

**Public Hearing**  
**PLANAPP-2024-00311**

Application type: 204 Conrad Rd.

Harbour East Marine Drive Community Council

# Proposed Development



**Applicant:** Matthew Howse

**Location:** 204 Conrad Road

**Proposal:** Application to enter into a development agreement to allow a café use in an existing accessory building.

**Type of Application:** New Development Agreement

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# Site Context



General Site location in Red



Site Boundaries in Red

# Site Photos/Neighbourhood Context



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# Planning Policy Overview

Regional Plan &  
Subdivision By-law

Community Plan

Land Use By-law  
(Zoning)

Guide where population growth and the investment of services like transit, piped water and sewer should occur.

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# Planning Policy Overview

Regional Plan &  
Subdivision By-law

Community Plan

Land Use By-law  
(Zoning)

Outlines where, how, and which types of development may occur. Some uses may only be allowed after community consultation and Council approval.

# Planning Policy Overview

Regional Plan &  
Subdivision By-law

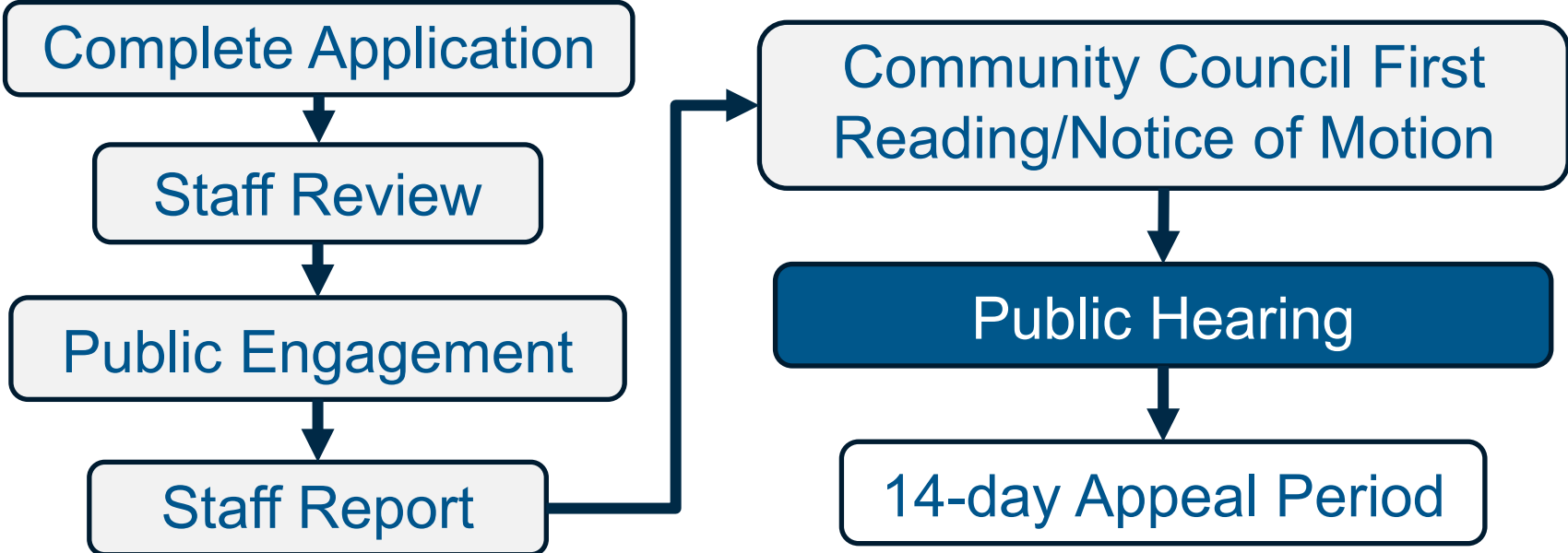
Community Plan

Land Use By-law  
(Zoning)

Specifies what can be approved without going to Council and seeking feedback from the public.

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# Development Agreement





# Planning Overview



Municipal Sewer and/or Water: No



Zone: RR-1 (Rural Residential) Zone



Designation: Lawrencetown (L)



Existing Use: Single Unit Dwelling + café



Enabling Policy: Policy P-39A

# Policy Consideration

**Enabling Policy P-39A** It shall be the intention of Council to consider a change of use of the existing uses identified in Appendices B and C of the land use by-law subject to the provisions of Sections 55, 73 and 74 of the Planning Act. In considering such development agreements Council shall have regard to the following:

- (a) that the change of use is of a similar scale to the existing use in terms of structures and outdoor storage and display areas;**
- (b) the provision of adequate measures for the long term maintenance of the proposed development;**
- (c) the effects of the development on the natural environment as contained in a report from the appropriate provincial or federal government authority; and**
- (d) the provisions of Policy P-61.**

# Proposal Details

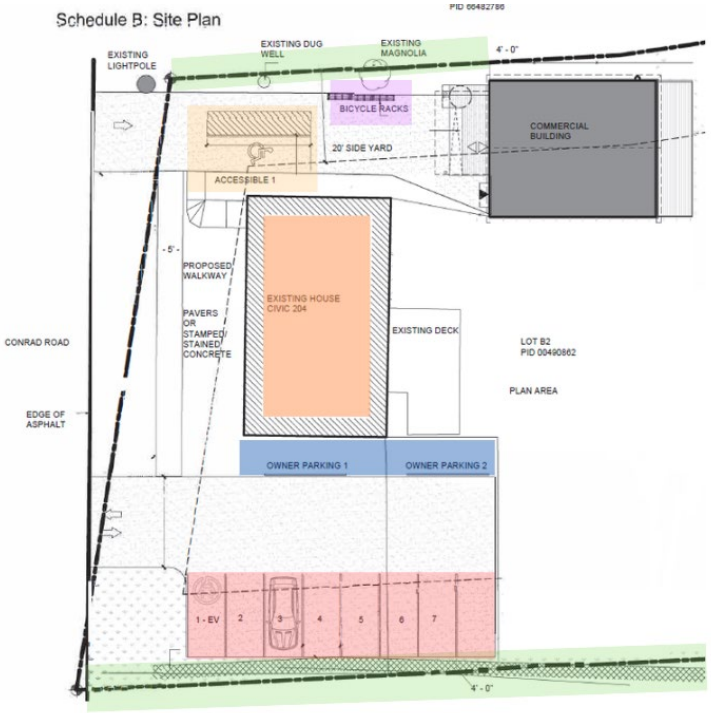
## APPENDIX "C": EXISTING INDUSTRIAL USES

Notwithstanding anything else in this By-law, the following existing uses shall be permitted uses and shall be permitted to be expanded, repaired or replaced subject to the appropriate provisions of the industrial zone indicated below, but shall not be permitted to change to any other use other than a use permitted in the zone in which they are located.

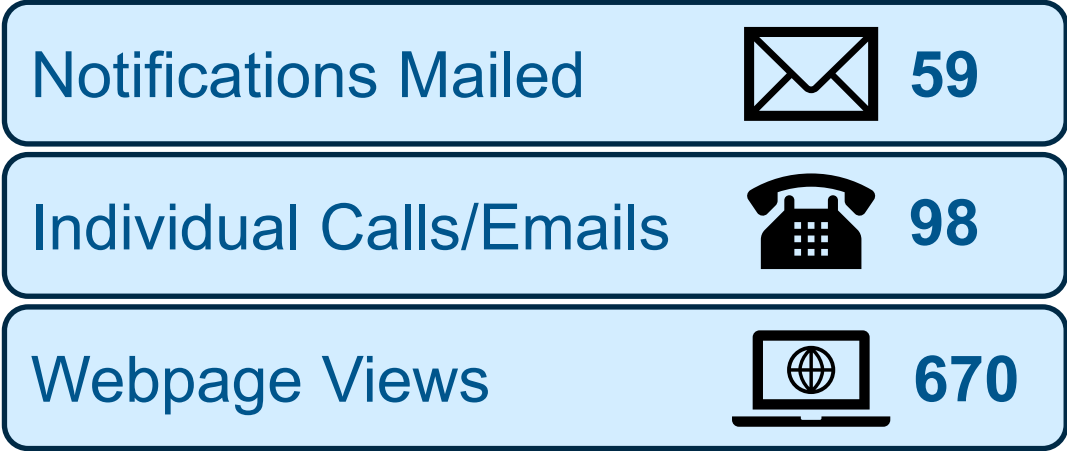
<u>NAME</u> <u>REQUIREMENTS</u>	<u>USE</u>	<u>LRIS INDEX</u> <u>NUMBER</u>	
Barry MacDormand Bar-Shel Enterprises (Bar-Shel Foundations Ltd.)	Foundations Construction Services; Storage Facilities; Woodworking	238923 40161440 <b>480343 (C-Jul 31/95;E- Aug 26/95)</b>	I-2
Cecil Bellefontaine	Excavation & Landscaping Services	461319 40500357	I-2
Christian Charron Shirley Charron (Beaver Craft Woodworkers)	Woodworking	90862	I-2



# Site plan



# Public Engagement Feedback



Level of engagement completed was consultation achieved through signage on the subject property and a website.

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# Public Engagement Feedback

## Feedback included :

- Support for the take-out restaurant:
  - community connection
  - Tourism
  - local need and support for small business
- Concerns regarding the take-out restaurant:
  - Traffic
  - insufficient parking
  - Noise
  - Incompatibility with surrounding residential area
  - Possible impact on Conrad's Beach.

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# Changes Made in Response

- **Traffic:**

- The Land Use By-law requires a total of 6 parking spaces. The applicant has proposed 11 parking spaces (1 accessible parking space 8 customer parking spaces and 2 owner parking spaces.)
- Bicycle racks

- **Compatibility with Nearby Land Uses**

- visual barriers that will provide screening and visual appeal to the adjacent residential uses to help mitigate potential visual impacts from the take-out restaurant and accompanying parking area.
- Operational hours

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# Elements of Development Agreement

- **Proposed Development Agreement**
- The proposed development agreement addresses the following matters:
  - Allows a take-out restaurant use
  - Requires a minimum of 6 parking spaces for the commercial use;
  - Requires visual barriers to screen the commercial use and parking area from residential neighbours on both the northern and southern sides of the lot;
  - Places controls on the hours of operation for weekdays and weekends, including controls on deliveries and the collection of refuse and recyclables to the take-out restaurant; and
  - Lists matters that are able to be considered as non-substantive amendments including minor changes to the architectural requirements for the commercial building, changes to parking, access and circulation requirements and extensions to the dates of commencement and completion of development.

# Non-Substantive Amendments

A ‘Non-Substantive Amendment’ is a change to the agreement which can be made without a formal Public Hearing. The Development Officer or Community Council could authorize this change by resolution. These include:

- (a) Minor changes to the Architectural Requirements for the Commercial Building as identified in Section 3.5 of this Agreement;
- (b) Changes to the Parking, Access and Circulation as identified in Section 3.7 of this Agreement;
- (c) The granting of an extension to the date of commencement of construction as identified in Section 7.3.1 of this Agreement; and
- (d) The granting of an extension to the length of time for the completion of the development as identified in Section 7.4.3 of this Agreement.

# Staff Recommendation

The staff recommendation contained in the staff report was arrived at after a detailed analysis of all relevant policies in the Regional and local Municipal Planning Strategies.

Staff recommend:

Staff recommend approval of the proposed development agreement, which shall be substantially of the same form as set out in Attachment A. There are no budgetary implications as the applicant will bear all costs, expenses, liabilities, and obligations necessary to fulfill the terms of this proposed development agreement.

# Thank You

**Ardalan Shareghi B.**



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