

Mr. Donovan responded that was correct.

Councillor Bates asked when Mr. Burrill acquired the land.

Mr. Donovan responded Mr. Burrill acquired the land through another company well after 1973.

Councillor Bates asked if, at that time, Mr. Burrill was aware the zoning was P-2.

Mr. Donovan responded he was aware the zoning was P-2 at that time.

Councillor Bates stated he felt more inclined to go along with the developer in 1982 as opposed to 1987.

SPEAKERS IN FAVOR

Ms. Elizabeth Corser, on behalf of the Homeowner's Society, indicated she was in support of the amendments to the Cole Harbour/Westphal Municipal Planning Strategy, as the existing P-2 zoning did not prevent the destruction of the natural environment and heritage resources on privately-owned land on Lawlor's Point, nor could it ensure that the unique physical characteristics of the area would be considered, should park or institutional development proceed. It is also not conceivable that institutional uses such as churches, schools, or community centres would choose to locate in this area. She reiterated there were no provisions under the P-2 zone to protect the environmental features or historical features of Lawlor's Point.

Slides were shown of Lawlor's Point. Ms. Corser provided background information with respect to the dyke system, local trails, stream, marsh areas, and the Lawlor's Point Cemetary (shown). Ms. Corser also advised of the importance of Lawlor's Point to the Wildlife Habitat as well. Lawlor's Point marshes etc. provided a feeding and resting spot for Canadian Birds such as geese, duck, etc. during migration.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

Mr. Ken Burrill indicated he would like to speak in favor of the proposed amendment. He stated his company was known as the "Outdoor Land Company" which owned 20,000 acres of land throughout Nova Scotia. He felt Lawlor's Point could be protected as Council

and Staff had recommended by way of maintaining the existing plan policy relative to the Special Area Designation, with clear policy objectives established to guide future development of Lawlor's Point for public park, institutional and low density residential development purposes.

QUESTIONS FROM COUNCIL

Councillor Cooper asked if Mr. Burrill was the largest landholder on Lawlor's Point.

Mr. Burrill responded he was the largest landholder.

Councillor Cooper asked if this land included the marsh area down to the point.

Mr. Burrill indicated that portion of the property.

Councillor Cooper asked Mr. Burrill if he felt Lawlor's Point should be protected.

Mr. Burrill responded Lawlor's point definitely needed to be protected.

Councillor Bates asked if Mr. Burrill had a back up plan when he acquired the property. He asked what Mr. Burrill's plans were as Mr. Burrill was aware the property was zoned P-2.

Mr. Burrill responded he had several back up plans. One plan would be to hold the land as it was a beautiful piece of property. Councillor Bates asked if property zoned P-2 was cheaper to acquire.

Mr. Burrill responded it certainly was cheaper.

SPEAKERS IN FAVOR

Ms. Rosemary Eaton, Heritage Society, hoped Council would support the recommendation by Staff to amend the Municipal Development Plan for Cole Harbour/Westphal. She expressed concern with respect to future sewage disposal. She stated Lawlor's Point was a very beautiful place to live and she trusted Halifax County would protect the environmental factors. She stated Lawlor's Point was an attraction to Tourists in which helped raise money within the community.

QUESTIONS FROM COUNCIL

Councillor Cooper asked if the Heritage Society had passed specific motions with respect to Lawlor's Point.

Ms. Eaton responded Councillor Cooper was in receipt of the motions passed.

Councillor Cooper read the motions passed by the Heritage Society to Members of Council. Ms. Eaton advised the Heritage Society's position remained the same.

SPEAKERS IN FAVOR

Mr. Scott Morash, Resident, advised he was in favor of the proposed amendment. He stated their farm abutted Cole Harbour. He advised he had spent a great deal of time on the Harbour in which he visited once every year. He stated Lawlor's Point was very beautiful and scenic and that not much had changed over the last forty or fifty years. He advised of activities that were considered in the past to take place in that area. One, for example, was with respect to sewage running into Cole Harbour. He stated this did not take place in which he was very pleased. He stated Lawlor's Point was a geographical reality. People loved the scenic view and the harbour. He stated he would hate to see development take place on the peninsula known as Lawlor's Point. He stated he wanted this point protected. He stated he was glad to see a concensus. He stated he would like to see the comprehensive plan laid to rest. He stated the zoning provided some protection but not complete protection.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

Mr. Bruce Whitten wished to speak on the amendment. He stated he was uncertain whether he was in favor or against. He advised he owned private land in which he and his wife intended to develop over a period of time. He stated they did not have any big financial plans, probably development of two to three lots per year. He stated they owned four house lots on one road and four located on another road in which they would sell. He stated they were hoping to proceed with development anywhere from five to ten years. He stated Lawlor's Point was a very beautiful spot. He stated he and his wife would like to have a house, themselves near the water. He stated a minimum setback from the water should be enforced at 100 feet. He felt the plan presently into effect was not a responsible plan. He stated the Province at one time wished to take this area for parkland. He stated most people did not know anything about Lawlor's Point. He stated the cemetary as well as the Cole Harbour marshes should be protected. He stated he was

maintaining the dyke shown on the slides himself every year. He stated it was nice to have a salt marsh. He stated for some individuals, one year may be too lengthy a period of time to let development take place.

He advised of the vandalism in the area and made reference to a fire in the graveyard. He also advised of trees individuals of the area had cut down belonging to him in which he did not know the reason why. He advised of a road belonging to him close to the dyke and his intentions to take out trees matured. He felt if people wished to develop the land, they should be able to develop it. He stated the way things were going, individuals were going to have small lots anyway. He stated there was only a total of 6 residents located on Lawlor's Point.

Warden Lichter advised Mr. Whitten was in favor of the application.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

Mr. Guy Earle, Resident, stated he loved Lawlor's Point and he was against development of the point. He stated he had lived in Cole Harbour for three years in which he loved his home. He requested that the wildlife be thought of and the pollution. He then read a poem-like version he had created of this area. This pertained to beautiful Cole Harbour and the affects development could have on the area.

QUESTIONS FROM COUNCIL

None.

SPEAKERS UNCERTAIN

Mr. Gerry Geldart stated he was uncertain what the amendment really meant. He stated he had a concern he wished Council to address. He asked if the amendments would affect him as a possible developer in the future on the north side of Lawlor's Point.

Warden Lichter responded the development would not effect the north side of Lawlor's Point. He stated there could be very low scale development. However, it would have no impact on residents located on the North Side of Lawlor's Point.

Mr. Geldart asked if any amendments would detract any future plans he may have.

Councillor Richards responded he knew where Mr. Geldart was located. He stated these amendments would have no bearing at all on future plans of Mr. Geldart located on the north side. He stated this dealt specifically with the Lawlor's Point area.

SPEAKERS IN OPPOSITION

Mr. Doug Trider spoke in opposition to the amendment because of his interest in the future of the area. He challenged Members of Council to imagine the future one hundred years from the present. He stated residents' way of life had to be protected and preserved. He stated Lawlor's Point was an ideal laboratory for study for children. He reiterated it was necessary to protect the land for future generations. He made reference to the children, grandchildren and great grandchildren.

QUESTIONS FROM COUNCIL

Councillor Bates asked if Mr. Trider was in favor of the amendment, wished to leave Lawlor's Point as is or did he prefer Lawlor's Point to be developed and hope the development would not affect the future.

Mr. Trider felt Lawlor's Point should be left as is. He was not in favor of the amendment.

Warden Lichter stated most speakers were indicating that they wished no institutional development to take place at Lawlor's Point. He stated that was the reason for the amendment.

SPEAKERS IN OPPOSITION

Mr. Paul Euloth, Parks and Recreation Lands and Forests Department, spoke in opposition of the development. He stated this department felt the zoning was generally compatible. He stated he would like to go on record that this department had responded to Ms. Valerie Spencer's request to participate in an exercise to examine Lawlor's Point. He stated the department also liked to have local residents involved in the exercise. He stated the local landowners deserved a hearing.

Councillor Cooper stated the department wished to see the zoning remain the same. He asked if the Parks and Recreation Lands and Forests Department was well aware of what was permitted under a P-2 zone.

Mr. Euloth responded they were aware of what was permitted under a P-2 zone.

Councillor Cooper asked if the zoning was maintained, would the

Department feel the pressure to have changes made.

Mr. Euloth responded the department did share concerns to a degree. He stated he was no expert with respect to Municipal Planning Law. However, if the decision was left to him, he would leave the zoning the way it presently was.

Councillor Cooper referred to the financial aspects of the situation. He stated the Province did not seem to have the funding available to purchase the properties from the developer.

Mr. Euloth advised of major purchases made recently in West Lawrencetown.

Councillor Eisenhauer stated this matter was discussed before the Planning Advisory Committee. He stated they felt the developer would be willing to sell the properties to the Province.

Mr. Euloth stated the Department wished to have a plan in place with respect to the developers.

Warden Lichter asked if Mr. Euloth was speaking on behalf of the Minister of Lands & Forests.

Mr. Euloff responded he was speaking as a Planner.

Warden Lichter expressed difficulty with Mr. Euloth. He stated he, as a Warden would have a problem if one of his Staff Members did not approach him before making a presentation. He stated the Municipality was denying the right to individuals to do something with Lawlor's Point. The Department of Lands & Forests had the ability to offer exchange lands. He stated it was hoped that it was not expected that Halifax County would trample on the individuals rights. He stated it was hoped this would get back to the Minister.

Mr. Euloth responded correspondence was received from the Municipality requesting the Department of Lands & Forests to participate with respect to Lawlor's Point.

Warden Lichter stated he appreciated Mr. Euloth's opinion.

SPEAKERS IN OPPOSITION

Mr. Don Grady, Representative of the Lawrencetown Citizen's Committee spoke in opposition of the amendments. He referred to the fundamental distinction with respect to Lawrencetown. He advised of the agreement made earlier between the residents in that area. He stated the essence of the agreement on the Lawrencetown Side was that all of the land including the park area would be

acquired by the Province. He stated the land was acquired with a price lower than what it should have been. He stated Council did their best, however, with respect to Lawrencetown under Policy 16. Unfortunately, the Government of Nova Scotia did not agree with the decision of Council and reversed Council's decision. All of the view plan lands have now been removed from the Lawrencetown Plan. We now refer to those lands as "Never, Never Land". He stated the Lawlor's Point lands were very similar. He stated he has heard from two individuals who wish to exercise these lands but are prevented from doing so. He stated Warden Lichter has pointed out that Council cannot buy the lands. He felt the amendment would not preserve the land. He stated most of the speakers tonight indicated they did not want Lawlor's Point developed. The lands should be preserved as the park system would be located in the opposite direction. He suggested the document presented be referred to. He stated this document described the development potential and use right down to the language on Page 11. He stated the language pointed out any such development could be considered for Lawlor's Point. He stated to identify provincial objectives with respect to development, the assistance and cooperation would be sought. He stated what was happening with respect to the amendment, the people of the area were wishing the land to be protected. He stated if the amendment was approved, Cole Harbour's future would be in danger. He stated this one step was all that was necessary to destroy Lawlor's Point. He stated further pressure should be placed on Council to ensure Lawlor's Point would be protected. He stated Mr. Trider spoke of sewage effluent being dumped into Cole Harbour. Very narrowly, Council refrained from the sewage outfall in Cole Harbour. This is a similar issue. He stated a comprehensive plan should be dealt with for Lawlor's Point. He stated Council could make a fine initiative by postponing the motion until people of Cole Harbour had an opportunity to put pressure on the Province to follow through their commitments with respect to Lawlor's Point side and Lawrencetown.

Councillor Deveaux stated the amendment did not necessarily say what Mr. Grady was indicating would happen.

Mr. Grady responded Councillor Deveaux was giving reality the benefit of the doubt. He stated everything contained in the document presented was designed for appropriate residential development in Lawlor's Point.

DECISION OF COUNCIL

Mr. Kelly read into the record a letter received with respect to Lawlor's Point, Cole Harbour.

It was moved by Councillor Cooper, seconded by Councillor Richards

"THAT the amendments to the Cole Harbour/Westphal Municipal Planning Strategy, Attached as Appendix "A" be approved with the addition of the November 19, 1991 recommendation of a one year term."

Councillor Cooper felt this was Council's way of ensuring the Community and organizations of Cole Harbour they were protected.

He then read into the record a letter received from the Department of Lands & Forests.

Councillor Eisenhauer stated he supported the motion. He stated the risk was too great to do nothing. He stated his first choice, however, was acquisition of lands by the Province. He stated the motion on the floor did provide for development. However, as his second choice, he would support it.

Councillor McInroy expressed concern with respect to Policy P-73 (c). He stated it seemed to him Halifax County Municipality had no choice once they undertook this particular study. He felt this Policy locked the Municipality in.

Warden Lichter did not feel uncomfortable with it.

Mr. Crooks stated the language drafted was the subject to advertising.

Councillor McInroy asked if the Municipality were allowing for Provincial Development.

Councillor Crooks responded the language did seem to suggest this.

Warden Lichter responded this would require a public participation session by the Planning Advisory Committee. He asked if Council had the right to refuse the plan amendment.

Mr. Crooks responded that Council had that right. He stated some further amendment would have to be initiated to the Planning Strategy.

Councillor McInroy referred to the staff recommendation. The Lands & Forests have suggested to prevent development. He felt it was an excellent idea to review for one year and consult with the residents.

Councillor Deveaux asked if it could be interpreted in establishing criteria, resolution uses would not be permissible.

Mr. Crooks stated interpretation was possible to provide for

comprehensive development and residential uses. He stated these were all forms of development.

Warden Lichter responded interpretation depended on how far the imagination went.

Councillor Bates stated he was of the firm opinion that Lawlor's Point would be protected if left the way it presently was. He stated it had been zoned P-2 since 1973, in which no development had taken place. He stated once this is started, it probably would be the end of Lawlor's Point. He stated he did not support the motion on the floor.

Warden Lichter advised 13 in favor votes were required to pass the motion.

Councillor Eisenhauer stated the motion required Halifax County to come up with an agreement satisfactory to residents as soon as possible.

Councillor MacDonald felt the amendment was dangerous. He felt Halifax County should not make any commitments. He felt Lawlor's Point should be left the way it was.

Councillor Richards stated he was in support of the application. He felt it was critical to have a major guideline package put in place. He stated residents were willing to take the chance of working together in this as indicated by their presentations. He requested Council's support.

Warden Lichter suggested that Councillor Bayers not vote as he was not present for most of the discussion.

Councillor Bates responded he disagreed with Councillor Richards. He felt the best development was no development. He stated he would not be voting in favor.

Councillor Cooper stated he felt everybody realized the importance of the land. He stated this criteria would be acceptable to everybody.

Councillor McInroy suggested that Halifax County over the course of one year pursue the Provincial purchase of the lands, as well as Halifax County have an open ability to come to a conclusion with respect to what would happen with respect to Lawlor's Point.

Councillor Bates suggested the motion be changed to include this.

Warden Lichter responded the motion could not be changed because of the advertisement.

PUBLIC HEARING

17

MAY 13, 1991

MOTION DEFEATED.

11 IN FAVOR
3 AGAINST

ADJOURNMENT

It was moved by Councillor Deveaux that the meeting adjourn.

Time of Adjournment: 9:30 P.M.

PUBLIC HEARING

May 27, 1991



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

ALSO PRESENT: G. J. Kelly, Municipal Clerk
Fred Crooks, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Eisenhauer, seconded by Councillor Poirier

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

1. RA-FEN-06-91-18 - APPLICATION BY HAMMONDS PLAINS FIRE COMMISSION TO REZONE PORTIONS OF THE PROPERTY AT 2050 HAMMONDS PLAINS ROAD IN HAMMONDS PLAINS FROM MU-1 (MIXED USE) ZONE AND I-1 (MIXED INDUSTRIAL) ZONE TO P-2 (COMMUNITY FACILITY) ZONE IN ORDER TO PERMIT THE EXPANSION OF THE EXISTING HAMMONDS PLAINS FIRE STATION.

Mr. Kurt Pyle, Planner, advised an application had been submitted by the Hammonds Plains Fire Commission to rezone sections of their property located at 2050 Hammonds Plains Road from MU-1 (Mixed Use) zone and I-1 (Mixed Industrial) Zone to P-2 (Community Facility)

zone. The purpose of the application was to permit the construction of a new fire station which will better house the existing equipment and vehicles presently being used by the station. The new fire station will be located approximately 20 feet behind the existing station which will be demolished when the new station is completed. One small portion of the original property zoned P-2 (Community Facility) for the existing fire station is presently owned by the abutting property owner, Mr. Basusiak. This small portion of property will be rezoned from a P-2 (Community Facility) zone to a MU-1 (Mixed Use) zone in order to make the zoning on this property consistent throughout. The subject properties are situated within the Mixed Use "B" Designation which supports the existing semi-rural mixed use environments which permit most community facility uses. The existing fire station is zoned P-2 (Community Facility) which was applied to the site when the Municipal Planning Strategy was adopted.

Since then, the Fire Commission had acquired additional lands around the original station site. The new station will be located on these additional lands which are zoned MU-1 (Mixed Use) and I-1 (Mixed Industrial). However, neither zone permits fire stations which is the reason for the P-2 (Community Facility) rezoning request.

Council may consider a new fire station within the Mixed Use "B" Designation by rezoning it according to Policies P-15 and P-121 of the Municipal Planning Strategy for Districts 15, 18, 19.

Staff reviewed the proposed development by the Fire Commission and the minor rezoning on Mr. Banasiak's property and are of the opinion that the proposed rezonings are consistent with the intent of the planning strategy. The construction and location of the new fire station would not negatively effect the adjacent properties or traffic volume on Hammonds Plains Road. The new station will improve the traffic situation and improve access to the site by fire vehicles using the station at present. It is, therefore, the recommendation of Staff that this application be approved. It is further recommended that Municipal Council approve the rezoning of a small portion of Mr. Basusiak's property from a P-2 to MU-1 zone.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOR

None.

SPEAKERS IN OPPOSITION

None.

DECISION OF COUNCIL

It was moved by Councillor Eisenhauer, seconded by Councillor Fralick

"THAT the application by the Hammonds Plains Fire Commission to rezone portions of the property at 2050 Hammonds Plains Road in Hammonds Plains from MU-1 (Mixed Use) Zone and I-1 (Mixed Industrial) Zone to P-2 (Community Facility) zone in order to permit the expansion of the existing Hammonds Plains Fire Station be approved."

MOTION CARRIED UNANIMOUSLY.

2. DA-SA-02-90-22 - APPLICATION BY TONY MASKINE TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT A MULTIPLE UNIT DWELLING ON RIVERSIDE DRIVE IN LOWER SACKVILLE.

Mr. Bill Butler, Planner, advised this particular public hearing was relative to a proposed development agreement which would permit a 26 unit, two storey apartment building situated on an approximately 1 acre parcel of land located north of the intersection of Riverside Drive and Balsam Circle, Sackville. The development, if approved by Council, would require the consolidation of three existing lots and the removal of one single unit dwelling currently located on one of those lots. Staff have reviewed the proposal and believe it is consistent with the intent of the Municipal Planning Strategy and, pursuant to the proposed development agreement, is an appropriate development within the general area.

The proposal, itself, is considered pursuant to Policy P-31B of the Sackville Municipal Planning Strategy which permits Council to consider apartment buildings on non-collector roads pursuant to the development agreement mechanism. That particular policy requires Council to give consideration to the scale and design of the building, the adequacy of the services which would serve the particular proposal, as well as that there are adequate provisions within the development agreement relative to open space, parking areas and landscaping.

Slides were shown of the site. He referred Council Members to Map 3, Page 5 of the staff report.

Mr. Butler advised of the specific elements of the development agreement such as topography. The site development as shown from

the slides would require a significant amount of fill material. Also, the construction of a gabion wall along the southern boundary abutting the homes located on Balsam Circle as well as a portion of the lot at the rear would be required. The gabion wall would run directly behind Civic #7 and #11 located on Alder Crescent. In order to provide the greatest possible protection during the actual construction phase, the agreement requires that erosion and sedimentation control plans, approved by the Engineer, be submitted by the applicant prior to the issuance of a development permit to ensure construction, erosion and run-off is minimized as much as possible. The applicant would also be required to have a top soil removal permit.

The gabion wall would be a rock wall with wire mesh supporting it and would provide support for the parking area of the site. The gabion wall ranges from 6 to 7 1/2 feet in height along the southern boundary line to 4 1/2 feet. In addition to the actual height of the wall itself, the land is sloped up to it, the height of the sloping from 1 1/2 to 3 feet. In some portions, the top of the wall would be approximately 10 feet above the existing grade of the homes along Balsam Circle.

In terms of building design and scale, the building is a two storey, pitched roof structure which is described and shown as (Appendix C) of the development agreement, and is situated on the uphill portion of the site where overall bulk would be reduced as a result of placing it on that particular portion of the site.

Storm drainage plans have been submitted by the applicant and reviewed by the Department of Engineering & Works. The significant grades of the site required careful attention to this issue. The stormwater will be removed from the site by a french drain along the northern boundary of the site, a two-way manhole, and storm sewer pipe to Riverside Drive.

Landscaping provisions contained within the development agreement require that all existing trees and vegetation within ten feet of any property boundary must be maintained unless otherwise approved by the Development Officer. There are also specific landscaping areas with the types and size of trees required. The agreement provides that all landscaping measures must be completed within six months of the issuance of an occupancy permit for the proposed development.

Amenity areas on the site include balconies for the individual tenants. The agreement requires 56 square feet for every unit above grade and 70 square feet for at grade dwelling units. The french drain will also service a walkway and amenity area located on the northern portion of the site.

There will be one access to the site from Riverside Drive to a parking area, both of which are located on the southern half of the property. There will be 39 parking spaces provided which is 1.5 parking spaces per dwelling unit. The development agreement provides that the parking area must be completed within 6 months of the issuance of an occupancy permit. If paving is not done prior to the issuance of an occupancy permit, the developer is permitted to bond for 110% of the approved value. This would have to occur within six months of the issuance of an occupancy permit.

The Department of Transportation & Communications have not indicated any significant concerns relative to the increased traffic which would be generated by this particular development. Mr. Butler concluded stating that Staff assessed the proposal and believe that the proposed development is appropriate on this site, subject to the provisions of the development agreement.

QUESTIONS FROM COUNCIL

Councillor Morgan stated that most of the apartment buildings in the Sackville area were three story apartment buildings. He asked if there was any particular reason why this was a two storey building.

Mr. Butler responded that the original building was three stories. However, it was felt a three story apartment building was too large for this site. It was then suggested that the building be re-designed for the purpose of lowering the height.

Councillor Morgan asked if the building was more than the 35 feet required.

Councillor Butler responded that the original building was three stories which would basically be 35 feet.

Councillor Morgan asked if the roof was included when measurements of the height were taken. He requested the height of the building from the ground level to the peak.

Mr. Butler responded the roof was counted about half way up the pitch.

Councillor Boutilier referred to the buffer zone. He asked Mr. Butler to indicate the distance from the rear property line of the proposed development to the power line located in that area.

Mr. Butler responded the power line ran on the boundary line between the site and the homes on Alder Crescent.

Councillor Boutilier mentioned the public meeting in Sackville. He

stated it was mentioned at that time, there was no discretion with respect to an easement pertaining to the right of way to the power lines. Trees or shrubs could not be planted underneath these lines.

Mr. Butler responded that the Planning Department had contacted the Power Corporation with respect to this matter. No record of an easement could be found. It was indicated that if work was required to be done to the lines, the Power Corporation would do as much as possible to minimize any damage to vegetation in the area. There were no problems with respect to landscaping underneath these lines from their point of view.

Councillor Boutilier stated it was his understanding once trees reached line height or higher, it was the Power Corporation's responsibility to trim down the trees to ensure these were kept away from the power transmission lines.

Mr. Butler responded this was correct.

Councillor Boutilier stated this indicated to him that plants or trees could grow to a particular point. However, if they exceeded that point, the Power Corporation would trim them down.

Mr. Butler assured him if they were a hazard to the lines, the Power Corporation would trim them down.

Councillor Boutilier asked if the trees and shrubs mentioned were to be planted within six months upon completion of the application.

Mr. Butler responded upon the issuance of an occupancy permit. This would be upon completion of the building or the building being found adequate for occupancy.

Councillor Boutilier stated the buffer zone was a major concern that was expressed by residents within the community. Once the lot was filled in, there was a substantial amount of fill still required to bring the site from ground level up to street level.

Councillor Boutilier expressed concern with respect to the parking area as well.

Councillor Sutherland referred to buffering on Balsam Circle. He stated there were three houses from the corner of Riverside Drive. He asked if the retaining wall proposed was a maximum height of 13 feet bearing down to maybe a low of 4 or 5 feet on the far end.

Mr. Butler responded that as a result of the public meeting in Sackville, he had consulted with the Engineers to clarify this information. The retaining wall, itself, would be a maximum of 7

1/2 feet. However, the slope-up has to be taken into account, this being 3 feet. The maximum height of the wall would, therefore, be 10 feet.

Councillor Sutherland asked if homes along the Balsam Circle would be looking into the retaining wall which would hold up the parking lot.

Mr. Butler responded homes along the Balsam Circle would be looking into the retaining wall holding up the parking lot.

Councillor Sutherland referred to the proposal from a three foot storey building to a two foot storey building. He stated the height of the building was dropped down to occupy more of the lot. He asked how many units would have been included in the three storey building.

Mr. Butler responded 28 units would have been included in the three storey building.

Councillor Sutherland asked if Mr. Butler had in his possession an aerial of the area which would show in better context the single family dwellings vs the proposal. He felt an aerial would illustrate the three lots to be consolidated where the apartment building would be located. He felt this aerial would clearly show the apartment building intruded substantially onto the residential community.

Mr. Butler stated he did not have such aerial.

Councillor Cooper asked about the percentage of lot coverage relative to other apartment buildings in the area.

Mr. Butler responded he did not have comparisons for coverage of other buildings. He stated this particular proposal had a 30% lot coverage and an R-4 zone would permit up to a 50% lot coverage. He stated he could not compare this proposal with the lot coverage of some of the other apartment units in that general area.

Councillor Cooper stated there were a number of apartment units in the area. He stated it would be nice to know what the coverage would be because if Council were looking at extensively upgrading the amount of lot coverage in this unit compared to the others, Council would be going out of character with respect to what was already situated there. This, perhaps, being an arguing point for permitting this development.

Councillor Cooper referred to P-31 with respect to row housing. He stated the amount of usable open space near the use and the adequacy of the separation distances from low residential

development must be considered for row houses. He stated he did not see this particular wording in relation to multiple unit dwellings as permitted under P-31B. He asked where in the process, would this have been taken under consideration.

Mr. Butler responded when the site was assessed, the particular characteristics of the site itself, relative to the surrounding area were examined. He stated that this was part and parcel of that kind of an assessment. In the Planning Department's opinion, the development was properly integrated in that particular area.

Councillor Cooper referred back to "Row Housing". He asked what type of criteria would have been used for separation with respect to this housing.

Mr. Butler offered his personal opinion. He stated if he was assessing a row housing proposal on this site, he would probably have come to a similar conclusion, with the appropriate design, that this particular site would be appropriate for row housing development.

Councillor Cooper asked if the same criteria relative to separation distances would have been used for both row housing and apartment buildings.

Mr. Butler stated if Mr. Cooper was looking for feet and inches, he did not have a feet and inches answer. He felt each situation was somewhat unique. He stated the site characteristics, what is being proposed and what could be done on the site or with the site to minimize the potential impact were issues which had to be examined for each specific proposal. He stated he did not have a formula he could comply pertaining to every particular development.

Councillor Cooper asked if there were any setdown standards for separation from low density residential developments.

Mr. Butler responded there were no setdown standards for separation from low density residential developments.

Councillor Horne asked if there were more R-4 developments not shown in the staff report.

Mr. Butler responded he believed there was one located on Spruce Avenue. He stated Map #3 illustrated developments within this particular area. He stated there may be one or two R-4 developments not shown in the report.

Councillor Horne asked if any of these developments were put in recently or had been in existence for years.

Mr. Butler stated there were none through development agreement and none through rezoning that he could recall.

Councillor Horne asked in Mr. Butler's opinion, would the assessment of the homes in the area be impacted upon.

Mr. Butler responded that he was not qualified to provide an answer to that question.

Councillor Horne referred to buffering with respect to the homes located on Balsam Circle. He asked if these homes would be in close proximity to the building.

Mr. Butler responded the building itself would be located on the other side of the site. The homes on Balsam Circle would be adjacent to the retaining wall. The parking area was located on the southern half of the site. The building, in terms of the site, was as far away as it could be. He stated the parking area would be directly abutting these homes and the retaining wall supporting the parking area.

Councillor Horne asked if Mr. Butler felt there was a problem with respect to water drainage coming off of the parking lot.

Mr. Butler responded that this issue was very carefully assessed. The Engineering Department during the assessment process were very concerned as well. However, they were satisfied that the drainage plans will move the water from the site towards Riverside Drive more than adequately.

Councillor Horne asked if the lot would be infilled.

Mr. Butler stated most of the lot would be infilled.

Councillor Horne asked if the construction of the building, time period of construction, etc. would pose any problems. He asked if these factors were included in the development agreement.

Mr. Butler responded there was nothing included in the agreement covering construction. However, hours of operation for construction could have been included in the agreement.

SPEAKERS IN FAVOR

Mr. Paul Miller - Solicitor for the applicant, introduced Mr. Maskine - owner of the site, Mr. Geoff Keddy - Architect, Mr. Crooker - Engineer and Mr. Phil Kempton - Appraiser of the site, to Council.

Mr. Maskine, owner of the site, gave an overview of the objectives

of the project. He stated when he had looked at opportunities for property development within the Halifax Metro and Halifax County areas, one of the things examined was the applicability of the various market places and the need for various housing in various communities. He advised physical audits were made of the areas. After assessing reports from Canada Mortgage and Housing, a deficit of quality affordable housing in the Sackville area was found. The average vacancy rate in the Sackville area based on surveys by CMHC was in the 1.4% rate which was much lower than any other community in the Metro area. He stated there was .7% in the two bedroom variety. After conducting other physical surveys of the areas and having discussions with a number of individuals, he started to realize the need for housing for young people not in a position to afford their own housing and seniors unable to look after their own homes. He stated amenities were close in the area as well which was also of benefit to seniors.

He felt this lot was suitable for the application proposed. The topography of the lot was not suited for a number of applications as there was only one direct access to the lot. He stated he spoke with the Planning Department in terms of what was possible on the lot in which a 28 unit apartment building was proposed. As this was felt to be too large for the lot, the plan was reduced to a 26 unit dwelling apartment building. He stated considerable monies were spent on experts to try and develop the project. He stated they intended to put together a good proposal for the community. He stated the architects selected were the best ones in the area. He stated experts were essential because of the topography of that lot. He advised of the location where filling would take place. He stated concern was raised with respect to drainage problems of the site. However, homes would not be aggravated by these problems. He described the situation at present. He stated there was a substantial amount of run-off to existing lots. With the proposal in place, there would be a substantial reduction.

He proceeded to talk of the R-4 developments within the area. He stated directly across the street from this development, there was a eight unit building. Down the street on the opposite side, there were six more units. There were 24 units on the same side of the street approximately three houses down and 12 other units again on the other side of the street. He stated that the area already had a mixture of various apartment units. This was another reason it was felt the building would be of positive impact in the area.

He referred to the comment with respect to lot coverage. He stated they had approximately 30% lot coverage. However, he had not conducted a physical survey of the other lots in the area. He felt this lot was less than the other lots within the area in terms of lot coverage.

He advised of developments the company did in the past in which he felt were quite attractive. He felt this development in the area would benefit the residents and, therefore, wished approval would be granted.

QUESTIONS FROM COUNCIL

Councillor Richards stated that, looking at the map presented to Council Members, properties located on Alder and Balsam Crescents consisted of single family units. He made mention of the nine properties circled as being located close to the development. He asked what Mr. Maskine would feel like if he was a property owner of a single family unit in this area where single unit dwellings were prominent, and some individual came in and put up an apartment building such as this.

Mr. Maskine responded he would want to make sure the development proceeded in a way that would not affect his property.

Councillor Richards asked if Mr. Maskine would object to a two storey or three storey building in terms of height because of the topography of the land. He also made mention of the gabion wall which would be erected. He asked if this would not create any difficulties for Mr. Maskine as a single family unit, located in that area for quite some time.

Mr. Maskine responded if the development was professionally drawn up, he would have no objections to it.

Councillor Sutherland asked how long Mr. Maskine owned the property.

Mr. Maskine responded he had owned the property since November of 1989.

Councillor Sutherland asked if Mr. Maskine knew that the property had been undeveloped for probably twenty years or more.

Mr. Maskine responded he knew the property had been undeveloped. He stated he knew the property was zoned R-1.

Councillor Sutherland asked if Mr. Maskine knew approximately fifteen years ago, the same type of battle was fought in this area.

Mr. Maskine replied he was unaware of this.

Councillor Sutherland stated he was under the assumption that part of the reason Mr. Maskine purchased the property was because he could get the property for a reasonable price.

Mr. Maskine responded he paid fair market value for the property.

Councillor Morgan asked if Mr. Maskine was aware of the policy in the plan that advised Halifax County did not prezone every piece of land located in Sackville according to the use and that they somehow could make a provision that they could rezone or arrange to have buildings put up on properties located in the R-1 zone.

Mr. Maskine responded he was aware of this plan. He stated when he acquired the property, this was one of the considerations explored as well as the text of the Municipal Development Plan.

Councillor Morgan asked if Mr. Maskine planned to address this issue or would it be left up to Mr. Maskine's lawyer.

Mr. Maskine advised this problem would be addressed in detail.

Councillor Morgan asked why Mr. Maskine agreed to reduce the height of the building.

Mr. Maskine responded the height was reduced because staff felt it was not suitable and compatible to the neighborhood. After some consultation, he felt this was a good point. Therefore, he agreed to reduce the height.

Councillor Morgan asked if there were any other items Mr. Maskine would have liked to have had on this particular property.

Mr. Maskine stated substantial buffering inclusions were made after the original plan was made as a result of discussions with Staff as well. This included landscaping and drainage. Mr. Maskine stated there were a number of changes made since the original proposal.

Councillor Morgan stated there had been some indication that this development was a total surprise to some of the residents in this area. He asked if Mr. Maskine believed he could enter into an R-1 area on Balsam Circle and construct an apartment building.

Mr. Maskine responded no he did not believe he could enter into an R-1 area on Balsam Circle and construct an apartment building.

Councillor Morgan asked for clarification.

Mr. Maskine responded the way he understood the plan, he did not think it was appropriate. In addition, he simply would not because it would be an intrusion to the neighborhood.

Councillor Morgan asked if the only reason Mr. Maskine was proposing this on Riverside Drive was because this lot was on an access road to a collector street.

Mr. Maskine responded Councillor Morgan was correct. The reason was because of the traffic, accessibility and the area.

Councillor Eisenhower stated Mr. Maskine indicated there were several other R-4 properties along Riverside. He stated there was one significant difference in the R-4 areas currently there to the one being proposed. He asked if Mr. Maskine knew what this difference was.

Mr. Maskine responded to the best of his knowledge those R-4 areas existed before his proposal.

Councillor Eisenhower stated this apartment building could look into the residents' back yards. He stated this was the difference between this lot and the other lots. He stated this apartment building would take away the residents' privacy.

Mr. Maskine responded he has tried to address this issue. He stated the apartment building would be located a good hundred feet from the nearest homes. He stated this would help considerably. He felt compromising was the solution.

Councillor Boutilier asked if there had been any major changes since the public meeting of March 28, 1991, in Sackville that the public should be aware of.

Mr. Maskine responded concerns were raised with respect to bonds and assurance that the structure would not create damage or problems to residents. He stated he addressed a letter to Mr. Butler of the Planning Department stating that he would address any concerns the department had. The only substantial change since then was with respect to bonds as mentioned.

Councillor Boutilier asked if the other areas such as the buffer area, play areas, etc. remained the same.

Mr. Maskine responded that was so. He stated he had to rely on the professionals pertaining to what should or should not be done. He stated he did not make the decisions himself.

Councillor MacDonald stated he found this an intrusion to residents located in the R-1 zone. He stated this particular area over the years had experienced flooding problems, some homes on Alder Crescent still experiencing these problems. He stated he could see the same problem happening here with the large amount of fill required, this causing erosion problems. He asked what backup plan Mr. Maskine had in case of this.

Mr. Maskine responded he would not make any comments with respect to this matter as he was not an expert with respect to drainage or

erosion. He stated substantial measures had already been taken to address these concerns. He suggested Councillor MacDonald readdress the question to the Engineer.

Councillor Horne asked if the building would allow children or was it just an adult building.

Mr. Maskine responded the building was being marketed to seniors and young adults. He stated this did not include children. Councillor Horne asked if there was access for handicapped.

Mr. Maskine responded yes, there was parking for handicapped persons.

SPEAKERS IN FAVOR

Mr. Geoff Keddy, Architect, introduced his associate Mr. Dubaiis to Council. He stated most individuals have reviewed this site. He stated a two storey building was more easily introduced than a three storey building as this building would be more contextual to the area in terms of roof slopes. He stated the building would have a pitched roof which would better blend into the area. He then referred to the direction of the building with respect to Balsam Circle. He advised sketches had been prepared to show the actual height of the building in relation to other buildings located on the site as well as the viewplains.

Mr. Dubaiis, Associate, stated the sketch was of the three storey building as originally proposed.

The sketch was shown. Height elevation was explained.

Mr. Dubaiis, Associate, advised of the roof shingles being used that might be more pleasing to the neighborhood. He stated the gabled dormers would blend in with the area as opposed to a rectangular box.

He stated full details were not completed as yet.

QUESTIONS FROM COUNCIL

Councillor Richards referred to houses located on Balsam Circle. He stated those houses facing the building would be a lower roof level than Civic #46, Riverside Drive. He stated although there was a gain on one, there was a loss to houses located on Balsam Circle.

Mr. Keddy responded this was correct.

Councillor Richards stated height elevation should not be argued

too strongly.

Mr. Dubaiis, Associate, referred to Councillor Eisenhower's comment with respect to privacy of the adjacent properties. He stated that certain residents would be blocked by a gabion wall which would be 7 to 10 feet high.

SPEAKERS

Mr. Bill Crooker, Engineer, stated he was not for or against the project. He stated he had designed the project based on two areas of concern. One was that all of the water that would be generated from the site and all the water presently arriving on the site would be adequately disposed of and not run onto adjacent properties. He stated there was a swale and french drain along the back of the building. The water drained from this location to the street and into the public drainage system. The second concern was if the existing storm drainage system was capable of taking water from the site. He stated the system was more than adequate.

QUESTIONS FROM COUNCIL

Councillor MacDonald referred to erosion problems. He asked what protection the residents had once fill was dumped on the site. He stated if a lot of rain occurred, the fill would run everywhere.

Mr. Crooker stated it was difficult to prepare a drawing to adequately show this. He stated the building was quite low in relation to the street. He stated the gabion wall baskets came in three foot heights (3) in total. When the building would first be started, the baskets would be lined around and the soil compacted in six inch layers. He advised of a catch basin in the left corner of the building. He stated a flexible pipe would be installed immediately and run-off would be collected immediately.

Councillor MacDonald expressed concern with respect to water running down the slope of the hill. He stated he did not see one application that did not have run-off yet.

Mr. Crooker responded he did not specialize in soil mechanics. He stated he had been working with the developer on this project. He stated he was certain these problems were addressed. However, he could not guarantee these problems would not occur.

Councillor Sutherland asked if basically what was done to prepare the site, was that the front portion was raised up substantially so that the lot now sloped towards the rear with respect to drainage.

Mr. Crooker stated that was not correct. He stated all of the water was collected on Riverside Drive.

Councillor Sutherland referred to a swale on the property.

Mr. Crooker advised the swale ran into a catch basin which ran from there to a catch basin located on Riverside Drive. He stated all water generated from the site was collected on Riverside Drive.

Councillor Sutherland asked if Mr. Crooker had any concerns for wintertime conditions with respect to snow, etc.

Mr. Crooker stated he had no concerns with respect to wintertime conditions because of the difference of rainfall situations in summer/winter months. He stated in the winter, a storm may occur with a heavy rain. However, the intensities were much less in the wintertime as opposed to summertime.

Councillor Sutherland asked if he was correct in saying all of the water on the parking lot would be redirected to a swale.

Mr. Crooker responded Councillor Sutherland was wrong. He then referred to a sketch prepared. He stated the swale was bringing water around to the catch basin in the back of the parking lot. He advised of the water running surface-wise. Mr. Crooker showed a design of the catch basin. He stated the swale was independent of this system.

SPEAKERS IN FAVOR

Mr. Kempton, Real Estate Appraiser, advised he had been working in the Halifax/Dartmouth area and throughout Atlantic Provinces as an appraiser since 1972. He stated he had watched Sackville grow from a small rural community to the near town that it was at present. He stated he was asked to review the plans of this project and make an assessment as to the impact of this building on the surrounding neighborhood. He stated the apartment building appeared to be of quality. He stated the project would be built under a development agreement and Halifax County would have control of the project as this was being built. He stated the neighborhood was mixed with modest homes and low cost apartment buildings. He felt this building would be better than the quality of the apartment buildings presently there. He stated for that reason, this building would have a very positive effect on the neighborhood. He stated the architects and the owners had made every effort to ensure this building would fit into the landscape of the area which it appeared to do. He stated every effort would be made to retain all the trees that possibly could be retained according to the plan. Therefore, this would assist in the privacy concern mentioned. He stated people looking down from the apartment building on surrounding lots was also a concern he felt was addressed as these lots were one hundred feet away. He stated he reviewed the entire project.

Mr. Kempton advised of a letter prepared by himself which was submitted to Council. He stated this letter addressed how the assessment was carried out. He stated it was concluded that this site would not have a negative impact on the neighborhood.

QUESTIONS FROM COUNCIL

Councillor Eisenhauer asked Mr. Kempton to provide a definition of "drive-by fashion" as noted in the letter.

Mr. Kempton stated he did a total market survey of the general properties in that area, in which he knew the general assessment of the homes in the area. He stated he entered into the neighborhood, going door to door by driving along the street, getting an idea of their location in relation to the site that was to be developed. He stated he noted what type of properties were located there, single family dwellings, apartments, duplexes, etc. He stated this was how he prepared his assessment of the neighborhood.

Councillor Eisenhauer stated he did not understand why the letter submitted was confidential.

Mr. Kempton replied the letter was confidential to Mr. Maskine. He stated Mr. Maskine asked for his opinion in which he forwarded to him. He stated if he wished to bring the information to the hearing, that was totally up to him. He stated this information was confidential to Mr. Maskine at the time.

Councillor Eisenhauer stated it was his understanding of the general overview made, that this apartment building looked good with respect to the design and impact on the community. He asked if this was a true statement.

Mr. Kempton indicated this was a true statement. He stated this was viewed in a global sense.

Councillor Eisenhauer asked if he was correct in saying looking at this development from the property located on Balsam Crescent, Mr. Kempton may not be of the same opinion.

Mr. Kempton replied there was specific reference put on properties adjacent. He stated the impact on any of the properties through overall Sackville lessened as you proceeded further away from the site. He stated the properties located on Riverside Drive were very modest properties. He stated they were located on a very high volume traffic street.

Councillor Morgan referred to the letter submitted. He asked if Mr. Kempton had done any appraisals for lending institutions in this area since 1972.

Mr. Kempton responded over the last seventeen or eighteen years, he had done appraisals in Halifax/Dartmouth. He stated he probably appraised a few hundred properties in Sackville.

Councillor Morgan asked if Mr. Kempton was called upon tomorrow to do a particular appraisal in this area, would he decrease the appraisal because of the existing apartments located in this area. Mr. Kempton stated he appraised homes located on some of the streets in this area. He stated that with reference to properties adjacent to the existing apartment buildings in the area, it was quite possible he might show them to have a slightly lower value for that reason. He stated no efforts were made to protect these properties from the existing buildings. He stated the apartment buildings presently in existence in the area were of lesser quality than the apartment building being proposed.

Councillor Morgan asked where Mr. Kempton would do an appraisal of a single family residence and make a positive comment with respect to the increased value because an apartment building was adjacent to the dwelling.

Mr. Kempton responded he could not say he made a positive adjustment to the value of a single family dwelling because of an apartment building being adjacent.

Councillor Morgan asked if that situation could arise if the quality of the homes were lower and the apartment building was top quality.

Mr. Kempton responded that was correct, the homeowner could have an appreciation of site value at that time. Mr. Kempton referred to new developments in the Purcell's Cove area where apartment buildings have been built and are of superior quality to the existing dwellings. He stated in this case, these buildings had a positive effect on the lower cost homes that existed in the area.

Councillor Richards asked if Mr. Kempton was inferring that this building could effect the assessment value of the homes in the area.

Mr. Kempton stated he could not guarantee the apartment building would improve the value of the properties in the area.

Councillor Richards questioned the deterioration of value due to multiple unit dwellings.

Mr. Kempton stated there was a degree of uncertainty of what would be built there.

Councillor Richards asked if Mr. Kempton would be prepared to say

that the value of surrounding properties would be greater if the subject property renamed R-1 as compared to the apartment complex.

Mr. Kempton stated the site was best suited for the purpose to which they intended to use it. Improving the runoff so it did not run down on existing properties should have a positive effect on the surrounding properties.

Councillor MacDonald stated he could not understand how a gabion wall and large apartment building could have a positive effect in enhancing the assessment of surrounding properties. He did not feel, this in any way, would improve the houses directly affected by this wall.

Mr. Kempton felt a well cared for, well designed apartment building could have a better effect on the area than a poorly cared for single family home presently located on the site.

Councillor MacDonald referred to problems with water run-off.

Mr. Kempton stated if contours were reviewed, the slope of the land was basically the same grade as Riverside Drive although not as steep. He then advised of the direction of the run-off.

SPEAKERS IN FAVOR

Mr. Paul Miller, Solicitor, advised of a copy of a submission dated May 27, 1991, consisting of a number of enclosures. He stated this information was forwarded to the Sackville Community Committee for the purpose of the public hearing.

Councillor Boutilier stated that the meeting in Sackville was not a public hearing, it was a public meeting. He stated previous correspondence to the Planning Advisory Committee was incorrect with respect to this matter.

Mr. Miller apologized for confusing a public meeting with a public hearing.

Warden Lichter advised of the confusion to residents as they assumed a second public hearing was held.

Mr. Miller stated it was not his intention to rehash that public meeting but rehash the result of the Planning Advisory Committee.

Mr. Miller stated the first document in the information circulated to Council Members, was a letter of opinion from the Real Estate Agent, Mr. MacArthur, with Home Life Pat King. He stated Mr. MacArthur had reviewed the proposal and gave an opinion that based on the plans of Mr. Maskine, this development would improve the

area. Also included, was a letter from Mr. Kevin Clarke, market appraiser, giving his opinion that this development would improve the area as well. He advised Mr. Kempton's opinion was also included.

Mr. Miller stated concern was raised with respect to the impact on traffic if this site were to proceed. Therefore, the Department of Transportation was contacted. He stated a letter from the Department of Transportation & Communications was also included in the information package giving traffic volumes at certain times of the day, and the number of vehicles. He stated peak hours were viewed from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:20 p.m.

He stated the last page of information illustrated traffic measured from Sackville Drive and Glendale, which were the two major access points of Riverside Drive. He stated if the 1989 figures were looked at, 4,280 vehicles from Glendale Drive plus 5560 from Sackville Drive was the traffic flow per day. Therefore, there were approximately 9,800 vehicles proceeding to Riverside Drive presently. He stated according to DOT, there was a lot of traffic proceeding onto Riverside Drive and onto the feeder roads, such as Balsam Circle. He stated that DOT had indicated there was no significant impact with respect to traffic from the proposed development.

He advised of a letter from the Department of Housing. He stated some expression was conveyed through the media that this was a green belt area. He stated there had been major concern in Sackville with respect to what was green area and what was not and the meaning of green area. He stated it was felt this point should be clarified. He stated Mr. Clarke has indicated in his letter that this area was reserved area but never designated as green belt area or area to be undeveloped.

He advised of a document from Mr. Guy Harrington, owner of the apartment building across the street. He advised Mr. Harrington did not object to the development provided that it was built in accordance with the development agreement and proper controls placed into effect.

He stated he would like to review some of the points raised in Sackville. He stated this development proposal was going forward as a development proposal opposed to rezoning. He stated it has received very close scrutiny from not only County staff but from staffs of various provincial departments, health, transportation, etc. His understanding was that the proposal received approval from all provincial departments as well as Halifax County Staff. He stated if this proposal was approved, it would continue to receive scrutiny during construction under the development agreement which gave the Municipality much more control than the

rezoning. Secondly, the proposal was well designed and engineered and the building proposed would be very attractive. He stated it was suitable for the site terrain and adjacent land uses. He advised of the amendments made by the developer in an attempt to meet the concerns expressed. He advised of the dollars spent in drafting this proposal to do a quality project. He stated the proposed developers were experienced developers and had an excellent record. He stated Mr. Maskine was intending to occupy one of these units should the building be built. He felt this would give additional protection as an owner occupied building. He stated there was a need for multi-unit residential housing accommodations in the Sackville area. He stated that the need for this type of housing was supported by the CMHC statistics. According to CMHC, the vacancy rate in Halifax/Dartmouth was somewhere between 5 and 7 percent. He stated that in Sackville March '91, the vacancy rate was 1.4 percent. Based on two units, the vacancy rate in Sackville was 0.7 percent.

He stated a survey of four apartment buildings in the area showed the number of vacancies and the number of units. He stated the proposed site was attractive for multi-unit residential development due to its proximity to Metro Transit routes, shopping, retail establishments, and medical facilities. He stated this was particularly important for those who did not have alternative transportation or a one car family.

He stated this project was attempting to be environmentally friendly. The applicant was trying to install a passive solar heating system. He stated if able to do this with the assistance of the consultants, it would hopefully serve as a proto-type for future developments.

He stated the proposed development agreement conformed with the intent of the plan. He read Pg. 30 of the Sackville Municipal Development Plan. He stated Policy P-103 confirmed that not all properties were to be rezoned for specific uses or that the existing zoning was not to be reviewed for the purposes of amendment by way of development agreements. He referred to Policies P-103, P-31, P-31A. He then referred to Page 35 with respect to Transit, and P-25. He made reference to the four collector roads identified in the Urban Residential Designation, two of which not directly on this site but directly off the site from Riverside Drive. One collector Road being Sackville Drive, and the other being Glendale Drive. He stated this site had direct access to Riverside Drive with its 10,000 vehicles per day to Sackville Drive and Glendale Drive. He referred to Pg. 13 of the plan with respect to population increases and servicing capacity. He stated this identified the 1980 population of the urban areas including Sackville, but not limited to Sackville, and projected a population increase by 1991 excess of 50 percent. He stated in

actuality, the population increase in Sackville from 1981 to 1991 had been slightly less than 24%, half of what was projected.

He advised of two issues raised at the Sackville Community Committee Meeting. He stated the first issue was raised by two Councillors after the public session of the meeting. He stated they did not dispute the project would conform to the existing plan, they felt that it did not conform to where the plan would proceed in the future. He stated you could not apply a plan that might or might not be approved in the future. He stated they had to deal with a plan that was presently in existence. The second issue raised by members of the community in opposition was that they felt this project would impact on the essential R-1 integrity of the neighborhood. He stated studies had taken place since that meeting.

He advised of statistics compiled from the Nova Scotia Power Corporation and Canada Post. He supplied addresses to Council of who, in this area, had two meters, two addresses, duplexes, etc.

He challenged Members of Council to indicate to him that they were not aware of the frequent problem with respect to illegal basement apartments in the Sackville area, which had been ignored for quite some time. He stated the fact individuals were indicating to Council this was an R-1 neighborhood, was a disception.

QUESTIONS FROM COUNCIL

Warden Lichter referred to the Civic numbers included on the map in the staff report. He asked if Mr. Miller had included any of these homes in his document.

Mr. Miller responded 46 Riverside Drive contained two metres. He advised of #42 having a for sale sign on it.

Councillor Harvey stated Halifax County could use a By-law Enforcement Officer.

Mr. Miller stated he was not trying to get any individual into difficulty. He stated that was why he did not mention names.

Councillor Harvey referred to the package circulated, specifically to #6 with respect to low vacancy rates. He stated the last item mentioned was located in his district where there were 179 units either built, permits issued for or permits applied for on Walker Avenue. He felt this would impact on the target of markets.

Mr. Miller stated it was his understanding these units were low rent and not everybody would want to occupy them.