



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

Item No. 5.1.2
Halifax and West Community Council
August 26, 2020 Notice of Motion
September 24, 2020 Public Hearing

TO: Chair and Members of Halifax and West Community Council
Original Signed

SUBMITTED BY: _____
Steve Higgins, A/Director of Planning and Development

DATE: August 19, 2020

SUBJECT: **Case # 22051: Development Agreement for a service station at 1656 Prospect Road, Hatchet Lake**

ORIGIN

Application by Sunrose Land Use Consulting

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give Notice of Motion to consider the proposed development agreement, as set out in Attachment A of this report, to enable a service station with an accessory convenience store and drive-through restaurant at 1656 Prospect Road, Hatchet Lake, and schedule a public hearing;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of this report; and
3. Require the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

Sunrose Land Use Consulting, on behalf of Hatchet Lake Plaza Ltd., has applied for a development agreement to permit a service station (with an associated convenience store and take-out/drive-through restaurant) at 1656 Prospect Road, Hatchet Lake. A service station is not permitted within the existing Light Industry (I-1) Zone, however it can be considered by development agreement under policies RB-10 and IM-11 of the Municipal Planning Strategy (MPS) for Planning District 4 (Prospect). The proposed development includes the subdivision of the existing lot to create a separate lot for the proposed service station.

Subject Site	1656 Prospect Road (a portion of PID 40713844 on Highway 333)
Location	East side of Prospect Road, between the communities of Goodwood and Hatchet Lake
Regional Plan Designation	Rural Commuter
Community Plan Designation (Map 1)	Residential B under the Municipal Planning Strategy for Planning District 4 (Prospect)
Zoning (Map 2)	I-1 (Light Industry) Zone under the Land Use By-law (LUB) for Planning District 4 (Prospect)
Size of Site	<i>Existing lot size:</i> 4.05 hectares (10 acres) <i>Proposed lot size:</i> 2.02 hectares (5 acres)
Street Frontage	<i>Existing lot frontage:</i> 147 meters (482 ft) along Prospect Road <i>Proposed lot frontage:</i> 73 meters (240 feet) along Prospect Road
Current Land Use(s)	Vacant land except for a small vacant building
Surrounding Use(s)	Residential uses to the southwest (70 meters) and northeast (360 metres) Adjacent northeastern parcel: vacant with large wetland Adjacent southwestern parcel: vacant

Proposal Details

The applicant proposes to enter into a development agreement to permit a service station which includes a convenience store, and take-out / drive-through restaurant. Map 3 shows the proposed site plan for the development. The major aspects of the proposal are as follows:

- A four (4) fuel pump gas bar and canopy located at the front of the site; and
- A single storey, main building divided into two leasehold spaces totalling 301 square metres (3,240 square feet) including a convenience store and a take-out/drive-through restaurant.

Other features of the proposed development include:

- A single vehicle access point to the site;
- A fuel truck turning lane;
- A vehicle queuing area for the drive-through restaurant;
- Parking areas and provision for on-site pedestrian circulation;
- Landscaping along the street frontage; and
- A 4.6 metre (15 foot) vegetated buffer to the adjacent vacant residential and large wetland.

Enabling Policy and LUB Context

The subject site is situated within the Planning District 4 (Prospect) Plan Area and designated Residential B. Within this designation, the MPS recognizes that general commercial uses and service stations may be suitably located along Prospect Road with minimal impact on the surrounding community. The MPS acknowledges that these uses provide a necessary service to the existing community, as well as support the tourist industry, but may have a greater impact on the surrounding community in terms of traffic, groundwater draw, noise, litter and aesthetics. To ensure proper integration with the community, the MPS enables the consideration of service stations through the development agreement process.

The subject site is zoned I-1 (Light Industry) Zone which permits a range of industrial uses such as manufacturing, warehouse, research, recycling, transportation depots, contracting storage yards and, in addition, commercial C-2 (General Business) uses such as retail stores, restaurants, medical, financial institutions, and automotive repair outlets. The proposed convenience store and restaurant uses are permitted within the applied I-1 Zone, however, service stations may only be considered in accordance with Policy RB-10 through the development agreement process. In addition to Policy RB-10, the application is subject to the general policy evaluation criteria as contained in Policy IM-11, which is applicable to all discretionary planning approvals under the MPS. Attachment B of this report contains the policies and criteria by which Council may consider this proposal.

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 providing information and seeking comment through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area (Map 2) and a public information meeting held on February 27, 2019. The public meeting was attended by 22 residents and Attachment C contains a copy of the minutes from the meeting. The public comments received include the following topics:

- the number of service stations (existing and proposed) along Prospect Road;
- runoff and environmental impact on wetland and on existing wells;
- traffic impact; and
- light pollution.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact the following stakeholders: residents, property owners, and nearby business owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Proposed Development Agreement

The proposed development agreement, Attachment A, addresses the following matters:

- The placement, gross floor area, and height of the proposed building, in addition to its permitted uses;
- Vehicle access, parking, and circulation;
- Landscaping and buffering;
- Lighting and signage; and
- Non-substantive amendments including:
 - the granting of an extension to the date of commencement of development; and
 - the length of time for the completion of the development.

Staff has reviewed the proposal relative to all relevant policies and have drafted a proposed development agreement consistent with the MPS. While the proposed development agreement is consistent with the

intent of the MPS, staff has highlighted the following for specific discussion:

Compatibility with Nearby Residential Development

MPS policy calls for the consideration of the compatibility of architectural design and scale of new buildings relative to nearby land uses. MPS policy also directs consideration be given to maintenance of an adequate separation distance from low density residential development. There are vacant lots adjacent to the subject site however, there are residential units beyond these vacant lots. The nearest residential building to the southwest is located approximately 70 metres away, and the residential building to the northeast is approximately 360 metres away. Given the proximity of these residential uses, the proposed development agreement (Attachment A) requires several measures to limit the impact of the development on these residential areas:

- a pitched roof,
- detailing in the façade;
- equipment screening;
- landscaping along Prospect Road and along the northeast property line; and
- specifications around lighting requirements.

Architecture

Although the subject property is located in a mostly undeveloped stretch of Prospect Road, structures with pitched roof forms and roof articulation are commonly found along Prospect Road. To recognize this common design approach, the proposed development agreement requires the commercial building to be constructed with pitched roof form and roof articulation. With respect to building scale, the proposed development agreement requires development to be distributed within one main building with a limited overall gross floor area of 418 m² (4500 ft²).

Visual and Light Intrusion

Lighting will be directed to driveways, parking areas, loading areas, building entrances and walkways, and away from streets, adjacent lots and buildings. In addition, no portion of pump island canopy will have backlighting, but the canopy may be used as an anchor to direct light immediately beneath the canopy.

Impact on Natural Environment

Wetland Protection

Policy requires consideration be given to the potential impact of the proposed development on the natural environment, and in particular the impact on wetlands. The applicant has provided a Wetland Delineation Report with an update submitted on June 25, 2019. The report identified a large wetland on the adjacent property northeast of the subject property. The report also acknowledges no observation of a wetland within the project footprint. Since there is no identified contiguous watercourse within this wetland, a 20 metre (65.6 feet) buffer from the adjacent wetland is not required.

As stated in the Wetland Report, the wetland northeast of the proposed development is extensive and well established. As a result, plants within the wetland have had ample time to adjust, enhancing their ability to degrade any contaminants leaching from the roadway (metals, petroleum hydrocarbons, PAHs, etc.). Section 26.4 of the Land Use Bylaw requires a 15 foot (4.6 meter) landscaped barrier along the side yard of commercial uses abutting residential uses or a vacant lot. This landscaped buffer can provide a visual barrier, but it can also reduce the potential indirect impacts to the wetland. The site plan attached to the proposed development agreement (Schedule B of Attachment A) shows the 15-foot (4.6 m) buffer along the northeastern property boundary. This vegetated buffer will not only provide a visual barrier but allow for capture of site run-off and general filtering capacity prior to any potential release into the adjacent wetland habitat.

Traffic Generation and Pedestrian Circulation

Site Access

A Traffic Impact Study (TIS) was submitted in support of this application due to the specific uses being proposed and the traffic volumes along Prospect Road (Route 333). The TIS asserts that the majority of traffic using the proposed development will be traffic already using the Prospect Road (pass-by trips) and that the proposed development is not expected to cause any operational difficulties on Prospect Road. This portion of Prospect Road is owned and maintained by the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) who have participated in the review of this application and accepted the findings.

In addition to a TIS, a road access design and truck turning template was submitted by the applicant. The proposed development will have one access point on Prospect Road as shown on Schedule B of Attachment A. The current access design onto the site will be upgraded to serve the proposed development. NSTIR has reviewed the proposal and advised that the access to the site and Prospect Road will need to be widened to accommodate dedicated turning lanes. The access design and trucking turning template have been reviewed by the NSTIR and have also been deemed suitable. Further detailed access design requirements will be reviewed prior to municipal building permits and provincial right-of way permits.

Pedestrian Circulation

With respect to pedestrian circulation, the proposed use being an auto-centric land use is not anticipated to generate material volumes of pedestrian traffic. However, Sections 3.6.4 and 3.6.5 of the proposed development agreement require a signed dedicated pedestrian walkway from the proposed building to the adjacent site that has a building permit for an as-of right commercial plaza. Where the required walkway crosses the queuing lane for the drive-through restaurant, signage and pavement markings are required to reduce pedestrian-vehicular conflict.

Proximity to other service stations in the area

Throughout this Planning Application process the public has expressed concern with the number of existing and proposed service stations along the Prospect Road. It is important to note that MPS does not contain any policies which would allow the number of service stations in the area be a reason for refusing the request. For information, there are two other existing service stations along Prospect Road. A third proposal adjacent to 1300 Prospect Road recently held a public hearing at Community Council for a time extension for its development agreement. The most recently built gas station is at 180 Prospect Road at the Exhibition Park. This development is almost 6km from the subject site. The other more established service station on Prospect Road is within 4.5 km or a 5-minute drive from the proposed site. The applicant is fully aware of these service stations, yet through market analysis the applicant has determined there is still enough business from residents and tourists along Prospect Road that warrant another service station. However, to allow flexibility for the applicant, should the service station proposal not be developed, the development agreement will allow the as-of right uses permitted in the underlying I-1 (Light Industry) Zone.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria for a development agreement for a service station and advise that it is reasonably consistent with the intent of the MPS (Attachment B). The development includes architectural features to reinforce the character of the area, controlled site access and vehicular and pedestrian provisions to promote efficient on-site circulation, and landscaped buffering to provide wetland protection and a visual barrier. Therefore, staff recommend that the Halifax and West Community Council approve the proposed development agreement as set out in Attachment A.

FINANCIAL IMPLICATIONS

There are no financial implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the development agreement can be carried out within the approved 2020-2021 operating budget of Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or a public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

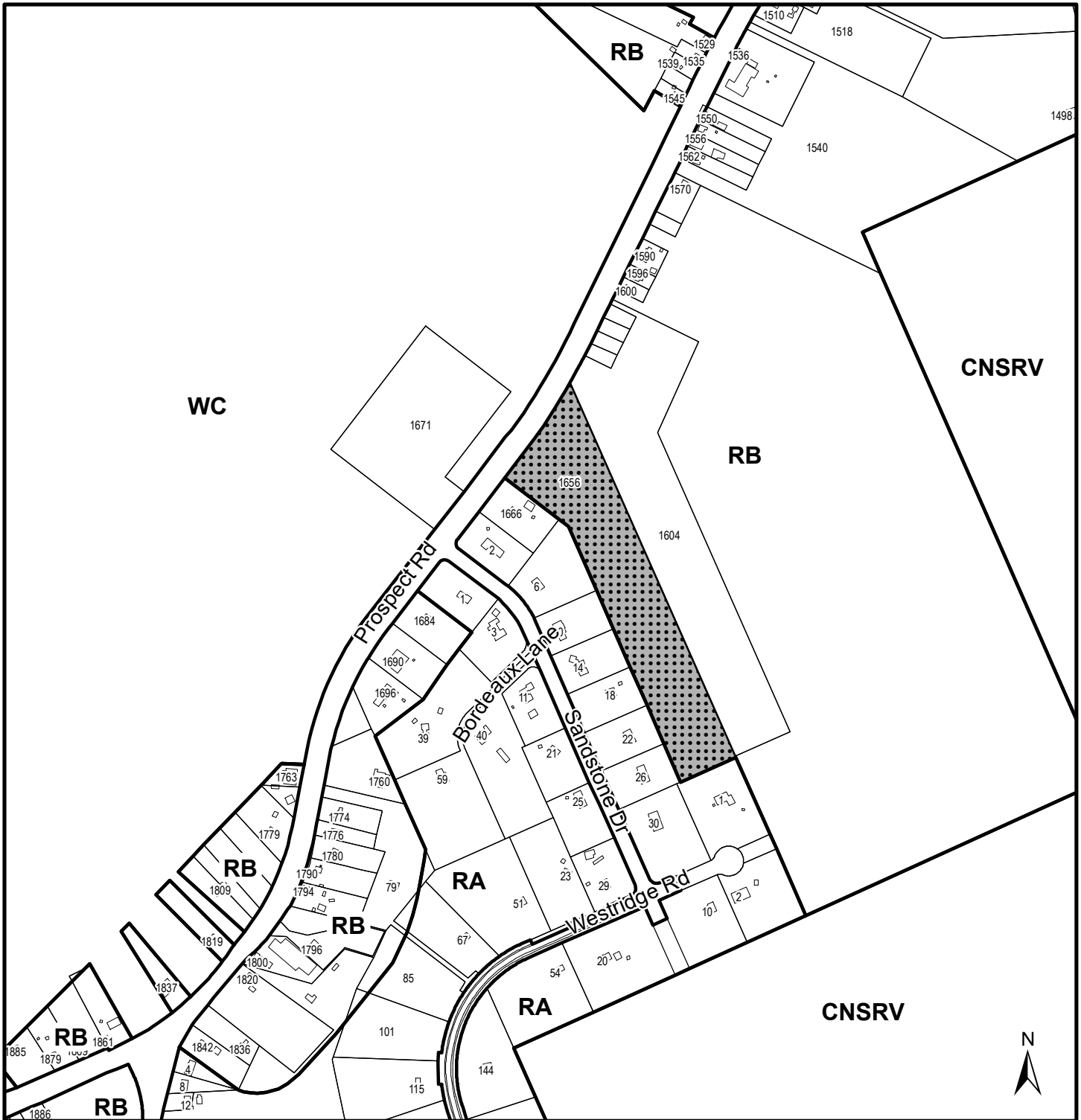
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification
Map 3:	Site Plan
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Policies from the Municipal Planning Strategy for Planning District 4
Attachment C	Public Information Meeting – Summary

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maria Jacobs, Planner II, Current Planning, 902.490.4911

Report Approved by: Carl Purvis, Planning Applications Program Manager, 902.490.4797



Map 1 - Generalized Future Land Use

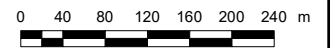
1656 Prospect Road,
Hatchet Lake

HALIFAX

 Subject Property

Designation

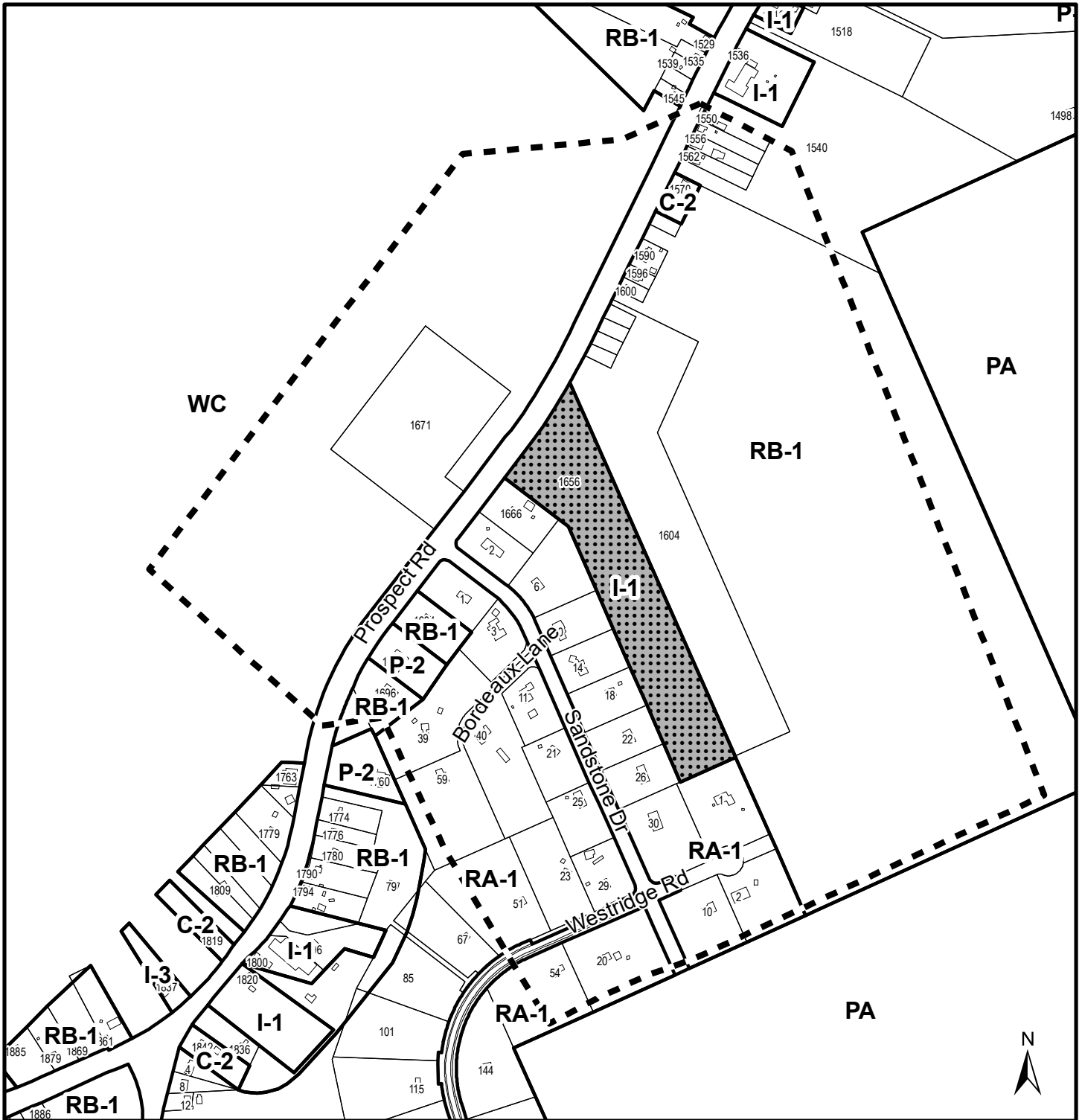
- RA Residential A
- RB Residential B
- CNSRV Conservation
- WC Western Common



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



The accuracy of any representation on this plan is not guaranteed.

Planning District 4
(Prospect) Plan Area



Map 2 - Zoning and Notification

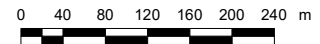
1656 Prospect Road,
Hatchet Lake

-  Subject Property
-  Area of Notification

Planning District 4
(Prospect) Plan Area

Zone	
RA-1	Residential A-1
RB-1	Residential B-1
C-2	General Business
I-1	Light Industry
I-3	Local Service
P-2	Community Facility
PA	Protected Area
WC	Western Common

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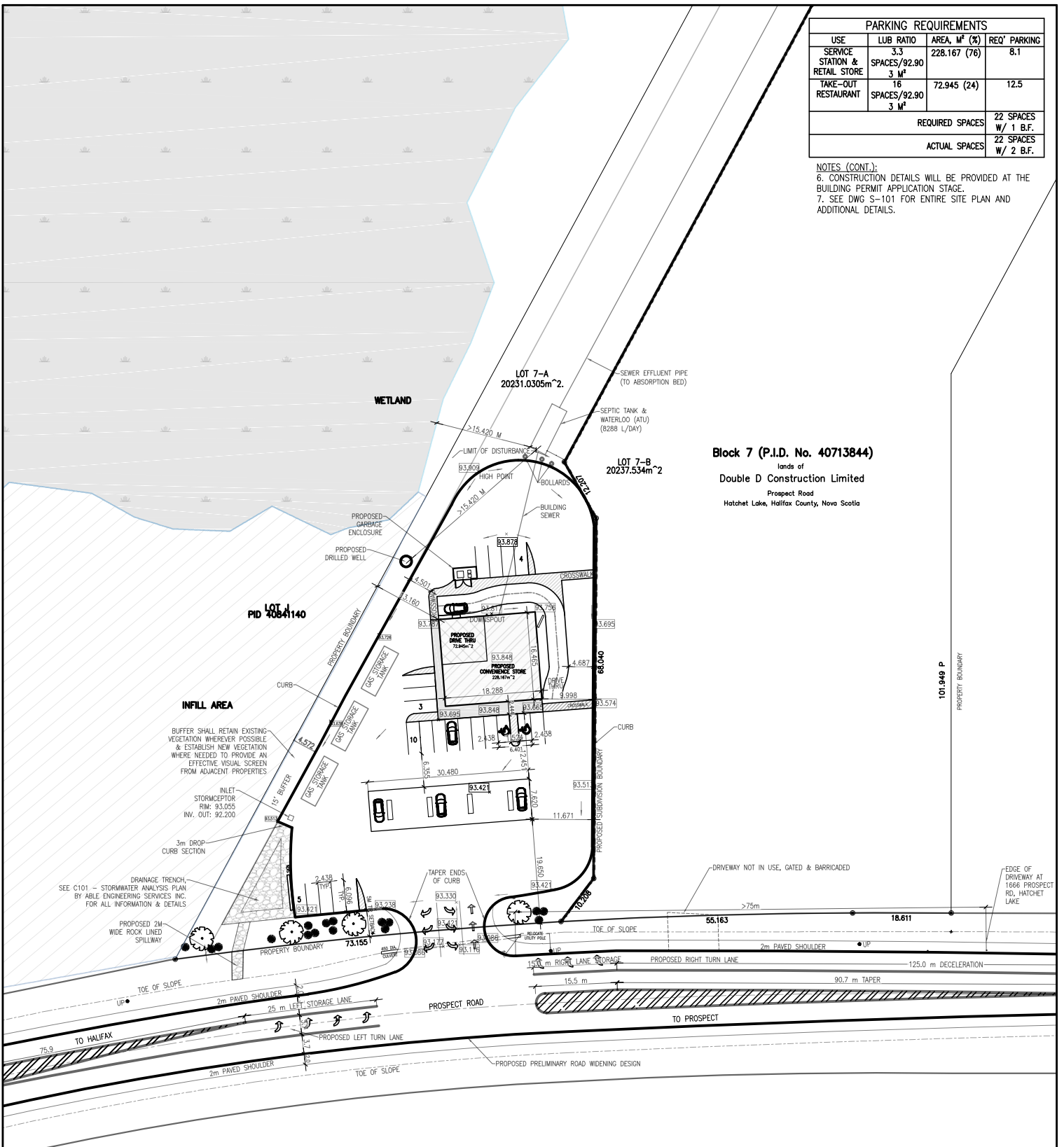
This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Map 3: Site Plan

PARKING REQUIREMENTS			
USE	LUB RATIO	AREA, M ² (%)	REQ' PARKING
SERVICE STATION & RETAIL STORE	3.3	228.167 (76)	8.1
	SPACES/92.90		
TAKE-OUT RESTAURANT	16	72.945 (24)	12.5
	SPACES/92.90		
REQUIRED SPACES			22 SPACES W/ 1 B.F.
ACTUAL SPACES			22 SPACES W/ 2 B.F.

NOTES (CONT.):
 6. CONSTRUCTION DETAILS WILL BE PROVIDED AT THE BUILDING PERMIT APPLICATION STAGE.
 7. SEE DWG S-101 FOR ENTIRE SITE PLAN AND ADDITIONAL DETAILS.



Block 7 (P.I.D. No. 40713844)
 lands of
Double D Construction Limited
 Prospect Road
 Hatchet Lake, Halifax County, Nova Scotia

NOTES:
 1. DRAWING IS FOR DEVELOPMENT AGREEMENT ONLY. DRAWINGS ISSUED FOR CONSTRUCTION MUST BE PROVIDED AND APPROVED TO ALL REQUIRED DEPARTMENTS PRIOR TO CONSTRUCTION.
 2. ALL WORK/CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES & REGULATIONS.
 2. ALL SITE CONDITIONS & DIMENSIONS TO BE CONFIRMED ONSITE BY CONTRACTOR. ANY DISCREPANCIES TO BE REPORTED TO ENGINEER & RECTIFIED PRIOR TO PROCEEDING.
 3. GRADES TO BE DETERMINED ONSITE BY PROJECT MANAGER & IN COMPLIANCE WITH CURRENT LOT GRADING BYLAWS, CODES & REGULATIONS.
 4. DRAWINGS ARE THE INTELLECTUAL PROPERTY OF SHERWOOD ENTERPRISES AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN CONSENT FROM OWNER.
 5. DRAWINGS INVALID FOR DEVELOPMENT AGREEMENT UNLESS STAMPED & SIGNED BY ENGINEER.

OWNER:
CYGNET PROPERTIES LIMITED

CONSULTANT:
 Sherwood Enterprises Inc.
 38 Dillon Cres
 Halifax, NS B3M 4A8
 (902) 443-3020
 sherwoodinc@eastlink.ca

STAMP:

REVISIONS		
NO	DESCRIPTION	BY DATE
1	ISSUED FOR REVIEW	
2	ISSUED FOR DEV. PERMIT	JW JUNE 19/20
3	REVISED	
4	REVISED	
5	ISSUED FOR BUILDING PERMIT	
6	ISSUED FOR CONSTRUCTION	

TITLE:
**PROPOSED GAS STATION
 1656 PROSPECT RD, HATCHET LAKE, NS**

DRAWING:
MAP 3 SITE PLAN

DRAWING NO.:
S-102

DRAWN BY:
 J. WHITE

SCALE:
 1:1000 METRIC

DATE:
 2020-06-19

**Attachment A
Proposed Development Agreement**

THIS DEVELOPMENT AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

Property owner name to be inserted when executed

A body corporate, in the Halifax Regional Municipality in the Province of Nova Scotia (hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia (hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 1656 Prospect Road, Hatchet Lake PID **XXXXXX** (to be inserted when parcel is created) and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a development agreement to allow for a service station with accompanying take out/drive-through restaurant and convenience store on the lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policies RB-10 and IM-11 of the Planning District 4 of the Municipal Planning Strategy and Section 3.16 (b)(v) of the Planning District 4 Land Use By-law;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 22051.

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

- 1.1.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

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

- 1.2.1 Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Planning District 4 and the Regional Subdivision By-law, as may be amended from time to time.
- 1.2.2 Variances to the requirements of the Land Use By-law for Planning District 4 shall not be permitted for the land use described in Section 3.3.1 (a) of this Agreement.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

- 1.5.1 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

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

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

- 2.1.2 All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

- 3.1.1 The Developer shall develop and use the Lands in a manner, which, in the opinion of the Development Officer, generally conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 22051:

Schedule A	Legal Description of the Lands
Schedule B	Site Plan - Entire Property
Schedule C	Detailed Site Plan
Schedule D	Preliminary Stormwater Management Plan

3.2 Requirements Prior to Approval

- 3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall consider appropriate stormwater management throughout the construction and in the final design by providing the following to the Development Officer:
- (a) A Site Disturbance Plan prepared by a Professional Engineer in accordance with this Agreement;
 - (b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with this Agreement; and
 - (c) A detailed Stormwater Management Plan prepared by a Professional Engineer in accordance with this Agreement.
- 3.2.2 Prior to the issuance of a Development Permit on the Lands, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer as per the terms of this Agreement:
- (a) Nova Scotia Department of Transportation and Infrastructure approval of the site access in accordance with this Agreement;
 - (b) Nova Scotia Department of Transportation and Infrastructure approval of the Stormwater Management Plan in accordance with this Agreement;
 - (c) Nova Scotia Environment approval of on-site sewage treatment facilities in accordance with this Agreement;
 - (d) A detailed Landscape Plan prepared by a Landscape Architect in accordance with this Agreement; and
 - (e) Lighting in accordance with this Agreement.
- 3.2.3 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer:

- (a) Certification from a member in good standing of the Canadian Society of Landscape Architects indicating that the Developer has complied with the landscaping provisions of this Agreement, or the posting of security in accordance with this Agreement; and
- (b) Confirmation from Nova Scotia Transportation and Infrastructure Renewal of the completion of the required upgrades to Prospect Road Right of Way in accordance with this Agreement including any drainage trench structures.

3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-law (except to the extent that the provisions of the Land Use By-law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The uses(s) of the Lands permitted by this Agreement are a Service Station containing a maximum of four (4) fuel pumps with associated pump island canopy, and a Convenience Store and Drive-in Restaurant.

3.3.2 Notwithstanding 3.3.1, the developer may use the property for any use permitted by the land use by-law, in accordance with the provision of the underlying I-1 zone.

3.4 Detailed Provisions for Land Use

3.4.1 The Service Station with a Convenience Store and Drive-in Restaurant shall be as generally shown on Schedule C.

3.4.2 No more than four (4) fuel pumps that can provide fuel for a total of eight (8) vehicles at one time shall be permitted on the lot.

3.4.3 No portion of any pump island, including a pump island canopy, shall be located closer than 6.1 m (20 ft) from any street line.

3.4.4 No more than one (1) drive-through window for the Drive-in Restaurant shall be permitted on the lot and not located on any facade facing a public street.

3.4.5 The queuing area for the drive-through windows of the restaurant are located as generally shown on Schedule C and are not located between a building and the public street, and where visible from the public street, screening through a fence and or landscape buffer is provided.

3.4.6 The gross floor area of the main building shall be as generally shown on Schedule C and shall not exceed the maximum floor area of 418 square metres (4,500 square feet).

3.4.7 The maximum height of any building used for the purpose of the Service Station shall be in accordance with the requirement of C-2 General Business Zone of the applicable Land Use By-law as amended from time to time.

3.5 Architectural Requirements

3.5.1 The exterior design of the main building associated with the Service Station shall include no less than three (3) of the following architectural elements:

- (a) recesses/projections;

- (b) cornices and parapets;
 - (c) peaked roof forms;
 - (d) overhangs;
 - (e) architectural details such as tile or stone work, and decorative moldings; or
 - (f) any other similar architectural treatment deemed to be an acceptable equivalent.
- 3.5.2 The predominant roof slope shall be pitched with a minimum slope of approximately 2/12. The structure shall be articulated with a roof design that incorporates features such as dormers, parapets, peak roof forms, or other architectural treatment considered to be acceptable.
- 3.5.3 Building materials shall not include vinyl siding.
- 3.5.4 All vents, down spouts, flashing, electrical conduits, meters, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate, these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.

3.6 Parking, Circulation and Access

- 3.6.1 Vehicle parking shall be provided as generally shown on Schedule C and shall have a hard-finished surface such as asphalt, concrete, interlocking precast paver stones, or an acceptable equivalent in the opinion of the Development Officer.
- 3.6.2 Parking spaces shall be located as generally shown on Schedule C, however the parking spaces may be reallocated at the time of permits if required for improving vehicle circulation. At least two parking spaces must be allocated as accessible parking spaces.
- 3.6.3 Parking spaces, stop bars, pedestrian circulation (walkways and on-site crosswalks) and access shall be generally as shown on Schedule C.
- 3.6.4 A designated pedestrian pathway connecting the main building on the subject land to the adjacent lot to the south east as shown on Schedule B. The designated pedestrian walkway shall have a finished hard surface such as poured in place concrete, interlocking paving stones, or an acceptable equivalent in the opinion of the Development Officer. On-site crosswalks associated with the designated pedestrian pathway are shown as dashed lines on Schedule C and shall be demarcated with signs and pavement markings. The on-site crosswalks may be finished with an alternative hard surface, such as asphalt.
- 3.6.5 In consultation with NSTIR and the Municipal Engineer, the Development Officer may vary the requirements of the design, orientation, and size of the vehicle access and egress points.

3.7 Landscaping

- 3.7.1 Prior to the issuance of a Development Permit, the Developer agrees to provide a detailed Landscape Plan which shall provide details of the landscaped areas shown on Schedule C along Prospect Road. The Developer may provide additional plantings and landscaping features than shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect, who shall be a member in good standing with the Canadian Society of Landscape Architects, and comply with all provisions of this section.
- 3.7.2 Landscaping required by Section 3.7.1 shall include the following:
- (a) a 4.6 metre (15 feet) wide landscaping strip along the public street frontage, exclusive of driveways. The landscape strip shall be sodded and include a minimum of one (1) tree

(minimum of 60 mm caliper) and three (3) shrubs per 7.6 metres (25 feet) of street frontage. The incorporation of trees and shrubs into the landscaped strip may be provided in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 7.6 metres (25 feet) of street frontage.

- (b) Notwithstanding Section 3.7.2(a), existing trees may be substituted where trees and shrubs are required; and
 - (c) All other landscaped areas shall be grassed, or alternatively, natural ground covers such as water features, stone (washed or flat), mulch, perennials, and annuals may be utilized.
 - (d) As required by Section 26.4 of the Planning District 4 LUB, an effective 4.6 metre (15 feet) landscaped barrier is required along the northeast property line. This buffer as shown on Schedule C is to provide a visible and environmental barrier between the commercial use of the subject lands and the adjacent vacant residential property and the wetland. This buffer may consist of either existing vegetation, newly established vegetation or a combination of both. The following species are recommended for consideration: Speckled Alder, Red Maple, Red Elderberry, Pin Cherry, Willow, Balsam Fir and Grey Birch.
- 3.7.3 Planting details for each type of plant material proposed on the detailed Landscape Plan shall be provided, including a species list with quantities, size of material, and common and botanical names (species and variety).
- 3.7.4 Plant material shall be primarily comprised of native species and conform to the Canadian Nursery Trades Association's Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.
- 3.7.5 Construction Details for all tree protection hoarding, benches, light standards and luminaries, trash receptacles, bike racks, tree grates and guards, planter seating wall, wood arbour, outdoor garbage enclosure, railings, and fencing shall be provided to the Development Officer with the Landscape Plan.
- 3.7.6 Prior to issuance of the first Occupancy Permit the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.
- 3.7.7 Notwithstanding Section 3.7.6, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.8 Signs

- 3.8.1 Signage shall be subject to the requirements of the applicable Land Use By-law and the following additional requirements:
- (a) A pump island canopy associated with a Service Station may include one (1) sign, provided the sign is not backlit and no larger than thirty (30) square feet.

- (b) Signage associated with vehicle circulation and drive-through is permitted as per the Land Use By-law.

3.9 Solid Waste Facilities

- 3.9.1 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street. Further consideration shall be given to locating all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls or suitable landscaping.
- 3.9.2 Notwithstanding Section 3.9.1 of this Agreement, small waste receptacles are permitted throughout the development and are to be considered as part of the landscaping for the development.

3.10 Screening

- 3.10.1 Propane tanks, and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from the public street. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing, masonry walls or suitable landscaping.
- 3.10.2 Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall be screened (visually) from the public street and adjacent properties. The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

3.11 Outdoor Lighting

- 3.11.1 Outdoor lighting shall be subject to the requirements of the Land Use By-law for Planning District 4 and the following additional requirements:
 - (a) Lighting on the Lands shall be sufficient to promote the safety and security of all users;
 - (b) Lighting shall be directed to driveways, parking areas, loading areas, building entrances and walkways, and shall be arranged so as to divert the light away from streets, adjacent lots and buildings;
 - (c) No portion of pump island canopy shall be backlit. Notwithstanding, a pump island canopy may be used as an anchor to direct light immediately beneath the canopy;
 - (d) Freestanding security lighting shall not exceed 5.5 metres (18 feet) in height; and
 - (e) All exterior lighting shall be directed downward, with luminaries shielded to prevent unnecessary glare.

3.12 Temporary Construction Structure

- 3.12.1 A temporary structure shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction of the development in accordance with this Agreement. The temporary structure shall be located no less than ten (10) feet from any watercourse buffer required by the Land Use By-law and shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

3.13 Maintenance

- 3.13.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, parking areas and driveways, drainage trenches and the maintenance of all landscaping including the

replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting or sanding of paved walkways and driveways.

PART 4: STREETS AND SERVICES

4.1 General Provisions

4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineering prior to undertaking the work.

4.2. Off-Site Disturbance

4.2.1 Prior to the issuance of a Building Permit, the Developer agrees to provide to the Development Officer a "Work Within Highway Right-of-Way Permit" approved by Nova Scotia Transportation and Infrastructure Renewal. Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, turning lanes, street trees, landscaped areas and utilities, drainage trenches shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by Nova Scotia Transportation and Infrastructure Renewal.

4.3 On-Site Sewage System

4.3.1 The Lands shall be serviced through privately owned and operated on-site sewage disposal systems and treatment facilities. The Developer agrees to have prepared by a qualified professional and submitted to the Municipality and Nova Scotia Environment, a design for all private sewage disposal system(s). In accordance with Section 3.2.2(c), no Development Permit shall be issued prior to the Development Officer receiving a copy of all permits, licences, and approvals required by Nova Scotia Environment respecting the design, installation, construction of the on-site sewage system.

4.4 On-Site Water System

4.4.1 The Lands shall be serviced through a privately owned and operated on-site water distribution system.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

5.1.1 Prior to the commencement of any site work on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and

- interim stormwater management measures to be put in place prior to and during construction; and
- (c) Submit to the Development Officer a detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer.
- 5.1.2 The Developer agrees to construct, at their own expense, the Stormwater Management System as generally shown on Schedule D, the preliminary Stormwater Management Plan for the development which conforms to the design submitted to the Development Officer and reviewed by the Nova Scotia Transportation and Infrastructure Renewal. The Developer shall provide certification from a Professional Engineer that the system, or any phase thereof, has been constructed in accordance with the approved design.
- 5.1.3 The Developer agrees, at its own expense, to maintain in good order all stormwater facilities on the Lands.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

- 6.1.1 The following items are considered by both parties to be non-substantive and may be amended by resolution of Council.
- (a) Changes to the location of the landscaped areas which, in the opinion of the Development Officer, do not conform with Schedule C or Section 3.7 of this Agreement;
 - (b) Changes to the exterior design of the main buildings as detailed in Section 3.5.1;
 - (c) Minor expansions to the main buildings not exceeding ten per cent (10%) of the gross floor area of the building permitted by this Agreement;
 - (d) Changes to the requirements related to signage as identified in Section 3.8 of this Agreement;
 - (e) The granting of an extension to the date of commencement of development as identified in Section 7.3 of this Agreement; and
 - (f) The length of time for the completion of the development as identified in Section 7.4 of this Agreement.

6.2 Substantive Amendments

- 6.2.1 Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia, and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.

7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

7.3.1 In the event that development on the Lands has not commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Lands shall conform with the provisions of the Land Use By-law.

7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Building Permit.

7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

7.4.1 If the Developer fails to complete the development after seven (7) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement.
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant the Municipal Planning Strategy and Land Use By-law for Planning District 4, as may be amended from time to time.

7.4.2 For the purpose of this section, completion of development shall mean the issuance of the first Occupancy Permit.

7.4.3 For the purpose of this section, Council may consider granting an extension of the completion of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the completion of development time period.

7.5 Discharge of Agreement

7.5.1 Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

8.1.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer

agrees to allow for such an inspection during any reasonable hour within twenty-four hours of receiving such a request.

8.2 Failure to Comply

8.2.1 If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer thirty (30) days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or,
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

[Insert Name]

Per: _____

Witness

HALIFAX REGIONAL MUNICIPALITY

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK

Witness

PARKING REQUIREMENTS			
USE	LOT RATIO	AREA, M ² (SQ)	REQ'D PARKING
SERVICE STATION & RETAIL STORE	0.3	228,167 (79)	8.1
TAKE-OUT RESTAURANT	16	72,945 (24)	12.5
		SPACES/92.90	
		SPACES/92.90	
		SPACES/92.90	
		REQUIRED SPACES	22 SPACES
		W/ 1 B.F.	
		ACTUAL SPACES	22 SPACES
		W/ 2 B.F.	

NOTES (CON'T):
 6. CONSTRUCTION DETAILS WILL BE PROVIDED AT THE BUILDING PERMIT APPLICATION STAGE.
 7. SEE DWG S-101 FOR ENTIRE SITE PLAN AND ADDITIONAL DETAILS.



SITE PLAN OF SHOWING ENTIRE PROPERTY BOUNDARIES
 SCALE: 1:1000

NOTES:
 1. DRAWING IS FOR DEVELOPMENT AGREEMENT ONLY. DRAWINGS ISSUED FOR CONSTRUCTION MUST BE PROVIDED AND APPROVED TO ALL REQUIRED DEPARTMENTS PRIOR TO CONSTRUCTION.
 2. ALL WORK/CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES & REGULATIONS.
 3. ALL SITE CONDITIONS & DIMENSIONS TO BE CONFIRMED ON-SITE BY CONTRACTOR. ANY DISCREPANCIES TO BE REPORTED TO ENGINEER & RECTIFIED PRIOR TO PROCEEDING.
 4. GRADES TO BE DETERMINED ON-SITE BY PROJECT MANAGER & IN COMPLIANCE WITH CURRENT LOT GRADING BYLAWS, CODES & REGULATIONS.
 5. DRAWINGS ARE THE INTELLECTUAL PROPERTY OF SHERWOOD ENTERPRISES AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN CONSENT FROM OWNER.
 6. DRAWINGS INVALID FOR DEVELOPMENT AGREEMENT UNLESS STAMPED & SIGNED BY ENGINEER.

CONSULTANT:
Sherwood Enterprises Inc.
 38 Dillon Cres
 Halifax, NS B3M 4A8
 (902) 443-3020
 sherwoodinc@eastlink.ca



OWNER:
CYGNET PROPERTIES LIMITED

REVISIONS	NO.	DESCRIPTION	BY	DATE
1	ISSUED FOR REVIEW		JW	JULY 18/19
2	ISSUED FOR REVIEW		JW	AUG 19/19
3	ISSUED FOR REVIEW		JW	AUG 19/19
4	ISSUED FOR CONSTRUCTION			

TITLE:
PROPOSED GAS STATION
 1656 PROSPECT RD, HATCHET LAKE, NS

DRAWING:
SCHEDULE B
 SITE PLAN - ENTIRE PROPERTY

DRAWING NO.: **S-101**

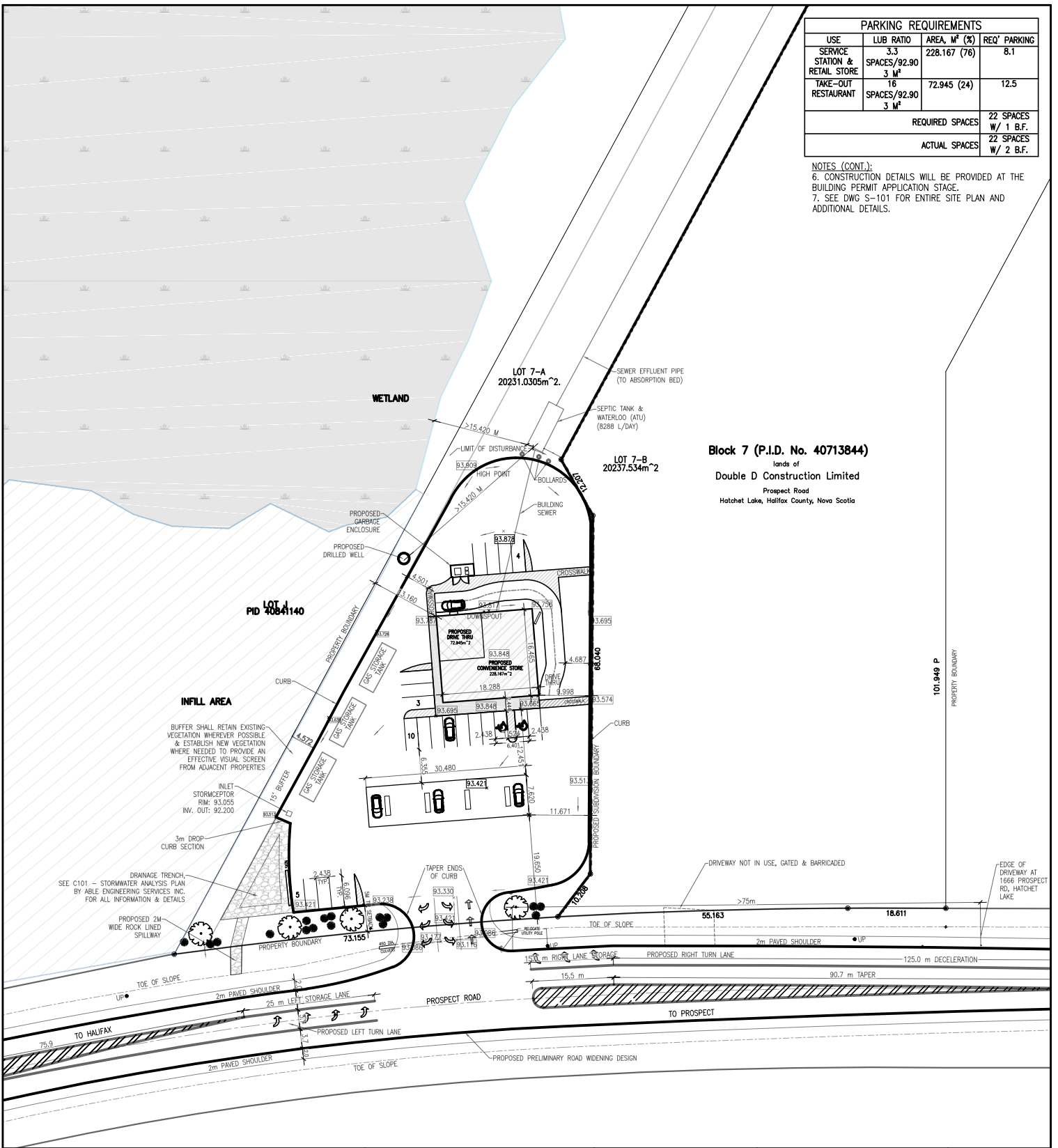
DRAWN BY: **J. WHITE**

SCALE: **1:500 METRIC**

DATE: **2019-07-19**

PARKING REQUIREMENTS			
USE	LUB RATIO	AREA, M ² (%)	REQ' PARKING
SERVICE STATION & RETAIL STORE	3.3	228.167 (76)	8.1
TAKE-OUT RESTAURANT	16	72.945 (24)	12.5
	SPACES/92.90		
	3 M ²		
REQUIRED SPACES			22 SPACES
ACTUAL SPACES			W/ 1 B.F.
			22 SPACES
			W/ 2 B.F.

NOTES (CONT.):
 6. CONSTRUCTION DETAILS WILL BE PROVIDED AT THE BUILDING PERMIT APPLICATION STAGE.
 7. SEE DWG S-101 FOR ENTIRE SITE PLAN AND ADDITIONAL DETAILS.



Block 7 (P.I.D. No. 40713844)
 lands of
Double D Construction Limited
 Prospect Road
 Hatchet Lake, Halifax County, Nova Scotia

NOTES:
 1. DRAWING IS FOR DEVELOPMENT AGREEMENT ONLY. DRAWINGS ISSUED FOR CONSTRUCTION MUST BE PROVIDED AND APPROVED TO ALL REQUIRED DEPARTMENTS PRIOR TO CONSTRUCTION.
 2. ALL WORK/CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT FEDERAL, PROVINCIAL & MUNICIPAL BYLAWS, CODES & REGULATIONS.
 2. ALL SITE CONDITIONS & DIMENSIONS TO BE CONFIRMED ONSITE BY CONTRACTOR. ANY DISCREPANCIES TO BE REPORTED TO ENGINEER & RECTIFIED PRIOR TO PROCEEDING.
 3. GRADES TO BE DETERMINED ONSITE BY PROJECT MANAGER & IN COMPLIANCE WITH CURRENT LOT GRADING BYLAWS, CODES & REGULATIONS.
 4. DRAWINGS ARE THE INTELLECTUAL PROPERTY OF SHERWOOD ENTERPRISES AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT THE WRITTEN CONSENT FROM OWNER.
 5. DRAWINGS INVALID FOR DEVELOPMENT AGREEMENT UNLESS STAMPED & SIGNED BY ENGINEER.

OWNER:
CYGNET PROPERTIES LIMITED

CONSULTANT:
 Sherwood Enterprises Inc.
 38 Dillon Cres
 Halifax, NS B3M 4A8
 (902) 443-3020
 sherwoodinc@eastlink.ca

STAMP:

REVISIONS		
NO	DESCRIPTION	BY DATE
1	ISSUED FOR REVIEW	
2	ISSUED FOR DEV. PERMIT	JW JUNE 19/20
3	REVISED	
4	REVISED	
5	ISSUED FOR BUILDING PERMIT	
6	ISSUED FOR CONSTRUCTION	

TITLE:
**PROPOSED GAS STATION
 1656 PROSPECT RD, HATCHET LAKE, NS**

DRAWING:
**SCHEDULE C
 DETAILED SITE PLAN**

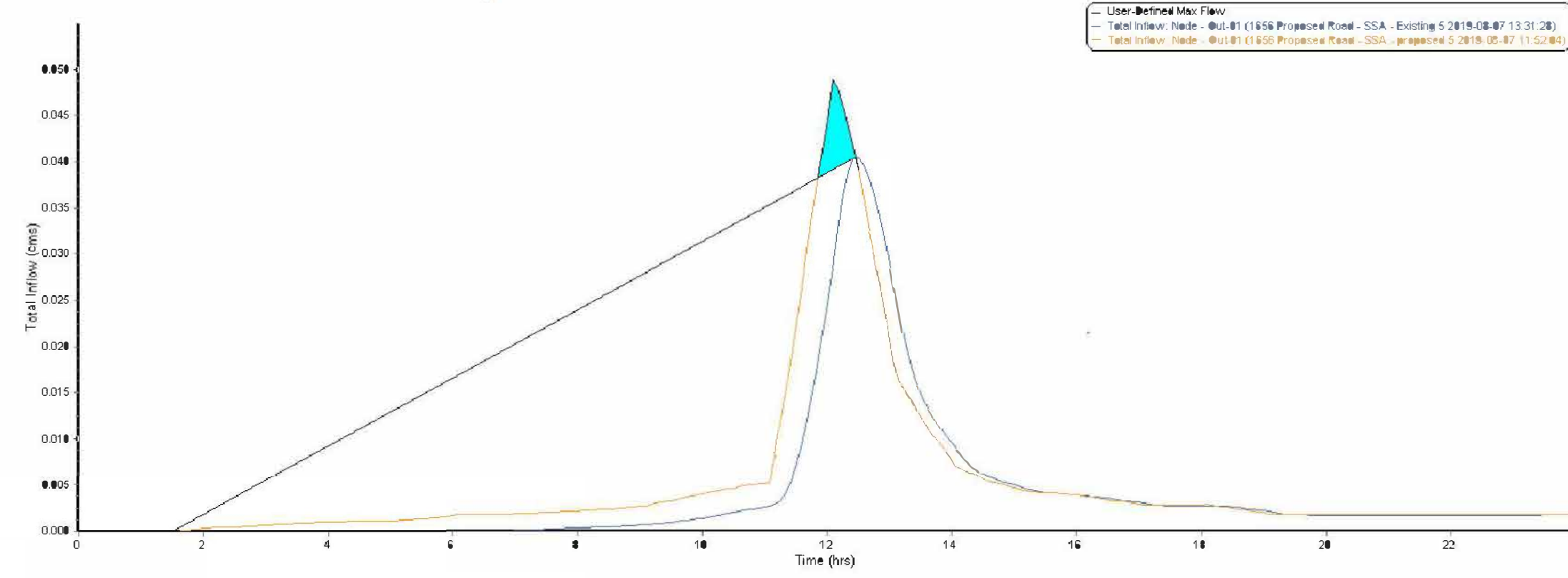
DRAWING NO.:
S-102

DRAWN BY:
 J. WHITE

SCALE:
 1:1000 METRIC

DATE:
 2020-06-19

5 YEAR STORM EVENT HYDROGRAPH COMPARISON



Legend:
 - Existing: 5 Year Storm Event Hydrograph
 - Proposed: 5 Year Storm Event Hydrograph
 - Scale: 1:1000
 - Date: 08/11/18



KEYPLAN

LEGEND

EXISTING		PROPOSED
○	GATE/BUTTERFLY VALVE	○
▽	STREET SIGN	▽
○/○	POWER POLE/LIGHT POLE	○/○
●	CATCHBASIN	●
○	CULVERT	○
158.5	ELEVATION	158.5
○	HYDRANT	○
---	PROPERTY BOUNDARY	---
---	OVERHEAD LINE	---
SA-□-SA	SANITARY MANHOLE & PIPE	SA-□-SA
ST-○-ST	STORM MANHOLE & PIPE	ST-○-ST
WM-○-WM	WATER MAIN	WM-○-WM
○-WM	WATER SERVICE	○-WM
FM-○-FM	FORCE MAIN	FM-○-FM
C-○-C	UNDERGROUND CONDUIT	C-○-C
□	CONCRETE THRUST BLOCK	□
---	CURB AND DRIVEWAY CUT	---
---	SIDEWALK	---
---	STREET LINE	---
→	DRAINAGE DIRECTION	→
→	SWALE FLOW	→
346	CONTOUR LINES	346
GAS	GAS LINE	GAS
○	TREE	○
---	BOTTOM OF SLOPE	---
---	TOP OF SLOPE	---
---	GUARD RAIL	---
---	SILT FENCE	---

- NOTES:
- PLAN IS IN METRIC UNITS OF METERS UNLESS OTHERWISE STATED.
 - PROPERTY BOUNDARIES SHOWN ARE APPROXIMATE ONLY.
 - SEE GRADING PLAN FOR EXISTING GRADES.
 - GRADES SHOWN FOR REVIEW PURPOSES ONLY. THIS IS NOT A GRADING PLAN.
 - SEE ARCHITECTURAL PLANS FOR BUILDING DETAILS.
 - STORM CALCULATIONS COMPLETED USING THE SCS TR-20 HYDROLOGY METHOD AND SCS TR-55 FOR THE TIME OF CONCENTRATION METHOD. STORM EVENTS MODELED USING MODIFIED CHICAGO STORM WITH LOCAL RAINFALL AMOUNTS.

STORM WATER STORAGE:
 EXISTING 5 YEAR STORM EVENT RUNOFF VOLUME = 335.5m³
 PROPOSED 5 YEAR STORM EVENT RUNOFF VOLUME = 427.5m³
 PROPOSED STORAGE = 41.9m³
 PROPOSED ROCK FILL VOLUME STORAGE = 15.2m³ @ 30% VOID RATIO
 PROPOSED FREE STORAGE ABOVE = 26.7m³
 THE ESTIMATED STORAGE REQUIREMENTS TO REDUCE THE PEAK FLOW DURING A 5 YEAR STORM EVENT FROM 0.052cms TO 0.040cms WERE CALCULATED USING AUBURN STORMWATER SANITARY ANALYSIS SOFTWARE. THE ESTIMATED STORAGE IS SHOWN ON THE ATTACHED 5 YEAR PRE/POST COMPARISON HYDROGRAPH.
 THE ROCK DRAINAGE TRENCH (STORAGE AREA) IS DESIGNED TO STORE A 5 YEAR STORM EVENT, DURING 100 YEAR STORM EVENTS OR FLOOD CONDITIONS THE ROCK DRAINAGE TRENCH IS DESIGNED TO OVERFLOW VIA THE ROCK LINED SPILLWAY

No.	Date	Revision	Description	App'd
4	08/01/20	ISSUED FOR PERMIT		
3	08/08/19	ISSUED FOR PERMIT		
2	08/03/19	REVISED FOR NSTR REVIEW		
1	06/11/18	ISSUED FOR REVIEW		

Seal: [Professional Engineer Seal]

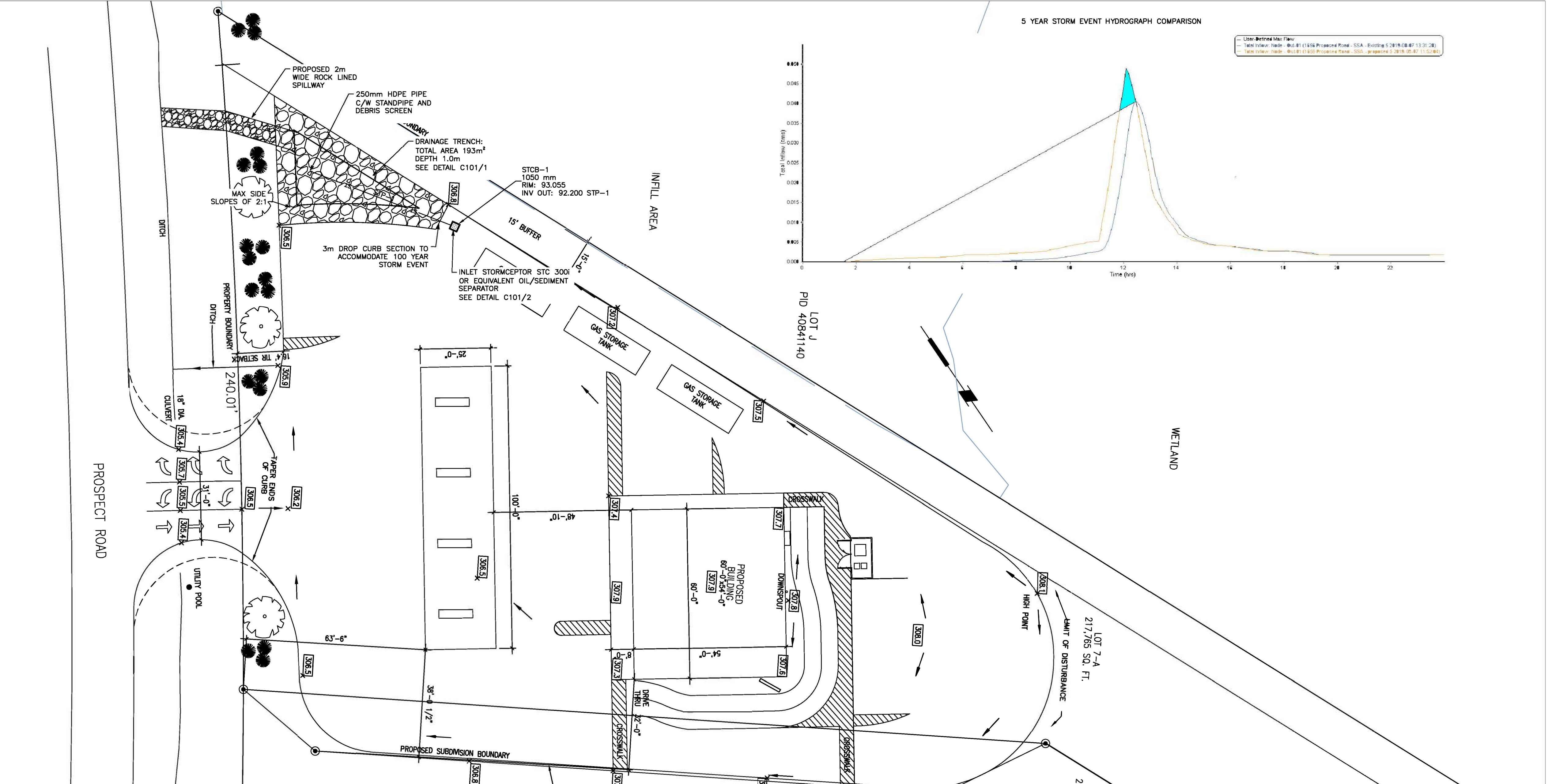
ABLE
 ENGINEERING SERVICES INC
 4073 HIGHWAY 3, CHESTER, NS B0J 1J0
 TEL: 902-273-3050 FAX: 902-273-3072
 civil@ableinc.ca www.ableinc.ca

SCALE: 1:250
 0m 5m 10m 15m 20m 25m

1656 PROSPECT ROAD
 HATCHET LAKE, NS

SCHEDULE D Preliminary STORMWATER ANALYSIS PLAN

Date	NOVEMBER 1, 2018	Drawn	J.KEEPING	Project No.	181101-02
Scale	1:250	Engineer	J.PINHEY	Plan No.	C101



Proposed 5 Year Subbasin Summary
 5-year intensity storm with a total rainfall amount of 111.8 mm using a Chicago Storm storm distribution.

SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Asphalt&Roof	0.37	98.00	111.15	105.16	38.44	0.047	0 00:05:00
2	Landscape	0.11	70.00	111.15	40.26	4.47	0.005	0 00:34:33

Proposed 10 Year Subbasin Summary
 10-year intensity storm with a total rainfall amount of 141.1 mm using a Chicago Storm storm distribution.

SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Asphalt&Roof	0.37	98.00	140.28	134.24	49.07	0.06	0 00:05:00
2	Landscape	0.11	70.00	140.28	61.75	6.85	0.01	0 00:34:33

Proposed 100 Year Subbasin Summary
 100-year intensity storm with a total rainfall amount of 232.9 mm using a Chicago Storm storm distribution.

SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Asphalt&Roof	0.37	98.00	231.54	225.43	82.41	0.099	0 00:05:00
2	Landscape	0.11	70.00	231.54	138.07	15.33	0.018	0 00:34:33

Existing 5 Year Subbasin Summary
 5-year intensity storm with a total rainfall amount of 111.8 mm using a Chicago Storm storm distribution.

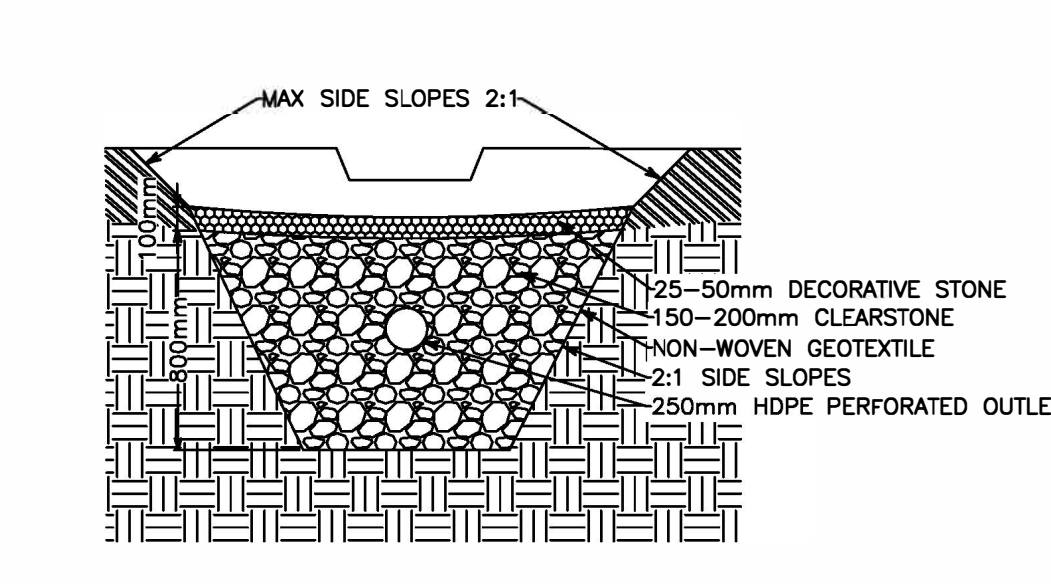
SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Sub-01	0.48	85.00	111.15	71.02	33.81	0.040	0 00:28:48

Existing 10 Year Subbasin Summary
 10-year intensity storm with a total rainfall amount of 141.1 mm using a Chicago Storm storm distribution.

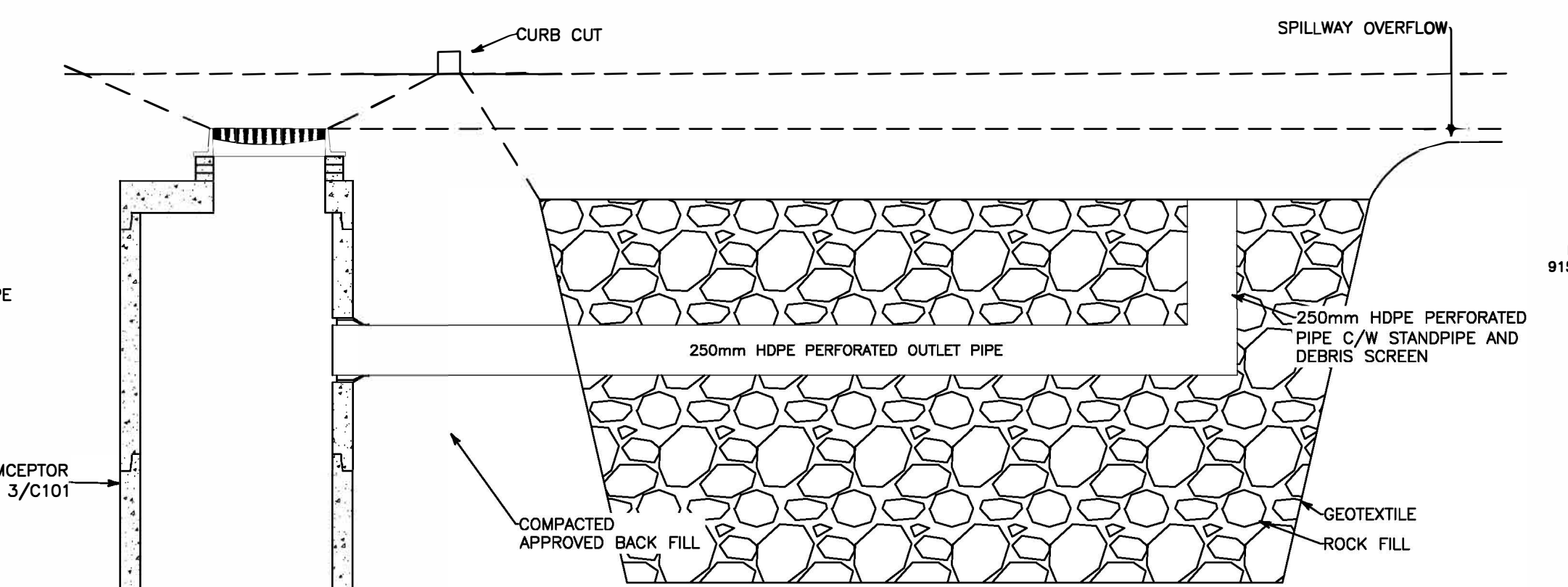
SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Sub-01	0.48	85.00	140.28	97.89	46.61	0.06	0 00:28:48

Existing 100 Year Subbasin Summary
 100-year intensity storm with a total rainfall amount of 232.90 mm using a Chicago Storm storm distribution.

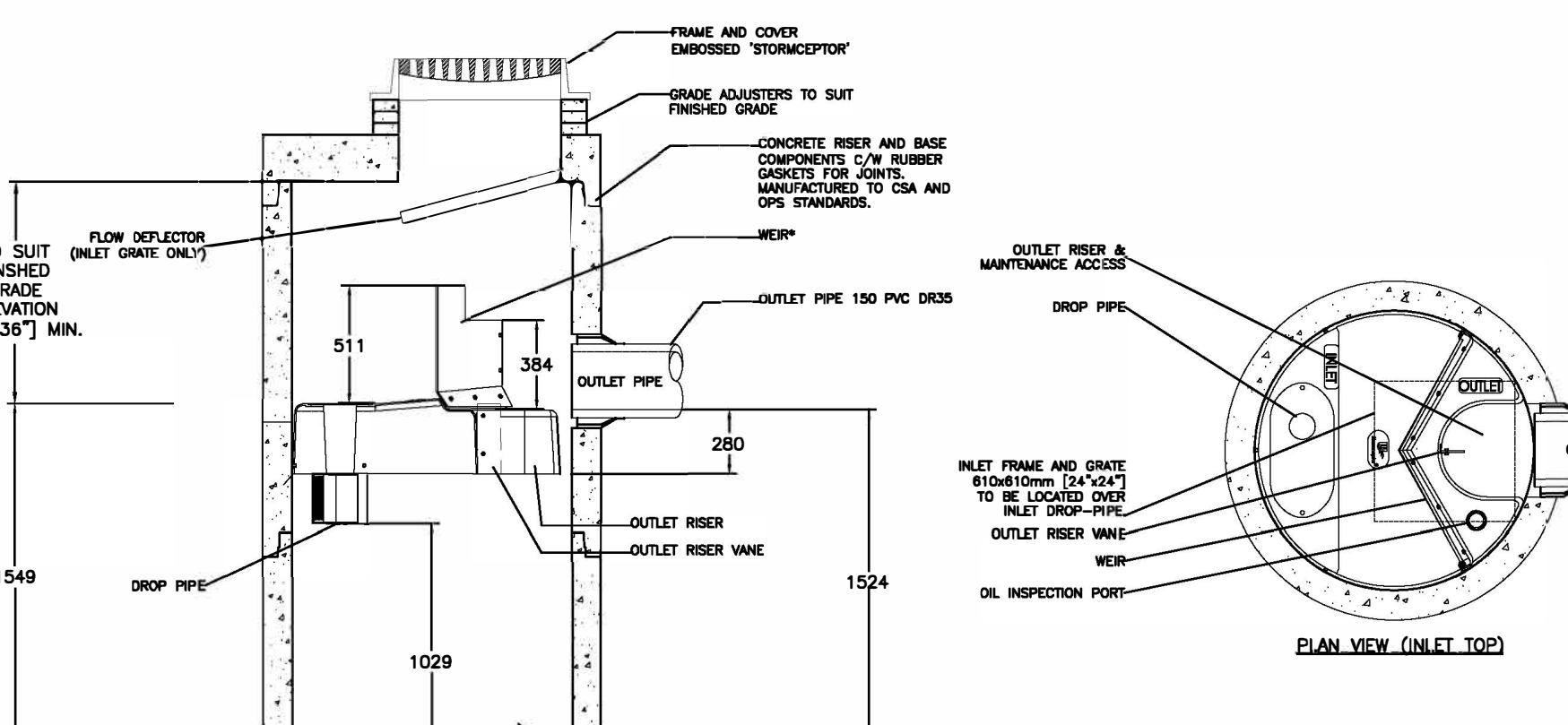
SN	Subbasin ID	Area (ha)	Weighted Curve Number	Total Rainfall (mm)	Total Runoff (mm)	Total Runoff Volume (ha-mm)	Peak Runoff (cms)	Time of Concentration (days hh:mm:ss)
1	Sub-01	0.48	85.00	231.54	185.27	88.21	0.103	0 00:28:48



1 ROCK TRENCH CROSS SECTION SCALE: NTS



2 ROCK TRENCH OUTLET PROFILE SCALE: NTS



3 INLET STORMCEPTOR STANDARD DETAIL SCALE: NTS

Attachment B:
Review of Relevant Policies from the Municipal Planning Strategy for
Planning District 4

It is also recognized that larger scale general commercial operations, service stations, motels, and commercial entertainment uses may be suitably located along Highway No. 333 with minimal impact on the surrounding community. Such operations are required to provide the necessary services to expanding communities and also contribute to the growing tourist industry which is highly valued within Planning District 4. These larger scale activities, however, will have a greater degree of impact on the surrounding area in terms of traffic generation, draw on ground water resources, noise, litter and aesthetics. In order to ensure that these uses are properly integrated within the community, commercial operations which exceed ten percent of the lot area, service stations, motels and commercial entertainment uses shall only be considered by development agreement pursuant to the Planning Act.

<p><i>RB-10 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, Council may consider permitting uses permitted in the general business zone, which are in excess of ten (10) percent of lot area, service stations, motels and entertainment uses in accordance with the development agreement provisions of the <u>Planning Act</u>. In considering such agreements, Council shall have regard to the following:</i></p>	
Policy Criteria	Staff Comment
<p>(a) <i>that the architectural design (external appearance) and scale of any structures are compatible with nearby land uses;</i></p>	<p>Architectural design provisions have been included in the proposed development agreement. The site is in close proximity to residential uses therefore a pitched roof, lighting controls, buffering and landscaping requirements are included in order to minimize the impact of architectural integrity of the homes and uses along Prospect Road.</p>
<p>(b) <i>that adequate separation distances are maintained from low density residential developments;</i></p>	<p>There is residential development in close proximity. The closest residential dwelling is approx. 75 metres to the southwest of the site. On both sides of the site there is a vacant lot. A buffer is required along the northeastern property line and a landscaping plan is required for the site.</p>
<p>(c) <i>the provision of landscaping and screening from any adjacent residential development;</i></p>	
<p>(d) <i>the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;</i></p>	<p>A Traffic Impact Study (TIS) was submitted in support of this application. The TIS asserts that the majority of traffic using the proposed development will be traffic already using the Prospect Road (pass-by trips) and that the proposed development is not expected to cause any operation related problems on Prospect Road. Prospect Road is a provincial arterial highway which handles volumes of approximately 940 vehicle trips in the am peek and 1,200 vehicles in the pm peek. The Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) has reviewed the proposal and advised that the access to the site and the Prospect Road will need to be widened to accommodate dedicated turning lanes. A truck turning design was also submitted which was analyzed for vehicular and pedestrian safety. The proposed use, being an auto-centric land use is not anticipated to generate much pedestrian traffic. The proposed development agreement</p>

	requires a signed dedicated pedestrian pathway from the main proposed building to the adjacent site that has a building permit for a as-of right commercial plaza. This will reduce potential pedestrian and vehicle movement conflicts.
(e) <i>the means by which solid and liquid waste will be treated;</i>	The subject site will be serviced by on-site septic and well services. Permits will be required from NS Environment prior to a Building permit.
(f) <i>the effects of the development on the natural environment and the means for handling stormwater runoff;</i>	The proposed development agreement requires a detailed site grading and stormwater management plan be submitted prior to the commencement of any work on the site.
(g) <i>the general maintenance of the development;</i>	The proposed development agreement addresses the general maintenance of the property.
(h) <i>the hours of operation; and</i>	Given the distance from residential development and the vacant lots discussed above, no restrictions have been placed on the hours of operation of the development.
(i) <i>the provision of Policy IM-11.</i>	See Table Below

<i>IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:</i>	
Policy Criteria	Staff Comment
(a) <i>that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;</i>	The proposal is consistent with Policy RB-10 (see above table).
(b) <i>that the proposal is not premature or inappropriate by reason of:</i>	...
(i) <i>the financial capability of the Municipality to absorb any costs relating to the development;</i>	The developer will be responsible for all costs associated with the development.
(ii) <i>the adequacy of on-site sewerage and water services;</i>	Please see staff comment on Policy RB-10(e) above.
(iii) <i>the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</i>	This proposal would not result in an increase to school age population nor is it anticipated to affect community recreation facilities.
(iv) <i>the adequacy of road networks leading to or within the development; and</i>	As discussed above under policy criteria RB-10(d) the Prospect Road is a provincial arterial highway capable of accommodating the traffic generated by the proposed development.
(v) <i>the potential for damage to or for destruction of designated historic buildings and sites.</i>	No historical buildings or sites have been identified.
(c) <i>that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	...
(i) <i>type of use;</i>	The proposed development agreement enables the use of the lands for a service station and included an associated drive-through restaurant

	and convenience store which is permitted as-of-right. No conflict is anticipated with respect to these uses and the adjacent residential uses.
(ii) <i>height, bulk and lot coverage of any proposed building;</i>	The proposed development agreement requires buildings on the subject site to meet the requirements of the C-2 (General Business) zone.
(iii) <i>traffic generation, access to and egress from the site, and parking;</i>	Further to policy criteria RB-10(d) discussed above, the proposed development must meet the parking requirements for the C-2 zone. The location of parking areas is not anticipated to cause conflict with the abutting uses.
(iv) <i>open storage;</i>	The proposed development agreement requires all refuse and recycling materials to be enclosed within a building or suitable container and screened from the street.
(v) <i>signs; and</i>	The proposed development agreement addresses the requirements for signage. Signs are to be permitted as per Part 5 of the Land Use By-law. Additionally, only one (1) sign on the pump island canopy is permitted.
(vi) <i>any other relevant matter of planning concern.</i>	No other planning issues have been identified.
(d) <i>that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	None of these features have been identified on the subject site except for the large wetland on the adjacent property to the northeast of the site. A delineation report was submitted to confirm the location of the wetland and also to recommend vegetative species within the required buffer.
(e) <i>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", 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. (RC-Jul 2/02;E-Aug 17/02)</i>	No holding zone has been established and no additional lots are proposed in conjunction with this application

Attachment C

Public Information Meeting - Summary

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 22051

The following does not represent a verbatim record of the proceedings of this meeting.

Wednesday, February 27, 2019
7:00 p.m.
Prospect Road Community Centre

STAFF IN

ATTENDANCE: Maria Jacobs, Planner, HRM Planning and Development
Thea Langille, Principle Planner, HRM Planning and Development
Alden Thurston, Planning Technician, HRM Planning and Development
Cara McFarlane, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Jenifer Tsang, Sunrose Land Use Consulting

REGRETS: Councillor Steve Adams, District 11

PUBLIC IN

ATTENDANCE: Approximately 22

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

1. Call to order, purpose of meeting – Maria Jacobs

Ms. Jacobs is the Planner and Facilitator for the application and introduced the Applicant(s), staff members and passed along the Councillor's regrets.

Case 22051 - Application by Sunrose Land Use Consulting on behalf of Hatchet Lake Plaza Ltd. to enter into a development agreement for service station and associated convenience store and drive thru restaurant at 1656 Prospect Road, Hatchet Lake.

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site and highlight the proposal;
- Give the Applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Maria Jacobs

Ms. Jacobs gave a brief presentation of the proposal for the property located at 1656 Prospect Road, Hatchet Lake outlining the status of the application, the Applicant's request, site context of the subject lands, the proposal and concept plan, the land designation [RB (Rural Residential Residential B)] and relevant planning policy (RB-10) within the Planning District 4 (Prospect) Municipal Planning Strategy (MPS) and zoning [I-1 (Light Industrial) Zone] within the Planning

District 4 (Prospect) Land Use By-law (LUB).

Presentation of Proposal – Jenifer Tsang, Sunrose Land Use Consulting

Ms. Tsang presented the proposal outlining the subject property, Preliminary Subdivision Plan, proposal and generic elevation renderings (gas bar, convenience store/drive-thru restaurant).

3. Questions and Comments

A resident wondered why there is a need for another gas station in the area. Why not further down Peggys Cove Road? **Tsang** – Some community members expressed an interest. Marketing research shows there is the capacity for another service station. Otherwise the application would not be made.

Mike Boutilier, Bourdeaux Lane is concerned that the back of the 71.45-acre parcel may be connected to the cul-de-sac via an easement on the property which would allow traffic to funnel through Bourdeaux Lane, Westridge Road and Sandstone Drive. **Tsang** – It won't be possible because the septic field is located at the back of the property.

Mary Hammond, Prospect Bay, agreed with the first speaker regarding the number of service stations in the area and that towards Peggys Cove would be a better option. Residents are concerned about contamination of their wells.

Lesli Chandler, Whites Lake, agrees with the comments about the number of gas stations in the area and would like to hear about the runoff and environmental impacts. Another convenient store is not needed. The community will continue to support the ones currently in the area.

A resident suggested rental buildings instead due to demand in the area.

Gilles Cormier, Sandstone Drive, is concerned about well contamination and who will be held liable. In similar circumstances, the property owner has been held responsible. **Tsang** – There are Provincial petroleum regulations [Department of Environment (DOE)] that need to be adhered to. These have been made more stringent in recent years. The development agreement also provides another layer of protection.

A resident wondered how the community as a whole can stop the application. **Jacobs** – HWCC makes the final decision whether to approve or deny the application. The staff report will be prepared for HWCC with recommendations from staff and include a negotiated, draft development agreement and a copy of the summary notes from this public information meeting.

Phyllis Carroll, Sandstone Drive, would like to have some clarification on what could happen at the back of the subject property in the future. **Tsang** – Showed the zoning map and explained that industrial or commercial uses could go there. The proposal is to subdivide to make two properties. The land at the back is required for the septic field; therefore, it is undevelopable (if this application is approved). The other piece could be used to develop a permitted use under the zone but would have to meet all the requirements of the land use by-law. At this time, there is nothing planned.

Derrick Slaunwhite, Terence Bay, supports another gas station but not at this site (maybe in Whites Lake) but definitely no more convenience stores or restaurants. A coffee shop would be nice.

Heather Richards, Peters Lake Road, is concerned about the environmental impact due to cars

idling in the drive-thru. It doesn't matter where the gas station is placed as the residents down the road will have the same issue with potential well contamination.

Mr. ElAmyouni, Hatchet Lake, opposed the application and is concerned about increased traffic and accidents, well contamination and increased property taxes. The proposal is not needed in the area. **Jacobs** – A restaurant and/or drive-thru is currently permitted as-of-right. The development agreement is required for the gas station only. **Tsang** - A mandatory Traffic Impact Study (TIS) was submitted and concluded that a turning lane is required and most of the traffic visiting the site would be traffic already on the road. HRM Staff will make that study available on the website. Property tax is not listed as a criteria under the MPS for consideration and a commercial use like this is unlikely to have a negative effect.

Tsang reiterated that the proposal is for one building with four gas pump islands. The proposed building will contain a small convenience store and drive-thru restaurant (permitted as-of-right under the current zoning). HWCC will make a decision, following a public hearing, on the development agreement for the gas station.

Tammy Dunlop-Caya, Sandstone Drive, asked how the developer would acquire the property for a turning lane. **Tsang** – Department of Transportation (DOT) has accepted that there is enough room in the right-of-way to accommodate a turning lane. **A resident** asked if a bike lane would be considered to benefit the community. **Tsang** – A bike lane can be taken into consideration but it would not connect to any other bike lanes.

Thea Langille, Team Project Lead - HRM Rural Policy and Applications Team, clarified the rest of the process to the audience and explained what opportunities the community has to voice their concerns if they oppose the application. The timeline for a project of this nature would be several months before it goes to public hearing before HWCC and if approved, then typically two to five years for build-out. The applicant can ask for an amendment to the development agreement to enable an extension and again that is at the discretion of HWCC.

There was a brief discussion on who the developers are for this proposal.

John Larson, Sandstone Drive, wondered if the applicant currently has any agreement with any existing gasoline retailers and if the purpose of this proposal is to make it more appealing to facilitate selling the property to a third party. **Tsang** – There have been discussions with a potential gas operator but no agreement at this time.

A resident wondered what happens with the previous proposal (Case 20750) that included a gas station and a 10,000 square foot building. **Tsang** – The developers had received a development permit but didn't move forward at that time for a building permit. The applicant decided to focus on the gas station proposal first. There are no current plans for that plaza; however, they could come back and apply for a building permit.

Rick Duggan, Shad Bay, commented that in more recent years technology has improved and potential of contamination from gas stations has decreased significantly.

4. Closing Comments – Maria Jacobs

Ms. Jacobs thanked everyone for coming and expressing their comments.

5. Adjournment

The meeting adjourned at approximately 7:55 p.m.