

9.1.3

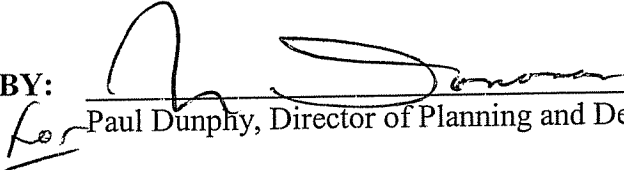


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
October 6, 2005

**TO:** Harbour East Community Council

**SUBMITTED BY:**

  
for Paul Dunphy, Director of Planning and Development Services

**DATE:** September 23, 2005

**SUBJECT:** Case 00782: Rezone a Portion of 56 Dawson Street, Dartmouth

---

**ORIGIN**

Application by Landmark Developments Corporation on behalf of Ultramar to rezone 56 Dawson Street, Dartmouth, from R-3 (Multiple Family Dwelling Zone-Medium Density) Zone to C-2 (General Business) Zone to facilitate development of a service station.

**RECOMMENDATION**

**It is recommended that Harbour East Community Council:**

- 1. Give First Reading for rezoning of the subject lands and schedule a public hearing for November 3, 2005;**
- 2. Approve the rezoning of the subject lands from R-3 (Multiple Family Dwelling Zone - Medium Density) Zone to C-2 (General Commercial) Zone, as shown on Map 1.**

**BACKGROUND:**

**Location, Designation and Zoning:** The subject area comprises approximately 11,000 square feet in the northwest corner of a 1 acre parcel bounded by Wyse Road, Dawson Street, Faulkner Street and remaining undeveloped lands owned by the applicant (Map 1). The entire 1 acre parcel is designated Commercial under the Dartmouth Municipal Planning Strategy (MPS) and the majority of the land is zoned C-2 (General Business) except for the subject 11,000 square feet, which is zoned R-3 Multi Family Dwelling Zone-Medium Density (Maps 1 and 2).

**Synopsis of Proposed Development:** The applicant wishes construct an Ultramar gas station on the larger site. The proposed use includes an integrated gas bar and convenience store which would occupy about 5,000 sq.ft. of the site (see Map 3). The remaining area is required for vehicle circulation, parking, landscaping and screening. The applicant seeks to rezone the R-3 portion of the site to C-2 in order to "square off" the parcel in order to accommodate the intended use.

**Development History:** The subject site, along with the remainder of this block, is currently vacant. Within the past 15 years, several commercial and residential uses and structures on these lands were demolished in anticipation of future redevelopment opportunity. The C-2 Zoned portion of the subject site previously accommodated a broad range of general commercial uses including, used car sales, general retail and building supplies sales.

**Public Meeting and Notification:** A public meeting was held on June 22, 2005. The minutes of this meeting are included as Attachment B. In addition to an advertisement placed in the local newspaper, an extensive list of properties for personal mail notification of the application was prepared in consultation with the area Councillor. Should Council decide to proceed with holding a public hearing on this application the same method of notification will be utilized. The notification area is shown on Map 1.

**DISCUSSION:**

Wyse Road has served as a primary point of departure and arrival between Dartmouth and Halifax from the MacDonald Bridge and as a retail trade and service commercial corridor for decades. Properties along Wyse Road in the immediate area of the subject property include a gas station, restaurants, retail outlets, hotel, grocery stores and drugstores. Residential neighbourhoods situated adjacent to this collector road system are within walking distance to many of the services found on Wyse Road.

**MPS Policy Analysis:** The subject land is within the Commercial designation of the Dartmouth MPS. The designation is intended to encourage retail facilities and service commercial development primarily on arterial road systems through application of the C-2 Zone. Policy IP-1 establishes that lands designated Commercial may be rezoned from R-3 to C-2 subject to site specific evaluation. The MPS policies pertinent to this application are provided as Attachment A and the policy evaluation of this proposal is provided below.

The proposed development is appropriate for the subject area on the basis of:

- its location within the existing Wyse Road retail trade and service commercial corridor;
- direct access to Wyse Road, a collector road;
- availability and proximity of existing centralized services.

**Landmark Developments Corp.**

Additionally, the proposed development has the potential to integrate well with the community by:

- providing a scale of development consistent with the immediate Wyse Road retail trade and commercial corridor;
- incorporating streetscape elements such as landscaping features required to complement/improve the aesthetic of the community's commercial centre;
- incorporating an effective visual screen between the proposed development and any adjacent property used or zoned for residential use as required as a condition of any municipal permits;
- implementing developer's stated intention to design lighting levels (parking, building) for conditions and tasks that promote public safety (i.e. reduce glare, etc.) and compatibility with neighbouring residential living;
- eliminating a visual blight (large vacant parcel) situated in a prominent location within the neighbourhood and city at large.

**Concerns Raised at Public Meeting:** Concerns expressed at the Public Information Meeting included a view that the proposed development would negatively contribute to traffic conditions on Wyse Road, Dawson Street and Faulkner Street and concerns about the adequacy of existing infrastructure to accommodate this proposal in a safe and efficient manner. Concerns were also expressed about the potential for increased litter in adjacent residential areas and overall neighbourhood compatibility. These concerns are addressed below.

**Traffic:** A review of this issue by Development Engineering/Traffic Services identifies Wyse Road as a collector road that is capable of accommodating anticipated traffic flows which result from this proposal. According to this review, traffic flows generated by the proposed development should not significantly impact the area's existing road network.

**Compatibility With Adjacent Residential Uses:** Existing residential uses are situated on the opposite side of Dawson Street. The proposed use would be oriented towards Wyse Road, a commercial arterial. The subject area is part of a larger vacant land holding owned by the applicant. This application represents an opportunity to redevelop a portion of a large vacant property at a very prominent location within the city and grow the abutting commercial area in a logical manner. The use of the subject site as a service station will be generally consistent with the type of development along Wyse Road, is of a scale and design that maintains the traditional form of the Wyse Road commercial service corridor, and is in accordance with the requirements of the proposed C-2 Zone (See Attachment A).

The application of the C-2 Zone to land which abut collector and arterial streets is commonplace in Dartmouth. It is noted, that under the C-2 Zone the subject site permits a range of as of right development opportunity including retail sales, commercial services and automobile related uses and residential uses. Landscaping and buffer/screening requirements for uses permitted in the C-2 zone were recently refined in order to better integrate commercial development into the community and reduce potential impacts on adjacent residential areas.

MPS policy does not support alternative means of providing for this development, such as a development agreement. The MPS generally provides for the development of new commercial areas through the rezoning process subject to specified criteria. This, combined with recent improvements to the requirements for commercial development, suggest that the land use controls applicable to the proposed development are appropriate in ensuring a quality development and overall compatibility with the neighbouring community.

**Conclusion:** This application represents an opportunity to redevelop a site at a prominent location that has been vacant for some time and to grow the abutting commercial area in a logical manner. Rezoning the requested portion of property from the R-3 to C-2 is the same approach used in providing for other commercial developments along Wyse Road. Staff finds the use of the subject site as a service station to be generally consistent with other development along Wyse Road, is of a scale and design that maintains the traditional form of the Wyse Road commercial service corridor and is in accordance with the requirements of the C-2 Zone. The landscaping and buffer requirements of the C-2 Zone as envisaged by the MPS combined with the developer's stated intention to reduce the potential effects of commercial development on adjacent residential areas will serve to effectively integrate the service station into the community.

**BUDGET IMPLICATIONS:**

There are no budget implications.

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

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

**ALTERNATIVES:**

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

**ATTACHMENTS:**

Map 1: Location, Zoning and Proposed Rezoning

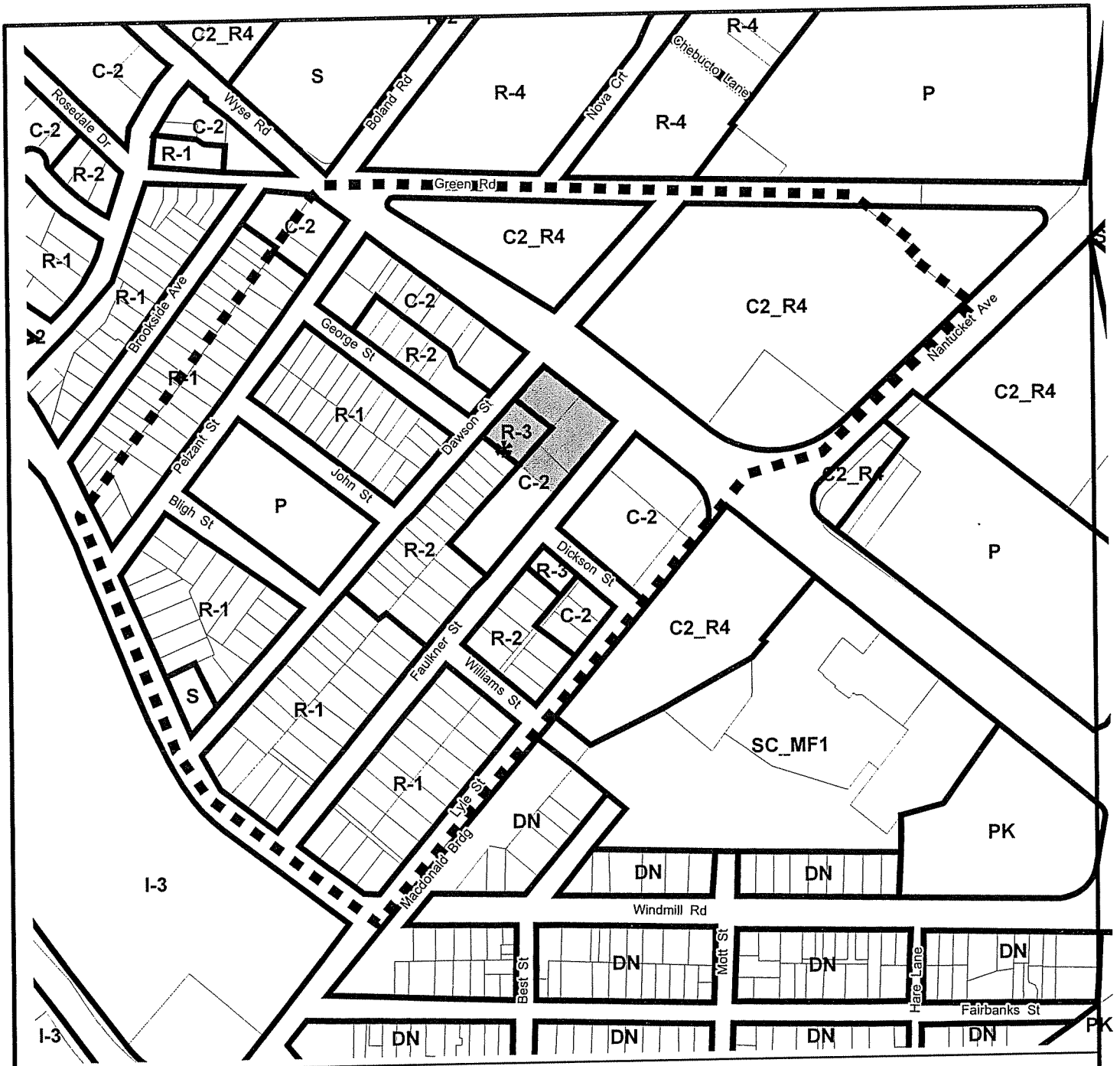
Map 2: Generalized Future Land Use

Map 3: Concept Site Plan

Attachment A: Extracts from the Dartmouth MPS and LUB

Attachment B: Notes from the Public Information Meeting

Further information regarding the contents of this report may be obtained by contacting John MacPherson, Planner at 490-5719.  
For additional copies or for information on the report's status, please contact the Office of the Municipal Clerk at 490-4234 or 490-4208 (FAX).



**Map 1  
Zoning and Location Map**

Landmark Developments  
Wyse Road

**Dartmouth Zones**

- C-2 General Business Zone
- I-3 Harbour Oriented Industrial Zone
- MF-1 Multiple Family Residential Zone
- P Park Zone
- R-1 Single Family Residential Zone
- R-2 Two Family Residential Zone
- R-3 Multiple Family Residential Zone (Medium Density)
- R-4 Multiple Family Residential Zone (High Density)
- S Institutional Zone
- SC Sevice Commercial Zone

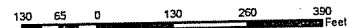
\* Parcel Proposed to be Rezoned from R-3 to C-2

Location of Proposed Gas Station

Notification Area



**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING AND  
DEVELOPMENT SERVICES



**Downtown Dartmouth Zones**

- W Waterfront
- DN Downtown Neighbourhood
- PK Park and Open Space





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


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





**Map 2**  
**Generalized Future Land Use Map**  
 Landmark Developments  
 Wyse Road

**Dartmouth Designations**

-  Commercial
-  Industrial
-  Park
-  Residential

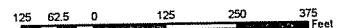
 Subject Property

**Downtown Dartmouth Designations**

-  Downtown Neighbourhood
-  Park And Open Space



**HALIFAX**  
 REGIONAL MUNICIPALITY  
 PLANNING AND  
 DEVELOPMENT SERVICES

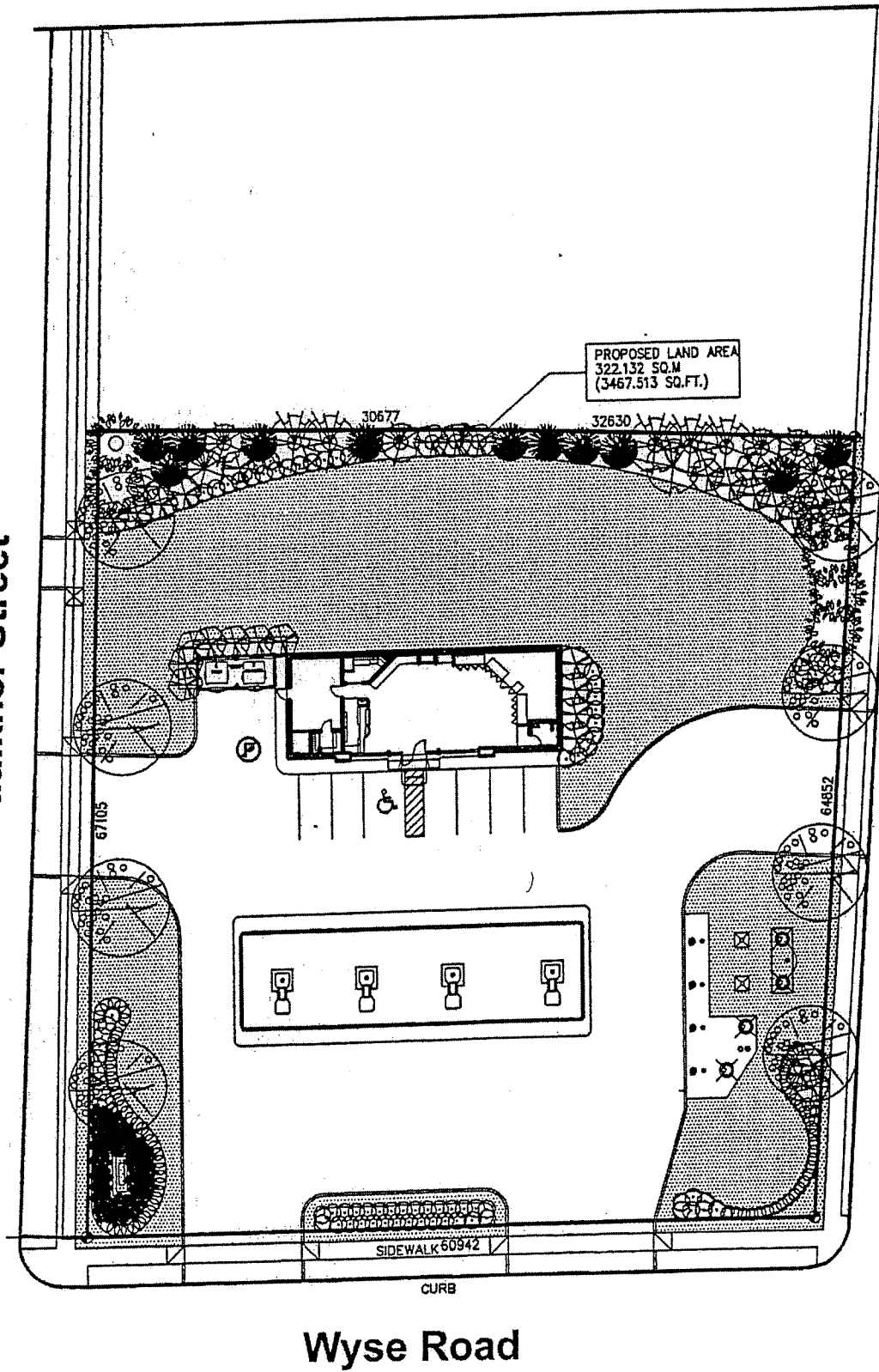


This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-Law area.

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

Faulkner Street

Dawson Street



Map 3  
Site Plan - Wyse Road



**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES

ATTACHMENT A

EXTRACTS FROM THE DARTMOUTH MPS

In considering zoning amendments and contract zoning, Council shall have regard to the following:

- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries
- (4) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the City is to absorb any costs relating to the development
  - (ii) the adequacy of sewer and water services and public utilities
  - (iii) the adequacy and proximity of schools, recreation and other public facilities
  - (iv) the adequacy of transportation networks in adjacent to or leading to the development
  - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas
  - (vi) preventing public access to the shorelines or the waterfront
  - (vii) the presence of natural, historical features, buildings or sites
  - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized
  - (ix) the detrimental economic or social effect that it may have on other areas of the City.
- (5) that the proposal is not an obnoxious use
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:
  - (i) type of use, density, and phasing
  - (ii) emissions including air, water, noise
  - (iii) traffic generation, access to and egress from the site, and parking
  - (iv) open storage and landscaping
  - (v) provisions for pedestrian movement and safety



**Landmark Developments Corp.**

- (vi) management of open space, parks, walkways
  - (vii) drainage both natural and sub-surface and soil-stability
  - (viii) performance bonds.
- (7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors
- (8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council
- (9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:
- (i) Council with a clear indication of the nature of proposed development, and
  - (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community

**EXTRACTS FROM THE DARTMOUTH LUB****R-3 ZONE - MULTIPLE FAMILY RESIDENTIAL ZONE (MEDIUM DENSITY)**

34. (1) The following uses only shall be permitted in an R-3 Zone:
- (a) R-1, R-2 and TH uses as herein set out,
  - (b) apartment buildings,
  - (c) uses accessory to any of the foregoing uses.
  - (d) *lodging houses (As amended by By-law C-657, Feb2/89)*
- (2) Buildings used for R-1, R-2 and TH uses in an R-3 Zone shall comply with the requirements of an R-1, R-2 or TH Zone respectfully.
- (3) Buildings used for R-3 uses in an R-3 Zone shall comply with the following requirements:
- (a) Lot coverage, maximum - 25%
  - (b) Area of site required per dwelling unit:

Area of site required  
per dwelling unit

Type of dwelling unit	
One bedroom and bedsitting room	1,300 sq. ft.
Two or more bedrooms	1,800 sq. ft.

Provided that where the site area is greater than one acre, the area of the site required per dwelling unit shall be:

Area of site required  
per dwelling unit

Type of dwelling unit	
One bedroom and bedsitting room	1,000 sq. ft.
Two or more bedrooms	1,350 sq. ft.

- (c) On all buildings a minimum side and rear yard clearance of 15 feet shall be maintained and if the building is more than fifty feet high on its highest side the sideyards and rearyards shall have a minimum clearance of not less than one half the height of the adjacent side of the building.
- (d) The yard area located between the street line and the minimum setback line shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas.
- (e) *Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC - Feb 8, 2005 E - April 23, 2005)*
- (4) No uses other than those permitted in R-1 and R-2 shall be permitted unless the lot area is equal to or greater than ten thousand square feet and unless the street frontage is equal to or greater than one hundred feet.
- (5) All developments including three or more dwelling units shall provide, in addition to the site requirements set out in sub-section (3) of this section, amenity areas of not less than one hundred square feet for each bedsitting room or one bedroom dwelling unit; three hundred square feet for each two bedroom dwelling unit; and 500 square feet for each three or more bedroom dwelling units. An amenity area shall be a space set aside for recreational purposes such as communal play areas, recreational room, roof decks, balconies, swimming pools and tennis courts. An amenity area shall have no dimension less than thirty feet.

- (6) *Buildings used for lodging house uses shall comply with the requirements of the Lodging House By-law of the City of Dartmouth. (As amended by By-law C-657, Feb2/89)*

NOTE: Effective December 4, 1991, Multiple family residential developments in the City of Dartmouth are permitted only by development agreement.

### **C-2 ZONE - GENERAL BUSINESS ZONE**

39. (1) The following uses only shall be permitted in a C-2 Zone:
- (a) R-1, R-2, R-3, C-1 and TH uses as herein set out;
  - (b) Business or commercial enterprises except:
    - (i) obnoxious uses and uses creating a hazard to the public and
    - (ii) offices other than those permitted in the C-1 Zone
  - (c) Uses accessory to the foregoing uses.
- (2) Buildings used for R-1, R-2, R-3, C-1 and TH uses in a C-2 Zone shall comply with the requirements of an R-1, R-2, R-3, C-1 or TH Zone respectively.
- (3) Buildings used for C-2 uses in a C-2 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 sq. ft.
  - (b) Height maximum - 3 storeys for a building with an office function as its primary function.
  - (c) Maximum Lot coverage - 100% if the requirements for 100% lot coverage in the Building Bylaws of the City of Dartmouth are met, except that a motel building or buildings shall occupy surface area of not more than one-third of the total area of the building lot.
  - (d) If lot coverage is not 100%, side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building Bylaws of the City of Dartmouth.
  - (e) *Additional Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W".  
(RC - Feb 8, 2005 E - April 23, 2005)*

### **PART II: GENERAL PROVISIONS**

- (i) a landscaped buffer shall be provided for any new or expanded commercial, industrial or institutional use, including but not limited to: buildings; parking lots; outdoor display; or open storage to be located adjacent to any property zoned or used for residential or community uses. The landscaped buffer shall consist of:

- (1) a grassed area with a minimum depth of twenty (20) feet along the entire length of the adjacent property line and containing a vegetation screen consisting of at least two staggered rows of coniferous trees or other vegetation that may be approved by the Development Officer which are at least six (6) feet in height and at a maximum spacing of eight (8) feet on centre;
  - (2) notwithstanding Subsection 15(i) (1), the grassed landscaped area may be reduced to ten (10) feet where an opaque fence of at least six (6) feet in height is provided along the common property boundary. The grassed landscaped area shall contain a mix of nursery-stock trees at a maximum spacing of ten (10) feet on centre, or a mix of shrubs at a spacing of six (6) feet on centre, or a combination of nursery-stock trees and shrubs at the required spacing.
  - (3) no structures, parking, storage or open display shall be permitted within the landscaped area. (HECC-July10/03, Effective-August3/03)
- (l) in any commercial zone (Regional Council-October 2, 2001, Effective-October 31, 2001) where a new or expanded commercial building, parking lot or display area is located on a lot which abuts a street(s), a landscaped area of at least ten (10) feet in depth measured at right angles from the property boundary abutting the street(s) shall be provided. This may be reduced to five (5) feet in depth where the greater requirement would be prohibitive in terms of providing required parking or driving aisles. Landscaping shall consist of grass and shall include one ornamental shrub for every one hundred (100) square feet of required landscaped area, and one double-staked nursery stock tree with minimum 50mm base caliper for every fifty (50) feet of lot frontage. All landscaping shall be maintained and kept free of litter, and deceased plants shall be replaced to maintain these standards (Harbour East Community Council-July6/2000, Effective-July 30/2000)
- (m) Notwithstanding Section 15 (l), where an existing building location or topographic constraints such as, but not limited to: steep slopes; natural terrain consisting of large rock deposits; steep grade or other constraints determined by the Development Officer to prevent the developer from satisfying the requirements of Section 15 (l), A lesser degree of landscaping may be provided in the form of one of the following:
- (1) a landscaped area of at least 4.6 square metres (50 square feet) in area having no dimension less than 0.6 metres (2 feet ); or
  - (2) landscape planter(s) constructed of natural material such as but not limited to wood, brick, stone or concrete, and having a total minimum of 2.3 square metres (25 square feet).
- (n) The landscaping features identified in Section 15(m) may be located within any or all of the following locations:
- (1) along or in close proximity to the front property line;

- (2) along or in close proximity to the side property line; or
  - (3) along the front facade of the main building.
- (o) Any landscaping required under subsections (m) and (n) of this Section shall be clearly visible from the abutting street. (HECC-July10/03, Effective-August3/03)

**ATTACHMENT B**

**HALIFAX REGIONAL MUNICIPALITY  
PLANNING SERVICES - ALDERNEY GATE  
PUBLIC INFORMATION MEETING  
CASE 00782 - LANDMARK DEVELOPMENTS CORPORATION**

**June 22, 2005  
7:00 p.m.  
Farrell Hall, Dartmouth**

**Staff:** John MacPherson, Planner  
Kenda MacKenzie, Development Engineer  
Samantha Charron, Administrative Support

**Applicant:** Mark Clark, Landmark Developments Corporation  
Andrea Beckingham, Landmark Developments Corporation

**Other:** Local Councillor, Jim Smith

**Members of  
the Public:** Approximately 13 people

The meeting commenced at approximately 7:00 p.m.

**1. INTRODUCTIONS/OPENING COMMENTS**

John MacPherson welcomed residents to the meeting and thanked them for attending. He introduced local councillor Jim Smith, Mark Clark and Andrea Beckingham representing Landmark Developments Corporation and Kenda MacKenzie, Development Engineer with HRM. He then introduced himself as the planner assigned to this case.

Councillor Smith also welcomed residents and indicated he was in attendance to listen to comments and concerns residents have regarding this development. He explained there would be future consultation forums in which residents would have the opportunity to speak directly to this application.

Mr. MacPherson explained to residents the public information meeting (PIM) is the first step in the planning process. He stated it allows staff the opportunity to gauge the level of support by residents for this potential development in their area. It is also an opportunity for staff to hear and discuss any questions or concerns residents have. He began with a brief overview of the application submitted

by Landmark Developments Corporation to develop the property located at 137-143 Wyse Road in Dartmouth.

Mr. MacPherson reviewed the Municipal Planning Strategy (MPS) policies and the Land Use By-Law (LUB) regulations for Dartmouth, pertaining to this application. He explained to residents the reason for Landmark's rezoning request from R-3 (multiple family residential zone-medium density) to C-2 (general business zone) to allow the construction of the proposed gas bar/convenience store. Then with the use of overhead and a site map Mr. MacPherson gave a full description of the site and the proposed development. He explained the criteria staff must consider when reviewing an application ie. site controls, traffic issues, setbacks, buffers and parking and explained the circulation process planners follow when considering all these issues.

At this point he suggested Mr. Clark begin his presentation, if there were no questions regarding the application or policy process.

Mr. Clark of Landmark Developments Corporation began his presentation with an example site of a recently constructed Ultramar in Herring Cove, Halifax. He explained all aspects of the development and with the use of a site map described the layout of the building in relation to the land. He indicated the size and location of the development describing the proposed convenience store with adequate parking, a five lane pump island, noise and traffic control measures, landscaping as per HRM requirements and buffers. He explained the pumping and filling procedure and schedule of the tanks and described the delivering tankers proposed traffic flow route.

## 2. QUESTIONS AND COMMENTS

Norman Melanson asked when the station would be completed if the proposal was accepted by the city?

Mr. MacPherson indicated he could not give a time line at this point in the application process. He explained the planning process can take anywhere from six months to a year to complete.

Norman Melanson asked Mr. Clark where he thought the additional traffic flow will go?

Mr. Clark replied he believes the majority of traffic will travel along Wyse Road.

Norman Melanson stated he did not agree with Mr. Clark's assessment of traffic flow and believes there should be more consideration for traffic flow measures on the surrounding residential streets.

Mr. MacPherson and Mrs. MacKenzie both agreed traffic flow is presently heavy in that area, however Wyse Road is a collector road and has been designed to accommodate this traffic level.

Richard Avant a local resident asked if Mr MacPherson would accept a petition signed by some of the local residents from Wyse Road, George, John and Dawson Streets that are opposed to this development application. He stated in his opinion this particular parcel of land should be considered

for residential use and he feels if it is developed as commercial the already existing traffic flow problem will worsen.

Mr. MacPherson accepted the petition and thanked Mr. Avant for his comments.

Mr. Clark indicated a traffic study completed for the area did show the traffic was high and suggested that is why Landmark feels a gas bar/convenience store is most suitable for this site.

Richard Avant stated two gas stations in the local area have recently closed. He suggested Landmark buy the land already zoned for that use and put their gas station there.

Mr. Clark suggested there was a reason the other stations closed and pointed out location is most important, for a development of this kind.

Richard Avant stated he is concerned future developers will not want to construct residential units next to a gas station or in a C-2 zoned area. He also asked why Landmark would rezone one of the small residential portions left on Wyse Road.

Mr. MacPherson clarified this particular piece of property is designated Commercial, and only a portion of the subject site is zoned residential. He stated future use for this property is envisaged under the MPS to be commercial and explained the 11000 sq' portion of land Landmark has applied to have rezoned will allow them to square off there lot, majority of which is already zoned commercial, to allow the construction of the service station.

Richard Avant commented, in his opinion, by approving this rezoning and allowing the construction of the service station you will be taking away from any future residential development on the remaining R-2 zoned land in this area. He feels no-one will want to live next to this type of commercial development.

Jennifer McNish asked if Landmark Developments Corporation intended to develop the entire parcel of land as commercial or just the portion the service station would occupy?

Mr. MacPherson explained the only application being considered at this time is to rezone an 11000 sq' portion of land to accommodate a service station. He indicated to Ms. McNish the remaining land she was referring to has current zoning and any development under regulations of the land use by law could have permits issued. He stated for Landmark to change the zoning or enter into a development agreement on the remaining land a public consultation process would have to be followed.

Barry Bugbee asked Mr. MacPherson if this parcel was part of the original Dartmouth Commons?

Mr. MacPherson replied he could not answer that at this time.



Nick Pryce commented he was aware this is a commercial strip and indicated he would like to see adequate provisions in place to ensure this development does not have a negative impact on the surrounding community. He spoke to the provisions in the Municipal Planning Strategy for Dartmouth and stated his main concerns are noise, lighting, waste management and suitable landscaping.

Mr. Clark indicated all the concerns Mr. Pryce mentioned have been considered and can be accommodated into Ultramar's proposal. He also stated the City has suggested Landmark hire a landscape designer to design a noise buffer around the site. He stated from a visual impact residents will not be looking at the back of a building.

Mr. MacPherson explained the current zoning for this site and described the range of commercial uses that could be entertained on this property as-of-right. He indicated at the present time Landmark does have the right to construct a service station by-right, however, the lack of space under the C-2 Zone would limit possibilities, Landmark is looking to rezone the 11000 sq' piece to square the lot and make it more suitable for the proposed development.

Mr. MacPherson continued by explaining the criteria he will consider when making his recommendation to Council and stated one major component will be if the development proposal is compatible with the surrounding area.

Mr. MacPherson indicated the C-2 zone does have landscaping and buffer requirements, with the use of overhead he outlined landscaping features i.e. grassed areas, vegetation, screening & opaque fencing. He stated the requirement would ensure landscaping improvements be installed around the perimeter of the site along Faulkner Street, Dawson Street and Wyse Road. In addition a landscaped buffer is required where the site is adjacent to residential zones or land uses.

Nick Pryce asked if Ultramar would be willing to set up a committee to ensure the landscaping will be suitable for the site and will blend into the surrounding area?

Mr. Clark stated Ultramar considers the upkeep of there properties very important and offers incentives to the owners when their properties are well maintained. He then addressed Mr. Pryce's previous inquiry regarding lighting and light pollution. He indicated the lighting is designed to be directional. He explained if they have 100 ft candle power that is directly under the canopy and the yard lights are 10ft candle power, they are lower then street lights.

Richard Avant reiterated his concern for additional traffic and stated it would take away from the convenience of Downtown residential living.

Mr. MacPherson pointed out residents live next to an existing and relatively intense commercial corridor. He explained the community's plan has designated this strip of Wyse Road for this type of development and the zone does permit those uses by right. He explained to residents the future land use intent is a general commercial use for this corridor.

Richard Avant stated this year it will be to square off the 11000 sq' portion but what about next year and so on. He stated again he feels nobody will want to live next to a gas station.

Mr. MacPherson explained the additional land owned by Landmark Developments Corporation has by-right development opportunity but for anything different or more intense an application would have to go through a similar planning process.

Richard Avant stated that was just his point. This time it's the small portion, next it will be a larger portion. He feels this is just the beginning of an overabundance of commercial development in the area.

Mr. MacPherson replied this application does not necessarily set a precedence, he indicated all discretionary planning applications are considered on an individual basis.

Evelyn Brushett stated she has concerns for the neighborhood children accessing the park. She feels the development will result in added traffic to the neighborhood and is concerned for the children's safety.

Mrs. MacKenzie suggested the residents speak to the police regarding patrolling in the area.

Evelyn Brushett stated she has phoned the police in the past and had no follow-up from them. She suggested installing stop signs and/or speed bumps around the park for neighborhood safety.

Mrs. MacKenzie stated traffic survey statistics have proven, adding stop signs increases vehicular speeds. She also stated speed bumps have a negative impact on response times for emergency vehicles.

Evelyn Brushett restated her negative opinion to the approval of the proposed application.

Mrs. MacKenzie indicated if the gas bar/convenience store application is approved it will be located on a major collector and explained the road was designed to handle large volumes of traffic.

Evelyn Brushett asked if the safety of the children and pedestrians could be taken into consideration and some type of traffic provision could be looked into if the application is approved.

Bernard Roberts a resident of the area for over 50 years gave a brief history of the parcel in question and the surrounding area. He stated his concerns are traffic related as well. He would like to see the already existing traffic issues dealt with before a development this size be approved. He feels this development would generate a great deal more traffic and only add to the problem. He suggested traffic lights be installed at Faulker Street and Wyse Road. He stated if this could happen he would not be opposed to the gas station being constructed.

Mr. Clark asked residents to explain to him, in their opinion, which direction they feel the majority of traffic is coming from and where it is going?

Residents were in agreement they feel the traffic flow comes from Albro Lake area and Alderney Drive to short cut through Dawson Street and Faulkner Street to access the bridge.

Mrs. MacKenzie explained this application will be circulated to traffic services for comment.

Steve Jennings asked if Tim Horton's on Wyse Road had waste management provisions in place when they developed their site? He feels if they did, they were not followed through. He has concerns additional waste will be blowing around the neighborhood and stated it is already an annoying problem. He would like to see this issue taken into consideration by Landmark.

Nick Pryce added he would like to have assurances from Ultramar waste will be dealt with and asked that a contact name be provided to residents when they have these type of concerns.

Mr. MacPherson replied company operating policy is not something HRM regulates and indicated residents should speak with Mr. Clark to address issues related to off-site waste management and company operating policy.

Barry Bugbee stated he does not believe the issue being raised will be properly addressed considering simple problems like pot holes in the neighborhood cannot be dealt with.

Don Walsh asked if any damage done to the neighborhood streets during the construction of the gas bar/convenience store will be rectified by the developers?

Mr. Clark stated Ultramar would like to be neighborly to the area residents and will take into consideration all the comments and concerns raised at this evenings meeting and try to find solutions to all viable concerns.

An unknown resident asked if Mr. Clark could describe future plans for the remaining parcel of land owned by Landmark Developments Corporation?

Mr. Clark indicated Landmark has not made any final decisions for the remaining land but suggested residential use seems to be favorable.

Peter Richard asked Mr. Clark about another parcel of land owned by Landmark, located between William Street and Dixon Street, he wanted to know the future plans for this site.

Mr. Clark indicated at this time Landmarks main concern is with the clean up of all their locally owned land.

Peter Richard suggested he would like to see that parcel developed residential.

Doug Scanlan asked if Mr. Clark could provide residents with documentation stating the waste from the development would be dealt with and not end up all over the neighborhood.

Pat Mombourquette has concerns regarding the collection of waste. He would like to make sure times of pick up are considered by the developer. He stated Tim Horton's has their garbage collected as early as 6 a.m. some days and in his opinion that is too early for that type of noise in the neighborhood.

Mr. Clark replied they could discuss waste collection as well as petroleum refill times to accommodate area residents.

Pat Mombourquette asked which way the service trucks would be entering and exiting the site?

Mr. Clark indicated the service trucks will be following the major collector route (Wyse Road) He stated they should not have a reason to travel along Faulkner Street or Dawson Street.

Nick Pryce asked Mr. Clark technical questions about the underground holding tanks.

Mr. Clark stated the underground tanks were built to the Department of Environments regulations.

Pat Mombourquette asked who enforces the service delivery truck route regulations?

Mrs. MacKenzie stated the Municipality has a Truck By-Law to regulate city driving for large trucks.

There was a brief discussion by residents regarding public transit being a traffic issue as well.

Mrs. MacKenzie suggested to reduce traffic issues, you must promote public transit.

Koren Brown feels there is no need for an additional service station in the area and stated pedestrian safety and traffic issues should be the concern for HRM. She stated Ultramar may need another location but this area did not.

Richard Avant asked Mr. Clark why Landmark would not consider condos for this site?

Mr. Clark indicated Landmark has considered many options for this site. He explained to residents the economic conditions are good for this type of development and stated the development has to be financially viable or it would not make sense for Landmark to develop the land.

Koren Brown asked why the whole site could not be developed as condominiums? In her opinion this would be a prime spot to buy, being so close to the bridge.

Mr. Clark replied this was considered and was not a possibility for Landmark.

Mr. MacPherson indicated there will be another opportunity for community input before any decisions are made. He also stated residents who wish to speak to this issue will have an opportunity to do so formally at the public hearing. He added residents will be notified by mail in advance of the public hearing as well as newspaper ads that run two consecutive Saturdays before the hearing will be held.

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

3. MEETING ADJOURNMENT

Meeting adjourned at approximately 8:30 p.m.