

North West Community Council
December 16, 2013

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original signed
Brad Anguish, Director, Community & Recreation Services

DATE: October 29, 2013

SUBJECT: Case 18517: Rezoning 6757 Highway No. 2, Enfield

ORIGIN

Application by Cobalt Properties Limited.

LEGISLATIVE AUTHORITY

HRM Charter; Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading of the proposed rezoning of a portion of 6757 Highway No. 2, Enfield, from the R1-B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone, as contained in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of a portion of 6757 Highway No. 2, Enfield, from the R1-B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone, as contained in Attachment A of this report.

BACKGROUND

The subject area, 6757 Highway 2 in Enfield, is approximately 21,645 square feet (0.49 acres/ 0.20 ha) of a larger parcel of land known as Enfield Irving Big Stop. The Enfield Irving Big Stop is located just off Exit 7 Highway 102 and is a large regional gas station, convenience store, truck stop and restaurant. The subject area is located in the north eastern corner of the site and was the former site of a single unit dwelling which has been removed.

The subject area was purchased by Irving to be used as one of four entrance/exit locations for the Enfield Irving Big Stop property. The proposed entrance/exit is currently not permitted under the existing zoning, therefore a change in zoning is required in order to permit the proposed entrance/exit. To enable the proposed entrance/exit, a request has been made to rezone the subject area to the C-2 (Community Commercial) Zone under the Planning Districts 14 and 17 Land Use By-law (LUB) as the C-2 (Community Commercial) Zone permits a mix of general commercial uses (Attachment B).

Location, Designation, Zoning and Surrounding Area

The subject area is:

- located at 6757 Highway 2, a provincially owned highway which travels between Halifax and New Brunswick;
- located at the northern end of the Big Stop site and is vacant and slopes towards Highway 2 with a relatively gentle slope;
- designated as Community Centre Designation under the Municipal Planning Strategy (MPS) for Planning Districts 14 and 17 (Map 1);
- zoned R-1B (Suburban Residential) Zone under the Land Use By-law (LUB) for Planning Districts 14 and 17 (Map 2) which permits residential single unit dwellings, two unit dwellings, bed and breakfasts and community uses (Attachment B);
- a portion of the main Enfield Irving Oil Big Stop parcel. The main portion of the Big Stop parcel is zoned CDD (Comprehensive Development District) under the Regional Municipal Planning Strategy as this site is a potential candidate site for a park and ride and the possible focal point for transit service. Therefore, the Regional MPS indicates development of the site should be done comprehensively through a development agreement if new uses are to be established (Map 2); and
- adjacent, to the north and east, mixed residential zones including R-1E (Rural Estate) Zone and R-1B (Suburban Residential) Zone (Map 2).

Enabling Policy

The MPS for Planning Districts 14 and 17 contains criteria that allow the consideration of commercial uses through the rezoning process. Under the Community Centre designation, policy P-99 provides the Council with the ability to consider the application of the C-2 (Community Commercial) Zone on the subject lands subject to specific criteria and the general evaluation criteria contained in policy P-155 (Attachment C). A review by the Development Officer has indicated that the proposed C-2 Zone would enable the issuance of a permit for the proposed driveway. Map 5 indicates the proposed site plan for the subject lands.

Existing Irving Big Stop

Permits have been issued for the redevelopment of the majority of the Big Stop property through the requirements of the Land Use By-law. These permits include a driveway immediately adjacent the subject lands, however, during the permit review process Nova Scotia Transportation & Infrastructure Renewal identified that an alternative access will be necessary. This requested alternative access has resulted in the request for rezoning the subject lands. The subject lands are not included with the permit, however, the permits will be revised with a driveway relocated should the rezoning be approved. Staff wishes to note there is another planning application for the addition of two drive-thru restaurants by development agreement on the main Big Stop site (Case 18620) which was presented at the Public Information Meeting with this application. Completion of that case will be handled through a separate report at a later date given the proposed rezoning is related to the rebuild of the Big Stop and not to the drive-thru which must be concerned by development agreement.

DISCUSSION

Policies within the Community Centre designation of the MPS for Planning Districts 14 and 17 enable Council to consider the rezoning of the subject area to permit a variety of commercial uses including the proposed entrance/exit to the Enfield Irving Big Stop. These policies contain criteria to be considered when evaluating the proposed rezoning and in staff's opinion, the proposed rezoning is consistent with applicable policies. Attachment C provides an evaluation of the proposed rezoning in relation to these applicable policies. The following issues are being highlighted for more detailed discussion.

Traffic/Access

Nova Scotia Transportation and Infrastructure Renewal (NSTIR) is the agency responsible for all road work and requirements for access and egress on this section of Highway 2. Access to the site and road improvements directly related to the redevelopment of the Big Stop, such as left hand turning lanes, have been previously required by NSTIR through the as-of-right permitting process mentioned above. Through that process it was identified by NSTIR that the proposed driveway for exiting trucks on the subject lands was more desirable than the permitted truck exit driveway immediately adjacent the subject lands. The proposed driveway location provides a greater separation distance from the intersection of Highway 2 and Oldham Road. NSTIR have identified that the proposed driveway location better meets their access management practices and increases safety. Thus the application for this proposed rezoning was made. Implementation of the proposed driveway on the subject lands implements this request and is thus considered desirable.

During the Public Information Meeting, members of the public inquired about the need for traffic signals at the intersection of Oldham Road and Highway 2. The Traffic Impact Study for the proposed drive-thru (Case 18620) indicated that the traffic counts for Oldham Road were not high enough to warrant traffic signals at the intersection with Highway 2.

Compatibility of a driveway access with Adjacent Residential Properties

While there are several residential properties in proximity to the subject site, there is one residential property directly adjacent the proposed entrance/exit. This property, 6837 Highway

2, will be affected the most. The redevelopment of the Irving Big Stop site will have some impact on the residents of this address. The redevelopment of the Irving Big Stop is an as-of-right process and compatibility is not a consideration. However, compatibility is a consideration under the rezoning process. The proposed entrance/exit will relocate exiting truck traffic in closer proximity to this residence. Sound and vibration from related truck traffic will likely be an impact, but secondary impacts such as dust or fumes from trucks are also possible.

The proposed rezoning and relocation of the driveway are expected to move the driveway approximately 8.6m (28 ft.) closer to the residence at 6837 Highway 2. Staff reviewed the relocation and are of the opinion that while the relocation of the driveway will in fact move the driveway closer to the residence, it will not dramatically increase the impacts on the property greater than would be expected if the rezoning and relocation were not to happen.

Conclusion

The proposed land use is capable of meeting the requirements of the proposed C-2 (Community Commercial) Zone, however, as this is a rezoning request, should Community Council grant their approval, the subject property can be developed for any use permitted in the C-2 Zone provided it complies with the requirements of the Land Use By-Law.

In staff's opinion, the proposed rezoning is consistent with applicable policies of the MPS (Attachment B) and recommends that North West Community Council approve the rezoning of the subject property from the R1-B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone as outlined in Attachment A.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on August 8, 2013. Staff wishes to note that another planning application on the main Big Stop site, Case 18620, shared the public information meeting with this application.

Notices of the Public Information Meeting were posted on the HRM website, in the local newspaper, and mailed to property owners with the notification area shown on Map 3. Attachment D contains a copy of the minutes from the meeting (which also includes Case 18620).

A public hearing must be held by North West Community Council before they can consider approval of the rezoning. Should North West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements,

individual property owners within the notification area will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations.

ENVIRONMENTAL IMPLICATIONS

The proposal meets all applicable environmental policies contained in the MPS. No additional items have been identified.

ALTERNATIVES

1. Community Council may choose to approve the proposed rezoning of a portion of 6757 Highway No. 2, Enfield, from the R1-B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone, as contained in Attachment A of this report. This is the staff recommendation. A decision of Council to approve this land use by-law amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to refuse the rezoning of a portion of 6757 Highway No. 2, Enfield, and in doing so must provide reasons why the rezoning does not reasonably carry out the intent of the MPS. This is not recommended for the reasons discussed above. A decision of Council to reject this land use by-law amendment, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Map 3	Area of Notification
Map 4	Overall Site Concept – Irving Big Stop
Map 5	Subject Property Site Plan – Irving Big Stop
Attachment A	Proposed Amendment to the Land Use By-law for Planning Districts 14 and 17
Attachment B	Excerpts from the Planning Districts 14 and 17 LUB
Attachment C	Review of Relevant Policies from Planning Districts 14 and 17 MPS
Attachment D	Public Information Meeting Minutes – August 8, 2013

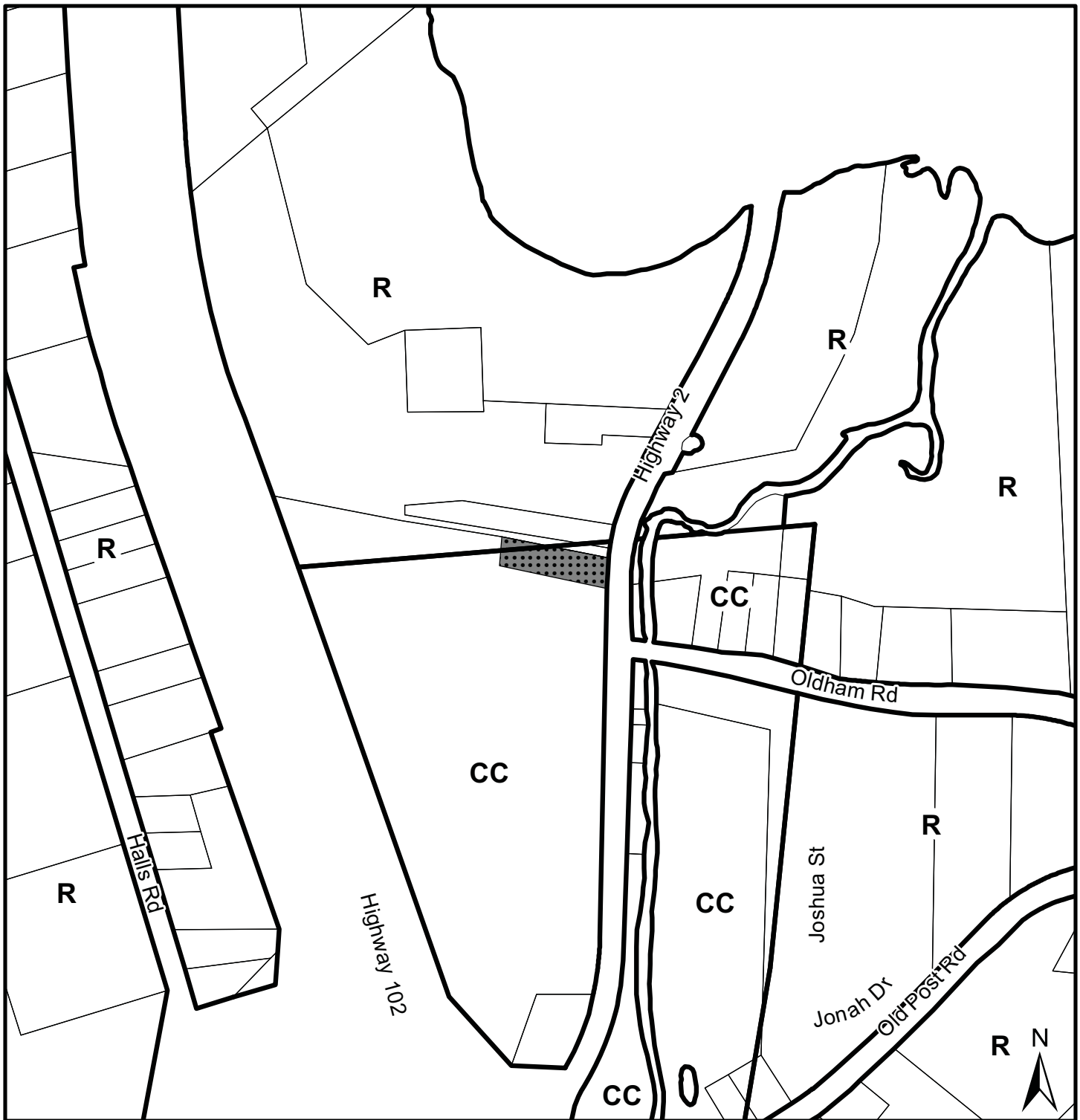
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Senior Planner 490-6743

Original signed

Report Approved by:

Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

6757 Highway 2
Enfield



Area proposed to be rezoned
from R-1b (Suburban Residential)
to C-2 (Community Commercial)

Designation

Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

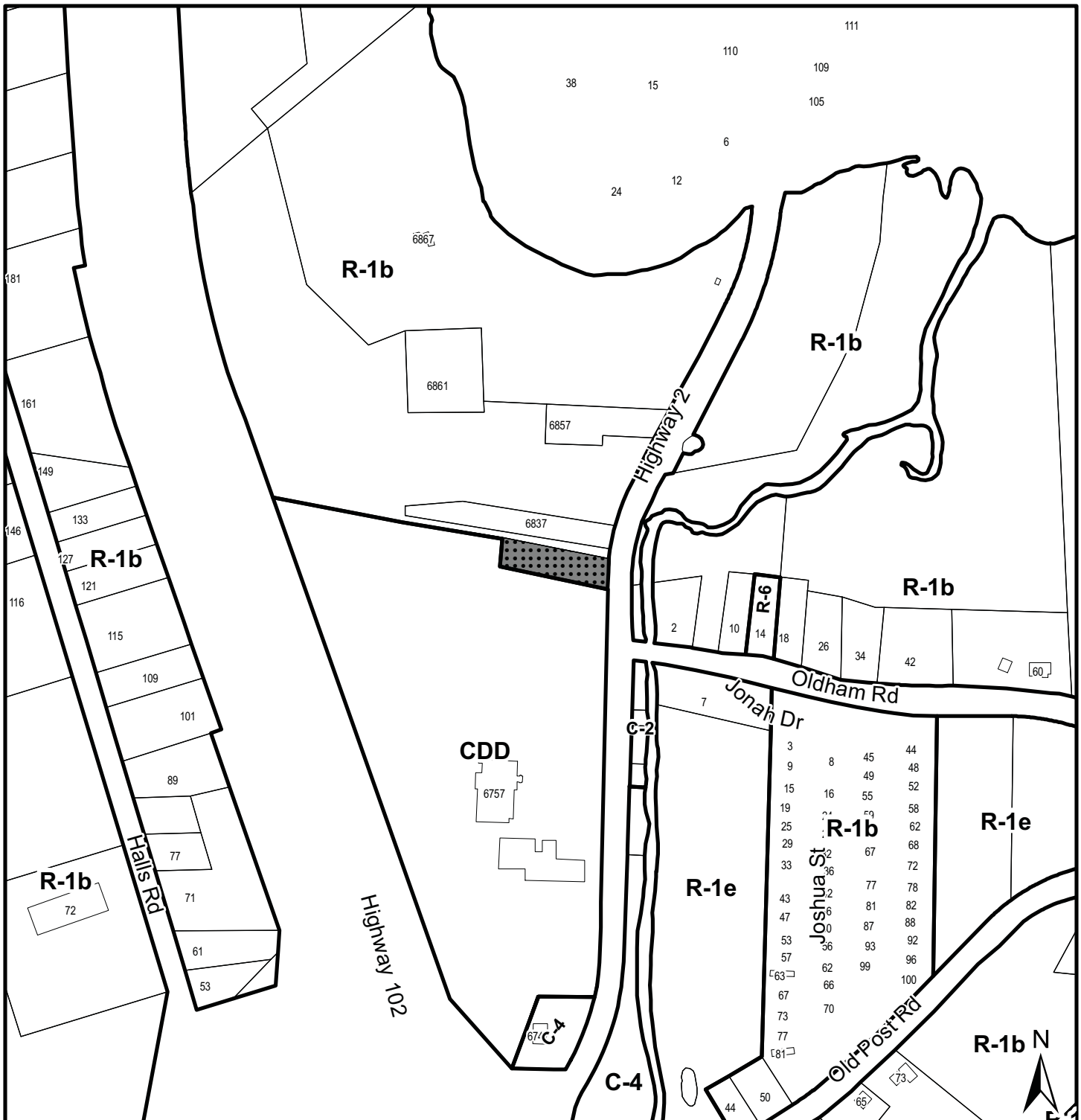
R Residential
CC Community Centre

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 150 m

This map is an unofficial reproduction of
a portion of the Generalized Future Land
Use Map for the plan area indicated.

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



Map 2 - Zoning

6757 Highway 2
Enfield



Area proposed to be rezoned
from R-1b (Suburban Residential)
to C-2 (Community Commercial)

Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

Zone

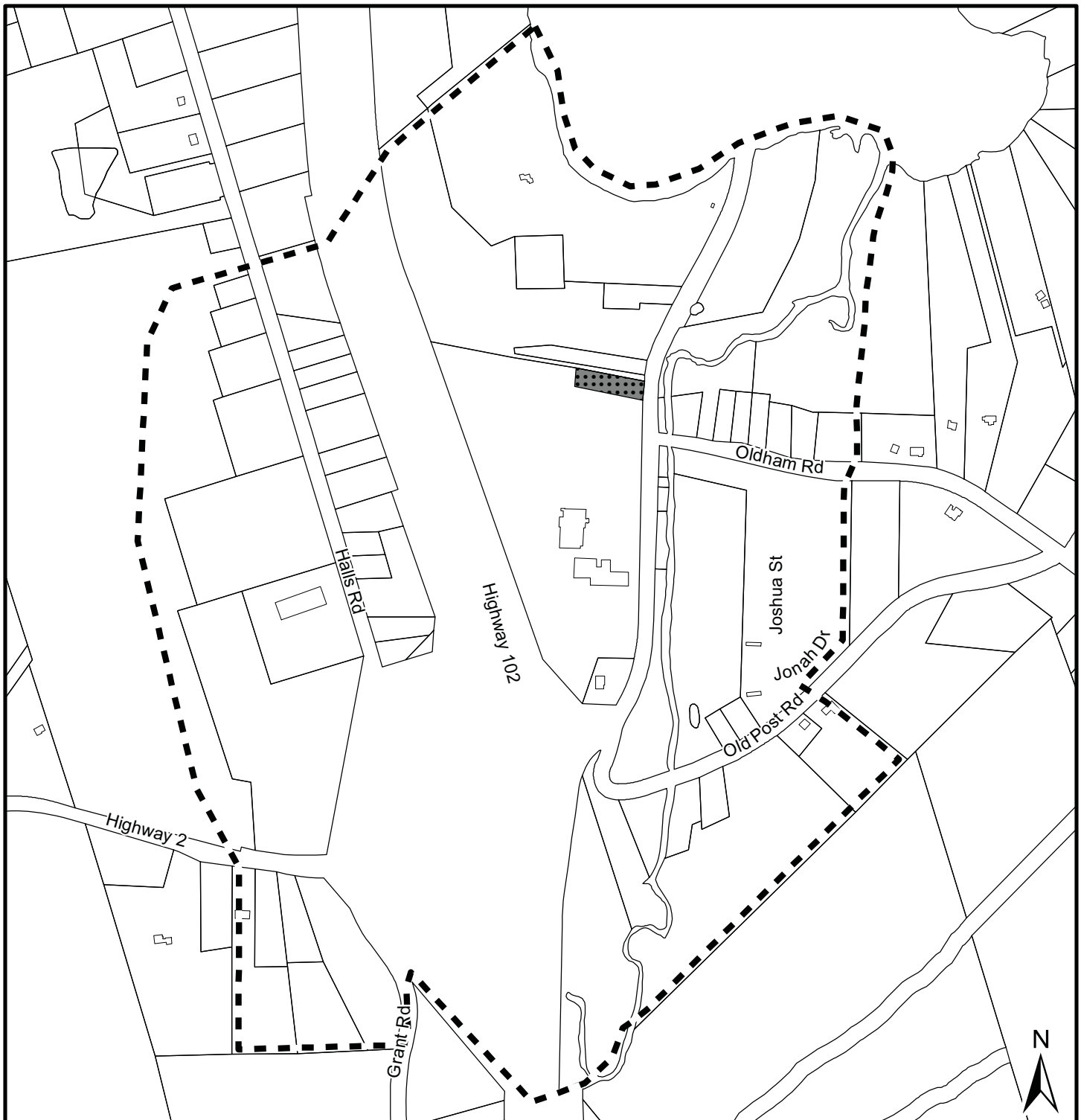
R-1B	Suburban Residential
R-1E	Residential Estate
R-6	Rural Residential
C-2	Community Commercial
C-4	Highway Commercial
CDD	Comprehensive Dev. District

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 150 m

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

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



Map 3 - Area of Notification

6757 Highway 2
Enfield



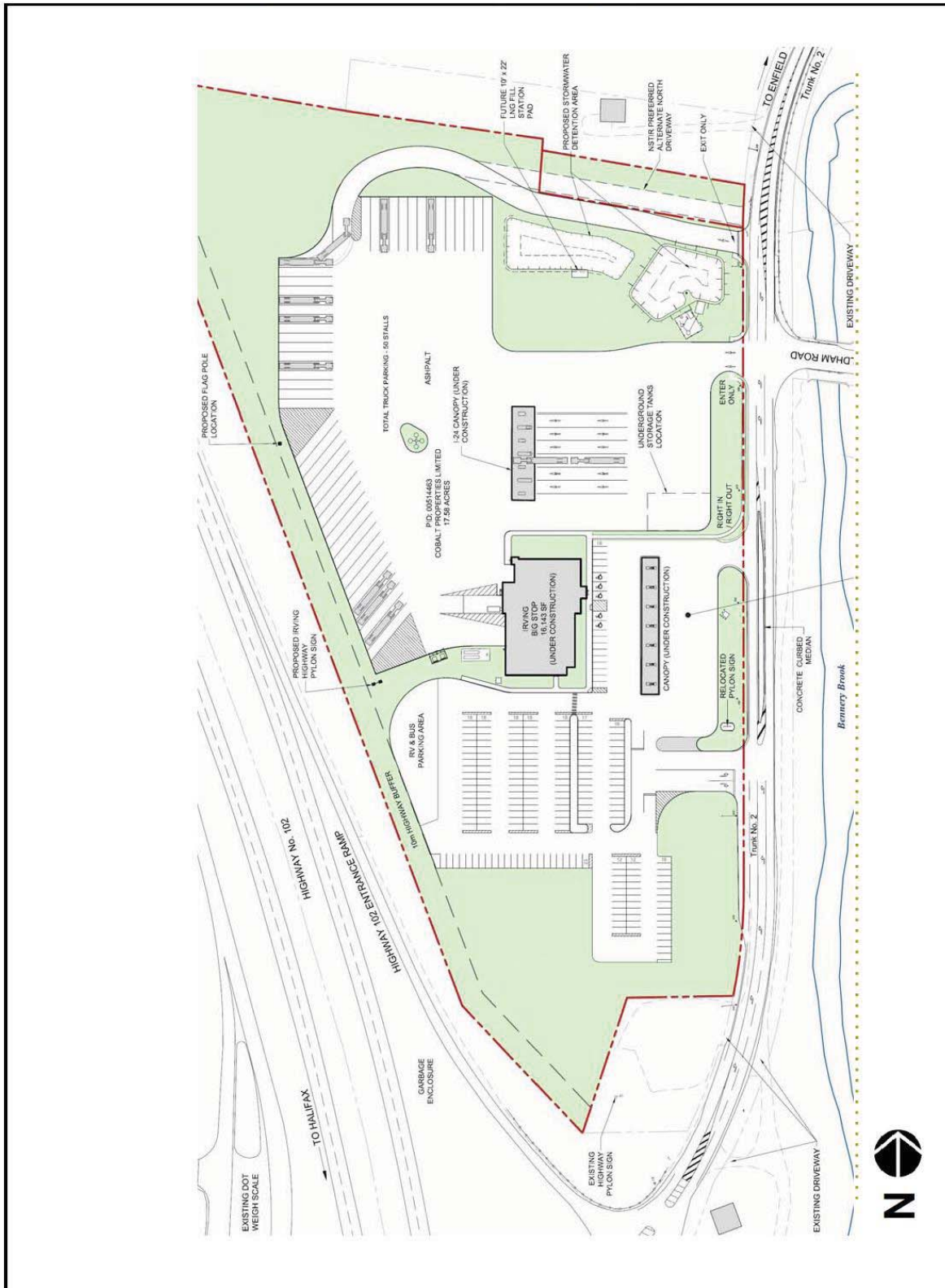
Area proposed to be rezoned
from R-1b (Suburban Residential)
to C-2 (Community Commercial)

0 50 100 150 200 250 m

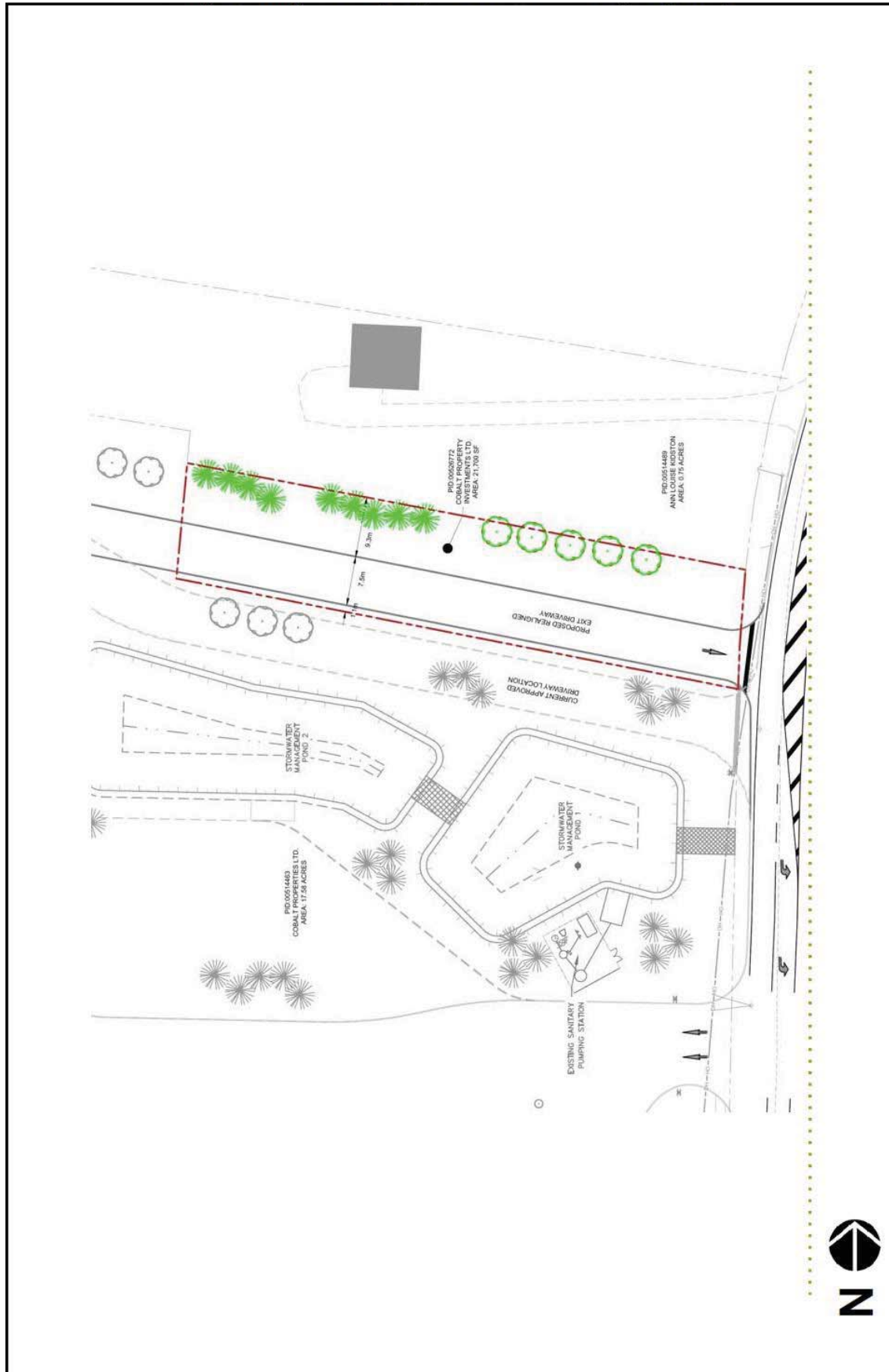
Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

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

Map 4 – Overall Site Concept – Irving Big Stop



Map 5 – Subject Property Site Plan – Irving Big Stop



Attachment A
Amendment to the Land Use By-law for Planning District 14 and 17

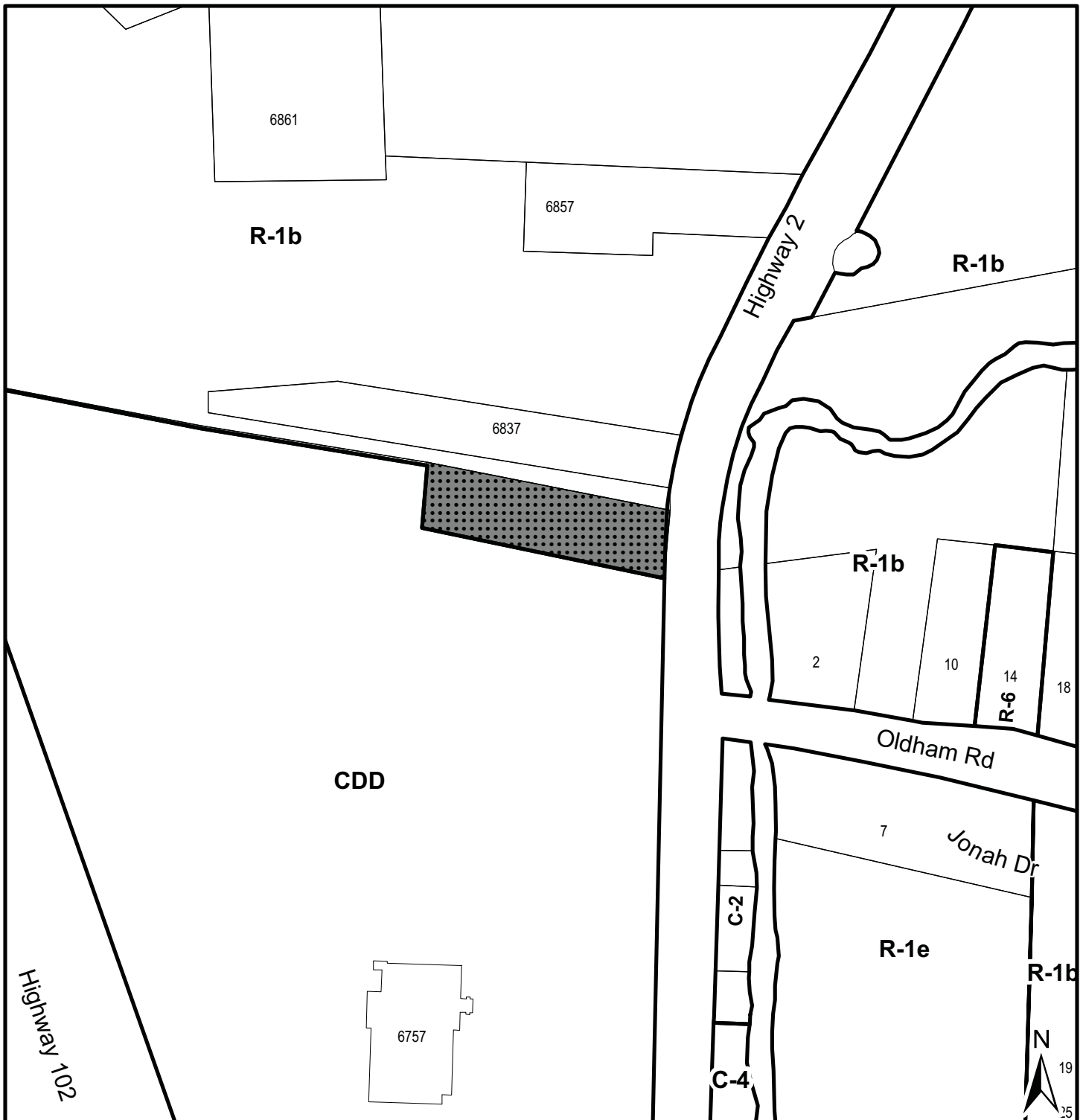
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Planning Districts 14 and 17 as enacted by the former Halifax County Municipality on the 2nd day of May, 1989, and approved by the Minister of Municipal Affairs on the 19th day of July, 1989, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 12th day of January, 2013, is hereby further amended as follows:

1. Planning Districts 14 and 17 Zoning Map is further amended by rezoning a portion of 6757 Highway No. 2, Enfield, from the R1-B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone as shown on the Schedule A.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 14 and 17 as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2013.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of ____, 2013.

Cathy Mellett
Municipal Clerk



Schedule A

6757 Highway 2
Enfield



Area to be rezoned
from R-1b (Suburban Residential)
to C-2 (Community Commercial)

Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

Zone

R-1B Suburban Residential
R-1E Residential Estate
C-2 Community Commercial
C-4 Highway Commercial
CDD Comprehensive Dev. District

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 20 40 60 m

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

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

Attachment B
Excerpts from the Planning Districts 14 and 17 Land Use By-law

PART 7: R-1B (SUBURBAN RESIDENTIAL) ZONE

7.1 R-1B USES PERMITTED

No development permit shall be issued in any R-1B (Suburban Residential) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

Offices in conjunction with permitted dwellings

Bed and Breakfasts (C-May 27/97;Jul 2/97)

Day care facilities for not more than fourteen (14) children in conjunction with permitted dwellings

Community Uses

Parks and open space uses except cemeteries

Recreation uses

Denominational institutions

Educational institutions and uses

Nursing homes

Residential care facilities

Government offices

Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

7.2 R-1B ZONE REQUIREMENTS

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

Minimum Lot Area:

Central water and sewer services	10,000 square feet (929 m ²) per dwelling unit
Other	40,000 square feet (3716 m ²) per dwelling unit

Minimum Frontage:

Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

7.3 OTHER REQUIREMENTS: OFFICE AND DAY CARE USES

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

- (a) Any office or daycare facility, with the exception of outdoor play space, shall be wholly contained within the dwelling which is the principal residence of the operator of the office or facility.
- (b) No more than thirty-three (33) per cent of the floor area shall be devoted to any office and in no case shall any office occupy more than three hundred (300) square feet (27.9 m).
- (c) No open storage or outdoor display shall be permitted.
- (d) No more than one (1) non self-illuminated sign shall be permitted for any office or day care facility and no such sign shall exceed four (4) square feet (.37 m²) in area.
- (e) Three (3) off-street parking spaces, other than that required for the dwelling, shall be provided.
- (f) No office use shall involve the direct sale of goods stored on the premises.

7.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-1B Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1B Zone. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

7.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where bed and breakfast outlets are permitted in any R-1B Zone, the following shall apply:

- (a) *No dwelling shall be used for the rental of more than three (3) rooms for sleeping accommodation, with or without meals to the travelling public.*
- (b) *No more than one (1) sign shall be permitted for any bed and breakfast and no such sign shall exceed four (4) square feet (.37 m²) in area.*
- (c) *One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let. (C-May 27/97;M-Jul 2/97)*

PART 13: C-2 (COMMUNITY COMMERCIAL) ZONE

13.1 C-2 USES PERMITTED

No development permit shall be issued in any C-2 (Community Commercial) Zone except for the following:

Commercial Uses

Retail stores

Food stores

Service and **Personal Service Uses (RC-Jun 17/03;E-Jun 20/03)**

Offices

Banks and financial institutions

Restaurants

Funeral establishments

Greenhouses and nurseries

Guest homes

Taxi depots

Medical, dental, and veterinary offices and clinics

Existing service stations

Craft shops (MC-Jul 26/93;SCC-Aug 10/93;E-Sep 4/93)

Residential Uses

Single unit dwellings

Two unit dwellings

Community Uses

Open space uses

Institutional uses

Fraternal centres and halls

13.2 C-2 ZONE REQUIREMENTS: COMMERCIAL USES

In any C-2 Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:

Central water and sewer services	10,000 square feet (929 m ²)
Other	40,000 square feet (3,716 m ²)

Minimum Frontage:

Central water and sewer services	75 feet (22.9 m)
Other	100 feet 30.5 m)

Minimum Front or Flankage Yard

20 feet (6.1 m)
30 feet (9.1 m) where front or flankage yard is
abutting Highway #2

Minimum Rear or Side Yard

Central water and sewer services	8 feet (2.4 m)
Other	20 feet (6.1 m)

Maximum Lot Coverage

35 per cent

Maximum Height of Main Building

35 feet (10.7 m)

13.3 OTHER REQUIREMENTS: COMMERCIAL FLOOR AREA

Notwithstanding the provisions of Part 13.2, no commercial building within any C-2 Zone shall exceed ten thousand (10,000) square feet (930 m²) of gross floor area.

13.4 OTHER REQUIREMENTS: COMMERCIAL USES

Where uses are permitted as Commercial Uses in any C-2 Zone, the following shall apply:

- (a) No open storage or outdoor display other than the display of plants shall be permitted.
- (b) No portion of any lot shall be used for the collection or storage of refuse unless the refuse containers are screened.

13.5 OTHER REQUIREMENTS: ABUTTING YARDS

Where the rear or side yard of any commercial use in any C-2 Zone abuts any Residential or Community Facility Zone, the minimum rear or side yard shall be 30 feet (9.1 m) and no parking, loading or accessory structures shall be permitted within the required yards unless a visual barrier is provided, in which case the minimum rear or side yard shall be 20 feet (6.1 m).

13.6 OTHER REQUIREMENTS: REDUCED FRONT YARD

Notwithstanding the provisions of Part 13.2, the minimum front yard may be reduced to fifteen (15) feet where no parking or loading facilities are located within the required front yard.

13.7 OTHER REQUIREMENTS: REDUCED PARKING REQUIREMENTS

Notwithstanding Part 4.25 where the main building is constructed within fifteen (15) feet of the road right-of-way in accordance with the provisions of Part 13.6, the overall parking requirements for commercial uses within the structure may be reduced by a maximum of fifteen (15) per cent.

13.8 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conforming with Part 22.

13.9 C-2 ZONE REQUIREMENTS: RESIDENTIAL USES

In any C-2 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with Part 7.

Attachment C

Review of Relevant Policies from Planning Districts 14 and 17 Municipal Planning Strategy

P-48 It shall be the intention of Council to continue to support and cooperate with the Shubenacadie Lakes Advisory Board by referring subdivisions and developments within three hundred (300) metres of the streams and lakes of the Shubenacadie-Stewiacke system.	This board no longer exists and this policy has not been acted upon since the dissolution of this board. Halifax Waters Advisory Board, a more recent creation has further been dissolved. The Regional Waters Advisory Board which was recently created deals with policy matters only and does not review individual applications.
P-94 It shall be the intention of Council to establish the Community Centre Designation as shown on the Generalized Future Land Use Maps 1A and 1B). Lands within the Designation are intended to provide a commercial and service focus for the Plan Area.	The subject lands are located within the Community Commercial designation.
P-95 Within the Community Centre Designation, it shall be the intention of Council to establish a community commercial zone which permits a variety of retail service uses, existing service stations, offices, residential uses and community uses. Limitations on the size of commercial uses as well as regulations with respect to outdoor storage and display related to commercial uses will be established as will provisions related to buffering from adjacent residential and community facility zones, the alteration of parking standards and front yard setbacks, and road access to public streets.	The subject lands are located within the Community Commercial designation.
P-99 In recognition of the transitional nature of lands included within the Community Centre Designation, it shall be the intention of Council not to pre-zone all lands within the Designation for commercial purposes but, rather, to maintain residential zoning (Policy P-66, Policy P-73 and Policy P-86) on many properties. Council may consider permitting new community commercial uses within the residentially zoned portions of the Community Centre Designation by amendment to the land use by-law. In considering such an amendment Council shall have regard for:	The subject lands are located within the Community Commercial designation and are currently zoned R-1B (Suburban Residential) Zone (P-66). The requested amendment is to rezone the subject lands to C-2 (Community Commercial) Zone as per this policy.
(a) the contribution of the proposed use towards the development of a "village" atmosphere;	The requirement to create a village atmosphere originates from commercial developments located in Fall River, Waverley and other communities and is not entirely applicable to the Irving Big Stop site. The new development (currently under discussion) is a significant improvement over the previous version of the gas station, restaurant and convenience store. The site has better vehicle separation (cars and trucks) and a vastly improved pedestrian walkway system. The architecture of the new main building is much more aesthetically pleasing and more traditional in nature. However, the majority of these improvements are off site as the subject lands are only to be used for vehicle egress from the Big Stop site.

(b)	the proximity of other community commercial uses;	The site is immediately adjacent the existing Irving Big Stop site.
(c)	the proximity of adjacent residential uses;	There are five residential buildings located to the north of the site on Highway #2. One property is located approximately 15 feet (14m) from the closest property line of the subject parcel. The proposed rezoning will result in the relocation of the driveway approximately 28 feet closer to this property. Given the proximity of the driveway without the rezoning, it is staff interpretation that the decreased separation will not significantly worsen the impact of the driveway on the adjacent property. Other residential uses will be impacted to a lesser extent than identified above.
(d)	the impact of any additional traffic created by the proposed use and that access only be to a street specifically identified in the land use by-law; and	The relocation of the driveway is not anticipated to increase traffic beyond the numbers anticipated if the driveway was to remain in the location anticipated.
(e)	the provisions of Policy P-155.	See below.
P-155	<p>In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</p> <p>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</p>	<p>The proposed rezoning is anticipated by MPS policies. Policy P-99 anticipates that properties zoned Community Commercial will over time be rezoned as the demand becomes available for such land.</p>
(b)	<p>that the proposal is not premature or inappropriate by reason of:</p> <p>(i) the financial capability of the Municipality to absorb any costs relating to the development;</p> <p>(ii) the adequacy of central or on-site sewerage and water services;</p> <p>(iii) the adequacy or proximity of school, recreation or other community facilities;</p> <p>(iv) the adequacy of road networks leading or adjacent to or within the development; and</p> <p>(v) potential for damage to or for destruction of designated historic buildings and sites.</p> <p>(vi) any other relevant matter of planning concern</p>	<p>(i) there are no anticipated costs relating to the proposed rezoning.</p> <p>(ii) the proposed rezoning is for a driveway and thus has no impact on sewer and water usage. The site is served by sewer services provided and purchased from East Hants.</p> <p>(iii) the adequacy or proximity of school, recreation or other community facilities are not applicable as the proposal is for commercial uses and not residential uses;</p> <p>(iv) staff have reviewed the adequacy of road networks leading or adjacent to or within the development; and have determined via consultation with the NS Department of Transportation and infrastructure renewal that the upgrades to Highway #2 which include left hand turning lanes are appropriate. It has been determined the driveway access and travelled way is appropriate and improved by the relocation of the driveway enabled by this rezoning.</p> <p>(v) damage to or for destruction of designated historic</p>

	buildings and sites are not anticipated.
<p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <ul style="list-style-type: none"> (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern. 	<p>(c) Through a rezoning process, the only controls that can be put in place are those available through the proposed zone. The proposed C-2 (Community Commercial) Zone has controls that limit the type of use, height, bulk and lot coverage and limit open storage to those within the zone (Attachment B). Signs are restricted to those permitted within the General Provisions of the Planning District 14 and 17 Land Use By-law. Traffic generation from the site has previously been approved by NS Transportation and Infrastructure Renewal. Further NSTIR has recommended the driveway location as proposed on the subject site. There are no other matters of planning concern.</p>
<p>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.</p>	<p>(d) the site slopes gently towards Highway #2. There are no known geologic or soil conditions which would render this site unsuitable. There are no watercourses or wetlands on the site.</p>
<p>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-64F, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</p>	<p>(e) Not applicable.</p>

Attachment D

Public Information Meeting Minutes - August 8, 2013

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 18517 and 18620

Thursday, August 8, 2013

7:00 p.m.

Grand Lake Oakfield Community Centre

STAFF IN

ATTENDANCE:

Andrew Bone, Planner, HRM Planning Applications
Holly Kent, Planning Technician, HRM Planning Applications
Cara McFarlane, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE:

Councillor Barry Dalrymple, District 1

PUBLIC IN

ATTENDANCE:

Approximately 17

1. Call to order, purpose of meeting – Andrew Bone

The meeting commenced at approximately 7:05 pm

Case 18517 and 18620 affects the Irving Big Stop in Enfield. An application by GENIVAR Inc., for the lands of Cobalt Properties and Cobalt Properties Investment Limited, was received by HRM, to enter into a development agreement to permit a 4,500 square foot building which would house two drive-in restaurants. There is also a proposal to rezone 6831 Highway 2 from R-1B (Suburban Residential) Zone to the C-2 (Community Commercial) Zone. The main purpose of the rezoning is to enable a commercial driveway.

Mr. Bone reviewed the agenda for the evening.

The purpose of the public information meeting (PIM) is to identify that HRM has received an application for these two sites, provide some background on the proposal and the applicant, and receive feedback from the public. No decisions on these proposals will be made at the PIM. The PIM is strictly an information exchange.

Mr. Bone introduced himself as the planner responsible for seeing this application through the planning process; Councillor Dalrymple, District 1; Cara McFarlane and Holly Kent, HRM

Planning Applications; Christina Townsend and Greg Zwicker, GENIVAR Inc.; Jim Drescher, Cobalt Properties; and Jennifer Labrie, Irving.

2. Overview of planning process – Andrew Bone

The planning process for a development agreement and rezoning are fairly similar: a) the first step is generally a PIM (being held tonight); b) a detailed internal/external review of the proposal will be done; c) comments from this meeting along with comments from the review will be taken into account when drafting the staff report (in this case, possibly two reports: rezoning and development agreement) which will include recommendations on the rezoning and on what terms should be in a development agreement and staff's opinion to Council whether the proposal should be approved or rejected; d) once the report is written, it is sent forward to North West Community Council (NWCC - a subset of Regional Council) who are responsible for approval of planning matters; e) NWCC would hold a public hearing where the public has another opportunity to express their concerns with the proposal; f) once a decision is made, there is a 14 day appeal period in which a person or applicant can appeal council's decision; g) if there are no appeals filed, the rezoning becomes active and the development agreement can be signed and registered on the property; and, h) after that, subdivision or building permit applications can be made.

3. Presentation of Proposal – Andrew Bone

Policy P-99 allows for the rezoning of land to the C-2 Zone. The policy requires that Council review specific issues: a) the contribution of proposed use towards the development of a village atmosphere; b) the proximity of the community commercial use to other community commercial uses; c) the proximity of adjacent residential uses; d) the impact of the initial traffic on the road network; and e) a general planning policy.

The other request is for a development agreement. In the 2006 Regional Plan, a number of sites were identified as possible rural commuter centres which included the Enfield Big Stop area. The purpose of this was to ensure that future uses would be transit oriented in the event that transit services would be established in the area.

The policy requires that Council look at a number of things: a) whether the development is designed as a focal point for the distribution of services to the area; b) the types of land uses and the mix of uses in the area; c) pedestrian connections and sidewalks which is important especially on a large site where there will be potentially future transit; d) architectural details of the proposal, signage, height, mass, scale and type of development; e) exterior design of the building, building materials, parking; and f) other general matters that may impact the development and the surrounding community.

The development agreement is a signed legal contract between the municipality and the land owner. It overrides what is normally permitted under the requirements of the land use by-law. In this case, the Regional Municipal Planning Strategy lays out what can happen on the Enfield site. The development agreement is registered on the deed of the property and any future land owners would have to abide by the terms of the agreement.

The Big Stop is currently undergoing redevelopment. This is permitted under current regulations; therefore, permits have been issued for the redevelopment as well as the road work in front of the site. The Nova Scotia Transportation and Infrastructure Renewal (NSTIR) have previously directed Irving to improve the road in front of the site. However, tonight's two specific issues, the rezoning and the development agreement for a 4,500 square foot building, are not part of the current construction that is happening and would only happen after the fact, if approved by NWCC.

Presentation of Proposal – Christina Townsend

There are three processes happening on the site. The first is the redevelopment of the existing Big Stop site which has been permitted as of right. The second is the rezoning application to permit an exit driveway. The third is a development agreement application to permit new commercial use on the site.

A rendering of the building currently being developed was shown. As part of the approved ongoing construction, there is a new Big Stop building and a new I24 truck-only fuelling station. As part of this ongoing construction work, there will be left turning lanes on the site, two going into the site and one for Oldham Road. The site is completely separated so the truck-only fuelling station is left completely separate from the regular traffic and the patrons going to the big stop restaurant. There are four access points for this new development: two to the south (for the new big stop and the new proposed commercial) and two to the north (to serve the dedicated truck fuelling station). There is one access point dedicated to enter and one to exit.

As part of the rezoning application, the further driveway to the north (the exit driveway), has been approved by NSTIR (can be built now) but there is also a preferred location (away from Oldham Road) for safety. This is preferred by NSTIR and supported by Cobalt and Irving; therefore, the property has to be rezoned.

As for the development agreement application, the property is zoned Comprehensive Development District which requires a development agreement for new commercial uses. Existing uses can be expanded which is why the Irving Big Stop is being redeveloped but any new uses have to go through the development agreement process. Cobalt is proposing a new 4,500 square foot commercial building that will accommodate two restaurants with drive thrus.

The new proposed buildings will utilize the driveways being put in place now as part of the new construction, as well as the left turning lanes that are being constructed on Highway 2. There is also a complete pedestrian connection to the site. The drive thru cueing lane will have very minimal impact on movement around the site. They are placed in the rear of the property resulting in no impact onto the main road from spillover from the cue.

The water and sanitary services are currently serviced through the Municipality of East Hants and will be for the new development. The stormwater in the parking lot is drained through catch basins to a retention pond and the stormwater from the building will be discharged to a ditch that

runs along Highway 102 in the back of the site. Through construction practices, an erosion and sedimentation plan will be put in place during construction.

Mr. Bone confirmed with Ms. Townsend that there are no signed lease agreements with tenants.

4. Questions and comments

Harold Gray, Enfield – asked about sewer. Ms. Townsend explained that the sewage from the site currently goes to the Municipality of East Hants to a pumping station where it is treated.

Mr. Gray asked if the road is going to be widened. Ms. Townsend mentioned that a centre lane is being added; therefore, it will be widened to three lanes. Mr. Gray said the amount of traffic is increasing all the time and the speed goes up to 70 km/hr which is much too fast. How are people going to make a left-hand turn there? Also, there is no sidewalk from the bridge to the Irving Station along that road which is a safety hazard as there is a lot of foot traffic, cyclists, etc. Will a sidewalk be constructed down to the bridge? Mr. Bone said that at the present time, there are no plans to put in a sidewalk. As part of the greater Big Stop development, a traffic study was done to design the layout of the turning lanes. At that time, the issues mentioned would have been reviewed. There has been years of work on behalf of Cobalt and Irving and the Province to approve this. Ms. Townsend said the upgrade of the turning lanes will be a benefit to the traffic problems. Mr. Bone mentioned that the length of the turning lanes will accommodate the cars waiting to turn thus allowing the other traffic to continue through in the right-hand lane.

Mr. Gray said the construction is already underway. Mr. Bone explained that the ongoing construction is based on permits that have been issued for the redevelopment of the Big Stop and not related to the drive thru which would be housed in a different location on the site.

Doug Ledwidge, representing Ledwidge Lumber on Oldham Road – likes the development and would like to know more about the traffic study. Was there any appreciation for the truck traffic coming out of the Oldham Road and turning to the left? The three lane idea looks great but it is hard to turn left and there are upwards of 100 trucks coming and going from the Ledwidge property per day. Mr. Bone has asked the applicant to update the study. The turning lane has been considered in the existing study. He will check with the Province as they were the approval agency for the study. Mr. Ledwidge would like to see traffic lights installed to alleviate traffic turning left from Oldham Road and possibly some other concerns. Ms. Townsend said the study was to address the traffic to the site from the redevelopment currently happening and that the left turning lanes were shown as warranted but traffic lights were not. The traffic study did account for the relocation of the driveway. The initial study accounts for 2,500 square feet of the new development and the left turning lanes are longer than what was required.

Emma Garden, member of the Shubenacadie Watershed Environmental Protective Society (SWEPS) – SWEPS looks at projects that affect Bennery Brook. The Irving is right next to the brook. There has been a lot of digging along the stretch between Oldham Road and Old Post Road. What is currently being done, during and after construction, to ensure stormwater quality and quantity is being preserved? Ms. Townsend reiterated that the meeting is to discuss the new development. Approval has been given for the ongoing construction. Through new development,

developers are required to meet pre and post stormwater flows. There are stormwater retention ponds being created on the site. Ms. Garden asked if the culvert then goes into Bennery Brook? Ms. Townsend confirmed that it does go into the brook. For the new proposal, the catchment near the fuelling tank has oil and water separators. The catchment for the building roof runoff will run back into the ditch at the back of the site near Highway 102 and eventually go down into Bennery Brook as it normally would. Mr. Bone explained that new approvals for gas stations have to meet current Department of Environment (DOE) standards (ie. double-walled tanks, alarm systems that would detect underground leaks, etc.). Also, all developments in this area received by HRM would be forwarded to SWEPS for their information.

Ms. Garden assumes that water quality monitoring has been done beforehand. Is Irving or the owner going to continue monitoring to ensure there is no impact? Mr. Bone said that water quality monitoring is not typically a requirement of individual developments. Typically, if there was a discharge, DOE would investigate. There are some cases (large residential developments, 800 acres or so, along watercourses) where planning policy identifies that water quality monitoring has to take place.

Ms. Garden asked if the drainage that enters the stormwater pond and culvert will be maintained and monitored over time. Ms. Townsend mentioned that the developer is required to meet all DOE standards.

Ms. Garden asked if this proposal will go before Halifax Watershed Advisory Board (HWAB). Mr. Bone explained that the roles of HWAB have changed recently. They are a policy advisory board now and therefore, individual developments do not go before them.

Ms. Garden mentioned that technically this is connected to the Shubenacadie River and is designated an Atlantic Salmon river.

Tom Mills, Enfield – Are there any plans, specifically on the site, to put the sidewalk directly along the front of the entire property? Ms. Townsend explained that the site is completely pedestrian dedicated by including crosswalks and sidewalks. There is not a sidewalk planned for a portion of the frontage (shown). Mr. Mills asked if this could be added to the plan. Ms. Townsend will take it into consideration.

Mr. Mills asked if there would be a crosswalk from Oldham Road to the Irving as many pedestrians come from Old Post Road and the trailer court. Also, the school bus stops on that side; therefore, children will have to cross at that point. Safety is something that must be raised. Mr. Bone explained that this road is controlled by the Province. He will contact NSTIR and raise the issue of the crosswalk in that area.

Mr. Mills wondered if the bulrushes and vegetation along Highway 102 (at the ditch) will remain as it creates filtration for the stormwater runoff from the roofs. Ms. Townsend said the applicant currently has permission for the stormwater to enter into that ditch. Mr. Bone explained that this would be controlled by the Province including any upgrades and maintenance.

Mr. Mills asked if there would be any onsite retention for the roof and parking lot. Ms. Townsend explained that there is onsite retention for runoff from the parking lot and runoff from the roof will go to the ditch. The developer is required to meet pre and post flows. Mr. Mills wondered if the drainage from the new truck stop would go to Highway 102. Ms. Townsend believes it is just the runoff from the roof.

Mr. Mills asked if the retention ponds will be exposed to the sunlight or covered. Ms. Townsend believes they are dry, open storage, retention ponds. She reiterated that the existing development has been approved by DOE. Mr. Bone will provide some answers to questions asked on the website.

Mr. Mills is concerned about trucks backing up in the middle of the night. Ms. Townsend said the design has dedicated entrance and exit lanes so they can continue forward.

Bill Horne, Wellington, a member of SWEPS – How will the oil and water separator pits be cleaned and how often? Ms. Townsend said Mr. Drescher could address the question after the meeting.

Wendy Smith, Enfield – Why isn't there a representative here from NSTIR? Mr. Bone said a lot of the questions relate to work that is already permitted. He offered to try to answer question related to NSTIR and have them available on the website. Ms. Smith mentioned a future significant proposal located next to Curly's Portable scheduled for the next two to three years that will include new apartment building complexes and townhouses was not accounted for when considering traffic. Mr. Bone explained that a more recent proposal would not have been accounted for directly in the traffic study; however, the best information available at that time to project future growth would have been used. Ms. Smith believes that traffic lights are warranted for that area considering the other development. Mr. Bone said that as part of the review team process, East Hants will provide comment as the development borders that community. However, the Province controls the traffic study. He will check on the history and find out more about the proposal Ms. Smith has mentioned to see if it impacts what is being reviewed today and if traffic lights are warranted.

Ms. Smith asked if the lighting in the parking lot will be improved. Mr. Drescher, a representative from Cobalt, said that as part of the redevelopment program, all the lights will be changed to LED lighting. They will be brighter, safer and environmentally friendly. The proposed lighting is throughout the parking lot, and around and along the building. It will focus onto the parking area with less spillage off the site. The lighting level can be controlled individually.

Anna McCarron, Wellington, member of SWEPS – asked if SWEPS would have an opportunity to comment on the proposal. Could the society get a copy of tonight's powerpoint presentations? Mr. Bone will upload both presentations to the website. Ms. McCarron would like the society to have the opportunity to review the proposal for the interim while the roles of HWAB are changing. She does recommend that one of the review policies be pre and post water quality monitoring for such developments that could have an impact on watercourses. This is

important not just for SWEPS but for any water community group that could fill the role that HWAB is not filling in the interim.

Ms. Garden wondered if the specifications for site drainage for the stormwater system and the design for the stormwater ponds be included in the development plan. Mr. Bone explained that DOT and NSTIR would review those. Ms. Garden asked to have access to that. Mr. Bone will have to check through HRM's FOIPOP process. A lot of the time, engineering studies are not available to the public.

5. Closing comments

Councillor Dalrymple thanked everyone for attending the PIM. The PIM is the first step in the process and gives the public a chance to see the presentation and provide feedback. Mr. Bone will take the feedback and try to address concerns through the development agreement. Some issues (the road and environmental concerns) are jurisdiction of the Province but Mr. Bone works closely with them and will forward concerns in regards to this proposal. Proposed development in the area will increase traffic over time and by adding a third lane will tremendously improve the flow of traffic. He mentioned that this would be a great time to prepare for future increased traffic by placing the wiring and infrastructure for traffic lights underground at that intersection while the road construction is in process to avoid having to tear it up in the future. He appreciates Mr. Bone sharing as many of the plans with the SWEPS group while roles are changing with HWAB. From an environmental standpoint, Councillor Dalrymple is very pleased with many of the things he has seen and hopes the commitment level will remain. The oil and water separators are not mandatory under the development agreement but the developer has assured him that they will be going in. As for drainage, he would like to see the bulrushes and marshland undisturbed to help with filtration. As for the lighting, the LED lights are tremendously softer than the current lights and are focussed downwards.

Mr. Bone thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 8:20 pm