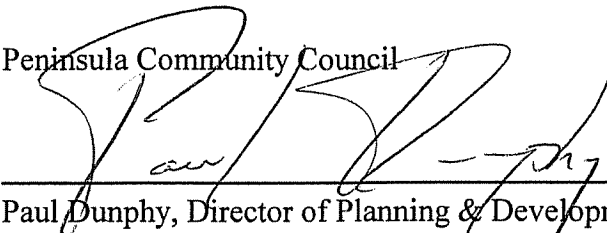




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
June 12, 2006

TO: Peninsula Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning & Development Services

DATE: May 5, 2006

SUBJECT: Case 00815: Halifax Municipal Planning Strategy and Land Use By-law Amendments and Development Agreement - 6193 Young Street

ORIGIN

Request by Cantwell and Company on behalf of Petro Canada Limited to amend the Halifax Municipal Planning Strategy (MPS) and Halifax Peninsula Land Use By-law (LUB) to allow for a development agreement to permit a gas station complex at 6193 Young Street (corner of Young and Windsor Streets), Halifax.

RECOMMENDATIONS

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

1. Give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as contained in Attachments "A" and "B" and to schedule a joint public hearing with Peninsula Community Council.
2. Approve the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use By-law as contained in Attachments "A" and "B".
3. Request the Mayor to ask the Nova Scotia Department of Environment and Labour to investigate the feasibility of installing vapour recovery systems on gas distribution equipment in HRM.

It is further recommended that Peninsula Community Council:

1. Move Notice of Motion for the proposed development agreement, as contained in Attachment "C", to permit a gas station complex at 6193 Young Street, and to schedule a joint public hearing with Regional Council.
2. Contingent upon the approval by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and the coming into effect of said amendments, approve the proposed development agreement, as contained in Attachment "C" (Staff will bring this matter back to Peninsula Community Council for a decision at the appropriate time).
3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

The proposal is for a Petro-Canada gas station complex, by development agreement. The 2.5 acre vacant property is located at the intersection of Bayers Road, Young Street and Windsor Street (Map 1) known as 6193 Young Street in the north end of the Halifax Peninsula.

Developing this site for a gas station requires amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The site is designated Institutional (I) under the Halifax MPS and is zoned Park and Institutional (P) under the Halifax Peninsula LUB.

Local residents raised a number of concerns during the review of this proposal. After full consideration of these concerns, and the merits of the proposal, staff recommend approval of the proposed plan amendment and development agreement.

BACKGROUND

Cantwell and Company has reapplied for a Petro-Canada gas station complex by development agreement at 6193 Young Street, which requires amendments to the MPS and LUB. This is the second application in recent years for development of a gas station at this location:

- September 28, 2004: Regional Council instructed staff to initiate a process to consider amending the Halifax MPS and Halifax Peninsula LUB to permit a gas station and food service operation (request to amend the zoning of the site from P to C-2 to permit the use as of right);
- January 18, 2005: Regional Council refused the plan amendment and requested that development on the site should only be considered through a development agreement;
- June 29, 2005: Cantwell and Company, on behalf of Petro-Canada, submitted an application to amend the Halifax MPS and LUB to permit a gas station, convenience store, and restaurant by development agreement.
- October 18, 2005: Regional Council instructed staff to initiate a process to consider to amend the Halifax MPS and LUB to permit a gas station, convenience store, and restaurant by development agreement.
- November 30, 2005: Staff held a Public Information Meeting (PIM) regarding the proposal (Attachment "D").

Location, Designation and Zoning

The 2.5 acre vacant property is located at the intersection of Bayers Road, Young Street and Windsor Street (Map 1) known as 6193 Young Street in the north end of the Halifax Peninsula. The site is designated Institutional (I) under the Halifax MPS and is zoned Park and Institutional (P) under the Halifax Peninsula LUB.

Past History of Site

The property was originally developed by the Canadian National Railway as a train marshaling facility in the early part of the 20th century. In the 1930s the property was transferred to the Department of National Defense (DND) and developed by CFB Halifax as an engineering yard. In 1985 the lands were rezoned from Armed Forces Zone (Case 4878), which contained no land use controls, to Park and Institutional (P) per the Halifax Peninsula LUB. Upon being declared

surplus by DND in the 1990s, the buildings on the site were demolished and in 1997 HRM purchased a portion of the site to facilitate the Bayers/Young/Windsor Intersection realignment. Public Works and Government Services Canada issued a call for the sale of the remainder of the parcel in 2003, which was purchased by Petro-Canada in 2004. In that same year the realignment work for the Bayers/Young/Windsor Intersection was completed.

Proposed Development

By development agreement, the applicant wishes to construct a Petro-Canada gas station complex under the new store format called "Neighbours". The proposal includes:

- a gas bar;
- a restaurant and convenience store;
- a drive-through;
- extensive landscaping; and,
- \$25,000 or \$25,000 of in-kind contributions (Attachment "C") for the development of a pocket park at the corner of Bayers Road and Windsor Street.

Process

The MPS amendments, along with the by-law amendments necessary to implement the MPS amendments, are under the jurisdiction of Regional Council. The approval of a development agreement rests with Community Council. Approval by either requires a public hearing, which may be held jointly.

Notification for the public hearings will include the required advertisement in the local newspaper and a mail out to property owners in the immediate area (see Map 2). The notification area was expanded as requested by the Councillors.

DISCUSSION

MPS and LUB Amendments

The MPS is the expression of the Municipality's intent with respect to future land use patterns. Amendments to the MPS are not routine undertakings and Council is under no obligation to consider such requests. Amendments should only be considered when there is reason to believe that there has been a change in circumstance since the MPS was adopted or reviewed, or where circumstances are significantly different than the situations that the Plan anticipated. Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly.

As DND has declared these lands surplus, and has sold these lands to a private company, there is merit in considering amendments to the MPS for this location. Staff proposes amending the MPS and LUB to permit limited commercial uses by development agreement at 6193 Young Street. The proposed amendments are site specific, retain the designation and zoning of the property, and set out specific criteria by which future development agreements on the site are measured. Although the applicant has applied specifically for a gas bar, restaurant and convenience store on the site, Staff feels that the plan amendment should:

- consider a wider range of uses;
- address specific criteria; and,
- restrict future development through development agreements.

Regional Plan

HRM is currently developing a *Regional Plan* that once adopted, will provide the overriding policy direction for development in the Municipality for the next twenty-five years. As part of that direction, the Plan identifies 'opportunity sites'. 6193 Young Street is listed as a 'regional centre opportunity site'. The Plan therefore recommends the following development options:

- medium to high density residential;
- commercial;
- institutional; and/or,
- recreation uses.

Given the current context of the site, being on a busy intersection, adjacent to active DND lands, a NSPI substation, and a commercial strip, Staff believes that a gas station on the site is an appropriate use. The use of the lands as a gas station complex is generally consistent with the scale of development in the local neighbourhood. The station would provide a transition between the residential area to the south of the site and the industrial and commercial uses to the north. Should the DND lands become surplus, and there is no indication at this time that they will, a mix of residential and commercial uses may be appropriate.

Community Concerns

At the PIM (see Attachment "D"), and in correspondence from local residents (see Attachment "E"), residents clearly indicated that they did not feel that the site was an appropriate location for a gas station complex. Concerns related to the impacts of:

- increased noise;
- traffic;
- gas vapours;
- lighting;
- site contamination; and,
- compatibility with the local residential neighbourhood.

Residents acknowledged that other uses may be acceptable, but that there were too many concerns associated with the proposed development for community support. Of the approximately 45 local residents who provided comment (at the PIM and through correspondence), three showed support for the proposal.

Increased Noise

Residents feel that the proposed use will increase current noise levels in their community by increasing the 24-hour traffic, and by station users. Staff supports the statement by Petro Canada that the site will not increase the traffic noise as it will only capture existing traffic. Furthermore, this site will be subject to the HRM Noise Bylaw.

Traffic

A review of this issue by Staff identifies Young Street, Windsor Street, and Bayers Road as capable of accommodating anticipated traffic flows resulting from this proposal. According to this review, traffic-flow generated by the proposed development should not significantly impact the area's existing road network. Furthermore, Petro Canada argues that the site will not generate more traffic, but will capture the existing traffic (as people tend to purchase gasoline on their way home, this would capture traffic leaving the Peninsula and would facilitate right-in and right-out turns). A Traffic Impact Statement provided by the Developer states that the two access points provided for the development will facilitate traffic movement in and out of the site, and as both points exceed the required distances for stopping sight distance, should not impair traffic flow.

Residents also voiced concerns with respect to the intersection at Young Street and Windsor Street:

- the new intersection perpetuates increased speeds through the neighbourhood, and causes an increase in traffic; and
- the pedestrian cross walks do not allow enough time for young children, the elderly or people with physical disabilities to cross the street.

The new intersection does facilitate more efficient traffic flow and encourages traffic to stay on the major streets. Staff, however, does not anticipate future changes to the intersection, and affirms that all aspects of the intersection, including pedestrian issues, meet or exceed current Municipal standards. Changes were made to the intersection in the summer of 2005 in response to concerns from the local residents, and included:

- painting additional left turn arrows;
- painting yellow cross-hatching; and,
- painting a continuity line to guide motorists through the intersection.

Gas Vapours

A number of residents expressed concern over gas vapours, namely benzene, that would escape from the facility when gas is pumped and when gas is delivered to the site. Current research indicates that the Federal Government has implemented a Canada-wide Standard for Benzene¹ that has led to a 60% decrease in urban benzene levels since 1990. Although this reduction is significant, benzene is thought to be harmful to humans at any level of exposure.

Staff discussed the use of vapour recovery systems² with the applicant, however, because the system requires retrofits to the gasoline delivery truck as well as the gasoline dumping facility, immediate implementation of a vapour recovery system on the site is not possible. Staff therefore recommends

¹<http://www.ccme.ca> - Canadian Council of the Ministers of the Environment documents outlining benzene reduction and other standards.

²Vapour recovery system means a system for the removal of gasoline vapour from cargo tank trucks and for the recovery of the vapour in a vapour recovery unit for subsequent use (Environmental Protection Act, Ontario Reg. 455/94; Recovery of gas vapour in bulk transfers)

that regardless of Regional Council's decision, that HRM begin a dialogue with the Nova Scotia Department of Environment to investigate the feasibility of requiring vapour recovery systems for all gas stations within HRM.

Lighting

The Developer has undertaken an extensive study to determine the impact of proposed lighting on the adjacent residential neighborhood (See Attachment C, Schedules I-1 through I-3). The lighting models illustrate the intensity of lighting from the development. It is clearly indicated that the development will not impact the neighboring properties, nor will the lighting extend beyond the boundaries of the site.

Site Contamination

Given its past use as a DND Engineering Yard, the site is contaminated with the usual types of environmental chemicals associated with a military facility. Part 4 of the attached development agreement outlines the environmental requirements for the project, including the need for a Certificate of Compliance, per Section 4.2, prior to receiving occupancy permits.

The Nova Scotia Department of Environment and Labour (NSEL) has jurisdiction over the management of contaminated sites in the province. Based on this site being a commercial use, NSEL requires appropriate mitigation measures, including:

- adding 2 feet (approximately 600 mm) of cover material; and,
- installing a geotextile or plastic barrier, if the area is not covered with buildings, concrete or asphalt.³

Compatibility With Adjacent Residential Uses

A commercial use on the site, subject to the development agreement provisions, would provide an acceptable transition between the predominantly commercial / industrial neighbourhoods to the north (Young Street and Windsor Street) and the predominantly residential neighbourhoods to the south (Bayer's Road, Young Street, Oxford Street, Cork Street, etc). There were concerns about the placement of the vents being located in close proximity to the residential uses. However, the applicant has revised the site plan to reflect a new location, further away from the residential neighbourhood.

The subject area is part of a slightly larger vacant land holding owned by the applicant. This application represents an opportunity to redevelop a portion of a vacant property at a prominent location within the city. The use of the subject site as a service station will be generally consistent with the type of development along Young Street and is of a scale and design that maintains the traditional form of the Young Street commercial service corridor.

Staff suggests that any new development on the site must be considered through a development agreement which would require undertaking the public planning process. As a minimum, this

³August 23, 204 memo from Tracey Harz, C.E.T, NSDOEL.

process includes consulting with the community through a Public Information Meeting and a Public Hearing.

Proposed Uses

Community Suggestions

Residents suggested that a library, a public park, or a recreational centre as suitable, alternative uses for the site. Neither these uses, nor residential uses, are suitable, practical, or desirable based on the surrounding industrial and commercial uses and other factors including:

- HRM does not include this location in future expansion models for libraries, parks or recreational centres; and,
- HRM has not budgeted for the purchase of the property for use as either a park, library or recreational centre.

Historically, 6193 Young Street has been the site of intensive industrial uses. A variety of commercial uses, subject to the outlined criteria (see Attachments "A" and "B") and scrutiny by the public and Council, would be less intensive and provide a transition between the DND lands, commercial area and the residential neighbourhoods located to the northwest and south of the site. Staff feels that a variety of commercial uses are appropriate, excluding:

- motor vehicle dealers;
- motor vehicle repair shops;
- adult entertainment uses; and,
- amusement centres.

Conclusion

Throughout the planning process, the community raised many concerns, many that were addressed by the applicant, and others, namely the use itself, that were not addressed. The proposal has modified the location of the vents, increased the landscaped open space, and reduced the number of access points to the site. The applicant has also agreed to donate funds or in-kind contributions to develop a pocket-park on the corner of Bayers Road and Windsor Street.

Staff feels that the site is acceptable for the location of a variety of commercial uses, including a gas station complex. Furthermore, Staff recommends that Regional Council adopt the attached amendments to the Halifax MPS and Halifax Peninsula LUB (see Attachment "A" and "B"), and the attached development agreement (see Attachment "C").

In order to address concerns about gas vapours, Staff recommends that Regional Council forward a letter to the Department of Environment and Labour to request investigating the feasibility of installing vapour recovery systems in all gas stations and on gas delivery trucks in HRM. Installing these systems would greatly reduce the amount of benzene and other chemicals being released into the air when trucks deposit fuel at gas stations.

BUDGET IMPLICATIONS

The developer shall provide to HRM a minimum of \$25,000 or \$25,000 of in kind contributions for the development of a pocket park at Bayers Road and Windsor Street, on HRM owned lands as per Section 2.9 Parks and Open Spaces, Attachment C.

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. Council may choose to proceed with the requested MPS and LUB amendments and the development agreement. This is recommended for reasons described above.
2. Council may choose to refuse the requested amendments. This is not recommended for the reasons outlined above.

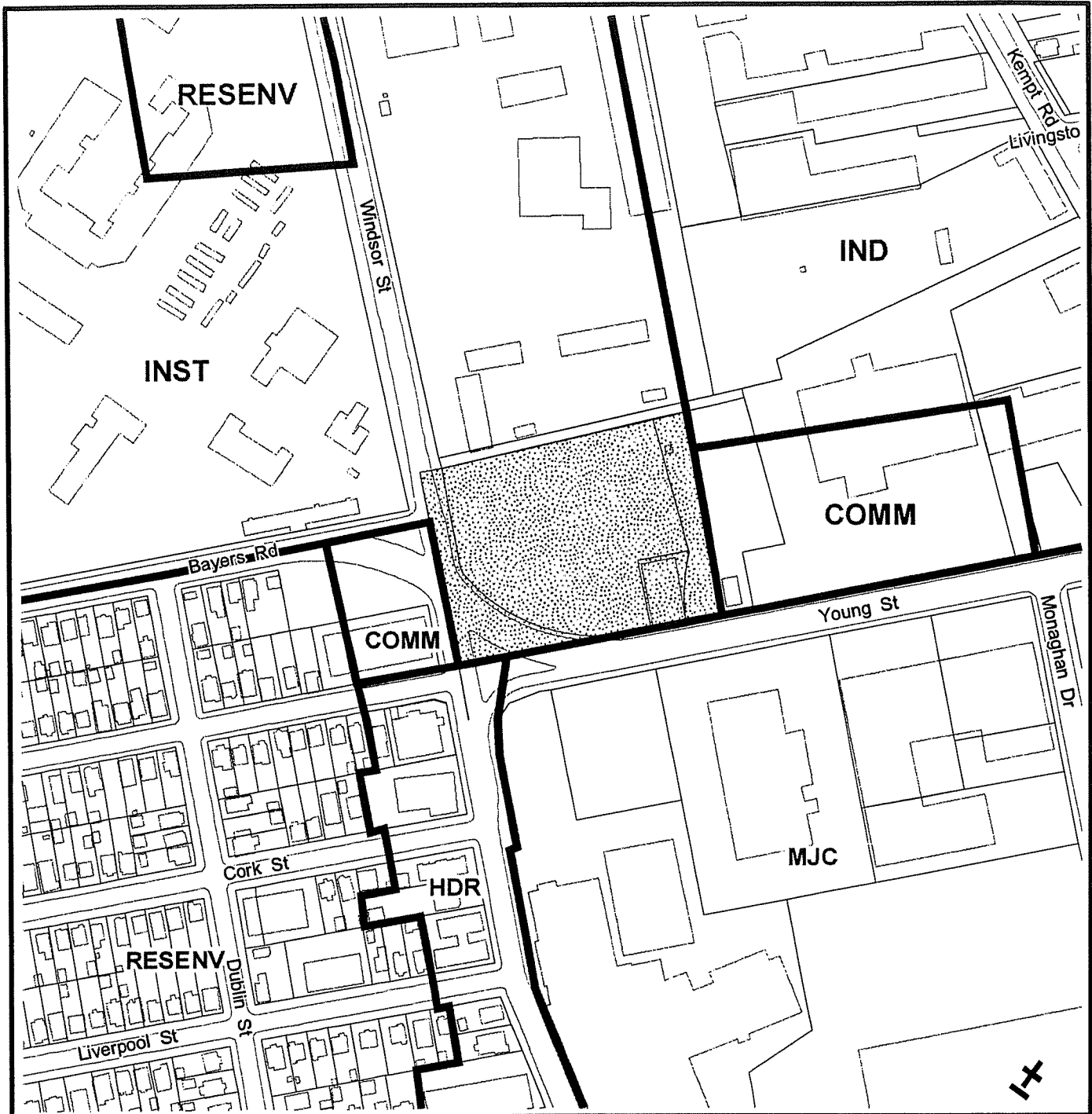
ATTACHMENTS

Map 1	Generalized Future Land Use Map
Map 2	Location, Zoning and Notification Area Map
Attachment "A"	Proposed Amendments to Halifax MPS
Attachment "B"	Proposed Amendments to Halifax Peninsula LUB
Attachment "C"	Proposed Development Agreement
Attachment "D"	Minutes from Public Information Meeting
Attachment "E"	Correspondence

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Jaime Smith, Planner I, (902) 490-4793, smithja@halifax.ca
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Report Reviewed by: 
for Ferdinand Makani, Financial Consultant



Map 1 - Generalized Future Land Use

6193 Young Street
Halifax

 Area to be redesignated from Institutional to Commercial

Halifax Plan Area

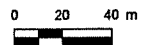
Designation - Halifax Plan

RESENV Residential Environments
 COMM Commercial
 IND Industrial
 INST Institutional

Designation - Peninsula North

HDR High Density Residential
 MJC Major Commercial

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 DEVELOPMENT SERVICES





This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

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




Map 2 - Location and Zoning

6193 Young Street
Halifax

-  Subject property
-  Area of notification

Halifax Peninsula By-Law Area

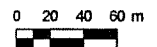
 Proposed pocket park

 New road alignment

Zone

- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local Business
- C-2 General Business
- C-3 General Industrial
- P Park and Institutional

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PLANNING AND
DEVELOPMENT SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Peninsula By-Law area.

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

Attachment A

Amendments to Halifax Municipal Planning Strategy

The Municipal Planning Strategy for *Halifax* is hereby amended by:

1. Adding Policy 3.10 to Section II of the Halifax Municipal Planning Strategy to read as follows:

Notwithstanding the Commercial Designation of the property known as LRIS PID No. 00153106, 6193 Young Street, the property shall be zoned as Park and Institutional (P) per the Halifax Peninsula Land Use Bylaw. In addition, for the property known as LRIS PID No. 00153106, 6193 Young Street, the Municipality may, by development agreement, permit only a variety of commercial uses excluding:

- a) motor vehicle dealers;
- b) motor vehicle repair shops;
- c) adult entertainment uses; and,
- d) amusement centres.

2. Adding Policy 3.10.1 to Section II of the Halifax Municipal Planning Strategy to read as follows:

Any development permitted pursuant to Policy 3.10 shall be compatible with the surrounding area and this shall be achieved by attention to a variety of factors for which conditions shall be set out in the development agreement, such as but not limited to:

- a) the adequacy of the servicing capacity of the site;
- b) architectural design of the exterior of any buildings;
- c) building materials;
- d) the scale and massing of the building, however, the height may not exceed 35 feet and the lot coverage may not exceed 35%;
- e) the location and amount of parking provided;
- f) safe pedestrian and traffic access and egress to the site and building;
- g) site landscaping including buffering from adjacent industrial and commercial uses;
- h) hours of operation;
- i) noise;
- j) lighting (shall not intrude on the residential neighbourhood);
- k) environmental considerations, including the installation of equipment to reduce pollution and emissions from the site.

3. Amend the Generalized Future Land Use Map (Map 9) by redesignating the property at 6193 Young Street (LRIS PID 00153106) (at Windsor Street) to "Commercial" from "Institutional"

as shown on Map 1 attached hereto. In addition, amend the Generalized Future Land Use Map (Map 9) by redesignating the adjacent properties on Young Street (6189 and a portion of 6171) to "Commercial" from "Institutional" as shown on Map 1 attached hereto.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 2006.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____ A.D., 2006.

Jan Gibson
Municipal Clerk

Attachment B

Amendments to Halifax Peninsula Land Use By-law

The Land Use By-law for *Halifax Peninsula* is hereby amended by:

1. Adding subsection 99(13) to the Halifax Peninsula Land Use By-law to read as follows:

Young Street - corner of Young and Windsor

For the properties at 6193 Young Street (PID 00153106) (at Windsor Street), known as LRIS PID No. 00153106 Young Street, in addition to the uses permitted in the Park and Institutional Zone (P), Council may, by development agreement, pursuant to Policies 3.10 of section II of the Municipal Planning Strategy, permit only a variety of commercial uses, excluding:

- a) motor vehicle dealers;
- b) motor vehicle repair shops;
- c) adult entertainment uses; and,
- d) amusement centres.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, A.D., 2006.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____ A.D., 2006.

Jan Gibson
Municipal Clerk

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Halifax Peninsula Land Use By-law and the Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other Bylaws, Statutes and Regulations

Further to Section 1.2, nothing in this Agreement, with the exception of Section 2.5.4, shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Province of Nova Scotia, and the Developer or lot owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

1.4 Conflict

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands owned by the Developer.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: USE OF LANDS AND DEVELOPMENT PROVISIONS

2.1 SCHEDULES

2.1.1 The Developer shall develop the lands in a manner, which, in the opinion of the Development Officer, is substantially in conformance with the Schedules attached to this agreement and the plans **00815-01 to 00815-16** filed in the Halifax Regional Municipality as Case Number 00815:

Schedule A

Legal Description of the Lands(s)

Schedule B	Site Plan 00815-01
Schedule C	Landscape Plan 00815-02
Schedule D-1	Landscape Details 00815-03
Schedule D-2	Landscape Notes and Specifications 00815-04
Schedule E	Perspective View (Windsor Street) 00815-05
Schedule F	Perspective View (Young Street) 00815-06
Schedule G	Site Services Plan 00815-07
Schedule H-1 to H-5	Sign Design and Specifications 00815-08 to 12
Schedule I-1 to I-3	Lighting Plans 00815-13 to 15
Schedule I-4	Description of Lighting Plans 00815-16

2.2 GENERAL DESCRIPTION OF LAND USE

2.2.1 The use of the Lands permitted by this Agreement are the following:

- a) 12 gas pumps with canopy;
- b) a 24 hour convenience store and restaurant;
- c) 2 pylon signs; and,
- d) a drive-through and sign board.

2.3 DETAILED PROVISIONS FOR LAND USE

2.3.1 A restaurant shall be permitted within the building permitted on the Lands provided that:
(a) the seating capacity of the restaurant may not exceed 25; and,
(b) no video gambling machines or video lottery terminals are permitted.

2.3.2 A drive-through window, home delivery service and take-out shall be permitted provided that:
a) the drive through window is located on the north side of the building as illustrated on Schedule B.

2.3.3 Automotive repair (including mechanical repair, auto body work, windshield service, brake repair, exhaust repair, tire shops and other similar activities) and vehicle sales shall not be permitted on the lands.

2.4 ARCHITECTURAL REQUIREMENTS

2.4.1 The Developer agrees that the building constructed on the Lands shall be in substantial conformance with Schedules E and F.

2.4.2 Building Siting, Bulk and Scale

2.4.2.1 The gas pumps and convenience store shall not be located closer to Young Street or Windsor Street than as generally depicted on Schedule B.

2.4.2.2 The building footprint for the convenience store shall not exceed 420 square meters (approximately 4500 square feet).

2.5 PARKING, CIRCULATION AND ACCESS

2.5.1 The parking area shall be sited as generally illustrated on Schedule B. The parking area shall maintain setbacks from the property lines as shown on the plan.

2.5.2 The parking area shall be hard surfaced.

2.5.3 The limits of the parking area shall be defined by landscaping and/or curb.

2.5.4 The driveway shall be generally located as shown on Schedule "B". In addition, the driveway cuts shall be permitted as shown on Schedule "B".

2.6 BUILDING AND SITE LIGHTING

2.6.1 All lighting on the Lands, exclusive of lighting for signs, shall be designed, installed and maintained to supply adequate area lighting and provide adequate security. Lighting shall be built in accordance with Schedules I-1 through I-3.

2.6.2 The lighting plan shall contain, but shall not be limited to, the following:

- (a) Plans indicating the location and the type of illuminating devices, fixtures, lamps, supports, or other devices; and,
- (b) Description of the illuminating devices, fixtures, lamps, supports or other devices. This description may include, but is not limited to, manufacturers' catalog cuts and drawings including sections where required.

2.6.3 All lighting shall be installed prior to the issuance of an occupancy permit.

2.6.4 The lighting plan and description shall be sufficient to enable the Development Officer to readily determine whether compliance with the requirements of this article will be secured. If such plan and description cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

2.7 LANDSCAPING

2.7.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

- 2.7.2 Landscaping shall be provided in the locations as shown on Schedule C.
- 2.7.3 The Development Officer may approve minor modifications to the species, size and location of plant stock, provided such modifications, in the opinion of the Development Officer, enhance the attractiveness and visual appearance of the Lands.
- 2.7.4 Landscape Details
- 2.7.4.1 Planting details for each type of plant material proposed on the plan shall be provided, including species list with quantities, size of material, and common and botanical names (species and variety) as shown on Schedules D-1 and D-2.
- 2.7.4.2 Mass shrub plantings or mixed shrub and ground cover plantings are encouraged instead of perennial beds.
- 2.7.5 Along the north boundary of the paved area, landscaping shall consist of a minimum of: 7 full size red maple trees, having a minimum size of 60 mm caliper (2.4 inch diameter).
- 2.7.6 Along Young Street and Windsor Street planting shall be provided in the form of a series of 1 gallon potted rosa rugosa as shown on Schedule C.
- 2.7.7 Maintenance
- 2.7.7.1 Sod groundcover shall be used in the areas as illustrated on Schedule C.
- 2.7.7.2 Grass shall be grown in the areas shown to be seeded on Schedule C.
- 2.7.8 Screen utilities
- 2.7.8.1 Shrub material shall be used to screen any electrical transformers or other utility boxes.
- 2.7.9 Occupancy
- 2.7.9.1 Prior to issuance of an occupancy permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 2.7.9.2 Notwithstanding the above the occupancy permit may be issued provided the Developer supplies a security deposit in the amount of 120 per cent of the estimated cost to complete the landscaping. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security

shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the developer not complete the landscaping within twelve months of issuance of the occupancy permit, the Municipality may use the deposit to complete the landscaping as set out in Schedule C and D-1 and D-2. The developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the developer upon completion of the work and its certification.

2.8 MAINTENANCE

2.8.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the interior and exterior of the building, fencing, walkways, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow removal/salting of walkways and driveways.

2.9 PARKS AND OPEN SPACE

2.9.1 The Developer shall provide a minimum of \$25,000, or \$25,000 of in-kind contributions, for the development of a pocket park at Bayers Road and Windsor Street on HRM owned land (a portion of PIDs 00153122, 00153247, 00153114).

2.9.1.1 The decision whether to provide \$25,000, or \$25,000 of in-kind contributions, for the development of a pocket park at Bayers Road and Windsor Street shall be made by HRM staff at the time of implementation of this agreement.

2.9.2 At the request of the Developer, the pocket park, being constructed from these funds or in-kind contributions, shall be:

- a) designed by HRM staff in consultation with the local community;
- b) completed under the direction of HRM staff; and,
- c) constructed at the same time as the gas complex.

2.9.3 The Developer shall construct a plaque stating their contribution to the development of the pocket park. This sign shall be designed (and its location chosen) in consultation with HRM staff and shall be constructed from funds outside of the \$25,000 or \$25,000 of in-kind contributions.

2.10 SIGNS

2.10.1 The two pylon signs shall not exceed the dimensions as shown on Schedule H-1 and shall be located as shown on Schedule B.

- 2.10.2 No sign shall obstruct the vision of drivers leaving the roadway or driveway, or detract from the visibility or effectiveness of any traffic sign or control device on public streets.
- 2.10.3 No flashing lights shall be incorporated in the sign and any lighting will be arranged so as to be directed away from neighbouring properties.
- 2.10.4 Ten dwarf burning bushes shall be planted and maintained around the entire base of each pylon sign as part of the required landscaping.
- 2.10.5 No mobile, moveable or fluorescent coloured signs shall be permitted, illuminated or otherwise.
- 2.10.6 All other signage on the property shall substantially conform to Schedules H-2 through H-5.

2.11 OUTDOOR STORAGE AND DISPLAY

- 2.11.1 No outdoor storage shall be permitted on the Lands. Refuse containers shall be located outside the building shall be screened from adjacent properties by means of suitable landscaping including as a minimum five white spruce trees, as shown on Schedule B.
- 2.11.2 Outdoor display of merchandise is permitted and shall be limited to the sidewalk area immediately abutting the front facade of the building under the roof canopy and the space between the gas pumps under the gas pump canopy.

2.12 HOURS OF OPERATION

- 2.12.1 The gas station, restaurant and drive through shall be permitted to operate 24 hours a day, seven days a week.
- 2.12.2 Hours of operation shall conform with all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

2.13 SURPLUS LAND

- 2.13.1 The land noted on Schedule B and Schedule C as "Surplus Land for Other Commercial Development" has no uses permitted at this time. Any use shall be considered only through the development agreement process.

PART 3: STREETS AND MUNICIPAL SERVICES

- 3.1 The Developer shall be responsible for securing all applicable approvals associated with the servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage

system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies, except as provided herein. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer, and no development permit shall be issued by the Development Officer until written approval from the Municipal Engineer and any other applicable authorities with respect to the design of all systems has been received.

- 3.1.1 The Developer shall provide oil & grit separators (Stromceptors) for any and all storm sewer laterals leaving the development site

3.2 OFF-SITE DISTURBANCE

- 3.2.1 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer on advice of the Development Engineer.

- 3.2.2 A Backflow Prevention Device for municipal water service may be required as determined by the Halifax Regional Water Commission prior to the issuance of a development permit.

3.3 FIRE SERVICES

- 3.3.1 This is a "No Burn Zone". Burning of site material such as but not limited to vegetation, brush and trees shall be prohibited. All debris shall be hauled off-site. This includes any and all combustible material and building products or by-products.

- 3.3.2 There shall be a Fire Safety Plan in place and posted at the site during construction.

- 3.3.3 The construction and installation of the service station and tanks falls under Part 4 of the National Fire Code of Canada (Flammable and Combustible Liquids). All the requirements of this section of the Code shall be met during the construction of the service station.

3.4 SOLID WASTE FACILITIES

- 3.4.1 The building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Official in consultation with the Manager of Solid Waste Resources.

3.4.2 Refuse containers and waste compactors shall be located as illustrated on Schedule B.

3.4.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing/masonry walls with suitable landscaping.

PART 4: ENVIRONMENTAL PROTECTION MEASURES

4.1 Environmental protection measures associated with the development of the Lands, shall be undertaken in compliance with N.S. Department of Environment and Labour (NSEL) requirements and regulations.

4.2 The Developer shall provide NSEL with a Certificate of Compliance by an Environmental Consultant, and shall provide the Development Officer with a letter from NSEL recognizing said document, prior to receiving occupancy permits.

4.3 Prior to the commencement of any onsite works on the Lands, including earth movement other than that required for preliminary survey purposes, or associated offsite works, the Developer shall:

- a) submit a detailed Site Disturbance Plan, prepared by a Professional Engineer or suitable discipline licensed to practice in the Province of Nova Scotia indicating the areas to be disturbed, and all proposed detailed erosion and sedimentation control measures to be put in place prior to and during development;
- b) post security in the amount of \$50,000, to ensure that all environmental protection measures are properly implemented and maintained. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer within 30 days of the date of issuance of any occupancy permit, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer, in consultation with the Development Engineer, and that all disturbed surfaces have been permanently reinstated, and that all landscaping has become established; and,
- c) prior to issuance of an occupancy permit for the Building on the Lands, provide certification from a Professional Engineer that:
 - a) all disturbed surfaces have been re-instated and that vegetation growth is permanently established; and,
 - b) the storm water management measures have been completed and are operating in accordance with the Schedules to this Agreement.

4.4 PROFESSIONAL SITE SUPERVISION

- 4.4.1 The Developer, through its Contractor, agrees to provide full time professional site supervision during the full construction period to ensure that the environmental protection measures are properly implemented and maintained.

PART 5:AMENDMENTS

5.1 SUBSTANTIVE AMENDMENTS

- 5.1.1 Amendments to any matters not identified under Section 5.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

5.2 NON-SUBSTANTIVE AMENDMENTS

- 5.2.1 The following items are considered by both parties to be not substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act:
- d) changes to the architectural requirements/details as shown on the attached Schedules or as detailed in Section 2.4;
 - b) changes in the building placement, notwithstanding the minimum setbacks as described in Section 2.4, and in Schedule B; and,
 - c) changes in the location of the pylon signs.

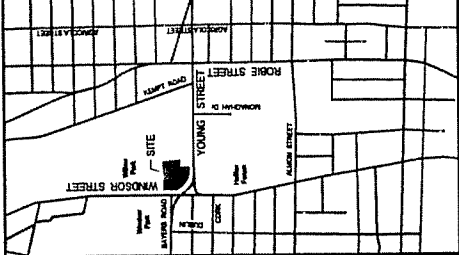
PART 6: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

- 6.1 The Developers agree that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developers, subject to the officer complying with all safety regulations concerning personal protective equipment. The Developers further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developers agrees allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 6.2 If the Developers fail to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developers 14 days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (c) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developers from continuing such default and the Developers hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;



PETRO-CANADA

PROPOSED
COMMERCIAL
DEVELOPMENT



6193 YOUNG STREET
HALIFAX, NS

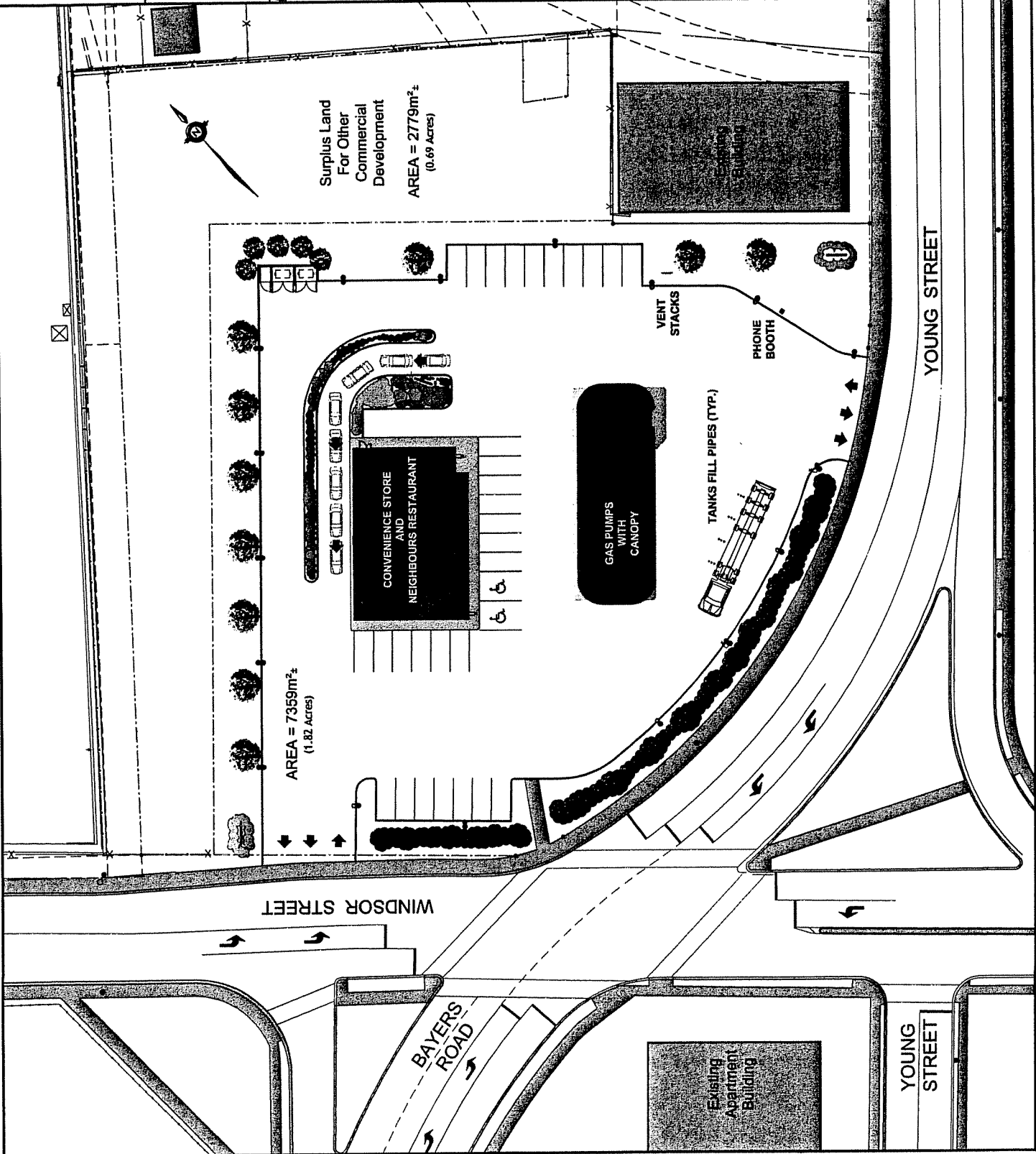
MAY 2, 2006


PID: 00153106
Lot Area: 2.51 Acres ±
Building Area: 4,300 SF ±
32 Parking Spaces

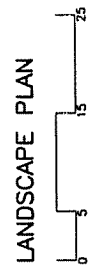
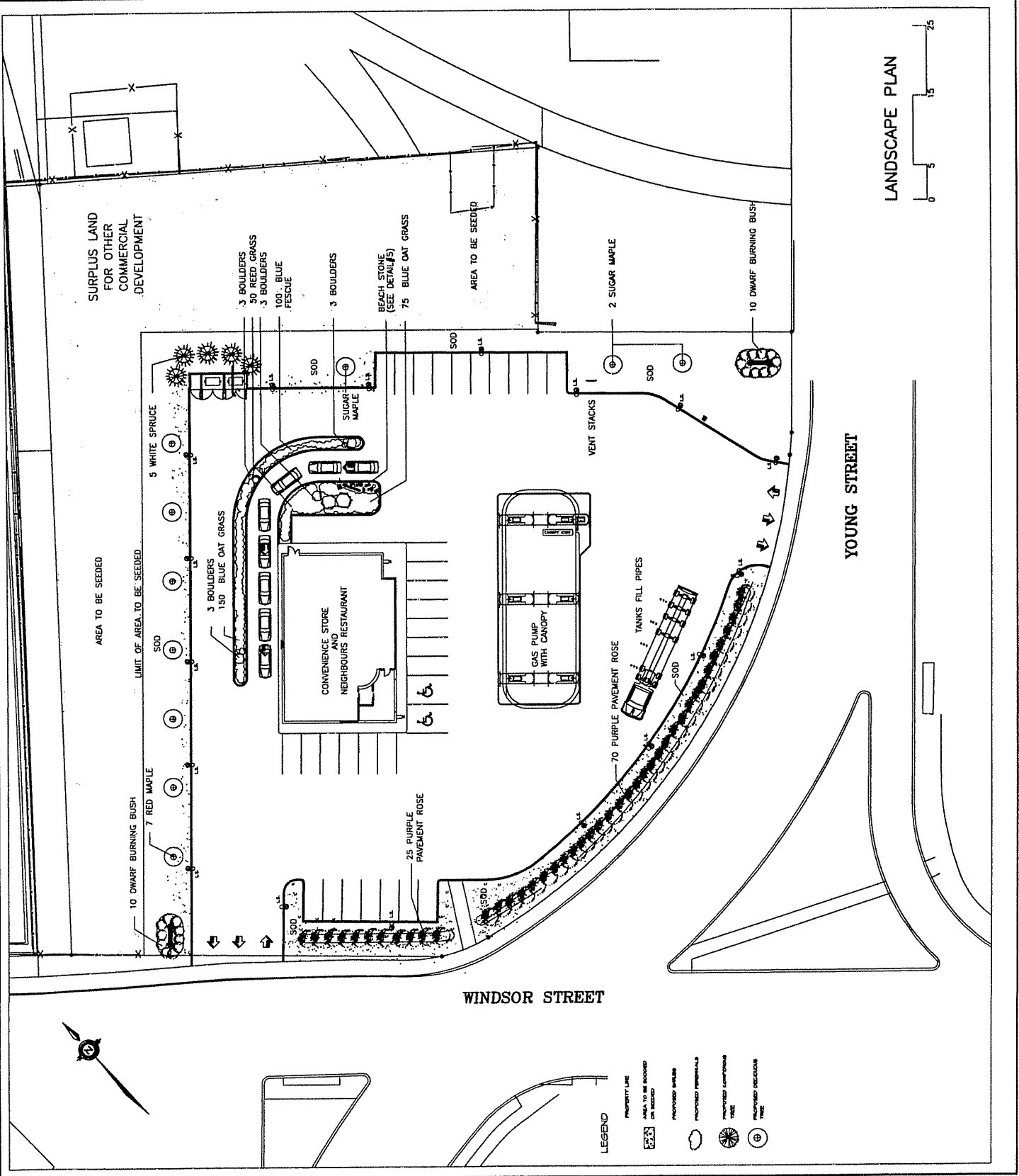


50161EP08

THE SCIENCE OF PRACTICAL SOLUTIONS
 6000 Main Street, Suite 200, Halifax, NS B3L 1A5
 Tel: 902-420-9999
 Fax: 902-420-9995
 Email: info@terrain.com



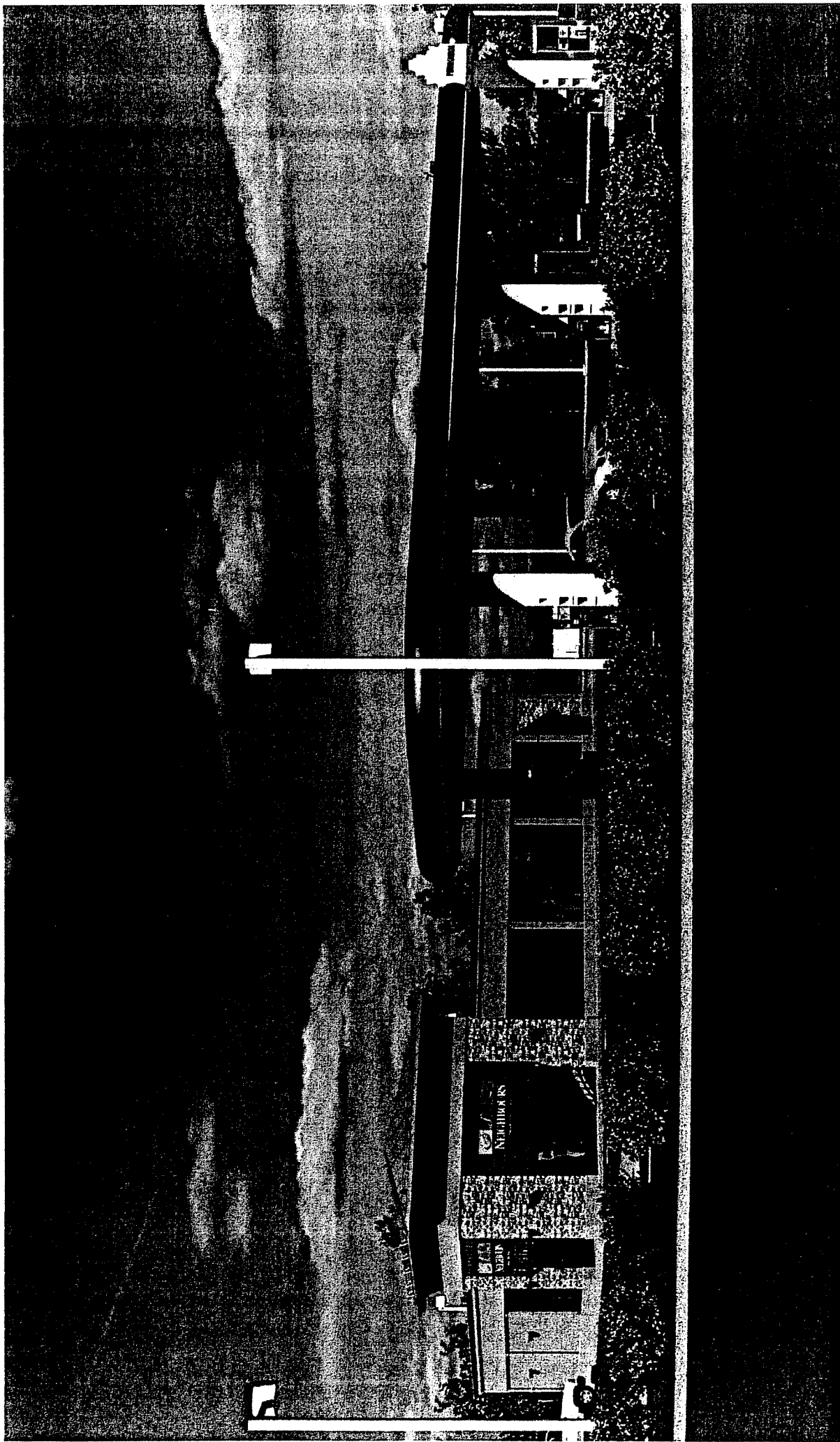
<p>NOTES</p> <p>1. CONSULT TO CONFIRM ALL DIMENSIONS WITH THE CONTRACTOR. VERIFY ALL DIMENSIONS WITH THE CONTRACTOR.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.</p>													
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Issue for tender</td> <td>2008</td> </tr> <tr> <td>2</td> <td>Issue for contract</td> <td>2008</td> </tr> <tr> <td>3</td> <td>Final Revision</td> <td>2008</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1	Issue for tender	2008	2	Issue for contract	2008	3	Final Revision	2008	<p>MARKET ANALYSIS</p> <p>APPROVED BY: _____ DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p>
NO.	DESCRIPTION	DATE											
1	Issue for tender	2008											
2	Issue for contract	2008											
3	Final Revision	2008											
<p>PETRO-CANADA</p> 													
<p>CENTRAL OFFICE</p> <p>LANDSCAPE PLAN</p>													
<p>PROJECT: YOUNG STREET CORNER OF WINDSOR ST HALIFAX - N.S.</p> <p>SCALE: 1:750</p> <p>DATE: 2-JULY-2008</p> <p>DESIGNED BY: CE</p> <p>APPROVED BY: CE</p> <p>DATE: _____</p>													
<p>14196</p> <p>L-1</p>													



LANDSCAPE PLAN

LEGEND

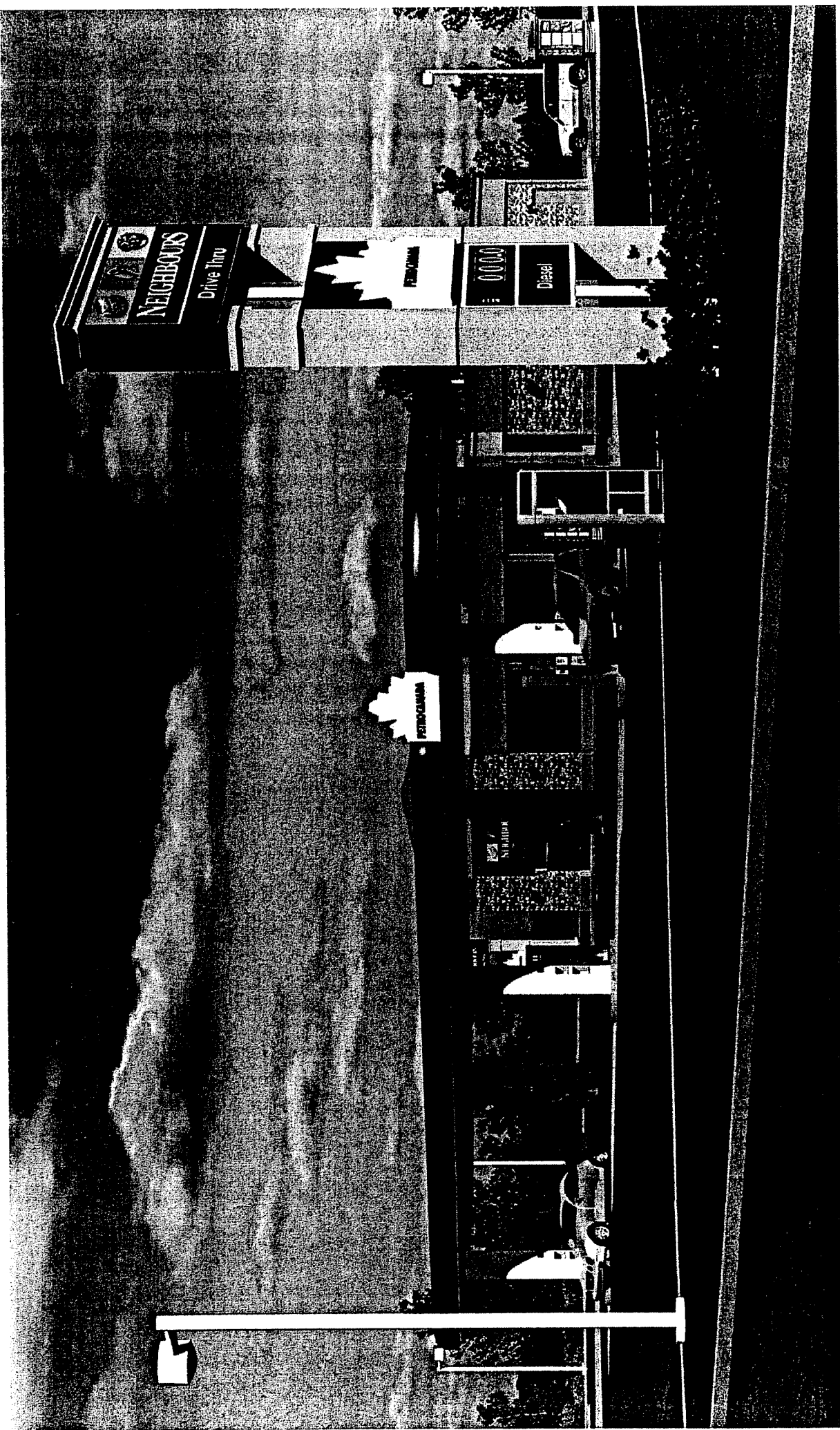
	PROPERTY LINE
	AREA TO BE SEEDED OR SEEDING
	PROPOSED MARKER
	PROPOSED MATERIALS
	PROPOSED LANDSCAPE TREE
	PROPOSED DECIDUOUS TREE



WINDSOR STREET / YOUNG STREET , HALIFAX, N.S.

SCHEDULE E

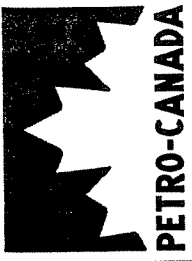
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WINDSOR STREET / YOUNG STREET , HALIFAX, N.S.

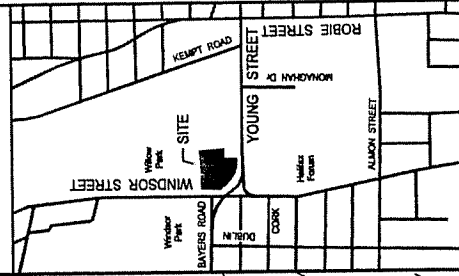
SCHEDULE F

00815-06



PETRO-CANADA

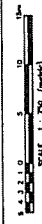
**PROPOSED
COMMERCIAL
DEVELOPMENT**



6193 YOUNG STREET
HALIFAX, NS

MAY 2, 2006

SITE
SERVICES
PLAN



NOTE:
THIS SERVICING IS SCHEMATIC
ONLY. SERVICING SCHEMATIC
SUBJECT TO DETAILED GRADING
DESIGN AND SERVICING DESIGN

Surplus Land
For Other
Commercial
Development

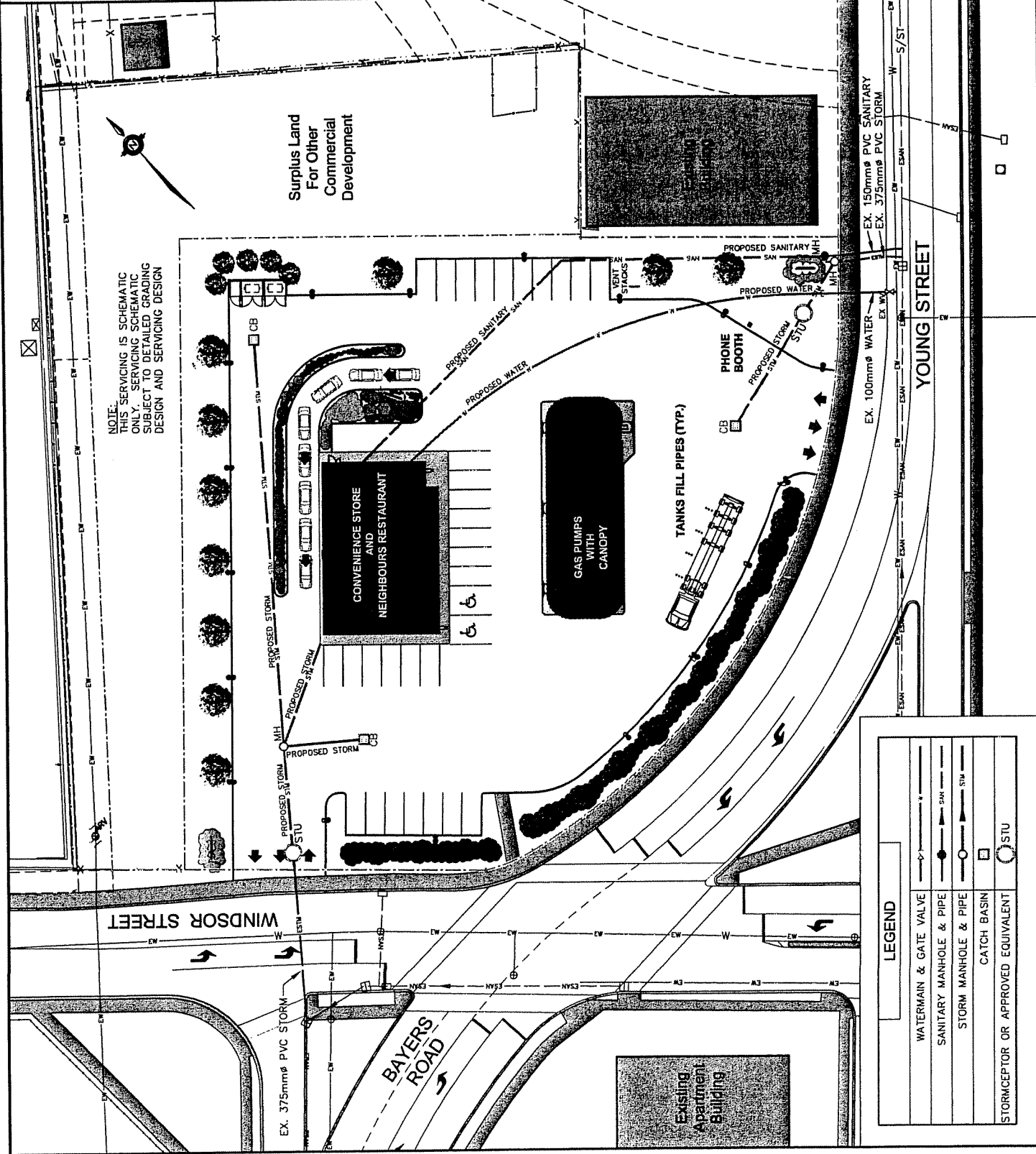
CONVENIENCE STORE
AND
NEIGHBOURS RESTAURANT

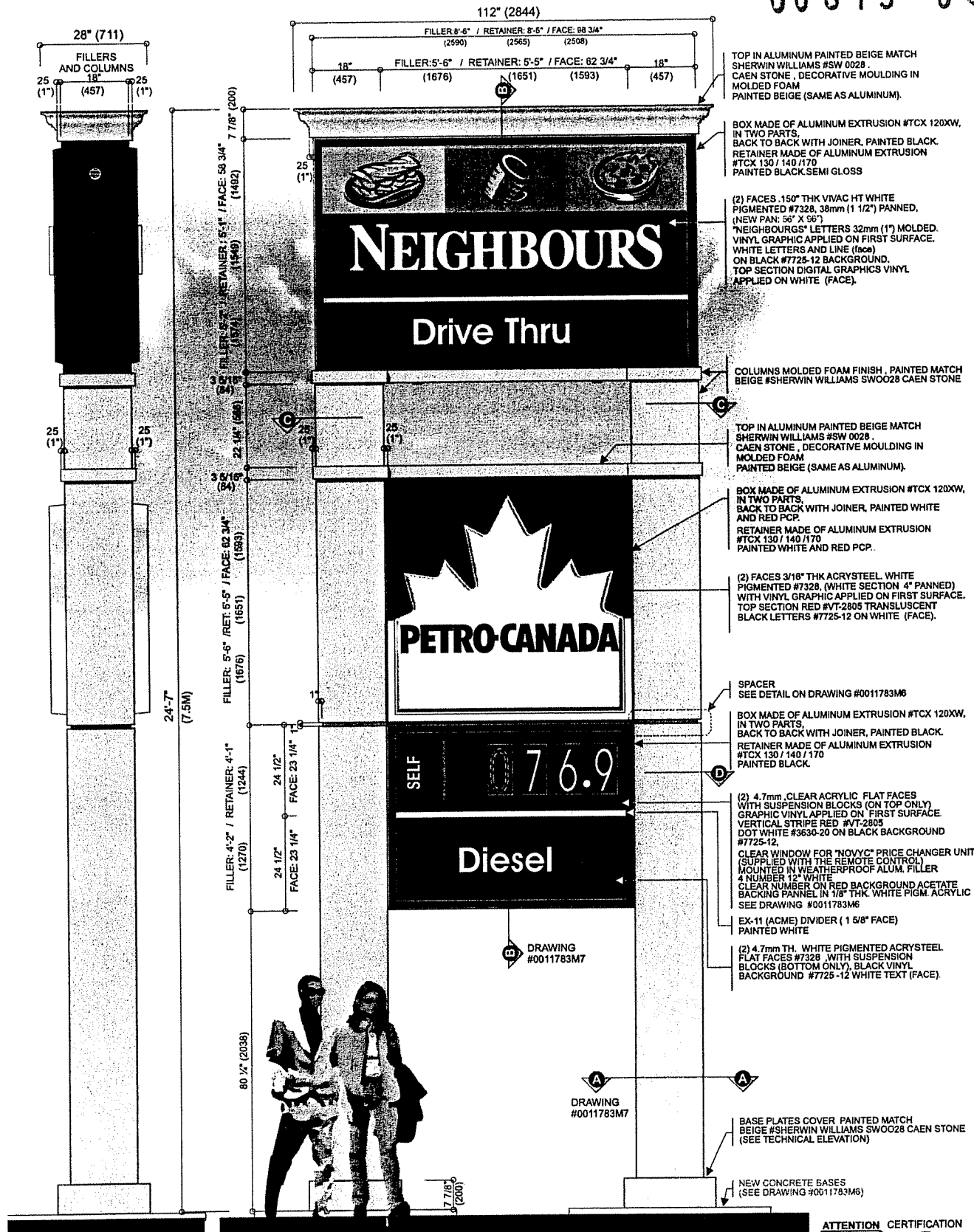
GAS PUMPS
WITH
CANOPY

TANKS FILL PIPES (TYP.)

PHONE
BOOTH

LEGEND	
	WATERMAIN & GATE VALVE
	SANITARY MANHOLE & PIPE
	STORM MANHOLE & PIPE
	CATCH BASIN
	STORMCEPTOR OR APPROVED EQUIVALENT
	STU





SIDE VIEW

Scale: 1/2" = 1'-0"

A GRAPHIC ELEVATION

(2) D/FACE ILLUMINATED PYLON SIGNS

Scale: 1/2" = 1'-0"

SCHEDULE H-1



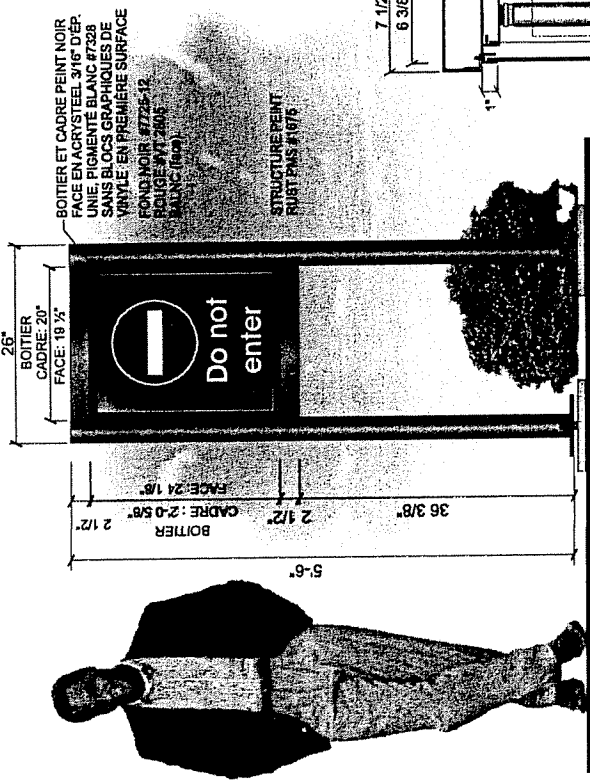
NOTES:
 DESIGN WIND PRESSURE IS 22 PSF
 HSS TO CSA G40-21-50W
 ALL ROLLED SECTIONS AND PLATE TO CSA G40-21-44W
 ANCHOR BOLTS 44KSI MIN. YIELD WELDS & WELDING PER CSA W59 & WELDERS CERTIFIED UNDER W47.1
 CONCRETE TO BE 25MPa @ 28 DAYS
 BASES TO BE INSTALLED PER PETRO-CANADA STANDARD PROCEDURE
 CAISSONS FOUNDED ON SOIL WITH A BEARING CAPACITY OF 150 kPa MIN TO MIN DEPTH SHOWN
 PLACE SONOTUBES AND BACKFILL/COMPACT AS RECOMMENDED BY GEOTECHNICAL REPORT.

TRANSWORLD SIGNS
 9310 Parkway, Montreal, QC, H1J 1N7
 Phone: (514) 352-8030 Fax: (514) 352-0365
 E-mail: info@transworldsigns.com

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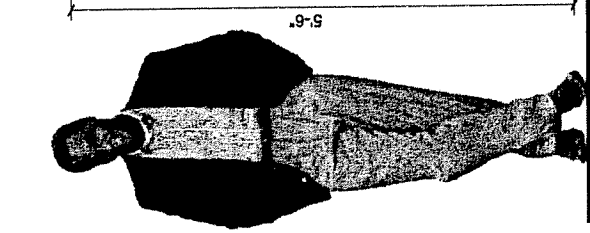
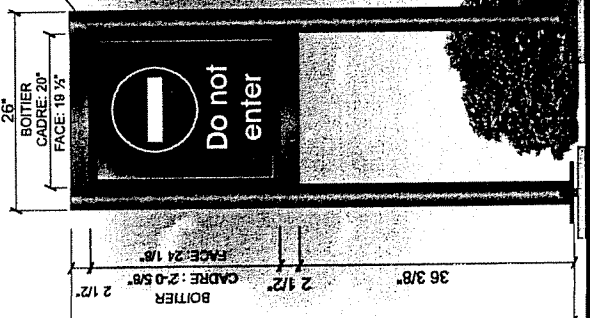
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Rep.	Work Order		
Designer	Drawing #		

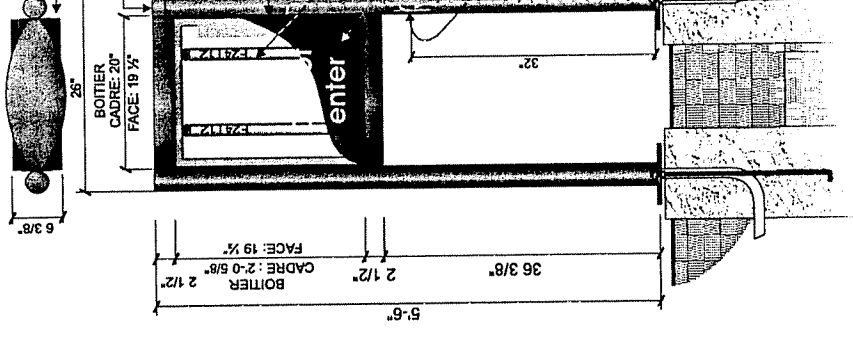


BOITIER ET CADRE PEINT NOIR
FACE EN ACRYSTEEL 3/16" D'EP.
UNIE, PIGMENTE BLANC #7328
SANS BLOCS GRAPHIQUES DE
VINYLE - EN PREMIERE SURFACE
FOND NOIR #7725-12
BOITIER PWT 2405
BALINC (face)

STRUCTURE PEINT
RUST PMS #1675



VUE EN PLAN
GLISSER LA FACE POUR
LE SERVICE



BOITIER CADRE: 20"
FACE: 19 1/2"

BOUTS FERMÉS
(2) ÉLÉMENT DÉCORATIF EN ALUMINIUM
(HAUT ET BAS) PEINT, RUST PMS #1675

(2) POTEAUX D'ALUMINIUM 3" Ø X 1/8" D'EP. X 68" LG.
SOUDÉ SUR LA PLAQUE 8" Ø X 1/2" D'EP. (VOIR DETAIL)
PEINT RUST PMS #1675

EXTRUSION D'ALUM. T64-66-60-80
(PEINT NOIR)

(2) LAMPES FLUORESCENTES
F24T12 @ 10" C/C HO/DIL
INTERRUPTEUR ET BALLAST
(1) 272 AT 2.16 AMP

BOITIER EN ALUMINIUM JACKET 1/8"
TCX-80 SUR 3 CÔTÉS / TCX-60
SUR 1 CÔTÉ VERTICAL POUR LE SERVICE.
CADRE INT-2980

(2) ÉLÉMENTS DÉCORATIFS
EN ALUMINIUM JACKET 1/8"
METHODE RAINUREE

(2) FACE UNIE EN ACRYSTEEL
PIGM. BLANC 3/16" D'EP.
(SANS BLOCS)
AVEC GRAPHIQUE DE VINYLE EN SURF.
(VOIR ELEVATION GRAPHIQUE)

FLUOR. DAY LIGHT, HO, RIS

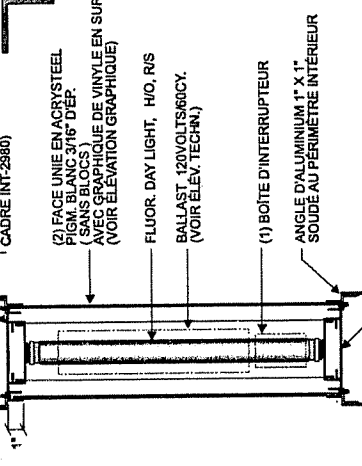
BALLAST, 120VOLTS/60CY.
(VOIR ELEV. TECHN.)

(1) BOITE D'INTERRUPTEUR

ANGLE D'ALUMINIUM 1" X 1"
SOUDÉ AU PÉRIMÈTRE INTÉRIEUR

(2) TROUS DE DRAINAGE
3/8" DIA. Ø 1/2" LG.
(BOITIER ET ÉLÉMENT DÉCORATIF)

B AUTRE FACE



INT-2980

CONDUIT ÉLECTRIQUE
MAX. 1 1/4" Ø EN PVC

(4) BOULONS FILETÉS 1/2" X 24" LG.
EN ACIER GALVANISÉ, C/W ÉCROUX DBL.
ET RONDELLES.

(2) BASES DE BÉTON
12" Ø X 4'-5" (SONOTUBE)

1 1/2" HOLE
POUR CONDUITS ÉLECTRIQUES

B-C ELEVATION TECHNIQUE
ÉCHELLE: 3/4" = 1'-0"

B-C COUPE TECHN. TYPE

REQUIS
CERTIFICATION

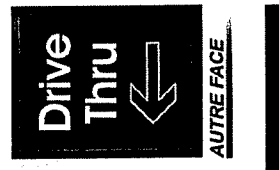


ATTENTION
120 VOLTS
CERTIFICATION



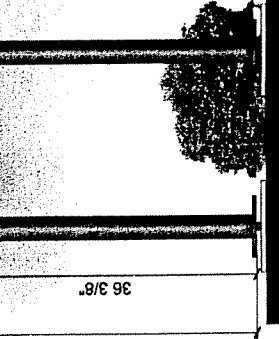
B-C PLAQUES H-2
ÉCHELLE: 3/4" = 1'-0"

00815-09

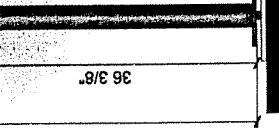


BOITIER ET CADRE PEINT NOIR
FACE EN ACRYSTEEL 3/16" D'EP.
UNIE, PIGMENTE BLANC #7328
SANS BLOCS GRAPHIQUES DE
VINYLE - EN PREMIERE SURFACE
FOND NOIR #7725-12
BOITIER PWT 2405
BALINC (face)

STRUCTURE PEINT
RUST PMS #1675



C ELEVATION GRAPHIQUE
ÉCHELLE: 3/4" = 1'-0"



BOITIER ET CADRE PEINT NOIR
FACE EN ACRYSTEEL 3/16" D'EP.
UNIE, PIGMENTE BLANC #7328
SANS BLOCS GRAPHIQUES DE
VINYLE - EN PREMIERE SURFACE
FOND NOIR #7725-12
BOITIER PWT 2405
BALINC (face)

STRUCTURE PEINT
RUST PMS #1675

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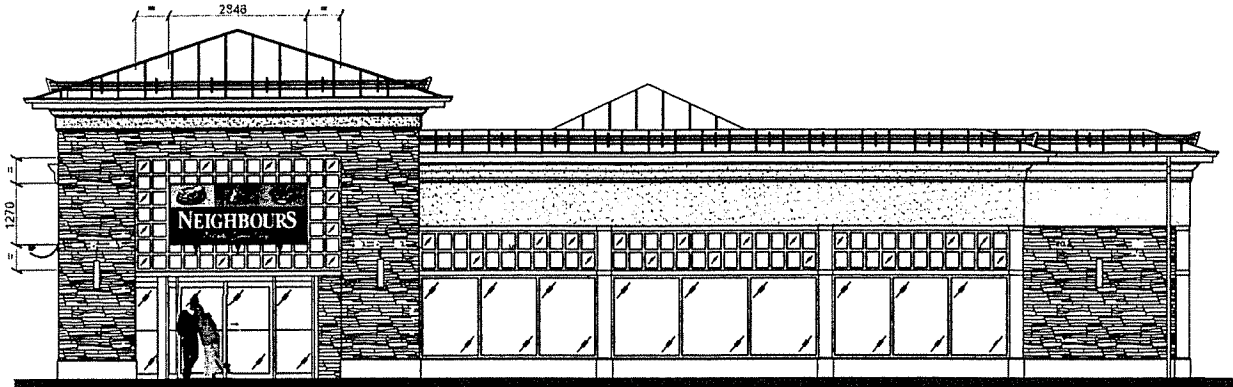
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9310 Parkway, Montreal, QC, H1J 1N7		Address	
Phone: (514) 352-8030		Date: 06 / 09 / 2005	
Email: info@transworldsigns.com		Rep: R.GRAVEL	
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Drawing #		Drawing #	

Thank you
see you
Tomorrow

B AUTRE FACE

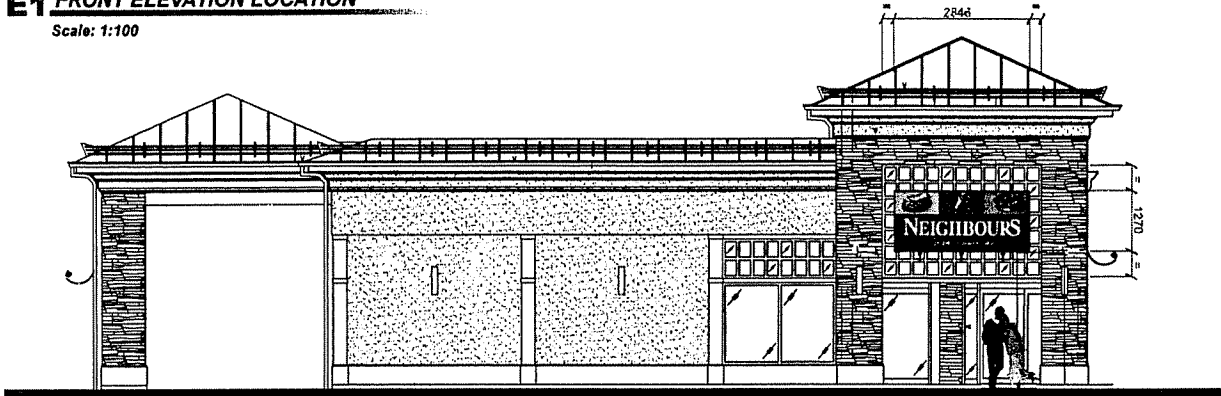
Drive Thru

AUTRE FACE



E1 FRONT ELEVATION LOCATION

Scale: 1:100



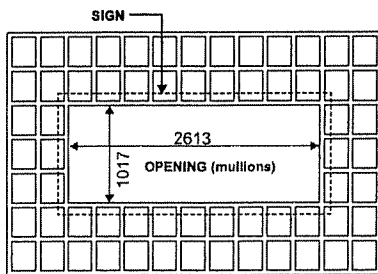
E2 LEFT ELEVATION LOCATION

Scale: 1:100



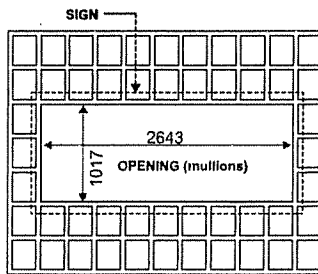
E3 REAR ELEVATION LOCATION

Scale: 1:100



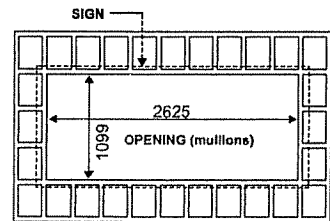
E1 FRONT ELEVATION

Scale: 1:50



E2 LEFT ELEVATION

Scale: 1:50





E3 REAR ELEVATION

Scale: 1:50

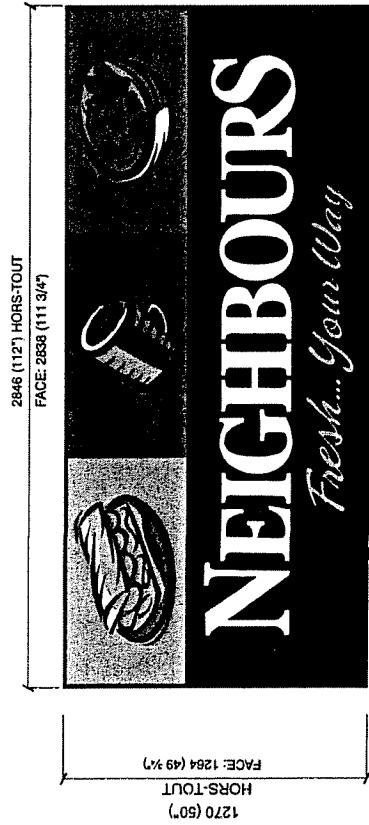
00815-11

SCHEDULE H-4

SEE DRAWING #0011783M5
FOR TECHNICAL DETAILS

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	No 2				
	No 3	X			
	No 4	X			
No 5	X				
No 6	X				
Customer Petro-Canada				Date	
Address				06 / 09 / 2005	
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Designer J.Y. AREL			Drawing #		

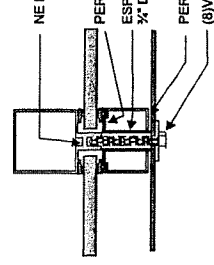
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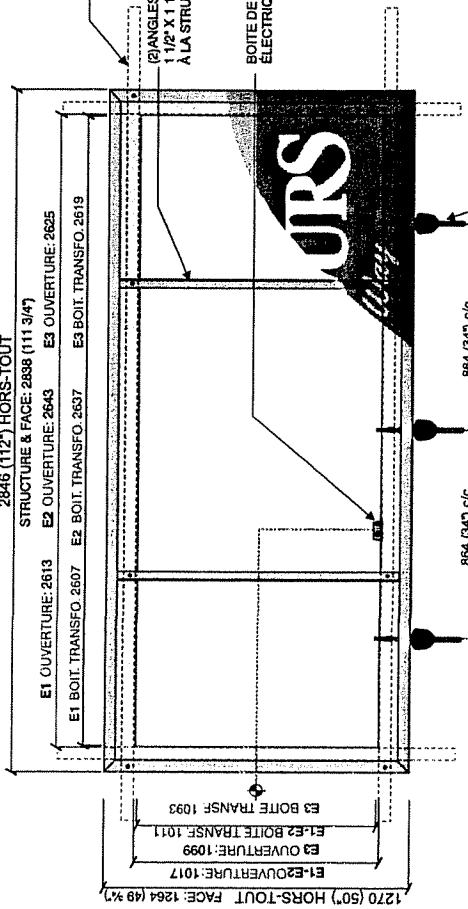
E1 E2 E3 ÉLÉVATION GRAPHIQUE TYPE

Échelle : 1:20

- (3) ENSEIGNES SIFACE ILLUMINÉES INDIRECTEMENT
- FACE EN ACRYSTEEL 3/16" D'ÉPAIS PIGMENTÉ BLANC #7328, PANNÉ 50 mm (2") AVEC BLOCS LETTRES "NEIGHBOURS" MOULÉ 25mm (1") LETTRES "NEIGHBOURS" BLANC (FACE) SUR FOND NOIR #7725-12 AUTRES GRAPHIQUES EN VINYLE IMPRESSION DIGITALE APPLIQUÉ EN SURFACE



DÉTAIL TYP. D'INSTALLATION SUR MENEAU



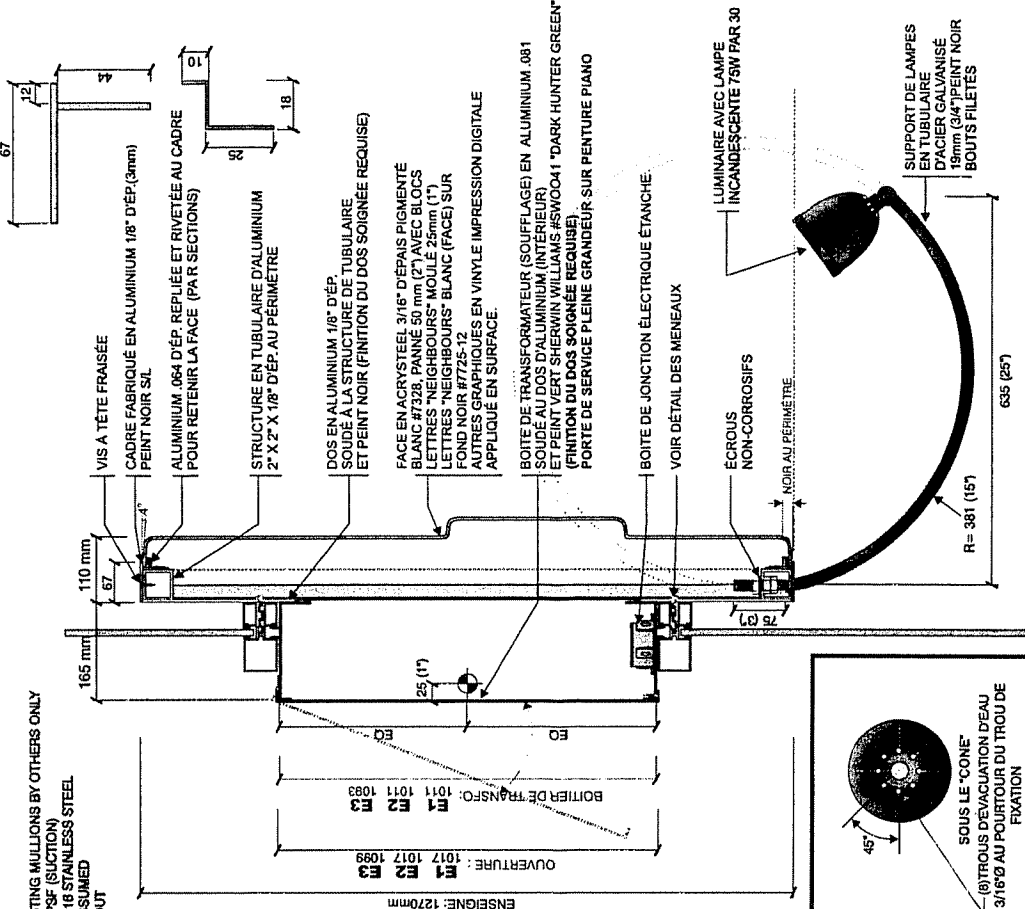
E1 E2 E3 ÉLÉVATION TECHNIQUE TYPE

Échelle : 1:20

REVIEWED FOR ATTACHMENT TO EXISTING MILLIONS BY OTHERS ONLY AT A DESIGN WIND PRESSURE OF 90 PSF (SUCTION) AND MILLION SCREW CHANNEL IS ASSUMED TO DEVELOP FULL ALLOWABLE PULLOUT CAPACITY OF MOUNTING BOLTS.



DOSS VISIBILE
(3) LAMPES ET SUPPORTS REQUIS POUR CHAQUE ENSEIGNE



DÉTAIL / CONE DES LAMPES

SCHEDULE H-5

B1 B2 COUPE TECHNIQUE

Échelle : 1:8

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Revisions		Customer: Petro-Canada	
No	Description	Date	By
No 1			
No 2			
No 3			
No 4			
No 5			
No 6			

Customer: Petro-Canada
Address: _____
Date: 06 / 09 / 2005

Rep. R.GRAVEL
Designer: J.Y. AREL
Work Order: _____
Drawing #: _____

VOIR DESSIN #001783M4 LOCALISATION DES ENSEIGNES

Metric

* CONTRACTOR TO CHECK/VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE REPORTED TO THE PROJECT DESIGNER.
 • DO NOT SCALE DRAWINGS

REV.	DESCRIPTION	DESIGNED BY	DATE
1	ISSUED FOR CLIENT REVIEW	TJM	11-APR-2008
2	ADDITIONAL LIGHTING INFORMATION ADDED	ASF	28-MAY-2008
3	SHEET SIZE ACQUIRED	ASF	28-MAY-2008
4	MODIFICATIONS TO SITE PLAN	ASF	11-APR-2008
5	GRAYS/SCALE INTERSECTING LINES SHOWN	ASF	11-APR-2008
6	INDUSTY PLACES TYPED BY	ASF	11-APR-2008
7	LIGHTING CALCULATIONS UPDATED	ASF	2-MAY-2008

Revisions

APPROVED BY: _____
 DATE: _____


SIGNATURE: _____
 BUSINESS DEVELOPMENT REPRESENTATIVE

APPROVED BY: _____
 DATE: _____

SIGNATURE: _____
 DISTRIBUTION APPROVAL

APPROVED BY: _____
 DATE: _____

SIGNATURE: _____



CENTRAL OFFICE

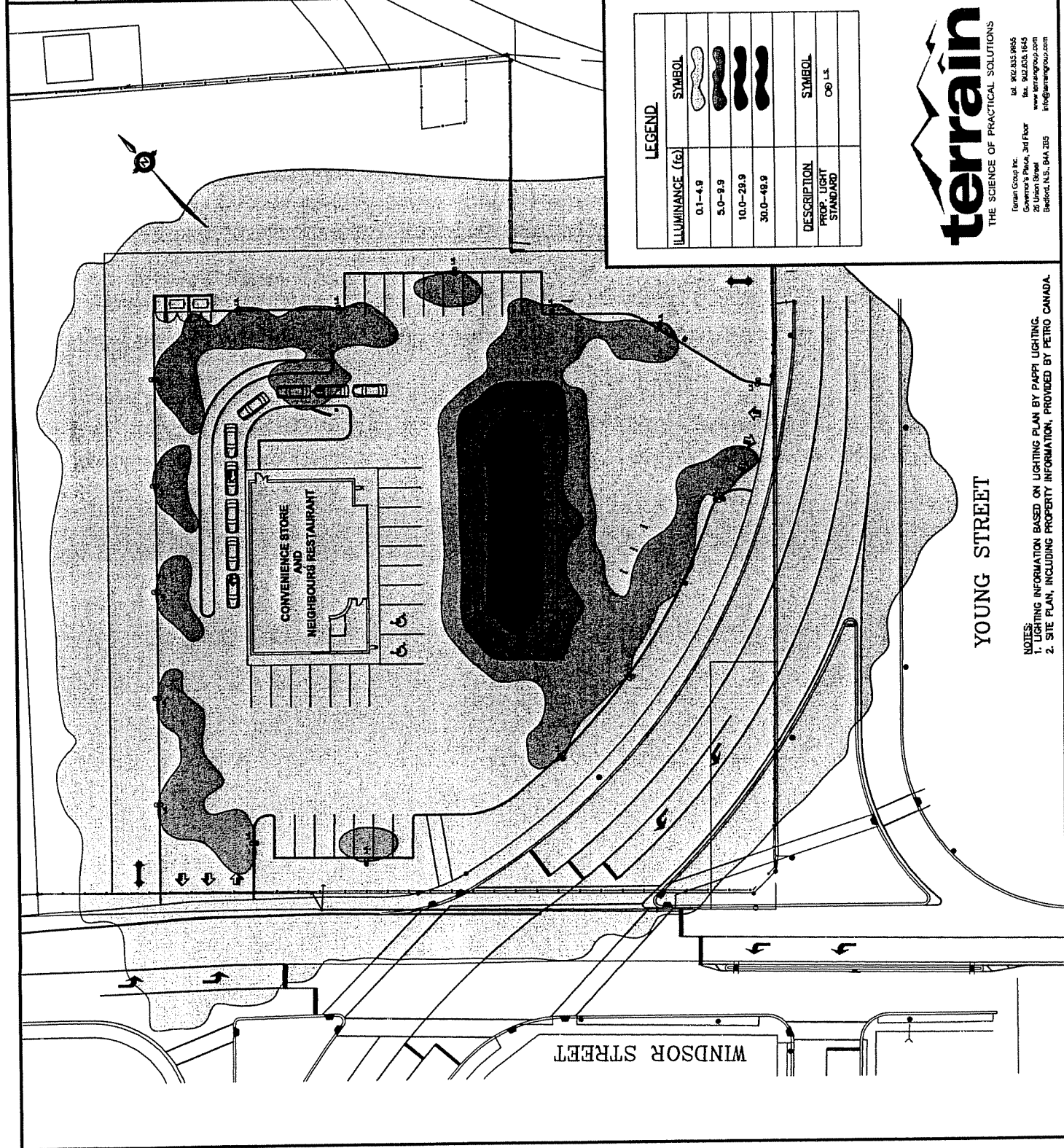
LIGHTING PLAN 1
SITE ONLY

PROJECT:
 YOUNG STREET
 CORNER OF WINDSOR ST
 HALIFAX - N.S.

CAD INFO:
 SHEET SIZE: TJM
 LETTER: _____
 PETRO-CANADA CAD FILE No.: 17150
 DRAWING SCALE: 1:750

DATE DRAWN: 2-MAY-2008
CHECKED BY: ASF
APPROVED BY: ASF

STD No./OUTLET No.: **14196**
 SHEET No.: **I-1**



LEGEND

ILLUMINANCE (fc)	SYMBOL
0.1-4.9	
5.0-9.9	
10.0-29.9	
30.0-49.9	
DESCRIPTION	SYMBOL
PROP. LIGHT STANDARD	


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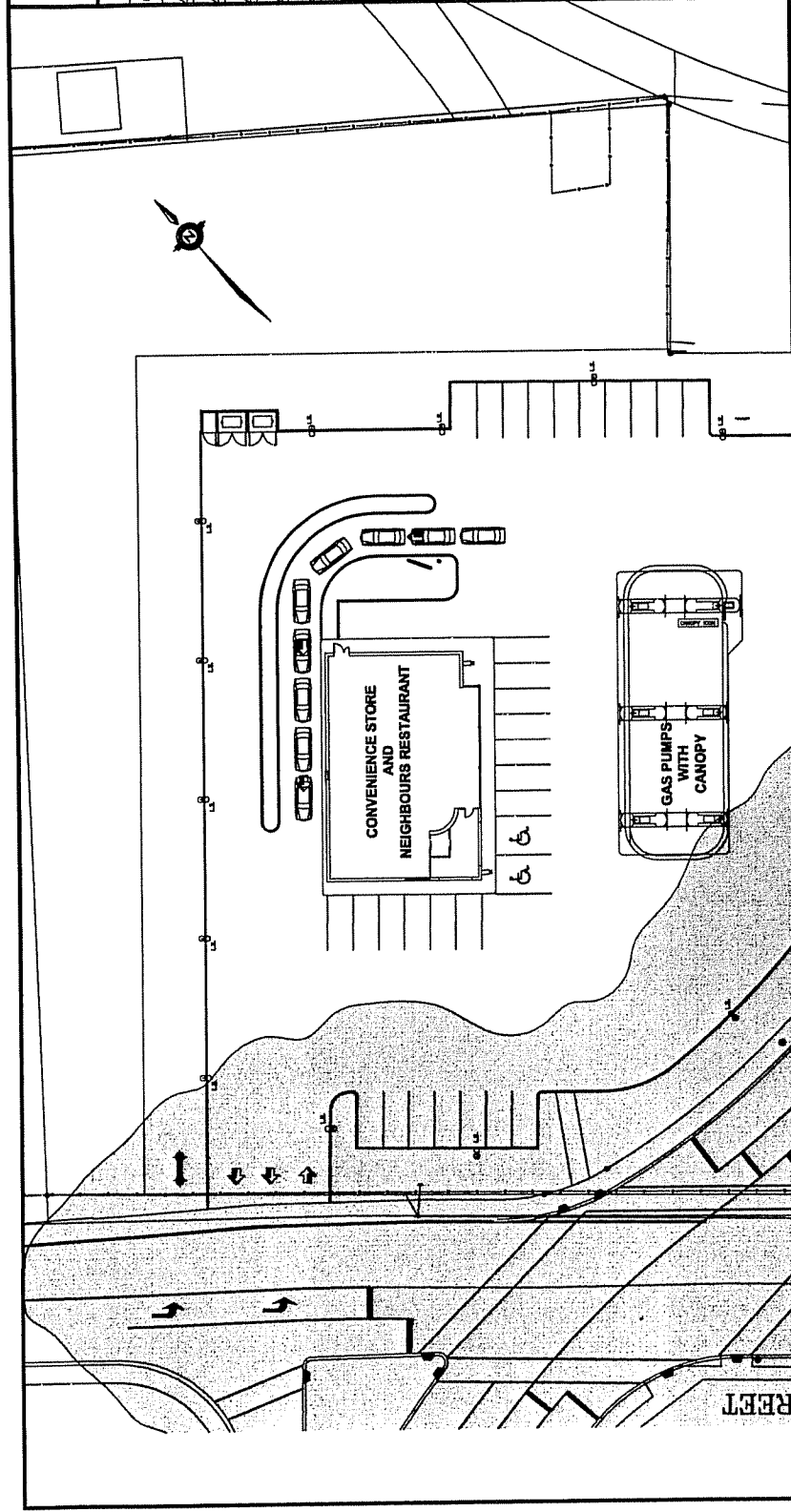
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YOUNG STREET

NOTES:
 1. LIGHTING INFORMATION BASED ON LIGHTING PLAN BY PAPPI LIGHTING.
 2. SITE PLAN, INCLUDING PROPERTY INFORMATION, PROVIDED BY PETRO CANADA.

Metric		* CONTRACTOR TO CHECK/VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. ALL DIMENSIONS TO BE REPORTED TO THE PROJECT DESIGNER.	
* DO NOT SCALE DIMENSIONS			
Revisions		DATE	BY
REV.	DESCRIPTION	DATE	BY
1	ISSUED FOR CLIENT REVIEW	7-MAY-2006	ASF
2	ADDITIONAL LIGHTING INFORMATION ADDED	28-04-2006	ASF
3	SHEET SIZE MODIFIED	2-MAY-2006	ASF
4	MODIFICATIONS TO SITE PLAN	28-MAY-2006	ASF
5	CRITICAL INTERESTY BUSINESS OWNER REQUEST MAJORS TUNED UP	11-APR-2006	ASF
6	LIGHTING CALCULATIONS UPDATED	2-MAY-2006	ASF
MARKET MANAGER			
APPROVED BY:		DATE:	
SIGNATURE:		DATE:	
BUSINESS DEVELOPMENT REPRESENTATIVE			
APPROVED BY:		DATE:	
SIGNATURE:		DATE:	
DISTRIBUTION APPROVAL			
APPROVED BY:		DATE:	
SIGNATURE:		DATE:	
			
CENTRAL OFFICE			
DRAWING TITLE: LIGHTING PLAN 2 STREET ONLY			
PROJECT: YOUNG STREET CORNER OF WINDSOR ST HALIFAX - N.S.			
CAD MODEL:	SHEET SIZE:	LETTER	
DRAWN BY:	TJM	PETRO-CANADA	
DRAWING SCALE:	1:750	CAD FILE No.	
DATE DRAWN:	2-MAY-2006	PROJECT No.	804318080
CHECKED BY:	ASF	PLAT SCALE	1:1
APPROVED BY:	ASF	PLAT CONFIGURATION	
STD No./OUTLET No.	14196	SHEET No.	I-2




LEGEND	
ILLUMINANCE (fc)	SYMBOL
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DESCRIPTION	SYMBOL
PROP. LIGHT STANDARD	CS/L.S.

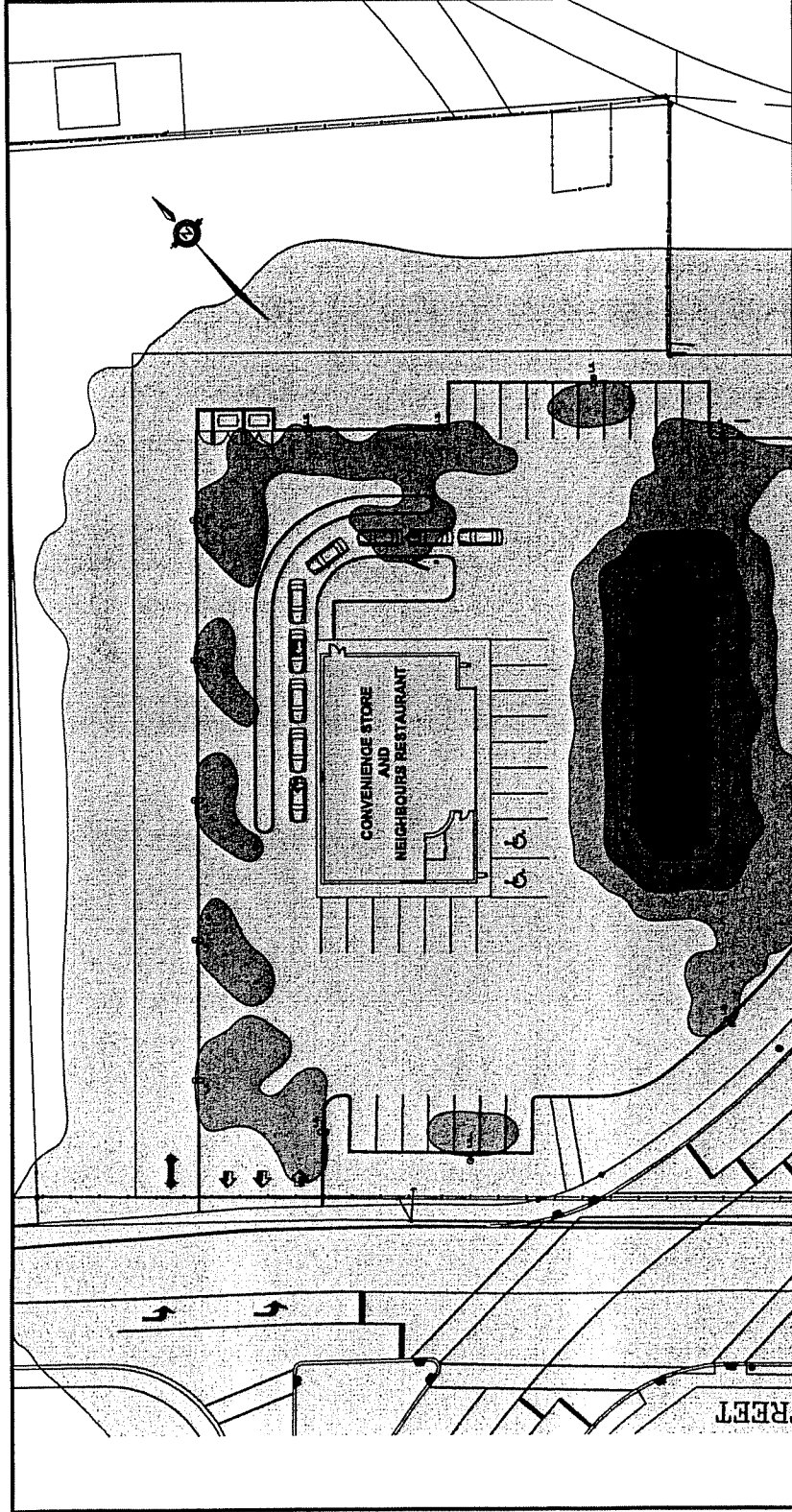
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NOTES:
1. LIGHTING INFORMATION BASED ON LIGHTING PLAN BY PAPP LIGHTING.
2. SITE PLAN, INCLUDING PROPERTY INFORMATION, PROVIDED BY PETRO CANADA.

Metric		* CONFORM TO CECF EVERY. ALL DIMENSIONS SHOWN TO BE REPORTED TO THE PROJECT DESIGNER.	
Revisions		DATE	DATE
REV.	DESCRIPTION	DATE	DATE
1	REVISED FOR CLIENT REVIEW	7-MAY-2006	7-MAY-2006
2	ADDITIONAL LIGHTING INFORMATION ADDED	28-MAY-2006	28-MAY-2006
3	SHEET SIZE MODIFIED	28-MAY-2006	28-MAY-2006
4	MODIFICATIONS TO SITE PLAN	28-MAY-2006	28-MAY-2006
5	CRITICAL INTERMITTENT SHADOWS SHOWN	28-MAY-2006	28-MAY-2006
6	INTERMITTENT SHADOWS TURNED OFF	11-JUN-2006	11-JUN-2006
7	LIGHTING CALCULATIONS UPDATED	28-MAY-2006	28-MAY-2006
APPROVED BY: _____		DATE: _____	DATE: _____
SIGNATURE: _____		DATE: _____	DATE: _____
BUSINESS DEVELOPMENT REPRESENTATIVE		DATE: _____	DATE: _____
APPROVED BY: _____		DATE: _____	DATE: _____
SIGNATURE: _____		DATE: _____	DATE: _____
DISTRIBUTION APPROVAL		DATE: _____	DATE: _____
APPROVED BY: _____		DATE: _____	DATE: _____
SIGNATURE: _____		DATE: _____	DATE: _____
		CENTRAL OFFICE LIGHTING PLAN 3 SITE AND STREET	
PROJECT:		PROJECT:	
YOUNG STREET CORNER OF WINDSOR ST HALIFAX - N.S.		YOUNG STREET CORNER OF WINDSOR ST HALIFAX - N.S.	
DATE DRAWN: 2-MAY-2006	DATE DRAWN: 2-MAY-2006	DATE DRAWN: 2-MAY-2006	DATE DRAWN: 2-MAY-2006
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APPROVED BY: ASE	APPROVED BY: ASE	APPROVED BY: ASE	APPROVED BY: ASE
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14196	14196	14196	14196
SHEET No.	SHEET No.	SHEET No.	SHEET No.
I-3	I-3	I-3	I-3



ILLUMINANCE (fc)	SYMBOL
0.1-4.9	
5.0-9.9	
10.0-29.9	
30.0-49.9	
DESCRIPTION	SYMBOL
PROP. LIGHT STANDARD	

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NOTES:
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WINDSOR STREET

YOUNG STREET

Petro Canada Lighting Study

Explanation:

Due to concerned local residents, Petro Canada retained a lighting engineer to prepare a lighting study for the site. This study (prepared by Pappi Lighting) simulates the intensity or illuminance measured in foot candles at a given location. We have attached three (3) lighting plans:

Lighting Plan 1	Lighting associated with the proposed gas station
Lighting Plan 2	Existing light levels from existing street lights
Lighting Plan 3	A projection of light levels after the construction of the gas station).

Lighting Plan 1 (L-1) illustrates the level of illuminance associated with the proposed gas station. The construction plan specifies the installation of yard lights spaced at 30 meter intervals and canopy lights spaced in a circular pattern. All the light fixtures will be the round lens Pappi units capable of providing 175 watts of downward concentrated illuminance. Because of the asphalt surface no lighting bounces beyond the point of focus.

To understand the plan, the reader should note that the darker the shade of the light contour, the more intense or brighter the light will be. Conversely, the lighter the shade the lower the illuminance. The lighting system is designed so that the highest illuminance is under the canopy, next to the fuel centers, and the lowest is at or near the property line.

Under the canopy structure, the cumulative effect of the canopy lights provides a highly concentrated pattern at the fuel centers averaging approximately 50 foot candles, and dissipating to 15 foot candles at the edge of the canopy. By comparison, the yard lights surrounding the property provide an average illuminance of 5 foot candles at approximately 3 meters. The total average intensity across the site is 2.5 foot candles, which dissipates downward to .5 foot candles at the north and eastern boundaries and to 1.2 foot candles at the southern and western property lines (Young and Windsor Streets respectively).

Lighting Plan 2 (L-2) illustrates the impact of existing street lighting on the intersection at Young and Windsor. The area in light grey indicates illuminance from 0.1 to 4.9 foot candles. These existing lights provide this level of illuminance all the way through the intersection, and including land on either side of the road. These lights already provide background light to the apartment building at Young and Windsor as well as the property on the south side of Young (Forum parking lot) and the first 20 feet of the Petro Canada property north of Young.

Lighting Plan 3 (L-3) illustrates the combined effect of the two plans, and simulates the level of light illuminance that should be expected after the construction of the proposed gas station. As indicated earlier in the description of Plan 1, there is approximately 50 foot candles of light under the gas pump canopy, which quickly dissipates as one moves further away from this area. There are also several pockets of light at the northern end of the property adjacent to the DND lands. However, the total amount of illuminance on the south and western corners of Young and Windsor have not increased over their pre-construction conditions (as illustrated in Plan 2). This confirms that the installation of lights for the Petro Canada station does not have a measurable impact on the properties across the site from the site, and therefore, the light from the gas pump canopy will not cause any problems for existing neighbours

Attachment D

**Public Information Meeting
Case 00815
November 30, 2006**

In attendance:

Councillor Fougere
Councillor Murphy
Angus Schaffenburg, Planner
Jaime Smith, Planner
Alan Taylor, Transportation and Public Works
Gail Harnish, Planning & Development Services
Ross Cantwell, Consultant
Bernard Barreyre, Petro-Canada
Francois Guillemette, Petro-Canada

Opening comments, introductions, purpose of meeting

Mr. Angus Schaffenburg called the public information meeting (PIM) to order at approximately 7:05 p.m. in the multi-purpose room at the Halifax Forum. The purpose of tonight's PIM is to have the consultant provide you with information on the proposal and to hear your comments on the proposal. So far, we have received two letters; one in favour and one against the proposal. Submissions can be sent by mail or email.

Background of project

Mr. Schaffenburg advised he was the planner for the previous application for this site and he prepared the initiation report for the current application. Jaime Smith is going to assist with the second series of reports on this matter.

Mr. Schaffenburg provided background on the previous application:

- Petro-Canada made an application in 2004
- Regional Council agreed that we should start the planning process to change the rules that govern the site
- When we got to Regional Council at the end of the planning process, they decided they did not like what they saw and rejected the application.

Mr. Schaffenburg indicated Petro-Canada came back with a different application. There are some differences in terms of what they are asking for. A car wash was proposed in the first application but is not in this one. One of the other differences is that it is now being proposed that this development proceed by development agreement. There were concerns during the first process that it would be rezoned and we could not be sure that the landscaping shown would be carried out other than through the undertakings of Petro-Canada. There was concern that we could not

control things to the same extent because it was a rezoning. With a development agreement, there is much more control with site specific issues.

Mr. Bob Brewer questioned whether a public meeting was held or whether there was notification for the first application.

Mr. Schaffenburg responded there were notices of the PIM provided to the area residents and there was a notice in the newspaper. For the public hearing, which we did twice because of an error in the civic number, there was publication in the newspaper. This time, Council asked that we expand the notification area and there was some notification undertaken to the apartment buildings immediately adjacent to the site.

Overview of planning process

Ms. Jaime Smith reviewed the planning application process:

- tonight we are holding the PIM
- we will take the comments and concerns from tonight's meeting and negotiate a development agreement with the developer and the consultant
- we will prepare a staff report which includes a recommendation
- the staff report is tabled with the Peninsula Community Council who will make a recommendation to Regional Council
- Regional Council will decide whether or not to hold a joint public hearing with Peninsula Community Council
- Regional Council will make a decision on the municipal planning strategy (MPS) amendment
- if the MPS amendment is approved by Regional Council, it is forwarded to the Province for review
- once the amendment to the MPS is in effect, the policies will allow us to go forward to Peninsula Community Council for approval of the development agreement
- there is an appeal process for the development agreement

Mr. Smith outlined some of the different planning tools that we are learning about tonight. A MPS amendment is quite an undertaking. When someone asks for this type of process, they have to prove there has been a change in circumstances. We feel there was because the lands are no longer owned by National Defense.

Mr. Smith indicated that a land use by-law (LUB) amendment will allow us to consider a development agreement. A development agreement is a site specific tool which enables us to identify the issues and matters to be classified on the site. It can address lighting, landscaping, design of the buildings, design of the site, and access to the site.

Presentation of proposal

Mr. Ross Cantwell stated the lands immediately north of the property are still part of the defense complex. They are known as DND Willett Park and Cornwallis Park. They have shut down

Shannon Park in Dartmouth and consolidated a lot of things over here. When they did their review, because of its exposure on Robie Street, this site fit more with the commercial development on Young Street and was surplus to their needs. It was an engineering yard for about sixty years. When the site was decommissioned, as part of that work, they did environmental testing. The site does have some environmental contamination so when DND sold it, it was to be developed as commercial because the clean-up criteria is different for commercial versus residential.

Mr. Cantwell indicated that when DND put the property on the market, they held a tender call and had about ten different submissions. Petro-Canada put together a very strong submission. They had been looking for a site in Halifax to be a flag ship store for them and they bid out the other submissions, two of which included Ultramar and Irving Oil.

Mr. Cantwell said they heard comments like why do we need another gas station but a lot of changes are being made in the gasoline industry. If you drive around the peninsula, you will see a lot of old abandoned gas station sites. What has happened is they tend to get bigger so the small sites like the one at Almon and Windsor and the Ultramar store on Robie Street has shut down. They are going to include other amenities onsite. Ten years ago, Petro-Canada had forty stations; now they have sixteen. According to newspaper articles, they expect another 900 gas stations in Nova Scotia to close this year. This is an evolution of the industry.

Mr. Cantwell stated this is a strong site for a gas station and they want to make this an amenity for the area. The last proposal was different than this one. It had a car wash and a restaurant was not included. Last time around, there was some concern about cars leaving with dripping water which would freeze. Petro-Canada revised their plans and decided if there are concerns about the car wash they would drop it. They are coming up with a new format; a neighbours store. They are just building the first couple in Ontario now. The intent is to make the building fit in more with the neighbourhood. You purchase gas but it has a convenience store aspect as well and has a restaurant that serves healthy foods such as soups and salads. There would be a bit of seating inside. That is the major change to the project.

Mr. Cantwell advised the site is roughly 100,000 sq.ft. of land. Old stations are built on as small as 30,000 sq.ft. of land. What happened in the past is that they added on and had too much gas station per land. It allows the property to be more spacious in terms of setback from the street. What is interesting in terms of gas stations is that coffee shops tend to be on the right side. People tend to buy gasoline on their way home. One of the advantages of this site is that as people are leaving the peninsula and going home, this would be on their way home. It tends to create less turning movements in the intersection.

Mr. Cantwell indicated that in terms of the original site development, when Petro-Canada purchased the property from DND, a piece was sold to HRM for the reconfiguration of the intersection. At that time, HRM engineering did a lot of work and design in terms of the intersection and determined they wanted several access points into the site. They anticipated commercial development. Petro-Canada's original development had a couple of extra access

points but based on initial discussions, the feedback from HRM was that there were too many access points into the site which was not acceptable so they have consolidated down to two.

Mr. Cantwell noted that in terms of their first submission, there were some questions in terms of landscaping, lighting, and traffic. As a result of the question about the lighting, what you see here is a light study prepared by an engineer for Petro-Canada in conjunction with their lighting consultant. Newer gas stations have direct lighting which you direct more appropriately. This will be the type of lighting used at this property. They have hot spots of lights and drop off to background level when they get to the edge of the property. It will not shine above and beyond.

Mr. Cantwell displayed a landscaping plan. Without a development agreement, the Municipality has no way to control what the developer does in terms of landscaping. Petro-Canada has indicated this will be one of their flag ship stations in Halifax and want it to look good. They have produced a landscaping drawing which shows what they would do. The challenge when you landscape anything on a major intersection is that you want to put some green into it but nothing that would go up and create visibility issues. What is being proposed is a row of rose bushes along the edge. There are some maple trees at the back. They will green up the property. He pointed out an area where there would be sod, noting the rest would be seeded in behind. It gives the Municipality a bit more preciseness in terms of what will be happening.

Questions and comments

Ms. Janet Stevenson questioned whether it was the intent that it be a twenty-four hour operation. It was responded yes.

Ms. Stevenson noted that is not included in the report. It is important that they know the intent.

Mr. Schaffenburg responded part of the reason for the meeting is to find out those sorts of things.

Mr. Hal Dobbelsteyn said he understood from the comments that the site is contaminated with lead. It was responded yes.

Mr. Dobbelsteyn questioned whether that would be cleaned up before the work is done.

Mr. Cantwell responded the site would be cleaned up to environmental standards.

Mr. Dobbelsteyn questioned what the current zoning is.

Mr. Schaffenburg advised it is Parks and Institutional. There would be a zoning change required in order to accommodate this. There are a couple of techniques we can use. We may not change the zoning but may allow a development agreement. We may change the policy and do a site specific policy for the site and put it in the MPS. We could do it so that there are no other as-of-right uses except Parks and Institutional. Alternatively, we could zone it C-2 Commercial. The

feedback we had was that that was not acceptable because the C-2 zone allows a wide range of uses and has no requirements for landscaping, lighting, or hours of operation.

Mr. Dobbelsteyn questioned whether there would be a further opportunity for input following this evening.

Mr. Schaffenburg responded they could send in a submission. The next time for input is when the staff report is tabled with Peninsula Community Council. That report will include a proposed development agreement which would set out the requirements such as landscaping, lighting, or hours of operation. Following that, the Peninsula Community Council will forward its recommendation to Regional Council. If Regional Council and Peninsula Community Council decide to consider this development, there must be a public hearing.

Mr. Dobbelsteyn referenced the lighting study and questioned whether any consideration was given to night sky contamination. That is a very serious concern.

Mr. Barreyre responded no.

Mr. Schaffenburg questioned whether that was something members of the public would like them to follow-up on.

It was indicated that the lighting is all focused downwards. If you look at the map, everything dissipates off to the street. It is a black surface that absorbs the light.

Mr. Andrew McCluskey said he agreed with Mr. Dobbelsteyn. Most modern cities are considering the environmental impact. Lighting is going upwards.

Mr. Schaffenburg indicated we will ask their lighting consultant to look at that.

Mr. McCluskey said he was a frequent walker and user of Metro Transit. The changes to this intersection are dangerous. He spoke in favour of anything possible to come out of this process to improve that situation.

Mr. McCluskey commented there appears to be a lot of benefits to Petro-Canada but what about the people in the neighbourhood?

Mr. Guillemette responded that to develop this piece of land and add a nice store would be much better than another use. They have received authorization from the Department of the Environment (DOE) to use this piece of land for a commercial use but to have a park there would cost a lot of money. It would be very expensive to use it as a park because of the contamination.

Mr. McCluskey indicated he understood from a previous comment that Petro-Canada agreed to remediate the site.

Mr. Guillemette clarified they received permission from DOE to use this site as a commercial use. It is to a different standard.

Mr. Schaffenburg advised staff has been in contact with DOE, as well as Petro-Canada and their consultant. They are the body who deals with contaminated sites. There are differences in the DOE standards to bring it up to use it as a commercial site versus residential.

Mr. Cantwell indicated the development of the site would be what they call a managed approach to the site. In this case, the contamination just sits in the soil. They would encapsulate it with asphalt.

An individual questioned whether it was up to DND to clean-up the site.

Mr. Guillemette responded no. When DND sold the property, the proposal was for "as is where is".

Mr. Barreyre commented that if DND was to clean it up, the Federal regulations are different than the Provincial regulations. Their clean-up requirements would be less stringent.

Mr. Schaffenburg advised staff would talk to DOE to make sure it will be managed properly.

An individual questioned whether they could make them clean up this property instead of leaving it as an eye sore if in ten to fifteen years the station is no longer viable.

Mr. Schaffenburg responded we could do a couple of things. In our normal development agreement we can ask that the property be well maintained. The other thing we can do is have a clause saying what they could do with the site if they decided they did not want a Petro-Canada station any longer.

An individual spoke in favour of knocking it down and putting a park there.

Mr. Guillemette stated they bought this piece of land for \$2,000,000 and they want to invest around \$4,000,000. Normally their financial situation is for fifteen to twenty years. This would be their flag ship station for Halifax.

Ms. Stevenson said she attended a meeting a year ago. She asked the question of why they needed a gas station on every corner and she followed up with Councillor Fougere. She objected to the proposal a year ago and again. She supported the need for infilling. They live in a wonderful neighbourhood. There is development less than 1 km away where they will be selling houses for \$350,000. Where will families go with their children? They will not go to the local Petro-Canada station to play. She appreciated the investment they made and the consultation they participated in. She did not think it was good for the neighbourhood. She appreciated they are trying to have the development blend in. Twelve pumps twenty-four hours a day with a friendly neighbourhood café does not blend in.

Mr. Stevenson referenced the comment by Mr. Cantwell in support of this proposal that it includes a high quality gas bar and a restaurant that would provide a needed service to this portion of the city. She questioned what service they would provide that they don't already have.

Mr. Cantwell responded there are a number of gas stations closing up throughout the city. Pretty soon they'll have just one station even up at this end.

Ms. Stevenson questioned what other needed service they are providing.

Mr. Cantwell responded the ability to buy bread and milk and there is a restaurant.

Mr. Guillemette commented he understood that was her view. He felt she would change her mind once it was finished because it is really nice. They will offer different services.

Ms. Stevenson said she was concerned about where their overall neighbourhood is going and it is unfortunate that Petro-Canada got caught in the middle. They bought the land without having the rezoning in place. She referenced the zoning on the map.

Mr. Schaffenburg clarified that she was looking at the Generalized Future Land Use map (GFLUM). The site is designated as Institutional and the zoning on the property (shown on Map 2) is Park and Institutional.

Ms. Stevenson stated that as citizens they need to know when HRM is giving up parkland.

Mr. Schaffenburg responded they are not giving up parkland. The Park and Institutional zoning is used in Halifax for a number of sites; all of them DND sites. The City did not know what else to zone them as at the time. At one time, they were zoned DND but they had no standards in it so they had to remove that zoning and put them in a closer zone. The P and I zoning allows parks as well as a wide range of institutional uses.

Mr. Roy O'Hearn said they are the first driveway on Bayers Road. The new configuration began at their driveway. Prior to the last meeting in September he did a survey which he raised with Mr. Cantwell. He went to the people at the corner of Bayers Road and Oxford Street and was told by them they should do everything they could to prevent a service station from going in their neighbourhood because it will infest their neighbourhood with gasoline fumes. He went to the corner of Quinpool Road and Oxford Street and heard the same complaint. The people most affected are the people in the high rise.

Mr. O'Hearn indicated traffic has not been mentioned tonight. If you have a twelve pump station and you're trying to get onto the lower part of Bayers Road towards the Superstore it will be difficult.

Mr. Cantwell noted that some of the older stations are on very small sites. This is a much larger site with things set back. With respect to transportation, they heard a lot of concern about the

intersection. They helped facilitate a workshop during the spring and Alan Taylor was there and they had people work in groups with maps to try and identify pedestrian issues and turning lane issues and Alan did a review.

Mr. Alan Taylor advised they looked at different aspects and there were a lot of suggestions made. There were pedestrian safety issues. There was the ability to navigate the new intersection and cross Bayers Road at Dublin Street. It is close to the new intersection. They looked at the walk signals and they meet our standards. It is at an angle. It is not a small intersection. They looked at the number of people crossing Windsor Street between Young Street down to Almon Street and very few people cross Windsor Street which means they don't have to add a painted line with an overhead light. In terms of motor vehicles crossing lanes when turning left on Young Street, they have added some skip lines. There were questions about the site itself and they have looked at the traffic proposal for that. It was looked at by a professional engineer. You can see adequately. They have done their homework. It is as safe as it gets.

Mr. O'Hearn said he was the closest home and saw that intersection better than anybody else. The City did its best. There's a flashing yellow in peak hours which maybe should be there all day. The broken line helps. If you try to turn west on Bayers Road from North and Windsor, you have the same problem. He wanted to make Petro-Canada aware they have a severe problem in the neighbourhood.

Mr. Taylor stated they have done their best with this corner. He did not think this application was making the intersection worse.

Dr. Alexander Soucy said he wished to bring up an article published in a journal of medicine in September of 2004 in which they suggest there is a quadruple effect of leukemia on children. Do we want twelve pumps in the area given there is a potential risk.

Mr. Stephen Parsons indicated one of the reason they sold was because of the fumes.

Ms. Samara Eaton questioned whether Petro-Canada conducted a study relative to the problem of fumes for any other proposal.

Mr. Barreyre responded he could not comment. The vents would be placed as far away as possible from the neighbouring houses.

Councillor Fougere advised that the City of Vancouver has a by-law requiring gas stations to have a device on all their vents for vapour recovery. It is legislated in Quebec but not Nova Scotia.

Mr. Barreyre said they are quite capable of doing that. When you fill the tanks, the vapours are not released but go back into the pump. It is a closed loop system. It requires a substantial modification to the trucks that deliver gas.

An individual commented they need to look to the future. Once you put a large station at that corner, then supposing the next block becomes available from DND, what will be put there to service the neighbourhood? What is the future for that neighbourhood once you take away that corner?

Mr. David House questioned how many parking spaces there would be onsite, to which it was responded thirty-two. He also questioned how much restaurant seating was proposed, to which it was responded twenty.

Councillor Murphy indicated an issue raised at a police meeting was the difficulty for seniors to cross that intersection. He questioned whether they looked at that in detail.

Mr. Taylor responded yes, noting they often get that comment. Very often people believe they should be able to reach the curb and get to the other curb while the walk sign is on, which is not the case. While the flashing light comes on, they are supposed to continue walking. When you add the time of the walk signal to the flashing walk signal, it is calculated at about 1.2 metres per second. They should be able to get across comfortably before the cars go the other way. Right turns are a problem at any corner.

Ms. Helen Peel commented she was a senior and a small woman and had to take about ten strides to catch up with him. It is too long of an intersection for older people to walk through.

Mr. Paul Card stated Mr. Taylor's tone was unacceptable. People are expressing concern and he was detecting a note of sarcasm in his response. The proposal will add additional traffic and movement around that intersection. It is not zoned for a gas station. This has been turned down. He was having a problem with how staff could consider this. He referenced the statement in the staff report which says ..."Map 9 shall be considered as the expression of intent of the City of Halifax for a future land use pattern". Therefore, regardless of what you could not figure to do with the site fifteen or twenty years ago, that is the intent of the City now.

Mr. Schaffenburg responded that is correct. A site specific amendment to the MPS should only be considered where circumstances of the policy have been significantly changed.

Mr. Card said he did not understand how it was significantly changed. Mr. Schaffenburg responded because the previous owner has sold that property.

Mr. Card responded that if he was to use that logic, he could sell his house and apply for a gas station. It is not a significant change; it is a change in ownership. He did not understand how it gets to this point where it is an appropriate use of land. Also, he did not understand why it came back. He did not understand why it did in the first place or why now. Petro-Canada already put the sewer and pipes in the ground when the City was re-aligning the road. It bothered him how they could go into a discussion about a development agreement.

Mr. Schaffenburg advised that Council has directed that if there is going to be a change of use to

allow a Petro-Canada station, it has to be done by development agreement and not by a straight rezoning. The first step is this public meeting. If it goes forward, the MPS amendment and the development agreement will happen concurrently. One depends on the other. There cannot be a development agreement without a change in MPS policy.

Mr. Barreyre indicated that in terms of the water and sewer lines, they were asked by the City to put them in while the road was being reworked because they did not want to create a safety hazard. They were put there to prevent any future cut in the road. In doing so, that is a risk they took.

Mr. Schaffenburg commented Mr. Card may disagree with him in terms of the change in circumstance. The zoning was put there because DND owned it and used it for military purposes. When they decided it was surplus, we viewed that as a change in circumstance. Then, is this an appropriate site for that use, and is the mechanism we are using the right one? Council decided they did not like the first proposal and turned it down. Petro-Canada came back with a revised application and Council decided they were willing to consider it. Until the hearing is held, they have not made a decision.

Councillor Fougere indicated one of the reasons it was suggested that it be by development agreement is because any time there is a change in an established neighbourhood on the peninsula, she felt it should be by development agreement because it allows for this kind of process for people to become involved. The public should have the confidence of that input and have the ability to say what things could be done to make it satisfactory to the neighbourhood. A development agreement binds the City and the developer to agree to those things and holds them to it. Regardless of what happens, it should always be by development agreement because it will be something new in an established neighbourhood.

Mr. Riley Moffat noted it was said it would cost more to clean up a park.

Mr. Schaffenburg responded he thought it was said that to clean it up to be used as a park, it is to a higher DOE standard than if they were to use it for a commercial site. One of the ways to deal with contamination is to pave over it.

Mr. Moffatt suggested they consider a library instead.

It was questioned whether the clean up cost would be the same if the site is developed as an institutional use.

Mr. Schaffenburg said he could not respond to that but would find out. DOE looks at the proposed use and determines to what level. It is different for each type of use.

Mr. Barreyre indicated the site is contaminated with lead which cannot be disposed of in Nova Scotia. It would have to be transported out of the province by railcar and then incinerated which is quite expensive.

Mr. Moffatt commented a gas station might spill gas but questioned what a library would do.

Mr. MacKay stated Petro-Canada already paid \$2,000,000 and carried out some infrastructure work. He questioned whether this is a done deal.

Mr. Schaffenburg responded that he did the work for the first process and recommended approval of it and it was rejected by Regional Council. That clearly was not a done deal. Approval of MPS amendments is at the discretion at Regional Council and there is no right of appeal for the MPS amendment.

Mr. MacKay questioned whether Petro-Canada had other plans should their request be turned down.

Mr. Guillemette responded he could not answer that. They know what they want to do with the site.

Andrew... noted it was turned down once and questioned when they would finish this deal. If this proposal is not approved by Regional Council, will it come up again?

Mr. Schaffenburg responded they could come back with a different application with different abilities. If there was a new application, we would have to prepare an initiation report for Regional Council's consideration.

Ms. Harper questioned whether HRM considered other proposals.

Mr. Schaffenburg responded that DND put out a proposal call and it was based on price.

Mr. Cantwell clarified DND sold the property. HRM had nothing to do with it.

Ms. Stevenson questioned whether the proposal included some kind of take-out or drive-thru.

Mr. Cantwell responded there is a drive-thru for picking up food.

Mrs. Stevenson commented that would generate more traffic twenty-four hours a day.

Mrs. Stevenson referenced the comment that they could all get across the intersection quite quickly. She went across it tonight and there is not enough time. She did not understand why you had to push the button to get the walk sign and questioned why there is not a walk sign every time there is a green light. Further, she did not support the change to that intersection and was not interested in how quickly people can get through the City.

Councillor Fougere indicated that concern was raised at Council. It is not pedestrian friendly and it is a big concern.

Mr. Guillemette stated that in terms of the traffic, they are capturing the traffic on the site and are not creating more traffic. If you want to buy gas, you would purchase it from the nearest station on the road.

Mr. Cantwell indicated that Mr. Taylor was good enough to hold the workshop. They thought there were two ways to improve the intersection. In their landscape plan, they will do what they can to make the intersection safer. Part of that was agreeing to have two entrance points into the site. Ken O'Brien, the traffic consultant for Petro-Canada, is here as well. Petro-Canada's experience has been that being open twenty-four hours is safer in terms of maintaining a presence on the site. If a facility gets shut down, people can park on the property in the evening. Their experience is that there is less vandalism and a better presence in the neighbourhood to have it open.

Mr. Greg Murphy commented that relative to drive-thru's idling cars create more idling fumes into the atmosphere. Petro-Canada already has two service stations within five minutes of this site. He questioned whether those will stay open if this new station is opened up.

Mr. Guillemette indicated that is a good point but did not have the answer for it.

An individual commented they have been in the sales and service industry for thirty years. They have been told to turn their product into a value benefit to their customer. Other than more gas pumps and a corner store, he could not see any value to their community.

Mr. Guillemette said they want to centralize their activity. This is a major intersection with lots of traffic. He concurred it is a better business-decision.

Mr. Cantwell indicated one of the comments was to turn it into a park. Some have indicated it is hard to get across the intersection and questioned whether they wanted kids crossing through a busy intersection to get to a park. One of the things discussed is that with the development agreement there is a mechanism for Petro-Canada to work with the community to contribute to the creation of a pocket park on this property.

An individual countered that people have been talking about fumes in that space.

Mr. Peter Leslie questioned why Petro-Canada is consolidating their operations if they did not believe this will bring extra traffic into the area. Also, how many cars go through this intersection and how many do they expect to go through this service station during the day?

Mr. Guillemette responded he did not have the figures for the traffic pattern. When they look at buying a piece of land, they look at traffic. The traffic justifies this investment. If they decide to close the other sites, it is because it is not the future. The Quinpool Road site is a small lot and it is not the future of Petro-Canada.

Mr. Schaffenburg advised they could provide the figures in the staff report.

Mr. Paul Williams said he appreciated that Petro-Canada owns this land and had the feeling if they said to build it read, they would accommodate it but at the same time, he did not think their concerns have to do with it being Petro-Canada. They would also not want to have a Walmart or another Tim Hortons there. What can they as citizens do to stop this from happening?

Mr. Schaffenburg responded the minutes from tonight's meeting will be attached to the report. Also, people can forward submissions which would be attached to the report and they can speak to the councillors. It is a decision of the full Council.

Mr. Myers said he was concerned about increased traffic flow without a survey to see how things changed over the past couple of years since the change in the intersection. The City may have to pay for additional improvements down the road. He questioned when the surveys were done.

Mr. Taylor responded during the regular work day.

Mr. Myers suggested those doing the survey should go out on the evenings and weekend and talk to the people crossing instead of sitting in their cars.

Mr. Taylor indicated there is less traffic on the weekend. They have examined it with the criteria they apply everywhere. They try to find the busiest times and found very small numbers of people crossing in the day time.

Mr. Myers said he was concerned about contamination on the site. They do not have an engineered cap on that. Down below, contaminants do move. They have not seen what contamination is there.

Mr. Schaffenburg responded the contamination issue can be addressed in the development agreement by saying they have to meet all the DOE requirements.

It was questioned what kind of things they have done in Atlantic Canada as a good corporate citizen.

Mr. Barreyre responded that Petro-Canada is a big supporter of United Way and a supporter of many activities such as the 2012 Olympics. He volunteered to provide the phone number for Public Affairs in Montreal if they wanted to get a local list.

An individual stated they ran into this with the intersection of Young Street and Oxford Street where there is a school. When they changed the configuration of the traffic, it created a lot of traffic and they wanted to have a traffic crossing guard but the count for the students crossing in the morning was too low but no one allowed their kids to walk.

Councillor Fougere stated the lights will be there before the end of 2006.

It was commented the count is low because they do not feel comfortable. He crossed at Edinburgh and London because he knew it is too hard to cross further on.

Mr. Taylor indicated they will not get big counts. People are afraid of those intersections or they will drive their kids to school. The point is well taken.

Ms. Denise Bradbury stated she did not want a gas station there. This new and improved Petro-Canada station with twelve pumps is supposed to be good. There are two abandoned gas stations in the neighbourhood. How many abandoned gas stations do they want in this city on their valuable piece of peninsula land? They are an eye sore. From what she knew of gas stations, you cannot re-use the land.

It was indicated that HRM is working on a progressive planning initiative and that it was unfortunate that HRM is not embracing this opportunity to put some sort of recreational facility or something along the lines of more visual planning across HRM. This neighbourhood is growing in terms of residential numbers. To her, the fundamental concern is that in society today they need more opportunities for the young and for seniors and everyone in the form of recreational facilities and additional community building facilities. They have small café shops and small convenience stores in place.

An individual commented they recently read the long-term strategy for the City and where HRM is growing in general. The reality is that this intersection is intended to move traffic. What the intersection does and a Petro-Canada station will only make worse, is get people from that area. It has sped up traffic so fewer people cross. This is not zoned or it is not currently designed or planned to have that facility at that place. There are traffic concerns, odor concerns, people contamination, concerns generally, and environmental and healthy neighbourhood concerns. He did not hear a lot of people stand up and say they wanted that. It will not add to their community. This gas station would make it harder to cross the street so it does not add anything to the community as a whole and it is not zoned to do that.

An individual commented that as he reflected on this, he could not help wondering what could happen if Petro-Canada does not locate there. He remembered gathering 600 people when there was a plan to put the half way house there and now it is Petro-Canada. He wondered if it could be something that might be more of a detriment to the neighbourhood than Petro-Canada. He saw the compromise that they made with respect to the entrance and lighting and maybe there are some other compromises that would be acceptable to the community. He liked the idea of making that pocket park for selfish reasons along with neighbourhood reasons. If there were further compromises, then it would not be unacceptable to him.

An individual commented they thought it was too late to discuss the benefits to the neighbourhood. Most of the benefits they heard tonight accrue to Petro-Canada and not them. He asked for confirmation that it was said they would put a park across the street if they received approval for this proposal.

Mr. Cantwell responded that as part of the discussion at a previous meeting, the idea came up and Petro-Canada discussed the potential of cost-sharing or contributing.

It was suggested that the land be donated to the City should the proposal be turned down.

Mr. Cantwell responded they are a company in business to make money and are not going to donate the land.

Mr. Barreyre commented that taxwise, \$200,000 per year in taxes would be pumped back into the community and it would create approximately forty jobs.

An individual indicated this is a prime location in terms of getting to and from anywhere in the immediate area, whether it be Bayers Road or downtown, the university area, or Bedford. There is every reason you can think of why people should live here and what can they do to encourage people to live here, so that more and more people can live here. There will have to be more discussions with DND and more houses in the future. He did not think they should short-change themselves.

Mr. Gregory MacAskill commented it is clear that Petro-Canada has a particular interest but as a community they have another interest. They talked about tax revenue and the comment about services to 10,000 to 15,000 residents in the area. He would be interested in a broader analysis of that in that he thought the tax revenues from these stations do not necessarily generate benefits to the people in the community. A lot of their tax dollars are going to support the residents further out. They are being asked to host a facility that does not give them any benefits and fueling the commuters from those outer areas with their tax dollars and fuel generated through this facility. It is really something for the people in the outer areas. If HRM is trying to make these increased density areas more liveable, gas stations will not do that.

It was indicated that the commuters are going to work on the peninsula to downtown. They want to make the downtown population with workers and employees. There has to be a balance. If you have an express downtown, that is good. That is not good for the people in the middle. It is a balance. It is not just about where they live. It is also about where they work. The reason it is good to live and work here is because you can walk downtown. They have one of the highest walking splits in Atlantic Canada. About 40% of the people on the peninsula walk to work.

It was questioned if there was anything to prevent that from becoming a pocket park.

Mr. Schaffenburg responded it could be done as a capital budget item. They could put them in touch with Parkland Planning staff.

An individual referenced the pollution created by the 8000 cars passing by his house everyday. He suspected there will be more pollution. His car is polluted with it. Do not underestimate the noise and the other type of pollutants in the atmosphere which have nothing to do with Petro-Canada.

An individual thanked the City for the workshop they did in improving Metro Transit. There is an increase in ridership. They introduced MetroLink for Cole Harbour and there will be one from Lower Sackville as well as a fast ferry. All of these things in the City mean there will be less traffic and less reason to put the service station there as well.

Bill... said no thanks to the Petro-Canada.

An individual asked for clarification about the legislation in Quebec.

Mr. Barreyre indicated that in order to put vapour recovery here, it has to be legislated. The transportation of their fuel is done independently and it is for the other transportation companies as well. They have to modify their vehicles to accommodate us. That should be covered by everybody and not just Petro-Canada. The technology is there but the legislation is not.

It was questioned whether there would be petroleum delivered late at night.

Mr. Barreyre responded they usually try to accommodate the neighbourhood. Usually it is early in the morning before 8 o'clock.

The meeting adjourned at approximately 9:15 p.m.

Attachment E**Jaime Smith - Petro-Can proposal**

From:**To:****Date:** 20/11/2005 1:01 PM**Subject:** Petro-Can proposal

My residence (Dublin Street) is one block from the proposed site. I can say that I am looking forward to the services of Petro Canada in my area. I am a small business owner and am presently relocating to Isleville Street (from Burnside). My company utilizes Petro-Can fuel in our fleet making this new construction very convenient!

I will attend the meeting on the thirtieth to gather additional information.

Lee C. Clarke

From: Teresa Walker
To: Jaime Smith
Date: 24/11/2005 8:24:49 am
Subject: Fwd: Case 00815

>>> > 11/23/05 5:15 pm >>>
If this email should be directed to Jaime Smith, please forward it.

I was taken aback to receive notice that Cantwell and Company Limited was applying to amend the HMPS and LU Bylaw to permit consideration of a Petro Canada Station at 6193 Young Street. This issue came before Council approximately one year ago and Cantwell's application was defeated.

So that I can be informed prior to the meeting, please answer the following:

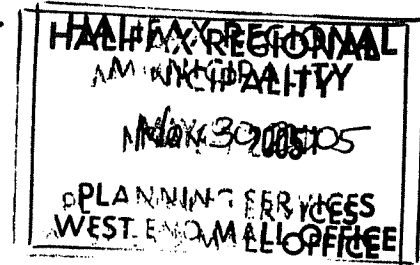
1. How does Cantwell's current application differ from its previous application?
2. Is Cantwell permitted to make unlimited applications to amend the bylaw?
3. Is Cantwell's application supported by the Planning and Development Services? If so, why?
4. What traffic studies have been completed on the intersection of Windsor and Young in the past year?

Yours truly,

Janet M. Stevenson

Smiths Bakery

2525 Agricola Street.
Halifax, Nova Scotia.
B3K 4C4



November 29, 2005

To: HRM Planning & Development.
Re: Proposed Petro Can Service Station.

We received a letter from Paul Card (resident Cork Street) who has brought up some very real issues with the proposed Service Station development at Young and Windsor. I can not be at the meeting so have left this letter with Mr Card.

My company is currently spending considerable money in the area with building projects that have taken a sympathetic approach to the way this area is developed. It is very upsetting to see a project like this proposed when there are 2 existing abandoned service stations in the immediate area, the ones on Robie/Sullivan and Windsor/Almon being the worst examples of complete disregard for any type of city planning.

I would suggest that the City clean up the existing abandoned areas before allowing any future development to take place.

Another factor is that the area in question is already congested and NOT I understand zoned for this purpose.

You cant make a law and then move the goal posts.....

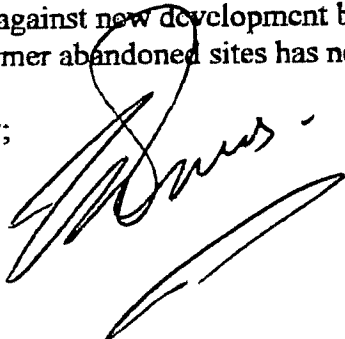
The proposed development is very close to residential West end homes who are already serviced by adequate fuel stations. If Petro Can are so keen to have another presence in the area then why do they not locate on Robie / Sullivan former Ultramar which is a high traffic area and would allow motorists access to stations on either side of Robie rather than force motorists to cut across a busy street to go to the Service Station on the Pierceys side of the street.

This would help improve traffic flow and I am sure be palatable to all concerned.

It is my profound advice as a businessman and a resident of Liverpool Street that the City think about the options here with an car to the actual needs and quality of life of the residents of the area.

I am not against new development but to build another service station when the problems of the former abandoned sites has not been dealt with is, in my view, irresponsible.

Sincerely;



Frank S Evans.

Jaime Smith - Windsor/Young - please keep P zoning

From: Richard Khan
To: Jaime Smith
Date: 30/11/2005 3:04 PM
Subject: Windsor/Young - please keep P zoning

Hi Jaime

Thanks for your note regarding the proposed Petro Canada Station @ Young and Windsor

We wanted to come to the meeting this evening but we can't find a babysitter

Presumably this is not the meeting where the decision will be made; where does the process go after this?

Our comments on this are:

- we prefer to keep the land zoning as it is: P /
- a new facility like that would make the area worse: more dangerous, awkward and more congested
- there are numerous functioning gas stations nearby
- in fact there are two abandoned in the area; suggest PetroCanada pick those up instead,

Could you please confirm you have received this message?

Many thanks!

Regards

Richard and Madeleine Khan, and Megan Longley

From: "Dugandzic, Philip"
To: "Sheila Fougere"
Date: 03/01/2006 8:59:07 pm
Subject: Proposed Petro Can Station

Sheila,

I hope you enjoyed a great Christmas and are blessed with health and happiness throughout 2006. This note probably comes too late to do any good as I suspect the process has moved forward, but I thought I'd send it anyway.

With regard to the Petro Can gas bar and convenience store proposed for Young and Windsor, **I am opposed.** In the past two weeks, we have seen the removal of the pumps and I suspect impending closure of the Ultramar station on Bayers and Oxford. This means that we have a second **abandoned** garage in our neighborhood (Irving station on Windsor and Almon being the other one). The Petro Can proposal would see two more existing stations close and be **abandoned.** **This, we definitely do not need.**

Therefore, along with all the reasons voiced at the Forum Multi Purpose room, **I am opposed to Petro Can's proposal.**

Can you please tell me where this stands and what the schedule is going forward?

Thanks,

Philip

From:
To: Sheila Fougere
Date: 05/12/2005 12:49:17 pm
Subject: Re: Public meeting

Thanks

----- Original Message -----

From: "Sheila Fougere"
To:
Sent: Monday, December 05, 2005 9:30 AM
Subject: Re: Public meeting

Received and forwarded.

>>> > 12/04/05 9:48-PM >>>
December 4, 2005

Councilor Fougere,

During the recent public session on the Petro Canada development proposal on Young Street, residents were advised to submit our concerns through our Councilor. Would you please pass my concerns/comments to the appropriate HRM official for consideration.

I send you these in the text of this e-mail and in the attached.

Please confirm receipt.

Carl Myers

Yes, will include in att. to staff report.

Petro Canada Proposed
Development Proposal
Traffic flow

I am concerned that a thorough HRM traffic survey has not been done to assess current and future traffic volume and flow and projected future HRM growth on the Bayer's road/Young street/Windsor street peninsula corridors.

I am especially concerned about future traffic congestion at the recently constructed corner at Windsor/Bayer's Road and Young street. This corner is important to two traffic arteries into the Peninsula. Development is increasing in Halifax (i.e. high density initiatives, downtown developments, Burnside growth and other commercial and residential developments) and outlying areas. Resulting traffic will put increased pressure on this artery. Recent re-alignment has improved vehicular traffic flow at this corner. It is likely that more people will use this route to access points within the peninsula. Approving a change in zoning to allow a non-conforming development, that will definitely contribute to congestion at this corner without soundly based transportation impact projections would be imprudent. Short-sighted decisions to accommodate one commercial interest

could end up impacting future traffic flow, residents and other business sectors in Halifax. This could be costly to HRM taxpayers to fix.

Impact on inbound traffic in a major peninsula traffic artery

There is only one inbound traffic lane from Bayer's road to Young street at this corner. If a development change is approved, to allow this gas outlet/restaurant (with possible increased future commercial use), **inbound traffic (especially in peaks) will be impacted by delays from left turning vehicles onto the property.** This is compounded by merging traffic turning onto Young from Windsor.

The proponent suggests that most of their business will be from outbound traffic. But, no reliable evidence has been presented to support this claim. My observations of other busy urban gas outlets (i.e. ESSO at Young) indicate no such pattern to justify this claim.

The proponent suggests the outlets will not increase traffic and will mostly serve local residents. The number of pumps proposed would suggest otherwise. Consider the number of vehicles entering and exiting required to support twelve fuel pumps, in addition to the other proposed business. **Are we getting the true traffic/customer projection picture from Petro Canada?**

Contaminated soils

I suggest HRM assess details on contamination before considering the current and future community impacts of a development agreement and the proposed change in use. The community has not seen details of the contamination types, nor levels. I believe HRM should seek this information from the proposed developer, DND or/and the N.S. Department of Environment and Labour before taking a decision on changes to land use. If lead is the major soil component, it has a possible reaction to acid rain and acidic soils (likely at this site). While asphalt cover is a mitigation method, to me it meets a minimum standard. **It does not address interaction and mobility below the soil surface that would likely occur through time.** If there is a mixture of other contamination present (i.e. hydrocarbons, arsenic, asbestos and slates, this could be compounded.

Contaminated sites and Development Agreements use changes

Should HRM decide to approve a development permit that changes the current land use for this project to commercial use, guidelines for remediation of the contaminated soils should remain to conform with the guidelines for land use for the area (institutional and parks). I feel it would be short-sighted for HRM to be involved in reducing environmental standards to accommodate commercial development for a development. HRM should also seek information from DND on the property sale agreement. **It is possible that incentives were given to remediate the solid to meet the current land use.** If the case, Petro Canada would gain financially from a change in land use, at a future loss to the community and HRM because it will limit the future use of this site. Residential use is close to this site, and residential needs and values are bound to be tighter and possibly more valuable in the future as high density uses increase.

Sense of Neighbourhood Peace and Serenity

The initial staff report on this site championed HRM's commitment to commerce to promote the change in land use. Nowhere was there reference to any HRM commitment to the community and residents.

I see this community at a transition stage. Until recent years, residential properties were mostly purchased by family and friends. Residents were mostly from blue color backgrounds. But this has recently changed.

Increased property values, and frustration with commuting has made it a desirable place to live. Professionals have moved in and renovated houses.

In past years there was a strong sense of community, because everyone knew or were related to their neighbours. Most families had children that interacted with families. There is now a mix of seniors, apartment dwellers and residents with tots, and childless couples. Because of this, the sense of community is changing and redefining itself. This, combined with the lack of a long term development plan, makes it vulnerable to inharmonious developments. I suggest that HRM engage the community, business and residential to develop a long term vision for the community to guide development.

Recent HRM discussion papers highlight the importance of maintaining the sense of communities and their heritage in Municipal Planning Strategy. Residents at the public information session expressed concern about pedestrian access to Young street south of Windsor. I feel that residents are concerned that development is evolving in a manner that separates the residential portion of the community from the commercial developments. HRM seems to support a mixture of uses. Does a strip of commercial properties with a four lane highway between residents with minimum pedestrians access represent urban planning standards in the 2000's? Or, does this represent a 1960's approach? Can we not do better? Or, will the future look and feel of our communities be defined by an amalgam of disjointed development agreements made to satisfy only commercial interests, rather than a community strategy that makes this a desirable community to live in.

HRM has engages this community only when development proposals are put forward. I get a sense that the community feels it is continually on the defensive against proposals that do not fit in. Comments at recent public hearings reinforces this observation.

I strongly question that a 24 hour gas bar and associated 24 hour noise and activity fits within what residents sense is this community? If HRM tasked a survey of residents, I suggest it would not.

Future Creep

Unfortunately, because there is no long term development plan for this area, new developments are often guided by existing developments and uses. When land use is changed by a development agreement, it is often used to justify additional changes in adjacent properties. So, the implication of changes caused by this development agreement will likely impact (a domino effect) the future of all of the property on Young street and the future development of the current DND property. So, HRM must consider this in making its decision. There is no development plan in the area to counter such an occurrence?

Jobs and taxes

The proponent suggested the development will create new jobs and increased taxes to HRM. They indicate it will provide a resource for the community. Since it will not generate any new market, I suggest that it will create jobs by taking business from existing corner stores, gas stations and restaurants. Many of these are locally owned residents of the neighborhood. The proponent suggests this outlet is needed, because gas outlets are in decline. My observation is there is no shortage of gas outlets in Halifax, as with most urban areas. Closures are mostly rural and normally independently owned gas outlets with vehicle servicing. Much servicing is now done at dealers or dedicated outlets. Where there is volume to justify, many outlets closing are replaced by corporately owned super outlets with more pumps (this can be seen by recent N.S. provincial studies on gas pricing). As to taxes, they will accrue from any development on this site.

Jaime Smith - Opposition letter to the proposed Petro Canada Station at Young & Windsor

From: "Denise Bradbury"
To:
Date: 07/12/2005 5:55 PM
Subject: Opposition letter to the proposed Petro Canada Station at Young & Windsor
CC:

Hello Councillors Fougere & Murphy:

Attached is my ~~letter in opposition~~ to the proposed Petro Canada Station at Young & Windsor. Please do not take this matter lightly!

Thank you for your assistance and support,

Denise Bradburv

Councillors Fougere & Murphy
Halifax Regional Municipality
P.O. Box 1749,
Halifax, Nova Scotia
B3J 3A5

December 7, 2005

Dear Councillors Fougere & Murphy:

I attended a public meeting on Wednesday, November 30 regarding the application by Petro Canada to change the zoning at the corner of Young & Windsor Streets in order for it to build a 12 pump "flagship" gas station and restaurant.

I am writing so that you will have it on record that I am ~~strongly opposed~~ to the construction of another gas station in our neighbourhood. The community members in attendance expressed many valid concerns with having a large gas station at the corner of a busy residential intersection. In my opinion, the Petro-Canada representatives and their developer from Cantwell & Company ~~did not give us any beneficial reasons for having a gas station/store/restaurant in our neighbourhood.~~

Your minutes from the November 30 meeting will reflect my concerns and those I share with my neighbours. I have expressed them in point form below:

- There are ~~eight gas stations with in walking distance to the corner of Young and Windsor.~~ The Esso station at Young & Robie has 12 pumps, a convenience store and coffee shop and the Canadian Tire at Bayers and Connaught has 10 pumps and a convenience store. West end Halifax is saturated with gas stations, none of which improve the living conditions of those living around them. I urge city council to put a stop to this development and listen to the people who elected you to represent us, not to a national gas station chain who clearly want in on the gas business of our city.
- There are two gas stations in the same area that have ~~closed and~~ are still standing as ~~"eye sores"~~. Peninsular Halifax is a valuable land mass, with beautiful homes & landmarks and a diminishing amount of green space. Business ventures such as the Petro Canada development are devaluing our city.
- ~~The amenities proposed by Petro Canada are already available in our neighbourhood.~~ Existing gas stations, corner stores, coffee shops, supermarkets and restaurants currently meet our needs. Petro Canada is not bringing anything new to the community.
- With the building of a multi-purpose, new format, "flagship" Petro Canada gas station at Young & Windsor it is likely that the two existing Petro Canada gas stations at Quinpool & Oxford and The Village at Bayers Road will close, leaving two more abandoned gas stations on the peninsula.
- What happens when Petro Canada decides they are not making enough money at this location? ~~What will happen to the so-called contaminated land once it has been further contaminated by 12 gas pumps? Is there a long term plan required?~~

.../P2
Page 2

- The intersection at Young & Windsor Streets is congested and dangerous, this will be magnified with the

addition of a gas station. I continuously witness cars using the Ultramar gas station at the corner of Bayers Road and Oxford Street as a short cut to avoid turning at the intersection – this will inevitably happen at Young and Windsor – with greater consequences as it is planned to be a larger station at a busier intersection.

- I found some of the answers given by the Petro Canada representatives to be contradictory when addressing the concerns of the community. For example, when asked about the 24-hour lighting at the gas station polluting the night sky, a lighting map was displayed to show the reach of the lighting and how it would have no negative effect. Later in the discussion Petro Canada used the bright lighting as a positive for women & mothers as a safety feature. Petro Canada is entering into this as a money making venture, not to improve our community. We are tax paying home owners, with a vested interest in improving our neighbourhood. A national gas station chain is not concerned with our well-being and improving our community.
- In the information sent out dated October 11, 2005, Case 00815 – it is noted that along with its amended application, Petro Canada “expressed a willingness to provide approximately \$25,000 of in-kind contributions for the development of a pocket park at Bayers Road and Windsor on HRM owned land.” Excuse me but ~~Big Deal! \$25,000 of in-kind contributions~~ can be anything they want it to be. This is a bribe. \$25,000 cannot undo the negative effects of a 12 pump gas station on the opposite corner. Who will want to bring their children to play in a ~~pocket park across the street from a gas station~~? I know that my neighbours and I won't.
- The ~~health implications~~ alone are a reason that we do not want another gas station in the area.....Quoted from the United Nations Environment Program found at http://www.global500.org/news_117.html - see Appendix. There are a lot of families living in West end Halifax. I believe we want to keep it a family community and not a toxic wasteland.

We are taxpayers who elect city councillors to represent the best interest of our community. There is only one Halifax, Nova Scotia on the planet. We are unique upon many facets of definition. Thankfully, we are still a community who cares and takes responsibility for itself in the present while considering the future. Please help us preserve what we have. This is an opportunity for city council, in a very defined manner, to exhibit respect and concern for our community and its future – to ensure Halifax remains unique.

Please consider this letter sincerely, as we do our community. Listen to your constituents and deny Petro Canada's application to erect a gas station in our neighbourhood.

Sincerely,

Denise Bradbury

c.c. Ms. Dawn Sloane, City Councillor District 12
 Ms. Sue Uteck, City Councillor, District 13
 Mr. Angus Schaffenburg, Meeting Chair
 Ms. Jaime Smith, City Planner
 Mr. Howard Epstein, MLA, Halifax Chebucto

D. Bradbury Letter – Petro Can Application for Windsor and Young

Appendix

Leukemia rates high for kids near gas stations

André Picard ^ Public Health Reporter

Children who live in close proximity to gas stations and auto body shops have a dramatically higher rate of leukemia, according to a new study. The research, published in the journal *Occupational and Environmental Medicine*, provides powerful evidence that the common childhood cancer may be caused by exposure to the chemical benzene. Benzene, used in the manufacture of paints, plastics and pesticides, is also present in gasoline fumes. Previously, exposure to the chemical has been linked to leukemia in adults, but this is the first time the link has been made to children. Jacqueline Clavel, a researcher at the French National Institute of Health and Medical Research in Villejuif, said unleaded fuel -- which is the norm in Canada -- contains small amounts of benzene. But she said this is deceiving because the air around gas stations may actually be more polluted than in industrial settings where the chemical is used, or in neighbourhoods where there are emissions from refineries. "The benzene concentrations around petrol stations during refuelling may be relatively high compared to environmental background concentration," Dr. Clavel said. To conduct the study, researchers examined the background of 280 children with acute childhood leukemia living in four large French cities -- Paris, Lyons, Lille and Nancy. Another 285 children of similar age and gender who did not have leukemia were studied for comparison purposes. The scientists found that children living in proximity to gas stations and commercial garages were four times more likely to have developed leukemia. They were almost eight times as likely to have developed one specific form of the cancer, acute non-lymphocytic leukemia. The majority of children stricken by cancer were aged 2 to 6. The longer a child lived near a gas station, the higher the risk, according to the study. The risk of developing leukemia increased by about 3 per cent per month, including time spent in utero. The research did not reveal any increased cancer risk for children living in proximity to a host of other commercial and industrial enterprises such as plastic factories, printing plants, metal works and retail shops. Nor was any link found between childhood leukemia and living in close proximity to high-traffic roads. Several other studies, however, have shown such an association, particularly in adults. Dr. Clavel said researchers were careful to compare two groups of children from similar socioeconomic backgrounds because cancer is more prevalent among low-income groups. Almost 1,300 children are diagnosed with cancer in Canada each year, and about 230 die, according to the National Cancer Institute of Canada. Almost one-third of the cases and the deaths are due to leukemia. Overall, an estimated 3,900 Canadians will be diagnosed with leukemia in 2004, and 2,200 will die of the disease. The causes of leukemia are largely unknown. What is known, however, is that exposure to radiation and certain types of chemotherapy can cause leukemia. Children with Down syndrome and certain other rare diseases such as ataxia-telangiectasia also have a much higher risk of developing the cancer that starts in white blood cells.

Janet M. Stevenson

Email:

December 7, 2005

By Email:

Angus Schaffenburg
Planner II
Halifax Regional Municipality
P.O. Box 1749
Halifax, NS

Dear Mr. Schaffenburg:

**Re: Case 00815: Municipality Planning Strategy and Land Use By-law
Amendment – 6193 Young Street at Windsor Street, Halifax**

On Wednesday, November 30, I attended a public information meeting on the above proposal.

I understand from your explanation of the process at that meeting that comments from the public on this proposed land use by-law amendment would be incorporated into a report to go to Halifax Regional Council. I made several comments at the meeting that I anticipate will be included in the report to Council but am also providing you and the appropriate councillors with the following written comments:

1. I believe that the description of the development could and should have more detail. In particular, it should be noted in the report that:
 - Petro-Canada intends that the gas station “complex” will operate 24 hours a day.
 - Petro-Canada intends that there will be a drive-through for food service.
 - There will be twelve pumps.
2. Based on information I have received from residents on Windsor Street north of Young and Ashton Lane, residents in that area did not receive notification of the public meeting on November 30. Please check your records. If residents in this area were not notified of the public meeting, please incorporate in the report going to Council that these particular residents were not informed of the meeting.
3. In Ross Cantwell's letter to you of June 29, 2005, he states the following:

"The revised proposal includes a high quality gas bar and restaurant on this site that will provide a needed service to this portion of the city ..."

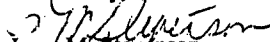
As I expressed at the meeting, this proposal does not provide a needed service to this portion of the city. Based on the comments of others at the meeting, it appears that no one who attended the meeting believes that this proposal provides a needed service to this portion of the city.

4. As I also expressed at the meeting, I support infilling in this area of the peninsula. We need to attract more residents, in general, to the peninsula. The proposed development does not assist in any way in attracting residents to this area and may, in fact, deter families from living in the area.
5. There was much discussion at the meeting about the traffic situation at this intersection. I understand from the presentation at the meeting that HRM's traffic authority takes the position that this intersection is working well for both vehicular and pedestrian traffic. Clearly, those in attendance at the meeting did not agree with this position and repeatedly expressed concern about the increase in traffic that would be caused by this development and that the development would make a "bad" intersection worse.
6. Everyone who spoke at the meeting strongly expressed their opposition to the proposed development. Opposition was based on a variety of concerns including the health implications of gas fumes, lighting, and increased traffic. Several speakers noted the number of abandoned gas stations in the neighbourhood and the impact of these abandoned sites on the neighbourhood and raised concerns about what would happen to this "complex" when it is abandoned by Petro-Canada.

At the heart of the public's opposition is the concern that this is not the type of development that is good or necessary for this area. It is my view that regardless of how the development is "improved", it is not appropriate for this area and Council should not approve the requested amendment to the bylaw to permit a gas station, convenience store and café at this location.

I would appreciate being informed when this case proceeds to the next step in the planning process.

Yours truly;


Janet M. Stevenson

Cc: Councillor Patrick Murphy
Councillor Sheila Fougere
Councillor Sue Uteck
Councillor Dawn Sloane

#292224

Jaime Smith - Fwd: Case No. 0085 Proposed Petro Canada Station

From: Sheila Fougere
To: Angus Schaffenburg; Jaime Smith
Date: 08/12/2005 3:12 PM
Subject: Fwd: Case No. 0085 Proposed Petro Canada Station

Dear Councillor Fougere,

I am writing concerning the proposed development at 6193 Young Streets at Windsor St. or Case No. 00815.

The concerns expressed at the Public Meeting held on November 30th reflect how this community feels about the proposed development. The underlying question for me and my neighbours, is how, indeed, will the quality of life in this west end neighbourhood be enhanced by the addition of a twelve pump, 24 hour super station. There is no doubt that the delegation at the meeting unanimously agreed that that this development will do nothing more than create noise, traffic and chaos at an already pedestrian unfriendly intersection. While I understand the importance of development and in particular the necessity for a strong commercial tax base, we cannot lose sight of the fact that bad development of this kind will be detrimental to the community. There are many reasons why the Petro Canada development should not go forward.

Traffic and Safety:

- It was my understanding that the original intent of realigning the intersection at Bayers, Young and Windsor was to enhance traffic flow. To place a "PetroCan Big Stop" at that intersection would be "cutting off your nose, despite your face".
- At the meeting, the PetroCan representative stated that the station would merely capture the traffic already going through that intersection and felt confident that traffic would not increase. The people in that room were not naïve enough to believe that kind propaganda. Commuters will change their commuting route to go through that intersection if a super station is positioned where proposed. The Petro Canada representative later alluded to the fact that other PetroCan stations in metro may close subsequent to the development of their flagship station, which would again create more traffic at that intersection.
- The super-sized station will allow easy access for large trucks therefore, increasing the truck traffic in the neighbourhood.
- The traffic will continue for 24 hours.
- This intersection is extremely hazardous for pedestrians in its current state, but to add more traffic, plus cars going in and out of the gas station will only create a more hazardous situation.

Need

- With gas stations at the corner of Young and Robie, Bayers and Oxford, Robie and North, Bayers and Connaught and at the Bayers Road Shopping Centre, how could there possibly be a need for another in the area.
- There are a number of derelict stations already in the area, which are unsightly; the most prominent in my neighbourhood is at the corner of Windsor and Almon.
- The intersection at Young, Bayers and Windsor was not realigned for peninsula Halifax just as this gas station is not being proposed for residents of the peninsula, the proposed development is

for those who live outside the city and commute.

Health

- A recent study published in the journal of Occupational and Environmental Medicine revealed that children who live in close proximity to gas stations and auto body shops have a dramatically higher rate of leukemia. How can this be good for a neighbourhood of young families.
- In a province with soaring obesity levels municipal governments should be making sure urban centres promote other forms of transportation such as bicycling and walking, I urge any councillor to drive a bicycle or walk through that intersection now and think ahead to what it will be like with the addition of a super station at that corner.
- The land is currently contaminated with lead, while I firmly believe that DND should take responsibility for cleaning up such sites prior to sale, the fact is, they did not and Petro Canada is proposing to merely to pave it over.
- While Petro Canada assured those at the meeting that their "own consultants" have developed lighting that will not be intrusive, I am skeptical of the validity of their research. Two blocks away sits a florescent Esso palace which projects glaring light for blocks.
- Increased air pollution, increased light pollution and increased noise pollution does not enhance any neighbourhood.

The Future of Communities on Peninsula Halifax

- What consideration has Regional Council given to the overall development of the area from the corner in question going north. DND is divesting of many of its surplus lands and the land next the Petro Canada property may be on the auction block in the near future. With a super gas station as an anchor, what precedent does this set? What do we as residents of this area have to look forward to . . . more of the Young St. type development or perhaps another Kempt Road? I certainly hope not.
- What is visionary about this development?
- How does this type of development fit into the Regional Plan?
- This part of the City has virtually no green spaces. Green spaces in neighbourhoods increase property values and add to the quality of life.
- I am extremely concerned at the way the peninsula is continually being compromised for those who do not live in its neighbourhoods. It seems as though it is a constant struggle to retain old neighbourhoods on peninsula Halifax as time and time again, they are being auctioned off for those who do not live here, but merely speed through twice a day. I chose to live on the peninsula because of these old neighbourhoods and the sense of community and quality of life they offer.
- Are there not other suitable sites along highways or arterial roads, away from residential development for the construction of this type of super station?
- It is extremely short-sighted for local governments to make decisions solely on the basis of financial benefits. Tax revenue represents only a part of the impact.

This land is currently zoned Park and Institutional, it was clearly articulated by all those in attendance on November 30th that it should remain Park and Institutional and that a Petro Canada Station should not be permitted to built. I trust you will relay the concerns of the community when this issue is before Council.

Yours Truly,

Dear Councillor Fougere,

Janice Wentzell
Edinburgh St.

From: "Hal A Dobbelstevn" < >
To:
Date: 12/12/2005 8:08:02 pm
Subject: Application by PetroCanada

Dear Ms. Fougere:

Thank you for attending the recent public hearing concerning PetroCanada's request to change the zoning on the lot at the corner of Windsor and Young Sts. to allow for the construction of a service station.

My family, neighbours and I are opposed to this application for many reasons including:

1. The new intersection is already unfriendly and dangerous for pedestrians, and added traffic will only make it worse.
2. If the site is not zoned for the intended application, I am strongly opposed to changing it from parks and institutions to that allowed for service stations. Whether or not any company has bought the land with intentions to rezone it for their business operations is irrelevant to us, and is a risk they accepted with open eyes.
3. There are no identifiable benefits to the neighbourhood: in fact, other local businesses, at least two of which are new startups, will be negatively affected by this proposed operation.
4. Any employment created is done so at the expense of other local operations; the net result is likely to be few or no more jobs, all at very low rates of pay, certainly not the type of employment we should be encouraging.
5. Within two blocks of the proposed site are two service stations; how many more do we need to serve the area? With increased fuel efficiency, and improved public transit services from Metro Transit, I suggest the answer is none.

Thank you for taking the time to consider our objections.

Regards,

Hal & Miriam Dobbelsteyn and family

You will recall that he was severely reprimanded for his belligerence and his pro PetroCan bias at the meeting. I must, therefore, express my displeasure at this information not being sent. I appreciate any effort you can make.

Thank you for your time.

Peter Leslie

----- Original Message -----

From: "Angus Schaffenburg" <...>

To: "Sheila Fougere" <...>

Cc: "Patrick Murphy" <...>

Sent: Wednesday, December 14, 2005 3:41 PM

Subject: Re: proposed Petro Canada Station at young and Windsor

I can answer some of the questions:

1. The sign is a requirement of our planning process. I do not have the picture of the sign in front of me; however, the normal wording is that "An application has been submitted..... The intent is that the public be aware an application has been submitted. I do not believe it indicates this is "a done deal."

2. Jamie and I have met with the applicant and asked for additional information. We also have to do research based on the various questions raised at the PIM. When staff is comfortable with the information a report will be prepared for Peninsula Community Council. That report will contain a copy of the Minutes from the meeting. At this time they have not been prepared and are usually released with the staff report.

That report with the recommendation of the Peninsula Community Council would be tabled with Regional Council. Regional would hold a joint hearing with Peninsula Community Council if they wish to consider approving the development. I do not have an estimate of when the report would be tabled with Peninsula Community Council. We would do a notification to the mailing list if a hearing is to be held.

3. Jamie is away until after Christmas and was looking into the traffic counts. I will see if I can find them for you.

Please call if you have any questions.

Angus E. Schaffenburg, Senior Planner MCIP
Planning Applications
Planning and Development Services
Acadia School, 636 Sackville Drive, Lower Sackville
Tel:
Fax:

>>> Sheila Fougere December 14, 2005 >>>

Hi Peter:

I'll forward your request to the planners who chaired the meeting. I do not know how they follow up with

minutes to the attendees. As Councillors, we receive the minutes as part of a report that comes to us at Community Council.

In regard to the sign, it is on private property. If I am not mistaken, it is a requirement of the application process. You are correct that there is no agreement until one is ratified by council. There is still an application in the works though. Until the application goes through to completion (either rejected, or accepted) Petro Canada are still considered applicants and members of the general public have access to the phone number on the sign for additional comment or information.

Again, the planners can give you the timelines.

by copy of this e-mail, I will ask that they respond to you directly.

Regards, Sheila

>>> "Rick Conrad"

12/13/05 10:10 pm >>>

I was expecting to hear back from the meeting held at the forum a couple of weeks ago. I was expecting to receive a copy of the minutes produced as well as the promised response to my request for the raw data on traffic flow at the intersection. could you please put me in touch with the appropriate person so that I can get this material.

I am also very concerned that there is a development agreement sign on the property. It is my understanding that there is no agreement until council passes the requisite motion. I would like to see that sign removed. It certainly gives the impression that the matter is a done deal as this concern was expressed at our meeting. I would also like to know what the timelines are for this matter so I can send my concerns.

Peter Leslie

CC: Patrick Murphy; Sheila Fougere; Smith, Jaime

Halifax Regional Municipality - Council Report Sign-Off Sheet

Subject: Staff Report, Peninsula Community Council, Petro Canada - Young and Windsor					
Meeting Date: June 12, 2006		<input checked="" type="checkbox"/> Regular Council		<input type="checkbox"/> COW	<input type="checkbox"/> In Camera
<input type="checkbox"/> Information Report					
Prepared by: <u>Jaime Smith, Planner 1 and Angus Schaffenburg, Senior Planner</u> <u>Planning & Development</u> Name & Business Unit					May 5, 2006 Date
<input type="checkbox"/> First Draft for Information Only <input type="checkbox"/> Consultation <input checked="" type="checkbox"/> Approval					
<input checked="" type="checkbox"/>	Stakeholder - Internal	Approved By	Date & Time	Revised Date	Initial
Not Required (Issue unique to originating Business Unit)					
<input checked="" type="checkbox"/>	Finance	Joan Broussard Financial Consultant	April 10/06		
<input checked="" type="checkbox"/>	Fire	Robert Kamperman Fire Prevention Off.	April 6/06		
<input checked="" type="checkbox"/>	Library	Paula Saulnier Dir., P & D	April 7/06		
<input checked="" type="checkbox"/>	P & D	Andrew Faulkner Development Officer Dominique Quesnel Development Eng.	April 5/06 April 3/06		
<input checked="" type="checkbox"/>	Transportation	Alan Taylor Trans. Planner	April 21/06		
<input checked="" type="checkbox"/>	EMS	Fred Wendt, Waste Resource Analyst	March 29/06		
<input checked="" type="checkbox"/>	RPP	Peter Bigelow, Man. Jan Skora, Coor.	April 5/06 April 13/06		
<input checked="" type="checkbox"/>	Regional Planning	Austin French, Man. Maureen Ryan Senior Planner	April 24/06		
<input checked="" type="checkbox"/>	Water Commission	Steve Skinner, Eng. Tech.	April 24/06		
	Stakeholder - External	Tracey Hartz, NS Environment	April 8/06		