

HALIFAX

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

Item No. 11.2

Halifax Regional Council

March 22, 2016

April 26, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Councillor Steve Craig, Chair, North West Community Council

DATE: March 7, 2016

SUBJECT: Case 19627: Amendment to the Hammonds Plains, Beaver Bank and Upper Sackville MPS and LUB, 1345 & 1355 Hammonds Plains Road, Hammonds Plains

ORIGIN

February 29, 2016 meeting of North West Community Council, Item No. 13.1.4

LEGISLATIVE AUTHORITY

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include "recommending to the Council appropriate by-laws, regulations, controls and development standards for the community."

RECOMMENDATION

It is recommended by North West Community Council that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville (MPS) and Land Use By-law (LUB), as contained in Attachments A and B of the staff report dated January 15, 2016, to permit commercial entertainment uses in conjunction with full service restaurants at 1355 & 1345 Hammonds Plains Road, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville MPS and LUB, as contained in Attachments A and B of the staff report dated January 15, 2016, to permit commercial entertainment uses in conjunction with full service restaurants at 1355 & 1345 Hammonds Plains Road, as contained in Attachments A and B of the staff report dated January 15, 2016.

BACKGROUND

A staff report dated January 15, 2016 pertaining to Case 19627: Amendment to the Hammonds Plains, Beaver Bank and Upper Sackville MPS and LUB, 1345 & 1355 Hammonds Plains Road, Hammonds Plains was before North West Community Council for consideration at its meeting held on February 29, 2016.

For further information, please refer to the attached staff report dated January 15, 2016.

DISCUSSION

North West Community Council considered this matter at its meeting held on February 29, 2016 and forwarded the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

As outlined in the attached staff report dated January 15, 2016.

COMMUNITY ENGAGEMENT

All meetings of North West Community Council are open to the public. The agenda and reports can be viewed online in advance of the meeting.

ENVIRONMENTAL IMPLICATIONS

As outlined in the attached staff report dated January 15, 2016.

ALTERNATIVES

North West Community Council did not discuss alternatives.

ATTACHMENTS

1. Staff report dated January 15, 2016

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521.



P.O. Box 1749
Halifax, Nova Scotia
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Attachment 1
North West Community Council
February 8, 2016

TO: Chair and Members of the North West Community Council

SUBMITTED BY: Original Signed

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: January 15, 2016

SUBJECT: Case 19627: Amendment to the Hammonds Plains, Beaver Bank and Upper Sackville MPS and LUB, 1345 & 1355 Hammonds Plains Road, Hammonds Plains

ORIGIN

- Application by KWR Approvals Incorporated
- May 26, 2013, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB), as contained in Attachments A and B of this report, to permit commercial entertainment uses in conjunction with full service restaurants at 1355 & 1345 Hammonds Plains Road, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville MPS and LUB, as contained in Attachments A and B of this report, to permit commercial entertainment uses in conjunction with full service restaurants at 1355 & 1345 Hammonds Plains Road, as contained in Attachments A and B of this report.

BACKGROUND

KWR Approvals Incorporated, on behalf of Vistacare Financial Services Incorporated, is applying to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Beaver Bank, Hammonds Plains and Upper Sackville in order to permit a pub at 1345 and 1355 Hammonds Plains Road (Edible Matters). The applicant wishes to develop a pub as an addition to the existing bakery and full service restaurant.

Subject Site	1345 & 1355 Hammonds Plains Road, Hammonds Plains
Location	Near the intersection of Hammonds Plains Road and St. George Blvd.
Regional Plan Designation	Rural Commuter (RC)
Community Plan Designation (Map 1)	Mixed Use B under the Beaver Bank, Hammonds Plains and Upper Sackville MPS
Zoning (Map 2)	1345 Hammonds Plains Road – C-2 (General Business) 1355 Hammonds Plains Road – MU-1 (Mixed Use) Beaver Bank, Hammonds Plains and Upper Sackville LUB
Size of Site	1345 Hammonds Plains Road – approximately 1,729 sq. m (18,614 sq. ft.) 1355 Hammonds Plains Road – approximately 2090 sq. m (22,500 sq. ft.)
Street Frontage	1345 Hammonds Plains Road – approximately 38.1 m (125 ft.) 1355 Hammonds Plains Road – approximately 30.5 m (100 ft.)
Site Conditions	Relatively level, fully developed land
Current Use of Subject Site	Full service restaurant and bakery, associated parking and office, single unit dwelling
Surrounding Land Uses	Single unit residential development, vacant lands

Proposal Details

The applicant wishes to develop a pub as an addition to the existing bakery and full service restaurant located at 1345 and 1355 Hammonds Plains Road. Attachment C contains a copy of applicant's proposal. General details of the proposed development are as follows:

- as proposed, the pub would be 95.2 square metres (1,025 square feet) in size and would provide seating for approximately 35 persons;
- the existing bakery storefront, the family restaurant and the full-service restaurant would remain part of the development;
- parking is located at both 1345 and 1355 Hammonds Plains Road; and
- 1355 Hammonds Plains Road is proposed to remain used as a single unit residential dwelling and office.

Existing MPS Policy Context

The MPS identifies pubs as commercial entertainment uses. Commercial entertainment uses are only permitted within specific areas of the plan area. However, the subject properties are designated Mixed Use 'B' and this designation specifically excludes commercial entertainment uses. Therefore, an MPS amendment is required to permit the proposed pub.

A majority of the developed land within the Beaver Bank, Hammonds Plains and Upper Sackville plan area is designated Mixed Use. While the principle land use is residential, there is also a significant non-residential component. This mixture of land uses is a product of the plan area's historical development pattern, the functions it serves within the greater region, and a rural economic base characterized by a degree of economic self-sufficiency.

While lands within the Mixed Use designations display many similarities, the MPS identifies three distinct designations in order to reflect certain community differences that are found in the existing and desired future development patterns. These three distinct designations include:

- Mixed Use A Designation, located within Beaver Bank;
- Mixed Use B Designation, located within Hammonds Plains and the Lucasville Road; and
- Mixed Use C Designation, located within Upper Sackville.

Similarities between these designations are reflected in common policies and zones. However, differences are addressed in separate policies and zones. One such difference is the location of commercial entertainment uses.

The MPS describes commercial entertainment uses as meeting specialized commercial needs that can be met in urban areas of the region. Commercial entertainment uses, such as taverns, nightclubs and cabarets, are not permitted in the Mixed Use A and B Designations.

Unlike the Mixed Use A and B Designations, the Mixed Use C Designation enables commercial entertainment uses to be considered through applications to rezone to the C-6 (Commercial Entertainment) Zone. The C-6 Zone permits taverns, nightclubs, pool halls, bingo halls and other similar uses. The C-6 Zone, however, has not been applied to any properties.

In 2010, Regional Council adopted new policies that established the Hammonds Plains Commercial Designation and the Hammonds Plains Commercial (C-5) Zone. This Designation and Zone responded to a growing demand for commercial services in a centralized location, rather than being scattered along various portions of Hammonds Plains Road. The Zone is located along a specific portion of the Hammonds Plains Road that serves as a prominent access point to the Kingswood and Kingswood North subdivisions. Since its adoption, the area has developed as a commercial node that provides local commercial services to the community. Unlike the former Mixed Use B designation it replaced, the new Hammonds Plains Commercial Designation permits commercial entertainment uses in conjunction with full service restaurants, up to a maximum of 232.3 square metres (2,500 square feet) devoted to public use.

Liquor Licensing

While the C-2 (General Business) and MU-1 (Mixed Use) Zones do not permit pubs (commercial entertainment uses), the zones do permit restaurants, which may be licensed. Under the Nova Scotia Alcohol and Gaming Authority regulations, a licensed restaurant is not allowed to sell alcoholic beverages except when purchased with a meal. Provincial licencing, such as a lounge or beverage room license, enables the purchase of an alcoholic beverage without a meal. A lounge or beverage room license is the type of licensing the applicant is seeking. In order to receive such a license, however, the province requires proof that the use is permitted by municipal land use controls.

The province is currently proposing a minor amendment to the Liquor Licensing Regulations which would allow an eating establishment to provide up to two (2) drinks to a customer without the requirement to order food. If a customer would like more than two (2) drinks then they would have to order a meal. The reasons provided for considering this change include enabling eating establishments to grow their businesses and reducing costly regulatory processes. The applicant is aware of this proposed Liquor Licensing change, but has indicated that the proposed change would likely not allow the desired flexibility needed to operate the proposed pub.

DISCUSSION

The Beaver Bank, Hammonds Plains and Upper Sackville MPS sets out the intent regarding appropriate land use and future patterns for development for the area. Amendments to the MPS are not routine undertakings and Regional Council is under no obligations to consider such requests. In this case, staff

advise that business models and the community as a whole have changed and that the MPS should be amended to allow the proposed pub. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

Evolution of Commercial Entertainment Uses

Regional Council adopted the policy specifically restricting commercial entertainment uses in 1999. At the time, the common drinking establishments were standalone bars, pool halls and night clubs. The 1999 policy is not clear on whether or not it was intended for all types of drinking establishments, including those associated with a restaurant.

In 2016, it is becoming more common for restaurants to also serve alcohol or offer entertainment. In recent years, HRM has received several similar applications and inquiries from restaurants wishing to develop an associated pub. In fact, as previously noted, the Nova Scotia Alcohol and Gaming Authority is considering changes to its regulations to make it easier for licensed restaurants to serve alcohol without requiring people to also order food.

Given these changing business activities, it is considered a reasonable evolution of MPS policy to allow commercial entertainment uses associated with full service restaurants on the subject site and in rural commercial zones more generally.

Changing Community

As the nature of commercial entertainment uses evolve, so are the Hammonds Plains community's attitudes towards neighbourhood drinking establishments. In making its application, KWR Approvals included a petition containing approximately 1,134 signatures in support of the proposed pub. Similarly, at the public information meeting, the majority of public comments supported the proposed pub. This public support contrasts the 1999 MPS policy indicating that people did not want drinking establishments to locate in the area.

The change in community support for drinking establishments could be a result of a number of factors. Most apparent is that the Hammonds Plains area has grown from a largely rural community to a busy city suburb. Information from Statistics Canada indicates that Hammonds Plains had a population of 6,833 people in 1996. In contrast, Statistics Canada now indicates that the Hammonds Plains area has a 2011 census population of 14,961, a nearly 2.5 fold increase. With such an increase in population also comes an increase in demand for local services. Given the public's support to date, the proposed pub also appears to be one of the desired local services.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS amendments that would allow a pub or other types of commercial entertainment uses to occur. Attachment D summarizes the MPS policy options reviewed.

Attachments A and B contain the proposed MPS and LUB amendments and a summary of the proposed amendments are as follows:

- permit small scale commercial entertainment uses in the Mixed Use A and B designation, only on specific sites and only in association with full service restaurants;
- limit the size of commercial entertainment uses associated with a full service restaurant to 139 square metres (1,500 square feet) devoted to public use;
- specifically permit commercial entertainment uses in conjunction with a full serve restaurants on the subject site in the existing C-2 Zone; and
- enable future requests for commercial entertainment uses to be considered by the North West Community Council through applications to amend the LUB.

No additional controls are proposed as the existing C-2 Zone requirements adequately control parking and buildings setbacks, as well as limit the size of all commercial development to 464 square metres

(5,000 square feet). In addition, the HRM Noise By-law applies to residential areas, which enables staff to investigate and respond to any complaints of unreasonable noise issues.

North West Planning Advisory Committee

On November 4th, 2015, the North West Planning Advisory Committee considered the application and recommended that the application be approved, with consideration to parking requirements and traffic concerns.

Regarding traffic, the applicant submitted a Traffic Impact Statement (TIS) that did not identify any potential significant impacts to the existing transportation network in Hammonds Plains as a result of the proposed development.

Regarding parking, the existing development currently provides 55 parking spaces. Under the LUB parking regulations, 53 parking spaces would be required, including 2 mobility spaces, for the existing bakery and restaurant as well as proposed pub. The provision of adequate parking would be further confirmed at the time of permitting. Therefore, the subject site can accommodate the required number of parking spaces.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to allow the proposed pub or other forms of commercial entertainment uses. Since the limitations on commercial entertainment uses were established in 1999, the Hammonds Plains community has grown considerably. There is increased demand for local services and changing business practices are making it more common for restaurants to include associated drinking establishments. Size limitations, together with standard setback and parking requirements, adequately mitigate impacts on adjacent properties. Therefore, it is recommended that Regional Council approve the proposed MPS and LUB amendments that would permit commercial entertainment uses in conjunction with a full service restaurant on the subject site.

FINANCIAL IMPLICATIONS

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2015/16 operating C310 Planning and Applications

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on September 29th, 2015. Attachment E contains a copy of the minutes from the meeting.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments and associated development agreement. Should Regional 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 local residents and land owners.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The North West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB, as contained in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

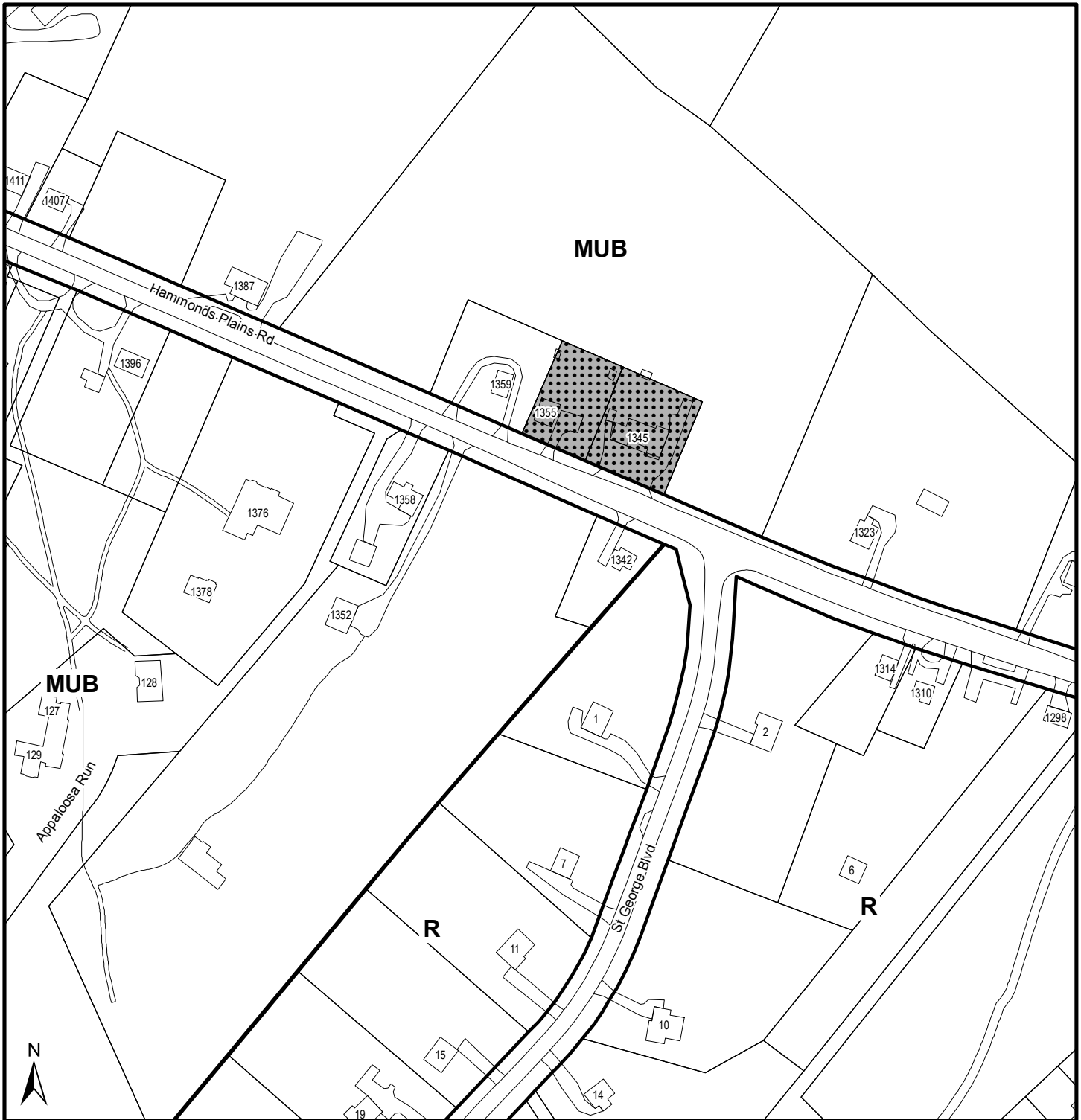
Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Proposed MPS Amendments
Attachment B	Proposed LUB Amendments
Attachment C	Applicant's Proposal
Attachment D	Review of Possible MPS Policy Approaches
Attachment E	Public Information Meeting (PIM) Meeting Notes

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Ben Sivak, Major Projects Planner, 902.490.6573


Original Signed

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

1345 & 1355 Hammonds Plains Road,
Hammonds Plains

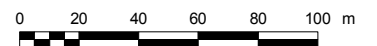
 Subject Area

Designation

MUB Mixed Use B
R Residential

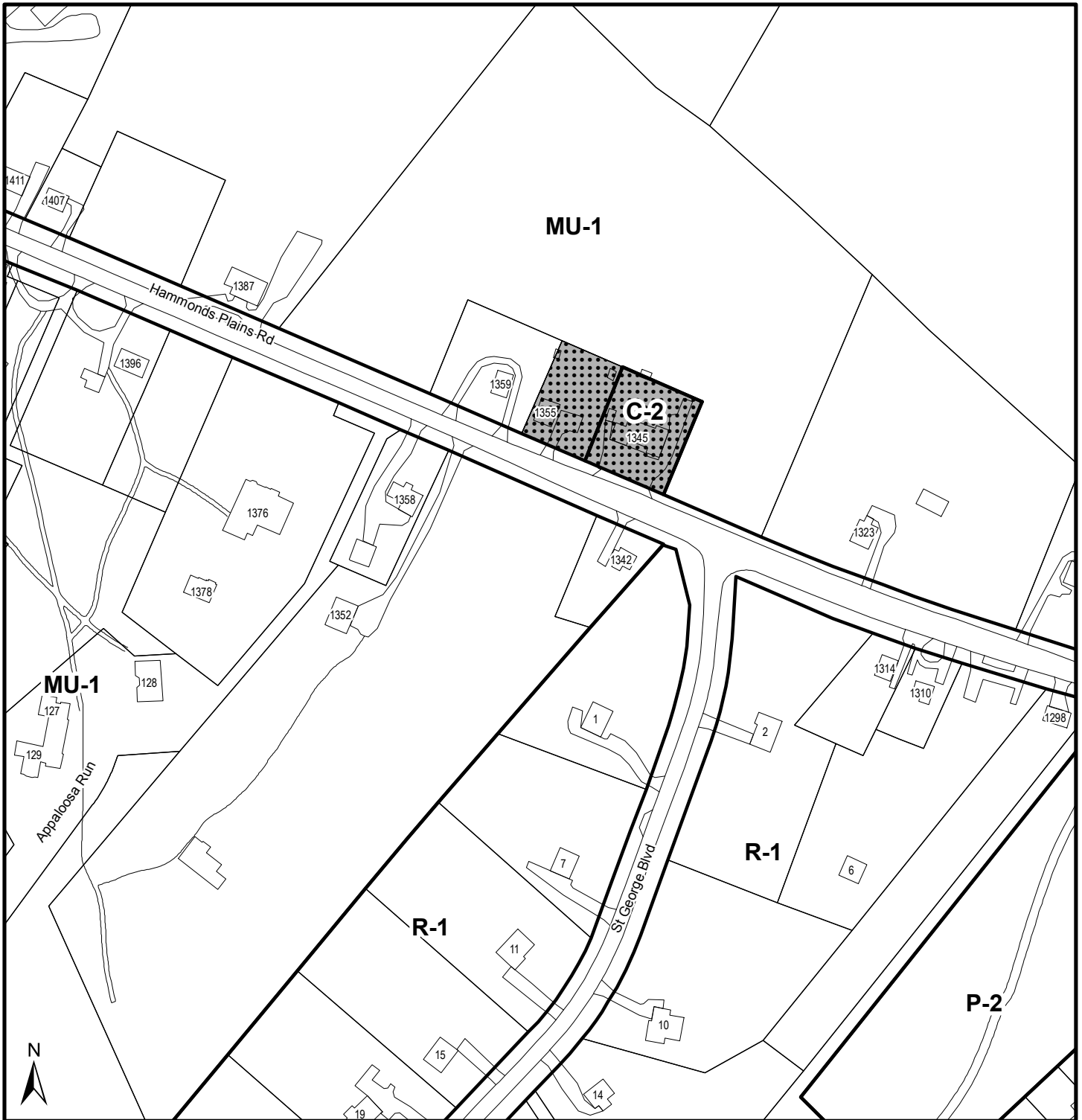
Beaver Bank, Hammonds Plains
and Upper Sackville By-Law Area

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
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.



Map 2 - Zoning

1345 & 1355 Hammonds Plains Road,
Hammonds Plains

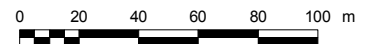
 Subject Area

Zones

- R-1 Single Unit Dwelling
- MU-1 Mixed Use 1
- P-2 Community Facility

Beaver Bank, Hammonds Plains
and Upper Sackville By-Law Area

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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.

Attachment A

Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Within the Commercial Development – Mixed Use A and B Designation section, insert the text highlighted in bold and delete the text shown in ~~strikeout~~ within and following the last paragraph of the pre-ample as follows:

For the most part, specialized shopping needs for the entire Plan Area will continue to be met in the urban areas of Sackville, Bedford and Halifax / Dartmouth. ~~Standalone c~~Commercial entertainment uses such as taverns, nightclubs and cabarets will not be permitted in the Mixed Use A and B Designations. The public has identified, through community surveys and public meetings, that they are not in keeping with the character of their communities. They are felt to be more appropriately located in more urban areas closer to their major market.

In 2016, Regional Council reviewed the restriction on commercial entertainment uses in response to a request from an established restaurant. In recognition of changing community attitudes and an evolution in the nature of commercial entertainment uses, an exception was made for small scale commercial entertainment proposals that are associated with a full service restaurant. Such small scale commercial entertainment uses will only be considered through site specific requests to amend the Land Use By-law to ensure the location is appropriate and to provide an opportunity for community consultation.

2. Insert Policy P-24A, following Policy P-24, as follows:

P-24A Notwithstanding the provisions of Policy P-23 and P-24, it shall be the intention of Council to consider amendments to the Land Use Bylaw to permit small scale commercial entertainment uses associated with full service restaurants on sites located in the C-2 (General Business) and C-4 (Highway Commercial) Zones. When considering such site specific proposals, Council shall have regard to the following:

- (a) **that the proposal is compatible with surrounding uses; and**
- (b) **the provisions of Policy P-137.**

3. Within Policy P-134, insert the text highlighted in bold as follows:

P-134 The following uses shall only be considered by amendment to the land use by-law:

- (a) within the Mixed Use A Designation:
 - (i) fire and police stations according to Policy P-22;
 - (ii) general commercial uses with a gross floor area in excess of two thousand (2,000) square feet according to Policies P-23 and P-24;
 - (iii) resource industrial uses with a gross floor area in excess, of two thousand square feet and light industrial uses, according to Policy P-28;
 - (iv) mobile homes on individual lots according to Policy P-21; and
 - (v) auxiliary dwelling units, according to Policy P-17.
 - (vi) commercial entertainment uses, according to Policy P-24A**
- (b) within the Mixed Use B Designation:
 - (i) mobile home subdivisions according to Policy P-20;

- (ii) fire and police stations according to Policy P-22;
 - (iii) general commercial uses with a gross floor area in excess of two thousand (2,000) square feet according to Policies P-23 and P-24;
 - (iv) resource industrial uses with a gross floor area in excess of two thousand (2,000) square feet and light industrial uses, according to Policy P-28; and
 - (v) auxiliary dwelling units, according to Policy P-17.
- (vi) commercial entertainment uses, according to Policy P-24A**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 201__.

Municipal Clerk

Attachment B

Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Within Section 16.1, C-2 Uses Permitted, insert the following within the list of permitted uses.

Commercial Entertainment Uses in conjunction with Full Service Restaurants, not exceeding 139 square metres (1,500 square feet) devoted to public use, and only on the sites identified in this Part.

2. Insert Section 16.7, following Section 16.6, as follows:

16.7 OTHER REQUIREMENTS: COMMERCIAL ENTERTAINMENT USES IN CONJUNCTION WITH FULL SERVICE RESTAURANTS

Commercial Entertainment Uses in conjunction with Full Service Restaurants, not exceeding 139 square metres (1,500 square feet) devoted to public use, shall only be permitted in the following locations.

- **1345 Hammonds Plains Road (PID 00421131)**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this _____ day of _____, 201__.

Municipal Clerk

Attachment C - Applicant's Proposal

Executive Summary

Edible Matters, located at 1345 Hammonds Plains Road, is a locally owned and operated, full-service licensed restaurant and bakery located in the community of Hammonds Plains; a part of Halifax Regional Municipality. The owner is applying for a Site Specific Amendment for the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy in order to operate a small neighbourhood pub. This pub would operate under a series of strict conditions conducive to the character of the present day Hammonds Plains community. The pub would be licensed to serve alcohol without the purchase of food products. However the pub would not offer live entertainment, games or Video Lottery Terminals (VLTs). The pub would have a closing time of 12:00 AM (midnight) and would have a maximum seating capacity of 35 persons.

Project Introduction

Originally established over 25 years ago as a bakery and small store front, *Edible Matters* is a business that has grown alongside the community in Hammonds Plains. It was purchased by current ownership group in 2011. In addition to maintaining the original bakery and storefront, the business immediately expanded following its purchase by adding a full-service restaurant, take-out service option and catering. Extensive renovations to the original building took place in order to accommodate and enable the expansion and growth of the business. This has enabled *Edible Matters* to become an employer of over 30 people from the Hammonds Plains community.

The changes and expansion to *Edible Matters* made the business one of the most recognized and valued in Hammonds Plains, offering locally-made food products in a comfortable, attractive, well-managed establishment. *Edible Matters* has developed into a well-known, locally owned and operated focal point for the members of the Hammonds Plains community. The decision to develop and operate a neighbourhood pub as part of *Edible Matters* is based on a logical extension of the business' development, as well as input from a wide selection of residents of Hammonds Plains. **A neighbourhood pub located at *Edible Matters* would be the first and only small pub in the community of Hammonds Plains.**

Technical Studies Overview

Technical studies have been completed by members of the PDT to ensure that 1345 Hammonds Plains Road meets the transportation and technical site requirements. The following is a list of the studies completed.

- October 21st, 2013. **Current Site Plan** from SDMM Inc.
- April 9th, 2014. **Colour Coordinated Floor Plans** from Geoff Keddy Architects.
- January 29th, 2014. **Traffic Impact Statement** from JRL Consulting Inc.
- September 2nd, 2014. **Driveway Widening Sketch – 1355 Hammonds Plains Road** from SDMM Inc.

September 8th, 2014

Hand Delivered and E-Mailed

Mr. Tyson Simms, Planner I

Development Approvals – Community and Recreation Services
Eastern Region Office, Halifax Regional Municipality
40 Alderney Drive, 2nd Floor (Dartmouth)
P.O. Box 1749
Halifax, NS B3J 3A5

Dear Mr. Simms,

On behalf of the owners of *Edible Matters*, Mr. Edward Webber and Mr. Matthew Webber, and the other members of the Project Development Team, KWR Approvals Inc. (KWRA) is submitting a Letter of Intent (LOI) formally requesting a Site Specific Amendment (SSA) to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy. This Site Specific Amendment would allow *Edible Matters* to operate a small neighborhood pub, under strict conditions outlined in the Amendment and accompanying Development Agreement, in conjunction with the already existing full-service restaurant with its bakery and catering function.

The current Municipal Planning Strategy for the area, approved by Regional Council in 1999, does not allow for “commercial entertainment uses” in areas designated as “Mixed-Use B”; the designation for much of Hammonds Plains. This prohibition on “commercial entertainment uses” was implemented in the MPS nearly 15 years ago after consultation with members of the community at the time. Since the approval of the MPS in 1999, Hammonds Plains has experienced some of the highest growth rates in Halifax, with the population more than doubling over the past 20 years. Almost all of this growth has been a result of the creation of a number of residential sub-divisions throughout Hammonds Plains, causing an influx of residents to the community who commute to other areas of Halifax daily. Due to the population growth in Hammonds Plains and its shift from an exurban to suburban community, the needs of the area have evolved. Services and amenities that were not required or desired by residents of Hammonds Plains in the 1990’s, when the MPS for the area was approved by Regional Council, are now being sought for Hammonds Plains.

Recognition by Halifax Development Approvals of the rise in population, changes to demographics and shift to a suburban residential community in Hammonds Plains is reflected in the adoption, by Regional Council in 2010, of a new zoning classification for Hammonds Plains - a new C-5 (Hammonds Plains Commercial) zone found in the Land-Use Bylaw for the area. This new zoning allows for the operation of a pub with a maximum area of 2500ft² in conjunction with a full-service restaurant. However, the re-zoning of *Edible Matters* (1345 and 1355 Hammonds Plains Road) is not an option because the C-5 zone is restricted to the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run; *Edible Matters* is approximately $\frac{3}{4}$ of a kilometre from the zone. As of the date of this letter, no pubs operating in conjunction with a full-service restaurant have opened for business in the C-5 zone. **A need and intended use within the community is currently being unfulfilled.**

The neighbourhood pub, *Edible Matters*, is seeking to operate in Hammonds Plains and would abide by an even stricter set of regulations than those for the C-5 zone. The pub area for *Edible Matters* is 1025ft², including the washroom facilities. The pub would not feature any live entertainment or pub “games” such as billiards, darts or fooseball. The pub would have a closing time of 12:00 a.m. (midnight) - three hours later than the full-service restaurant. The midnight closing time is anticipated only for weekends and holidays; whereas on weeknights, the closing time for the pub would be in line with that of the restaurant. The pub would offer a menu with the same high-quality fare as in the restaurant; however, it would not be as extensive a selection as in the restaurant.

Mr. Tyson Simms
September 8th, 2014
Page 2

In establishing the guidelines for operation of the pub, the owners and employees of *Edible Matters* have sought and incorporated feedback from their customers and residents of the Hammonds Plains community. This was done in recognition that, while it is an evolving community, Hammonds Plains is still a residential, family-oriented community. While the need for a neighbourhood pub exists, it should not have the same operational hours as a pub in the downtown core of Halifax or even Bedford and Tantallon - the closest communities to Hammonds Plains with operational pubs. Furthermore, *Edible Matters* is a business that respects and wants the opinions of its customers and members of the wider community.

A considerable amount of care and consideration has been undertaken since September 2013 on the part of *Edible Matters* and the entire Project Development Team to prepare for this Application. We believe that the application for the Site Specific Plan Amendment is suited to the overall business and will not have any negative impacts or adverse effects on the community of Hammonds Plains or the larger Halifax. Traffic Impact Statements (TIS), measuring the effect of the operation of the pub on the Hammonds Plains Road, have concluded there will not be a negative impact or measurable additional stress on the existing transportation network. A detailed site plan has been created ensuring that the parking provisions outlined in the LUB for the area have been met. The owner of *Edible Matters* has established that there is widespread support among the patrons of the restaurant and the wider community through a petition, which has collected over 2000 signatures.

In reviewing the Halifax Regional Plan, as well as the respective Municipal Planning Strategy and Land-Use Bylaw for Beaver Bank, Hammonds Plains and Upper Sackville, we believe that the proposed Site Specific Plan Amendment is valid and justifiable. *Edible Matters* is a prominent, long-established, locally owned and operated business in Hammonds Plains. It has gone to considerable lengths to ensure that the needs of their customers and overall community in regards to a licensed, neighbourhood pub in Hammonds Plains were met in the design of the pub and in adherence to regulations for the pub contained in this Application.

Having an establishment such as *Edible Matters* plays an important role in the neighbourhood and community of Hammonds Plains. Offering a place to congregate in a friendly, welcoming environment is important to the overall quality of life enjoyed by residents. *Edible Matters* is a business that has grown and developed with the Hammonds Plains community and its efforts are widely supported, we believe, by the community at large.

On behalf of *Edible Matters* and the entire Professional Development Team, we thank Halifax for consideration of this Application for a Site Specific Amendment in order to operate a small neighbourhood pub at *Edible Matters* in conjunction with the existing restaurant.

Thank-you and warmest regards,

Original Signed

Will Robinson-Mushkat
Planner I

Cc: Ed Webber – Owner, *Edible Matters* (Vista Care Tech Group)
Matthew Webber – Owner, *Edible Matters*
Kevin W. Riles – President & CEO: KWR Approvals Inc.

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Municipal Approvals
Project Management
Community Consultation
SWOTT-ROI-Market Analysis
BID Packages
Urban Planning

Attachment D

Review of Possible MPS Policy Approaches

Possible Policy Approach	Review
Development Agreement Policies	New development agreement policies could be established to permit the proposed pub. However, development agreements are a detailed land use planning tool that should only be used when the regulatory scope of the LUB is not adequate or when the impact of a proposed development is uncertain. Staff do not support the use of the development agreement tool in this case because the proposal is relatively small in size and any needed controls can be more efficiently regulated through the LUB.
Hammonds Plains Commercial Designation and C-5 Zone	Commercial entertainment uses could be viewed as higher impact commercial uses that should be directed towards commercial focal points, such the Hammonds Plains Commercial Designation. In this case, however, staff do not consider the subject site's location to be consistent with the intent of the Hammonds Plains Commercial Designation because the subject site is not prominently located at a major focal point.
C-6 (Commercial Entertainment) Zone	The proposed pub could be permitted by enabling the Commercial Entertainment (C-6) Zone, which is enabled in the Mixed Use C Designation, to also be applied within the Mixed Use A and B Designations and the subject site in particular. However, staff do not support this approach because the C-6 Zone is specifically designed to only permit commercial entertainment and does not contain any limits on scale. In addition, the C-6 Zone does not permit general commercial uses, such as restaurants and bakeries, which are currently operating on the subject site.
Amendments to the Existing C-2 (General Commercial) Zone	Given changing business practices and community attitudes, staff consider small scale drinking establishments that are developed in association with a restaurant to be a form of neighbourhood scale commercial uses that can be appropriate in more isolated locations. In drafting amendments, therefore, staff focused on expanding the uses that could be permitted under the subject site's existing C-2 (General Business) Zone.



**NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
September 29, 2015**

PRESENT: Ms. Ann Merritt, Chair
Mr. Ross Evans
Mr. Brian Murray
Mr. Evan MacDonald
Mr. Kevin Copley
Councillor Matt Whitman
Councillor Tim Outhit

REGRETS: Mr. Paul Russell, Vice Chair

STAFF: Mr. Ben Sivak, Major Projects Planner
Mr. Andrew Reid, Legislative Assistant

OTHERS:

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

The agenda, supporting documents, and information items circulated to the North West Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/NWPAC/150929nwpac-agenda.php>.

The meeting was called to order at 7:12 p.m. and was adjourned at 7:54 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:12 p.m. She described the role of the PAC in hosting the public meeting, reviewing Case 19627 and she outlined the process for the public meeting.

2. PUBLIC PARTICIPATION

2.1 Case 19627 - Application by KWR Approvals Limited to consider a site specific amendment to the Municipal Planning Strategy (MPS) for Beaver Bank, Hammonds Plains and Upper Sackville to permit a pub at 1345 and 1355 Hammonds Plains Road (Edible Matters).

Mr. Ben Sivak, Major Projects Planner, presented regarding Case 19627. He described the purpose of the meeting as preliminary and stated that no decisions would be made this evening. He stated that the proposal was to allow commercial entertainment uses on the site. He displayed the site plan, indicating the interior area of the pub. Mr. Sivak described the proposal in terms of the Municipal Planning Strategy, which prohibits commercial entertainment uses in the site's MU-1 zone. He stated that the permitted uses of the zone date back to feedback received from the public in 1999. Mr. Sivac described the remaining steps in the application process, which would include additional opportunities for feedback such as a public hearing.

On behalf of the applicant, Mr. Will Robinson-Mushkat, KWR Approvals, introduced the application. He described the history of the business and its current operations as a fully licensed restaurant, where alcohol is permitted to be served with meals. He described the context of the site specific amendment and also described the site in terms of a nearby commercial node, zoned C-5, where pub uses are permitted. Mr. Robinson-Mushkat outlined the Edible Matters site plan, highlighting the abundance of parking. He also outlined a traffic impact statement performed for the site, stating that the minimum stopping site distance would meet safety standards and that there would be no potential impacts to the existing road network due to the pub.

Mr. Ed Webber, applicant, stated that if there were any questions regarding how he planned to operate the pub he would be happy to answer them. Mr. Webber indicated that the space would be family oriented and not include video lottery terminals or any sort of tavern style games.

Mr. Paul Cooley, of Halifax, questioned the age of the Municipal Planning Strategy (MPS). Mr. Sivak responded that the plan dates back to 1999. Mr. Cooley stated the difficulty of applying for the amendments. He stated that the pub seemed to fit into the social fabric of the community and was much different than a tavern. He stated support for the application, indicating that it would benefit the community.

Mr. Bob Shea, of Hammonds Plains, stated support for the application. He indicated that it would add to the community and provide a convenient alternative to commuting to the city.

Mr. Matthew Webber, applicant, highlighted the pub as an extension of the success of the Edible Matters restaurant.

Mr. Greg FitzGerald, of Bedford, stated that the current operation was of quality. He voiced support for the application and also stated that the MPS was out of date, given the growth in Hammonds Plains.

Ms. Holly Boutilier, resident of Hammonds Plains, stated that she was a neighbor to the site. She questioned if the applicant sought to use the exterior deck as part of the pub. Ms. Boutilier requested clarification why the pub's address was at 1345, but the application also listed 1355 and questioned if the applicant desire to expand. Mr. Robinson-Mushkat stated that the pub would be self-contained within the

space and would not connect to the existing patio. He stated that the 1355 address is owned by Edible Matters and used for storage and offices and would not be affected by the amendment.

Mr. Sheldon Boutilier, resident of Hammonds Plains, questioned if the site was commercial or residential. Mr. Boutilier questioned if it could be used as a commercial parking lot. Mr. Boutilier stated that traffic complaints were common for newcomers to Hammonds Plains Road. He questioned why the pub could not be located in the C-5 zone where traffic lights were in place. Mr. Boutilier stated he was not opposed to the property being opened all day long; however, he voiced concern for the increased traffic and noise. Mr. Robinson-Mushkat responded that the site was zoned MU-1, which allowed for a variety of uses. He responded that the nearby C-5 zone gave evidence that this type of use was desired in the area, and given the proximity, it would be appropriate to extend the pub use to the site.

Mr. Grant MacIsaac, commented that if the operation was well managed any problems would be mitigated. He stated support for the owner and commented that the application was a great addition to the community.

Ms. Pamela Lovelace, of Maplewood, described the history of the restaurant and positive impacts created by the owners of Edible Matters. She stated support for the application and indicated it was time to update the MPS.

Mr. Ian McVicar, of Kingswood, stated support for the application and described Edible Matters as an anchor for the community. He highlighted that there were not many nodes to bring adults together in the community and that the application presented a great opportunity.

The Chair called three times for any additional speakers to come forward. There were none.

3.0 ADJOURNMENT

The Chair adjourned the meeting at 7:54 p.m.

Andrew Reid
Legislative Assistant