

Mr. Bain stated that if this plan amendment application is approved, Shell Canada intends to apply for a development agreement to permit the construction of a retail gasoline outlet, a convenience store and a car wash at the properties located at 977 and 983 Cole Harbour Road.

Questions from Council

None.

Speakers in Favour

Mr. Tom Dolan, on behalf of Shell Canada stated that there are three major concerns in this plan amendment: the nature of the use relative to existing development, demand in the community and the policy intent in furthering community commercial objectives.

He stated that in respect to the nature of the use, he stated that there were few structural differences between a service station and a gasoline station. He stated that with a gasoline station, there are no service bays and therefore no cars in various states of repair, no vehicle parts on site and it has a cleaner appearance. He stated that in relationship to traffic, they were not expecting it to change the volume. Mr. Dolan showed pictures of the site and pictures of a similar site near Truro. He also showed a site proposal with a buffer zone in back.

He stated that with reference to the community demand, in application to the PUB, half the sales volume would be from outside the area. He stated that they were concerned to serve more of a regional market. He stated that adding a gas facility would draw existing community members to this area within their community.

He stated that with respect to the policy intent, the plan is now 8 years old. He stated that the emphasis is on visual appearance and controls. He stated that this site would have a good visual appearance with little impact on the area. He stated that there is a mall site abutting this and a strip mall across the street. He stated that Cole Harbour Road is a community commercial strip. He stated that there is a planned buffer zone on the back of the property and the carwash would be 275 feet from the nearest house. He stated that a fence would be built to keep children from cutting through residential properties. He added that presently children have been conjugating in this vicinity and this proposal would address that concern in that it would be a 24-hour operation and they would be able to monitor this.

He stated that he could not say that there would not be other applications for gas stations after this one. He stated that

although the amendment would change, there would still be the development agreement, along with the requirements of the PUB to license a service station. Mr. Dolan read from Section 38 of the Gasoline Licensing Act. He added that this was an existing license being transferred with the approval of the Board. He stated that the Board has to be satisfied with the transfer and if the transfer is not in compliance, the Board can suspend the license. He stated that this provides sufficient grounds to cover community concerns. He stated that one reason that the Canadian Tire application was denied is because this transfer was pending rezoning.

Councillor McInroy asked about the buffer zone on the site plan. Mr. Dolan stated that the buffer would be 60' from the property line, but 275' from the nearest house and a fence would be built across the back of the lot.

Councillor Eisenhauer asked for clarification on the process of getting a license. He stated that this is not a new license, but a transfer of one from the Mic Mac Rotary. Mr. Dolan stated that was so, but if the transfer doesn't meet the same conditions it would not be able to transfer.

Councillor Horne asked how many other stations were along that road. Mr. Dolan stated that there were 4. Councillor Horne asked about the difficulty of putting in service bays should the plan be amended. Warden Lichter stated that the development agreement would indicate that this would be only a gas station with no service bays.

Speakers in Favour

Mr. Peter Rickets, property owner in Cole Harbour stated that he was in favour of the amendments. He stated that he is acquainted with the arguments for and against and stated that this should be treated with fairness. He stated that it was odd that some parts of the Cole Harbour Road had restrictions on development while other parts did not. He stated that to prohibit development would be unfair when similar developments are allowed on Cole Harbour Road. He stated that Cole Harbour will continue to expand and there will be a demand for more commercial and retail services and that Cole Harbour Road is a focus of that development. He stated that arguments that another gas station will effect the volume is best fought out within the market. He stated that this proposal would not interfere with residential areas or be obnoxious. He stated that he would like to see the area developed and asked Council to approve the amendments.

Councillor McInroy clarified that the zoning along Cole Harbour Road is C-2 with restrictions on service stations.

Speakers in Favour

Larry Maloney, resident in Cole Harbour since 1974, stated that Cole Harbour has seen tremendous growth. He stated that the area has lost some good franchises and national chains and that many will not go through the problems of rezoning. He stated that there is land out there that should be looked at for developing. He stated that they are losing employment for their children and he would like to see the area controlled better by making zoning easier to get and let development expand and create a good tax base for the area.

Speakers in Opposition

Mike LeBlanc, Irving, stated that he made a business decision to move into the community based on the fact that the zoning would eliminate more gas stations from opening up and eroding his bottom line. He stated that development plans are in place to protect the community from being over developed in certain areas. He stated that development plans serve their purpose and there is a need for them. He stated that the PUB shows a market decrease of 1/4 million litres in 1989. He stated that this will probably go down another 1/4 million. He stated that as for the proposed car wash, Shell closed their's down last year as well as their 24-hour shifts. He stated that concerning the convenience store aspect, he has one of nine within a one mile radius. He stated that the development plan in place is good security for the people of the community and those trying to develop. He stated that he did not see the need for another station for shrinking volumes. He stated that there was not much business to spread around and another station will create difficulties. He stated that Council should be sure that there is a viable need for this in the community.

Councillor Horne asked if his station was near this site. Mr. LeBlanc stated that it was about 1/4 mile away. Councillor Horne asked if their gas would be cheaper because it is just a gas outlet. Mr. LeBlanc stated that it would not because the PUB sets the prices. Councillor Horne asked how long he has been operating. Mr. LeBlanc stated that he completed his first year at the end of November. He stated that the market was tight and stated that smaller cars getting better mileage is affecting the market, and the volumes sold are decreasing.

Councillor Harvey questioned the fact that stations do not make money on the gas, but on the service bays. Mr. LeBlanc stated that he performs 75-120 repair orders a day although it all helps for the overhead costs. He stated that in speaking with people there may be 1/30 that agrees that it is a good idea to have another station. He stated that there is no lack of this service in the area.

Councillor Morgan related the situation in Lower Sackville where there are 10 service stations within 4 kilometres of each other. Mr. LeBlanc stated that based on PUB figures, gas volumes in their area are going down. He stated that there is a fair amount of turnover in this business as the margins are smaller every year. Councillor Morgan asked if Sackville had too many. Mr. LeBlanc stated that one would have to examine the PUB figures and compare volumes this year and last.

Councillor Morgan stated that another pumping station along with convenience store could make it easier for existing residents. Mr. LeBlanc stated that most people buy gas closest to home. He stated that not too many people drive far from home to get gas, they usually get gas on the way to work or on the way home.

Councillor Morgan stated that the PUB says the area can stand another station. Mr. LeBlanc stated that the PUB is allowing a transfer to this location, but doesn't really care where they go because they have an existing license. Councillor Morgan stated that they still have to qualify by the market, they just don't automatically get to go to Cole Harbour.

Councillor Deveaux stated that competition is the name of the game, regardless of the figures. He stated that there is no 100% guarantee that a gas station wouldn't make a go of it. Mr. LeBlanc stated that if the volumes continue to drop, it would not be viable.

Councillor Deveaux stated that at the public participation session there was no influx of people in opposition other than the four present operators. Councillor Deveaux stated that the area is losing business to Dartmouth and now has the opportunity to gain one. He stated that when Council makes decisions, they have to look at the immediate impact on the neighbourhood. Mr. LeBlanc stated that on a one-to-one basis people are vocal about the situation, but to actually come to a meeting and speak in front of people is another matter.

Speakers in Opposition

Mr. Jim Shellnutt, Esso, stated that he has a 20 year lease and built his own buildings and has \$400,000 invested in his business. He stated that he did not want another service station in the area. He stated that 11 years ago he applied for a license with the PUB and was turned down so he made a deal with Esso to close one down and this set a precedent with the PUB and no new licenses were granted, just transferred. He stated that Shell has an existing license. He stated that he was surprised that they didn't reopen on Highway 7. He stated that he pays taxes like everyone else and

he did not want to see more competition. He stated that Councillor Morgan stated that there were 10 stations in Sackville, and stated that there are 7 stations from Portland Street in the area and another 8 on the No. 7 Highway - all within three kilometres of one another. He stated that traffic is divided quickly by the 107 bypass. He also stated that they should not be able to transfer to this location because it will interfere with the intersection.

Councillor Cooper asked for the reason for his transfer of license. Mr. Shellnutt stated that where his station was, there is now the RCMP Station. Mr. Shellnutt stated that the market was declining. He stated that he sold 5.2 Million litres in 1987 and this year it would be 4.9 Million litres or less.

Councillor Deveaux asked if he was open 24 hours. Mr. Shellnutt stated that he was.

Councillor Bates stated that of the four service stations in the area, there is a significant difference between the two east of Forest Hills and the two west. Mr. Shellnutt stated that there were 3.3 and 3.1 Million litres sold by the other stations, roughly 2 Million litres in the difference.

Speakers in Opposition

Mr. Nicholas Kotsopolis stated that he was representing Mr. Bruce Clarke resident of the area who was opposed to the amendments. He stated that Mr. Clarke made representation before Council with respect to the Canadian Tire application one year ago. He stated that it was successfully defeated by the PUB. He stated that we are dealing with this issue less than one year after the PUB's decision that another station was not needed in the area. He stated that there were four stations in the area. He stated that putting another service station in the area would deviate from the land regulation by-laws in place. He stated that this is a residential community. He stated that community commercial development implies that what goes in there services the immediate community. He questioned how much is enough commercial development. He stated that four stations are enough given the present environment. He stated that this application has been brought to council under the reference of a convenience store application. He stated that this is a gas station with a convenience store. He stated that Shell has not applied for a new license, but is trying to transfer from the Mic Mac Rotary location that was taken over, to this location in the community. He stated that the intent of transferring is to allow for a business that has been expropriated to allow them to earn a living and stated that Shell is trying to take advantage of the system from Dartmouth to Cole Harbour. He made reference to policy P-49 and the prerequisite for Council to see if a PUB license would be granted.

He stated that Shell has got around that. He stated that they are trying to transfer and open at a new location. He stated that by doing such they are trying to get around the PUB licensing requirements. He stated that Council is therefore put into a position of doing the job of the PUB. He stated that if there is a need for a gas station and Shell's research shows a legitimate need, then they should have taken their chance before the PUB rather than this tactic. He stated that putting another gas station in would increase traffic congestion. He stated that this would allow for further application of a commercial nature. He stated that the intent of the regulations is for the area to remain residential. He stated that his client recommends that this application be turned down.

Councillor Eisenhauer clarified that Mr. Clarke is a resident of the area. Mr. Kotsopolis stated that he is another lawyer in his firm who is a resident in the area and had a previous meeting to attend.

Councillor Eisenhauer stated that he did not see what the Canadian Tire application had to do with this situation. Mr. Kotsopolis stated that the PUB made a decision as to whether another service station was needed and now in effect the PUB has made a specific comment about the need for a gas station and Shell was taking advantage of a loophole. Councillor Eisenhauer stated that they were dealing with one service station, unless the PUB changes its policy on new licenses vs. transfers. Mr. Kotsopolis questioned if there was a real need. He stated that less than one year ago the PUB stated that there was not.

Councillor Richards stated that this application is not in a disguise as a convenience store. He stated that he has followed this application as it is in his district and he stated that he has never seen that it had been disguised. He stated that part of the application by Shell is to open a convenience store on the site of the gas bar. He stated that he took exception to that information. He stated that Mr. Kotsopolis is tending to mislead the application process. He stated that they have heard from representatives of Shell who had to appear before the PUB and give justification for locating here. He stated that Mr. Kotsopolis' information is designed to give the wrong impression of the application.

Mr. Kotsopolis stated that his intent was not to mislead. He added that the representation made to the PUB did not require a full PUB hearing where statistical data could be brought forth. He stated that the full due process that may have been followed concerning whether there is a need in the area was not utilized.

Councillor Merrigan stated that Shell said that the Canadian Tire application was rejected because this application was pending. He

stated that Mr. Kotsopolis is suggesting that the PUB did not know. He stated that one should be sure of the facts if the PUB made a decision not to let Canadian Tire in there before they knew of the transfer by Shell. Mr. Kotsopolis stated that the restrictions of service stations in this area should be looked at as guidelines, and suggested that another station was not needed.

Warden Lichter stated that the section speaks about a license, not a new license. Mr. Kotsopolis stated that the wording "has been obtained" is subject to interpretation. Warden Lichter stated that with the Canadian Tire application, it was appealed to the Courts and the Courts upheld the ability of the PUB to make those decisions for the community.

Councillor Bates stated that he did not like the idea of him saying they were trying to sneak one in. He clarified that Mr. Clarke is a resident of the area and that Mr. Kotsopolis had been hired by Mr. Clarke to make representation before Council.

Deputy Warden Ball stated that when we talk about Canadian Tire, we do not have all the facts. He stated that it was not up to Council to decide if this is good competition. He stated that the PUB granted a license and we have to decide on whether or not the land use is there. He suggested that one reason for the denial of the Canadian Tire application could have been the mall area and congestion of traffic. He stated that Council is only deciding if the land use designation is appropriate.

Speakers in Opposition

Evelyn Findell, Highland Crescent, stated that she lives near the area and her concern is with the amount of traffic. She stated that there are many malls and little roadways and it is hazardous to walk along this road now. She stated that this would place more left turns before the hill and intersection. She stated that there were a lot of school children walking this road and that she was concerned about them. She also stated that there would be an increase in noise with the blowers from the car wash. She stated that the residents of Hugh Allan and Highland Crescent would suffer a loss of privacy, an increase in noise and traffic to the area.

Councillor Richards stated that he appreciated the issues she raised and supported her 100%. Ms. Findell stated that she lives within a block of the site and was concerned with the higher volume of traffic and the fact that there would be a left hand turn at the crest of a hill before an intersection.

Councillor Richards asked if the 275' buffer was adequate. Ms. Findell stated that it would not be.

Warden Lichter asked Mr. Bain to read off what could be permitted in this zone and then asked Ms. Findell if there would be any difference in traffic volume for those types compared to the service station. Ms. Findell stated that there would not.

Decision of Council

Councillor Richards stated that the application was controversial as in any case where one wants to amend the zoning. He stated that the area has grown in leaps and bounds since the plan was put into effect in 1982. He stated that dwelling units have increased by 2600 in the last 10 years and the community is one of the fastest growing in Canada. He stated that the commercial development has not grown to that level. He stated that the area has less than 10% commercial assessment. He stated that the community needs a fair tax base to continue to grow. He stated that everyone who owns a vehicle needs gasoline. He stated that the argument was used that cars are smaller and getting better mileage, but stated that now many families have two cars.

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

"THAT Appendix A be approved by Council."

Councillor Cooper stated that the issue of competition was addressed by the PUB in the decision with the Canadian Tire proposal and said that the present stations were under-utilized. He stated that the PUB indicated that Shell could transfer within a reasonable distance and questioned if Cole Harbour was a reasonable distance and therefore in the same market. He stated that the decision has to be based on the development of Cole Harbour Road. He stated that the plan was put in place with the intention of allowing businesses to operate during the day and die down in the evening for the residential community and thereby still maintain the residential aspect of the community. He stated that this proposal may injure present stations in the area and the residential nature and indicated that this was not appropriate at this time.

Councillor McInroy stated that Council has talked a lot about the PUB and stated that the real question is with the zoning by-law and whether we will allow service stations in the C-2 zones by development agreement. He stated that he was in support of development agreements with any development. He stated that the plan review was scheduled to be completed within 6 months and stated that this should be examined at that time. He stated that this has nothing to do with competition and the PUB, but with development along Cole Harbour Road. He questioned making a major decision tonight with major implications when the plan review is

scheduled to be completed in 6 months. He stated that this would be a piecemeal approach.

Councillor Morgan stated that it surprised him that members are saying that significant amendments should only be made during the planning review process. He stated that in Sackville, they have been waiting three years now for the completion of the plan review and that it would be ridiculous to make people wait.

Councillor Bates stated that Council's job is to decide whether or not to remove the restriction in the plan. He stated that the plan was conceived in the 70's and we are now in the 90's and we have to look at making changes.

MOTION CARRIED 19 FOR
3 AGAINST

It was moved by Councillor Richards, seconded by Councillor Bates:

"THAT Appendix B be approved by Council."
MOTION CARRIED 19 FOR
3 AGAINST

Council recessed for 5 minutes.

RA-SA-17-90-19 - Application to Rezone Property at Sackville Drive in Sackville from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone

Ms. Susan Corser presented the report stating that an application has been received from Mrs. Sheila Bonner to rezone property at 1237 Sackville Drive, from R-1 to C-2. She stated that Mrs. Bonner wishes to operate a toning/exercise salon from an existing accessory building.

She stated that the subject property has been used commercially for over twenty years and from 1969 to 1973 the applicant's husband operated an auto repair shop and in 1973 established Bonner's Towing. She stated that assessment records confirm that the Bonner property has been assessed commercially since 1979.

Ms. Corser stated that the subject property contains a single unit dwelling (Mrs. Bonner's residence), a 1250 sq. ft. accessory building (toning salon), and a mobile home and detached garage. The mobile home was placed on the property in conjunction with the towing business to house a night watchman. The subject is approximately 4 acres in size and covered in dense vegetation. Less than 25% of the property is developed.

The area requested for rezoning includes considerably more land

than is considered necessary to accommodate the existing commercial use. Given that the intent of Policy P-34(a) is to recognize existing commercial uses, but the overall intent of the Urban Residential Designation is to protect the surrounding residential environment, staff would recommend that the area to be rezoned should be more consistent with the area used by the actual commercial activity.

Slides were shown of the site.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision of Council

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

"THAT approximately 1.1 acres of the application to rezone property at 1237 Sackville Drive, from R-1 to C-2 be approved by Council."

MOTION CARRIED

RA-SA-18-90-21 - Application by Darlene Peach to Rezone the Property at 386 Old Sackville Road, in Lower Sackville, from R-1 To R-2

Mr. Jan Skora presented the report stating that an application has been submitted by Mrs. Peach to rezone the land located at 382 Old Sackville Road, from R-1 to C-2. The stated purpose of the application is to construct an apartment in the basement of the existing dwelling.

Mr. Skora stated that the exiting structure is a single storey bungalow with frontage on Old Sackville Road. The proposed second unit will be located in the basement within the existing structure. Presently the basement is unfinished and has a private entrance at the rear. The dwelling unit is set 34 feet back from the front property line.

Slides were shown of the site.

Mr. Skora stated that the subject property is located within the Urban Residential Designation of the Sackville MPS. This designation recognizes the importance of the low density residential environment and complementary community uses, while acknowledging the need for a broader housing mix.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision of Council

It was moved by Councillor Harvey, seconded by Councillor Sutherland:

"THAT the application by Darlene Peach to rezone the property at 386 Old Sackville Road, in Lower Sackville from R-1 to R-2 be approved."

MOTION CARRIED

PA-CH/W-02-90 & ZAP-CH/W-02-90 - Application by Allsco Building Supplies Limited to Permit Expansion of I-1 (Light Industry) Zone Uses within the Residential Designation

Mr. Jim Donovan presented the staff report stating that PAC discussed the application by Allsco Building Supplies Ltd. to amend the MPS and LUB for Cole Harbour/Westphal in order to permit the expansion of the I-1 Zone.

Mr. Donovan stated that Allsco wishes to expand its operations by constructing a 5,600 sq. ft. addition which would be used for assembling pre-manufactured patio and residential steel doors which are to be sold within the metropolitan area. Allsco has acquired an adjoining residential property and has subdivided the easterly 80 feet of it in order to provide additional land for its proposed expansion. The company intends to create an additional 16 to 20 jobs as a result of this project.

Questions from Council

None.

Speakers in Favour

Mr. Bill Lahey, Burton Lynch, stated that he was making representation on behalf of Allsco. He stated that Allsco was a provincially incorporated company with their head office in Moncton and that they operating in Dartmouth for about 13 years. He stated that they are a local company and up until recently they have been in only the vinyl siding field serving the needs of local builders and contractors. He stated that the company does not emit fumes, does not emit noise pollution and the hours of business are similar to banking hours. He stated that aesthetically the operation does not burden the environment. He stated that the operation consists of a warehouse facility with offices in the front. He stated that Allsco recently expanded their business to include the assembling of pre-manufactured windows and doors under the Allguard name. He stated that they intended to expand the existing premises and build a 5600 sq. ft. facility beside the existing operation. He stated that within the facility, hand tools only would be used in the assembling of the windows and doors. He stated that traffic amounts in the facility would decrease because Allsco plans to purchase a truck to take orders to the customers rather than having the customers come to the facility. He stated that this site is on the edge of a residential/rural area of Cole Harbour.

Mr. Lahey stated that it was unreasonable for the plan to allow for no expansion in the I-1 zone and stated that it would be reasonable to look at industrial developments on a case by case basis. He stated that the amendments, if passed, would enable council to examine case by case those businesses that wish to expand and by way of development agreement Council would have control over the developments and the applicant would have that flexibility in the planning.

Mr. Lahey stated that this application would result in 16-20 jobs for people in the area and will result in a boost to the local economy and assessment. He stated that at the time of the public information session, there was no strong voice in opposition to this. He stated that this operation does not cause noise pollution, traffic will not increase and it does not aesthetically harm the area, it adds to the tax base and means increased jobs to the area. He stated that Allsco is prepared to work with planning staff to develop a set of conditions under development agreement that would be satisfactory to Council and staff.

Councillor Cooper stated that along with this they would agree to the removal of the industrial zone once expansion is completed. Mr. Lahey stated that they are not contesting this inclusion in the amendment to the development strategy. He stated that they will live with this, provided there are not prejudices.

Speakers in Opposition

None.

Decision of Council

It was moved by Councillor Cooper, seconded by Councillor Bates:

"THAT Appendix A be approved."
MOTION CARRIED UNANIMOUSLY

It was moved by Councillor Cooper, seconded by Councillor Richards:

"THAT Appendix B be approved."
MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this meeting adjourn."
MOTION CARRIED

Meeting adjourned at 9:30 p.m.

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-THIRD COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

JANUARY COUNCIL SESSION
TUESDAY, JANUARY 15, 1991

&

PUBLIC HEARING
JANUARY 14, 1991

&

SPECIAL COUNCIL SESSION
JANUARY 2~~4~~, 1991

I N D E X

JANUARY COUNCIL SESSION 1991

A/

B/

C/ CBC Cutbacks - 6,7
Causeway Road - 7
Computer Upgrade - 14
Committee and Boards By-Law Amendment - 20

D/

E/ Elkins Barracks - Eastern Passage - 15 -18

F/ Family Units Housing - 6

G/

H/ Harbour Clenaup - 8-10

I/

J/

K/

L/ Letters & Correspondence - 2 - 10
Lawlor's Point - 19 - 20

M/ Motion - Appointment of Recording Secretary - 1
Motion - Approval of Minutes - 2
Motion - Letters & Correspondence - 2 - 10
Motion - Old Beaver Bank Road - 4
Motion - Container Traffic Trade - 5
Motion - Liver Disease Awareness Month - 5 - 6
Motion - Family Unit Housing - 6
Motion - CBC Cutbacks - 6-7
Motion - Causeway Road - 7
Motion - Minor Variance Appeal - 7 - 8 & 11 - 14
Motion - Harbour Cleanup - 8 - 10
Motion - Computer Upgrade
Motion - Temporary Borrowing - 14
Motion - Borrowing Resolution - 14
Motion - Recycled Environmentally Friendly Products - 14 - 15
Motion - Tax Exemption, Fultz House - 15
Motion - Elkins Barracks, Eastern Passage - 15 - 18
Motion - Tax Billing - 18 - 19
Motion - Taxi By-Law Amendment - 19
Motion - Date for Public Hearing - 19
Motion - Lawlor's Point - 19 - 20
Motion - Committee and Boards By-Law - 20
Motion - Policy - 21 - 23
Motion - Adjournment - 24

N/

O/ Old Beaver Bank Road - 4

P/ Public Hearing - Date - 19
Policy - 21 - 24

Q/

R/ Recycled Environmentally Friendly Products - 14 - 15

S/

T/ Temporary Borrowing - 14
Tax Exemption - Fultz House - 15
Tax Billing - 18 - 19
Taxi By-Law - Amendment - 19

PUBLIC HEARING

January 14, 1991

THOSE PRESENT:

Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Deputy Warden Ball
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

REVISED

ALSO PRESENT:

Mr. F. Crooks, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk

SECRETARY:

Ms. Christa Pettipas

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Warden Lichter called the meeting to order at 7:00pm with the Lord's Prayer. Mr. Kelly called the Roll.

It was moved by Councillor Sutherland, seconded by Councillor Cooper

"THAT Christa Pettipas be appointed as Recording Secretary."
MOTION CARRIED

PA-SA-51-89 - APPLICATION BY MR. JOHN MACFADYEN TO ALLOW FOR C-2 (GENERAL BUSINESS) ZONE USES ON HIS PROPERTY AT 984 SACKVILLE DRIVE IN LOWER SACKVILLE

Susan Corser presented the report stating that at the Planning Advisory Committee meeting of September 24, 1990, the Committee reviewed an application by Mr. John MacFadyen to amend the Sackville Planning Strategy in order to permit a used car operation on his property. The staff report recommended that no amendment to the planning strategy be made.

As a result of a discussion of the plan amendment application, the Planning Advisory Committee directed staff to prepare a second

report identifying amendments which would permit commercial service development by development agreement, on properties along Sackville Drive between Connolly Road and Jubille Lane. She stated that amendments have been prepared.

Slides were shown.

She stated that this report will focus on the area of Sackville Drive between the Beaver Bank Connector and Millwood Drive, which contains Mr. MacFadyen's property. His lot is located within the Urban Residential Designation, at 984 Sackville Drive. There are several commercially zoned properties in this area.

The plan review process has indicated that there is support for the establishment of a new community commercial designation along the north side of Sackville Drive, between the Beaver Bank Connector and Millwood Drive. The decision to extend a commercial designation beyond the established commercial corridor was in response to the number of individual requests for commercial zoning along this portion of Sackville Drive.

She also stated that, although, no requests were received through Plan Review for the consideration of commercial uses on the south side of Sackville Drive, it appears there may be some merit in accommodating certain commercial service uses, provided adequate controls are applied. Amending the planning strategy, to allow for the consideration of commercial service uses by development agreement, will accommodate the gradual transition of Sackville Drive from residential to commercial in a controlled manner.

The MacFadyen application is very similar to that of Noel Fredericks, in that both applications make a request for increased development rights on properties which are situated beyond the designated commercial areas along Sackville Drive. On the direction of the Planning Advisory Committee, a plan amendment was prepared and subsequently approved, allowing Mr. Fredericks to establish a used car sales lot by development agreement. Staff did not recommend approval of this plan amendment.

The amendments contained in Appendices "A" and "B" provide for the consideration of commercial service uses by development agreement. In considering such uses, a strong emphasis would be placed on the control of site design detail, such as signage, screening, landscaping and parking areas. Limits on scale and the requirement for frontage on, and direct access to Sackville Drive, would also be established.

Questions from Council

None.

Speakers in Favor.

Mr. John MacFadyen, Sackville Drive, stated he had a letter from the gentleman sitting behind him who was in support of his application. Mr. MacFadyen felt that no one else would go onto the land to clean it up for a residential area. Mr. MacFadyen stated that the traffic in the area was heavy making it difficult to sleep at night.

Councillor Boutilier asked what Mr. MacFadyen's intention was with the property at Pinehill.

Mr. MacFadyen stated that this would still be his livelihood and he would be staying on the present property.

Mr. Kelly read the letter from Mr. Joseph Forest, Sackville Drive, into the record.

Councillor Harvey stated that he did not support the application for a C-2 zone and that Appendixes A & B were quite suitable.

Speakers in Opposition

None.

Decision of Council

It was moved by Councillor Harvey, seconded by Councillor Boutilier

"THAT Appendix "A" be approved."
MOTION CARRIED UNANIMOUSLY.

It was moved by Councillor Harvey, seconded by Councillor Sutherland

"THAT Appendix "B" be approved."
MOTION CARRIED UNANIMOUSLY.

DA-CH/W-04-90-23 - APPLICATION BY OASHAWA PROPERTIES LIMITED TO AMEND THE DEVELOPMENT AGREEMENT ON THE COLBY VILLAGE SHOPPING CENTRE PROPERTY LOCATED AT THE COLE HARBOUR ROAD CALDWELL ROAD INTERSECTION IN COLE HARBOUR

John Bain presented the report stating that an application has been received from Mr. Peter Gurnham on behalf of Oshawa Properties Limited to amend a development agreement dated August 15, 1985, between Clayton Developments Limited and the Municipality, pertaining to properties located at the intersection of Cole Road

and Caldwell Road in Cole Harbour. Oshawa Properties Limited recently acquired this complex and intend to improve the shopping centre's appearance as a residential-community centre. Some of the renovations proposed require that the development agreement be amended, specifically with respect to height restrictions. The new owners wish to build a clock tower in the centre of the mall parking area, two pylon signs at each entrance to the mall, and make some alterations to the roof line of the buildings on the site.

He stated that the October 15, 1990 staff report (attached) which responded to this application by Oshawa Properties, recommended in favour of this application. Staff's recommendation was then forwarded to the Cole Harbour/Westphal Community Committee, where some concerns were raised with respect to the Clocktower and ground signs. The developer, therefore, met with the Community Committee and agreed to amend its application as follows:

1. The Clock Tower shall be reduced in height, and shall not exceed forty-eight feet in height;
2. The two pylon sign towers shall be reduced in height, and shall not exceed forty feet in height;
3. The clock tower shall have a clock face on the eastern side and on the western side (facing Caldwell Road), rather than clock face on the front or northern side (facing Cole Harbour Road); and the rear or southern face of the clock tower shall be left blank and not illuminated;
4. There shall be no tenant advertising on the clock tower, although the name of the Shopping Centre may be placed on the front and sides (i.e., northern, eastern, and western faces) of the clock tower; and
5. Oshawa shall not permit tenants in the development to place mobile signs on the Shopping Centre lands to advertise their businesses.

This revised application is in conformity with the intent of the Municipal Planning Strategy to provide the community of Cole Harbour with a commercial focus along Cole Harbour Drive, and to increase the compatibility of commercial uses with residential developments.

Questions from Council

None.

Speakers in Favor

Mr. Mike Byrd stated that Edgecomb Properties acts as an agent for Oshawa Properties Limited, the owners of Towers Plaza. He stated that this was an application for amendment to a development agreement dated the 15th day of August 1985. The agreement between the Municipality of the County of Halifax and Clayton Developments Limited provided, among other things, the construction of a shopping Centre at 900 Cole Harbour Road. The centre was subsequently constructed by Colby Village Shopping Centre Incorporated. In December, 1988, Oshawa Properties Limited acquired this centre from Colby Village Shopping Centre Inc. and have operated it since. Oshawa Properties is a subsidiary of the Oshawa Group Limited. Through affiliated companies, Oshawa operates Drug City and IGA which are major tenants of the plaza. Oshawa is very active in the Halifax/Dartmouth community as well as throughout the Province of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland. Oshawa has a significant share of the retail grocery market in the maritimes supplying corporate and independent IGA Super Stores and many other independent accounts from seven separate warehouse locations throughout the Maritimes. In 1989, in addition to the purchase of Towers Plaza, Oshawa recently purchased two whole sale grocers (Scotia Wholesalers of Nova Scotia and Lewisport Wholesalers of Newfoundland). He stated that an important reason for Oshawa's acquisition of this centre was it's dissatisfaction with the management of the vendor. In fact, during the management of Oshawa's vendor, although relatively new, the centre was acquiring a poor image as witnessed by the large number of vacant premises in the centre as well as a poor level of external maintenance and run down appearance that existed prior to Oshawa's acquisition. Oshawa felt that with proper Property Management, the performance of the centre could be successful since in the opinion of Oshawa's management, the centre is well located. To address these deficiencies, under Oshawa's ownership, the following changes were made:

1. Property Management - On December 10, 1988 Oshawa appointed Edgecomb Properties Limited provided professional hands-on property management in the Halifax/Dartmouth area to manage a leased centre. Edgecomb hired a full time maintenance person to maintain and clean up the property including all areas of the Plaza adjacent to the residential area.
2. Exterior Lighting Improvements - To improve the lighting levels of the parking lot for the comfort and safety of those frequenting the Plaza, all fixtures were replaced and additional fixtures were installed.
3. Traffic Control Improvements - To conform with the Fire Safety Regulations, Fire Lanes, Pedestrian walkways, traffic lanes and markings were painted throughout the parking lot and driveways of

the property. In addition, handicapped parking stalls were increased in size and number and properly marked.

4. Landscaping Improvements - Four new flower beds were created and planted on both sides of the two main entrances. The two landscape medians which would separate the driveway from the parking area adjacent to the stores were completely reconstructed and planted. This would include raising the beds with interlocking timbers, new soil, new shrubs, new flowers, and the slow pedestrian walkways to accommodate wheel chairs, baby strollers and shopping carts. Additional garbage receptacles were also installed to assist in controlling litter. Landscape improvements have also been implemented along the perimeter of the project.

5. Facade Improvements - Repainting the canopy was completed which changed the color from a dark brown to a bright off white. This change in color has visually brightened the centre and has allowed for clear identification of the tenants signs located on the canopy.

In attempt to further enhance the appearance, Oshawa is proposing a number of architectural changes, some of which require two minor amendments to the development agreement meaning the proposed pylon signage and the clock tower. In that regard, Oshawa engaged Lidom Lynch, a firm of architects located in Halifax to make recommendations and to coordinate the renovation work. It is intended that this work will improve the visibility, appearance and perception of the plaza, improve marketing strategy and the recent name change from Colby Village Shopping Centre to Towers Plaza.

Andy Lynch, Architect for these improvements described the proposed changes.

He stated that some of the work initially proposed in order to increase the visibility of the shopping centre have already been carried out. The landscaping and painting has been successful already in improving the focus and appearance of the shopping centre. With regard to Pylon signage, we are indicating using the same basis that presently exists, with a 33 foot high pylon sign with a pitched roof extending to a peak of 40 feet. The two pylon signs at the entrances will contain the overall building of signage for the tenants within the shopping centre.

The clock tower will be a four sided clock tower. The North face will be blank facing the residential and the south face which faces directly to the road will contain the name yet to be chosen either Towers or Tower Plaza as the overall identification. We think the clock tower will give a focus to the shopping centre itself and really to the broader community. It will give an improved sense

of place. We will continue to do other work beyond this in signage, the roof peaks, further landscaping and improve the residential community appearance of the shopping centre as opposed to the appearances it has had up to date.

Questions from Council

Councillor Sutherland asked how high the clock tower would be.

Mr. Lynch stated that it would rise about twenty feet above the roof. The clock face will be quite visible to the Cole Harbour Road.

No further questions.

Speakers in Favor

None.

Speakers in Opposition

None.

Decision of Council

It was moved by Councillor Richards, seconded by Councillor Cooper

"THAT Appendix "A" be approved."
MOTION CARRIED.

It was moved by Councillor Richards, seconded by Councillor McInroy

"THAT Appendix "B" be approved."
MOTION CARRIED.

DA-F&S-11-90-14 - APPLICATION BY MR. LAURIE LEDWIDGE TO PERMIT EXPANSION OF LEDWIDGE LUMBER LIMITED, LOCATED OFF THE OLDHAM ROAD IN ENFIELD

Mr. Kurt Pyle presented the application stating that an application had been received from Mr. Laurie Ledwidge, owner of Ledwidge Lumber Company Limited to enter into a development agreement which would permit the addition of a lumber kiln drying building and sorting shed to his existing operation. Ledwidge Lumber Limited processes logs into lumber which is shipped throughout North America and Europe. It is the European market that has initiated Mr. Ledwidge's application to build a lumber kiln. All lumber shipped to Europe must be kiln-dried.

Slides were shown.

He stated that the property is situated within the Residential Designation, as shown on the Generalized Future Land Use Map of the Municipal Planning Strategy. This designation being applied to areas where the growth of a low density residential environment is supported (Policy P-65). The base zone within the designation is the R-1B (Suburban Residential) Zone which permits single and two unit dwellings, community uses, and limited scale office uses and day care facilities within the dwelling. The plan supports a number of existing commercial and light industrial activities, including Ledwidge Lumber Company Limited, which are dispersed throughout the Residential Designation. However, in order to maintain compatibility with adjacent residential properties and neighborhoods, any expansion or change of use to these activities is subject to a development agreement. (Policy P-76) Policy P-76 stipulates that such a proposal must be accommodated on the existing site within an enclosed structure and cannot involve the processing, production or storage of hazardous, toxic or dangerous materials. Consideration shall also be given to maintaining an acceptable level of compatibility with surrounding uses and to ensure that the proposed development is adequately maintained. As with all development agreement applications, the provisions of Policy P-155 related to the adequacy of services and the suitability of the site itself must also be considered.

He stated that the type of kiln being proposed by Ledwidge Lumber is a steam kiln, which will use wood scraps produced mainly on-site to heat a wood furnace\boiler unit. Since no detailed plans and specifications were provided by the applicant, the provincial Department of the Environment was unable to assess the project.

He stated that there were no site constraints that staff have identified relative to the expansion nor is it expected to impact on the road network or other community services.

He stated that Staff would, therefore, suggest that provision be included within the development agreement whereby such expansion may be considered as a minor amendment and approved by resolution of Council, without the necessity of a public hearing. Part 7 of the agreement would permit structures related to specified activities to expand up to 50% of their current size.

It is, therefore, recommended that the attached development agreement be approved.

QUESTIONS FROM COUNCIL

Councillor Horne asked why this would have to come through Council by development agreement rather than right where the operation has been going on for years?

Mr. Pyle advised that the zone that Mr. Ledwidge is in requires under the Planning Strategy, that any expansion of the existing use be done by development agreement. According to the Planner who prepared this plan, the community wanted input to expansions which could include items potentially damaging to the area.

Councillor Horne stated that it looked like he wished to develop something similar to what is already there, that would have very little negative impact on the community.

Mr. Pyle stated that there would be very little impact at all.

Councillor Horne stated that he would think that anything related to the wood business would be allowed to be placed on his property.

Mr. Pyle stated that the strategy is written in such a way that he has to go through this process to do this even though in this case, a large portion of products of the operation are European bound. He stated that Mr. Ledwidge needs this to improve his operation.

Councillor Horne asked how long it had taken to get to this point from where he first advised the County that he would like to do this.

Mr. Pyle stated that the application was received on June 29, 1990.

Councillor Horne asked if there were any discussions before that period time.

Mr. Pyle advised that there were discussions with Mr. Ledwidge but that he was not present when discussions were held.

Warden Lichter stated that discussions at that time, he thought, related to whether there was an alternative to going through an agreement because of delay in actually applying for an agreement. It has taken a long time from the time Mr. Ledwidge discovered that he required a development agreement until it was filed and processed. The answer to Councillor Horne's question regarding the necessity for a development agreement is that the plan was written.

Councillor Boutilier stated that what happened through oversight, perhaps not understanding the zoning regulations, does not really come to be a factor until someone decides to do something with their property such as expansion, in this case, for a kiln for an existing lumber business. He gave an example. He stated that he supported the application because it was basically allowing Mr.

Ledwidge to continue a business in the best way he could. He stated that Mr. Ledwidge probably didn't realize himself until he went to apply for the application that he couldn't do it.

Councillor Cooper asked if Part 7(B) of the agreement permitted some buildings to be expanded.

Mr. Pyle stated that in terms of the proposed kiln and shed, he would be able to increase by 5% and the most of the existing buildings in the area by 50%

Councillor Cooper asked about replacing another 50%.

Mr. Pyle advised that he could only expand 50% of what he presently has. He stated that if he had 100 square feet, he could only go to 150 square feet. He stated that he could not go any higher than that.

Councillor Cooper asked if he could not replace this two or three years later at the amount of 50%.

Warden Lichter stated that he could not do this without a new development agreement or without amendment to the development agreement.

Councillor Cooper asked if he could do this by right.

Mr. Pyle stated that there would have to be a vote of Council for approval and that he could not do it as a right.

Councillor Cooper asked if a waste permit had been issued.

Mr. Pyle advised that he had contacted the Department of Environment and they have not issued one as yet.

SPEAKERS IN FAVOR

Mr. Laurie Ledwidge wished to speak in favor of the application. He advised that he was the owner of the Ledwidge Company in Enfield. He stated that this was a business started by himself in 1944 sawing shingles from his father's barn with an old car engine. In 1962, after operating a portable saw mill at different locations, he moved to Enfield on 36 acres of land that he presently owns. At present, he indicated that he has a log mill. He stated that he also owns a stud mill, planing mill and office, scale house and a repair shop. He stated that the total employees in the mill was 65. He stated that last year 75% of the lumber was exported to UK and Italy. He stated that in May of this year, an offer was made to sign a contract with an outfit in England similar to Home Hardware in Canada requiring dry kiln lumber. He felt

chances were good, so he applied for a building permit to build a kiln. He stated that it was at that time, he discovered that he was zoned R-1. He stated that this had been done one year before without any consultation with them. He stated that he was told then to go through the process and that it would take months. As a result of this, he contacted his contacts in England. As there was no other facility in Nova Scotia to dry this lumber, they lost the contract. He stated that immediately, he stopped buying leased lots for timber and that he had to scale down the operation. He stated that today only 15 men are employed, having layed off 50 men that could still be working. He stated that this was a place where 65 men were employed to no cost of the Municipality.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if at the time of applying for a permit, was he in an R-1 zone.

Mr. Ledwidge answered that he was.

Councillor Boutilier asked if there were any mills in Nova Scotia that can currently provide kiln dried lumber.

Mr. Ledwidge stated that there were a couple little ones, some of which are only capable of drying their finished products.

Councillor Boutilier asked if Mr. Ledwidge's operation would be relatively unique should he acquire this. He stated that hopefully, if he was successful in this application, the uniqueness may present you with the opportunity to get back into world marketing lumbering.

Mr. Ledwidge advised that at the end of 1990-1991, there would be no more lumber going overseas, unless it was dry kiln. No more green lumber.

Councillor Boutilier asked why.

Mr. Ledwidge stated that this was because of the budworm like insect that was discovered last year in Finland.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

Councillor Horne stated that he was in support of the staff recommendation presented.

It was moved by Councillor Horne, seconded by Councillor Merrigan

"THAT the application DA-F&S-11-90-14, by Laurie Ledwidge to enter into a development agreement with the Municipality to permit the expansion of Ledwidge Company Limited, located off the Oldham Road in Enfield be approved."

Councillor Morgan stated that he would like to speak in regard to Item #7 under the minor amendments, he asked if these minor amendments could be granted without going through the lengthy process of another public hearing.

Warden Lichter stated that the way minor amendments have worked, is that the PAC considers the application. If they recommend to Council that it is a minor amendment and Council agrees that it is a minor amendment, then you have the right to vote without a Public Hearing. Otherwise, if Council decides that the amendment is not a minor one, then it would require an amendment to the Development Agreement and may require a Public Hearing.

Councillor Morgan stated that he would like to speak on the limitation of 5% on the kiln. He stated that he just heard the type of set up in this business as a result of not having a kiln in the first place, and that he would like clarification from Mr. Ledwidge or Staff, with re to the 5% which to him was not worthwhile to even bother starting a construction if only allowed this percentage. If the kiln business is as important as it appears to in this particular operation, he could not see any reason why Council could not have 50% in that section as well as they have in all other sections. He stated that this man should not be delayed another 7 months plus. He stated that he would like some consideration in seeing that this be increased over 5% if Mr. Ledwidge felt it was required.

Warden Lichter stated that he agreed with the comment made. He felt that there were two concerns.

1. A legal opinion would be required as to how this Public Hearing was advertised.
2. The 5% is to the increase after everything is put in place based on this development agreement.

Councillor Morgan stated that it was to his understanding that if kiln was destroyed by fire and Mr. Ledwidge wanted to rebuild, he could build to a total of 105% of the size that he has at present moment and if any other buildings were destroyed by fire, he can build to 150% of the existing size. He stated that Mr. Ledwidge would have to come back here again. He suggested that Council move

him up to 50% where he could build without having to come back here.

Councillor Cooper asked if it was correct that 50% what what Council was considering.

Warden Lichter advised yes.

Warden Lichter advised Mr. Crooks would like to express his opinion.

Mr. Crooks advised that given the requirement to the act that the advertisement of the public hearing indicate the time and place where a copy of the proposed form of agreement can be inspected by Members of the Public, that it would not be permissible to deal with an amendment to the agreement which was available to the Public for inspection pursuant to the notice. He stated that Council is obliged to deal with the agreement which is before it one way or the other. That is how he deals with that provision of the act.

Councillor Reid asked if kiln had been burned down, could it be replaced at 150%.

Mr. Pyle advised that it could be replaced if burnt down.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

It was moved by Councillor Boutilier, seconded by Councillor Cooper

"THAT this meeting adjourn."
MOTION CARRIED.

Time of Adjournment - 8:00 p.m.

COUNCIL SESSION

January 15, 1991

PRESENT WERE: Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Deputy Warden Ball
Councillor Deveaux
Councillor Bates
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Horne
Councillor Merrigan
Councillor Morgan
Councillor Eisenhauer
Councillor MacDonald
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT; Mr. K. R. Meech, Chief Administrative Officer
Mr. Fred Crooks, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk

RECORDING
SECRETARY: Christa Pettipas

The Meeting opened with the Lord's Prayer. Mr. Kelly called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Sutherland, seconded by Councillor Morgan

"THAT Christa Pettipas be appointed Recording Secretary."
MOTION CARRIED.

APPROVAL OF MINUTES

It was moved by Councillor Horne, seconded by Councillor Deveaux

"THAT the December 3, 1990 Special Council Session meeting minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Sutherland, seconded by Councillor Poirier

"THAT the December 4, 1990 Council Session meeting minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Meade, seconded by Councillor Fralick

"THAT the December 10, 1990 Public Hearing Minutes be approved as circulated."
MOTION CARRIED.

It was moved by Councillor Horne, seconded by Councillor Randall

"THAT the December 18, 1990 Council Session meeting minutes be approved as circulated."
MOTION CARRIED.

LETTERS AND CORRESPONDENCE

Memorandum to FCM Member Councils re Request for Resolutions for Consideration at 1991 Annual Conference

Mr. Kelly outlined the letter.

It was moved by Councillor Fralick, seconded by Adams

"THAT the above mentioned letter be received."
MOTION CARRIED.

Warden Lichter informed Committee Members that if any Councillor wished to forward something to FCM, to please let him know.

Agreed.

Department of Tourism and Culture re Support to Regional Tourist Associations

Mr. Kelly outlined the letter.