and 25, 1988

&

COMMITTEE OF THE WHOLE

April 7, 1988