

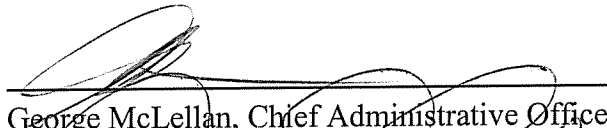
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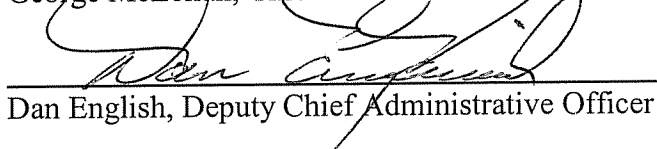
HALIFAX
REGIONAL MUNICIPALITY
PO Box 1749
Halifax, Nova Scotia
B3J3A5 Canada

Halifax Regional Council
September 28, 2004

TO: Mayor Peter Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: September 9, 2004

SUBJECT: **Case 00702: Municipal Planning Strategy and Land Use Bylaw Amendment - 6139 Young Street, Halifax**

ORIGIN

Request by Cantwell and Company, on behalf of Petro-Canada, to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a gas station and food service operation at 6139 Young Street, Halifax.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the request to initiate the process to amend the Halifax Municipal Planning Strategy and Land Use By-law for the property situated at 6139 Young Street, Halifax, as generally shown on Map 1 to allow for commercial uses.
2. Request staff to follow the public participation program as approved by Council in February, 1997 including a public participation meeting to be held by staff.

BACKGROUND

Location, Designation and Zoning: The 2.5 acre property, is located at the corner of Young and Windsor Streets. This site is within an institutional designation on the Generalized Future Land Use Map and is zoned P (Park and Institutional) Zone (see Maps 1 and 2). The intent of these policies is to encourage institutional development. The area was rezoned (Case 4878) from Armed Forces Zone in 1985. The Armed Forces Zone contained no land use controls.

Synopsis of Proposed Development: The applicant wishes to build a Petro-Canada gas station complex. The proposed uses include an integrated gas bar, car wash, convenience store, and food operation which is expected to occupy about 2.0 acres of the 2.5 acre site (see Map 3). The remainder of the parcel is set aside for either the expansion of the Petro-Canada station, or for consolidation with the adjacent parcels of land and redevelopment at a later date.

History of the Property: The lands for the Petro-Canada complex were originally developed by the Canadian National Railway as a train marshalling facility in the early part of the 20th century. They were transferred to the Department of National Defense (DND) in the 1930's and developed by CFB Halifax as an engineering yard. These lands were declared surplus by the Department of National Defence, and the buildings demolished. HRM purchased a portion of the property to facilitate the Bayers/Young/Windsor Intersection realignment in 1997. In August 2003 Public Works and Government Services Canada issued a call for the purchase of the remainder of the original parcel. The lands were purchased by Petro-Canada. The tender for the realignment was approved by Regional Council on June 22, 2004 and this work is almost complete.

DISCUSSION

Site specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly. This request meets this test as these lands have become surplus to the needs of the Federal Government. The immediate area is zoned P (Park and Institutional) and C-3 (General Industrial). Sanitary sewer and domestic water services are available. The P (Park and Institutional) Zone would not permit the uses proposed by Petro-Canada.

Staff suggests that the most appropriate action may be to redesignate the property to "Commercial" on the Generalized Future Land Use Map and to rezone the property to a related zone such as C-2 (General Business) Zone. That would permit the proposed uses by-right. In addition, consideration should be given to redesignating the adjacent commercial/industrial property. These options can be discussed at a future public meeting(s) should Council concur with the recommendations of this report.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN:

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

ALTERNATIVES

1. Proceed with the requested amendment. This is recommended for reasons described above.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

ATTACHMENTS

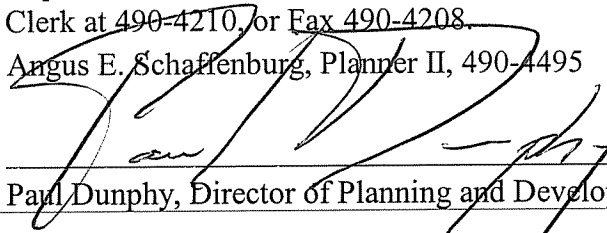
Map 1: Generalized Future Land Use

Map 2: Zoning and Notification Area

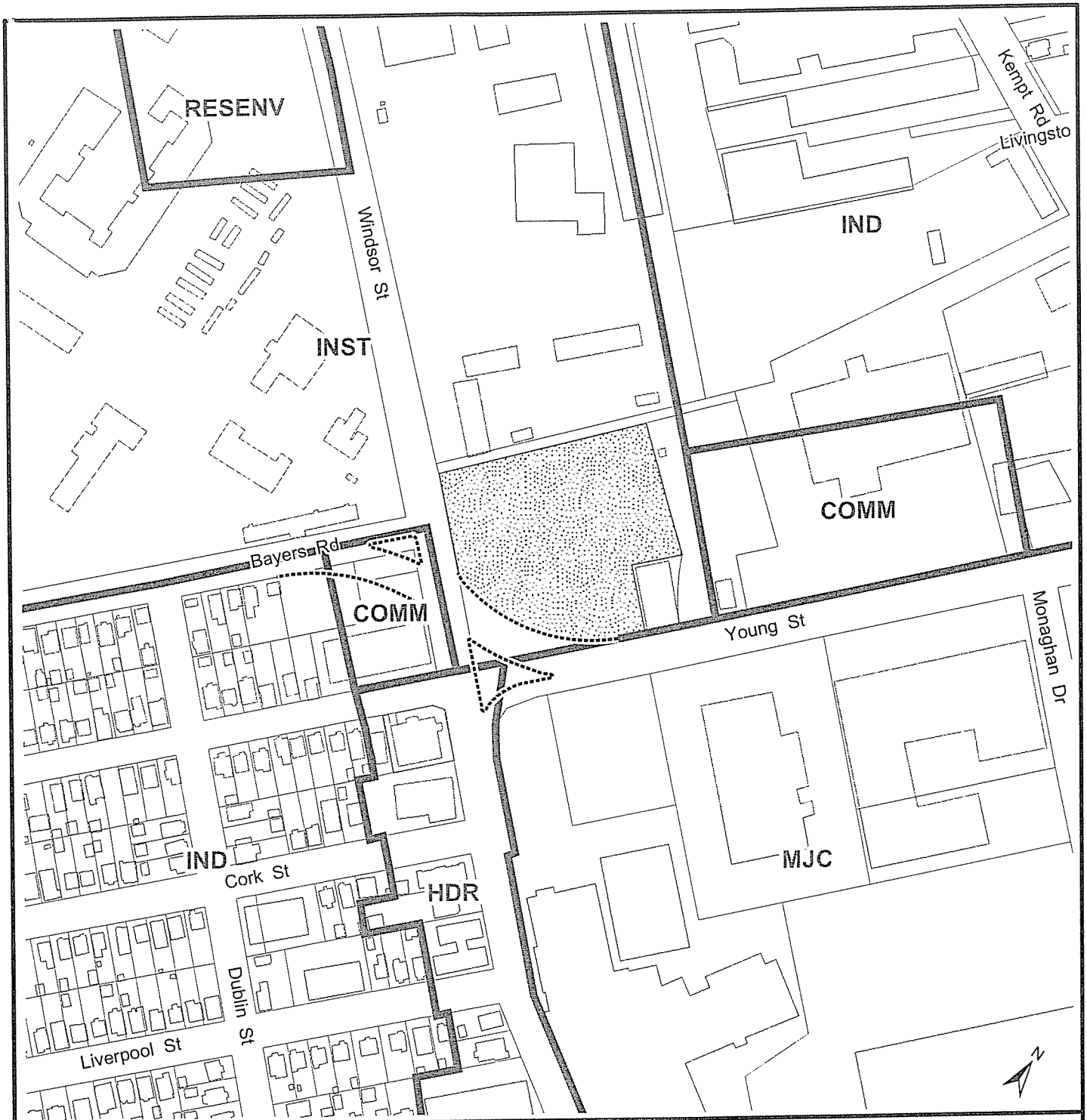
Map 3: Concept Plan

Attachment A: Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw

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:  Angus E. Schaffenburg, Planner II, 490-4495


Report Approved by:  Paul Dunphy, Director of Planning and Development Services



Map 1 - Generalized Future Land Use

6139 Young Street
Halifax

 Subject property

 New road alignment

Halifax Plan Area

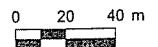
Designation - Halifax Plan

RESENV Residential Environments
 COMM Commercial
 IND Industrial
 INST Institutional

Designation - Peninsula North

HDR High Density Residential
 MJC Major Commercial

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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

6139 Young Street
Halifax

 Subject property

 New road alignment

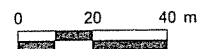
Halifax Peninsula By-Law Area

 Area of notification

Zone

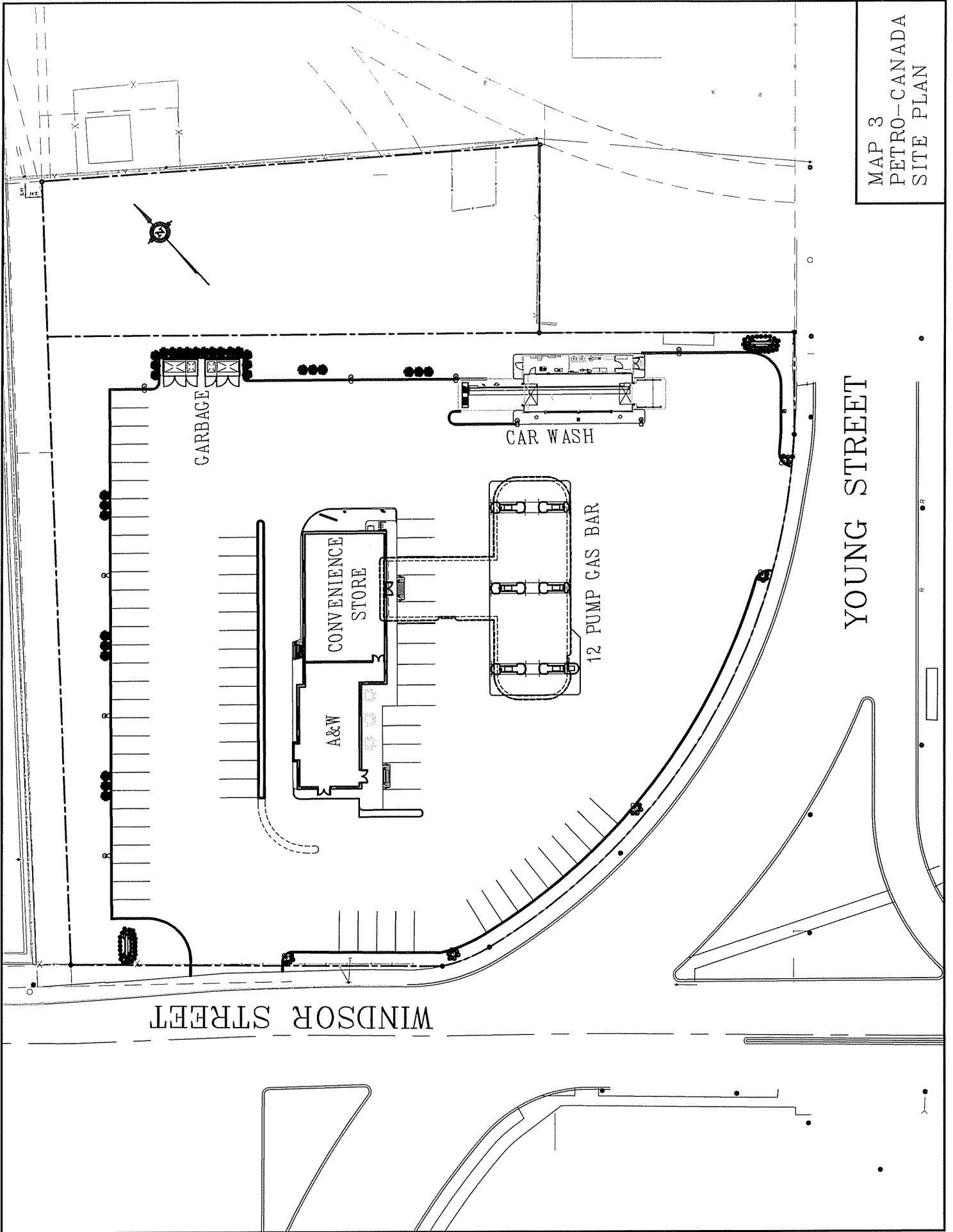
- R-2 General Residential
- R-3 Multiple Dwelling
- C-1 Local Business
- C-2 General Business
- C-3 General Industrial
- P Park and Institutional

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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

Extracts from the Municipal Planning Strategy and the Peninsula Land Use Bylaw

1. ECONOMIC DEVELOPMENT

Objective The development of the City as a major business, cultural, government, and institutional centre of Atlantic Canada, while enhancing its image as a place to live and work.

1.2.2 In considering new development regulations and changes to existing regulations, and development applications, the City shall give consideration of any additional tax revenues or municipal costs that may be generated therefrom.

3. COMMERCIAL FACILITIES

Objective The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

3.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, shopping centres and regional centres.

3.1.1 Neighbourhood shopping facilities in residential environments should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be required to locate at or adjacent to the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business, for example a corner store or a cluster of businesses. This policy shall serve as a guideline for rezoning decisions in accordance with Implementation Policies 4.1 and 4.2 as appropriate.

3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a

wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

- 3.1.2.1 Pursuant to Policy 3.1.2, the land use bylaw shall permit a limited range of motor vehicle repair facilities on sites formerly occupied by service stations in areas designated Minor Commercial on the Generalized Future Land Use map. The range of such uses shall be dependent upon their potential conflict with the surrounding commercial and residential uses in respect to intensity of use and visual, auditory or other off-site impacts that may be detrimental to surrounding areas.
- 3.1.3 Major commercial centres should service a market area comprising most or all of the City. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 3.1.2.

5. INSTITUTIONS

- Objective The enhancement of employment opportunities by encouraging existing and potential institutional uses in appropriate locations.
- 5.1 Unless clearly inappropriate for the good development of the City, existing regional and City-wide institutional facilities shall be encouraged to remain in their present locations and efforts shall be made to protect, maintain and upgrade them.
- 5.2 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. The City shall develop standards and boundaries which will protect neighbouring areas, especially residential areas, from encroachment and nuisance effects.
- 5.3 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. Pursuant to Policy 5.2, where such areas fall

within the bounds of a designated area for detailed planning, the City shall resolve the exact nature of the desired land use pattern through the detailed area planning process.

15. GENERALIZED FUTURE LAND USE MAP

- 15.1 Map 9 shall be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined heretofore.
- 15.2 The areas of future land use shown on Map 9 shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

IMPLEMENTATION POLICIES

ZONING

3. Pursuant to the authority of Section 33 of the Planning Act, the City shall adopt the Zoning Bylaw, Mainland Area and the Zoning Bylaw, Peninsula Area, both of the City of Halifax substantially as they presently exist to further the objectives and policies of this Plan, except those bylaws shall first be revised according to the directions established by the detailed policies below.
- 3.1 Repealed 6 June 1990
- 3.1.1 The City shall review all applications to amend the zoning bylaws or the zoning map in such areas for conformity with the policies of this Plan with particular regard in residential areas to Section II, Policy 2.4.
- 3.2 For those areas identified in Section II, Policy 2.5.2 of this Plan, the City shall, pursuant to the authority of Section 33(2)(b) of the Planning Act, establish such development control regulations as are necessary to implement the policies of this Plan.

C-2 ZONE

GENERAL BUSINESS ZONE

56(1) The following uses shall be permitted in any C-2 Zone:

- (a) R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses;
- (b) Any business or commercial enterprise except when the operation of the same would cause a nuisance or a hazard to the public and except adult entertainment uses, junk yards and amusement centres;
- (c) Billboards not to exceed twenty-eight square meters (28 m²) in area and not to extend more than eight meters (8 m) above the mean grade on which it is situated.
- (d) Uses accessory to any of the foregoing uses.

56(2) No person shall in any C-2 Zone, carry out, cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).

56(3) No person shall in any C-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

57(1) No front, side or rear yards are required for C-2 uses in C-2 Zones.

57(2) (Deleted)

58 The height of a building in a C-2 Zone shall not exceed a height of eighty (80) feet, but for each foot that the building or that portion of the building which would exceed eighty (80) feet in height is set back from the property line, two (2) feet may be added to the height of the building.

R-1, R-2, R-3, C-1, R-2T AND C-2A USES IN C-2 ZONE

58A(1) Buildings erected, altered or used for R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses in a C-2 Zone shall comply with the requirements of their respective zones.

P ZONE

PARK AND INSTITUTIONAL ZONE

67(1) The following uses shall be permitted in any P Zone:

- (a) public park;
- (b) recreation field, sports club, and community facilities;
- (c) a cemetery;
- (d) a hospital, school, college, university, monastery, church, library, museum, court of law, or other institution of a similar type, either public or private;
- (da) child care centre;
- (e) uses accessory to any of the above uses.