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## MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Ben Sivak, Major Projects Planner

DATE: November 4<sup>th</sup>, 2015

SUBJECT: **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).**

**Background:** HRM has received an application from 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). The applicant wishes to develop a pub as an addition to the existing bakery and full service restaurant.

On May 26th, 2015, Regional Council considered the applicant's request and the information contained in a staff report and initiated the MPS amendment process.

On September 29<sup>th</sup>, 2015, the North West Planning Advisory Committee hosted a public information meeting (PIM). The approved PIM minutes are provided as Attachment A.

**Existing Use** Full service restaurant and bakery.

**Designation** The property is designated under the Beaver Bank, Hammonds Plains and Upper Sackville Plan area as Mixed Use B.

**Zoning** 1345 is zoned C-2 (General Commercial), and 1355 is zoned MU-1 (Mixed Use).

**MPS Policy** Pubs are identified in the Municipal Planning Strategy (MPS) for Planning Districts 15, 18 and 19 (Beaver Bank, Hammonds Plains and Upper Sackville) 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. As a result, an MPS amendment is required to permit the proposal. An excerpt of relevant MPS policy is provided for the Committee's reference as Attachment B.

**Proposal** The applicant wishes to develop a pub as an addition to the existing bakery and full service restaurant located at 1345 Hammonds Plains Road. As proposed, the pub would

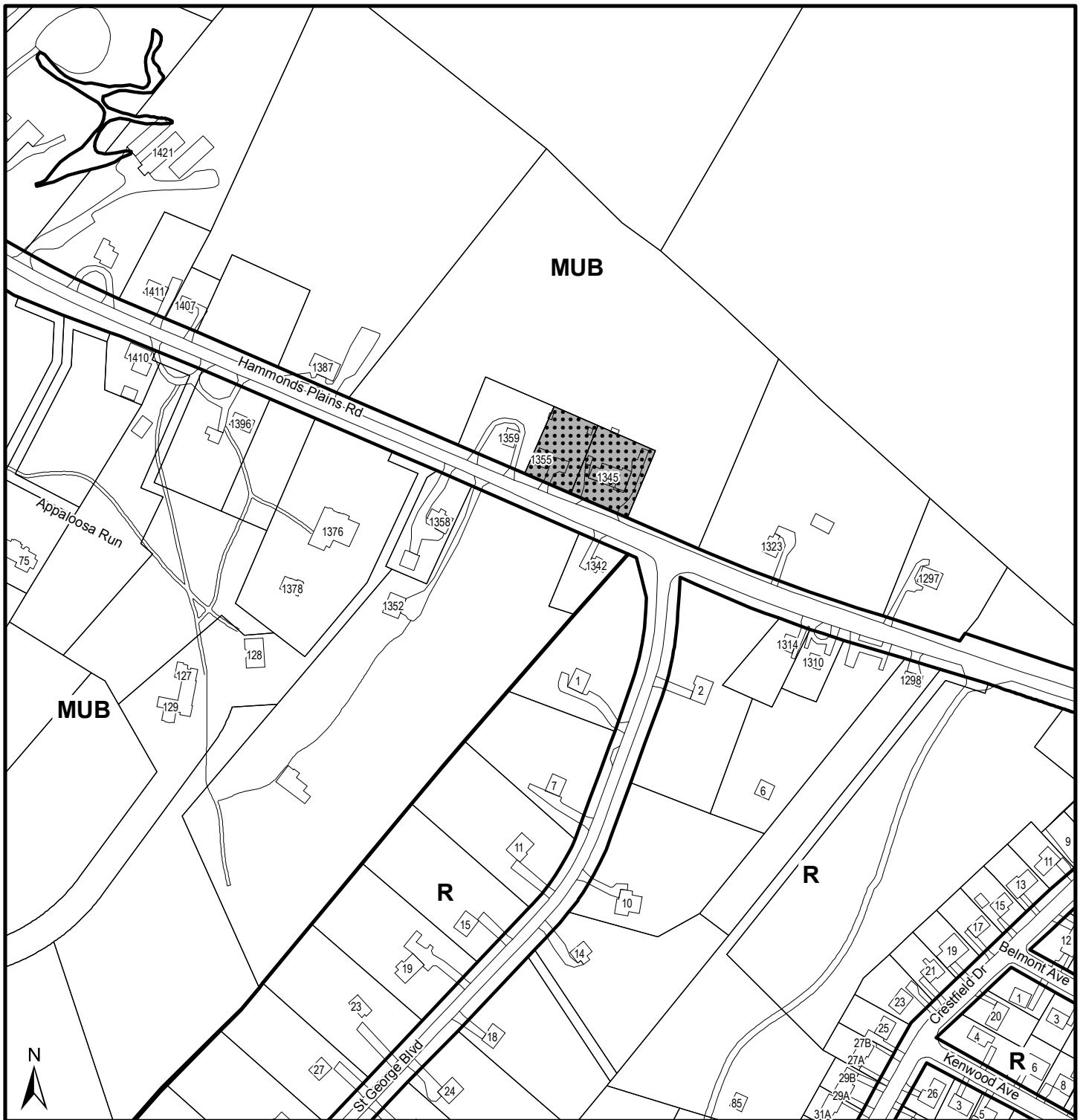
be 95.2 sq.m. (1,025 sq.ft.) in size and would provide seating for approximately 35 persons. The existing bakery storefront (60.4 sq.m. or (651 sq.ft), the family restaurant (52 sq.m. or 560 sq.ft.) and the full-service restaurant (32 sq.m. or 345 sq.ft.) would remain as part of the development. Parking is proposed at both 1345 and 1355 Hammonds Plains Road. The property located at 1355 Hammonds Plains Road is proposed to remain used as a single unit residential dwelling and office. For more information, please see Attachment C.

**Input Sought from North West Planning Advisory Committee**

Feedback is sought from NWPAC concerning this proposal. NWPAC's recommendation will be included in the staff report to the North West Community Council and Regional Council.


**Attachments**

Map 1	Generalized Future Land Use Map (GFLUM)
Map 2	Zoning Map
Attachment A	PIM Minutes
Attachment B	Excerpt of MPS Policy
Attachment C	Proposal



## Map 1 - Generalized Future Land Use

1345 & 1355 Hammonds Plains Road,  
Hammonds Plains

 Subject Area

### Designation

MUB Mixed Use B  
R Residential

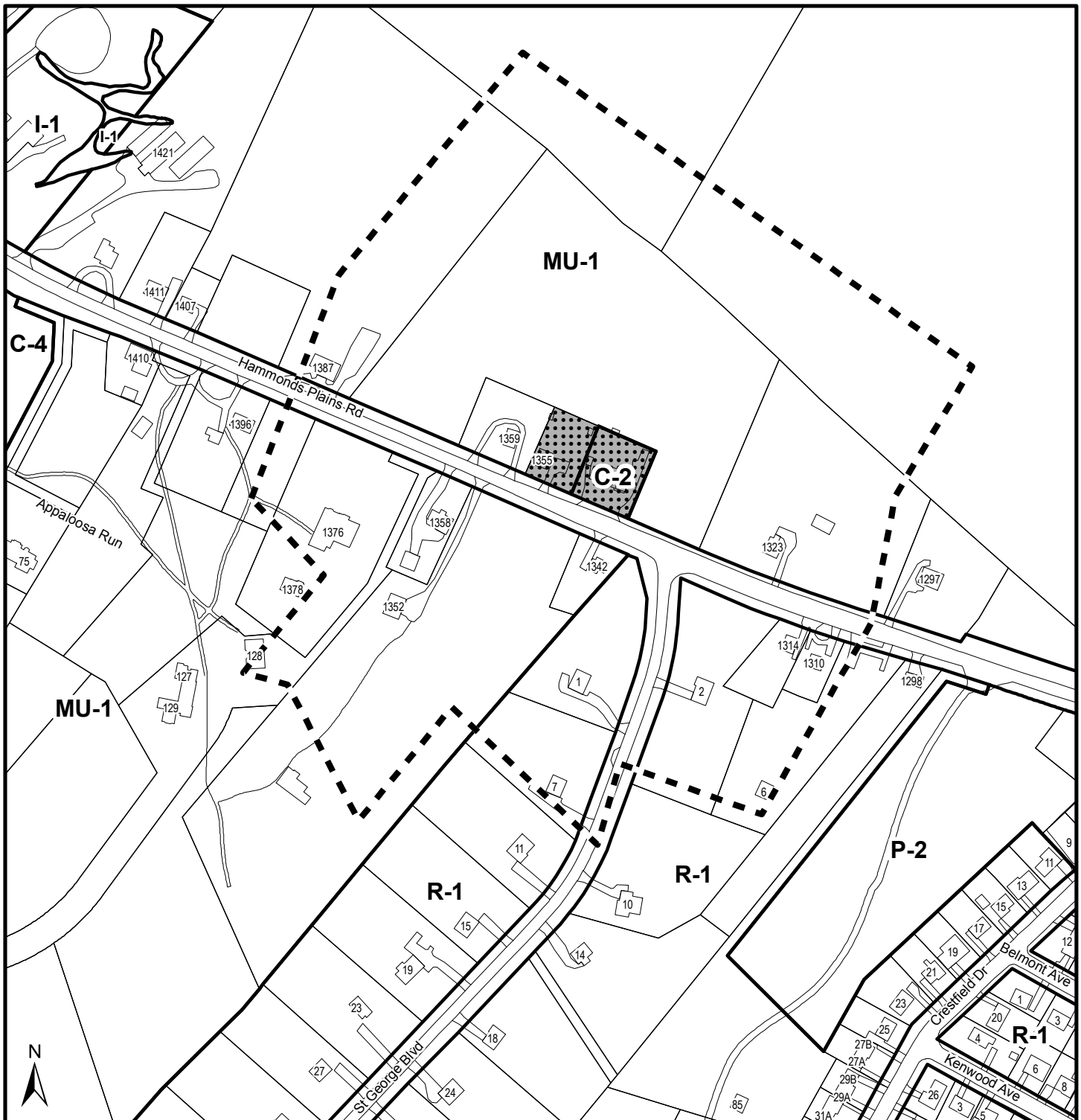
**HALIFAX**

0 20 40 60 80 100 m

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.


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



## Map 2 - Zoning

1345 & 1355 Hammonds Plains Road,  
Hammonds Plains


 Subject Area

 Area of notification

### Zones

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

0 20 40 60 80 100 m



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.

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



**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 Sivac, 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. Sivak 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

**Attachment B**  
**Excerpts from the MPS for Planning Districts 15, 18 & 19**

**Commercial Development - Mixed Use A and B Designations**

As has been previously discussed, commercial development is interspersed with residential development in the Mixed Use Designations. While home business and commercial operations of a limited scale comprise most existing commercial development and will be permitted "by right" within the Mixed Use A and B Designations, there is also a need to accommodate a small number of larger existing developments as well as to provide an opportunity for new commercial uses, which serve a growing local market. As well, there is a limited regional market capable of being met within the Mixed Use B Designation.

Although the designations provide for the protection of existing and future residential environments, the availability of a significant amount of undeveloped land makes it possible for residential and some commercial development to be accommodated without creating major land use conflicts. The requirement for an amendment to the land use by-law is intended to provide the review procedure necessary to protect residential and community facility uses and reduce the potential for land use conflict.

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. 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.

**Commercial Development - Mixed Use C Designation**

The Mixed Use C Designation permits most small scale commercial operations. Larger commercial activities are permitted where there is direct access to Highway No. 1 and subject to increased lot and frontage requirements (Policy P-11). Although these conditions are preferred, there may be certain situations in which a suitable site can be found where no direct access is available or where the proposed use cannot meet the increased requirements of the MU-2(Mixed Use 2) Zone (Policy P-11). This designation, with its focus on encouraging commercial development, will not preclude all such development from occurring. However, in cases where there is no direct access to Highway No. 1 the focus shifts from promoting commercial development to protecting the rural residential environment on existing and future local roads. In this situation, and where a proposed commercial use cannot meet increased lot and frontage requirements, the increased control available through this rezoning process provides the opportunity for a site specific evaluation of the proposed site.

P-26 Within the Mixed Use C Designation it shall be the intention of Council to establish a C-6 (Commercial Entertainment) Zone in the land use by-law which permits taverns, night clubs, cabarets and other similar commercial entertainment uses, subject to controls on parking and outdoor display. In considering an amendment to the schedules of the land use by-law for a commercial entertainment use, Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent residential and community facility uses;
- (b) direct access to Highway No. 1;
- (c) the impact of the entertainment use on traffic circulation and in particular sighting distances and entrance and exit to the site;
- (d) that the architectural design, including its scale, exterior finish and signage, is in keeping with the surrounding area, as may be more particularly described in the Land Use By-law;
- (e) proximity to a residential environment;
- (f) the proposed development shall not be considered within 500 feet of a R-1(Single Unit Dwelling), R-2(Two Unit Dwelling), Zone or dwelling; and
- (g) the provisions of Policy P-137.



**C-2 (General Business) Zone**

P-23 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-2(General Business) Zone in the land use by-law which permits commercial uses and accessory residential uses to a maximum of 5,000 square feet, which do not involve any outdoor storage or display and are wholly contained in one building. The zone shall not include commercial entertainment uses.

This zone shall be applied to existing commercial uses.

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

September 8<sup>th</sup>, 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, 2<sup>nd</sup> 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 2500ft<sup>2</sup> 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 ¾ 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 1025ft<sup>2</sup>, including the washroom facilities. The pub would not feature any live entertainment or pub “games” such as billiards, darts or foosball. 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 8<sup>th</sup>, 2014  
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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.

**KWR Approvals Inc.**

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