



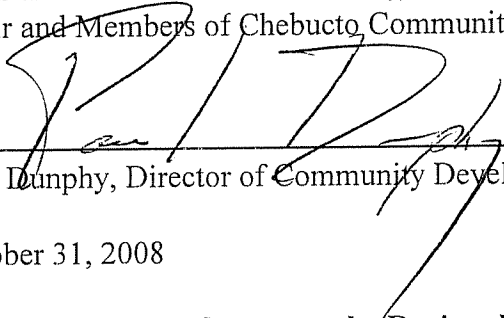
PO Box 1749
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11.1.1

Regional Planning Advisory Committee - November 19, 2008
Western Region Community Council - November 24, 2008
Chebucto Community Council - December 1, 2008

TO: Chair and Members of the Regional Planning Advisory Committee
Chair and Members of Western Region Community Council
Chair and Members of Chebucto Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: October 31, 2008

SUBJECT: **Case 01121: Amendments to the Regional MPS, Regional Subdivision By-law and the MPSs and LUBs for Timberlea/Lakeside/Beechville and Halifax**

ORIGIN

April 29, 2008, Regional Council Motion initiating the amendment process.

RECOMMENDATION

It is recommended that the Regional Plan Advisory Committee recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Regional Municipal Planning Strategy and Regional Subdivision By-law as provided in Attachments "A" and "B" of this report, and schedule a public hearing.
2. Recommend that Regional Council approve the proposed amendments to the Regional Municipal Planning Strategy Business/Industrial Park Sub-Designation, and Regional Subdivision By-law Service Requirement Map as described in Attachments "A" and "B" of this report.

RECOMMENDATIONS CONTINUED ON PAGE 2

It is recommended that Chebucto Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachment "C" of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law as provided in Attachment "C" of this report.

It is recommended that Western Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law as provided in Attachment "D" of this report, and schedule a Public Hearing.
2. Approve the proposed amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law as provided in Attachment "D" of this report.

EXECUTIVE SUMMARY

Over the past decade, steady growth has taken place in the Bayers Lake Industrial Park and the Beechville community. As development has taken place, it has become apparent that the planning, service and zoning boundaries of the former City of Halifax and the County of Halifax no longer reflect the community boundaries, the pattern of development or natural features of the area.

This proposal is to rationalize the various planning boundaries between Halifax and Timberlea / Lakeside / Beechville to:

- adjust the plan area boundary between the two communities;
- close the gap in the serviceable boundary;
- rezone the lands added to the Halifax MPS to the I-3 (General Industrial) Zone;
- include the rezoned I-3 lands within the Industrial Park Sub-designation under the Regional Plan; and
- rezone lands in the T/L/B plan area from the R-1 (Single Unit Dwelling) Zone to the CDD (Comprehensive Development District) Zone.

BACKGROUND

On November 15, 2007, a public information meeting was held for Case # 00793 where staff presented proposed amendments to the Timberlea / Lakeside / Beechville (T/L/B) MPS in connection with the issues surrounding the capacity of the Nine Mile River Sewage Treatment Plant. The amendments included a proposal to remove certain privately owned lands from the

unserviced portion of the T/L/B plan area and place those lands in the Halifax plan area. These lands would then be designated and zoned for industrial use consistent with the land use controls applied to the Bayers Lake Business Park.

Staff determined that the proposed amendments in this particular area required a more comprehensive planning process that should be undertaken separately from Case # 00793. The request before Council is to amend the planning, service and zoning boundaries in a manner that reinforces the established community boundaries, the pattern of commercial development and the natural features of the area.

DISCUSSION

Location and Designation: The subject lands have a total area of approximately 47 acres and are located entirely within the Timberlea / Lakeside / Beechville plan area. They are unserviced and represent a gap in the serviceable boundary between Halifax and Beechville. The lands are designated Urban Residential and zoned R-1 (Single Unit Dwelling) and CDD (Comprehensive Development District) under the T/L/B MPS and LUB (see Map 1).

Functional Plan: A key initiative that required consideration during the amendment process was the Business Parks Development Functional Plan (“Functional Plan”). The Functional Plan is comprised of two parts and is intended to provide strategic direction for the development and expansion of HRM business parks. Part I of the Functional Plan, which includes general recommendations regarding the Bayers Lake Business Park was approved in principle on September 23rd. This portion of the plan includes a specific statement recommending that the subject lands be added to the Halifax Mainland MPS and be included within the Bayers Lake Business Park boundary. Part II of the Functional Plan is expected to be presented to Council later this fall after further consultation with affected parties. It is not expected that the ongoing consultation will have any effect on the recommendations outlined in this report.

One of the main findings of the Functional Plan is that there is a shortage of well located and serviced industrial land within HRM. The lands to be added to the Halifax MPS are well positioned within Bayers Lake park as a suitable area for commercial and light industrial uses on the Halifax side of Halifax Harbour. Accordingly, the addition of these lands to the Regional MPS Business/Industrial Park Sub-Designation is consistent with the Functional Plan.

Service Area Boundary: The proposed amendment to the Regional Subdivision By-law Service Requirement Map would add an additional 47 acres to the urban service area boundary. A ridge line runs through the lands physically dividing them between the two communities. The lands proposed for industrial use naturally drain toward the sewer system in Bayers Lake Park and physically relate more to the business park than to the community of Beechville. Staff have reviewed this proposed expansion of the service area with regard to the capacity of municipal services and are satisfied that there is sufficient system capacity to accommodate these lands.

Traffic and Circulation: The lands to be designated for industrial use and placed within the Halifax plan area are best accessed via the local road network within the business park . The lands in Beechville will remain within the T/L/B plan area and be zoned for residential development. The public expressed concern during the public information meeting that the Bayers Lake Business Park not be permitted to expand into nor that traffic from the business park be allowed direct access to the Beechville community. The application of the CDD Zone to the lands within the T/L/B plan area will enable these concerns to be specifically addressed through the negotiation of a development agreement.

The Functional Plan identified traffic congestion at Lacewood Drive in the northern end of the Park as a major concern. To alleviate some of the traffic congestion at that location, the extension of Washmill Lake Court under Highway 102 has been identified as a key priority. Through the subdivision approval process, all future subdividers within the Park will be required to contribute to the cost of traffic improvements as enabled under the requirements of the *Municipal Government Act*.

Boundary Encroachments: Additionally, two planning district boundary “encroachments” (Attachment “C”) exist within the Bayers Lake Business Park. These encroachments relate to developed properties with existing commercial buildings that front on streets within the business park regulated by the Halifax Mainland LUB but have portions of their lands within the T/L/B plan area. These boundary encroachments present difficulty in the administration of the land use by-law due to the need to meet requirements of two different land use by-laws. To resolve this matter, the amendments contained in Attachment "C" include these encroachments in the Halifax plan area boundary and place them in the I-3 Zone.

Public Consultation

Regional Council adopted a public participation process that required staff to:

- review the minutes (Attachment “E”) of the public information meeting for Case 00793;
- consult with individual affected land owners to discuss the implications of the amendments; and
- review the results of the Business Park Functional Plan.

The Functional Plan recommends that HRM should not promote residential development adjacent to industrial land uses. In response to the public's concern that lands on the Beechville side of the proposed boundary be developed in a manner that reinforces the general residential character of the community, staff propose that these lands be rezoned Comprehensive Development District (CDD). The rezoning of the Beechville lands to CDD is consistent with previous proposals to develop a residential subdivision adjacent Lovett Lake. The future development would include measures to provide for adequate separation and buffer from the industrial land to reduce and mitigate potential land use compatibility issues related to noise, odour, safety, and traffic.

The results of the consultation process indicate support for the proposed amendments from residents Beechville, the affected land owners, and the stakeholders participating in the consultation of the Functional Plan. Should Regional Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

Conclusion

The request before Council represents a change in map boundaries only and requires no change to policy within the Regional Plan or Secondary Plans. The once rural/suburban character of the lands have become significantly more urban with ongoing growth of the Bayers Lake Business Park. The proposed boundary changes represent a comprehensive planning approach to regulate the development of an area that has undergone rapid change. Staff recommend that the proposed amendments, as follows, be approved.

1. Amendment to Schedule “B” of the Regional Subdivision By-law to include lands in the urban service area boundary;
2. Amendment to Map 2 of the Regional Plan to expand the Business/Industrial Park sub-designation;
3. Amendments to the MPSs for Halifax and T/L /B to re-align the plan area boundaries;
4. Rezone the land added to the Halifax MPS to the I-3 (General Industrial) Zone under the Halifax Mainland Land Use By-law; and
5. Rezone lands in the T/L/B MPS from R-1 (General Residential) to CDD (Comprehensive Development District) Zone under the T/L/B Land Use By-law.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

The following alternatives are identified in conjunction with this report for consideration by Regional Council:

1. Regional Council may choose to approve the amendments provided in Attachments “A”, “B”, “C” and “D” of this report. Staff recommend this alternative for the reasons outlined above.

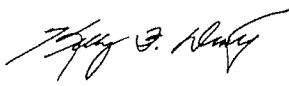
2. Regional Council may choose not to approve the amendments provided in Attachments "A", "B", "C" and "D" of this report.
3. Regional Council may choose to adopt certain amendments but not others outlined in this report or propose modifications to the proposed amendments in which case a supplemental staff report(s) may be required.
4. Council may choose not to adopt any of the proposed amendments.

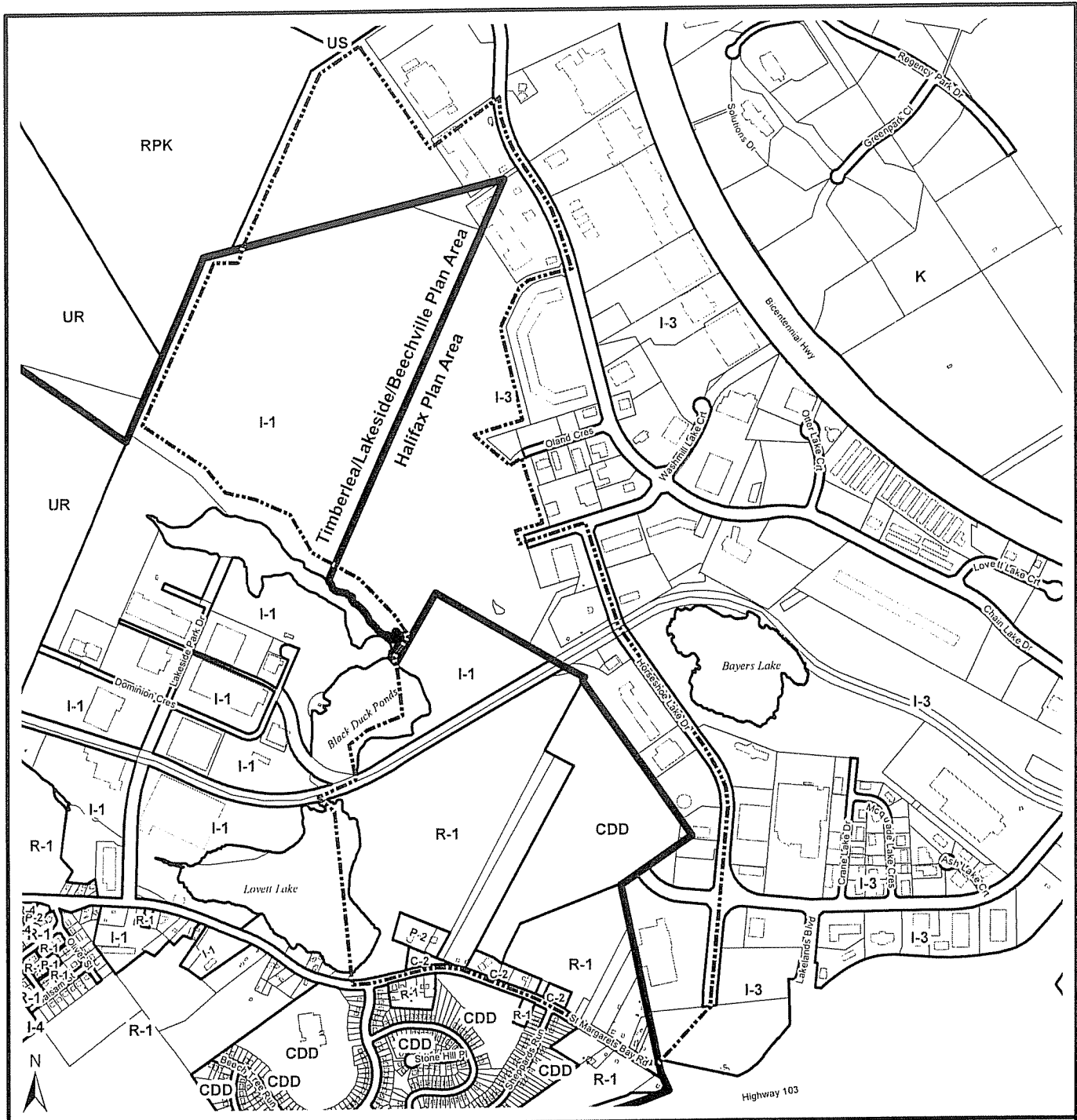
ATTACHMENTS

- Map 1 Location and Current Service Area Boundaries
- Attachment "A" Proposed Amendments to the Regional Subdivision By-law
- Attachment "B" Proposed Amendments to the Regional Municipal Planning Strategy
- Attachment "C" Proposed Amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-law
- Attachment "D" Proposed Amendments to the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law
- Attachment "E" Minutes from November 15, 2007, Case # 00793 Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Brian White, Planner I, 490-4793

Report Approved by: 
Kelly Denty, Acting Manager, Planning Services, 490-6011



Map 1 - Current Zoning

Bayers Lake Business Park
Halifax

Zone - Halifax Mainland LUB

- I-3 General Industrial
- K Schedule K
- US Urban Settlement
- UR Urban Reserve
- RPK Regional Park

Halifax Plan Area
Timberlea/Lakeside/Beechville Plan Area

Area of notification

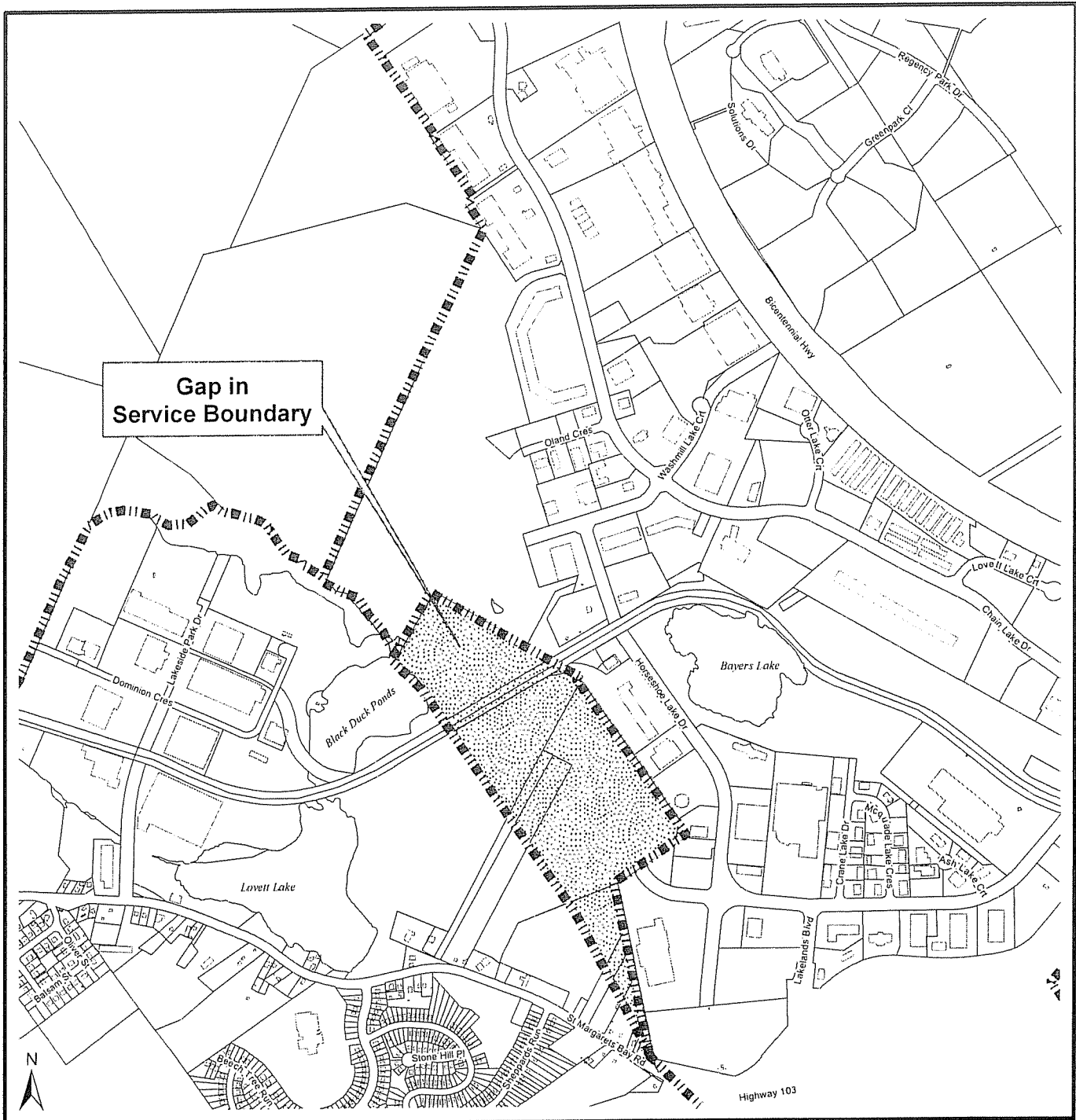
Zone - Timberlea/Lakeside/Beechville LUB

- R-1 Single Unit Dwelling
- R-4 Multi-Unit Dwelling
- C-2 General Business
- I-1 Light Industry
- I-4 Transmitter
- P-1 Open Space
- P-2 Community Facility
- CDD Comprehensive Development District
- UR Urban Reserve



This map is an unofficial reproduction of a portion of the Zoning Map for the plan areas indicated



HRM does not guarantee the accuracy of any representation on this plan



ATTACHMENT A

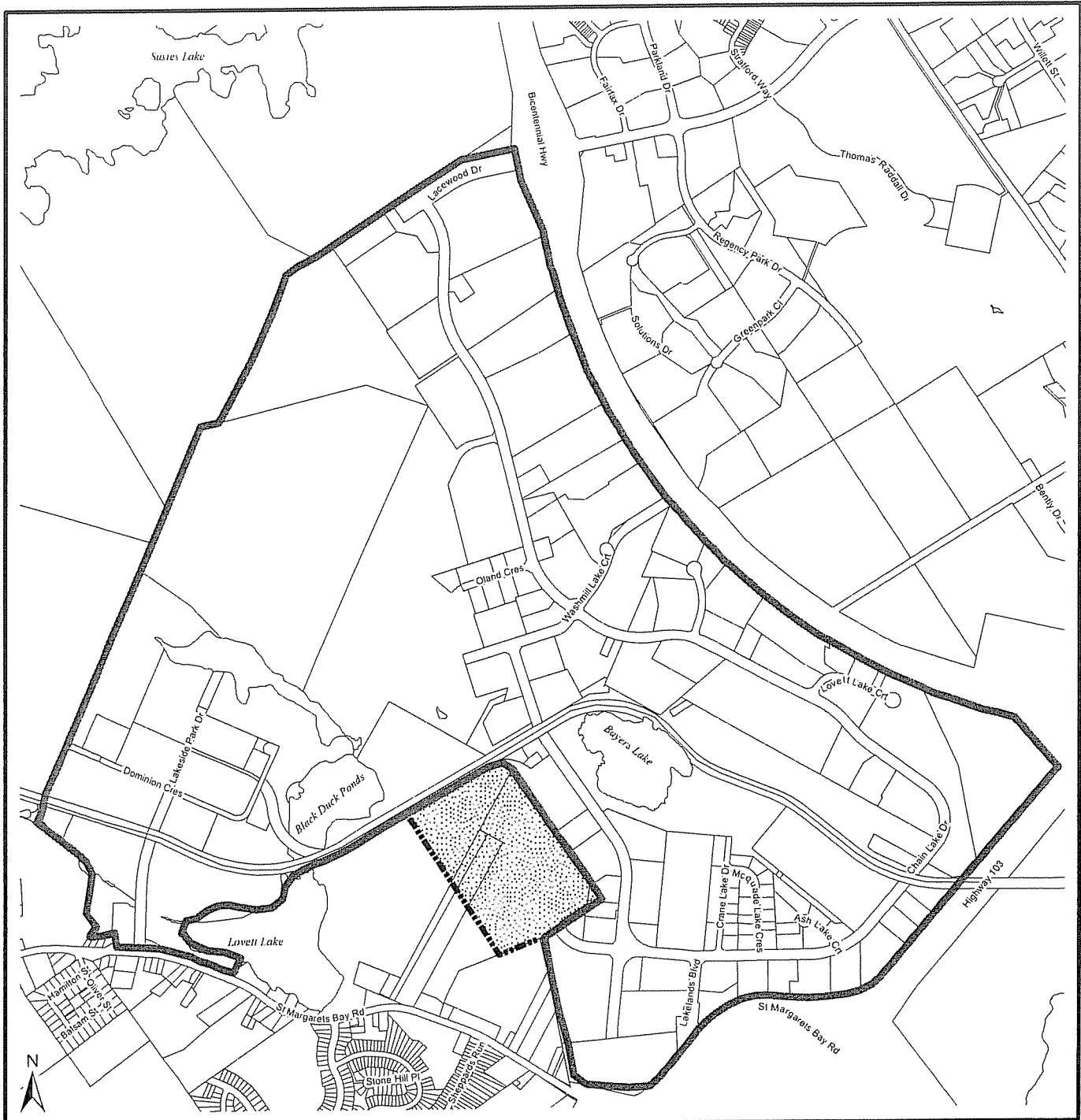
**Regional Subdivision By-Law: Proposed Amendments
Schedule B - Service Requirement Map**

Bayers Lake Business Park
Halifax

- 
 Area proposed to be included in the Urban Service Area under Schedule B of the Regional Subdivision By-Law (Service Requirement Map)
- 
 Current service boundary



HRM does not guarantee the accuracy of any representation on this plan



ATTACHMENT B

**Regional Plan: Proposed Amendments
Generalized Future Land Use Map**

Bayers Lake Business Park
Halifax



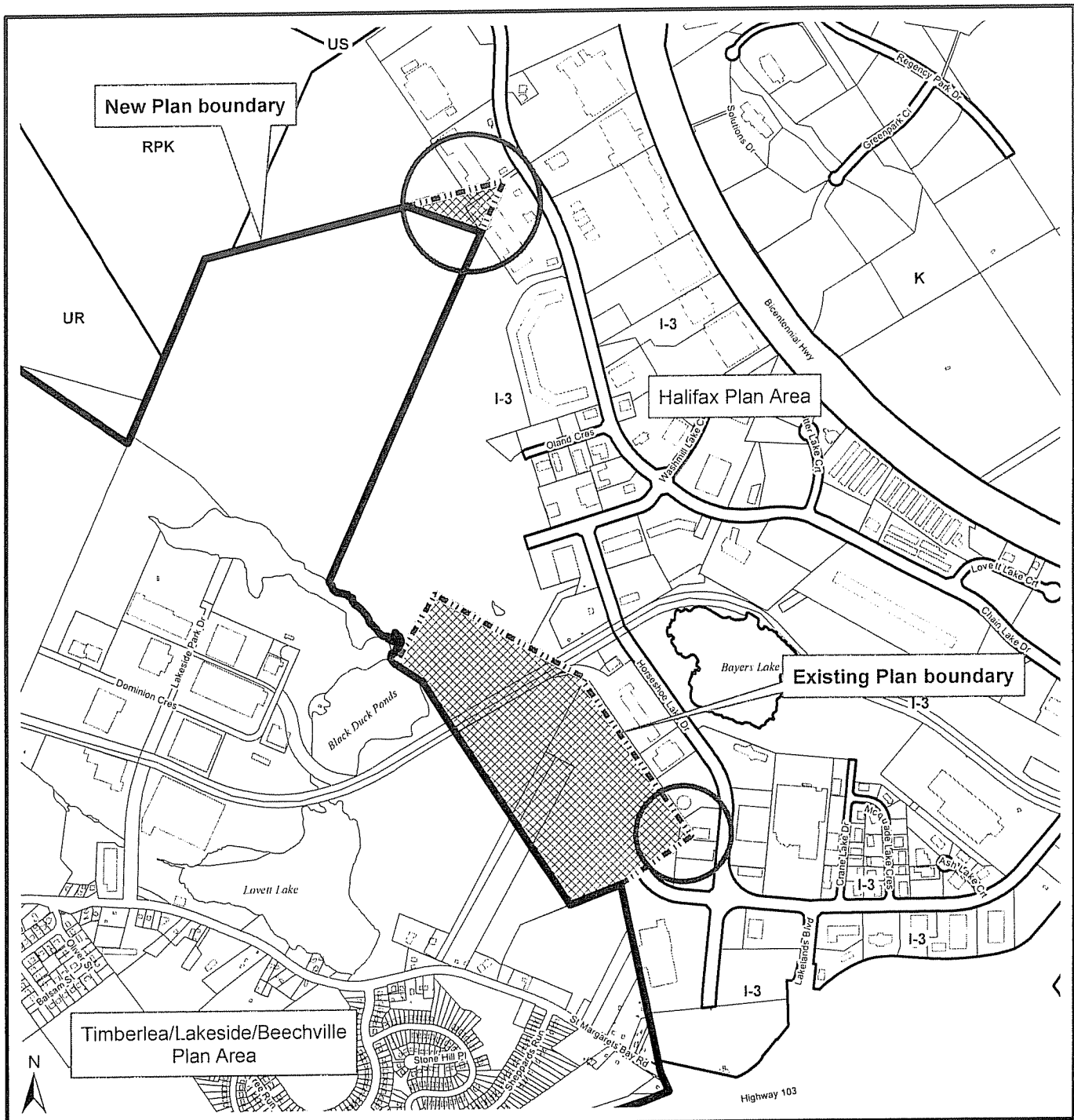
Industrial/Business Park Sub-designation



Area proposed to be included in the
Industrial Park Sub-designation in
Map 2 of the Regional Plan
(Generalized Future Land Use)



HRM does not guarantee the accuracy of
any representation on this plan



ATTACHMENT C

**Halifax Municipal Planning Strategy and
Halifax Mainland Land Use By-Law
Proposed Amendments**

Bayers Lake Business Park
Halifax

Halifax Plan Area
Halifax Mainland Land Use By-Law Area



Area proposed to be allocated to
Halifax Plan Area, designated Industrial,
and rezoned to I-3 (General Industrial)

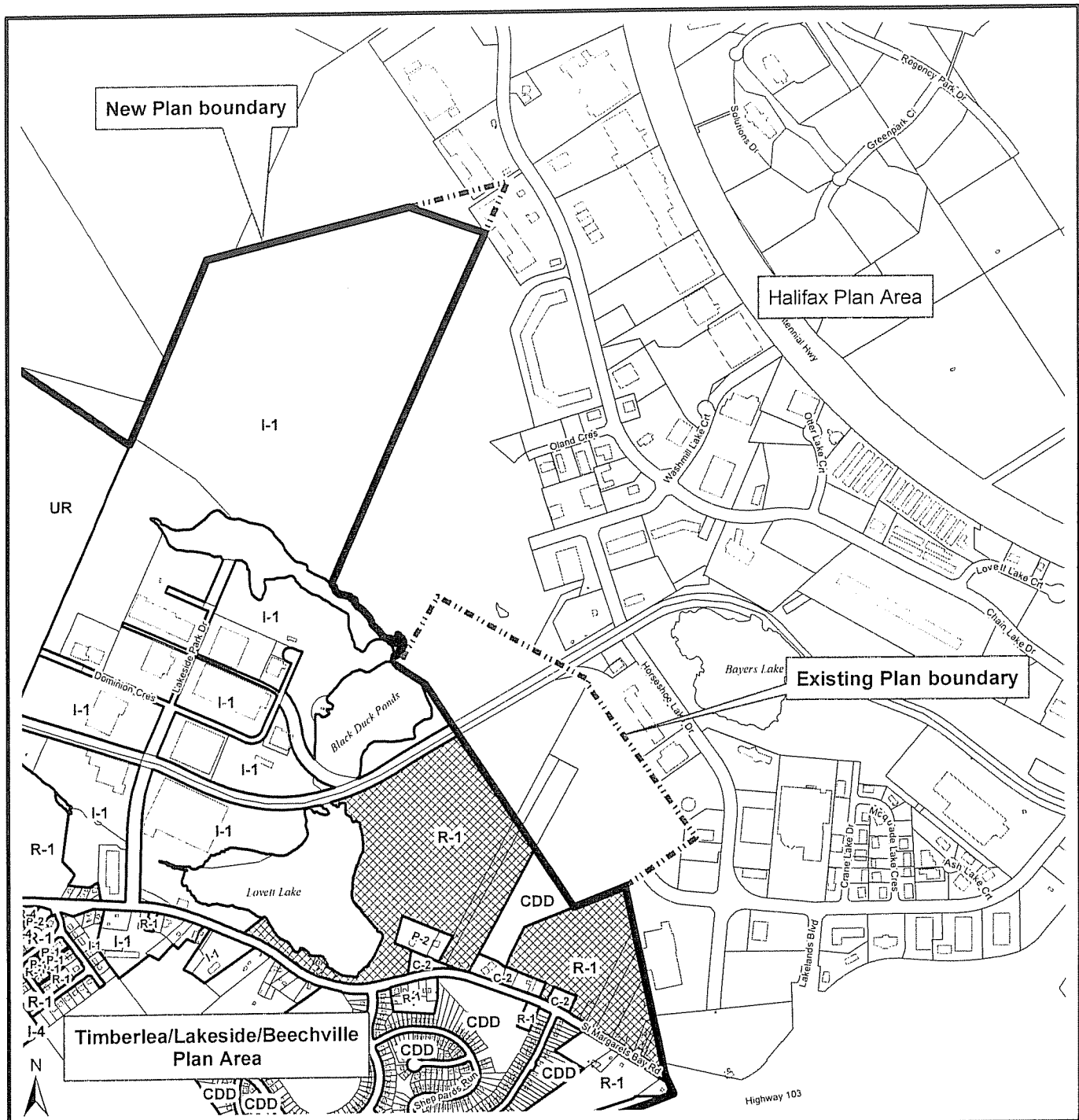


Area of plan boundary encroachment



This map is an unofficial reproduction of a
portion of the Zoning Map for the plan area
indicated

HRM does not guarantee the accuracy of
any representation on this plan



ATTACHMENT D

**Timberlea/Lakeside/Beechville
Municipal Planning Strategy and Land Use By-Law
Proposed Amendments**

Bayers Lake Business Park
Halifax

Timberlea/Lakeside/Beechville
Plan Area



Area proposed to be rezoned to CDD
(Comprehensive Development District)



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan

**Attachment "E" - Public Information Meeting
Case 00793
November 15, 2007**

In attendance: Councillor Rankin
Paul Morgan, Senior Planner
Kenda MacKenzie, Development Engineer
Brian White, Planner
Hilary Campbell, Planning Technician
Gail Harnish, Planning Services

Mr. Paul Morgan called the public meeting to order at the Beechville Lakeside Timberlea (P-2) School at approximately 7:00 p.m.

Mr. Morgan noted this is an information meeting to familiarize members of the public with some proposed amendments. No decisions will be made here. Regional Council will have to hold a public hearing before approving any amendments. We are here to talk about proposed amendments to the Service Boundary for Timberlea; lands that are eligible to receive Municipal sanitary sewer and water services.

Mr. Morgan advised there is a treatment plant on the Nine Mile River just off Riverview Drive. That plant was constructed back in the late 1970s or early 1980s. Shortly thereafter, a Service Boundary was established for the community of Timberlea/Lakeside/Beechville. The boundary included all the lands shown in red on the map (pointed out). He then pointed out the lands in Bayers Lake Park which are serviced by central water and sewer. Those lands go to a pumping station in Bayers Lake and are pumped up Main Avenue, and there is a series of pipes that will take the sewage to the new treatment plant being built in Halifax. All the lands in the community of Timberlea/Lakeside/Beechville are serviced by the treatment plant on Nine Mile River, which was designed to be upgraded in phases. It has been upgraded once, and currently services a population equivalent of about 10,000 people. It was intended to be upgraded when it was first designed to service all these lands and would eventually service a population of around 30,000 people. In the last number of years, some big development proposals came in. One was for a golf course community, known as Westgate, which was to include houses for about 8000 people. At the same time, we were looking at another subdivision with a population of about 10,000 people.

Mr. Morgan indicated staff was concerned about the treatment plant and whether it could accommodate these people. We did an assimilative capacity study to see if all the sewage could go into the River. The answer was no. The Department of the Environment (DOE) regulations changed considerably since the late 1970s. During the dry months, the Nine Mile River gets to be very low flow and DOE was not prepared to allow that new sewage to go into that small receiving water. We were committed to the development agreement to build Westgate so our Engineering staff retained CBCL as consultants to come up with solutions to try and meet our commitments.

Mr. Morgan advised we decided to take a portion of the lands from the Timberlea Service Boundary and take it back through a series of pumping stations and force mains and into Bayers Lake and to Main Avenue into the Halifax sewage treatment plant. The sewage from lands east of Parkdale Subdivision towards Halifax will go back to Halifax. That would leave enough capacity to service the remaining lands by the Nine Mile River sewage treatment plant. Council has reviewed this proposal and accepted it in principle. One thing that has changed is that water and sewer services are now under the jurisdiction of a regional water commission. It is now called Halifax Water, and it has jurisdiction over water and sewer.

Mr. Morgan indicated we were aware that because of various commitments made that it would be tight. There were also proposals to service Ragged Lake Business Park. There are pipes to take the sewage into the Bayers Lake Park to Halifax. We are looking at ways to make sure we can meet our commitments to property owners in the Service Boundary. One of the amendments being proposed tonight is to take certain lands out of the Service Boundary. There are certain lands (shown in green on the map) that will come out of the Service Boundary until we can confirm that the Municipality and Halifax Water can meet its commitments to service the lands. He pointed out four parcels of land owned by the Province and HRM which are being proposed to be removed from the Service Boundary. What that does is provide a better level of assurance that we can service this land. Those lands are entitled to receive water and sewer services but cannot be serviced because the Province has advised it is not prepared to extend central sewer and water services until we resolve our sewage treatment plant problem. DOE has said that if you had a vacant lot approved, they would honour the commitment to service it. If a subdivision application was in progress prior to DOE sending this letter, they also agreed to honour that commitment. However, they are not prepared to allow servicing on any other lands such as the golf course community, until the Municipality comes up with a solution. That status has not changed but our staff will be in discussions with the Province to see if they will lift that Order based on what is being proposed.

An individual questioned where the golf course community was planned for.

Mr. Morgan pointed out the area on the map, noting this posed a problem for them. There was enough capacity to allow them about 200 units. That was no good for them because they have to get their finances from the bank to build the golf course community and the only way they could do that was to develop the whole development. We have worked with them and he thought they are fairly satisfied at this point with the resolution we came up with.

An individual questioned what year it was decided the Province said HRM could not do anything more with the current sewage treatment plant.

Ms. MacKenzie advised 2004.

An individual said he was under the assumption they could receive services if they were in the Service Boundary.

Mr. Morgan responded our approvals are subject to performance approvals.

An individual commented he understood the new sewage treatment plant was up and running.

Ms. MacKenzie advised it would be in 2008.

Mr. Morgan clarified that even if it was in operation, there have to be pumping stations built and force mains put in. It is about a \$7,000,000 investment.

An individual questioned if the developers would pick up the cost for this.

Mr. Morgan responded no.

An individual noted there was talk about another development on the other side of Governors Lake outside the Service Boundary.

Mr. Morgan responded that is correct. Staff recommended that we not proceed with that project, as it would put too much strain on our water and sewer system. Council approved that recommendation.

An individual questioned whether that proposal would eventually be entertained.

Mr. Morgan responded the lands are designated as Urban Reserve under our Regional Plan which means we have not given up on it. At some point in the future, we might revisit it. Other areas have been identified as a high priority to be serviced.

Mr. Morgan pointed out lands owned by Anahid Investments which are now zoned CDD. They have requested that their lands be taken out of the Timberlea Service Boundary and put in the Halifax Boundary and to rezone them to Industrial the same as Bayers Lake. The lands would be serviced through the sewer and water system. There is logic to it. This boundary is a divide between watershed boundaries. It would be much easier to put the sewer system in so that it flows by gravity and takes the sewage to Halifax. Their lands do not extend to the road. In fact it would be very difficult to try and develop most of these lands with access to the St. Margarets Bay Road.

Referencing the map, Mr. Morgan advised we notified people in this area (pointed out) because we did not know if anybody else may want to go the same way. It did not seem unreasonable.

Mr. Alonzo Wright stated he was representing property owners of land in Beechville in the area of Highways 102, 103 and #3. They are looking to have their lands joined with this application and to have them rezoned to commercial.

Mr. Morgan commented that proposal does not follow the same theme. The common theme is to take lands out and then put them in the Halifax Service Boundary. This area is already in the Service Boundary so what they are asking for is a change in land use. Staff will look at the proposal.

Mr. Morgan advised Cresco owns the land beside Lovett Lake and they want to develop a residential subdivision. They ran into various problems with servicing these lands. They have certain lands outside the Service Boundary which they might want serviced as well. The request has been made and our staff has not taken any position on it yet.

Mr. Morgan, referencing the map, pointed out the St. Margarets Bay Road, Chain Lake Drive, and the Rona store which is under construction. They are proposing to put a cul de sac in and allowing various developments off of it.

Mr. Derek Cann, Lakeside, commented it is okay to say there is not an intent to come through to the Bay Road but there is the topography. The reason the sewer goes one way and then the other way is because there is a significant cropping there. Where is that line of topography? He could understand why you would want the Service Boundary to follow the natural boundary as long as it suits the land use designations, but the shape of this land by changing the Service Boundary and the lands to Industrial will lead towards developing industrial close to the road. Is there a strategy to industrialize or maintain it in the Residential Designation?

Mr. Morgan responded it was suggested by the representatives that it would be very difficult to access the lands from this way because of the steep slope and their property does not extend to the St. Margarets Bay Road. He had suggested why not take it to where the proposed boundary is and use these lands to meet some of the zoning requirements in the Industrial zone in terms of lot area, etc. They have had the discussions but no decisions have been made at this point. He originally had the same concerns.

Mr. Cann questioned whether he assumed the Service Boundary was there for a reason.

Mr. Morgan responded he looked at the topography and it looks like it follows the divides of the watersheds.

Mr. Cann commented he understood the logic in terms of joining the industrial to Bayers Lake Park and the Service Boundary, but it falls apart when he looked at the topography and felt it becomes an exit.

Mr. Morgan indicated he did not believe they would be allowed to put a road through by the Irving but he would have to check that.

Mr. Cann commented he remained concerned about industrial access to the Beechville area.

Mr. Morgan indicated he originally thought the application was just to the Boundary but they would like to take the industrial all the way down. No decision has been made at this point.

Mr. Cann noted the whole side of the road could become industrial, which would be a concern if you live on the other side of the road.

Mr. Morgan pointed out it also takes in pieces of land inside the Bayers Lake Park. They had to design the building with a nick in it to stay within the Industrial zoning and he understood they are going to send in a letter asking that their land be put in the Industrial Park as well.

Mr. Parkes questioned whether this piece of property was re-created.

Mr. Morgan responded this property has been in this shape for quite some time. At the time they reviewed the municipal planning strategy for Timberlea, the Armoyan Group requested that it be placed in the CDD zone which meant they would have to negotiate a development agreement.

Mr. Parkes asked if all the lands shown in red would be put in the Service Boundary as well.

Mr. Morgan responded he sent a letter to the property owners asking if they wanted the same treatment.

Mr. Parkes indicated he felt the whole block should be put into the Service Boundary and not just the property of one property owner.

An individual questioned why take the lands out of the Service Boundary when they are basically in a holding zone.

Mr. Morgan indicated the reason we are proposing to take them out is because we are not sure we have enough capacity to meet all our commitments. People would have paid more money for serviced land. It could be that we put the lands back in the Service Boundary at some point in the future if we can meet all our commitments.

Mr. Cann indicated the entire area to the right of Lovett Lake is a mixed use area. There is R-1 but also some commercial and some light industrial. Will we once again have a piece meal approach by putting industrial zoning on the land? Next to Lovett Lake, the topography permits a large road to be in there. If the strategy is to maintain a largely residential/commercial mix in the beginning of Beechville, the zoning should reflect that and not have industrial zoning in there.

An individual stated there would probably be more people in attendance if the proposal was more accurately reflected in the meeting notice.

Councillor Rankin said he supported Mr. Cann's comments and concerns. There was concern about the lack of sewer capacity in Timberlea. There would be a lot less use of sewage capacity for industrial development.

Councillor Rankin indicated the public does support allocation of public land and letting a park there. The Province and the Municipality are saying take that capacity out of the Service Boundary. It is a park for public use and that is good news. We are going to remove the potential demand from that 110 acres from the Service Boundary. With regard to the sewage capacity, we have to switch off Timberlea. Hopefully they will cooperate and anticipate that demand. There were less rigorous regulations in place when the Timberlea sewage treatment plant was built. Contractually, we are obligated. The longer the golf course community puts off their development, the better for us, to give us time to do the dry mains and other stuff. 110 acres in an urban area is not insignificant.

Councillor Rankin noted that with regard to the request by Anahid Investments, the orientation is to Bayers Lake Park rather than the St. Margarets Bay Road. That would be less of a draw on water and sewer services.

An individual referenced the comment about less draw on the water and sewer services, and indicated it would depend on the type of use. A movie theatre, for instance, would use more services than a residence.

Ms. MacKenzie agreed there is more use related to a movie theatre. Generally, the times the movie theatre lets out is off peak from the morning rush to get ready for work. Supper time is another peak time. When you look at the overall business park, it balances itself out. On one end you have a high peak, but when you look at Cosco there is less use. It depends on what uses are allowed in the Industrial area. Some would exceed the residential zone but the majority of it would be less.

Mr. Cann commented the zoning is typically more permissive in an industrial area. They could easily go to commercial.

Mr. Morgan said he would not be surprised if they developed as commercial.

Mr. Cann questioned why then they would ask for industrial zoning. He asked if they already heard from Cresco.

Mr. Morgan responded yes, noting they own the lands down to the lake. They did have a development agreement application with the Municipality at one point. He was in meetings all day and had not opened their correspondence until late today. They want a number of things.

Mr. Cann expressed concern they could have industrial development to the borders of Lovett Lake.

An individual suggested allowing their lands to be serviced but keep the residential zoning. There has been a lot of sensitivity in this community about commercial and industrial zoning. Also, he believed that was consistent with the strategy for the community.

Councillor Rankin indicated this application is taking a portion of land from the Timberlea Service Boundary and giving that orientation and functionality to Bayers Lake Park. Also, the road orientation will not be the St. Margarets Bay Road in Beechville.

Councillor Rankin commented the application is to give it to Bayers Lake Park and in effect allow the continued functionality of Bayers Lake Park for industrial. Staff are considering that. From a functionality purpose, it would work but from a Timberlea perspective it would not impact us in terms of the transportation system. It will be adjacent to the Bayers Lake Park. The other thing is that we are taking 110 acres out of the Service Boundary and will leave it as park. That is public lands.

Mr. Morgan commented Mr. Cann's main concern is that he would prefer it to remain residential. There has been a lot of sensitivity in this community about commercial and industrial zoning.

Councillor Rankin questioned whether they applied to have the Bayers Lake industrial zoning extended down to these lands. Mr. Morgan confirmed that is the request.

An individual commented he did not think people would mind as long as there is no access to the St. Margarets Bay Road.

Mr. Cann stated it is not just access. That use becomes a contradiction to the strategy for the community. It would not be an attractive thing directly across the street from Beechville Estates all the way to Lovett Lake. Industrial development should be kept away from the community.

Mr. Morgan clarified they are asking to have their lands put in the Service Boundary and rezone them from CDD to industrial like the Bayers Lake Business Park. The reservation Mr. Cann has relates to the piece that juts in (pointed out).

Councillor Rankin noted that portion does not allow them to have access to the St. Margarets Bay Road. The R-1 home owners could argue that having industrial zoning across the street from them is detrimental to their zoning.

Mr. Morgan commented his instinct was that letting all this land go to Industrial might not be supported by the community.

An individual questioned whether it was possible to give them water and sewer and give them industrial zoning above the red line but not below.

Mr. Morgan responded that is what he originally thought they wanted. He would ultimately make a recommendation to Regional Council.

An individual questioned what the time line is for the area shown in green.

Mr. Morgan responded it would remain outside the Service Boundary until the Municipality put it back in. It would depend. If we had the capacity, we could write a policy that the lands be put back in as long as we can meet all our other commitments.

Councillor Rankin noted Sobeys have land adjacent to the intersection. He would be surprised if they did not start construction in the next few months. He referenced the proposal by John Fiske for lands on the other side of Governor's Lake, which was rejected. He never heard anybody say anything against that development. It was an area identified for a master plan area but it did not pass. Other lands like Bedford West were given the approval to proceed. At the end of the day, Council did not agree with him. Staff said it was too challenging for road networks so it was put in an Urban Reserve Designation. Perhaps someday that land will come forward for development.

Mr. Morgan indicated the proposal was for a community of about 10,000 people. Staff thought it would overwhelm the transportation system. It was nothing against the landowner. The other problem is that the sewage would flow to the plant in Timberlea and there was no way we could do it. It is very difficult to get approval for any treatment plant on any fresh water body because it is too small.

Mr. Morgan summarized the potential on Provincial and Municipal lands would be put on hold so that we can meet our commitments to private landowners. We made a commitment to Anahid Investments during the Regional Plan discussions to look at this at the same time as the Service Boundary. We notified people but we only heard back from one.

The meeting adjourned at approximately 8:40 p.m.