



Project Description and Design Rationale

6590 Bayers Road

Applicant: Irving Oil Marketing G.P.

Current Land Use:

Canadian Tire Gas Bar with ~275 m² Convenience Store and 4 gasoline dispensers (8 Fueling Positions)

Proposed Land Use:

~232m² Convenience Store with 3 gasoline and diesel dispensers (6 Fueling Positions)

Reason for Development Agreement Request:

HRM is in the process of acquiring a 6-8 meter strip of land along the north property boundary of 6590 Bayers Road as part of a project to widen the existing Bayers Road right-of-way to construct public transit lanes.

This land acquisition will impact the use of the existing fuel canopy and therefore necessitate a redevelopment of the site in order to maintain business operations. Service Stations are currently not a permitted use within the Regional Centre Plan Area, and the site is operating as an existing non-conforming use, therefore a Development Agreement is necessary to permit the redevelopment and continued operation of a service station (convenience store and gas dispensers).

Relevant Planning Policies:

A Development Agreement may be permitted by the *Regional Centre Secondary Municipal Planning Strategy* under Policies IM-19 and IM-20:

Policy IM-19 Council may, by development agreement, allow non-residential non-conforming uses located on a lot that existing on the coming into force of this Plan to:

- a) expand the structure containing the non-conforming use; or*
- b) change to another less intensive non-conforming use.*

Policy IM-20 Council may, by development agreement, allow a use of land that is not otherwise permitted in the zone provided the proposed use of land enables the relocation of the same non-conforming use that is located on an adjacent lot, or a portion of a lot, that is needed by the Municipality, Halifax Dartmouth Bridge Commission, or the Province for public purposes.



In the case of 6590 Bayers Road, the proposed redevelopment is necessitated by a land acquisition for public purposes, and the number of fueling positions will be reduced from 8 to 6, making it a less intensive non-conforming use.

Policies IM-21 and IM-7 give specific criteria to be considered, each of these will be addressed below.

Policy IM-21

In considering a development agreement under Policy IM-19 and IM-20, Council shall consider the following:

a) that controls are placed on the development to reduce conflict with and impacts on adjacent residential and other land uses;

The site is currently operating as a convenience store and with gas dispensers. The proposed use will be the same, and should not create any additional conflicts with surrounding uses, which include a commercial coffee shop and a church (zoned institutional). It is anticipated that by redeveloping the site, the overall appearance and functionality will improve.

b) the adequacy of the siting, height, bulk and scale of the development with respect to its compatibility with the existing neighbourhood;

We are proposing to construct a one-story hip-roofed building with glass store-front and attractive finishing materials. This will be a visual improvement from the existing building and will fit in well with the surrounding residential neighborhood. The structure of the new gas canopy will be white, with blue fascia and red accents to be consistent with current Irving Oil brand standards.

Detailed floor plan and elevations are under development. The building and site will look similar to the attached photos in Appendix A but will be modified to suit the unique size and shape of the subject property.

Screening is proposed for the HVAC equipment platform on the roof of the building, as well as a landscaping strip at the back of the building to lessen the visual impacts to the neighboring properties.

c) facilities for parking, loading, vehicular access, outdoor display and outdoor storage are designed to avoid significant adverse effects on adjacent properties;

On-site parking will be provided for customers. There will be limited outdoor displays and storage of items typical to a convenience store such as window washing fluid, ice machine, etc.



d) the layout and number of parking spaces and loading areas;

The detailed site plan currently shows 11 parking spaces, which is consistent with 4 spaces per 100m³ of floor area for a retail use (typical requirement in the HRM zoning by-laws). There will be a designated loading area as shown on the plan for local delivery vehicles.

e) the location of the use on the site;

See attached detailed site plan in Appendix B

f) the surface treatment and storm drainage;

See attached servicing schematic in Appendix B

g) that adequate landscaping, screening and buffering is required to reduce impacts on adjacent residential uses;

The proposed development does not directly border any residential properties. The property is bounded by a Tim Horton's coffee shop to the north-east, and a church to the south-east. Screening is proposed on the HVAC equipment platform of the building, as well as a land-scaping strip at the back of the building to lessen the visual impacts to the neighboring properties.

h) the controls on signage;

The existing free-standing sign will be displaced by the new transit lane. A new internally illuminated sign will be installed in the location identified on the site plan. Signage details to follow. We anticipate the building to have one internally illuminated sign for the convenience store tenant.

i) the hours of operation; and

Hours of operation will be set by the Store operator, currently unconfirmed. We would like the option of 24 hour operation.

j) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.

Policy IM-7

In considering proposals to amend the Land Use By-law, amend the zoning boundaries, or enter into development agreements, Council shall consider that:



- a) **the proposal is consistent with the Vision, Core Concepts, Urban Design Goals, and all applicable objectives and policies set out in the Regional Plan and this Plan;**

To be reviewed by HRM Planning Staff

- b) **the proposal is appropriate and not premature by reason of:**

- i) **the financial capacity of the Municipality to absorb any costs relating to the development,**
- ii) **the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems**

The new Development is not anticipated to have an increased demand on the municipal systems.

- iii) **the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands,**

It is anticipated that the new Development will be more inviting to pedestrian traffic than the existing and will provide an improved neighborhood convenience option.

- iv) **the adequacy of transportation infrastructure for pedestrians, cyclists, public transit and vehicles for travel to and within the development, and**

The number of driveways will be reduced from 4 to 2, which will reduce possible conflict points with traffic on the intersection of Bayers Road and Connaught Ave. The new transit lanes will encourage more foot and bike traffic, which can be accommodated in the new Development.

- v) **the impact on registered heritage buildings, heritage streetscapes, and heritage conservation districts;**

Not applicable

- c) **the subject lands are suitable for development in terms of the steepness of grades, soil and geological conditions, locations of watercourses, wetlands, and susceptibility to flooding;**

There are no known watercourses, wetlands or flood areas. The site grading will not change significantly.



d) that development regulations in the proposed rezoning or development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of:

i) type of use(s),

Use of the site will remain the same

ii) built form of the proposed building(s),

The building design will be consistent with a neighbourhood convenience store and will be scaled appropriately for the area. Detailed elevations to be provided.

iii) impacts on adjacent uses, including compatibility with adjacent residential neighbourhoods, parks, community facilities, and railway operations,

No additional impacts anticipated, site use will be less intense due to reduction in fueling positions.

iv) traffic generation, safe access to and egress from the site, and parking,

Vehicle trips to the site are anticipated to be reduced due to the elimination of 2 fueling positions. See Traffic Impact Statement in Appendix C

v) open storage and signage, and

Outdoor storage will be minimal, and signage will comparable to what exists today.

vi) impacts of lighting, noise, fumes and other emissions.

Site lighting will be designed to meet HRM's design standards. Down-cast LED lighting will be used to minimize spillage onto the road and adjacent properties.

Appendix A – Photo of Similar Development

IRVING

IRVING

CIRCLE K

IRVING

SAVE 10¢
CASH

14'6"

