

dated June 20, 1972 stating that rezoning took place in 1972, and that Mr. Edwards received a permit to erect a garage to house well drilling equipment, and the letter continued with the problems this operation caused. Mr. Flemming responded that he is only aware that Mr. Edwards purchased the lot in 1979.

Councillor Lichter asked when Mr. Flemming moved to the area. Mr. Flemming responded that he has lived on Ocean View Drive since 1963. Warden MacKenzie suggested that Mr. Edwards may have operated from that location since 1971, but did not purchase it until 1979.

Councillor DeRoche noted that the letter dated June 20, 1972 references 1 Ocean View Drive. Mr. Flemming spoke of Lot 1-C, facing on Ketch Harbour Road, and the lot behind Lot 1-C. He asked which is 1 Ocean View Drive. Mr. Flemming responded that Lot 1-C corners on Ketch Harbour Road and Ocean View Drive, and Lot 1 is behind that, which he felt was known as 1 Ocean View Drive. Councillor DeRoche noted that the Plan references two separate properties owned by H.J. Edwards Well Drilling, and they are both included in Appendix "B". Ms. MacKinnon clarified that there are two separate lots involved; Lot 1-C is on the corner, which the residents are requesting to be zoned R-2. Lot 1, referred to in the 1972 letter, is the second lot in, which is Mr. Edwards residence. She stated the corner lot was purchased in 1979, whereas the residence was purchased at some prior date.

Councillor McInroy asked if it can be assumed that this business started legitimately in 1971. Mr. Flemming suggested the business may have existed in 1971, but there were no trucks occupying the parking area, and he may have been running the operation from his residence.

Tom Landry, 4 Ocean View Drive spoke on behalf of the majority of residents on Ocean View Drive, commending the recommendation for the proposed zoning on Lots 1-C and 1 on Ocean View Drive. However, according to the County Assessment Office, a business occupancy tax has been collected for Lot 1-C (the corner lot) since Mr. Edwards appealed his 1987 tax assessment. He asked if this is a violation of a by-law, whereby a residential lot should pay residential taxes. Warden MacKenzie responded that this is in order, according to the Municipal Solicitor.

Mr. Landry continued that he is concerned about the safety of his children, the increased flow of local traffic and housing development and the depreciation of his property. He stated he has only lived at this location for five years, and already his property has depreciated by \$10,000. He expressed concern about this depreciation in the next five years. He referred to his assessment, which was reduced to \$58,140 from \$68,400 after an appeal. This reduction in assessment was based on the local and economic obsolescence arising from a trucking and well drilling business operating across the street and next to his property.

Mr. Landry concluded that the residents of Ocean View Drive have been more than reasonable in their dealings with this issue, and he expressed hope that Mr. Edwards would extend the same consideration in this regard.

Questions from Council

Councillor Lichter asked if the assessment appeal was initiated on Mr. Landry's own behalf. He asked if there were any other reasons cited by Mr. Landry at the assessment hearing. Mr. Landry responded that there were three other lots referred to as unsightly to the appeal board.

Councillor Lichter asked if there have been any attempts to have these unsightly properties cleaned up. Mr. Landry advised that the County has made attempts to clean up these properties.

Councillor Fralick asked if the three lots in question were in existence when he moved to his property five years ago. Mr. Landry responded that he is not sure about the corner lot.

David Baker, Herring Cove advised that in 1971 he put much fill on the parking lot owned by Mr. Edwards, and he subsequently used it for parking his trucks.

Questions from Council

None.

Cathy Ramsey Ninos, 22 Ocean View Drive advised that she purchased her house in April, 1984, and at that time, she was informed that the property was zoned R-2. They were also interested in the land next door, and they were told that Ocean View Drive was zoned R-2. She stated they liked the area, so they moved there with no knowledge of the well drilling business on the street at that time. She stated there are no signs, and it is difficult to tell there is a business operating there. She stated the lot which Mr. Edwards wants zoned commercial (Lot 1-C) contains swing sets. She stated had there been any other commercial operation there, they would not have purchased their property there. She stated she is concerned about the value of her property should Mr. Edwards decide to sell his land, and another commercial enterprise develop here that does not fit in with the neighbourhood.

Questions from Council

None.

Sherry Field, 11 Ocean View Drive referred to a letter written by her aunt who could not be in attendance. She advised that her aunt lives at 3 Ocean View Drive. The letter referred to the quiet area Ocean View Drive was in 1979 when Mrs. Field's aunt's house was built. The letter read that at that time, homeowners arranged to have the street zoned R-2. Heavy equipment then began to appear periodically about ten feet from 3 Ocean View Drive. However, the nuisance was passed off as being a convenience to her new neighbour. However, it soon became apparent that this was to be a permanent situation, and despite efforts through the County to have this lot conform to the zoning regulations, this enterprise continued. A permit was subsequently

issued under the guise of a two car garage to erect an outbuilding larger than a home. Machines started early in the morning, traffic increased, the ground was saturated with gasoline, and the situation became very volatile. The problem began to take its toll on their health and safety, and with no relief in site, outside of civil action, the house was sold (October, 1973). The letter read that this is not an ordinary business; it is an unsightly, smelly, noisy operation belonging in an industrial park, and it has been allowed to spread from 1 Ocean View Drive to the corner lot and across the street in complete violation of the R-2 zone, and seemingly with the blessing of the County. The letter read that this commercial operation never belonged and is not wanted in the area. It is adjacent to St. Paul's Cemetery, and the residents should be returned the quiet enjoyment of their properties. The letter concluded with two questions:

- 1) Why zoning, as a regulation, cannot be enforced?
- 2) How anyone, year after year, zoning or no zoning, can continue to control harmony of the neighbourhood causing loss and worry to its residents?

The letter was signed by M.L. Stency.

Questions from Council

None.

Peter Shacklock, 593 Ketch Harbour Road, Portuguese Cove advised that he sat on the PPC since it started, and zoning along the road in Portuguese Cove is mainly R-1, although R-2 was originally proposed. A number of residents canvassed the area, and the majority were in favour of R-1.

There were a number of concerns expressed about any proposed mobile home park development. The residents also canvassed against this, and it was protected against. There is an F-1 (Fishing) Zone, a number of small lots zoned R-2 or R-2A for specific purposes, and he expressed support for R-6 zoning on the backlands as the Plan proposes.

Questions from Council

Councillor C. Baker stated he cannot support the development of a mobile home park because it has been made very clear to him that the people do not want a trailer park. He advised he had a number of calls objecting to this.

Peter Pelham advised that he has been a member of the PPC from the beginning. He stated he has checked every commercial entity within the Herring Cove district and spoke to each owner; each owner was assured that any existing legal operating business would be given every favourable consideration to be able to transpose from the general building zone through the 1972 period when the first zoning existed to this proposed Plan. Mr. Pelham clarified that Mr. Edwards does not operate a well drilling business on the lot in question on

Ocean View Drive; he operates an office which controls the administrative part of the business. He also clarified that Lot 1-C was purchased in 1979, and from 1948 until present, this lot had a history of failing commercial entities because it is not accepted in the community as a commercial lot because it is so small. He advised that the lot is estimated to be approximately 5,000 square feet, although a survey certificate was never shown.

Mr. Pelham advised that Mr. Edwards did purchase this lot in 1979 and prior to that it was residential. From 1973 to 1976 a furniture business failed here.

Mr. Edwards residential lot is behind the operation of his business, Lot 1 on Ocean View Drive; it is in no way connected to Lot 1-C.

Mr. Pelham continued that the community, through him, expressed support for the continued operation of the administrative business there. However, for respect for the catholic burial ground, there was a strong request that there be no pipe, barrels, industrial trucks, etc. in the area. Mr. Pelham advised that Mr. Edwards had agreed to move this equipment, as it was only intended for temporary storage. He clarified that the general community input was that they did not want Edwards Well Drilling to be removed from its existing location, but they wanted the dignity of their residential zoning as well as respect for the adjoining graveyard.

Mr. Pelham continued that it was the agreement of the PPC that Mr. Edwards be allowed to continue repair work at his garage on the residential lot, one vehicle at a time. This would be opposed to him being given a non-conforming status. He stated he was surprised to see that this policy had changed to allow consideration for an expansion of the existing commercial or the conversion to an alternate commercial use by development agreement. He stated it was the intention of the PPC to take the non-conforming status away from this lot, and allow Mr. Edwards to continue to operate as long as it is not a parking area for trucks.

Mr. Pelham also advised that he is chairman of the Ratepayers Association. He advised there was some concern about the intent to permit a basement apartment in an R-2 zone without requiring an additional 10,000 square feet. He felt a single lot in a serviced area was to require 10,000 square feet in an R-1 designation. The addition of an in-law suite or a rental apartment was the limit of R-2 zoning. However, it now appears that side-by-side duplexes or semi-detached dwellings is the full extent of R-2 zoning, and an additional in-law suite or apartment would not be allowed. He stated it was his understanding that R-2 means two units only, whether they be two individual units or a rental unit. He referred to Policy 4.14 on page 19 of the Strategy. He stated it is a violation of the R-2 zone because it would allow three units. Mr. Pelham also referred to Policy 17.7 on page 59 which would allow an additional commercial structure to be converted to a maximum of four dwelling units, stating it also is a violation of the R-2 zoning.

Mr. Pelham next referred to Policies 35 to 38. He stated at the PPC level this Policy was to read with regard to land along the Pennant River and the MacIntosh Run Rivers. The PPC felt through the parkland dedication policy for subdividing, the public open space along these rivers should be acquired as a public right-of-way with a possible 100 foot setback. However, the completion of Policy P-38 does not include one parcel of this land (LRIS No. 4074924), although the two parcels of land on the Pennant River were included. He asked that this be reconsidered.

Ms. MacKinnon responded that the land along the MacIntosh Run is dealt with under Policy P-40, which directs Council to request the Department of Lands and Forests to either negotiate crown land transfers or to establish rights-of-ways or developed trails on that particular property. She clarified that Mr. Pelham is requesting that this property also be referenced in Policy P-38 with regard to the subdivision of land the acquisition of parkland. Mr. Pelham stated it should have been included in both Policies P-38 and P-40, and should the negotiations for land transfer fail, parkland contribution could be another alternative.

Mr. Pelham continued with reference to Long Pond Developments and the proposed minimum lot size. He noted this is proposed to be lowered to 6,000 square feet for serviced lots. He advised that the majority of Ratepayers expressed concern about this. It was the feeling that the aesthetics of the neighbourhood with larger lots should be continued.

Mr. Pelham concluded that the recreation aspects of the Plan were very well received with the prospect of tennis courts and recreation areas within Long Pond Developments and Churchill Estates, and the other parts of the Plan also received favourable praise in general.

Questions from Council

Councillor C. Baker advised that Mr. Austin spoke to him about lots at Long Pond, and he would like them to remain at 6,000 square feet, or he would go out of business. Mr. Pelham advised that he has had many favourable comments on behalf of Mr. Austin and his good liason with the residents has been well received. He stated most people there will not buy a small 6,000 square foot lot. He stated it is a welcome development, but the residents want to see it grow as their lots have historically been developed.

Councillor C. Baker stated he is not opposed to the mini-mall Mr. Austin now intends to develop. He stated the area is adjacent to a commercial development, and everything would be inside this mall; it would mean employment for residents of Herring Cove, the money would be staying in Herring Cove, and it would bring more tax dollars to the County. Overall, it would be a credit to Herring Cove. Mr. Pelham stated the existing commercial area has a history of being acceptable to the community, and it has always been an asset. There was no opposition expressed to this designation and development.

Councillor DeRoche clarified that Mr. Pelham, on behalf of the residents, is supportive of 10,000 square foot serviced lots. He also clarified that Mr. Pelham is not supportive of changes to the property being developed by Mr. Austin for smaller lots sizes or for the mini-mall. With respect to the Edwards' properties, Councillor DeRoche noted two of them are listed in Appendix "B" of the Land Use By-law, one with the garage for vehicle repair which will be zoned R-2 and the use will be non-conforming (Lot 1), and Lot 1-C where the office, warehouse, and apartment unit are located, is considered under the By-law where it reads "expansion may be considered by development agreement in conformity with Policy P-54". He asked if the residents are supportive of the designation of these two properties. Mr. Pelham advised they are opposed to Policy P-54, to allow expansion or conversion to another use.

Councillor DeRoche next referred to Mr. Pelham's reference to Section 17 with respect to existing commercial structures being permitted to convert to a multi-unit residential use. He clarified that Mr. Pelham and the residents he represents are opposed to a C-2 (General Business) use being able to convert to a multi-unit residential use, maximum four units. Mr. Pelham advised he and those he represents are supportive of the conversion of other commercial uses within the C-2 Zone, but should it be converted to residential, it should be within the 1972 continuity of the R-2 Zone.

Councillor DeRoche asked if there are any existing C-2 uses in the R-2 designation. Mr. Pelham advised there are, including Councillor C. Baker's commercial entity, the garbage refuse, the service station, etc.

Ms. MacKinnon clarified that there are a number of C-2 zones within the residential designation, and that conversion would apply to uses allowed in the C-2 Zone. Also, she clarified that the by-law now regulates Lot 1 on Ocean View Drive as an existing use through inclusion in the Appendix, as opposed to a non-conforming use.

Councillor McInroy noted the preference to not allow serviced lots to be reduced from 10,000 square feet to 6,000 square feet. He asked if there was any consideration given to anything in between. Mr. Pelham advised that it was the original desire to have duplex lots no smaller than 15,000 square feet. However, after some heated discussion, it was learned that existing standards cannot be changed, and previous subdivision laws of the County stated that should developer acquire water and sewer from a recognized municipality, that he be permitted to put a duplex on 10,000 square feet. He stated if it cannot be increased, it should not be decreased either.

Councillor McInroy next inquired about the number of people registered in the Ratepayers Association and those who supported this position. Mr. Pelham advised there are 487 registered in the Association, and there were approximately 70 in attendance at the meeting when these issues were discussed.

Councillor Lichter referred to Section 4.14 of the Land Use By-law with respect to auxillary dwelling units. He noted that Mr. Pelham expressed concern about this on behalf of the residents, and he explained that the Municipal Plan Committee wanted to be certain that if somebody builds any type of duplex they will require 10,000 square feet of land for each unit. However, there was then the issue of auxillary units, meaning a self-contained dwelling unit within an owner-occupied single unit dwelling comprising less than 35 percent. He stated it is not a duplex, but a small apartment, and these are usually built to accommodate hard-ship cases within the family. Therefore, it would be unreasonable to expect 20,000 square feet for such a unit. Councillor Lichter asked if Mr. Pelham and his residents would still object to 10,000 square foot lots for only a small auxillary apartment. Mr. Pelham responded that these auxillary units have grown to more than one unit in the past, and the County has spent much money in trying to prosecute against this. He stated had there been strict enforcement of the rules initially, this request would not be forth now. Councillor Lichter stated if the people want 10,000 square feet for every unit in an R-2 zone, the Committee will consider it and do what it can, but within two months there will be a situation whereby somebody would like to help, but nobody will be able to unless the law is broken or an adjacent parcel of land is purchased. Mr. Pelham stated the County Social Services Department should assist in these cases through their Housing Assistance Programs.

Joe Tramble, St. Paul's Parish Council advised that he has concern about Lot 1-C. He stated there seems to be some confusion concerning boundaries between Lot 1-C and the cemetery property. He asked that this be clarified, and that the cemetery be respected as such.

Mr. Tramble also spoke on behalf of the trustees who expressed concern that although a developer does a good thing for the community, although he does not always think of the overcrowding in schools that will be caused by his development. He stated this should also be taken into consideration when looking at development in Herring Cove.

Questions from Council

None

Cheryl Landry, 4 Ocean View Drive also spoke on behalf of the residents on her street. She clarified that the marks on the map submitted by Mr. Flemming represent those who signed a petition, which Mrs. Landry reviewed. The petition expressed no objection to the continuation of Mr. Edwards' well drilling operation. It also recommended R-2 zoning for the property in question, and that Mr. Edwards be allowed to operate legally within the zoning under Appendix "B", which would provide non-expansion protection to the residential homeowners of Ocean View Drive. Mrs. Landry advised that 146 people signed petitions, including Mr. Edwards who was the only resident ratepayer who signed it. She reviewed the petition signed by Mr. Edwards informing that his business has been an employer of local people and an asset to the community.

Mrs. Landry stated the people who signed the petition were lead to believe that unless Mr. Edwards received C-2 zoning, he would not be allowed to continue his business. However, she clarified that he will be allowed to continue operations, if his business is included in the Appendix of the Land Use By-law, as proposed.

Mrs. Landry also reviewed minutes of a MPC meeting on January 13, 1988 whereby Councillor Lichter indicated the wishes of the residents and the livelihood of the owner will be the deciding factors in this issue. She stated they are both being addressed now. Nobody wants any bad feelings, but the people do not want the business to expand or to convert to another business. She stated Mr. Edwards livelihood will not be affected in anyway by this accommodation. She stated the residents have already been more than reasonable in allowing this business to continue.

Mrs. Landry also inquired about residential properties paying taxes. Mr. Cragg responded that if the property is clothed with non-conforming use status, it could still pay commercial taxes, although business occupany could also be paid. Mr. Cragg clarified that zoning does not have much to do with assessment for tax purposes. If a property is zoned residential, it could still have a commercial use attached to it, and it would be subject to a business/commercial occupany tax.

Mrs. Landry asked if this means any resident of Herring Cove could at any time declare themselves in business, pay business taxes, and supercede all previous zoning regulations. Mr. Cragg advised this is not possible. He stated a property would have to be used commercially prior to it being zoned residential, and if that has remained constant, it could retain that non-conforming commercial use status, although the zoning has changed.

Mrs. Landry concluded that she would never want anybody to ever have to go through what the residents of Ocean View Drive have experienced with this business, and she asked that there be such protection for other residents.

Members of Council agreed to break for five minutes. At 9:15 p.m. Warden MacKenzie called the meeting back to order, and he asked for further speakers in favour of this Plan and By-law.

Colin Gillis, 16 Ocean View Drive stated he considers himself a personal friend of Mr. Edwards, who owns Lot 1-C, which has been a point of issue for some time, as well as tonight. Mr. Gillis stated he also tries to be a friend to those other residents of Ocean View Drive.

Mr. Gillis advised that he was the third to build a house on Ocean View Drive, and he would not discuss dates because it can get into many problems. Mr. Gillis stated he is concerned that Ocean View Drive has been kept aesthically as the people want it. He stated he would not want to see, and he felt it is not the intention, to create a vendetta against Mr. Edwards. He stated he is supporting the

recommendation that Mr. Edwards be allowed to maintain his business as he has done for many years, although he does not want to see this property zoned C-2.

Questions from Council

None

Robert Power, Herring Cove, Vice Chairman of St. Paul's Cherish Council, and a member of the PPC advised he is supportive of the Plan as proposed. He stated he is not favourable of reduced lot sizes (below 10,000 square feet). He stated most of District 5 is very rocky with little topsoil, and considering this, the larger lot sizes would be better. He stated he is also not in favour of expansion of the strip mall along the Herring Cove Road further than the area presently zoned commercial. Mr. Power concluded by expressing concern about the boundary line between the cemetery and Lot 1-C along Ketch Harbour Road and Ocean View Drive.

Questions from Council

None

Pat Purcell, Portuguese Cove advised that he was a member of the PPC, and it was made very clear that the residents do not want any type of mobile home park or concentrated development in Portuguese because the land is not suitable for such development, and it would also cause traffic problems.

Questions from Council

None.

Alec Mountain, Herring Cove spoke in support of Mr. Edwards' business, as well as other existing businesses. He stated businesses must grow. He stated there are many dumps in Herring Cove, but the apartment building in Herring Cove, which was opposed, is not a dump. He stated the parking area for Edwards Well Drilling was a swamp before it was filled in, so this use as a parking area has done no harm.

Questions from Council

None

Speakers in Opposition to this Plan and By-law

Martin Willison, 40 Rockystone Road, Spryfield advised he is President of the Spryfield Long Lake Provincial Park Association, which includes members from District 5 in the County of Halifax. Mr. Willison stated he concurs with those concerns raised by Alderman Grant. He stated he represents a voluntary association that defends the interest of Long Lake Provincial Park, which consists of 5,000 acres between the City of Halifax and the Districts of Harrietsfield and Goodwood. It is the largest Provincial park in Nova Scotia with considerable potential for

economic development in the County of Halifax. Mr. Willison stated the Association is concerned that three blocks of land immediately adjacent to Long Lake Provincial Park zoned C-5 under the present Plan, and he felt during the development of the Plan no consideration was given to this Park.

Mr. Willison stated C-5 zoning is a good idea in essence, but it is not suited to this park. He proposed that three minor changes be considered to the proposed zoning:

- 1) that a buffer zone of at least 200 metres be include in the Plan between the Provincial Park and the commercially zoned lots;
- 2) that there be setbacks beside waterways and footpaths within these C-5 zones; and
- 3) that these lots be zoned for industrial development by development agreement only.

Mr. Willison stated any commercial development could then be designed to be compatible with the Park, which is primarily designed for wildland recreation, such as campgrounds, stores selling hiking equipment, and possibly restaurants - uses that would be compatible to the Park and which would have much economic benefit for the communities immediately adjacent to the Park.

Questions from Council

None

Ken Fowly, RAIV Developments Ltd. advised that he represents the developer of lands at Long Pond.

With regard to Part 16 of the proposed By-law (the C-1 Zone), Mr. Fowly stated the commercial uses allowed are considered to be too restrictive, and he asked that they be expanded to allow 10,000 square foot buildings.

Also with regard to the C-1 Zone, the proposed by-law contains a list of permitted uses, and he suggested that some additional uses be added that would not expand into any regional, commercial activity.

Mr. Fowly also referred to the R-1 and R-2 Zones under the proposed Zoning By-law. He stated the proposed by-law refers to minimum lot sizes and frontages for lots with on-site services and lots with central sewer and on-site water, whereby the minimum lot sizes in the proposed by-law are those established by the Provincial Department of Health; he stated this should not be altered. He stated the development is providing central sewer and water, and these services are advantageous to the community; therefore, Council should encourage such development, rather than discourage it. Thus, Mr. Fowly requested a minimum lot size of 6,000 and a minimum lot frontage of 60 feet for serviced R-1 lots and minimum size of 3,000 square feet and minimum frontage of 30 feet for R-2 lots - the normal minimums for

such development in the County. Mr. Fowly stated if the increased standards are adopted as proposed in this Plan, development will be a great deal more expensive. He stated this is the only development in the District 5 planning area with full services, and it should be treated by Council as a fully serviced development, the same as any other fully serviced developments within the Municipality.

Mr. Fowly stated this request does not represent a request for special treatment from Council, a grant or a loan, or any form of tax benefit, but it is only a request for fair treatment. He stated there is no valid reason for Council to require larger lot sizes and larger frontages in this development than for other fully serviced developments.

Mr. Fowly stated it must be fully recognized that these are fully serviced lots as opposed to others in the planning area, which are not fully serviced. To provide these fully serviced lots in this area with the larger lot sizes would be almost prohibitively expensive.

Mr. Fowly stated that Alderney Consultants, who act on behalf of this developer, recently learned at a meeting with the School Board that there is no problem foreseen with overcrowding in the schools foreseen. The developer, through Alderney Consultants, in discussion with School Board staff, offered to make arrangements with them, if school space is required in that area.

Questions from Council

Councillor C. Baker advised that he was recently advised that the school situation will soon be remedied with a new piece being built onto William King Elementary School.

Councillor P. Baker, as a member of the School Board, advised that the matter of overcrowding of schools in this area has been resolved, and recommendations were approved at every level and are now awaiting approval of the Minister of Education. He stated there is no fear of overcrowding in the schools in District 5.

Herb Edwards informed that in 1969 he purchased Lot 1 on Ocean View Drive, and in 1970 he began his well drilling business there. In 1972, zoning was implemented on Ocean View Drive, and under this new zoning, his use became non-conforming. Mr. Edwards further advised that in 1975 he took over Lot 1-C, which was an existing business, operated by Bluenose Furniture Ltd., which was also a non-conforming use. Lot 1-C was renovated to an office and residential dwelling. The lot across the road was used in 1970 and 1971 for parking vehicles, and he had permission to use this property. When Mrs. Ellis Dempsey requested that he not park his truck here, he found alternate parking.

Mr. Edwards advised that the property in question, Lot 1-C has always been a commercial property; it is a serviced lot 2,024 square feet in size. He advised that he employs 12 people with an annual payroll of approximately \$266,000, and all employees are from the Herring Cove

and surrounding areas. Mr. Edwards stated he was friends with everybody on the street. The couple who started the petition purchased their home on Ocean View Drive in 1985, and they previously rented nearby; they were well aware that the well drilling business was in operation. He noted that those residents surrounding his business did not sign the petition. Mr. Edwards asked that the assessment appeal on the basis of derelict vehicles be taken into consideration. He also advised that his business is still operating from this location because his lawyer has informed the County of his legal standing; he was operating this business legally prior to the adoption of zoning in 1972.

Questions from Council

Councillor McInroy clarified that an office was located on Lot 1-C prior to his acquisition of it and since his acquisition in a non-conformation status. Mr. Edwards responded that it was a fully operational commercial operation prior to zoning, when it became non-conforming, and this took place when Bluenose Furniture owned it. When he acquired the land, it was zoned R-2 although a non-conforming commercial use could continue. Councillor McInroy asked if Mr. Edwards would have any difficulty operating his business as non-conforming under the R-2 zone. Mr. Edwards advised his only difficulty would be expanding office use, which is presently restricted to 240 square feet.

Councillor Mont asked for clarification on the amendments Mr. Edwards is seeking. Mr. Edwards advised he would like to be allowed to expand for office space, as well as residential space. He noted that this proposal was supported 99 percent at the PPC level, and it would require a C-2 Zone.

Randy Ball, Herring Cove commented on development at Long Pond by RAIV Developments and the comments by their representative. He noted that Alderney Consultants, who is developing Long Pond on behalf of RAIV Developments, have developed in areas of Cole Harbour where there is a sewage treatment plant. He stated where there is a sewage treatment plant for fully serviced lots, 6,000 square foot lots may be adequate. However, there is no sewage treatment plant in Herring Cove, and sewage is dumped here from the City of Halifax. Thus, any further development in this area will only add to the problems.

With regard to overcrowding in schools, Mr. Ball stated the Halifax County-Bedford District School Board has certainly done its job in sending a recommendation to the Department of Education, but the Board does not have the power to make this addition. This final decision comes from the Premier's office and the Department of Education. Development will only make this problem worse, as it has not yet been addressed.

Questions from Council

Councillor C. Baker agreed that William King Elementary School may now be overcrowded, but there is room for more students at the junior high

school, and the overcrowding in the elementary school is being accommodated by the junior high school. He advised that he received word from a good source that the addition to this school will be built. Mr. Ball responded that he will not believe this until the official word comes from the Province. Overcrowding exists now, and any growth in the area will contribute further to this; additional rooms for music and computers will be lost. He stated this does not take into consideration any growth in Harrietsfield or Sambro - only Herring Cove.

Councillor P. Baker advised that the School Board has been assured that this addition will be built, and he invited Mr. Ball to the next meeting of the School Board to hear this. Mr. Ball responded that the District School Board has done its job, but the remainder lies with the Province, and they do not want to see the same school situation in Herring Cove as in Sackville.

Ed Hanrahan, PPC Member advised that he is concerned about the proposed sewage treatment plant for Sandwich Point. He stated there is a tunnel proposed to run from Point Pleasant Park through Purcell's Cove and Ferguson's Cove to Sandwich Point, and this tunnel will go through everybody's well and cause many problems. He stated there should be some provision in this Plan to put water services to the affected areas.

Warden MacKenzie stated before any treatment plant is built in that area, there will be public hearings held by the Environmental Control Council, and all residents of the area will be given an opportunity to make presentations at that time.

Jim Scallion advised that he has submitted a letter to Mr. Kelly concerning this Plan and Zoning By-law. Mr. Kelly read the letter requesting Council to rezone six properties owned by Mr. Scallion from R6/R1 to R6-A.

Warden MacKenzie clarified that the land in question totals approximately 345 acres.

Questions from Council

None

William LeBlanc, 1613 Ketch Harbour Road stated he is opposed to the Plan and By-law because he felt he should have been included in Appendix "C" for the operation of his small business. Mr. LeBlanc informed that he owns two parcels of land in Sambro; one where he resides, and the other is not yet developed. He advised that he operates a small marine diesel repair business, and he would like to have the right to possibly expand on his second parcel of land in the future.

Questions from Council

None

Martelle MacDonald, PPC Member advised that due to the sale of crown land at Portuguese Cove, the community lost a right-of-way and park area to Portuguese Cove Lake. She also stated there are no sports facilities for young people in the area. Mrs. MacDonald requested that an area be designated for sports and that a right-of-way to the lake be established while land is still available. She also requested that a parcel of land surrounding the lake remain designated R-6.

She also stated that the people of Portuguese Cove do not want mobile or mini-homes in the area, as expressed in a petition signed June 24, 1986. Copies of this petition were sent to Mr. Harrison, former Planner; Mr. Meech, Chief Administrative Officer; Mr. Gough, Development Officer; and Mr. Drysdale, Planner with the Nova Scotia Department of Housing.

Questions from Council

None

Linda Christenson-Ruffman, Ferguson's Cove stated she is speaking against the Plan and By-law for District 5, although she is generally in favour of them. She suggested an alternate procedure for these public hearings, whereby people could speak on a particular topic, as opposed to speaking in favour or opposed to the Plan and By-law in its entirety.

Mrs. Christenson-Ruffman spoke in favour of the proposed lot sizes and against some of the proposed changes to lot sizes. She stated it is important to recognize that County residents want to ensure the unique character of the County remains, and this will require some differences in terms of some planning principles. Mrs. Christenson-Ruffman stated there is nothing in the Plan that specifically addresses the proposal for a sewage treatment plant at Sandwich Point. She stated there should be some statement in the Plan that shows the County prefers a number of different sewage plants as opposed to a single plant because it is the single plant that will give the effluent from the entire metropolitan area. She stated she does not want the plant located at Sandwich Point, and the Plan should reflect this as it is now being developed.

Mrs. Christenson-Ruffman also referred to a floodplain study with regard to the MacIntosh Run, and she felt the buffer zone along MacIntosh Run does not adequately take into account the results of that floodplain study. She suggested that this be considered to protect against negative consequences of building in floodplains in the future.

Mrs. Christenson-Ruffman also referred to the D-1 Zone, which is south of Ferguson's Cove, zoning the fire fighting school at Sandwich Point. She suggested a one sentence addition to the zone: "None of the above shall be construed to permit nuclear, poison gas, chemical warfare or other environmentally toxic materials in this area." She stated she is not really concerned about this, but it would be nice to have this protection added to the Plan. She expressed some concern about the potential chemical products that could end up being tested in such a facility and that could be detrimental to the community.

Questions from Council

None

There being no further speakers in opposition to the adoption of this Plan and By-law, Mr. Ruffman, Chairman of the PPC for District 5, expressed appreciation to all involved in the development of this Planning Strategy.

Mr. Kelly reviewed a letter from M.S. and V.M. Parsons which was not represented at the public hearing. The letter requested that their lot at 1022 Ketch Harbour Road be included under the R-6 Zone in Appendix "C" of the Land Use By-law for District 5.

Ms. MacKinnon next reviewed the required amendment to the Subdivision By-law for the implementation of the Plan and Zoning By-law for District 5. This amendment was with respect to private roads, which would add a provision to Part 13.7 to regulate development on private roads by limiting the number of lots permitted on the private road and by excluding certain areas of the Plan area from private road development.

Seakers in Favour of the Subdivision By-law Amendment

None

Speakers in Opposition to the Subdivision By-law Amendment

None

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

"THAT the recommendations presented at this public hearing be referred to staff for consideration, and that staff report to the Planning Advisory Committee;

AND FURTHER THAT the recommendations of the Planning Advisory Committee be heard at the Council Session on June 21 and that this public hearing adjourn."

Councillor DeRoche advised that in anticipation of this public hearing running late, the Planning Advisory Committee reserved time on Monday, June 20, 1988 to hear staff recommendations concerning the presentations at this public hearing.

MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 10:20 p.m.

PUBLIC HEARINGS

JUNE 27, 1988

PRESENT WERE. Warden MacKenzie
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor 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. Brant Wishart, Senior Planner

SECRETARY: Glenda Hill

Warden MacKenzie called the Public Hearings to order at 7:05 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

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

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

Warden MacKenzie reviewed the procedures for the Public Hearings.

APPLICATION NO. DA-CH/W-05-87-07 - PROPOSED DEVELOPMENT AGREEMENT
BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND 1523613 HOLDINGS
LTD. FOR THE DEVELOPMENT OF A RETAIL SHOPPING CENTRE AND SERVICE
STATION LOCATED TO THE NORTHWEST OF THE FOREST HILLS CONNECTOR AND
HIGHWAY NO. 7 INTERSECTION, DISTRICT 7

Mr. Wishart advised that this development agreement is for a strip mall, including a drive-thru restaurant, automotive service centre,

and retail operations on property located to the northwest of the Forest Hills Connector, Highway No. 7. He identified the location on a map on the overhead projector, including the separation of the lot from the adjoining property by the Dartmouth City boundary line.

Mr. Wishart advised that the Planning Strategy for Cole Harbour/Westphal allows for commercial operations larger than 10,000 under the development agreement process. The proposed building is 35,000 square feet in area, although the agreement only allows for approximately 21,000 square feet of the building to be used for general commercial purposes by right. Any uses other than those permitted by right are listed in the agreement or would be subject to the approval of Council. He advised this is necessary because 193 parking spaces would be required for a building of 35,000 square feet, but only 123 spaces have been provided.

Mr. Wishart noted that one parcel of land originally belonged to another owner, and they have proposed to deed it to the Municipality for protection of the watershed separating the County of Halifax and the City of Dartmouth. The present applicant remains committed to transferring some of this land to the Municipality, but they wish to use a portion of it for parking purposes. The Engineering Department has advised that this would not pose any problems with regard to protection of the watershed or the original intent of the land donation. He advised that this parcel of land will come to the main parcel through lot consolidation, which is provided for in the agreement.

Mr. Wishart continued that the applicant, in the long term, proposes plans to link the properties between the County of Halifax and the City of Dartmouth for parking purposes. However, any future proposal of this type will require an amendment to the development agreement, as well as approval by the City of Dartmouth.

Mr. Wishart noted that there have been some amendments to the agreement since it was first presented to the Planning Advisory Committee, and the agreement presented now is the final form approved by the Planning Advisory Committee. He reviewed the highlights of the agreement, noting that the top floor of the development will permit all uses within the C-4 zone in Cole Harbour - general commercial activity. Section 6 of the agreement will also allow, in the basement area, the following uses: dead storage, tire storage, automotive repair for windshields, etc., bingo halls, locksmiths, daycare, and exercise salons. Additional commercial uses are not recommended for this area because of the existing parking limitations. However, if the applicants build additional parking, the agreement allows Council to consider an amendment to allow for additional retail activities.

Mr. Wishart advised that signage, landscaping, and access points were all discussed in detail at the PAC, as well as by the Cole Harbour/Westphal Service Commission. There are only two access points to this site, one primarily for the proposed service station, and the other is the main access point. He noted that a portion of the area will be landscaped to prevent some cutting across the access point.

He noted that the access is shared with Tim Horton Donuts, as recommended by the Department of Transportation. The driveway is now proposed to be 35 feet wide, as requested by the area Service Commission.

With respect to landscaping, Mr. Wishart advised that some portions will be landscaped within 90 days of the signing of the development agreement. The other areas are required to be completely landscaped by July 31, 1989. This will allow time for construction before landscaping. The Service Commission had expressed concern about the landscaping of this development. He identified the proposed location for guardrails. Storm drainage is also provided through the stream, and has been approved by the Storm Drainage Department.

There are four ground signs permitted, and each will meet the requirements of the Cole Harbour/Westphal Land Use By-law, being no more than 25 feet high with 100 square feet of signage on each face. There will also be some facial signs located over individual shops, which in some ways will slightly exceed the requirements of the by-law, although the total amount of signage will be less than normally permitted under the Land Use By-law.

Mr. Wishart advised that the building design will be as per the agreement, which requires general architectural standards.

Questions from Council

Councillor MacKay asked why an applicant would have to go through this process and then apply to the City of Dartmouth for parking spaces, and then have to come back for an amendment to the development agreement to accommodate the additional parking spaces. He asked why the agreement cannot be approved contingent upon so many parking spaces, and when that requirement is met the other development can be facilitated. Mr. Wishart stated it is assumed the additional parking will be provided in the City of Dartmouth, and there will have to be some changes to the agreement with regard to getting across the watercourse, and it was felt the Engineering Department should consider this prior to approval. Also, Council may wish to have some guarantee from the City of Dartmouth that the parking has been provided. He suggested the City of Dartmouth be a third party to this agreement in this regard.

Councillor MacKay expressed difficulty with this clause of the agreement; he felt it will be difficult to determine which Municipality will approve its share first. He asked if the applicant proposed this for the City of Dartmouth of lands, or was this discussed with the applicant by staff. Mr. Wishart felt there was some preliminary discussion with the applicant about crossing points. He also indicated there was concern that approving the agreement subject to parking requirements, that the City of Dartmouth would be put in a difficult situation. He noted that the lands in the City of Dartmouth is also proposed for rezoning in the City.

Councillor MacKay expressed concern about the time factors involved with the approval of the development agreement, and he suggested it is not ordinary to ask a developer to go through this.

With respect to signage, Councillor MacKay asked why the total square footage of signage is less than permitted under the area MPS. Mr. Wishart advised that each premise in the strip mall is allowed three signs, and if each decided to have three ground signs, each with 100 square feet, the site would be littered with signs. The applicants have agreed to put up four signs to serve the purpose of the site and that will protect against cluttered signage.

Councillor MacKay asked if the uses permitted in the basement are included with commercial uses for the area. Mr. Wishart advised that most of the uses would be permitted under the C-4 Zone, but this was an amendment by the PAC to staff's original recommendation that the basement be used only for basement storage. PAC felt these uses could be accommodated because they are low traffic generators or they generate traffic in off-peak hours. He noted that the uses are singled out because it is felt they would generate less traffic; if all C-4 uses were allowed in both levels, the result would be too much traffic pressure on this site.

Councillor MacKay clarified that approximately 200 parking spaces are required for the total project, but only 123 are provided unless additional spaces are accommodated by the City of Dartmouth. Mr. Wishart agreed, stating there are three options for additional parking: additional parking from the City of Dartmouth, use part of the basement for parking; or find another property within 300 feet of the site with the same zone. Any of these options would permit amendments to the agreement, but the decision to allow the amendments as a major or minor amendment would be Council's decision; it would mean the difference between holding another public hearing or not. He suggested it will be staff's recommendation that such an amendment should be considered major.

Councillor DeRoche again clarified the parking requirements with Mr. Wishart.

Warden MacKenzie inquired about another entrance/exit point to this site. Councillor DeRoche informed that the Department of Transportation has already been approached about accessing the 107 By-pass from this location, and they will not authorize an entrance/exit point there. Therefore, the PAC in consultation with the Service Commission, has agreed to the widening of the driveway. Warden MacKenzie expressed difficulty with this situation.

Speakers in Favour of this Application

Mr. Peter Connor, Architect, Sperry-MacLellan spoke of the architectural character of the proposed building, noting is different from the conventional strip mall in that it is traditional with a prominent pitched roof over all the retail spaces, which are accentuated with dormer light openings. There is a covered walkway running the full length of the building. He noted that Phase 1 of the

development has been completed, and the approval of the development agreement is now sought to commence with Phase 2.

Mr. Connors advised that landscaping is being introduced to help ease the impact of the parking. He stated the landscaped islands will break up otherwise unbroken expanse of parking. He stated it has been decided to restrict the access points to two, and Tim Horton's will share one access point in order to minimize the number of curb openings. The main isle is approximately 100 feet before the mid-intersection which will serve as a stacking lane for up to seven cars before the four-way stop.

Mr. Connors next referenced the two store component of this development. He stated the second storey came by way of accident in that foundation costs became so significant that the second storey concept was considered for uses that require large bulk areas, rather than individual store fronts. Studies found the basement should be used for economic reasons, as well. He suggested the uses in the basement will not require the same parking spaces because they are more service related than retail orientated, or they would be an after hours parking situation.

Questions from Council

Councillor Lichter referred to a letter circulated by Keizer Group Ltd., noting the discussion at the PAC meeting about uses permitted in the basement circulated around storage uses, as well as auto glass repair, tire storage, etc., but this letter only refers to automotive related service facilities, and he felt this request is far more extensive than what was agreed to at the PAC level. Mr. Connors suggested that this question be referred to Mr. Joudrey.

Mr. Hugh Joudrey, Keizer Group Ltd., advised that two plans were submitted with the initial application to staff showing proposed bridges and culverts across the waterway. Two different plans were submitted because the two different municipal bodies are involved, and the City of Dartmouth is not prepared to deal with this until the rezoning is approved. He agreed with staff that the brook issue would be left until Keizer Group Ltd. has both developed parcels. He advised one parcel of land owned by Keizer Group Ltd. is about 10 acres, and he explained the proposed outlay of buildings and the cul-de-sac in this area. He expressed hope that traffic will be able to circulate throughout the develop and exit at the lights when the bridge and/or culvert is approved and complete.

Mr. Joudrey stated for the total 11 acre development, it is more sensible to have full service outlets at the back of the building, as it gives a good tenant mix and it breaks up the expense. He assured that good quality tenants will be accommodated there, and he expressed appreciation for the parking situation. He noted that Keizer Group Ltd. has agreed to 5.5 spaces per 1,000 square feet, although the national average is less than 5 spaces for strip centres. He stated if they can get access to that parking, it would only make economic sense for the developer and the County to utilize the basement.

Mr. Joudrey referred to Councillor Lichter's question regarding the letter he circulated to Council. He advised that there has been working with several tenants over the past few months, as well as the bank. The bank has difficulty with Keizer Group Ltd. trying to create additional parking. He stated he would have no difficulty with making the agreement conditional on the parking requirements, but he felt it should not be considered a major amendment whereby another public hearing would have to be held. He stated proving that the additional parking spaces are available would include providing a plan and legal documentation to staff, who would bring it to Council. He expressed concern about the months of delay involved in considering this a major amendment whereby another public hearing will have to be held. He stated that in due time Council will be given an opportunity to address the brook issue, as will the City of Dartmouth and the Lakes Advisory Board.

Questions from Council

Councillor Lichter asked the same question regarding the request for automotive-related service facilities in the basement of this development. Mr. Joudrey responded that he tried to make this letter as concise as possible, and he used the words "automotive-related service facilities" for a tire business and an auto glass business. He stated he has already had discussion with businesses of this type that would be willing to work here. He expressed no difficulty with the wording discussed at the PAC level. He stated there was no bad intent by this wording. Councillor Lichter noted there are other requests included besides automotive-related service facilities, such as a laundromat and drycleaner. He felt this business is higher volume than others. Also, he expressed concern the request for any other business that can be classified as providing personal services. He felt the developer is now asking for more than what the PAC has agreed to in negotiations.

Mr. Joudrey advised that at the PAC meeting of June 6, he was asked if there are any other uses that may be forthcoming, and at that time, he was not aware of any other types of business that the Committee should have been made aware of. He advised that since that time he has been approached by a laundromat that operates a small dry cleaning pick-up, as well. He informed that a personal service business is usually a one or two person operation with fairly low parking demands. He advised that drycleaners, locksmiths, etc. are considered to be personal service business under the Shopping Centre Guide - generally those business that provide a convenient service but cannot afford to pay high rents, such as that upstairs in this proposed development.

Councillor Lichter referred to the parking index for shopping centres, attached to the letter circulated by Mr. Joudrey. He asked if the 4.8 parking spaces per 1,000 square feet of leaseable area. He noted that the form also read that these figures record the actual number of parking spaces now provided in the participating group of shopping centres. He stated this should not be interpreted as the most desirable nor recommended number. He felt this is why

re-negotiations can begin once parking is available on the Dartmouth site. Mr. Joudrey responded that this requirement gives the developer many hardships because the banks will then provide the money for additional parking.

Councillor MacKay clarified that Mr. Joudrey is requesting incorporation into the development agreement of the additional parking spaces, or if Mr. Joudrey is requesting this to be a minor amendment when it comes before Council after approval by the City of Dartmouth. Mr. Joudrey advised he is requesting that this be a minor amendment once he is prepared to show the additional parking spaces.

Councillor MacKay requested Mr. Cragg's opinion in this regard. Mr. Cragg stated it is very difficult to determine if this application would be major or minor. He felt it has been properly addressed by staff by Section 6 (c) of the agreement. He noted that the Planning Act allows Council to determine what is consider a major or minor amendment. He felt this option should be left to Council as the issue arises.

Councillor MacKay asked if it were the desire of Council, the Service Committee, and others involved that this should be considered a minor amendment, if this could be incorporated into the development agreement. Mr. Cragg stated if it were addressed in that manner in the agreement, it would meet the intent of the Act, but he felt there could be difficulty in proceeding with development if the parking spaces are approved by the City of Dartmouth, and there is a question as to whether or not this is minor. The only avenue of getting around this is by determining in the agreement that the amendment is minor; he expressed concern in doing that. He suggested it would be a major amendment.

Councillor Mont clarified the request of Mr. Joudrey, and he asked why an amendment is required; why it cannot be written into the agreement now. Mr. Cragg advised that a Clause 6 (d) could be added to the agreement accommodate this, whereby if parking is determined to be approved, they shall be allowed to proceed with development. However, he felt if the developer presents something different, it would be difficult to enforce. Councillor Mont felt if something different it presented, it is a different matter, and a public hearing will have to be held.

Councillor DeRoche asked if it is Mr. Cragg's suggestion that 6(c) means if Mr. Joudrey were to present staff and PAC with parking requirements that are felt to be insubstantial, that the amendment could be made by Council without a public hearing. Mr. Cragg stated that Council has some inherent right to determine what is major or minor; it is a judgement call. He felt all facts should be before Council and a decision should not be made until the final event is taking place.

There was further discussion as to how the use of the basement can be accommodated without a public hearing, if Mr. Joudrey proves he has met parking requirements. Councillor DeRoche expressed some difficulty with sections 6(b) and 6(c) in this regard.

Councillor McInroy asked if something is incorporated in place of section 6(b) and 6(c) with something having the affect of allowing C-4 uses when all spaces are provided. In the case of the land being sold, the wording could be such as "... and so long as the spaces continue to be available." He felt there is a way to do this with some protection and without going through another public hearing. Mr. Joudrey indicated that he would agree to this, and he clarified that full C-4 uses will be allowed when Council is satisfied that the additional parking requirements are met. He asked about the status of the two prospective tenants in this regard: the auto glass facility and the day care facility. Councillor McInroy suggested these uses be restricted until the parking spaces are available, and once they are available, the uses could expand to full C-4 uses. Mr. Joudrey indicated that he would definately agree to this.

Mr. Wishart advised there are three reasons staff felt the agreement should not be considered a minor amendment by right. First, the spaces are in the City of Dartmouth, and the County has no jurisdiction over them. Therefore, the City of Dartmouth should be a party to the agreement.

Second, there would have to be crossing over a stream between the land in the County and that in the City of Dartmouth, and the Dartmouth Lakes Advisory Board is very concerned about that stream, as is the Municipality's Engineering Department, and it is felt that any crossing should be considered through the Public Hearing process.

Third, by allowing development by right, 15,000 square feet of retail space is being opened up, and the plan suggested that anything over 10,000 square feet should be by development agreement and public hearing.

Councillor DeRoche noted that Mr. Joudrey has been referred to additional parking spaces on the land to the west of the property in question, in the City of Dartmouth. He inquired about existing access to that property. Mr. Joudrey informed that the total site is under option, and one part of it has been closed. He informed that part of it can be subdivided, except Keizer Group Ltd. has agreed with the City of Dartmouth that subdivision would not take place until after the rezoning. With regard to vehicular access, there is access off the No. 7 Highway, and there is also a proposal for two bridges or a culvert across the two properties. This would be up to the City of Dartmouth, the Lakes Advisory Board, and Halifax County Council.

Councillor DeRoche asked if part of the discussion about developing that parcel of land was about access onto Highway No. 7 by virtue of traffic lights at Ridgecrest Drive. Mr. Joudrey informed it was considered as an alternative if traffic is tight on the existing Cranberry site.

Councillor DeRoche suggested that property has been closed off as part of the Ferguson's Building Supplies. Mr. Joudrey suggested that is debateable, and if so there are two other access on the No. 7 Highway.

Speakers in Opposition to this Development Agreement

None

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

"THAT Halifax County Municipality enter into a development agreement with 1523613 Holdings Ltd. as outlined in the staff report with an amendment that full C-4 uses of the lower portion of the development agreement be provided to the developer upon satisfying staff and Council of provision of alternate parking on a sustained basis."

Councillor DeRoche advised that that Cole Harbour/Westphal Plan contains an allowance for provision of alternate parking on similarly zoned property within the Plan within a designated distance from the site. He suggested there is such a property immediately to the east and it is divided from the site in question by the 106 Bypass. He suggested it may be possible to obtain alternate parking here without any reference to the City of Dartmouth. He also suggested there may be other sites for alternate parking, all with C-4 zoning and within the County. There should be no problem in finding alternate parking without having to deal with the City of Dartmouth.

Councillor MacKay clarified that the intent of the motion is to approve the agreement as outlined with the provision that full C-4 uses be provided upon proof of alternate parking. Councillor DeRoche clarified that Section 6(c) should be substituted with the amendment allowing full C-4 uses with the parking. This would allow immediate use of the bottom portion of the development.

MOTION CARRIED UNANIMOUSLY

APPLICATION NO. ZA-15/18/19-08-88-18 - PROPOSED AMENDMENT TO ADD "EXISTING MOBILE DWELLING" TO THE LIST OF PERMITTED USES IN THE R-6 (RURAL RESIDENTIAL) ZONE

Mr. Wishart reviewed the staff report as circulated to Council.

Questions from Council

Councillor MacKay clarified that taking any existing mobile homes out of the non-conforming status will allow them to construct a roof, porch, etc. He also asked if a mobile home can be replaced if it is destroyed, or if it is the desire to replace an old mobile with a new one. Mr. Wishart advised the by-law states that existing uses can be rebuilt, reconstructed, etc., and mobile homes are also covered in this regard.

Speakers in Favour of this Amendment

NONE

Speakers in Opposition to this Amendment

None

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

"THAT the amendment to the Land Use By-law for Planning Districts 15, 18, and 19, shown as Appendix "A" of the staff report, be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this public hearing adjourn."
MOTION CARRIED

The public hearing adjourned at 8:15 p.m.

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MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY - SECOND COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX
JULY COUNCIL SESSION
TUESDAY, JULY 5 and 19, 1988
&
PUBLIC HEARING
JULY 11, 1988

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COUNCIL SESSION

JULY 5, 1988

PRESENT WERE. Deputy Warden MacDonald
Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor DeRoche
Councillor Randall
Councillor Reid
Councillor Lichter
Councillor MacKay
Councillor Eisenhower
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

SECRETARY: Glenda Hill

Deputy Warden MacDonald called the Council Session to order at 6:10 p.m. with the Lord's Prayer.

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

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

Mr. Kelly called the Roll.

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, May 17, 1988 be approved as circulated."
MOTION CARRIED

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

"THAT the minutes of the Committee of the Whole, May 24, 1988 be approved as circulated."
MOTION CARRIED