

liable to, on application by the municipality, an order of the Supreme Court restraining further repeated violations of the by-law. He said this moves it beyond a fine and clean up to an issue of contempt of a Supreme Court order which is more respected than the summary prosecution process. He said the range of penalties that are available are much more considerable.

Councillor Peters said there has to be some way of putting a stop to this.

Mr. Meech said he would note her request and follow up on it.

Department of Housing - Councillor Giffin

Councillor Giffin said there is a senior home in his district in the Tantallon area on Flat Lake Drive. He said when the home was built the infrastructure was put in place for an additional ten units.

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

'THAT A LETTER BE WRITTEN TO THE MINISTER OF HOUSING AND CONSUMER AFFAIRS REQUESTING THAT THEY BUILD THE ADDITIONAL TEN UNITS'

MOTION CARRIED

Harbour Clean Up - Councillor McInroy

Councillor McInroy said he would like to have some idea of what the status is with regards to the Harbour Clean Up. He said he is mainly concerned with the financing possibilities after amalgamation. He said he does not feel that it should be ignored until it is too late.

Mr. Meech said the original project that had been developed has now been scrapped. He said what is now proposed is to go to the open market or private sector. It was not to respond to that particular scoped project. It was going to be left open. He said the four hundred million dollar project is not being pursued.

Crosswalks - Councillor Deveaux

Councillor Deveaux said he would request that a letter be written to the Department of Transportation requesting a crosswalk on the Shore Road across from the Catholic Church.

One on the Cow Bay Road across from the Anglican Church.

One on the Cow Bay Road across from the Baptist Church.

Relocating of a crosswalk at Autoport.

It was moved by Councillor Deveaux, seconded by Councillor

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF
TRANSPORTATION"

MOTION CARRIED

CN Right of Way - Councillor Rankin

Councillor Rankin requested a letter be sent to the Minister of Natural Resources with regards to the abandonment of the CN right of way from Halifax to Chester. That council support, in principle, the representations made by both the St. Margarets Organization Road to Trails as well as the council to ask for the province to acquire the right of way for the purpose of passive recreation and to that end to discuss policy approach to its general use and that council request that the Minister meet with representation from councillors of the affected area; Meade, Fralick and Rankin, along with St. Margarets Road to Trails along with the affected MLA's Bruce Holland and Jim Barkhouse, in January, to expedite this project.

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

"THAT THE LETTER, AS OUTLINED, BE WRITTEN TO THE
MINISTER OF NATURAL RESOURCES"

MOTION CARRIED

URGENT AGENDA ITEMS

Ultramar - Councillor Deveaux

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

'THAT A LETTER BE WRITTEN TO THE PROVINCIAL GOVERNMENT
INDICATING THAT IF ULTRAMAR CANNOT BE CONVINCED TO ACT
IN GOOD FAITH AND NEGOTIATE TO SELL ALL ASSETS OF THEIR
EASTERN PASSAGE PLANT, INCLUDING THE TANKS AND WHARF,
OR CONTINUE TO OPERATE THE PLANT THAT THE PROVINCE
TAKE STEPS TO EXPROPRIATE THEIR ASSETS AND SELL TO A
PERSPECTIVE BUYER WHO IS WILLING TO CONTINUE OPERATING
THE PLANT AND KEEP THE EMPLOYEES WORKING AT NO
FINANCIAL LOSS TO THE TAXPAYER"

MOTION CARRIED

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

'THAT COUNCIL SUPPORT THE UNION IN THEIR EFFORTS TO
BOYCOTT ULTRAMAR PRODUCTS"

MOTION DEFEATED

911 Mapping - Councillor Peters

Councillor Peters said that she has discovered that under the agreement the Municipality had when it helped put the 911 mapping in place it was supposed to get copies of those maps for municipal use. Mr. Turpin has been requesting those maps and he can't get them.

It was moved by Councillor Peters, seconded by Councillor Giffin:

"THAT A LETTER BE WRITTEN REQUESTING MT&T SEND A COPY OF ALL THESE MAPS AND THAT THEY BE TURNED OVER TO THE COUNTY FOR MUNICIPAL USE AS PER AGREEMENT AND FURTHER THAT THIS BE DONE ON AN URGENT BASIS BECAUSE IT IS GOING TO AFFECT THE WORK OF THE FIRE DEPARTMENT'S IN COORDINATING EMERGENCY MEASURES AND HOW IT WORKS"

MOTION CARRIED

Councillor Peters said there is going to be a public hearing on December 16, 1994 with regards to CN rail. She said it is with regards to CP takeover. She said she feels that Halifax County should have representation at the meeting.

ADDITION OF ITEMS TO JANUARY 3, 1995

Non County Owned Recreation Facilities - Councillor Hendsbee
Department of Education - Councillor Giffin

ADJOURNMENT

It was moved by Councillor Meade:

'THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

December 12, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Bates
Councillor Hendsbee
Councillor Levy
Councillor Dooks
Councillor Smiley
Councillor Reid
Councillor Naugle
Councillor Brill
Councillor Giffin
Councillor Hache
Councillor Scratch
Councillor Harvey
Councillor Sutherland
Councillor Turner
Councillor McInroy
Deputy Mayor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Nancy Dempsey Crossman, Municipal Clerk
Fred Crooks, Municipal Solicitor

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The meeting was called to order at 6:00 p.m. with the Lord's
Prayer. Ms. Dempsey Crossman called roll.

ADOPTION OF PROPOSED MUNICIPAL PLANNING STRATEGY AND LAND USE BY-
LAW FOR PLANNING DISTRICT 4

Ms. Maureen Ryan made the staff presentation. She outlined the geographical boundaries of Planning District 4. She said the plan area is very diverse. It has approximately thirteen communities all of which have special interests and all of which want it to be reflected in the MPS. She said there is Goodwood, Hatchet Lake, Brookside, White's Lake over to Terrence Bay and Lower Prospect into Shad Bay, Bayside, Blind Bay, McGrath's Cove, East Dover and West Dover and the Pospect Bay and Prospect Village Area.

She showed slides of the plan area to council to give them an impression of what is being dealt with at this meeting with regards to the plan. She said the Goodwood community contains a linear form of development. She said this pattern of

development is prevalent in Hatchet Lake and also in other portions of this particular plan area. One of the most noteworthy features about development within Hatchet Lake and Goodwood is the fact that it is interspersed with a great deal of home business development. She said the cottage industry is very prevalent in this particular area. She said there is a lot of home business development occurring within a side yard or an accessory garage and the MPS and Land Use By-law is designed to facilitate this particular activity in the future. Also within this area, you see a great deal of development operated independently from a particular lot.

She said within the White's Lake area commercial development tends to be concentrated at the intersection of Terrence Bay Road with that of Highway 333. In this particular area and Brookside, development is comprised primarily of residential development. In the White's Lake area it is primarily linear but there are signs of development within the backlands of that area.

She said one of the issues this has brought about is the clearing of land far in advance of any development activity. She said staff is seeing a great deal of activity with regards to subdivision of land which impacts on storm water runoff and siltation. She said it is a very cohesive community which is supported by a fire hall, elementary school, and ball park. Development within this area is spread out along the main highway coming into the Terrence Bay area.

She said Prospect is a coastal village which at one point in time supported a high density form of development. It has been in existence since the mid 1800's and it's land formation shows a great deal of past subdivision. She said development within this area is fairly dense. She said there are houses situated on one thousand square foot lots up to the average lot size being approximately 6,000 square feet. She said the lots are serviced by private lanes. Fishing is very prevalent within both communities. She said the development pattern of Prospect Bay is somewhat linear. Since the 1950's the backlands have been opened up for suburban style residential development.

She said Shad Bay also has a linear form of development hovering along highway 333. In the backland area there is some development activity which hosted the Alderwood Acres Subdivision. She said development within Bayside also hovers along the coast. She said there are two primary roads which have opened up the Eastern side of the peninsula for the development of a community which has been in existence since the mid 1800's.

She said the Blind Bay community is very rural in nature and there is a high desire among the residents to maintain a natural form of development. There are only thirteen dwellings in this area at present and they wish to see the maintenance of a very low density residential land use. She said McGrath's Cove has some private road development which has opened up the backland

areas. She said development in East Dover is hovered along a very narrow winding road system over difficult terrain and a great deal of care must be taken in terms of preserving that particular character of that community while allowing some form of development which will reflect the community views for that area. Fishing is also very prevalent in this area. One of the issues that was raised during the planning process was the conflict of aquaculture development with that of the traditional fishery within the McGrath's Cove and the East Dover area. She said there are very small coves and the needs for navigation for both recreational boaters and the traditional fishermen. She said there is no desire to see the continuation of aquaculture development within these two communities. In the zoning that is proposed for this area there is a high degree of cooperation between East Dover and McGrath's cove in that they have adopted the same designation and zoning for their area.

She said West Dover has many fish stages and wharves situated along it's coast line. She said there is a desire to provide for a variety of land uses. The density within this community is very high.

She said during the planning process a number of environmental concerns were raised with respect to on site sewage disposal, potable water supply, storm water management and solid waste disposal. The plan area is entirely serviced by an on site septic and well system and there is concern over the effects which malfunctioning on site septic systems may have on the value of ground water supply. In 1980 the Nova Scotia Department of Health conducted a survey that revealed that Goodwood and Brookside Road areas is at risk since portions of these communities have impervious clay underlay. Concern over septic system malfunction is also present in the coastal areas where bedrock is very close to the surface. Crucial to the preservation of the areas ground water resources is the proper maintenance of on site septic systems. In order to avoid ground water contamination the planning strategy requests council and senior government agencies to develop a public education and maintenance program for on site septic systems and to investigate the feasibility of upgrading antiquated septic systems and to identify areas of potential ground water contamination.

She said there is a growing concern over the need to protect water bodies through the proper management. In this regard the planning strategy supports the implementation of the Halifax County's Storm Water Policy and design criteria manual. It encourages the Department of Environment to enforce it's regulations respecting erosion control and sedimentation and it's regulations concerning water course alterations. It also encourages the Federal Department of Fisheries to continue to review development proposals which may impact on fish habitat. The planning strategy also prohibits the location of structures

within twenty five feet of water courses and encourages people to maintain the tree cover within that area. Residents are also concerned about the closure of Shad Bay as an area from which shellfish may be consumed in particular Environment Canada has closed this area in the past due to the quality of effluent coming from on site septic systems surrounding the Bay. Residents are also concerned that effluent discharge from the Timberlea Sewage Treatment plant into the Nine Mile River system may also contribute to this problem. The Department of the Environment is therefore encouraged to monitor water quality within this river. Halifax County in terms of solid waste management has now assumed responsibility to develop and operate a solid waste management facility on behalf of the metropolitan region. It is now undertaking a public consultation process to prepare and develop a solid waste management strategy through a community based stakeholder committee approach. This process is intended to achieve community consensus for all decisions concerning future development of a future solid waste management facility. Any member of the public can become a member of the stakeholder committee at any time. The planning strategy confirms council's commitment to make available all details related to the development of a solid waste management strategy and landfill to the general public.

On January 1, 1990 the Metropolitan Authority began charging fees for the disposal of construction debris at the regional sanitary landfill site in Upper Sackville. In response the business community has expressed a considerable amount of interest in developing construction debris sites throughout Halifax County Municipality. During the planning process it was recognized that there are no regulations in place to facilitate the proper handling and management of construction debris and such sites are not supported within the plan area until such regulations are put in place. In particular, the policies of this plan encourage council to establish municipal regulations for non hazardous construction debris sites. It also clarifies that council may consider amending the planning strategy to permit these sites, by development agreement, once these regulations have been developed.

In terms of transportation, the road network of Planning District 4 consists mainly of Highway #333 and the roads connecting to it. This includes Brookside Road, Terrence Bay Road, Prospect Bay Road, McGrath's Cove Road and East Dover Roads. Increasing traffic and the narrow winding nature of the existing highways have brought into focus concerns over safety. A number of problem areas include major intersections along Highway #333. It is anticipated that future road widening and realignment may be necessary to accommodate increase in traffic. She said the Department of Transportation and Communications is encouraged to consult with any affected communities before undertaking any necessary road improvements.

In terms of private roads, there has been a considerable amount of development within the plan area. Since 1985 the subdivision by-law required that new private road development meet the width alignment and grading specifications of the Department of Transportation. The planning strategies supports the continued development along private road systems provided that the future upgrading of private roads is not at the expense of the municipality. The municipality also supports reduced lot frontage for the subdivision of lands into two lots where either one or both of the lots do not meet the minimum requirements of the land use by-law. This exemption does not apply to industrial, commercial or institutional lands. The MPS also supports the creation of a maximum number of three lots on a minimum road frontage of twenty feet on any parcel of land which was in existence on the effective date of this MPS. Within the coastal areas there are numerous fish and boat sheds located along the shores which have been in existence for centuries. The rights to use these sheds have been handed down through generations but the land supporting these structures were never conveyed to the owner of the building. In order to facilitate the conveyance of these smaller lots, the planning strategy supports the creation of lots of an unrestricted area provided that the fish and/or boat shed is in existence prior to the adoption of this plan and the lot does not contain any on site septic disposal system.

In terms of community services, the plan area has approximately fifty acres of recreation land which has been acquired through the subdivision approval process. Approximately sixty two percent of it has been developed. The planning strategy supports the creation of a master plan in order to assess the needs for future recreation use and rationalize the disposition of the acquired recreation land or to develop a strategy for the acquisition of recreation lands in accordance with needs assessment. The plan also provides guidelines to the development officer in terms of the implementation of the parkland acquisition program. In this regard direction is provided for the establishment of parklands which provide linkage between community facilities and related land uses, to provide a variety of recreational opportunities and complement existing facilities.

With respect to education, the plan area is serviced by seven schools. Four of these schools are located within the plan area and the remaining three are located within the Municipal district 3. The control and management of these schools is the responsibility of Halifax County/Bedford District School Board. The process for selecting new school sites is jointly handled between the School Board and the Province. The Plan encourages the Board to closely monitor population growth and to provide a timely response to educational needs. The School Board is also encouraged to continue it's operation of community schools and provide an after hours daycare program for school age children.

One particular issue which arose during the planning process is the overcrowding situation which is being experienced at the Tantallon Junior High School. This school services Municipal districts 1, 2 and 3, part of district 18 and the West Dover and Middle Village areas of district 4. The school is now using portable classrooms and the overcrowding situation is expected to continue in accordance with subdivision development activities.

Some residents feel that this situation could be rectified by transferring the West Dover students into the district 4 school system at the Brookside Junior High School. This would however, separate the students from their fellow school mates at a very late stage in their education which could be very socially disruptive. Careful consideration must be devoted to this problem and the School Board is asked to explore potential solutions with the residents of West Dover and Middle Village.

In terms of fire and police protection, the Planning Strategy encourages the provision of adequate fire services by supporting fire prevention efforts undertaken by local fire stations, staffing practices to achieve a combination of paid and volunteer fire fighters and collaboration between the three existing fire stations. With respect to police and ambulance services, the Plan requires council to monitor the adequacy of the services as they are provided through the plan area.

She said there are a total of thirteen land use designations. They are very varied to reflect the diversity of communities that are within this plan area. She said the proposed Residential A designation generally applies to the Brookside and the Whites Lake communities. It supports only single unit dwellings, home business uses which are confined to three hundred square feet within a dwelling, all existing business uses which are in place and all existing dwellings. This restrictive zoning may be applied to any other residential designation throughout the plan area by rezoning. Within this designation two unit dwellings are also supported by rezoning. By Development Agreement; senior citizen housing, institutional uses except fraternal halls and centres and a shopping centre on the lands of Food City Limited which is located directly across from Stony Beach Road.

She said the proposed Residential B designation applies to the land within the Goodwood Hatchet Lake community, Shad Bay and Bayside areas and also along the highway 333 frontage lands in the East Dover and McGrath's Cove area. This designation is designed to support the cottage industry development while protecting the residential uses located within that area. It will permit single unit dwellings, craft shops and bed and breakfast outlets. It also supports home business uses up to one thousand square feet within the Hatchet Lake and Goodwood area and up to fifteen hundred square feet within the Bayside area. In this area resource uses, in particular forestry, aquaculture

and agriculture, are also supported. By rezoning, two unit dwellings may be permitted as well as basement apartments. It will permit institutional uses i.e schools, churches, fire stations by rezoning. The C-2 (general business) zone supports a variety of retail development activities up to a maximum area of ten percent of the lot by rezoning. Anything in excess of ten percent of the lot area may be considered by Development Agreement and through a public hearing process. Senior Citizen Housing, Fraternal Halls and Centres, commercial recreation uses, recycling depots, service stations, commercial entertainment uses, motels and larger scale aquaculture and fishery support uses may also be permitted.

There are a total of five Rural Residential designations which apply mainly to the costal communities. She said the Rural Residential A designation applies to the East Dover and McGrath's Cove communities. It is designed to support low density residential development in the form of single unit dwellings. It supports home business uses up to 500 square feet, bed and breakfast outlets, resource uses in the form of fishery and agriculture. It also supports open space uses. Within this area, you can also rezone to permit two unit dwellings, basement apartments, convenience store and daycare facilities. By Development Agreement, you can apply to develop senior citizen housing, institutional uses and larger scale fishery and agricultural uses. The proposed Residential B designation applies to the Prospect Bay and Prospect Village area. It supports single unit dwellings, home business uses, bed and breakfast outlets, resource uses and open space uses. It also supports two unit dwellings in an auxiliary dwelling unit; Convenience stores, daycare facilities by rezoning. Within this area you may also have a craft shop, restaurant or lounge in the Bay Landing Club to the East of the Pinedale Park Subdivision. Light Industrial uses may also be considered on these lands by way of Development Agreement and through a special contract. She said the municipality would have the opportunity to control any of the land use elements through a public hearing process. Senior Citizen Housing, Institutional Uses and larger scale fisheries support and aquacultural support uses as well as marinas are supported within this area.

The proposed Rural Residential C designation applies to the Blind Bay area. It is designed only to permit single unit dwellings and basement apartments, home business uses up to 300 square feet, agricultural uses, open space uses. It will only permit Senior Citizen Housing and Institutional uses by way of Development Agreement.

The Rural Residential D designation applies to the West Dover area. It is designed to permit all types of residential development except multiple unit dwellings. It will permit home business uses up to one thousand square feet. It will permit

tourist related facilities such as craft shops, bed and breakfast outlets, day camps, community centres, open space uses, resource uses and convenience stores. By way of rezoning, in this area, you may develop a restaurant or daycare. By Development Agreement, service stations, motels, tourist cottages, commercial entertainment uses, fish processing plants and larger scale fishery and aquacultural uses, marinas and extractive facilities. Within this area, small scale commercial and light industrial uses, up to 2000 square feet, may be permitted.

The Rural Residential E designation applies to the Bayside area. It permits single unit dwellings, home business uses up to 1500 square feet, institutional uses and resource uses. It will permit, by rezoning, convenience stores and craft shops. It will permit, by development agreement, motels and restaurants, commercial recreation uses and senior citizen housing and large scale fishery and aquacultural uses.

The Mixed Use designation applies to the Terrence Bay area. This designation permits single unit dwellings, two unit dwellings, auxiliary dwelling units, home business uses up to 1750 square feet, open space uses, tourist related uses as of right. By rezoning, this area will permit mobile homes on individual lots and by Development Agreement, mobile home parks may be considered as well as small scale commercial and light industrial uses up to 2000 square feet, fish processing plants, larger scale fishery and aquaculture support uses, senior citizen housing, institutional uses and commercial recreation uses.

The Islands designation is applied to the privately owned island located off the coast of planning district 4. The intent of this designation is to preserve the island and to prevent traffic and service demand impacts on the coastal communities which are used to access these particular islands. She said only single unit dwellings, on three acre lots, are supported as well as any existing use of the island and aids to marine navigation.

The Conservation designation applies to all of the Crown Land holdings within planning district 4. This designation is intended to preserve these lands for wilderness creation and for open space uses. It does recognize that at times these lands may be acquired by way of a Crown Land trade and, in that regard, the MPS provides support for rezoning to the nearest resource or residential zoning which is located nearest the subject parcel of land. She said it will also allow for the rezoning of these lands for special facilities like educational uses, police and fire stations and community halls and centres.

She said the Resource designation will be applied to the backlands. This will permit single unit dwellings on eighty thousand square foot lots, home business uses up to 1500 square feet, resource uses, hunting and fishing lodges and recreation

uses. Extractive facilities and commercial recreation uses may be supported in that area.

The Parks designation applies to the Long Lake Provincial Park which is a five thousand acre provincial park. Four thousand acres of the park are located in planning district 4. This designation and zone simply permits provincial park uses.

She said there were a number of industrial uses identified throughout the planning process. She said all exiting businesses were identified in order to apply appropriate zoning when that particular business activity could not be supported by the base zone. She said the MPS will support the application of CDD's.

She said a request was submitted by Mr. John Mahar to have his lands redesignated and rezoned from Conservation to Resource in this MPS. She said it is recommended that council apply the Resource designation and zoning to this land as requested by the applicant.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked if the Conservation zone is compatible with the Provincial plans for that zone. Ms. Ryan confirmed that it was.

Councillor Giffin referenced a request by a Mr. Hage. Ms. Ryan said that that request was a little more substantial in nature than the proposed amendment for Mr. Mahar. Since the MPS was clearly intended not to apply a conservation designation to those land but over the lands of Mr. Hage the intention was to support existing businesses. There was a construction storage shed located on Mr. Hage's site and in that regard the PPC gave staff a land registry information system number to apply an I-3 (local service) zone to accommodate that construction storage facility and it was applied to the correct property. She said they now find out that it was applied to the wrong property but the existing use on that property was construction storage and it wasn't a commercial retail activity so there would have been no reason for the PPC to apply a C-2 zone to that property. She said there is no support within the current planning strategy to apply the C-2 zone along the Prospect Peninsula in the future. She said Mr. Hage would need a more substantial amendment to the MPS that it currently supports.

SPEAKERS IN FAVOUR

Mr. Shalom Mandaville, Soil and Water Conservation Society, spoke in favour of the application. He made a slide presentation to council on a study of the Lakes in the proposed planning area.

Councillor Sutherland asked if Mr. Mandaville felt there are

protections in the plan the would support the safety of the lakes and water quality. Mr. Mandaville said he felt there was not.

Councillor Mitchell asked when the study was done. Mr. Mandaville said he had taken samples from the lakes over the last number of weeks.

SPEAKERS IN OPPOSITION

Mr. John Mahar spoke in opposition. He said he would like to know the reason for bringing in this rezoning at the present time when within a year the whole district is going to be changed and what zoning would be made in this particular instance may not apply or be in agreement with the overall strategy of a super city.

DECISION OF COUNCIL

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

'THAT COUNCIL APPROVE ALTERNATIVE 2 WHICH WOULD INCORPORATE THAT THE MUNICIPAL PLANNING STRATEGY FOR DISTRICT 4 BE ADOPTED WITH THE AMENDMENT TO GENERALIZE FUTURE LAND USE MAP TO REDESIGNATE THE LANDS OF JOHN MAHAR FROM CONSERVATION TO RESOURCE"

MOTION CARRIED

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

"THAT COUNCIL ADOPT THE PROPOSED LAND USE BY-LAW FOR PLANNING DISTRICT 4 WITH AN AMENDMENT TO THE ZONING SCHEDULES TO REZONE THE LANDS OF JOHN MAHAR FROM P-3 (CONSERVATION) TO R-E (RESOURCE) ZONE"

MOTION CARRIED

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

'THAT COUNCIL APPROVE THE ADOPTION OF THE SUBDIVISION BY-LAW TO IMPLEMENT THE PROVISIONS OF THE PLANNING STRATEGY"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

PUBLIC HEARING

11

DECEMBER 12, 1994

MOTION CARRIED

PUBLIC HEARING

December 19, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Bates
Councillor Hendsbee
Councillor Levy
Councillor Naugle
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor Hache
Councillor Harvey
Councillor Sutherland
Councillor McInroy
Deputy Mayor Cooper

ALSO PRESENT: Nancy Dempsey Crossman, Municipal Clerk
Fred Crooks, Municipal Solicitor
Julia Horncastle, Recording Secretary

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The meeting was called to order at 6:00 p.m.

Mayor Ball outlined the procedure followed for a public hearing.

RA-EPCB-04-94-06 - APPLICATION BY GERALD CONROD TO REZONE THE
PROPERTY AT 2156 SHORE ROAD, EASTERN PASSAGE, FROM R-1 (SINGLE
UNIT DWELLING) ZONE TO R-6 (RURAL RESIDENTIAL) ZONE IN ORDER TO
PERMIT A MOBILE HOME

Mr. Kurt Pyle made the staff presentation. He said the subject property was created in 1992 when the estate of Lester Conrod was probated. Under Subsection 102 of the Planning Act, a division of land may occur by means of a will and the resulting lot or lots do not have to meet municipal requirements. The subject property is such a lot. It does not meet the by-laws requirement for a minimum lot area. At the time of the subdivision there was an existing dwelling on the property which was demolished by Mr. Conrod and replaced with a mobile home. Mr. Conrod only became aware that the mobile home was not a permitted use when he attempted to apply for a building permit. He proceeded to show slides of the subject property for the information of council.

He said under the MPS for Eastern Passage/Cow Bay this property is situated within an unserviced portion of the Urban Residential

designation. It is zoned R-1 which permits single unit dwellings, open space uses, limited daycare facilities and home business uses in association with the permitted dwelling. Within the Urban Residential designation, Rural Residential uses such as mobile homes are recognized under the Land Use By-law through the establishment of the R-6 (Rural Residential) zone. The R-6 zone can only be applied to Rural Residential uses that existed prior to the adoption of the Plan; therefore, the application of the R-6 zone to the subject site, regardless of it's impact on the surrounding properties, would be contrary to the Planning Strategy. On June 20, 1994 the Federal, Provincial and Municipal Governments entered into a cost sharing agreement to provide services further along Shore Road which would pass by the applicants property. Within in the serviced portions of the Urban Residential designation existing mobile homes like existing mobile homes in the unserviced portion are also recognized. He said they have been recognized through the R-3 zone but like the R-6 zone the R-3 zone cannot be applied to any additional properties.

He said it should be noted that under the previous planning strategy council could consider new mobile homes in the serviced portion of the Urban Residential designation by rezoning. He said the application of the R-6 zone to this property would not negatively impact upon the surrounding residential properties; however, under the Urban Residential designation the R-6 zone cannot be applied to additional properties. He said staff are recommending rejection of this application.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked if that area would have to be rezoned when sewer and water is installed. Mr. Pyle said the R-6 zone would stay.

Councillor Fralick asked how long the mobile home been in place. Mr. Pyle said to his knowledge it has been there since November, 1993.

Mayor Ball asked if there had been an exiting dwelling on the property before the trailer was placed there. Mr. Pyle confirmed that a dwelling had been on the property.

Councillor Hendsbee said it does not seem to be incompatible to the area and it is just because the planning zone would not permit a mobile home in that area. Mr. Pyle said it is not incompatible but; unfortunately, the Plan doesn't have the policy support to actually apply the R-6 zone to the property.

Councillor Hendsbee asked if there were any other zoning requirements that would permit that property. Mr. Pyle said only R-6.

Councillor Deveaux said even though it would be contrary to the plan there is nothing that says council can't approve it. Mr. Pyle said council can actually recommend the R-6 zone if they wish.

Councillor Mitchell asked if there was another mobile home in the area. Mr. Pyle said there are two other mobile homes in the immediate area and they have an R-6 zone applied to them because they existed prior to the Plan came into effect.

Councillor Mitchell said that the trailer is situated in such a way that he would support it staying there.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE REZONING APPLICATION BE APPROVED"

Deputy Mayor Cooper said he feels it is a situation where council is being faced with an after the fact situation. He said if the procedures had been properly followed there would be no mobile home there. He said this plan was just recently put in place and the community in 1992 had looked at those properties and accommodating the mobiles that were there. He said council is now being asked to go against what the community had put in their plan.

Councillor Deveaux said that he can assure council the Mr. Conrod had no idea he was breaking any rules and regulations. He said he would hope council would approve this application. He said there are other mobiles in the immediate area and neither he or Councillor Naugle have received any complaints about the issue.

Councillor Rankin said he is satisfied that the applicant did not have the understanding of the process. He said he feels the public interest would be best served by approving this application.

MOTION CARRIED

RA-TLB-15-94-02 - APPLICATION BY KEVIN AND ALANNA ROBB TO REZONE PROPERTY AT 136 ASHDALE CRESCENT, IN TIMBERLEA FROM R-1 (SINGLE

UNIT DWELLING) ZONE TO R-1A (AUXILIARY DWELLING UNIT) ZONE IN
ORDER TO PERMIT AN AUXILIARY DWELLING UNIT

Ms. Susan Corser presented the staff report. She said a building permit was applied for on June 28, 1994 to construct a new single unit dwelling on the property. On July 14th an application was received to rezone the property from R-1 to R-1A zone to permit an auxiliary dwelling in the basement for his mother. She said Mr. Robb's mother is partial owner of the property. An inspection conducted of the property in August, 1994 revealed that the completed second dwelling unit had been constructed in the basement and that both units were being occupied. The MPS for Timberlea/Lakeside/Beechville recognized the growing trend in the housing market to provide independent apartment units in single unit dwellings either at the time of construction or by conversion. The MPS included policies which allows council to consider auxiliary dwelling units by rezoning. In doing that council must consider the scale and appearance of the dwelling in the context of the surrounding area.

This is the first rezoning to an R-1A zone to be considered by council in the Ashdale Subdivision since provisions for auxiliary dwelling units were included in the MPS in 1992. The requested rezoning would provide for alternative housing accommodations supported by policy. The auxiliary dwelling unit is situated in the basement of the dwelling and from the exterior there is no evidence that a smaller second unit exists. She proceeded to show council slides of the property for their information.

She said the Land Use By-law requires three parking spaces for a dwelling with an auxiliary dwelling unit. When this proposal was originally presented to Municipal PAC the dimensions of the applicants driveway were such that he could not accommodate three spaces. Since that time the applicant has extended his driveway and now has sufficient area to accommodate three parking spaces. In preparing the staff report staff did conduct a review of the existing standards for residential parking spaces and, realizing that the current standard for parking space is intended to primarily deal with commercial larger scale residential developments, staff would therefore suggest some merit in revising the current size standard requirements for parking space as it applies in low density residential areas. She said comparison was done with the other municipalities and in Halifax and Dartmouth there is no minimum size applied to parking space where a residential development contains fewer than three units. In Bedford the minimum size of a residential parking space, in low density areas, is 9' x 18'. By reviewing the existing standards, in adjacent municipalities, it would indicate that Halifax County's requirements for the length of a residential parking space in a low density residential area is somewhat larger than necessary. It is the recommendation of staff; therefore, that the definition of a parking space be amended

where it would apply in a low density residential area. She said staff would recommend reducing it from 20 feet to 18 feet. She said the wording that would give effect to this amendment is attached to the staff report as Appendix B. She said should council consider such an amendment to other Land Use By-law's in Halifax County, staff would suggest that appropriate direction be given to staff.

She said with regards to Mr. Robb's application for the R-1A zone, council has to have regard for the community's concerns expressed towards the proliferation of auxiliary dwelling units within the plan area. She said it should be noted that this is only the second amendment application that has been received from Lakeside/Timberlea/Beechville plan areas since the provisions were introduced in 1992. She said an overview of other planning matters is attached as Appendix A of the staff report and there are no concerns identified.

She said an auxiliary dwelling unit, on the applicants property, in the view of staff would not be out of context with the surrounding neighbourhood. The proposal offers an opportunity to provide for alternative housing which is supported by policy and the Planning Strategy. With respect to the parking space, staff further recommend that a reduction in the minimum length requirements from 20 feet to 18 feet be approved. This reduction would not apply to commercial parking spaces nor would it apply to multiple unit dwellings.

Councillor Bates said if he is a resident of that area and everything has met all of the requirements will council have to approve each one. Ms. Corser said they would have to. She said the MPS said council would have to consider the R-1A zone subject to a number of things. She said each one would be looked at individually to see if it satisfies the criteria, if it fits in with the context of a certain area and also to give adjacent residents the opportunity to have input in each situation.

Councillor Harvey asked what is the difference between this zone and an R-2. Ms. Corser said the R-2 zone in Timberlea allows for the more conventional semi detached, side by side or a duplex where you would have two units of the same floor area. An auxiliary dwelling unit is intended to accommodate a smaller second unit that is not visible from the exterior. Some of the concerns they hear with respect to basement apartments is how they look. This is intended to accommodate a smaller unit but keep the appearance of the single unit dwelling neighbourhood.

Councillor Harvey asked if there was any requirement as to a degree of relationship or owners having to live in the building. Ms. Corser said not at this time.

Councillor McInroy said there is reference made with regard to

this being the only amendment, since 1992, to accommodate one of these units. He said in some areas of the county it is almost standard procedure to build that second unit and no one comes forward to rezone. He said the planning department is aware of these. He asked Ms. Corser if she was aware of any of these auxiliary dwelling units in Timberlea that have been put in without having gone through the formal procedure of applying. Ms. Corser said there are none being investigated at this time. She said to have a basement apartment in Sackville and Cole Harbour you would have to get an R-2 zone. She said Timberlea has tried to separate the auxiliary dwelling units and tried to accommodate them as opposed to an R-2 zone which would just give the potential to build a semi detached.

Councillor McInroy said that on R-1 lots in Cole Harbour the auxiliary units are being routinely constructed and they are illegal. He said he wanted to know if that was happening elsewhere because the planning department is aware of what is going on in Cole Harbour. Ms. Corser said that it probably is but, in terms of numbers, they don't know. She said Timberlea is giving people options to accommodate them when other areas have not done that at this time.

Councillor Brill asked why they had not gone to a Development Agreement in the Timberlea area rather than this process. Ms. Corser said this is what the community felt was the route they wanted to go, special zone with special requirements. She said the zone says the auxiliary dwelling unit cannot comprise more than forty percent of the total floor area which is keeping it smaller than the main unit. There can only be one door in the front of the building to maintain the appearance of a single unit dwelling. She said a zone was created but specific criteria was put in to try and address concerns.

SPEAKERS IN FAVOUR

Mr. Kevin Robb spoke in favour of the application. He said as a resident of the area he hopes he can alleviate any concerns with regards to his rezoning request. He said the MPS for this area allows for a certain number of these single family dwellings to be rezoned to R-1A and as a result sees nothing unreasonable in this request for a rezoning. He said the structure is not any different from the ones around it. The apartment only consists of 31 percent of the total floor area of the structure. He said only a portion of the basement actually occupies the apartment. He said he lives on the upper level and the property is co-owned with his mother. He said it would be in their best interests to maintain the property and keep it in good repair. He said for health reasons his mother is unable to live alone and this type of arrangement was the best result to help her and look after her. He said he would respectfully request council's support in this rezoning.

SPEAKERS IN OPPOSITION

No speakers in opposition.

Mayor Ball said for the record there were three letters submitted - One from Mr. Robb, one from Mr. Scott Nicholson and one from Pamela Kenny.

DECISION OF COUNCIL

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

'THAT COUNCIL APPROVE THE REZONING OF THE PROPERTY AT 136 ASHDALE CRESCENT, IN TIMBERLEA FROM R-1 TO R-1A ZONE IN ORDER TO PERMIT AN AUXILIARY DWELLING UNIT"

MOTION CARRIED

It was moved by Councillor Rankin, seconded by Councillor Hache:

"THAT COUNCIL APPROVE APPENDIX B"

MOTION CARRIED

ZA-F&S-12-94 - APPLICATION BY FRED FITZSIMMONS TO AMEND THE GENERAL PROVISIONS OF THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 REGARDING EXISTING MULTIPLE UNIT DWELLINGS

Ms. Susan Corser presented the staff report. She said the application was initiated by Mr. Fitzsimmons who is the owner of a property at 3678 Old Truro Highway in Lake Fletcher. She said the applicant purchased the property in 1987. It contained a three storey apartment building with four two bedroom units and one bachelor unit. After purchasing the property he made an application for a building permit to allow two additional two bedroom units to be constructed within the unfinished floor area on the upper floor. No enlargement to the building was proposed. The proposal conformed to the zoning provisions of By-law 24 which was the zoning by-law in effect at that time. However, a building permit could not be issued because the Department of Health was not satisfied that the existing on-site sewage disposal system could adequately handle the additional loading of two more apartments. The applicant subsequently had a new system designed and approved by the Board of Health in August, 1989. During the interim, a new Land Use By-law for 14 and 17 was adopted such that municipal permits could no longer be issued for Mr. Fitzsimmons proposal. It no longer conformed to the zoning. The new R-1B zone, which was placed on the property, did not permit multiple unit dwellings. Some provision was made for the existing multiple unit dwellings in the zone but no alterations were permitted which would result in an increase in the number of

dwelling units.

She said the applicant came to the planning department recently to see if the By-law provisions could be amended to accommodate this situation. In this plan area new multiple unit dwellings are generally not supported and this is due to past experiences with septic system failure and overall community concern towards density of housing and preservation of water quality. The MPS states that higher density development should be located in areas where water and sewer are available. The MPS does make a few exceptions. It says that new multiple unit dwellings may be considered by development agreement where private sewage treatment plants or oversized, on site disposal systems, were installed prior to the adoption of the MPS. It allows for residential care facilities with up to six bedrooms to be developed in most residential zones. Larger facilities of this type to be considered by development agreement. The MPS does not provide a specific direction as to the development rights given to existing multiple unit dwellings. The Land Use By-law allows for the buildings to be altered or replaced but says the number of units inside cannot increase. Given the overall objectives of the MPS a provision to allow the number of units to increase, within an existing multiple unit dwelling, does not appear contrary to the intent of the plan.

The amendments presented in Appendix A would allow for an increase in the number of units within an existing structure. The amendments would also clarify the development rights given to both existing two unit dwellings and multiple unit dwellings. No additions or enlargements to existing multiple unit dwellings would be permitted under the proposed amendment; however, the number of units within existing floor space could be increased. Two unit dwellings could be enlarged subject to the requirements of the R-1B zone. Staff have reviewed the Provincial Assessment records in order to determine how widely the revised provisions could be applied in the plan area. The records indicate there are twenty five existing multiple unit dwellings in district 14 and 17 and twenty one of these contain four or less units. She said they would feel that most of these buildings are relatively small with limited potential to add additional units internally. Given that the R-1B zone, which permits two unit dwellings, has already been applied to a majority of properties designated for residential development, the number of existing two unit dwellings which do not conform to this zone provision would not be expected to be significant.

She said although the plan generally does not support multiple unit dwellings it currently provides no specific direction with respect to the development rights afforded to existing situations. The provisions proposed in Appendix A would allow limited but reasonable opportunities in unique situations such as that favoured by the applicant and which staff feel would not be

contrary to the intent of the overall plan.

Deputy Mayor Cooper referenced the first page which says that property does not permit multiple unit dwellings although existing ones are recognized, no alteration is permitted to increase the number of units. He said information on page two seems to be contrary to what was said on the first page in that the number of units would be able to be increased.

Ms. Corser said at the present time it says you can enlarge the structure but you can't add more units. She what is present is a situation where the existing structure will not be enlarged but there is space inside where more units could be added. She said the applicant is not increasing the overall mass but just filling out the existing space. She said in staff's opinion as the plan does make some exceptions for multiple unit dwellings now, this would not be contrary to allow for the applicant to complete the unfinished space in the existing structure.

Deputy Mayor Cooper said R-1B says the applicant is not allowed to add any more units.

Ms. Corser said that is the purpose of this application and staff is suggesting an amendment to the R-1B zone that would allow the number of units within an existing multiple unit dwelling within the R-1B zone.

Deputy Mayor Cooper said the plan was written so that there would not be any more units. He said the concern was that the residents did not want a proliferation of units depending on the septic systems etc. and yet it is now going to be changed to permit increases in units throughout the whole area.

Ms. Corser said they are making provisions for existing. She said the plan says you can have new multiple unit dwellings but you can't enlarge exiting ones. She said staff feels this would clarify and provide some additional development rights to existing multiple unit dwellings. She said if the applicant was building something new he could come in and have that considered but because it is existing, he cannot.

Councillor Peters said the proponent came to her because he has a three level apartment use but the upper level is all studded and framed in but he cannot put any units in there because between 1987 and 1989 the MPS was passed and the rules were changed. She said through discussions with the proponent, staff and the PPC it was felt that the residents did not want the visual expansion of the facility enlarged. She said as long as you are not changing the structure physically you should be able to change what goes on inside. She said because the MPS was passed between 1987 and 1989, while the applicant was trying to get his septic system passed, she felt there was an injustice being done. She said the

applicant has a third floor that he cannot utilize in an apartment building on these existing provisions. She said the intent is that if council approves the amendment the physical shape of the existing building will not be changed but, by this provision, changes can be made to the inside.

Deputy Mayor Cooper asked if there was any limitation to the number of units that can be put inside the building.

Ms. Corser said there was not. She said they looked at the number of buildings that this potentially be applied to and the majority are small buildings. She said this is a unique situation in that the applicant has a full floor that is undeveloped.

SPEAKERS IN FAVOUR

Mr. Fred Fitzsimmons spoke in favour of the application. He said he purchased the property in 1987 and since that time has been trying to get this upper floor conditioned so that he can not expand on it but complete the existing structure that is there. He said it is approximately 60 x 30 which is 1800 square feet. He said there are studs in place, the ceiling is insulated, and all he needs to do is to gyproc, install the electrical, plumbing etc. He said at the present time it is a hardship to him because of the way the situation is. He said if it is passed by council, it would provide accommodation. He said you cannot build another apartment building in that particular area and his intention is just to complete what is in place. He said the building is not going to be changed on the outside just for completion on the inside. He said there will be two units in there. He said he had a new septic system devised that was passed by Section 39 in 1989 and the intention is not to do anything other than complete two new two bedroom apartments.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

It was moved by Councillor Peters, seconded by Councillor Rankin:

'THAT COUNCIL APPROVE THE APPLICATION BY FRED FITZSIMMONS TO AMEND THE GENERAL PROVISIONS OF THE LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 REGARDING EXISTING MULTIPLE UNIT DWELLINGS"

MOTION CARRIED

ZA-EPCB-13-94 - APPLICATION BY MERCHED (RICHARD) WASSOUF TO AMEND THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY TO PERMIT THE

OPERATION OF TAKE-OUT RESTAURANTS IN ASSOCIATION WITH CONVENIENCE STORES

Ms. Maureen Ryan presented the staff report. She said the applicant owns the property at 388 Cow Bay Road from which he now operates a variety store. She said he proposes to renovate the interior of this building to construct a 270 square foot take-out. The property is zoned C-1 which permits variety stores, food stores and single unit dwellings. Take out restaurants are not permitted within this zone and Mr. Wassouf needs an amendment to this zone in order to pursue his plans. The property is situated within the Urban Residential designation which constitutes the priority area for residential development. Local commercial uses which support the residential environment may be considered in future by development agreement; however, there are three C-1 zone properties in the Urban Residential designation which were in existence prior to the adoption of the Municipal Planning Strategy and Mr. Wassouf has one of them. In the opinion of staff the development of a 270 square foot takeout, on this particular site will not adversely effect surrounding development because the development will involve interior alterations and will not effect the area visually. All parking can be accommodated on site and the property is situated on a major collector road, Cow Bay Road, which is designed to accommodate higher traffic volumes. The traffic generated by a small scale takeout will be negligible. He said the applicant will be required to supply five additional parking spaces.

Takeout restaurants provide a service of convenience which is very supportive of residential environments. Such takeouts however, should remain small to ensure that they do not become a nuisance to the surrounding area in terms of traffic generation. Staff recommend that the Land Use By-law be amended to permit takeout restaurants, which are less than 300 square feet in size, in association with variety stores as outlined on Appendix A of the staff report.

She said the Land Use By-law requires five parking spaces for a takeout restaurant which is 300 square feet or less. Anything over that requires 16 parking spaces per 1000 square feet and that would be a higher traffic generating land uses.

Councillor Merrigan asked if there was anything with regards to health concerns that anything over 250 square feet requires different washroom requirements.

Ms. Ryan said the applicant will have to apply for a license to operate an eating establishment from the Board of Health. She said if you are over 800 square feet you have to have separate washroom facilities for your employees and public. Anything under that you can have a shared washroom facility. She said if the facility exceeds 250 square feet then they have to have a

washroom facility.

Councillor Deveaux asked if the applicant would have to apply for a license from the Board of Health.

Ms. Ryan said he would have to apply for a license for operating an eating establishment and he would have to comply with all of their requirements for keeping the facility in good sanitation and providing whatever washroom facilities are required in accordance with the regulations. She said what the applicant is doing here is putting forward a general amendment that would affect any particular property in that area.

Councillor Deveaux asked what would happen in the event that this would be approved and it does not meet the health requirements.

Ms. Ryan said the Board of Health does have the right to turn back an application. She said staff would look at this application strictly from the point of view of land use implications and the sanitary situation of the property is not something that planning staff would look into in terms of a rezoning or a Land Use By-law application.

Ms. Dempsey Crossman said there had been a petition signed by 28 individuals opposed to the application and 140 in favour of the application.

SPEAKERS IN FAVOUR

Mr. Stephen Russell spoke on behalf of the applicant. He said the applicant is the owner/occupier. He said the applicant has made a substantial investment in the business. He said in order to protect the investment and the best use of the property, the applicant feels that it is in his best interest to have the takeout inside the premises. He said it does not change the exterior but gives an opportunity.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT THE APPLICATION BY MERCHED WASSOUF TO AMEND THE LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY TO PERMIT THE OPERATION OF TAKEOUT RESTAURANTS IN ASSOCIATION WITH CONVENIENCE STORES BE REJECTED'

Councillor Naugle said he is in support of free enterprise but he

was approached by residents within the immediate area of the operation. He said the 28 residents against the application are in the immediate vicinity of the operation and of the 140 residents in favour on the application only 25 live in the vicinity of the application. He said he cannot support the application.

Councillor Merrigan said he does not like the idea of saying you can put, in conjunction with a variety store, a takeout restaurant.

Councillor Deveaux said he does not feel it would be beneficial at this time to another pizza distribution outlet in the community.

Councillor Sutherland said he was in support of the application. He said this applicant meets the parking space requirements and with such a small area assigned to the takeout he feels it would be compatible with the existing business.

Councillor Brill asked what the people were signing for on the petitions.

Ms. Dempsey Crossman said the petition for the 28 opposed says "we object to the application for a takeout restaurant at 388 Cow Bay Road - application No. ZA-EPCB-13-94 applied for by Merched Wassouf" and the petition for those in favour states the words "in support".

Councillor Bates said he sees no problem with the application. He said the parking space is there for the facility to operate. He said things are changing and these small businesses are having a hard time in these economic times. He said he does not see where this is going to cause problems for anyone. He said a person simply walks inside and orders a pizza and takes it home.

Councillor Fralick said he is in support of the application. He said the larger companies are moving in and as a result smaller companies are disappearing. He said he feels there should be some flexibility allowed with these smaller companies.

Councillor Deveaux said the applicant in question is in an area by himself. He said the applicant seems to be making a good living from the present business and what he wants to do, in his opinion, would intrude on two other pizza parlours in the community.

Councillor Merrigan asked how many potential takeout restaurants could there be within this planning district by this amendment.

Ms. Ryan there could probably be three.

MOTION DEFEATED

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

"THAT THE APPLICATION BE APPROVED"

MOTION CARRIED

DA-EPCB-11-94-06-A1 - APPLICATION BY ALL WEIGH SYSTEMS
INCORPORATED TO AMEND THE DEVELOPMENT AGREEMENT ON THE ATLANTIC
INDUSTRIES LIMITED PROPERTY IN EASTERN PASSAGE TO ALLOW FOR A
WEIGH SCALE MANUFACTURING OPERATION.

Ms. Maureen Ryan gave the staff presentation. She said the application concerns an amendment to a Development Agreement which municipal council entered into with Atlantic Industries in 1989. This Development Agreement allowed Atlantic Industries Limited to expand their pipe manufacturing operation on the Elkins Barracks lands in Eastern Passage. The subject property is located on the Western side of Ocean View School Road between the fire hall and Ocean View School. It currently supports a two storey building and warehouse which is situated at the entrance to the property. Atlantic Industries has now consolidated it's business activities at another location in New Brunswick. All Weigh Systems has now entered into a purchase and sale agreement with Atlantic Industries to utilize this site for the manufacture and repair of industrial weigh scales.

The current Development Agreement restricts the use of the property to pipe manufacturing and All Weigh, therefore, require an amendment to this agreement in order to pursue it's development proposal. The property is situated within the community facility designation of the Municipal Planning Strategy for Eastern Passage/Cow Bay. This designation is primarily intended to support community facility uses such as churches, schools and other supportive facilities. However, this designation supports industrial activities which were in place prior to the adoption of the MPS for that area. The property of Atlantic Industries was one of them. In order to accommodate any future expansion or change in use to this particular existing industrial operation, the plan specifies that they may only do so by way of a Development Agreement. In the opinion of staff All Weigh Systems proposal satisfy the criteria for a Development Agreement. She said it is very similar in nature to the former operation of Atlantic Industries. The main difference is that All Weigh Systems will not have as extensive outdoor storage as the former Atlantic Industries Operation did. The amending agreement attached to the staff report will allow All Weigh Systems to use the existing buildings and the property for the manufacture and repair of industrial weigh scales. Any future change in use expansion or changes to the site layout may only be authorized by council. It is therefore recommended that this

application be approved by Municipal council.

SPEAKERS IN FAVOUR

John Volieu, President, All Weigh Systems, spoke in favour of the application. He said he has resided in Halifax County for eighteen years. He said he has placed an offer to purchase the Atlantic Industries property with the purpose of manufacturing industrial weigh scales. He said what they manufacture are truck scales similar to what is being used at places such as transfer stations, landfills, quarry operations, mining, etc. He said they service and sell throughout Atlantic Canada. He said their type of operation would be less offensive than the previous operation in as much as Atlantic Industries consumed the majority of the property with storage of pipe and had a considerable amount of traffic. He said the only time, in their case, that they would have any traffic other than their own vehicles would be for the removal of completed scales. He said this would only happen once or twice a month. He said there would be a very limited amount of traffic. He said everything they do is done indoors. He said he does not feel that the operation would disturb anyone in the neighbourhood. He said they presently have five full time employees and approximately four part time. He said in their business plans they anticipate, within the next twelve to twenty four months, to be employing twelve to fourteen full time employees and four or five part time employees.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT COUNCIL APPROVE THE APPLICATION BY ALL WEIGH SYSTEMS INCORPORATED TO AMEND THE DEVELOPMENT AGREEMENT ON THE ATLANTIC INDUSTRIES LIMITED PROPERTY IN EASTERN PASSAGE TO ALLOW FOR A WEIGH SCALE MANUFACTURING OPERATION"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Meade:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED