

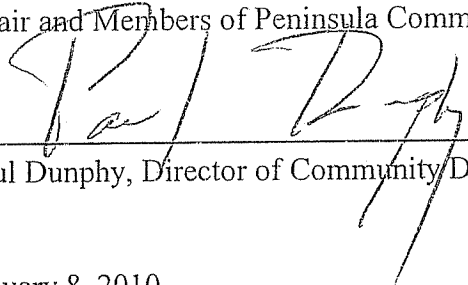


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Peninsula Community Council
February 8, 2010

TO: Chair and Members of Peninsula Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: January 8, 2010

SUBJECT: Lounges Within Restaurants on Quinpool Road

INFORMATION REPORT

ORIGIN

October 5, 2009 motion of Peninsula Community Council:

MOVED by Councillor Uteck, seconded by Councillor Sloane that staff provide an information report outlining options on a go forward basis to re-examine the current zoning on the Quinpool Mainstreet District Association in order to permit the zoning designation of "Lounge" within a restaurant. Such options should examine a wholesale MPS change or site specific MPS changes that provide for a development agreement.

BACKGROUND

The lands fronting on Quinpool Road from Robie Street to Beech Street on the southern side and from Robie Street to Poplar Street on the northern side are designated Commercial on the Generalized Future Land Use Map for the Quinpool Road Commercial Area Plan (see Map 1), and are for the most part zoned C-2C (Minor Commercial - Quinpool Road) under the Halifax Peninsula Land Use By-law (LUB) (see Map 2).¹

The intent of the Municipal Planning Strategy (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. With the exception of a set of site specific policies put in place under a 2006 MPS amendment, lounges are not specifically referenced in the policies for the Quinpool Road Commercial Area Plan.² Likewise, the LUB does not list lounges as a permitted use under the C-2C Zone.

Therefore, for properties currently zoned C-2C, with the exception of 6273 Quinpool Road, lounges are not permitted as-of-right, by development agreement, or through a rezoning process. The only option for property owners who would like to establish a lounge along Quinpool Road within the C-2C Zone is to request a MPS amendment to include policies which would support this type of use in this area.

While the C-2C Zone does not allow lounges, it does allow licenced restaurants. 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.

It is important to note that there are three properties fronting on Quinpool Road (see Map 2) that were zoned C-2 (General Commercial) at the time of the coming into force of the Quinpool Road Commercial Plan. These three properties could establish lounges as-of-right.

DISCUSSION

Council has three options available in terms of permitting lounges (holding bars) in association with restaurants within the Quinpool Road Commercial Area Plan, these are:

¹ Exceptions include the former St. Patrick High School site which is designated Community Facility and zoned P (Park and Institutional), the southwestern and northwestern corners of Robie Street and Quinpool Road, which are both zoned C-2 (General Commercial) and the southwestern corner of Vernon Street and Quinpool Road, which is also zoned C-2 (General Commercial).

² The site specific MPS amendment approved in 2006 was to allow for a lounge to operate in conjunction with a restaurant at 6273 Quinpool (current location of Athens Restaurant).

1. Area-wide amendments to the Halifax MPS and the Halifax Peninsula LUB to add lounges in association with, but subordinate to restaurants as a permitted use under the C-2C Zone;
2. Area-wide amendments to the Halifax MPS and the Halifax Peninsula LUB to allow lounges in association with, but subordinate to restaurants through the development agreement process within the Commercial Designation of the Quinpool Road Commercial Area Plan; or,
3. Site specific amendments to the Halifax MPS and the Halifax Peninsula LUB on a case by case basis to allow lounges in association with, but subordinate to restaurants through the development agreement process.

Special controls can be drafted to ensure lounges remain subordinate to the principal use in order to minimize land use impacts.

Of the three options presented above, only the first two would be supported by staff. A site specific approach is not recommended in this case as the C-2C zoned properties located within the Quinpool Road Commercial Plan Area have similar features, chief among them their relative proximity to residentially-zoned lands. If Council feels that it is appropriate to permit a lounge in conjunction with a restaurant at one location within the Quinpool Road Commercial Plan Area, then this ability should be extended to other parts of Quinpool Road in which similar zoning exists. Certainly any approval of a site-specific MPS amendment to allow a lounge at one location would lead to similar requests elsewhere within the Quinpool Road Commercial Area Plan.

Furthermore, the only benefit seemingly that a development agreement approach (option 2) has over an as-of-right approach (option 1) is the ability to control hours of operation.³ However, the hours of operation can already be controlled through the liquor licensing process making the development agreement approach redundant for this sole purpose.

Conclusion

Staff feel that while there might be some merit in permitting holding bars to be established within the Quinpool Road Commercial Plan Area, it would be more appropriate to discuss the matter as a component of the HRMbyDesign process when it proceeds forward across peninsular Halifax.

BUDGET IMPLICATIONS

There are no budget implications.

³ The *Halifax Regional Municipality Charter* only provides HRM with the ability to control hours of operation through the development agreement process. The Municipality cannot enact such regulations through normal Land Use By-law provisions.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

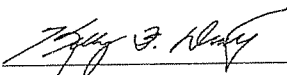
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

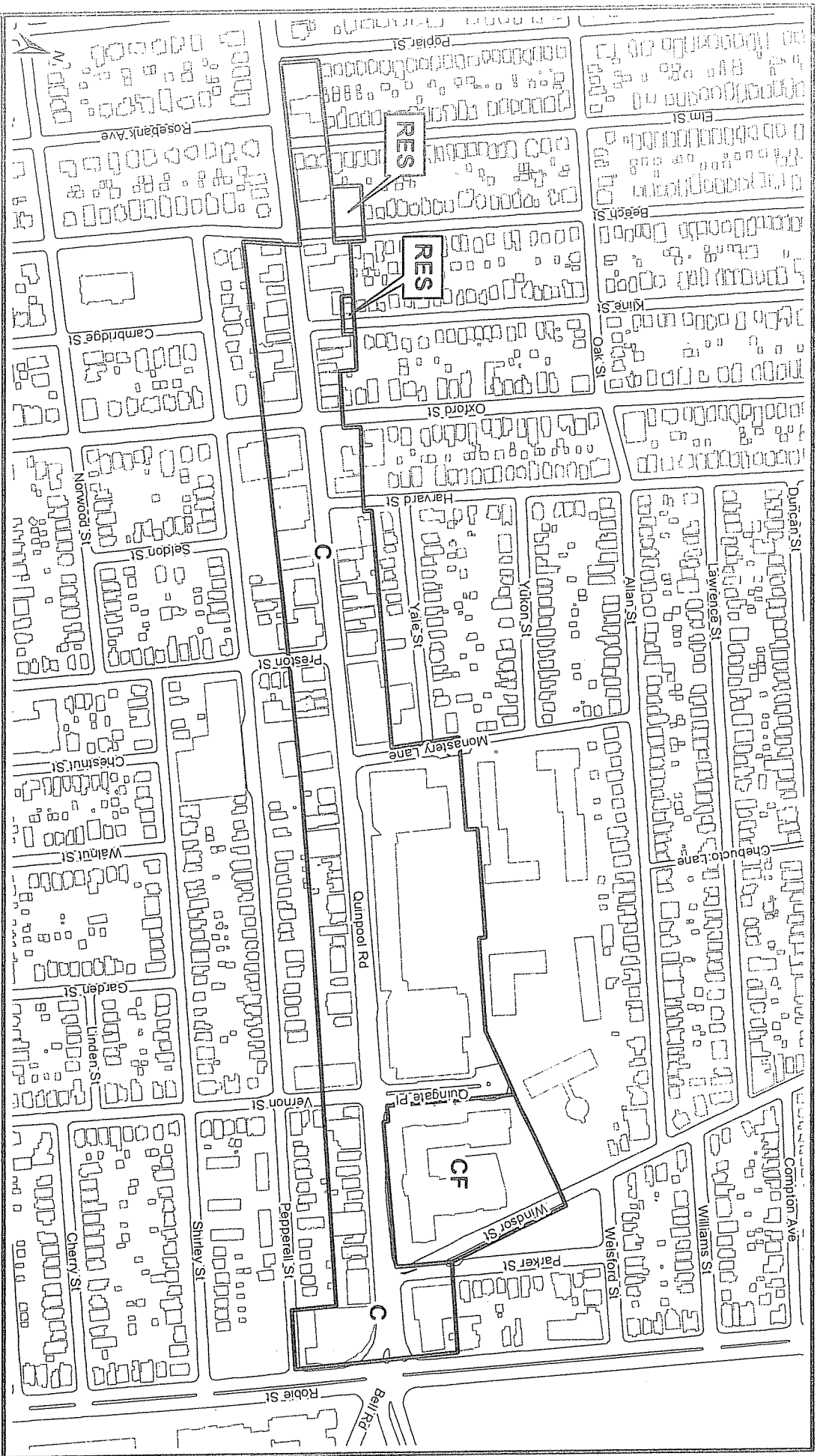
ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning
Attachment A	Extracts from the Halifax Municipal Planning Strategy

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

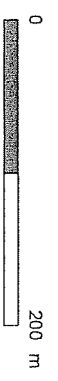
Report Prepared by : Luc Ouellet, Planner I, 490-3689

Report Approved by: 
Kelly Denty, Acting Manager of Planning Services, 490-6011



Quinpool Road Commercial Area Plan
Map 1
Generalized Future Land Use

- Designation**
- C Commercial
 - CF Community Facility
 - RES Residential

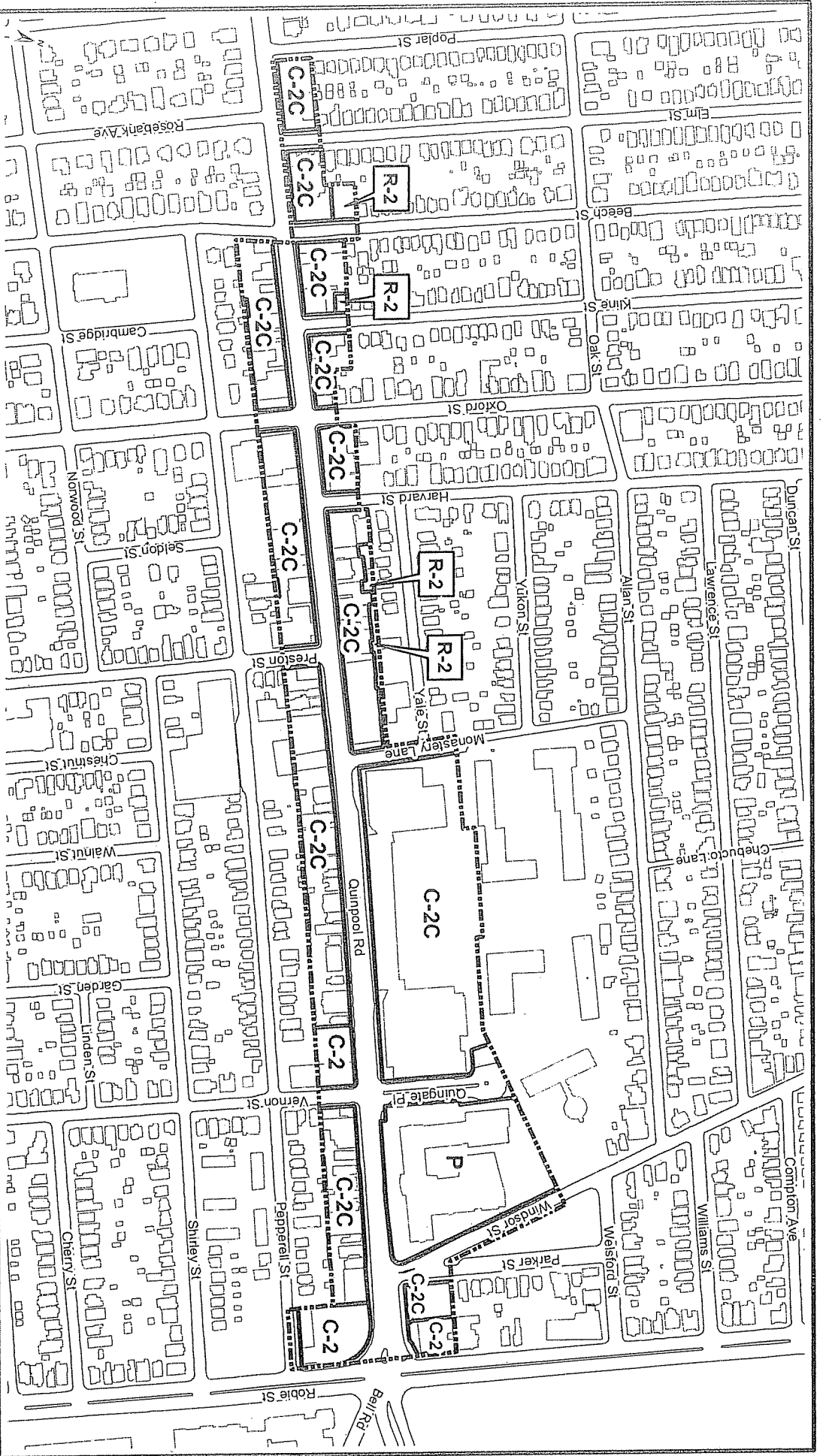


18 December 2009

File: T:\work\planning\hiliary\Casemaps\HPEN\QuinpoolRd (HEC)

Approved: 22 December 1986

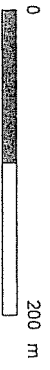




Quinpool Road Commercial Area Plan

Map 2
Zoning

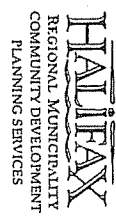
- C Commercial
- CF Community Facility
- RES Residential



18 December 2009

File: T:\work\planning\hilly/Casemaps\HPEN\QuinpoolRd (HEC)

Approved: 22 December 1986



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.