



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

9.5.1

Halifax Regional Council
November 16, 2004
REVISED

TO: His Worship Mayor Peter Kelly and
Members of Halifax Regional Council

FROM: *for* *Sterryll Murphy*
Councillor Sue Uteck, Chair
Peninsula Community Council

REVISED

DATE: October 5, 2004

SUBJECT: **Case 00702 - MPS and LUB Amendments - 6139 Young Street,
Halifax**

ORIGIN

Peninsula Community Council November 8, 2004

RECOMMENDATION

Peninsula Community Council recommend that Regional Council:

1. Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw as contained in Attachment A to the October 29, 2004 staff report and schedule a public hearing.
2. Regional Council request that, in light of the accidents occurring at this location, the Traffic Authority provide a report regarding the possibility of having no left turn off of Young Street to access the gas bar.

BACKGROUND

This matter was the subject of a public meeting held on October 24, 2004. Peninsula Community Council subsequently approved the staff recommendation at its November 8, 2004 meeting.

DISCUSSION

Please see attached report.

BUDGET IMPLICATIONS

N/A

FINANCIAL MANAGEMENT/BUSINESS PLAN

N/A

ALTERNATIVES

1. Reject the recommendation of Peninsula Community Council and take no further action in this regard.

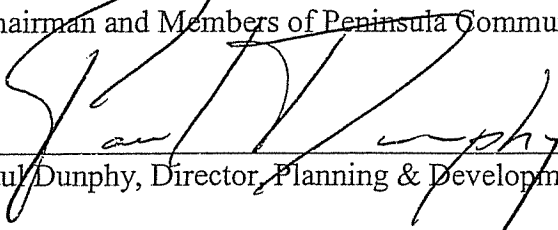
ATTACHMENTS

1. October 29, 2004 staff report
2. Extract of draft minutes of November 8, 2004 Peninsula Community Council re Case 00702

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryll Murphy, Legislative Assistant, 490-6517.
--

Peninsula Community Council
November 8, 2004

To: Chairman and Members of Peninsula Community Council

Submitted by: 
Paul Dunphy, Director, Planning & Development Services

Date: October 29, 2004

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

ORIGIN:

1. Request by Cantwell and Company on June 29, 2004, on behalf of Petro-Canada, to amend the Halifax Municipal Planning Strategy and Land Use Bylaw to permit a gas station and food service operation at 6139 Young Street, Halifax.
2. Regional Council on September 28, 2004 approved proceeding with the amendment process.
3. October 24, 2004 Public Information Meeting held.

RECOMMENDATION:

It is recommended that Peninsula Community Council:

1. Recommend that Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use Bylaw as contained in Attachment "A" and schedule a public hearing;
2. Recommend that Regional Council adopt the amendments to redesignate the lands at 6139 Young Street, Halifax, as set out in Attachment "A", to "Commercial" and to rezone to C-2 (General Business) Zone.

BACKGROUND:

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

Synopsis of Proposed Development: The applicant wishes to construct a Petro-Canada gas station complex on this site. The proposed uses include an integrated gas bar, car wash, and convenience store and are expected to occupy about 2.0 acres of the site (see Map 3). The remaining area is intended to accommodate a future expansion of the gas station, or for consolidation with the adjacent parcels of land and future development.

History of the Property: The subject lands were originally developed by the Canadian National Railway as a train marshaling facility in the early part of the 20th century. They were conveyed to the Department of National Defense (DND) in the 1930's and developed by CFB Halifax as an engineering yard and later declared surplus by DND and the buildings were demolished.

HRM purchased a portion of the property to facilitate the Bayers/Young/Windsor Intersection realignment in 1997. The tender for the realignment was approved by Regional Council on June 22, 2004 and this work is complete. In August 2003 Public Works and Government Services Canada issued a call for the purchase of the remainder of the original parcel. The lands were purchased by Petro-Canada.

Public Participation: A public meeting was held on October 27, 2004 (see Attachment "C"). Some of the public expressed the view that such a development would be detrimental to traffic flow in the new intersection and such a change would be lead to commercial on the CFB Willow Park.

DISCUSSION:

Site specific Municipal Planning Strategy amendments and policy reviews should generally only be considered where circumstances related to policies of a MPS have changed significantly. This test is met as these lands have become surplus to the needs of the Federal Government. The land has been purchased by Petro-Canada. Two of the more significant issues raised at the public meeting are discussed below.

Access: Concern was expressed at the public meeting about the potential commercial use of this property negatively impacting traffic flows along the newly opened alignment of Bayers Road and Young Street. The property has only two driveways, which allow for two-way flow of traffic. These are situated near the respective property lines along Young Street and Windsor Street. Staff believe that their location will have no significant impact on traffic flow through the new intersection. If this property ever were to be developed as a use permitted by the existing P (Park and Institutional) Zone, it would still be entitled to two driveway accesses.

Future Use of CFB Willow Park: The suggestion was made at the public meeting that zoning this site commercial would logically lead to similar treatment for CFB Willow Park if the Department of National Defence was to dispose of the property. Although the uses on this property would certainly be considered if alternative uses for CFB Willow Park were to be contemplated, the larger community context would be equally important. The development of this property for commercial use would not lead to land use conflict with the present uses of CFB Willow Park and would not seem to be detrimental to future uses on adjacent lands.

Compatibility/Servicing: The use of the subject lands as a service station will be generally consistent with the scale of development in the surrounding neighbourhood. The immediate abutting properties are used for military and commercial purposes. Residential uses are on the opposite side of Windsor Street. Sanitary sewer and domestic water services are available, with the laterals having been installed during the intersection work.

Conclusion: Staff suggests that the most appropriate action is to redesignate the property to "Commercial" on the Generalized Future Land Use Map and to rezone it to C-2 (General Business) Zone. That would permit the proposed uses by-right. (It would also permit residential uses, although this is not the stated intention by the applicant.) This is the same approach used for other C-2 (General Business) or C-3 (Industrial) zoned properties along Young Street and Kempt Road area.

As a housekeeping matter, in conjunction with this request, the existing adjacent commercial properties along Young Street should be redesignated to "Commercial" on the Generalized Future Land Use Map. The Institutional designation is not appropriate for properties used and zoned for commercial and industrial purposes. The properties are already zoned C-3 (Industrial) Zone. These amendments are also set out in Attachment "A".

BUDGET IMPLICATIONS:

None.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

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

ALTERNATIVES:

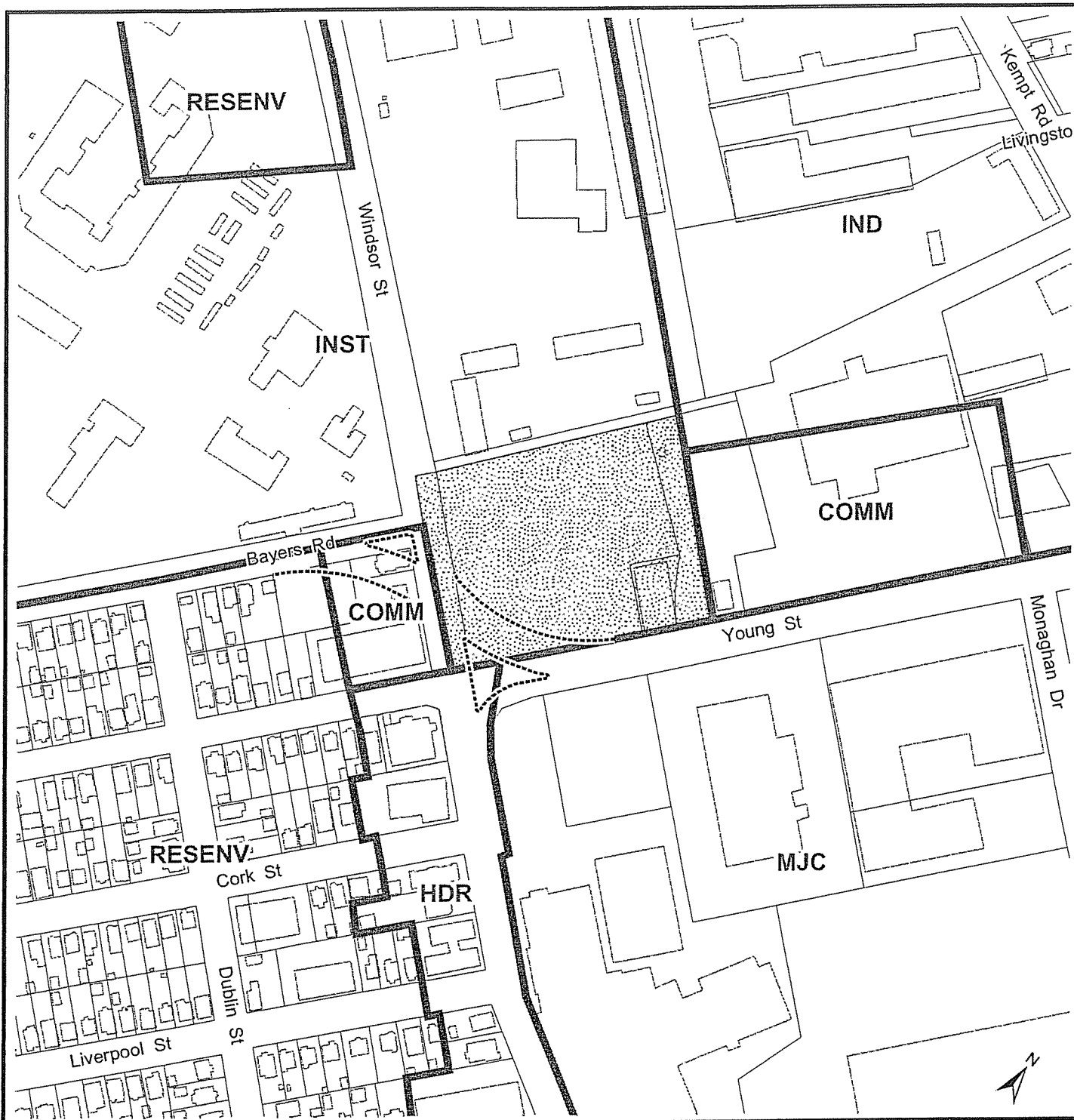
1. Proceed with the requested amendment. This is recommended for reasons described above.
2. Refuse the requested amendment. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1: Proposed Changes to the Generalized Future Land Use Map
Map 2: Proposed Rezoning
Map 3: Proposed Site Plan
Attachment A: Proposed Amendments to the Halifax Municipal Planning Strategy and Peninsula Area Land Use Bylaw
Attachment B: Extracts from the Planning Strategy and Peninsula Area Land Use Bylaw
Attachment C: Notes from Public Participation Meeting of October 27, 2004


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


Report Prepared by: Angus E. Schaffenburg, Planner II, Planning and Development Services
490-4495



Map 1 - Generalized Future Land Use

6139 Young Street
Halifax

 Area to be redesignated
from INST (Institutional)
to COMM (Commercial)

 New road alignment

Halifax Plan Area

Designation - Halifax Plan


RESENV	Residential Environments
COMM	Commercial
IND	Industrial
INST	Institutional

Designation - Peninsula North

HDR	High Density Residential
MJC	Major Commercial

HALIFAX
REGIONAL MUNICIPALITY

PLANNING AND
DEVELOPMENT SERVICES

0 20 40 m


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

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



Map 2 - Location and Zoning

6139 Young Street
Halifax

Area to be rezoned from
P (Park and Institutional)
to C-2 (General Business)

Halifax Peninsula By-Law Area

Area of notification

New road alignment

Zone

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

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

0 20 40 m

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

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

WINDSOR STREET

YOUNG STREET

12 PUMP GAS BAR

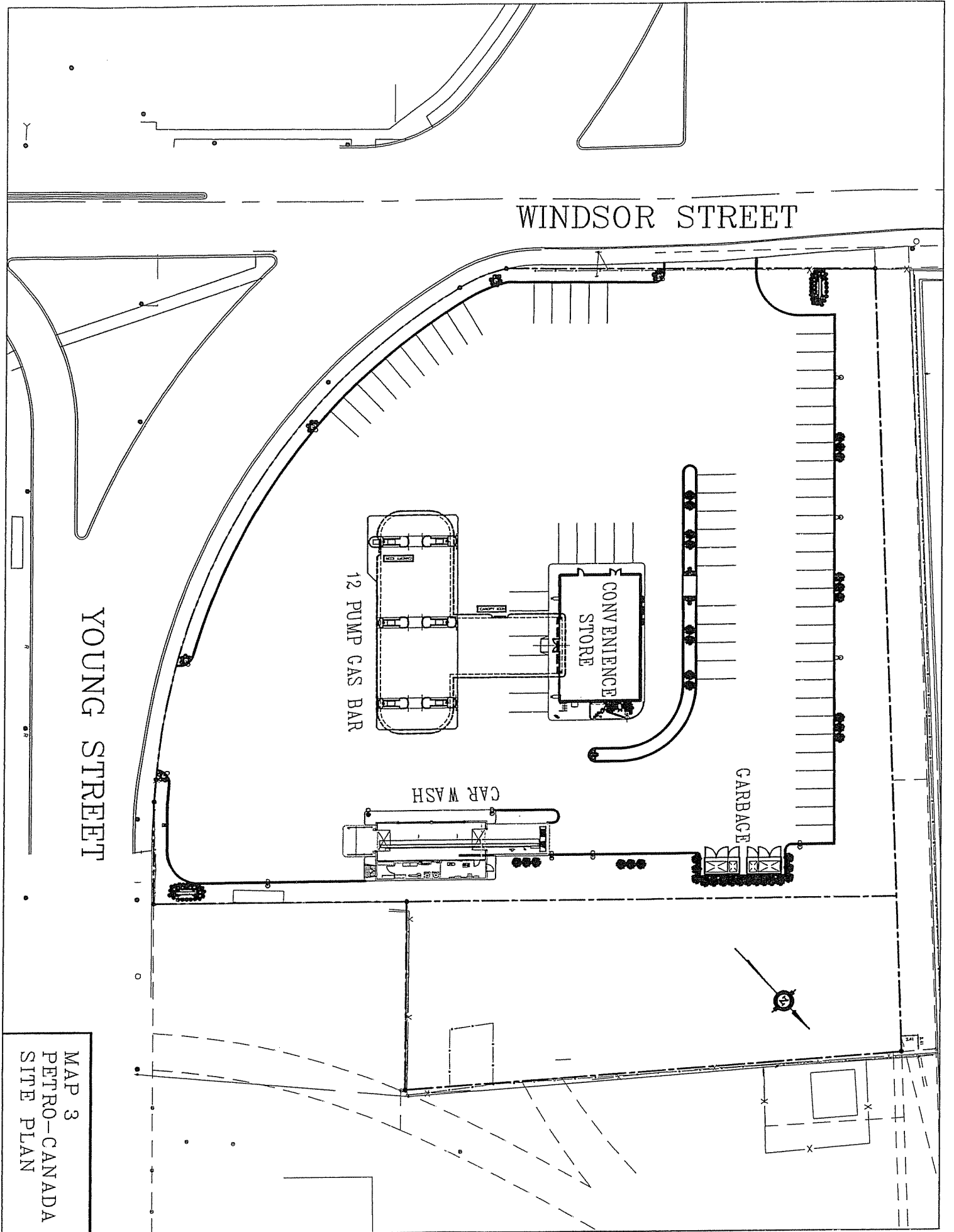
CONVENIENCE
STORE

CAR WASH

GARBAGE



MAP 3
PETRO-CANADA
SITE PLAN



Attachment A

Case 00702: Amendment to Halifax Municipal Planning Strategy

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy of Halifax as enacted by City Council of the City of Halifax on the 30th day of March, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August 1978 as amended, is hereby amended as follows:

1. Amend the Generalized Future Land Use Map (Map 9) by redesignating the property at 6139 Young Street (PID 00153106) (at Windsor Street) to "Commercial" from "Institutional" as shown on Map 1 attached hereto. In addition, amend the Generalized Future Land Use Map (Map 9) by redesignating the adjacent properties on Young Street (6189 and a portion of 6171) to "Commercial" from "Institutional" as shown on Map 1 attached hereto.

I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Halifax, as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2004.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2004.

Jan Gibson, Municipal Clerk

Attachment B

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

1. ECONOMIC DEVELOPMENT

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

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

3. COMMERCIAL FACILITIES

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

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

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

3.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multi-service centres. Notwithstanding any other policy in the Municipal Planning Strategy or

Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

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

5. INSTITUTIONS

Objective The enhancement of employment opportunities by encouraging existing and potential institutional uses in appropriate locations.

- 5.1 Unless clearly inappropriate for the good development of the City, existing regional and City-wide institutional facilities shall be encouraged to remain in their present locations and efforts shall be made to protect, maintain and upgrade them.
- 5.2 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. The City shall develop standards and boundaries which will protect neighbouring areas, especially residential areas, from encroachment and nuisance effects.
- 5.3 The City shall encourage institutional development of a major nature in those areas designated generally on Map 9. Pursuant to Policy 5.2, where such areas fall within the bounds of a designated area for detailed planning, the City shall resolve the exact nature of the desired land use pattern through the detailed area planning process.

15. GENERALIZED FUTURE LAND USE MAP

- 15.1 Map 9 shall be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined heretofore.

- 15.2 The areas of future land use shown on Map 9 shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

C-2 ZONE

GENERAL BUSINESS ZONE

- 56(1) The following uses shall be permitted in any C-2 Zone:
- (a) R-1, R-2, R-2T, R-2A, R-3, C-1 and C-2A uses;
 - (b) Any business or commercial enterprise except when the operation of the same would cause a nuisance or a hazard to the public and except adult entertainment uses, junk yards and amusement centres;
 - (c) Billboards not to exceed twenty-eight square meters (28 m²) in area and not to extend more than eight meters (8 m) above the mean grade on which it is situated.
 - (d) Uses accessory to any of the foregoing uses.
- 56(2) No person shall in any C-2 Zone, carry out, cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 56(3) No person shall in any C-2 Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

REQUIREMENTS

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

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

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

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

P ZONE

PARK AND INSTITUTIONAL ZONE

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

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

Attachment C: Public Information Meeting Minutes
Case 00702
October 27, 2004

In attendance: Angus Schaffenburg, Planner, Planning & Development Services
Gail Harnish, Planning & Development Services
Ross Cantwell, Cantwell & Company Consulting

Mr. Angus Schaffenburg called the public information meeting to order at approximately 7:05 p.m. in the St. Agnes Junior High School Library.

Mr. Schaffenburg advised we are dealing with a municipal planning strategy (MPS) and land use by-law (LUB) amendment for the property at 6139 Young Street. The property is at the corner of Young Street and Windsor Street and is formerly the DND engineering yard.

Mr. Schaffenburg noted the process is outlined on the last page of the handout. A report was tabled with Regional Council who recommended that we initiate the MPS amendment process. We thought there had been a change in circumstances so there was merit in looking at the redesignation and rezoning of the property.

Mr. Schaffenburg indicated we are now at the public information meeting stage. Following this meeting, staff will prepare a report that goes to the Peninsula Community Council. Community Council makes a recommendation to Regional Council. It is Regional Council who will hold the public hearing. The hearing would be held at City Hall. There will be notification in the newspaper as well as to property owners in the area.

Mr. Schaffenburg advised the MPS amendment is required because the property has a long history of being used for military purposes and then prior to that it was being used as a rail yard. The property is designated as Industrial and zoned as P (Park and Institutional).

It was questioned how long, on average, the process would take. Mr. Schaffenburg advised that normally MPS amendment processes are a year long for the more complicated ones. He did not anticipate this one taking that long.

Mr. Ross Cantwell, representing Petro-Canada, advised the property is bound by Young Street and Windsor Street. He pointed out on a map the Forum which is across the street, the Superstore, and the DND property.

Mr. Cantwell advised the property was an engineering yard since World War 1 and had a series of buildings on it. It was deemed surplus to DND needs a couple of years ago and they had a proposal call to sell the property. They had about a dozen companies submitting offers and Petro-Canada was the successful proponent. The property is almost 2.5 acres. Their intent is to build a very high quality gas bar and convenience store on this site with a car wash. It kind of mimics what you see at the corner of Robie Street and Young Street. Their focus is on the gas

bar itself, a large convenience store, and the car wash. At a previous point in time, there was an A&W Express off to the side which he thought they decided not to deal with at this time.

Mr. Cantwell commented the intersection is kind of unique. It is part of a big regional transportation improvement. The idea is to make traffic flow smoothly along Young Street and to connect Bayers Road. As part of that, Petro-Canada allowed access to two points. They are allowed one lane in and two lanes out at the two access points.

Mr. Cantwell advised Petro-Canada has a standard design for its stations. It would be almost identical to the Petro-Canada site on Portland Street in Dartmouth and other stations throughout HRM. Petro-Canada considers this to be a high profile site and he felt they are going to do an excellent job in terms of their standards.

Mr. Blair Beed, 6467 Summit Street, questioned in which direction the run-off from the cars would head.

Mr. Cantwell advised that because it is a commercial operation, they have to collect run-off from the site. You cannot dispose into HRM's collection system without doing pre-treating.

Mr. Beed commented there is a residue that remains on cars as they leave the site. Mr. Cantwell, referencing the site plan, pointed out the directions in which the cars would move.

Mr. Beed questioned whether there is a grade to the site or is it flat.

Mr. Cantwell responded the site is fairly flat. The site would be graded to drain to its own collection system before it ties into the Municipality's infrastructure.

Mr. Paul Card, 6295 Cork Street, questioned why the A&W was removed from the proposal. Mr. Cantwell responded he did not know why.

Mr. Schaffenburg advised the C-2 zone would allow the A&W. We would classify it as a restaurant which is a permitted use in the C-2 zone. It is really a matter for Petro-Canada and A&W to decide. If it is not an A&W, Petro-Canada may decide to partner with somebody else.

Mr. Cantwell indicated he was not here to say they would never do it. It is actually a fairly big piece of property. At some point, Petro-Canada may add something on but right now they are going to stick to their basic core station.

Mr. Cantwell commented there is not too much money in selling gas any more so they make a lot of money from car washes. Their car wash will basically process a car within two minutes. It is completely brushless and it is supposedly state of the art. The gas just gets the customer in the door.

Mr. Card referenced the paragraph on the second page of the report which suggests the most appropriate reaction may be to redesignate and rezone the property to Commercial on a GFLUM.

Mr. Schaffenburg indicated we are not recommending giving the property a C-2 zone at this time but given the zones around it, it seems a reasonable option, but bearing in mind there would be further consideration following the public meeting and other issues that may be raised. From our perspective, one of the reasons for supporting an MPS amendment is that there has been a change in circumstances. The P (Park and Institutional) zone is no longer appropriate because the property has been sold. We think the rezoning/redesignation to commercial would be a reasonable course of action.

Mr. Ross noted that the current P zoning would permit institutional uses and that there was previously a proposal considered for a halfway house on this property.

Mr. Card commented he understood it seems reasonable to consider it because there has been a change, but whether it is reasonable to do so is another suggestion. He was somewhat at a loss in terms of the rationale behind it.

Mr. Schaffenburg indicated that as noted in the report, we look at adjacent land use and whether a commercial use like this is incompatible. We have the military abutting as well as another commercial property and along from that you have the Superstore and the Nova Scotia Power right-of-way. It seemed reasonable to think it is a good fit there.

Mr. Card questioned whether that is the extent of the recommendation at this time.

Mr. Schaffenburg responded that the extent at this time is that staff looked at the general land use and made a decision on whether it seems like a solid area.

Mr. Schaffenburg indicated that as noted in the initiation report, the first thing we looked at was change in circumstance. The secondary thing is whether whatever is proposed, as an overview, is reasonable and are there things that jump out. Are there sanitary sewer capacity issues and other issues that might mitigate this? Is the proposal too dense? Is it too big? In reviewing the proposal, it did not seem to be anything like that.

Mr. Shaffenburg advised that one of the major issues they settled in advance is where the driveway cuts would go. That had to be settled in advance because they were building the intersection and we did not want Petro-Canada to make driveway cuts after the intersection had been changed. Petro-Canada also put in, at their expense, the sewer laterals and storms, so that they would not cut up the road. The Engineering Department said those things should be done now. If this does not move forward, then Petro-Canada has some laterals they cannot use.

Ms. Janet Stevenson advised she lived at 6235 Lawrence Street and owned a property at 3340 Windsor Street. She understood Petro-Canada purchased the land quite some time ago, more than a year ago. She questioned what the compelling reason was to have another garage station at that location.

Mr. Cantwell responded because Petro-Canada bought the site and wants to build a gas station there.

Ms. Stevenson stated there is a garage at the corner of Bayers Road and Connaught Avenue. There is a garage within a two minute drive of that location and questioned why another one was needed.

Mr. Cantwell commented everyone is driving cars like crazy. Petro-Canada has an interest in building it. When DND owned it, they had an old rail car yard there. There were about a dozen sheds which they cannot use.

Ms. Stevenson questioned whether they were saying there is a such a demand, they need another gas station.

Mr. Cantwell responded they have studies. People are more likely to buy gas on the way home than on their way to work.

Ms. Stevenson commented she looked at the Armed Forces property every day. It looks like an industrial waste site. The garage being proposed will not make the landscape look any better. She questioned whether they would be doing landscaping if this is approved.

Mr. Cantwell stated they would be meeting HRM's guidelines in terms of landscaping. Mr. Schaffenburg clarified there would be no requirements for landscaping.

Mr. Cantwell indicated Petro-Canada is considering this as one of their flag ship sites in HRM so they will be doing a very good job in terms of putting everything together.

Ms. Stevenson questioned whether there would be lighting twenty-four hours a day. Mr. Cantwell responded there would be lights.

Mr. Card commented that if Petro-Canada owns a piece of property and finds from a retail perspective it makes sense, then that's their business. When it becomes his business is when they are changing the zoning. His issue goes back to when Canada Lands Company (CLC) takes a piece of public property and puts it up for sale without having some responsibility for its designation.

Mr. Cantwell clarified that CLC was not involved. The property was disposed of directly by DND.

Mr. Card commented he gathered the City purchased a portion of the land for future re-alignment.

Mr. Schaffenburg clarified that is the re-alignment now being done. He also clarified that the City purchased the portion of land from DND.

Mr. Cantwell noted the property used to be a square.

Mr. Card questioned whether the piece of property at the corner of Bayers Road and Windsor Street was also purchased as part of that.

Mr. Schaffenburg advised the City purchased that piece of property from a separate individual. We have been dealing with DND and asking for that parcel of land for re-alignment for a long time. The re-alignment in various forms has been on the books from Engineering for about twenty-five years. Initially the alignment was to be where you see the apartment building at Young Street and Windsor Street. That was owned by Irving Oil and there was a car lot on it for awhile. In the early 1980s, the City considered purchasing that but did not because they thought it was too expensive and could not agree on the price.

Mr. Card stated his major concern was with the influx of traffic that would be created. Through some prudent and persistent planning, HRM has managed to fix an extremely busy. The corner is still awkward. He assumed Petro-Canada wanted this station because it would be extremely busy. They are an organization that is interested in retail. There would be an influx of traffic coming in and out which he thought would cause a problem with what HRM just managed to resolve, which he thought should be seriously looked at. He had no information to support that other than from living in the area.

Mr. Card indicated the other issue would be relative to the point that the redesignation/rezoning seems reasonable given the other zones in the area. The land adjacent to it on Windsor is DND land, which he suspected would be declared surplus as well and you get into a monopoly effect. Their land extends down to the area of Hood Street and Kempt Road.

Mr. Schaffenburg noted it does not get as far as Hood Street but does touch properties fronting on Kempt Road.

Mr. Card stated the traffic would have to be dealt with and was concerned that we would be "defixing" something that was just fixed. In the short-term, traffic is a concern and in the long-term, the concern would be with what sort of snowballing effect we started. There would always be the concern of which way the lights are pointing, what does it look like, and how disruptive it is visually, but those are secondary to the traffic concern and the longer term implications.

Mr. Schaffenburg advised that he had no information or knowledge that DND is prepared to declare that property surplus. In terms of the second concern, which was if DND was to declare that property surplus and whether it could lead to more commercial, if the Petro-Canada station was not there, you're in a commercial/industrial area. There is no question we would look at the other uses there.

Mr. Cantwell stated that DND just completed their real estate rationalization plan for all of their assets in Halifax. They were told to get rid of some real estate. Part of that plan was getting rid of Shearwater and to consolidate it into Willow Park/Windsor Park as well as the DND dock yards. He thought they would see intensification of that use on the DND dockyard.

Mr. Card expressed concern that the residential site becomes a very small area. You start hemming places in and squeezing out the residential in the City.

Mr. Schaffenburg acknowledged there was an error on the map which reflected an Industrial Designation which should be Residential Environment.

Ms. Stevenson questioned when the matter would be coming back to Council.

Mr. Schaffenburg, referencing the process chart on the back page of the handout, responded he did not know for sure. He anticipated that a report would go to Peninsula Community Council in either November or December of this year.

Ms. Stevenson questioned whether the process would be stopped if the Community Council does not agree with the recommendation.

Mr. Schaffenburg responded it would not. Peninsula Community Council would make a recommendation to Regional Council. It is Regional Council who has to decide whether or not to hold a public hearing. If they did not set a hearing, then it would end there. If a public hearing date is set, then following the public hearing, Regional Council would either adopt or not adopt the MPS amendments.

Mr. Stevenson questioned the timeframe should the amendments be approved.

Mr. Schaffenburg advised that if the amendments are adopted by Regional Council, then there is also Ministerial review. We are probably looking at the spring before they could have building permits in place.

Ms. Stevenson questioned whether letters were sent to property owners about tonight's meeting.

Mr. Schaffenburg responded yes. He pointed out that the notification area is noted on Map 2 of the staff report. There is also notice of PIMs put in the newspaper, usually on Saturday.

Ms. Stevenson questioned whether the same notification procedure would happen for the public hearing. Mr. Schaffenburg responded yes.

Ms. Stevenson questioned who sits on the Peninsula Community Council.

Mr. Schaffenburg indicated he was hesitant to respond because Community Councils have to be re-affirmed following the swearing in ceremony of the new Council on November 2nd. Because this is an MPS amendment, the public hearing would be held by Regional Council.

Ms. Stevenson questioned what the underlying philosophy is for the recommendation.

Mr. Schaffenburg advised we looked at two major planning criteria. Is there a change in circumstances, so should we consider a change in planning? Given the disposition of the property, yes, there is a change in circumstance in planning terms. It is not a military base. It is reasonable to look at other zones and designations and other uses. The second is whether their proposal is a reasonable use for the site. Does it fit with the other land uses? Does this seem reasonable?

Ms. Stevenson asked if she was correct in saying HRM has no jurisdiction over DND property.

Mr. Schaffenburg advised HRM does not have land use jurisdiction over the Department of National Defence when they are carrying out any defence activities.

Ms. Stevenson questioned whether the Unsightly Premises By-law applied to this property.

Mr. Schaffenburg responded probably not. If they are doing things for national defence purposes, they are not obligated to meet our land use by-laws. He was very clear about the land use by-laws but not completely sure in terms of unsightly premises, although he suspected they are probably not technically obligated to meet that.

Mr. Blair Beed, 6467 Summit Street, stated his recommendation would be to refuse the zoning change. He was one of the citizens who, since 1975, did not want the widening of Bayers Road and Windsor Street. They contested that process, including when HRM was going to buy the property where the store was. They held a public meeting and it was turned down. The purchases then went ahead. In that process they said take away the DND site and move the bus stop. They have re-organized the intersection. They are still in amazement about the arrows disappearing.

Mr. Beed indicated this use adds driveways to what is supposed to be the perfect new intersection. He thought there were secret meetings. They now have two driveways. He referenced the Needs store and indicated people will cut through their lot. He referenced the Petro-Canada station on Oxford Street and Quinpool Road where people turn left across Oxford Street and hold up traffic that has a green light. They spent hundreds of thousands of dollars on that intersection and they are adding a use that will bring cars in and out. This use adds a lot of distraction to traffic. If it was such a great thing to happen, he was surprised the City allowed the property to go private.

Mr. Beed said the other concern is that in the 1950s or 60s, the old City decided they needed an industrial area and decided the area of the Forum and Kempt Road, etc. would be that area. He thought it is time for HRM to look at this area again and see that DND is putting their properties together. Sometime they will be parking their vehicles somewhere other than on Windsor Street and Kempt Road. They will say it is cheaper to park their trucks elsewhere. They are being told they should have more residential on the Peninsula but all of a sudden they are putting a lot of parking there for a service station. As you look up Bayers Road, you will see neon signs and some local convenience stores will lose business.

Mr. Beed expressed concern that after going through the process of putting the intersection through, they are adding all this vehicular and pedestrian traffic. Plus, nobody said what will happen to this neighbourhood if the military decides to walk away. Is rezoning the property from Park and Institutional to the neighbouring commercial/industrial the best use or is it residential?

Mr. Beed commented that a corporation like this will make sure it looks nice.

Mr. Beed stated they should figure out how those driveways will impact the intersection at the corner of Windsor Street and Bayers Road. Also, that what they expect to happen in this neighbourhood in the long-term is what it should be.

Mr. Cantwell advised that he sat in on a couple of meetings with HRM transportation engineers. When they put together the design for this intersection they anticipated a use such as this at that corner. HRM bought that section at the same time as Petro-Canada bought the land. Petro-Canada wanted four driveways, each with two lanes in and out, and they were beaten down to two. The engineers said they did all the calculations.

Mr. Cantwell indicated that in terms of the point about generating the traffic, the studies were done when they designed this intersection. They have models as well. It is pretty good in terms of predictions. It is designed to pick-up the traffic that is on the road. People will stop on their way home. It means more turning movements in and out but not more traffic on the road.

Mr. Card expressed concern that this has been pre-ordained by HRM and that the process was worked on prior to public consultation. They bought it knowing that this is what was going there. There has been a momentum created prior to any public consultation. Somebody pre-determined that this is acceptable.

Mr. Schaffenburg advised that when we designed the intersection, we were aware that Petro-Canada had bought the property and had applied for a service station. They had discussed, as many people had when looking at the property, where the access could be, and the only two that our development engineers were willing to consider were at the edge of the property. The current zoning would allow an institution to locate there.

Mr. Card countered that a park could also go there. Mr. Schaffenburg noted only if the Municipality purchased it. The Municipality wanted to have the sewer and water laterals and the storm sewers put in prior to the road being completed. If Council turns them down, there is an as-of-right ability there to have an institutional use such as a school or a university. They took a risk that they were paying for these laterals to go in without knowing whether or not there would be approval for their proposal.

Mr. Card questioned whether there was any proposed changes made to the MPS to take into account their plan, ie., drainage.

Mr. Schaffenburg advised they have to size the lateral. They had to size the water and sewer line but the Municipality insisted that the present owner put the laterals in now because the practicality is they would catch it from everyone if the approvals came in March or April and then they dug up the roadway.

Mr. Schaffenburg stated that it is a Council decision. The outcome is not guaranteed until the end of the public hearing. It is not pre-determined. There is a clear process with clear input at stages from the public. We forced Petro-Canada to put the laterals in. If they do not get their redesignation/ rezoning, they have to deal with the property as it is.

Mr. Card questioned whether a traffic study was done as part of this.

Mr. Schaffenburg responded yes. As part of that meeting, they determined how many driveway accesses would be permitted either through the rezoning process or as-of-right.

Mr. Card questioned whether the two access points would be approved if the site continues to be used for institutional purposes.

Mr. Schaffenburg responded that under the ordinance which governs driveway access, he did not think they could deny them less than two access points because they have access on two public streets.

Mr. Card questioned whether any consideration is given when making a rezoning request for a gas station, to whether there is another gas station within a certain proximity. Mr. Schaffenburg responded no.

Mr. Schaffenburg advised that we look at whether the site is appropriate for commercial. The proposed zone would allow a restaurant or a video store. We would be looking at whether the use is appropriate. Sometimes the scale matters. In terms of the market, if Petro-Canada wants to build five stations in the immediate area, that is not something we get into.

Mr. Cantwell commented the number of gas stations is shrinking. You cannot make money selling gas any more. The smaller station are slowly getting phased out and getting supersized.

Councillor Elect Patrick Murphy arrived.

Mr. Cantwell noted there were a lot of comments made in terms of the traffic. Councillor Elect Patrick Murphy commented the intersection has changed three times. He asked Mr. Card how he felt about it.

Mr. Card indicated he lived on Cork Street so the traffic got moved over a bit from his street. It has made it smoother for him to get through. It is probably as good as it can be at this time. He was concerned that the proposal would only complicate things. He was also concerned about the land use in the area, particularly since he suspected at some point that DND would sell the rest of their land.

The meeting adjourned at approximately 8:20 p.m.