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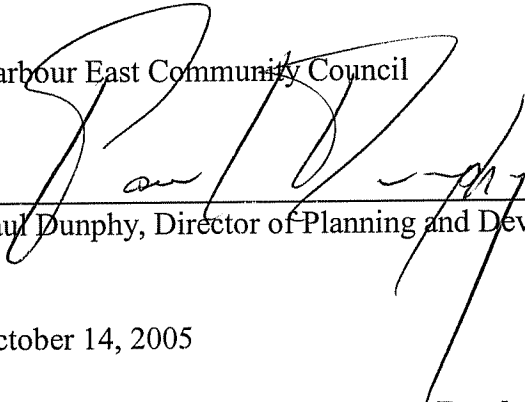


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
November 3, 2005

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services

DATE: October 14, 2005

SUBJECT: Case 00783: Rezone 30 Montague Road, Westphal

ORIGIN

Application by Terrain Group to rezone 30 Montague Road (PID#40719510) Westphal from C-4 (Commercial Highway) zone to R-1 (Single Unit Dwelling) zone to permit a single detached dwelling on the subject property.

RECOMMENDATION

It is recommended that Harbour East Community Council:

- 1. Give First Reading for rezoning of the subject lands and schedule a public hearing for December 1, 2005;**
- 2. Approve the rezoning of the subject lands from C-4 (Highway Commercial) Zone to R-1 (Single Unit Dwelling) Zone, as shown on Map 1.**

BACKGROUND:

Location, Designation and Zoning: The subject property is approximately 10,100 square feet and is located on the west side of Montague Road adjacent to Lake Loon near the intersection with Highway 7 (Map 1). The parcel is designated Highway Commercial in the Cole Harbour/Westphal Municipal Planning Strategy (MPS) and zoned C-4 (Highway Commercial)(Maps 1 and 2). The vacant site is configured irregularly with a frontage of approximately 160 feet and a depth at its narrowest point of approximately 59 feet. The site grades steeply from Montague Road towards Lake Loon.

Proposed Development: The applicant is requesting an amendment the Land Use by-Law to rezone the subject property to R-1 (Single Unit Dwelling) zone to construct a single detached dwelling (Attachment A).

Public Meeting and Notification: A public meeting was held on August 10, 2005. The minutes of this meeting are included as Attachment B. In addition, an advertisement was placed in the local newspaper notifying residents of the meeting. Should Council decide to hold a public hearing on this application the same method of notification will be utilized. The notification area is shown on Map 1.

DISCUSSION:

MPS Policy Analysis

Policy IM-6 of the Cole Harbour/Westphal MPS provides the authority for Council to consider the rezoning of this parcel from C-4 (Highway Commercial) zone to R-1 (Single Unit Dwelling) zone “for the purpose of providing for the development of similar uses on properties which abut one another” in an abutting designation (Attachment A). The designation abutting the subject property is Urban Residential which is developed predominantly with single detached housing (Map 2).

Evaluation Criteria

In considering amendments to the Land Use By-law, the Cole Harbour/Westphal MPS sets out evaluation criteria for Council to consider in an application to amend the Land Use By-law. The more pertinent criteria set out in Policy IM-11 are discussed as follows:

- Municipal water and sewer are available to the subject property.
- The stopping sight distance for driveway access to and from the property has been checked and deemed adequate by HRM’s Traffic Services.
- Rezoning the subject property to R-1 zone to construct a single detached dwelling satisfies the intent of the MPS policies for bulk and scale of development. The use will integrate well into the existing residential neighbourhood.

Lake Protection and the Dartmouth Lakes Advisory Board

On September 28, 2005 the application was presented to the Dartmouth Lakes Advisory Board for review. The applicant discussed plans for erosion and sedimentation control by way of a silt fence to guard against siltation events into the watercourse. At this time the applicant’s proposal received support from the Board with a request that the applicant be required to upgrade the sediment filters on an existing culvert that is located at the northern edge of the site to further enhance protection measures to the watercourse.

While this application has been based on evaluation criteria, there is no ability to apply a development agreement provision that could effectively require an upgrade of the culvert by the applicant. As a result, the Board has requested that the Municipality take the opportunity to upgrade the culvert during construction to achieve a higher level of protection for Lake Loon should the application be approved.

Other Considerations

The site's topography and the lack of site depth dictate that the building envelope is likely to situate on the full extent of buildable space between the front yard setback limit and the required setback of 25.0 feet from Lake Loon (MPS Policy E-20, LUB Section 4.17 - Attachment A). To maximize this setback, the applicant has applied and received approval for a variance to encroach into the front yard setback to create a slightly larger building footprint.

Due to the large lot width, lack of site depth and site topography, parking for the single detached dwelling is likely to be managed below street level as shown on the attached Maps 3 & 4.

It should be noted that as no development agreement is being negotiated through this process, the configuration of the proposed dwelling unit could change substantially from Maps 1 & 2 (attached concept plans) if the rezoning application is approved.

Conclusion

Despite being commercially zoned, the viability of this site for a commercial use is considered marginal due to its obvious physical constraints. However it is possible that a consolidation of this parcel with the commercially zoned site on the adjacent lot at the corner of Montague Road and Highway 7 could adversely impact the streetscape, the neighbouring property to the north and Lake Loon at this location. However, while there is at this time no reason to believe that commercial development on the corner parcel is imminent, down-zoning the subject property to a much less intensive residential use is considered desirable to remove that potential.

In conclusion, this proposal has been evaluated on and is consistent with Cole Harbour/Westphal Municipal Planning Strategy policy. Staff therefore recommends approval of the proposal.

BUDGET IMPLICATIONS:

There are no budget implications.

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:

1. Proceed with the requested rezoning. This is recommended for reasons described above.
2. Council may choose not to approve the proposed rezoning. This is not recommended for reasons described above.

ATTACHMENTS:

Map 1: Location, Zoning and Proposed Rezoning

Map 2: Generalized Future Land Use

Map 3: Concept Site Plan

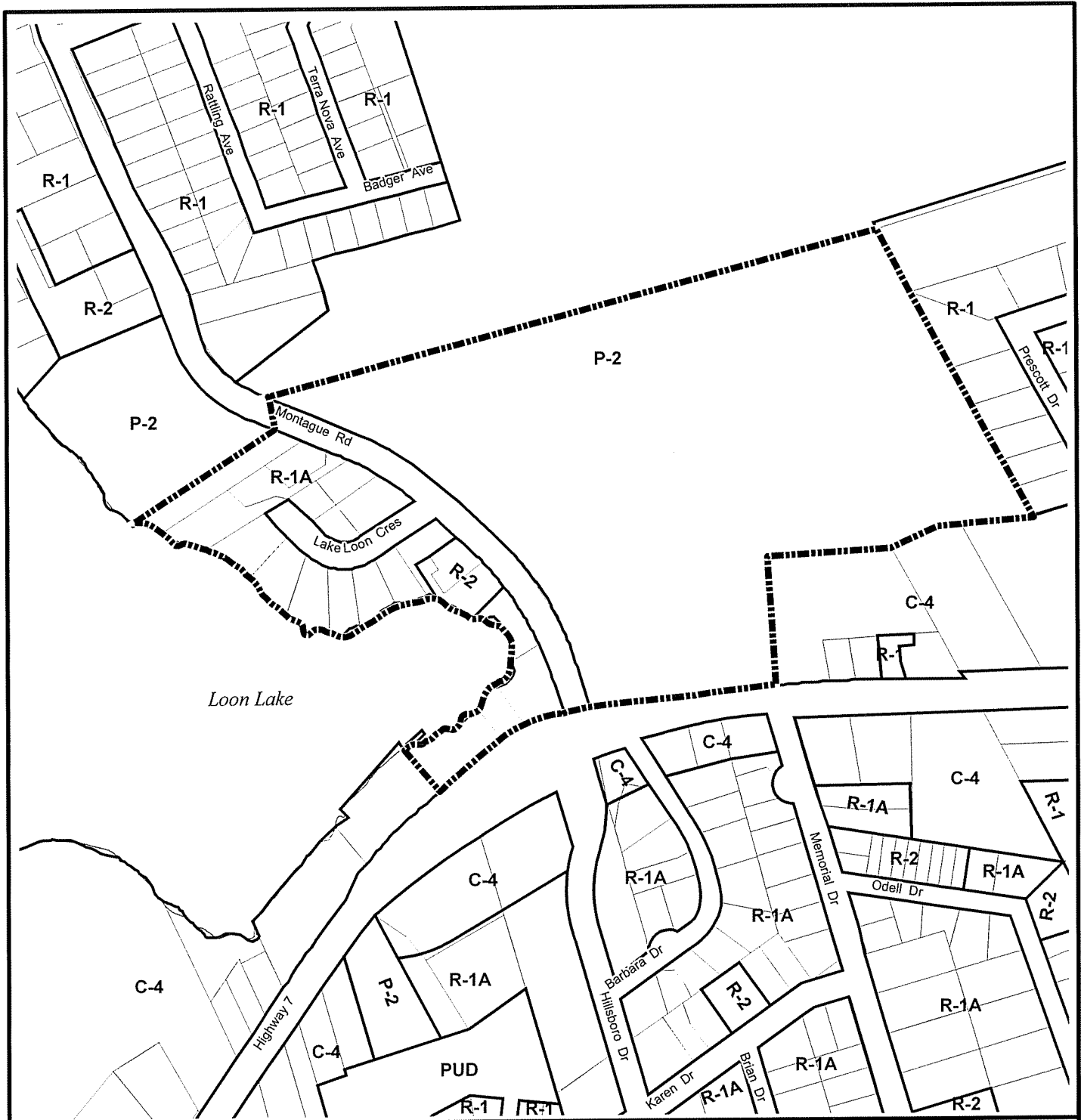
Map 4: Concept Plan Single Detached Dwelling

Attachment A: Extracts from the Cole Harbour/Westphal MPS and LUB

Attachment B: Minutes from the Public Information Meeting

Further information regarding the contents of this report may be obtained by contacting
Shayne Vipond, Planner at 490-4335.

For additional copies or for information on the report's status, please contact the Office of the
Municipal Clerk at 490-4234 or 490-4208 (FAX).



Map 1
30 Montague Road

Notification Area

Cole Harbour/Westphal
Land Use By-Law Area

Proposed Rezoning
from C-4 to R-1

Zone

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-1A Single Unit Dwelling Zone
- C-4 Highway Commercial Zone
- P-2 Community Facility Zone

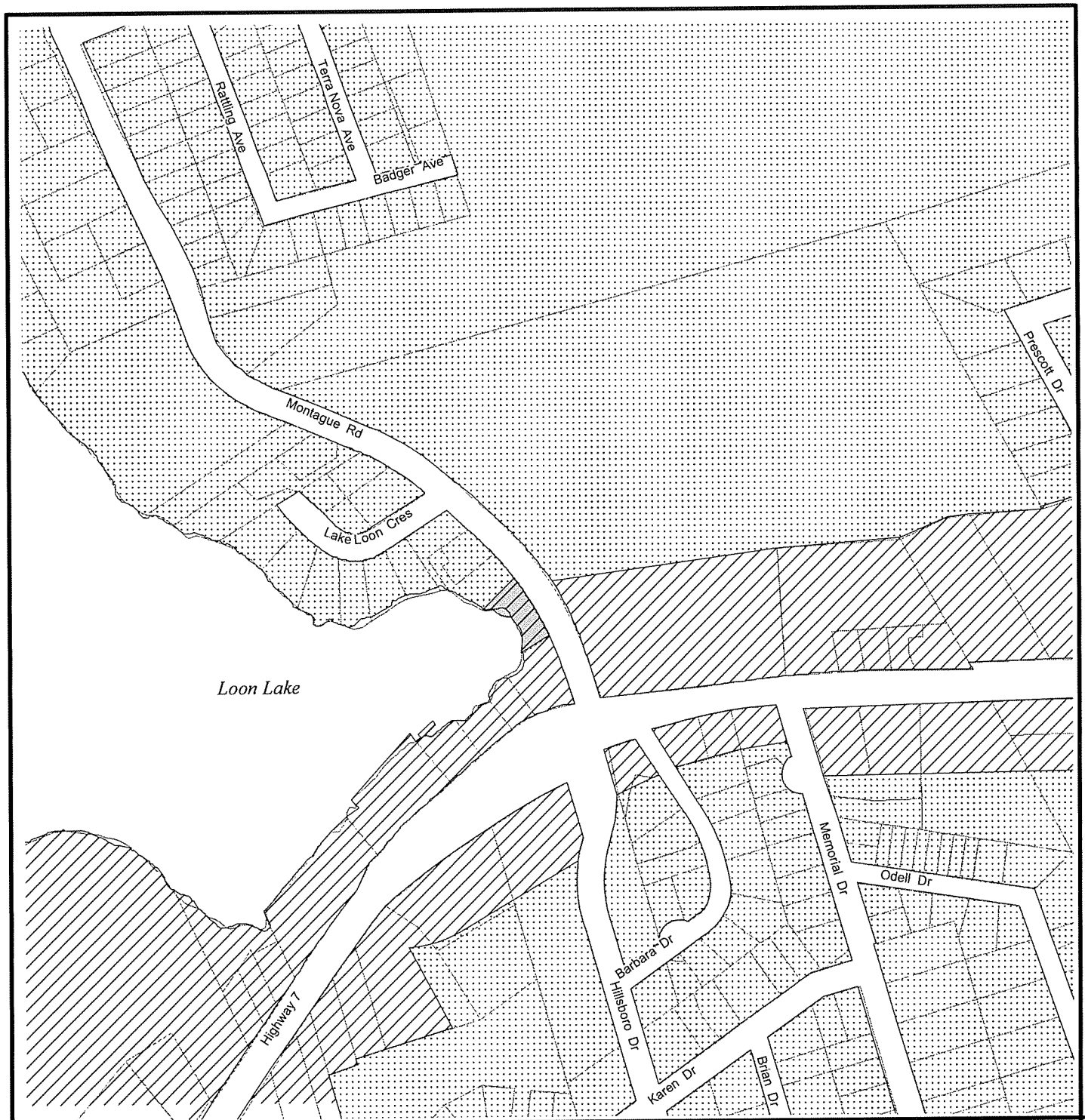


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This map is an unofficial reproduction of a portion of the Zoning Map for the Cole Harbour/Westphal Land Use By-Law area.

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



Map 2
Generalized Future
Land Use Map

30 Montague Road

Cole Harbour/Westphal
MPS



Proposed Rezoning
from C-4 to R-1

Land Use Designation



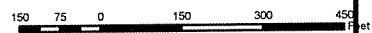
Urban Residential



Highway Commercial



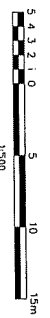
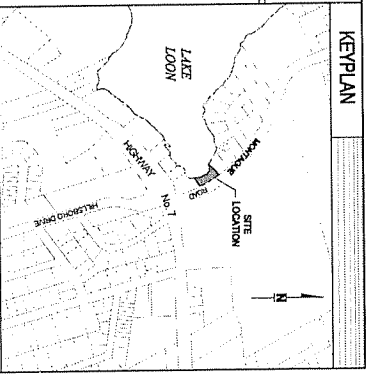
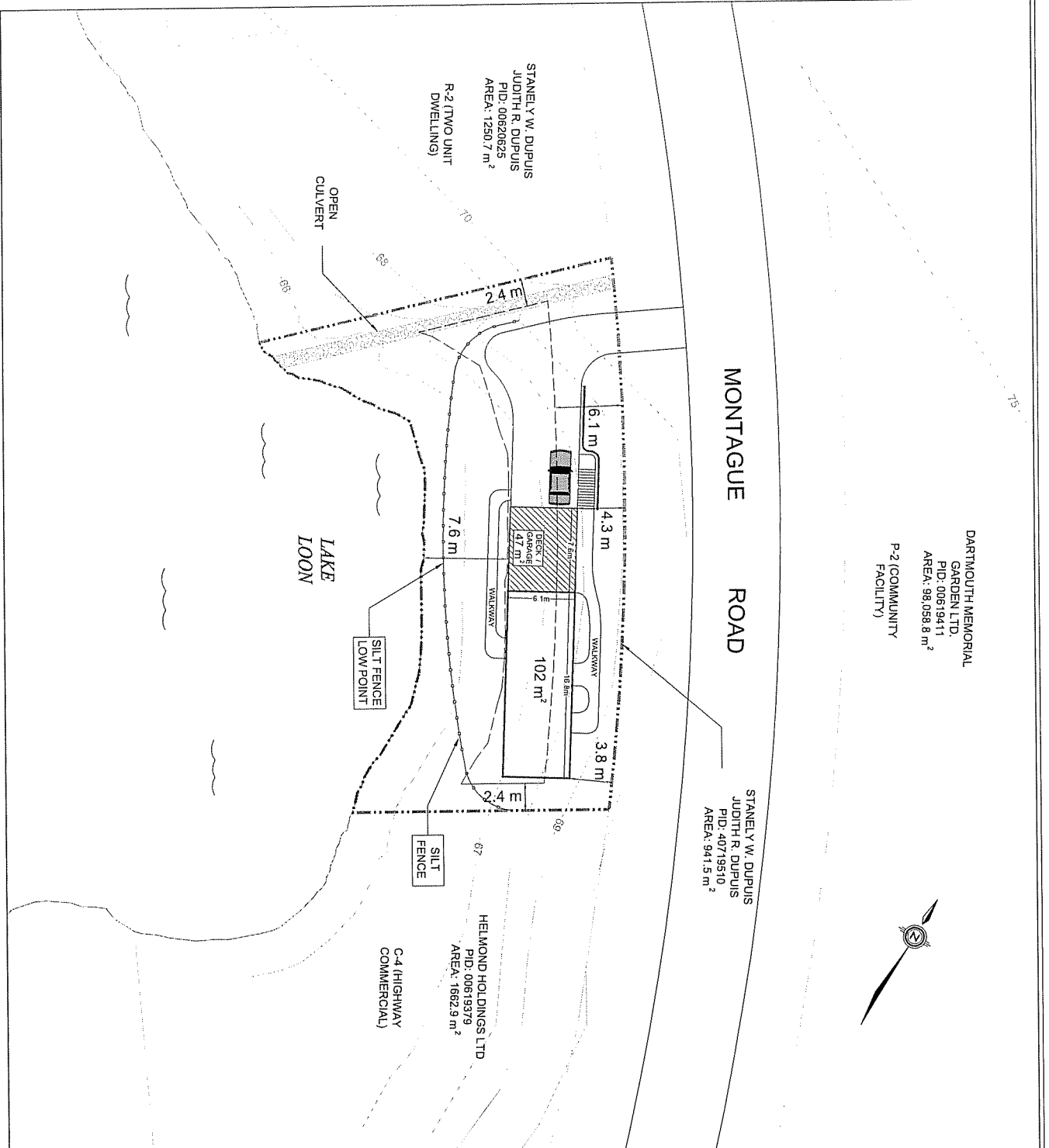
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HRM does not guarantee the accuracy of any representation on this plan.

Map 3: Concept Site Plan



SITE ANALYSIS AS RE-ZONED R-1 (SINGLE UNIT DWELLING)

Concept plan with 6.1 m (20ft) Setback

SITE CURRENTLY ZONED AS C-4 (HIGHWAY COMMERCIAL)

PROJECT #: B05073

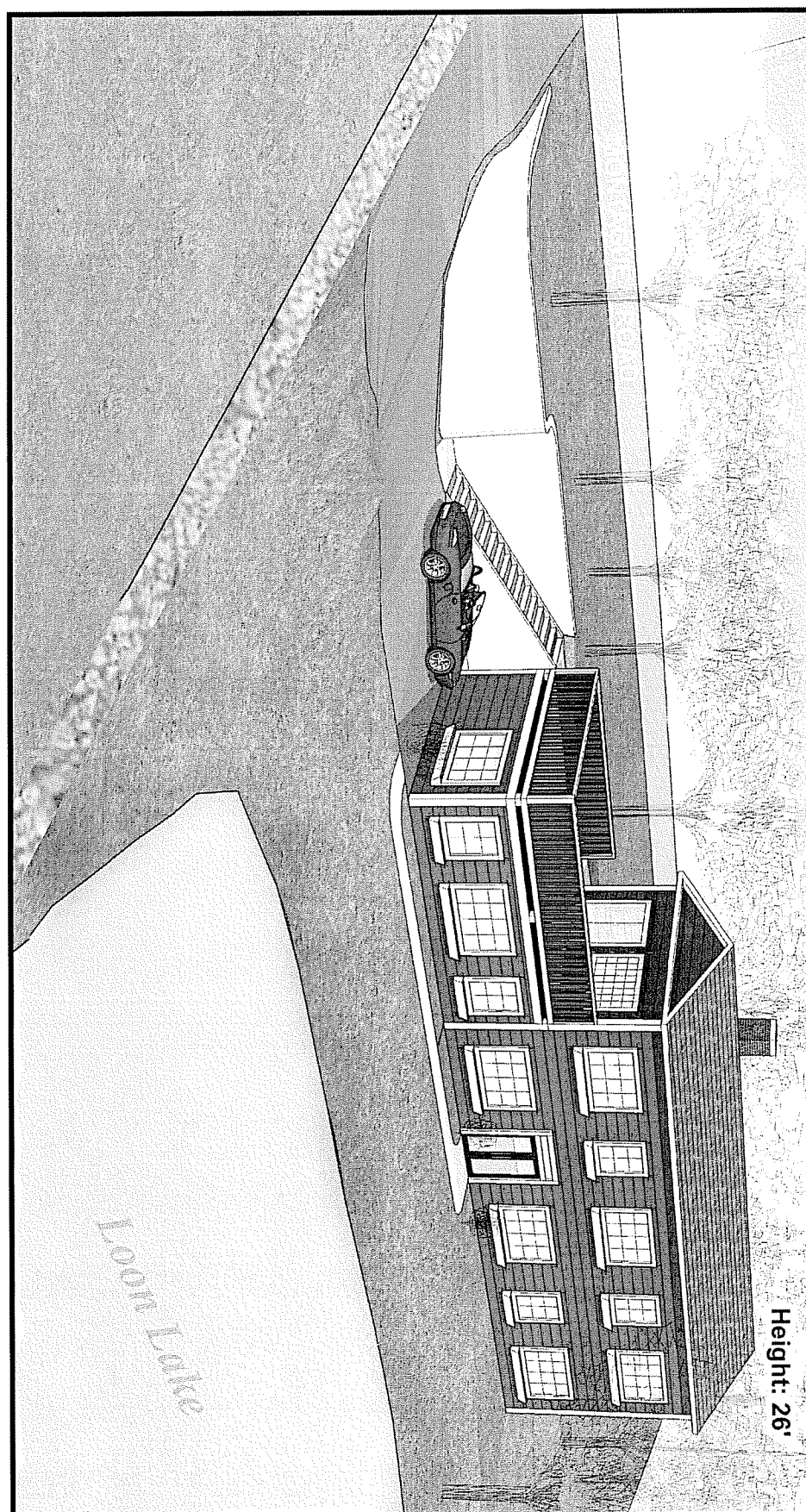
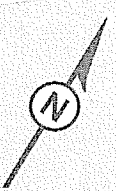
Version 1.4, June 8, 2005

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Map 4: Concept Plan
Single Detached Dwelling

June 27, 2005
B05073



Height: 26'

ATTACHMENT A

EXTRACTS FROM THE COLE HARBOUR-WESTPHAL MPS

The setback of buildings and structures from watercourses is a necessary feature of land use management system. Future development must be appropriately setback to protect structures from peak floods and to prevent siltation of waterbodies, destruction of habitat and the incidence of flooding on downstream developments. The land use by-law will, therefore, control the location of new buildings or structures relative to watercourses, except for those that require direct access to water such as boat sheds.

E-20 It shall be the intention of Council, through the land use by-law, to require all new buildings and structures, except those requiring direct access to water, to be setback a minimum of twenty-five (25) feet from watercourses and waterbodies within the Plan Area.

IM-6 Providing that the intentions of all other policies are satisfied, the Cole Harbour/Westphal Community Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following amendments to the land use by-law, for lands which are located where any land use designations abut one another, as shown on Map 1 - Generalized Future Land Use:

- (a) amendments within a designation to provide for the development of uses which are use permitted within the abutting designation; or*
- (b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation.*

IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or destruction of designated historic buildings and sites.

- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.
(Regional Council - July 2, 2002, Effective - August 17, 2002)

EXTRACTS FROM THE COLE HARBOUR/ WESTPHAL LUB

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.17 SETBACK FROM WATERCOURSES

- (a) Except as provided by Section 4.11(a)(ii)(3) no building or structure shall be located:
 - (i) less than twenty-five (25) feet (7.6 m) from the rim of any watercourse or waterbody;
 - (ii) less than fifty (50) feet (15.2 m) from the Little Salmon River; or
 - (iii) less than 250 feet (76.2 m) from Lake Major or less than 100 feet (30.5 m) from any tributary within the Lake Major Watershed as designated by the Minister of the Environment on April 8, 1986.
- (b) Notwithstanding any of the provisions in subsection (a), any existing building within this setback distance shall be a permitted use.
- (c) Notwithstanding Subsections 4.17(a) and (b), setback requirements for Construction and Demolition operations are set out in the applicable CD Zone and such operations must comply with the more stringent provisions. (RC-Sept10/02, Effective-Nov9/02)

PART 7: R-1 (SINGLE UNIT DWELLING) ZONE

7.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Residential Uses

Single unit dwellings;
Home business uses in conjunction with permitted dwellings;
Daycare facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses

Open space uses.

7.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-1 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (557.4 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 percent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

7.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-1 Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.

- (b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
- (c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m²) gross floor area.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (g) One (1) off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any business.
- (h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

7.4 R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

7.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.

- (c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided.

PART 18: C-4 (HIGHWAY COMMERCIAL) ZONE

18.1 C-4 USES PERMITTED

No development permit shall be issued in any C-4 (Highway Commercial) Zone except for the following:

Commercial Uses

Retail stores;
Food stores;
Service and personal service shops;
Banks and financial institutions;
Restaurants;
Outdoor display courts;
Hotels, motels and motor inns;
Indoor commercial recreation uses;
Funeral establishments;
Service stations;
Taxi and bus depots;
Parking lots;
Greenhouses and nurseries;
Veterinary hospitals and kennels;
Re-cycling depots.

Community Uses

Open space uses;
Institutional uses;
Fraternal centres and halls.

Residential Uses

Existing dwellings

18.2 C-4 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-4 Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	10,000 square feet (929.0 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage:		150 feet (45.7 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard		15 feet (4.6 m)
Maximum Height of Main Building		35 feet (10.7 m)
Maximum Lot Coverage		50 percent

18.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Section 18.1, no commercial building in any C-4 Zone shall exceed ten thousand (10,000) square feet (929 m²) of gross floor area.

18.4 OTHER REQUIREMENTS: OPEN STORAGE AND DISPLAY

Where any portion of any lot in any C-4 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a) Any area devoted to open storage may not exceed fifty (50) per cent of the lot area.
- (b) No open storage shall be permitted within any required front yard.
- (c) No open storage or outdoor display shall be permitted in any required yard within any C-4 Zone where the required yard abuts any residential zone or community uses zone, except where a fence or other visual barrier is provided.

18.5 OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Sections 18.2 and 18.7, where a service station is erected in any C-4 Zone, the following shall apply:

Minimum Lot Area:	30,000 square feet (2787.0 m ²)
Minimum Frontage:	150 feet (45.7 m)

No portion of a pump island shall be located closer that:		20 feet (6.1 m) from any street line
Minimum distance between ramps or driveways		30 feet (9.1 m)
Minimum distance from a ramp or driveway to a road intersection		50 feet (15.2 m)
Minimum angle of intersection of a ramp to a road line		45 degrees
Width of a ramp:	minimum	20 feet (6.1 m)
	maximum	26 feet (7.9 m)

18.6 C-4 ZONE REQUIREMENTS: COMMUNITY USES

In any C-4 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 21 as are applicable.

18.7 OTHER REQUIREMENTS: COMMERCIAL ACCESS

Unless otherwise required by the Provincial Department of Transportation and Communications, all uses which are permitted uses in any C-4 Zone with the exception of service stations, shall be permitted not more than one (1) access onto Provincial Highway No. 7 for each lot.

18.8 EXISTING MULTIPLE UNIT DWELLINGS

Notwithstanding Section 18.1, existing multiple unit dwellings shall be a permitted use within the C-4 Zone. Subject to the requirements of Section 18.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

<u>Civic Address</u>	<u>LRIS No.</u>	<u>Maximum Number of Dwelling Units</u>
662 Preston Road	619171	3

18.9 OTHER REQUIREMENTS: BUFFERING AND SCREENING

(a) In any C-4 Zone where commercial uses, including buildings, parking, outdoor display, or open storage are to be expanded, constructed or located on a lot which is

adjacent to property that is zoned or used for residential or community uses, a buffer shall be provided. The buffer shall consist of a grassed landscaped area that is:

- (i) a minimum of twenty (20) feet in depth running the entire length of the adjacent property line and shall contain a vegetation screen consisting of at least two staggered rows of coniferous trees which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;
 - (ii) notwithstanding Subsection 18.9(a) (i), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary and the grassed landscaped area shall contain of a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing;
 - (iii) the landscaped area shall be properly maintained and kept free of litter; and
 - (iv) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.
- (b) Notwithstanding Subsection 18.9(a), for any expansion or construction of a C-4 Zone use which is located adjacent to Loon Lake, the buffer shall consist of a grassed landscaped area that is:
- (i) a minimum of ten (10) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge and shall contain either a mix of balled and burlapped shrubs that are a minimum of 40 cm in height and planted at a maximum spacing of four (4) feet on centre, or a single row of coniferous trees which are at least four (4) feet in height and at a maximum spacing of eight (8) feet on centre, or a combination of coniferous trees and shrubs at the required spacing;
 - (ii) the landscaped area shall be properly maintained and kept free of litter; and
 - (iii) no structures, parking, storage or open display shall be permitted within the grassed landscaped area.
- (c) Notwithstanding Subsection 18.9(a) and (b), for any expansion or construction of a C-4 Zone use which is located on lands identified as PID 00638460, PID 00619775, PID 00619627, and PID 00619502 which are adjacent to Loon Lake, the buffer shall consist of the retention of existing vegetation that is:
- (i) a minimum of fifty (50) feet in depth beginning at the normal high water mark, and running the entire length of the water's edge;

- (ii) no structures, parking, storage or open display shall be permitted within the buffer area.

- (d) Notwithstanding Subsection 18.9(a) or (b), a buffer shall not be required under the following conditions:
 - (i) where a change in occupancy does not increase the amount of parking, or open storage, or outdoor display within the commercial lot; or

 - (ii) where an addition to a commercial building does not increase its square footage more than five (5) percent of the total gross floor area, and provided there is no increase in the amount of parking, or open storage, or outdoor display within the commercial lot as a result of this addition. (C- Oct.30/97, E- Nov. 29/97).

ATTACHMENT B: MINUTES OF PUBLIC INFORMATION MEETING

**HALIFAX REGIONAL MUNICIPALITY
PLANNING SERVICES - ALDERNEY GATE OFFICE
PUBLIC INFORMATION MEETING
CASE 00783 - 30 MONTAGUE ROAD, COLE HARBOUR - REZONING**

7:00 p.m.
August 10, 2005
Royal Canadian Legion, Cole Harbour

STAFF: Shayne Vipond, Planner
Samantha Charron, Administrative Support

APPLICANT: Nick Pryce, Terrain Group
Stan Dupuis, Owner/Applicant

OTHER: Harry McInroy, Councillor

**MEMBERS OF
THE PUBLIC:** approximately 5 people

Meeting commenced at approximately 7:00 p.m.

INTRODUCTIONS/OPENING COMMENTS

Shayne Vipond welcomed residents to the meeting and thanked them for attending. He introduced Harry McInroy, Councillor for District 4, the applicant, Stan Dupuis along with the consultants from Terrain Group; Nick Pryce and Sara Brockman. He continued by introducing himself as the planner assigned to this application.

Mr. Vipond explained the purpose of this meeting as an opportunity to discuss the application made by Mr. Dupuis, in accordance with Council's public participation policy. He stated a brief overview of the planning process would be done by himself, following which the applicant would give a presentation of the proposed rezoning. He informed residents that when the presentation is complete there would be an opportunity for questions or concerns to be addressed.

Mr. Vipond began his presentation by explaining that the application submitted by Terrain Group to rezone the site. He described the location and layout of the lot with the existing structure. He gave a brief overview of the planning process and the applicable zoning regulations contained in the Land Use By-Law (LUB) for Cole Harbour/Westphal.

Mr. Vipond asked residents if there were any questions regarding process or procedure before inviting Nick Pryce to give his presentation.

Mr. Pryce began by describing the current zoning of the property. He described the current uses and developments that could be permitted as-of-right, presently under the LUB regulations and requirements.

He suggested that rezoning this site to allow for a residential development would be more suitable for the surrounding area. Mr. Pryce conveyed to residents his client feels the commercial zoning is more suitable for the main highway.

Mr. Pryce gave a full site description with use of overhead of the conceptual design of the home. He described the landscaping aspects of the lot including the removal of a few trees. He then explained to residents a proposed silt fence being designed by Terrain Engineers as a sediment control measure while the property is under construction.

QUESTIONS AND COMMENTS

Joan Slack asked Mr. Pryce if the sediment control measures would be in place before construction began?

Mr. Pryce replied it would be.

Joan Slack suggested Mr. Dupuis lot is large enough to subdivide and wondered if he has future plans to do so.

Mr. Pryce indicated subdividing was not being considered by the property owner.

Mr. Vipond asked Mr. Pryce and Mr. Dupuis to clarify for the record that the site would remain one lot.

Mr. Pryce replied Mr. Vipond understood correctly, the intention of the property owner and Terrain Group was not to rezone to sever the property. The owner is looking solely to build a home on the property.

Mr. Vipond reiterated to Mr. Dupuis he is looking to give some reassurance to the residents that the 10 000 square foot lot will not be divided into two lots.

Mr. Dupuis stated this was correct he has no intention of dividing the land.

Pat Thomas asked Mr. Pryce how much road frontage the property had.

Mr. Dupuis replied there is approximately 160 feet of road frontage.

Pat Thomas asked Mr. Pryce to describe the homes dimensions.

Mr. Pryce with use of overhead, gave residents a full description of the proposed development.

Pat Thomas suggested the commercial lots along the highway are not regulated, she feels they are an eyesore to the community and does not agree with the commercial designation growing in the community.

Nick Pryce suggested by allowing Mr. Dupuis to rezone for residential allows residents to have a say in commercial properties moving inward on Montague Road.

Residents has a brief discussion and it was decided their concerns were for the lakes preservation and protection.

Mr. Vipond suggested that the application would be circulated to the Dartmouth Lakes Advisory Board (DLAB) for comment.

Joan Slack asked what criteria will be used to deny or approve this application.

Mr. Vipond replied there are many aspects to take into consideration that may impact Councils decision ie ; compatibility with the surrounding area, conformance with the Municipal Planning Strategy evaluation criteria and whether or not the application is reasonable.

Councillor McInroy described first reading at Community Council. He stated Mr. Vipond will write a report that will be submitted to Council prior to the meeting. This report will be based on supporting policy and rules. Once Council has had a chance to familiarize themselves with the report, it will go through the first reading process at Community Council. He suggested at this point Councillors will make a decision to continue or cancel the application. He stated the decision will be based on interest and support of the community and the report recommendations made by Mr. Vipond. He then explained the public hearing process.

Pat Thomas asked if the driveway location will remain the same.

Mr. Pryce replied the driveway location would not change.

Mr. Pryce commented during this process we have applied for a minor variance, this is because the development will be encroaching on Lake Loon. We are trying to utilize the terrain and respect Lake Loon at the same time.

Residents asked when construction would begin?

Mr. Pryce indicated the applicant would like to begin construction as soon as the application is approved and sediment control measures are in place.

Pat Thomas commented to traffic problems in the area, especially on the corner of Montague Road and Main Street. She stated before commercial development is allowed to continued traffic studies should be done for the community.

Mr. Pryce reiterated that allowing this residential development to be constructed will keep the commercial development growth from expanding down Montague Road.

Mr. Vipond commented theoretically residential development will generate less traffic but he suggested to residents the reality is for a commercial development to operate from this site would be difficult and limited. He stated the site has physical constraints that may preclude many commercial uses.

The residents briefly discussed commercial development and came to an agreement they would like to see HRM support more residential and discourage commercial growth.

Mr. Pryce suggested a lot of the issues discussed tonight regarding commercial growth, design criteria and complete traffic studies will be reviewed when the new Regional Plan is adopted by Council.

Residents briefly discussed the property adjacent to Mr. Dupuis on the corner of Montague Road and Main Street and asked what type of uses would be allowed there?

Mr. Vipond gave residents examples of uses that would be permitted on that site with the current zoning.

Joan Slack asked if the proposed home was the only thing to be constructed on the property?

Mr. Dupuis replied a home is the only thing he would like to build on his property.

Residents had a brief discussion regarding landscaping and asked Mr. Pryce to clarify some aspects, of the development, mentioned earlier.

Mr. Pryce gave a detailed description with use of an overhead to the residents.

Councillor McInroy indicated there will be more public consultation before any decisions are made. He also stated that residents who wish to speak to this issue will have an opportunity to do so formally at the public hearing.

Councillor McInroy indicated traffic studies are underway in the area and stated he believes a solution to this existing problem is in the design stages.

Mr. Vipond added residents will be notified by mail in advance of the public hearing as well as through newspaper ad that will run two consecutive Saturdays before the hearing will be held.

Mr. Vipond thanked everyone for their time and closed the meeting.

MEETING ADJOURNMENT

Meeting adjourned at approximately 8:00 p.m.