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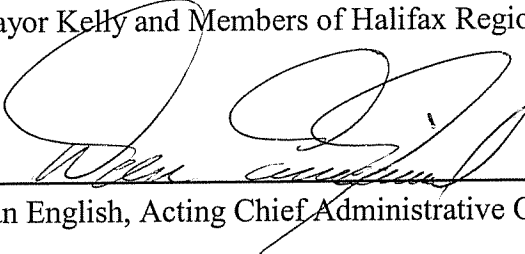


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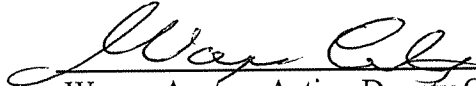
Halifax Regional Council
November 8, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer



Wayne Ansley, Acting Deputy Chief Administrative Officer

DATE: October 28, 2005

SUBJECT: Case 00839: MPS/LUB Amendment to Permit a Lounge at 6273
Quinpool Road, Halifax

ORIGIN

Request by Robert McKelvie to amend the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a lounge at 6273 Quinpool Road, PID 00177055 (restaurant operating under the name "Quincy's on Quinpool", formerly Hogie's Steakhouse).

RECOMMENDATION

It is recommended that Regional Council **not initiate** the process to consider amending the Halifax Municipal Planning Strategy and Halifax Peninsula Land Use By-law to permit a lounge at 6273 Quinpool Road.

BACKGROUND

Synopsis of Proposed Development: The subject property is located at 6273 Quinpool Road (restaurant operating under the name “Quincy’s on Quinpool”, formerly Hogie’s Steakhouse). The applicant wishes to designate a portion (up to 600 square feet) of an existing licensed restaurant as a lounge area. This requires amendments to both the Halifax Municipal Planning Strategy (MPS) and the Halifax Peninsula Land Use By-law (LUB). Under the Nova Scotia Alcohol and Gaming Authority regulations, a licensed restaurant, permitted within the present zone, is not allowed to sell alcoholic beverages except when purchased with a meal. A license to permit a lounge is subject to any applicable municipal regulations including confirmation that local zoning permits a lounge.

Designation and Zoning: This site is designated Commercial on the Generalized Future Land Use Map for the Quinpool Road Commercial Area Plan and is zoned C-2C (Minor Commercial - Quinpool Road). Lounges are not a permitted use in the C-2C Zone.

MPS Policies: The intent of the MPS policies within the Quinpool Road Commercial Area Plan is to encourage commercial and mixed commercial/residential development which strengthens the community function of the Quinpool Road area, and which is in keeping with the scale and character of the adjacent residential neighbourhoods.

Lounges are not specifically referenced in the policies for the Quinpool Road Commercial Area Plan. This use is not permitted on this property as-of-right, by development agreement, or through a rezoning process. The only option for the developer is to request a MPS amendment to include policies which would support this type of use in this area.

History of Similar Requests: On May 9, 2005 Peninsula Community Council refused an application to enter into a development agreement at 5515-5547 Young Street (commonly referred to as the “Hydrostone Market”) to permit a lounge. The DA application was undertaken under Policy 6.8, Section II City Wide Objectives of the Halifax MPS, which allows for the consideration of uses not permitted as-of-right for registered heritage properties. Proximity to a surrounding residential environment was a factor in Council’s decision not to approve the lounge use.

In 2003, Council refused a request for MPS and LUB amendments to permit a lounge at 5576 Fenwick Street, Halifax (restaurant operating under the name “My Other Brother Darrell’s”). Refusal was based primarily on concerns about compatibility with neighbouring residential uses. The Fenwick case had a similar relationship to a surrounding residential community to the application which is the subject of this report, as well as similar MPS policies and LUB requirements.

In response to a request to permit a lounge at 5677 Brenton Street, a previous staff report of October 10, 1990 examined options to consider lounges in areas designated and zoned residential-commercial mix and minor commercial. Staff favoured permitting lounges in all minor commercial zones throughout the city where associated with, but subordinate to a restaurant. A second option identified at that time was to permit lounges only in residential-commercial designated areas. Special controls

were suggested to ensure lounges remained subordinate to the principal use in order to minimize land use impacts. However, in 1991, Council approved MPS and LUB amendments to allow lounges of up to 600 square feet only within RC-2 zoned areas within the Spring Garden Road Commercial Area, and decided not to consider them within other minor commercial areas. The lands zoned RC-2 within the Spring Garden Road Secondary Plan Area are located between Brenton Place/Clyde Street and Spring Garden Road.

DISCUSSION

Site-specific MPS amendments and policy reviews should generally only be considered where circumstances related to policies of Council have changed significantly. The applicant argues that social norms have changed, whereas consuming alcohol is no longer considered taboo. Therefore, the applicant indicates that the new industry standard for licenses has become the eating establishment/lounge license. The applicant also indicates that the dynamics of Quinpool Road have been changing. It has increased in importance as a business district in HRM, resulting in its inclusion within the Capital District. Consequently, the applicant concludes that as an integral part of the Capital District, Quinpool Road should be afforded the same opportunities that the other associations in the Capital District benefit from, including the ability to establish a lounge.

Staff do not see the merit in considering a site-specific MPS/LUB amendment to permit a lounge at 6273 Quinpool Road. The development of a lounge at this location could lead to land use conflicts related to noise and traffic on adjacent residential areas.¹ This was the rationale behind the decision of the former Halifax City Council in not allowing lounges on Quinpool Road when it adopted the Quinpool Road Commercial Area Plan on July 31, 1986. In staff's opinion, this circumstance has not changed.

Although the argument that trends and attitudes have changed may have some merit, this argument is not specific to this property. If Council feels that it is appropriate to permit a lounge in conjunction with a restaurant at 6273 Quinpool Road, then this ability should be extended to other parts of the Quinpool Road Commercial Area Plan in which similar zoning exists. Certainly any approval of a site-specific MPS amendment to allow a lounge at this location would open the door for similar requests elsewhere within the Quinpool Road Commercial Area Plan.

Conclusion: Staff cannot see any change in the circumstances which led to the 1986 decision of the former Halifax City Council not to permit lounges in the Quinpool Road Commercial Area Plan. In fact, Council has dealt with this issue on three occasions since 1990, and each time Council decided that it was inappropriate to allow lounges in close proximity to residential neighbourhoods on the Peninsula. Staff cannot, therefore, recommend initiation of a MPS amendment process to allow a lounge at 6273 Quinpool Road.

¹Most of the parking reserved for Quincy's on Quinpool is located on lots fronting on Yale Street, a residential street located north of Quinpool.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council may choose:

1. Not to proceed with this requested amendment. This is the recommended course of action.
2. To authorize initiation of an MPS/LUB amendment process to consider allowing lounges in association with restaurants in the C-2C (Minor Commercial - Quinpool Road) Zone.
3. To authorize initiation of a site-specific MPS/LUB amendment process to consider permitting a lounge at 6273 Quinpool Road through a development agreement. This is not recommended for reasons outlined above.

ATTACHMENTS

Map 1	Location and Zoning
Map 2	Generalized Future Land Use
Attachment A	Extracts from the Municipal Planning Strategy
Attachment B	Letter from the Applicant

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

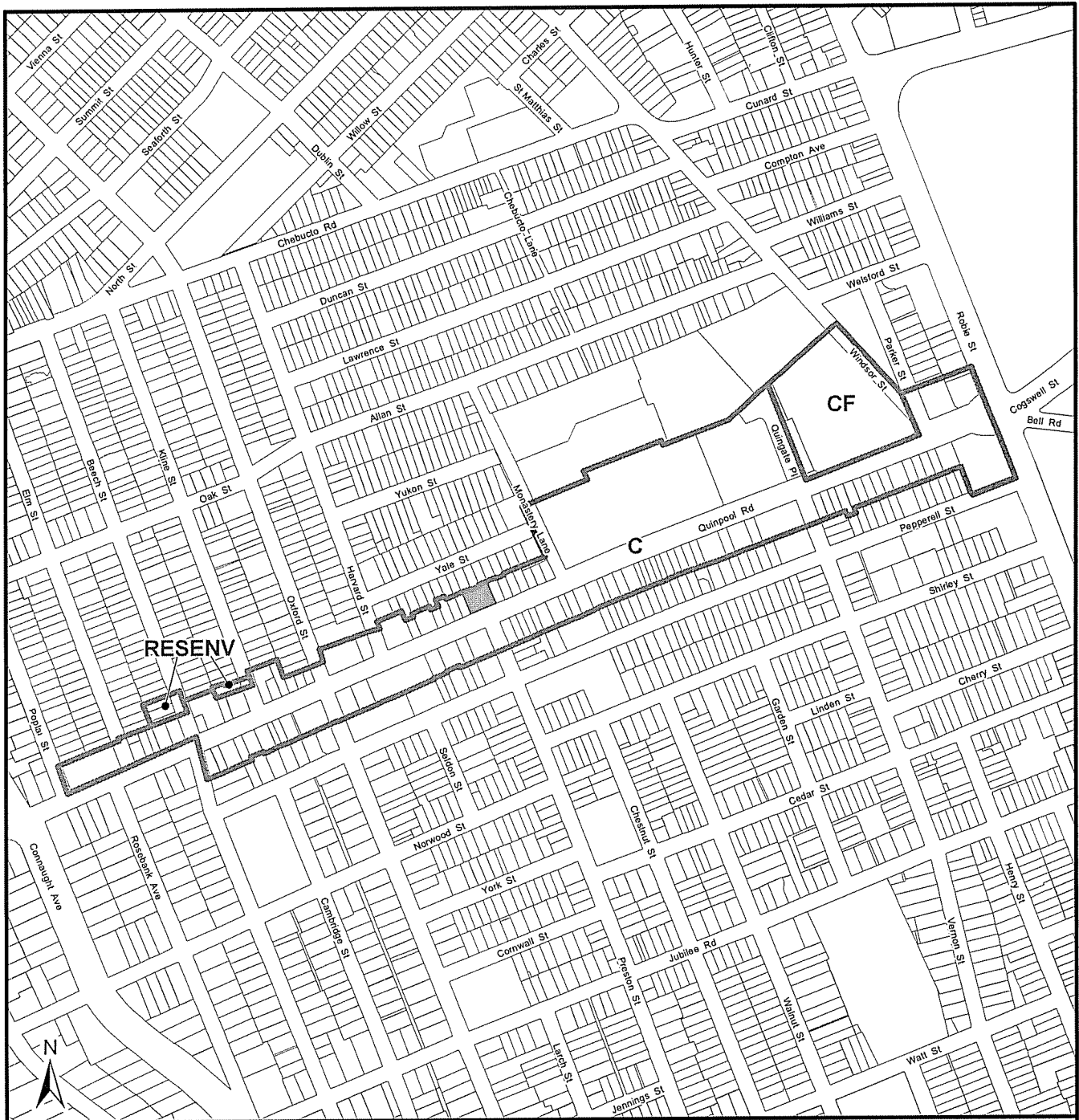
Luc Ouellet, Planner I, 490-3689

Financial Review:

Jean Broussard, Financial Consultant, 490-6267


Report Approved by:

Paul Dunphy, Director of Planning & Development Services



Map 2 - Generalized Future Land Use

Quinpool Road Commercial Area
Halifax

 Subject property

Designation

- RESENV Residential Environments
- C Commercial
- CF Community Facilities

Halifax Plan Area



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A - Extracts from the Halifax Municipal Planning Strategy

2. COMMERCIAL FACILITIES

- Objective The development and promotion of Quinpool Road as a general retail, office, personal service and business service area including mixed residential/commercial uses within the presently established commercial area.
- 2.1 The Quinpool Road Commercial area should service a market area comprising a large part of the City. Due to this extended market area, and its relative importance to the City as a focus of commercial activity, this centre shall be encouraged to offer a wider range of commercial activity than normally associated with a minor commercial centre as established in Policy 3.1.2 of Part II, Section II of the Commercial Policy Set.
- 2.1.1 In areas designated "Commercial" on the Generalized Future Land Use Map (Map 9h) of this Section, the City shall permit the following uses: retail shops and rental services, personal services, household repair shops, offices, parking structures, parking lots, bakeries, service stations, restaurants, wholesale uses in conjunction with retail uses, institutions, commercial schools, business services, and residential uses in single-use or mixed-use buildings.



Quincy's
RESTAURANT
ON QUINPOOL



Luc Ouellet
Planning and Development Services
Halifax Regional Municipality
Halifax, Nova Scotia

HALIFAX REGIONAL
MUNICIPALITY
OCT 06 2005
PLANNING SERVICES
WEST END MALL OFFICE

Dear Mr. Ouellet,

Re: Concerning the establishment of a lounge license at 6273 Quinpool Road

This letter and attachments are in response to the meeting we had last week in your office concerning the planned changes required to permit the establishment of a lounge on the above property.

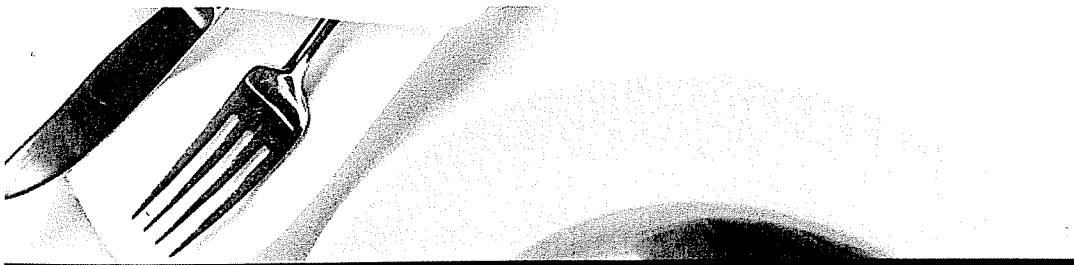
Specifically as per your instructions, I am submitting this letter to apply for a site specific combination of a Plan amendment and development agreement that would allow for the establishment of a lounge. You have indicated in previous meetings and follow-up letters that the staff position on Plan amendments is that they should be considered only when there has been a change in circumstances or there is a significantly different situation than what the plan expected.

With the assistance of Kate Carmichael, I helped to establish the Quinpool Road Mainstreet District in 1999. Having lived and worked on Quinpool Road for 18 years, this effort was in direct response to the changing dynamics of Quinpool Road and the increasing importance of the business district to HRM. City Council in 2001 recognized this organization and its efforts, by including Quinpool Road in the Capital District Commission.

The Capital District Commission was formed in 2001 by Council to coordinate service delivery and focus resources on the downtown areas of HRM in recognition of its importance as the region's centre for economy, culture, entertainment and government. Please note the following statistics regarding the Capital District;

- 40% of the region's jobs are located within the Capital District, 73% of the total office supply

-all five economic drivers are located here, banking and insurance, public administration, hospitals, national defence and universities. This concentration and clustering is key to our regional economy



-generates 27% of HRM's commercial tax base

-25% of future population growth will be directed to the urban core which includes the Capital District, according to Regional Plan

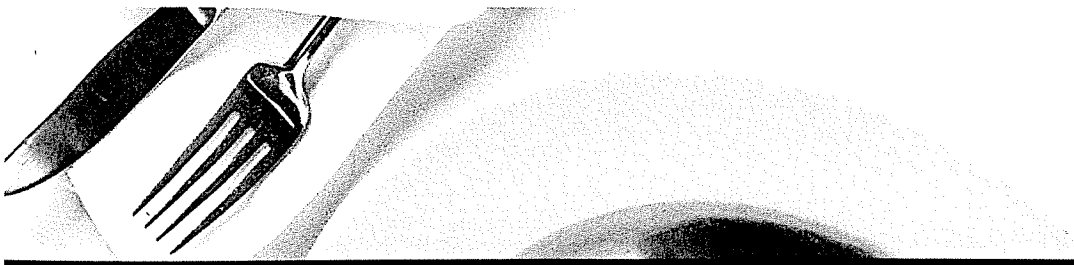
-Capital District generates over 550 million dollars in annual tourism revenue

Now an integral part of the Capital District Commission, Quinpool Road should be afforded the same opportunities that the other associations in the Capital District benefit from. Spring Garden Road, Barrington Street and the Halifax Waterfront are an integral part of the dynamics of HRM and Quinpool Road being a partner in the Capital District should share in those benefits. Allowing residents and visitors to sample and enjoy the unique urban environment we have to offer in Halifax, can only increase it's popularity and experience.

A lounge license would allow us to appeal to a much greater market, a market that has changed considerably in the last decade. Social norms have changed, consuming alcohol is no longer considered a taboo, in fact a healthy life style and diet also includes the responsible consumption of wine, beer and spirits. The defined licences held by pubs, restaurants, bars, taverns, wine bars etc. have become unrecognizable by the public. There are in fact two establishments on Quinpool Road that have held lounge licenses for several years, Freeman's and the Holiday Inn Hotel. The new industry standard for licenses has become the eating establishment/lounge license. This is another indication of changing attitudes and the awareness that of the flexibility that is required in our industry today.

By requesting a site specific amendment and development agreement, I am confident that we can convince our business and residential neighbours in a Public Information meeting that this will not harm or affect their current lifestyle or properties. We will offer control measures that includes hours of operation, number of seats and size of lounge area.

Quinpool Road is fast becoming a Go To Street, rather than a Go Through Street. The greening of Quinpool, new business investment, the make up of the neighbourhood and the planned amalgamation of two high schools to a new location, all enhance and help to improve the changing landscape of Quinpool Road.



The economics, the services and community culture of this neighbourhood must continue to grow. By allowing this Plan amendment for change, you are ensuring that Quinpool Road continues to be a strong partner in the future growth of the Capital District and the Halifax Regional Municipality.

If you require any further information, please contact me at your earliest convenience. I look forward to your favourable reply.

Sincerely,

Robert McKelvie
Owner Operator
Quincy's on Quinpool