



Town of Amherst
Planning Advisory Committee Meeting
Agenda

Date: **Monday, May 1, 2023**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Territorial Acknowledgement	
“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”	
1.2 Approval of Agenda	
1.3 Approval of Minutes - March 6, 2023	1 - 4
2. Welcome Citizen Appointee Jim Lamplugh	
3. Election of Chair and Vice-Chair	5 - 7
4. Staff Reports / Presentations	
4.1 155 East Victoria Street	8 - 55
5. Adjournment	

**Town of Amherst
Planning Advisory Committee
Minutes**

Date: March 6, 2023
Time: 4:30 pm
Location: Council Chambers, Town Hall

Members Present Deputy Mayor Leon Landry
Councillor Hal Davidson
Ronald Wilson, Citizen Representative
Larry Pardy, Citizen Representative
Creighton McCarthy, Citizen Representative

Staff Present Jason MacDonald, Chief Administrative Officer
Andrew Fisher, Director of Planning & Strategic Initiatives
Marc Buske, Building Official
Natalie LeBlanc, Municipal Clerk
Emily Wainwright, Dangerous/Unsightly Premises Administrator
Cindy Brown, Administrative Assistant
Abiola Falaye, Planner/GIS Coordinator

1. Call to Order

The Chair called the meeting to order at 4:30 PM.

1.1 Territorial Acknowledgement

The Chair gave the Territorial Acknowledgement.

1.2 Approval of Agenda

Moved By: Councillor Davidson

Seconded By: Creighton McCarthy

That the agenda of the March 6, 2023 Planning Advisory Committee Meeting be approved as circulated.

Motion Carried

1.3 Approval of Minutes - February 6, 2023

Moved By: Larry Pardy

Seconded By: Councillor Davidson

That the minutes of the February 6, 2023 Planning Advisory Committee Meeting be approved as circulated.

Motion Carried

2. Staff Reports / Presentations

2.1 **9 North Adelaide Street Development Agreement Application**

Andrew Fisher presented the proposal for a development agreement application to increase the number of dwelling units within the building at 9 North Adelaide Street (PID: 25008798) from 6 to 8 units.

Deputy Mayor Landry wanted to know about the driveway, it seems quite elevated. Is it elevated in the back of the property as well? Andrew Fisher answers for the most part the property is flat. Deputy Mayor Landry asked about the headlights of vehicles shining in people's windows due to elevated parking in the back. Andrew Fisher responded that it is a requirement in the development agreement to install an opaque fence around the back of the property line and twenty feet along the sides to reduce the lights shining in the back of houses. The Chair asked if there were other properties in that area that have issues with deficiencies regarding parking. Andrew Fisher answered it is normal for vehicles to park long that street.

Larry Pardy called the staff's attention to an inconsistency in the number of units quoted in the presentation. Staff clarified that the total number of apartments in the proposed design is eight (8), comprising five 1-bedroom, one 2-bedroom, and two 3-bedroom apartments.

Moved By: Councillor Davidson

Seconded By: Deputy Mayor Landry

That the Planning Advisory Committee recommend to Council to enter into the Development Agreement for 9 North Adelaide Street (PID: 25008798) as drafted.

Motion Carried

2.2 **36/38 Beacon Street Rezoning Application**

Abiola Falaye presented the proposal for a development agreement application to amend the Land Use Bylaw Schedule "A" Zoning Map to rezone the property at 36/38 Beacon Street (PID: 25011248, 25011255) from General Residential to Open Space.

Creighton McCarthy wanted to know who owns that property. Abiola Falaye answered Amherst Little League Baseball Club owns the property.

Larry Pardy wanted to know if there was a development agreement and how will the property be maintained. Abiola Falaye answered that a development agreement is not required for this application. This application is requesting for an amendment to the land use bylaw zoning map. The process of amending the land use bylaw zoning map is quite similar to a development agreement and that is why we have to go through the Public Participation and a Planning Advisory Committee review before it can go before Council.

Larry Pardy stated that we are diminishing two residential lots in town and wonders about tax revenue loss. Larry feels the report should address those issues. Andrew Fisher answers that tax revenue is not a Planning concern for the committee. Andrew Fisher said yes, it is a loss of a residential lot, but it is a small lot that backs up to a busy playground. There is no policy about not reducing available residential land. Jason MacDonald responded that the taxes are

miniscule on this lot and that tax revenue should not be part of the decision-making process. The decision-making process should ask does the proposal satisfy the policy of the Municipal Planning Strategy and the regulations of the Land Use Bylaw.

Councillor Davidson supports this and feels that the Town needs to make sure there is enough leisure spaces and that Amherst Little League Baseball should be commended.

Moved By: Deputy Mayor Landry

Seconded By: Creighton McCarthy

That the Planning Advisory Committee recommend that Council amend the Land Use Bylaw Schedule 'A' Zoning Map by changing the zoning of PIDs 25011255 and 25011248 from General Density Residential to Open Space.

Motion Carried

2.3 52 Hickman Street Development Agreement Application

Abiola Falaye presented the proposal for a development agreement application to permit the construction of a garden suite at 52 Hickman Street (PID: 25021973).

Larry Pardy asked about the elevations and wonders about the setbacks on Snowdon Avenue.

Councillor Davidson noted that after seeing the address in question on the map there appears to be quite a few properties on that street with similar setbacks. Andrew Fisher answers that many of the residents in that area are using Snowden Avenue as a back entrance and this application is consistent with the surrounding neighbors.

Moved By: Councillor Davidson

Seconded By: Deputy Mayor Landry

That the Planning Advisory Committee recommend that Council enter into the Development Agreement for 52 Hickman Street (PID:25021973) as drafted.

Motion Carried

2.4 Public Participation Opportunity Minutes

Information item only; no direction given or action required.

3. Dangerous/Unsightly Premises Administrator Update

Andrew Fisher presented the Dangerous / Unsightly Premises Administrator report included as part of the agenda package. Information item only; no direction given or action required.

4. Upland Planning + Design Presentation - Draft Municipal Planning Strategy and Land Use Bylaw

Ian Watson from Upland Planning and Design presented the draft Municipal Planning Strategy and Land Use Bylaw.

Under January Drafts - Housing Per Unit Frontage

Councillor Davidson wanted to know where height comes into play when determining a building setback? Ian Watson says height standards would be considered separately. Andrew Fisher said the max permissible height of a building is 35 feet/11 meters.

Under 5-8 Units

Larry Pardy wants to know the criteria for evaluating development applications and parking based on site plan approval process. Ian Watson answered that in addition to meeting the zoning requirements, applications considered through site plan approval process will also have to meet other qualitative requirements provided in the revised planning regulation. This includes landscaping, location of driveways, screening of solid waste facilities among others.

High Density

Jason MacDonald spoke of pre-zoning some properties for high density residential use. Andrew Fisher answered that properties located between the downtown core and South Albion Street corridor are suitable considerations for this purpose.

Under Home Offices and Home Teaching

Councillor Davidson asked about the difference between a “home teaching” and “home business”. Ian Watson explained that home teaching is limited to teaching one student at a time. Where more than one student is involved, such activity will be considered as a home business.

Andrew Fisher wants the Planning Advisory Committee to send questions to staff by March 20, 2023 for collation and submission to Upland Planning+ Design. Printed copies of the Draft Municipal Planning Strategy and Land Use Bylaw will be made available to the committee members tomorrow.

- 5. Adjournment**
Moved By: Councillor Davidson
Seconded By: Larry Pardy
To adjourn the meeting.

Motion Carried

Andrew Fisher
Director of Planning and Strategic Initiatives

Ron Wilson
Chair

MEMORANDUM

To: Planning Advisory Committee
From: Natalie LeBlanc, Municipal Clerk
Date: May 1, 2023
Subject: Election of Chair and Vice Chair

As per the Planning Advisory Committee Policy Section 9, the annual election of Chair and Vice Chair has been added to the meeting agenda.

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

TITLE: **PLANNING ADVISORY COMMITTEE POLICY**

Minutes reference date: 27 March 2006; 29 November 2010; 24 October 2011; March 24, 2014; 22 January 2015

PURPOSE:

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the *Municipal Government Act*.

ROLE OF COMMITTEE

1. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town’s Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
4. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unsightly Premises Policy of the Town of Amherst.

MEMBERSHIP

5. The Council shall appoint members of the Planning Advisory Committee by resolution.
6. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
7. The term for members shall be three years, and members may be re-appointed to the Committee. Public members’ terms shall be by fiscal year, with one member appointed each year.
8. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper. It is the intention to have members with a varied background; however, members with a planning, architecture, engineering or other similar background will have some preference.

9. At the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

STAFF RESOURCES

10. The Deputy Chief Administrative Officer – Operations is responsible for all functions of the Committee including:
 - a. Calling meeting;
 - b. Taking minutes
 - c. Distribution of reports and other information as required;
 - d. Public notification as required;
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
11. Where additional information or work is required of staff by the Committee the Deputy Chief Administrative Officer – Operations (Deputy CAO) will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
12. Meetings are to be attended by the Deputy CAO or designate as well as an Executive Assistant. At the discretion of the Deputy CAO, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer and all Directors.

MEETINGS

13. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
14. Meeting times may be changed when appropriate by the Chairperson in consultation with the Deputy CAO.
15. Meetings may be cancelled by the Chairperson in consultation with the Deputy CAO when there are no agenda items.
16. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.
17. The date, time and location of Committee meetings shall be posted in the lobby of Town Hall three days prior to the meeting, and on the Town's website.
18. An agenda package will be provided to all Committee members and staff no later than 4:00 PM, two business days prior to the meeting.

MEMO

TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: May 1, 2023

RE: **Development Agreement – Apartment Building – 155 East Victoria Street**

PROPOSAL:

A revised application by Leslie Carrie for a development agreement to allow construction of a 48-unit apartment building at 155 East Victoria Street (Lot 2005-1A, PID 25034091).

BACKGROUND INFORMATION:

The attached application briefing provides the revised site details and building proposal. Also attached is a lot coverage, shade analysis and model of the proposal in relation to the streetscape and buildings in the area. The original proposal was for a 6-7-level, 59-unit apartment building. After a January 18th Public Participation Opportunity, on February 6th the PAC recommended that Council not enter into the development agreement. Subsequently, the applicant requested an opportunity to revise the height and number of units, and increase the setback from the adjacent property at 153 East Victoria Street. On January 27th, Council referred the application back to the PAC for review and recommendation.

Although changes have been made to the proposal since the Public Participation Opportunity (PPO) took place, it is substantially the same in terms of the type of use and major site features. Addressing the issues raised at the February PPO is the key focus of the revised proposal. As such, it would be redundant to hold an additional PPO. Following PAC’s second recommendation, should Council decide to pass first reading, a public hearing will be held to gain the public’s input on the revised proposal.

As indicated above and shown on the attached briefing the proposed building has been reduced from 6 levels (7 at East Victoria) to 4 levels (5 at East Victoria). The footprint of the building, now rectangular, no longer articulates at the centre. The revised building has also been moved towards South Adelaide, increasing the setback from approximately 10 feet to 24 feet, providing approximately 30 feet of separation between the proposed building and the dwelling at 153 East Victoria.

There are other architectural changes including three exterior finishes to break up the vertical lines of the building. The roof line has been significantly changed to include peak and hip roof features to reduce the ‘box-like’ character of the initial proposal. These features reference the architecture of its surroundings. A lighter color for the 4th floor juxtaposed with the darker coloured brick and stone on the lower floors has a similar visual effect of emphasizing the lower levels. A covered entrance is added. Decks on the southwest units that were recessed, now protrude from the building wall. The 4/5th floor deck on the north corner of the building is set back into the building footprint.

Staff also developed a model that accounts for land elevation relative to sea level, which provides a more accurate comparison of the proposed building height and the surrounding buildings. As shown in the Briefing, the proposed building will be approximately 45.5 m above sea level, just over 3.1 m (10.2 feet) higher than the 8-unit apartment at 157 East Victoria, and approximately 10.2 m (33 feet) higher than 153 East Victoria.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification, was held on January 18, 2023. A video of the meeting has been made available, and a summary is provided as part of the information package. Written submissions are also part of the information package. Some of the concerns raised at the meeting could be summarized as follows:

- The building is out of scale with adjacent detached dwellings in terms of the number of units and bulk, height and position
- Not sensitive to the established neighbourhood character
- Approval of this will set a precedent for all residential neighbourhoods
- Loss of privacy
- Traffic increase in frequency and speed
- Property values will decrease in the area
- Construction noise and disruption
- Schools are already over capacity
- School children safety
- The proposal does not meet the LUB requirements
- Impact assessment needed on services, environment, fire services, traffic, school system.
- Fencing is needed.

Many of the above noted concerns are addressed in the discussion below. In addition, the applicant provided the attached response to the concerns raised by the public.

RELEVANT POLICY

Section 7.2.2 of the Land Use Bylaw requires that residential developments with over four dwelling units are subject to a development agreement in accordance with Policy RP-9 of the Municipal Planning Strategy (MPS). The following provides the MPS Policies relevant to this issue with staff comments.

Policy RP-9 Medium and High Density by Development Agreement

It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall ensure that:

- a) the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*

- c) *the location of the parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) *any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) *any signage on the property is sympathetic to the surrounding residential properties;*
- f) *vegetation is used to improve the aesthetic quality of the development;*
- g) ***the architecture of the building is sympathetic to any existing development in the surrounding area.***

As noted above, efforts have been made to limit the impact of the proposed development on the surrounding neighbourhood by reducing the building height to 4/5 levels and significantly increasing separation to 153 East Victoria. Privacy fencing would also be erected around the property perimeter. These measures are intended to reduce the impact on the adjacent dwelling at 153 East Victoria to some degree. In addition to the required privacy fence and the significant tree cover that exists in the rear yard of 153 East Victoria, the development agreement requires juvenile trees between the proposed building and 153 East Victoria to provide a visual barrier between the properties as much as possible.

A total of 64 parking spaces are proposed, with 25 located underground with access onto East Victoria and 39 surface parking spaces with access from South Adelaide. A turn-in is provided along the North Adelaide frontage with direct access to the main entrance and three accessible parking spaces. At a ratio of 1.3 spaces/unit, the number of spaces exceeds the LUB standard of 1.25 spaces/ unit. The main surface parking area is located to the rear and interior of the lot as much as possible, and vegetation is proposed where possible to soften the impact of the parking areas.

Regarding sections 'd & e' above, outdoor lighting and signage is addressed in the draft development agreement.

With regard to subsection (g), as noted in the attached application briefing, built form in the area is characterized as a mixture of 2-3 storey single-family dwellings and converted dwellings with up to eight dwelling units. Other uses include a 2-storey seniors apartment building to the immediate south. The height and bulk of the building is significantly larger than the built form of this neighbourhood that, while near the downtown commercial zone, is definitively residential.

The subject property is located on the first residential block northeast of the downtown core. Within approximately 70m (230 ft) exists Cumberland Manor, a 4-storey seniors apartment building on the same amount of land with ground-floor offices and 30-units on the upper floors. While Cumberland Manor and the proposed buildings are now the same height, there remains two important differences between the buildings. Firstly, the bulk and height of Cumberland Manor is significantly less dominating due to the front yard setback being approximately 25m (82 ft). Secondly, Cumberland Manor is located in the Downtown Commercial Zone, which has a significantly different built form typical of a traditional downtown commercial area. The property at 155 East Victoria Street is not in this zone.

It should be noted that although subsection (g) requires the proposal to be sympathetic to its surrounds, it does not require that it be the same. Included in the attached design brief is a shade analysis and neighbourhood model that illustrate the size of the building in relation to its surroundings. While significantly larger, it could be argued that the proposed building roofline is sympathetic to the slanted

and peaked roof architecture in the neighbourhood; however, the proposal attempts to mitigate potential conflicts.

GP-7 Compatibility

It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The matters noted in GP-7 are for the most part addressed in the discussion above regarding RP-9. The revised proposal does meet or exceed yard setback standards in the LUB. The building is setback as much as possible from the South Adelaide – East Victoria intersection, and the main surface parking area is located at the back corner of the lot. Fencing and a vegetative buffer is proposed to mitigate the privacy lost by the proposal.

GP-8 Density

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

The ambiguity of this policy makes it difficult to apply it in an analysis of the proposed development. Higher density can be appropriate for this area and this property, but the architectural character of the building becomes more important the higher the density and resulting size of the building becomes. It could be argued that a 48-unit, 4/5 story building is not sensitive the surrounding neighbourhood characterized by 2-3 level dwellings with peaked roofs. It could also be argued that there are areas of town, such as the downtown core area district or perhaps the Highway Commercial area of town, where high density is more appropriate than a relatively low-density residential neighbourhood such as the one where 155 East Victoria is located.

Conversely, compatibility can be evaluated based on the degree to which the proposed building can exist in this neighbourhood without conflict. Revisions to the proposal have attempted to reduce potential conflict by reducing the height from 6/7 to 4/5 levels, doubling the setback to 153 East Victoria, and changing the architectural character of the building as described above. In terms of traffic, the proposal includes direct access to an arterial street and is a short walking distance to the downtown core area. In addition, the shade analysis indicates the shadow cast will not have a significant impact on surrounding property, particularly 153 East Victoria Street. Given these considerations, it could be argued that the potential conflicts are reduced to the point where the proposal is considered compatible.

RP-8 Housing Mix

It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

The proposal would significantly increase the overall housing density and make a significant contribution to the housing mix in the area. A building of a larger scale than its surroundings would be in keeping with this policy.

RP-10 Neighbourhood Stabilization

It shall be the intention of Council to provide for the stabilization of existing residential neighbourhoods by: (b) discouraging the encroachment of non-compatible land uses.

The application is for a multi-unit residential development surrounded by other residential uses. When compared to an industrial use, it could be argued that the existing and proposed use is compatible. Where this policy may be more relevant is the extent to which the proposed development is so intense as to be non-compatible with its surroundings. These factors have all been addressed to some degree by the applicant, but as outlined above, the bulk, height and density of the building is significantly greater than the surrounding neighbourhood.

RP-11 Affordable Housing

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:(a) encouraging a mix of housing types and densities;

The proposal would significantly contribute to the ‘mix of housing types’ and increase the overall density in the area. Currently, the shortage of housing across the spectrum of housing types has had a significant negative impact on housing affordability. The addition of these multi-unit dwellings addresses this shortage and can potentially increase affordability.

RP-12 Residential Area Design

It shall be the intention of Council to ensure that new residential areas:

- a) provide for the efficient use of land;*
- b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- d) provides for the efficient and safe movement of pedestrians and cyclists;*
- e) minimizes adverse effects on the environment;*
- f) provides for parks and other community uses in safe and central locations.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Vehicle and active transportation connectivity is relatively high. The development is within close walking distance to downtown, which reduces vehicle dependency.

MS-4 Service Standards

It shall be the intention of Council to maintain a ‘Development Standards Bylaw’ in order to establish the required servicing standards for development within the town...

Town engineering have indicated that existing service connections can accommodate the proposal. A standard development agreement would require the submission of a storm water drainage plan as part of the development. Principal requirements of the drainage plan will be to not increase runoff onto adjacent properties.

MS-11 In-fill Development

It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

As previously stated, the proposal satisfies the above policy.

R-21 High Density Open Space

It shall be the intention of Council to require multiple unit residential properties to provide usable open space for use of residents on the site.

Beyond the provision of individual balconies for each unit, the proposal provides limited usable open space at ground level.

A-5: Amendment Criteria

It shall be the intention of Council, when considering [...] entering into a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;**
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.**

With regard to subsection (a), this report attempts to address all relevant policies of the MPS and other town Bylaws and regulations. Readers are reminded that although the Land Use Bylaw contains specific requirements with respect to development, the terms and conditions within a development agreement supersedes those LUB requirements. Regarding other town bylaws and regulations, the proposal would be in compliance where relevant.

In terms of subsection (b), there would be no significant burden on the town's finances, street network and services can accommodate the development. It may be prudent in the future to install sidewalk along South Adelaide that provides a pedestrian connection between East Victoria and Prince Arthur Streets.

With regard to subsection (c), parking and traffic generation is split between the underground and surface parking access points that spreads the traffic over separate street frontages. While there is expected to be an increase in traffic along South Adelaide, a significant share of trip generation will access East Victoria, which is an arterial street. Staff feel that street network can accommodate the increase in traffic.

In consideration of the extent to which the proposal might conflict with any adjacent or nearby land uses by reason of its type of use, height, bulk and lot coverage, staff feel that the residential use of the building will not conflict with the surrounding neighbourhood. Staff have also created a streetscape model that visualizes the proposed building in relation to the location, bulk and height of its surroundings. The proposed building is about one storey higher than the tallest building in the area in the area. While this is not a significant deviation, the bulk of the building will have a significant visual impact on the East Victoria streetscape.

DISCUSSION and CONCLUSION: There are many aspects of the proposal that could have a positive impact on the town. Amherst very much needs more residential development within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. More people living in and near downtowns results in increase activity during, but also outside, regular business hours. More activity in a downtown area often attracts even more people to spend their leisure time in the area, which further supports the case for other commercial and residential investment in this area.

Other positive elements include barrier-free units, rooftop solar electricity generation, heat provided by heat pumps, electric vehicle charging stations, and building energy efficiencies that exceed Building Code standards. The proposed ‘tilt-up’ construction is alleged to be significantly faster than conventional construction methods. The applicant states that construction would take approximately 6 months versus a year or more for conventional construction. This reduces the length of disturbance in the surrounding area due to construction. This would be an upscale, efficient building with amenities that do not currently exist in the Amherst housing market. It would cater to those looking for a living option with a relatively low carbon footprint lower dependence on a personal vehicle. It is the type of progressive building that the town needs.

It was suggested to the applicant that if the proposed building were reduced to three levels (4 at East Victoria) it would be similar in height to the 3-level, 8-unit building at 157 East Victoria and other 3-level buildings in the broader neighbourhood. In addition, stepping the upper floor back 10-15 feet would reduce the shear face of the building wall that fronts on East Victoria and potentially reduce its impact on the streetscape and neighbourhood character. Staff suggested that these two reductions in the height and bulk of the building might allow an argument to be made that the building is in keeping with the general intent of the key MPS policies. The applicant responded that these changes would make the project financially unfeasible.

In conclusion, staff and the public raised concerns about the compatibility of the proposal with respect to its location on the lot, bulk height and lack of compatibility and sensitivity with the surrounding neighbourhood. These concerns also reflect issues identified by MPS policies that must be considered in evaluating this proposal. In response, the proposal has been significantly revised to address these concerns to mitigate the potential conflicts and impacts. The three planners on staff have discussed this proposal at length and feel that a legitimate argument can be made for both a positive and a negative recommendation; however, there is consensus that once complete, the proposed building will have a positive impact on the town over all. It will have a limited impact on South Adelaide and a significant visual impact on East Victoria.

OPTIONS:

Option One: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise. Street.

Option Two: Recommend that Council not enter into the Development Agreement for 155 East Victoria

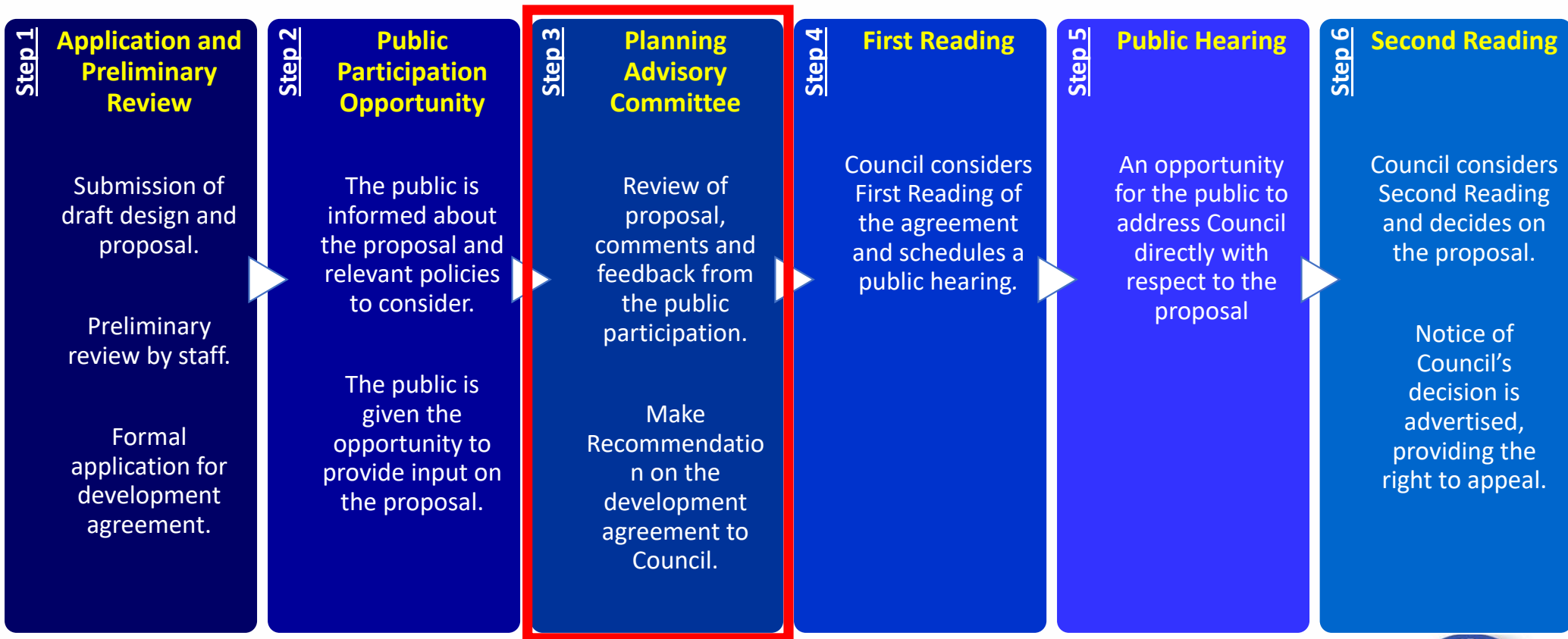
STAFF RECOMMENDATION: On balance, planners on staff feel that the proposal satisfies the general intent of the Municipal Planning Strategy, and recommend **Option One.**

Development Agreement Application to Permit a 48-Unit Apartment Building on 155 East Victoria Street

May 1, 2023



DEVELOPMENT AGREEMENT PROCESS



*All meetings of the PAC and Council are open to the public.

#seewhyweloveit



APPLICATION DETAILS

Applicant: Leslie Carrie

Owner: 3227967 Nova Scotia Limited

Summary of Proposal: A 48-unit, 4-level Apartment Building

Location: 155 Victoria Street (Lot 2005-1A, PID 25034091).

Property Size: 3587 m² (0.9 acres).

Street Frontage: 35m on Victoria Street, 73m on South Adelaide Street.

Existing Land Use: Vacant

Existing Zoning: General Residential



The Amherst Land Use Bylaw and Municipal Planning Strategy require a development agreement for any proposed residential use for more than four dwelling units.

An apartment building means a building or part thereof, consisting of three or more dwelling units, excluding town houses (Land Use ByLaw, Town of Amherst).



#seewhyweloveit



NEIGHBOURHOOD CONTEXT

- ❑ The **subject property** is a corner lot bounded by South Adelaide and Victoria East Street.
- ❑ Immediately surrounded by 1-3 storey single-detached and multi-unit converted dwellings.
- ❑ 2-storey seniors apartment building (Shiretown Manor) is located directly south of the property. A extended stay motel and a 4-storey senior's residence is located approximately 70m away.
- ❑ The subject property exists on the first residential block adjacent to the downtown core. Moving further northeast the neighborhood consists of several historically significant residential properties
- ❑ The downtown core area with a variety commercial uses and services is within a very short walking distance.



#seewhyweloveit



SITE PLAN

General Description: 4-storey, 48-unit apartment building

Units: 29 one-bedroom units, 19 two-bedroom units

Building Footprint: +/- 1,158 sqm (12,457 sqft)

Property Area: 3,587m² (0.9 acre)

Density: 48 units/acre

Parking: 64 spaces (39 surface/25 underground)
(1.3 spaces/unit). 8 EV chargers & Bike Storage

Access: East Victoria Street & South Adelaide Street.

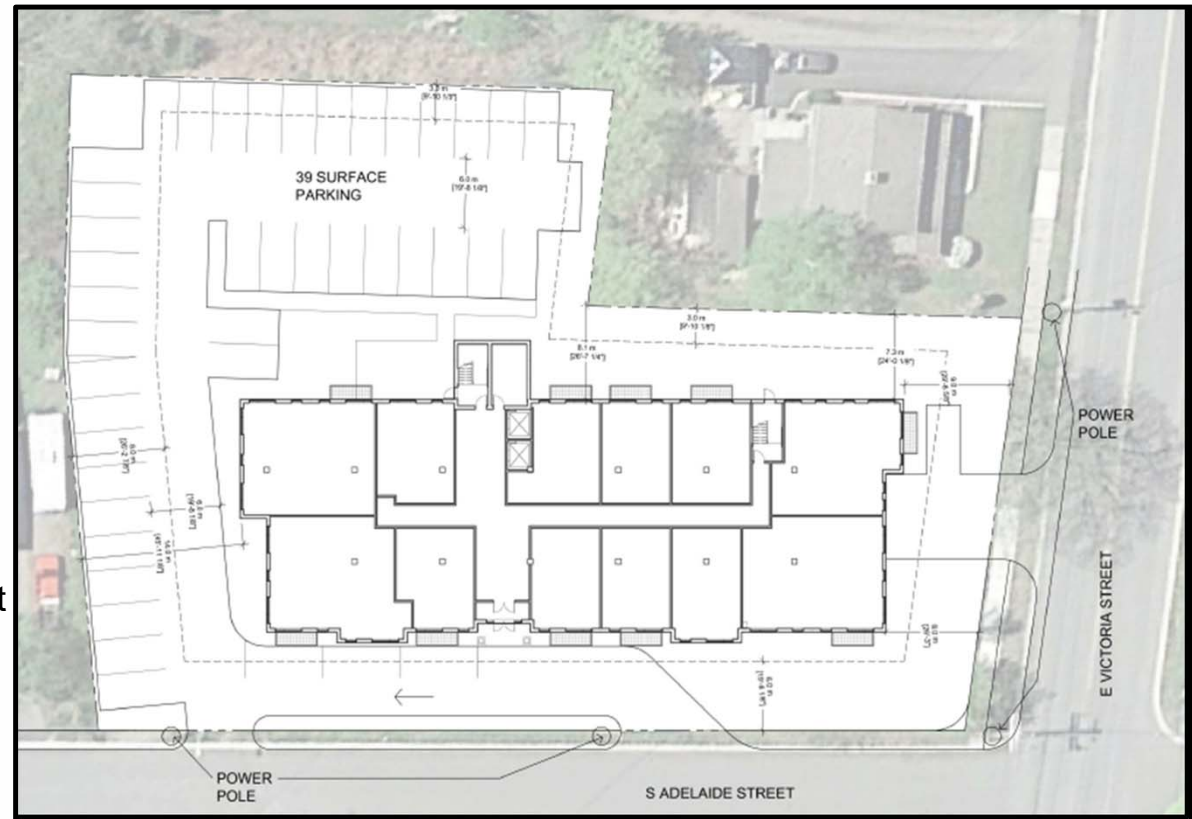
Building Setbacks (approximate):

Front Yard (Victoria): 8m (26 ft) at the closest point

Flank Yard (S. Adelaide): 7m (23ft) at the closest point

Side Yard: 7.3m (24ft)

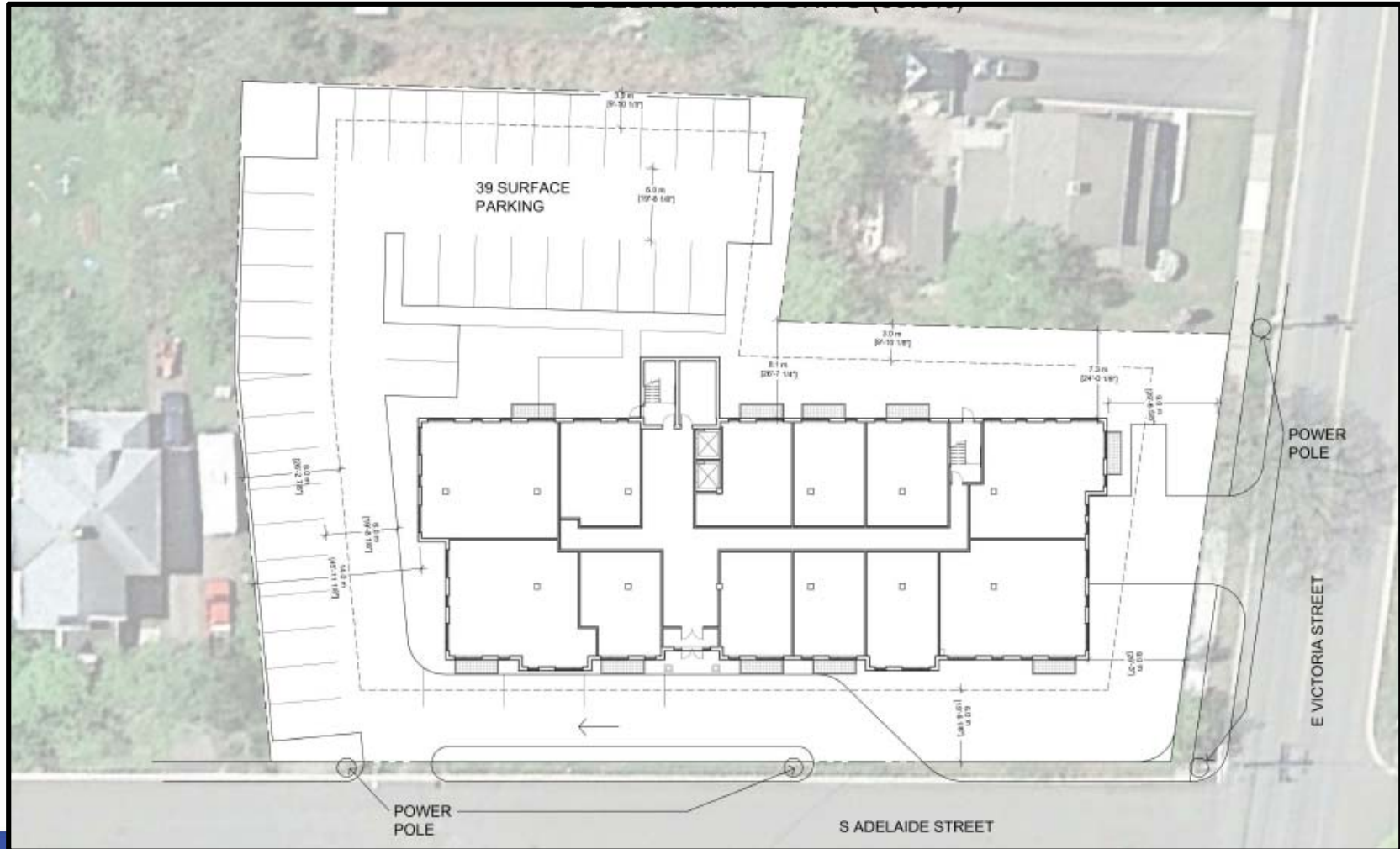
Rear Yard: 14m (46ft)



#seewhyweloveit



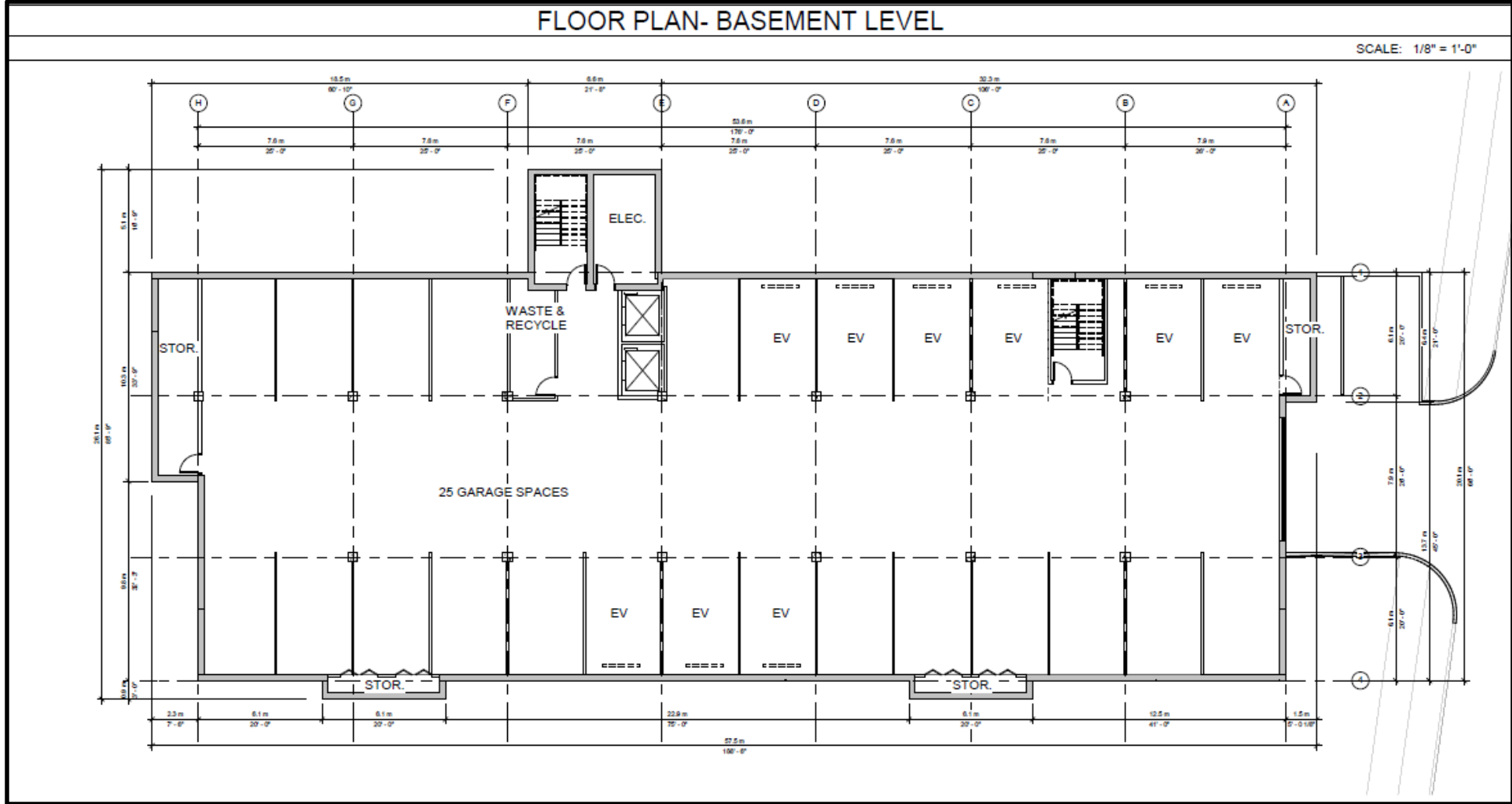
SITE PLAN



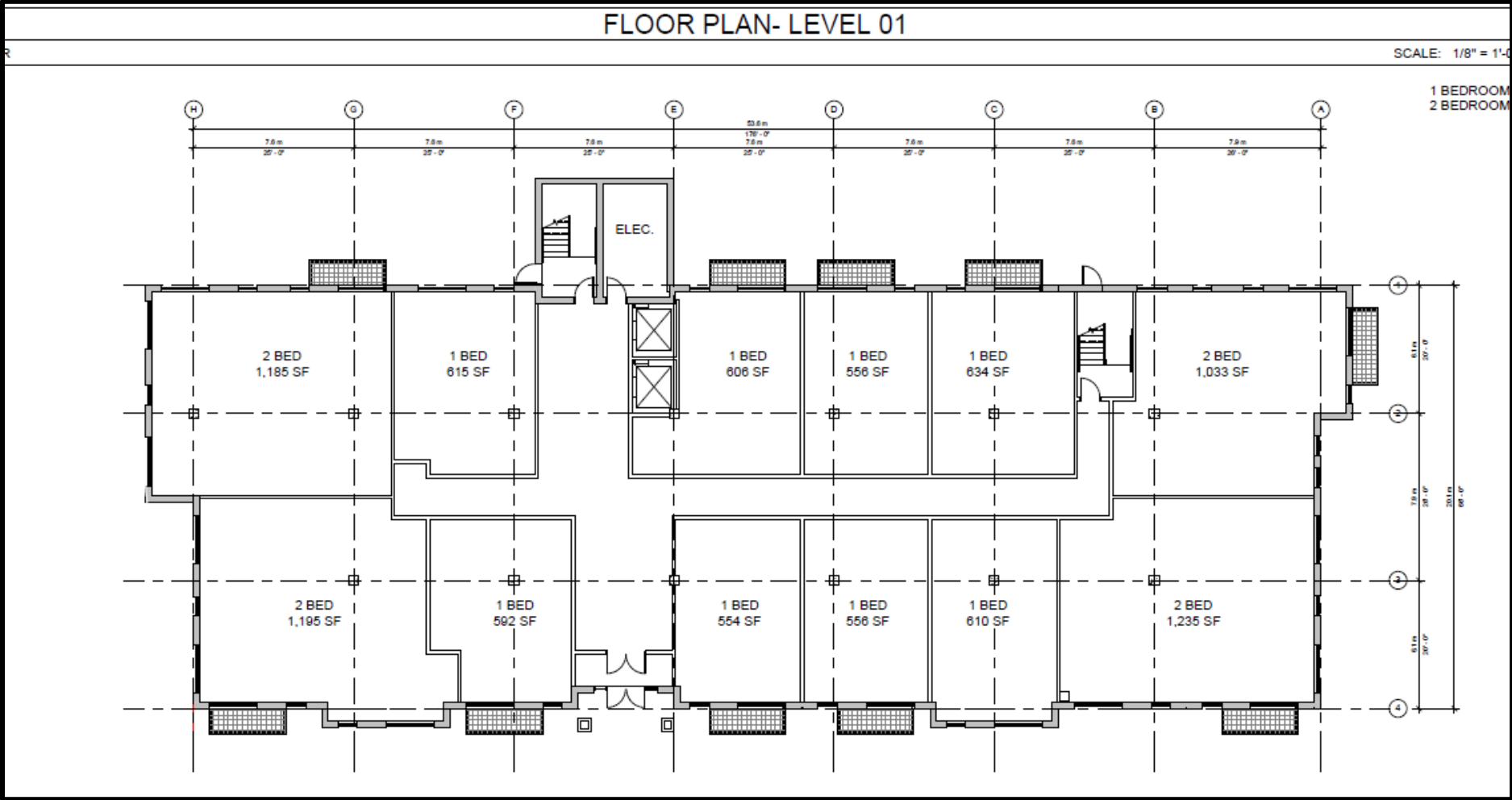
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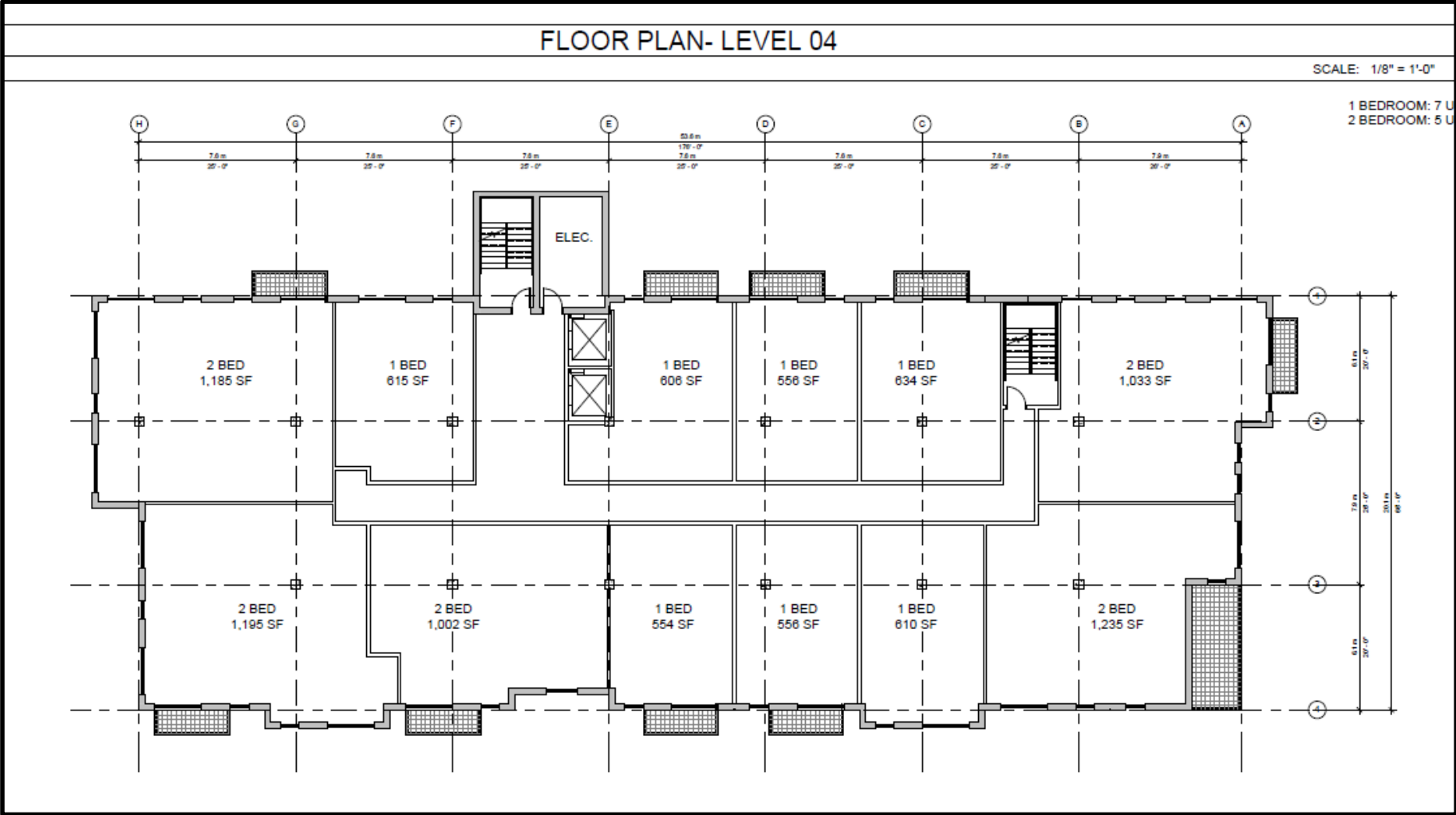
FLOOR PLANS



FLOOR PLANS



FLOOR PLANS



ORIGINAL PROPOSAL



Proposed building view from the intersection between on South Adelaide and East Victoria Street

#seewhyweloveit

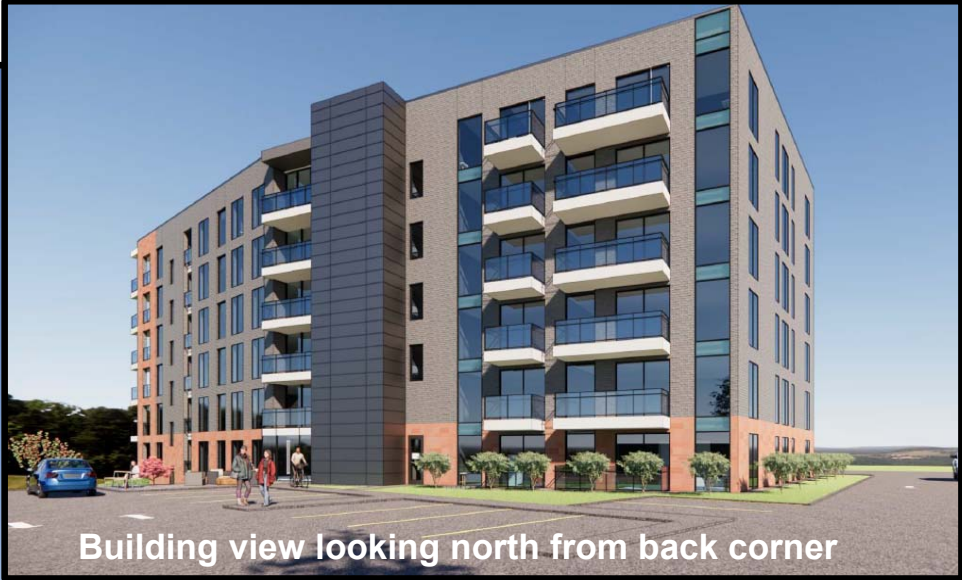


Proposed building view from South Adelaide Street



ORIGINAL BUILDING

Building view from East Victoria Street



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REVISED BUILDING PERSPECTIVES

From Adelaide / East Victoria Intersection



REVISED BUILDING PERSPECTIVES

From South Adelaide

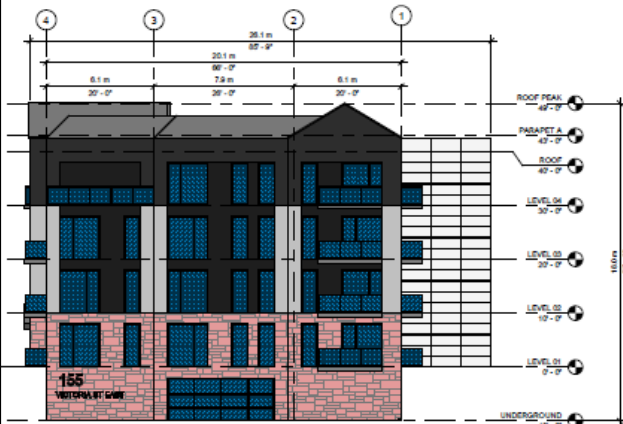


REVISED BUILDING PERPECTIVES

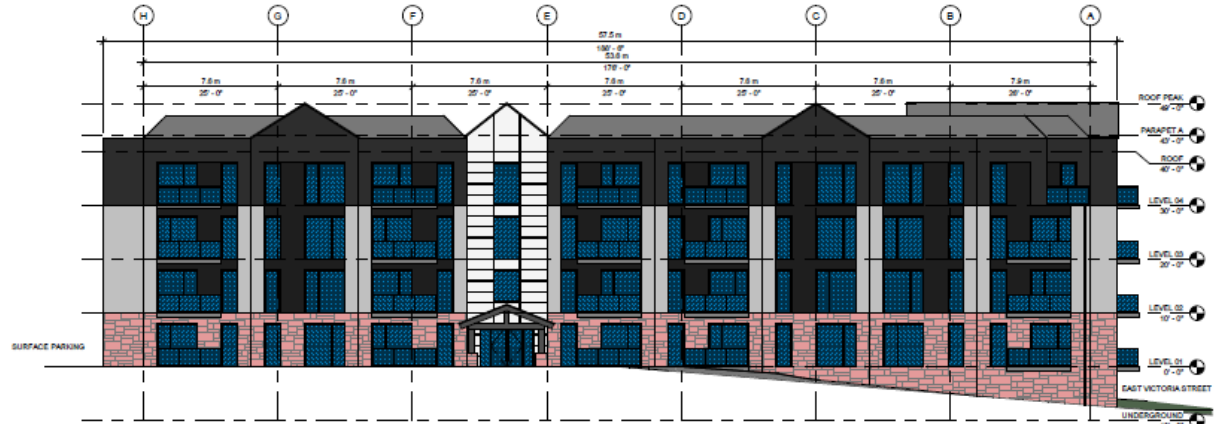


ELEVATIONS

SCALE: 3/32" = 1'-0"



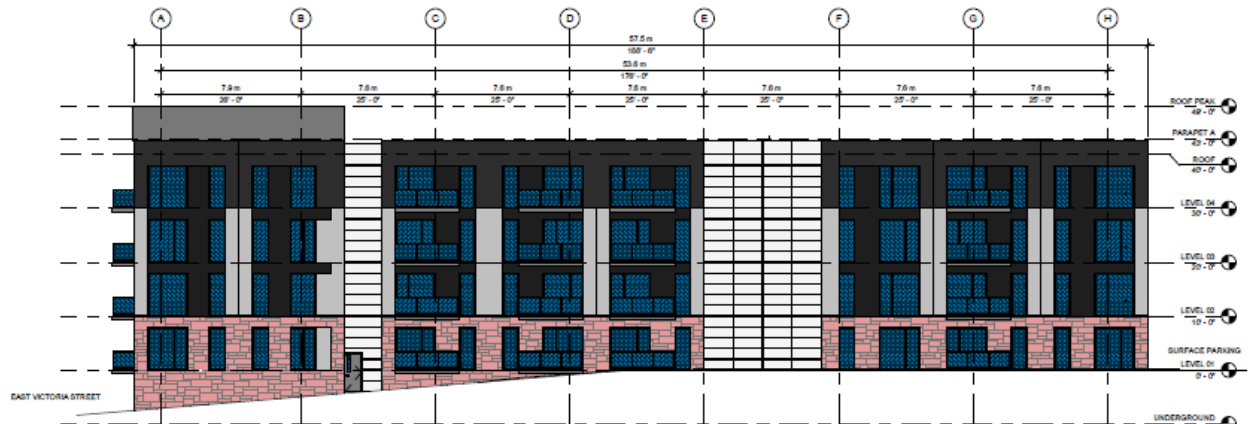
NORTH ELEVATION
SCALE: 3/32" = 1'-0"



EAST ELEVATION
SCALE: 3/32" = 1'-0"



SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



WEST ELEVATION
SCALE: 3/32" = 1'-0"

RELEVANT PLANNING BYLAWS AND POLICIES

1. Permitted Uses by Development Agreement (Land Use Bylaw Section 7.2.2)

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

2. Residential Policy on Medium and High Density by Development Agreement (Municipal Planning Strategy, RP-9)

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

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RELEVANT PLANNING BYLAWS AND POLICIES

3. Implementation Policy on Amendment Criteria (Municipal Planning Strategy, A-5)

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Town to absorb any costs relating to the development;
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) parking, traffic generation, access to and egress from the site;
 - (iv) any other matter of planning concern outlined in this strategy.

RELEVANT PLANNING BYLAWS AND POLICIES

4. General Land Use Policies on Compatibility (Municipal Planning Strategy, GP-7)

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

5. General Land Use Policies on Density (Municipal Planning Strategy, GP-8)

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

6. Residential Policy on Housing Mix (Municipal Planning Strategy, RP-8)

It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

7. Residential Policy on Affordable Housing (Municipal Planning Strategy, RP-11)

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

8. Municipal Service Policies on In-fill Development (Municipal Planning Strategy, MS-11)

It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

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155 East Victoria Proposal Analysis

1. Lot Coverage

The average coverage in the neighbourhood is 23.1%. While the development will attract more density, the lot coverage (29.5%) is however, within the applicable range (8.6% - 49.3%) in the neighbourhood.

Graph Showing Lot Coverage

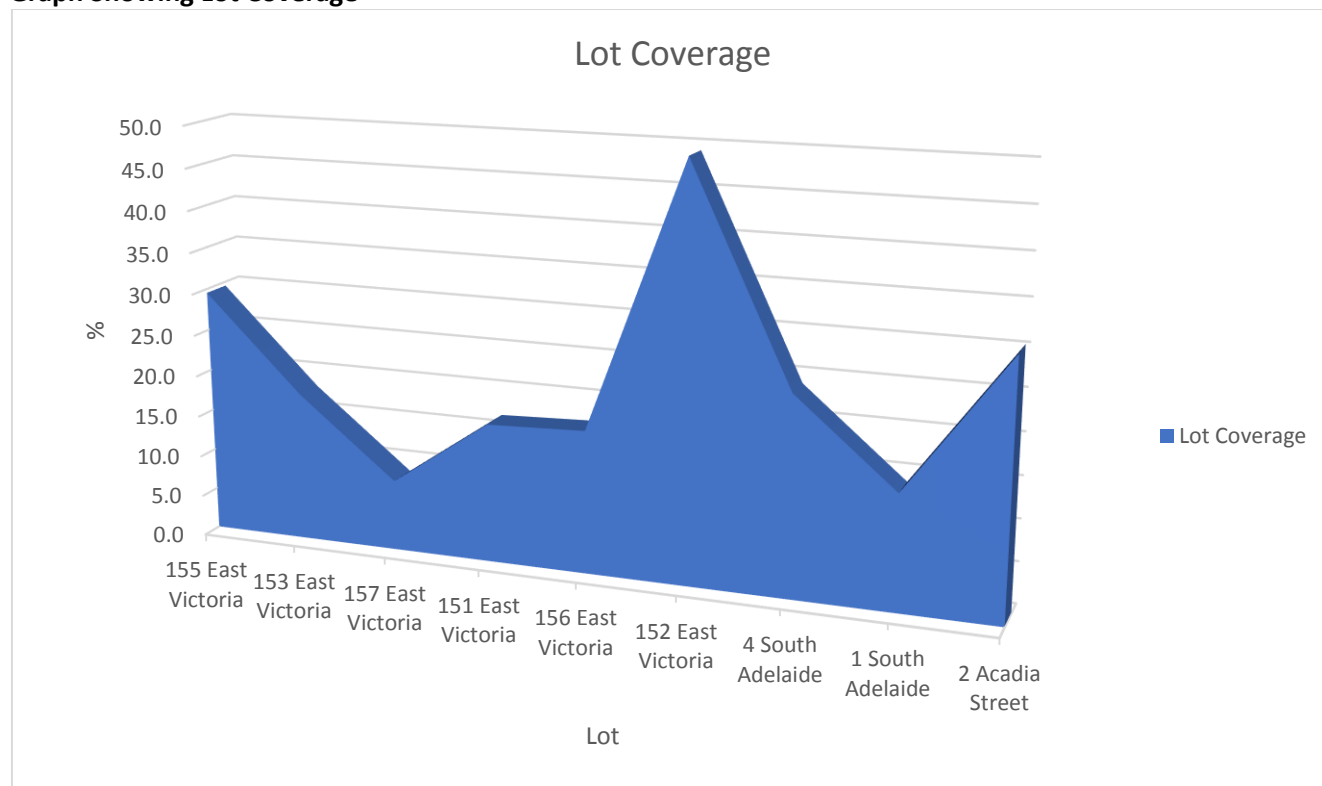


Table Showing Building Details

Lot	Lot area (sqm)	Building footprint (sqm)	Lot coverage (%)	Building Height (m)
155 East Victoria	3589.91	1,060	29.5	18
153 East Victoria	665.49	119.70	18.0	8.82
157 East Victoria	3191.08	272.89	8.6	13.87
151 East Victoria	1064.27	178.18	16.7	9.4
156 East Victoria	1189.40	204.67	17.2	12.66
152 East Victoria	882.82	434.83	49.3	11.36
4 South Adelaide	684.80	164.06	24.0	12.66
1 South Adelaide	1205.97	167.43	13.9	10
2 Acadia Street	1867.33	569.90	30.5	9.3
Average lot coverage in the neighbourhood			23.1	

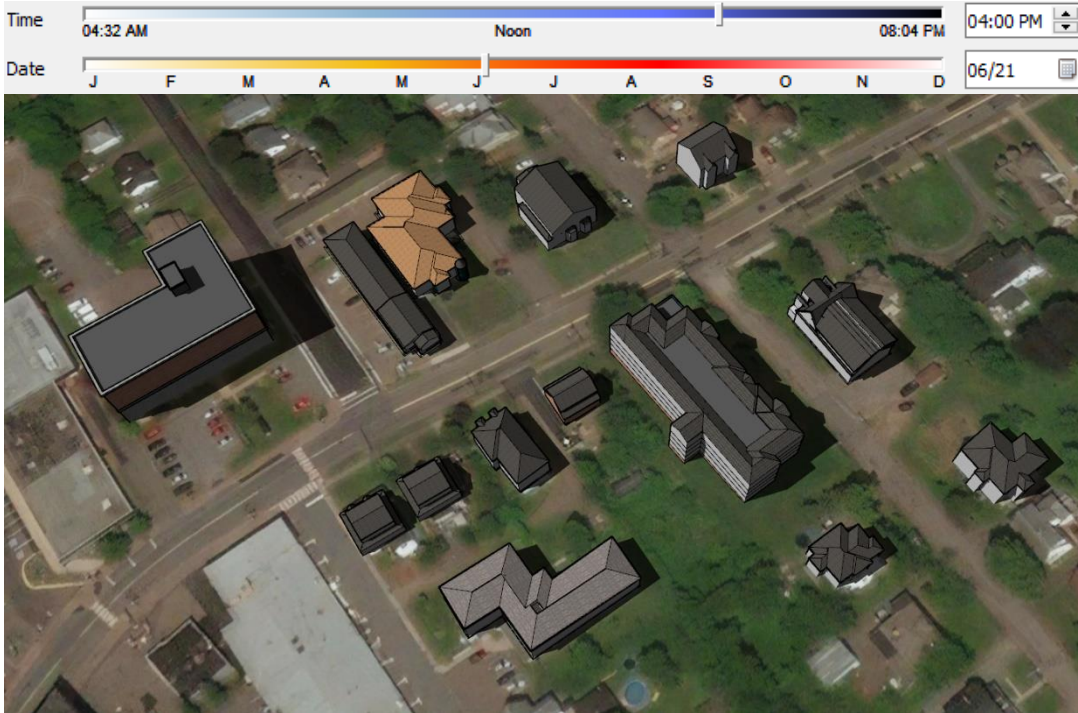
Furthermore, at 20sqm per unit, a total of 960sqm amenity space is required for the proposed 48 units. A sum of the building coverage and the amenity space is 2020sqm, leaving additional 1,569.91sqm for landscaping and parking on the site. This implies that the proposed site is large enough to adequately accommodate the number density that is being proposed.

2. Shadow Analysis

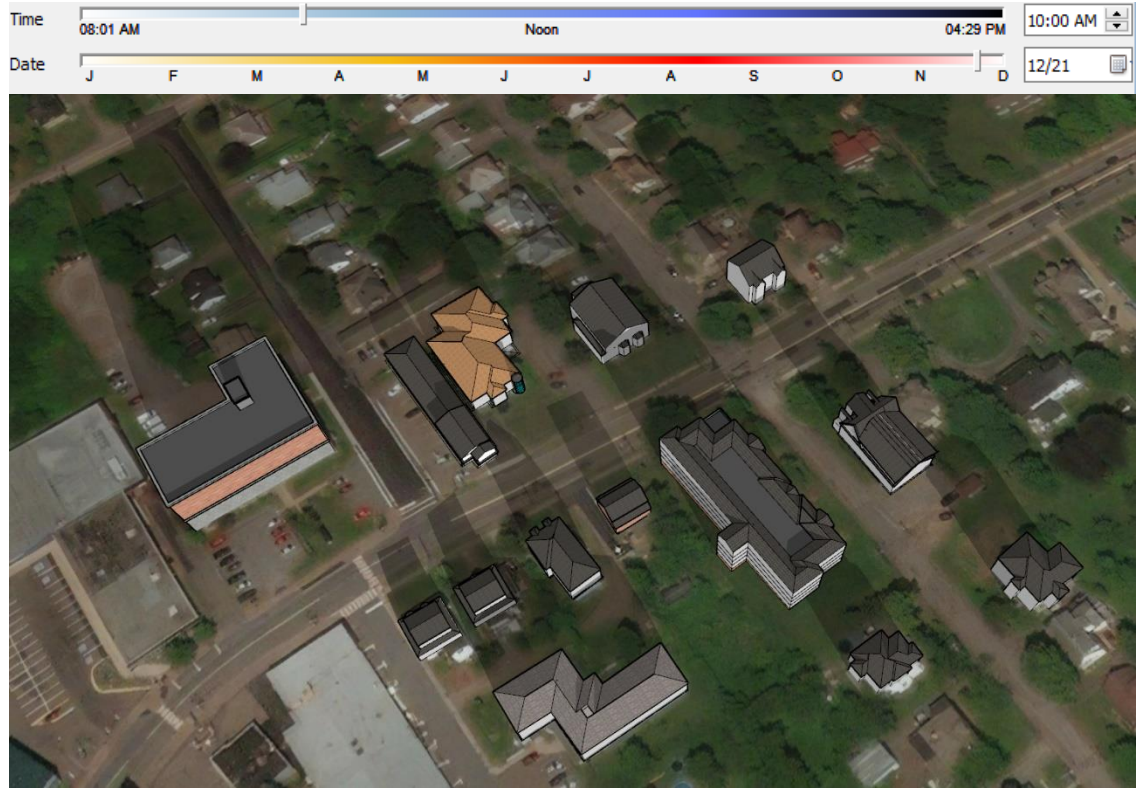
Shadow Analysis (Summer)



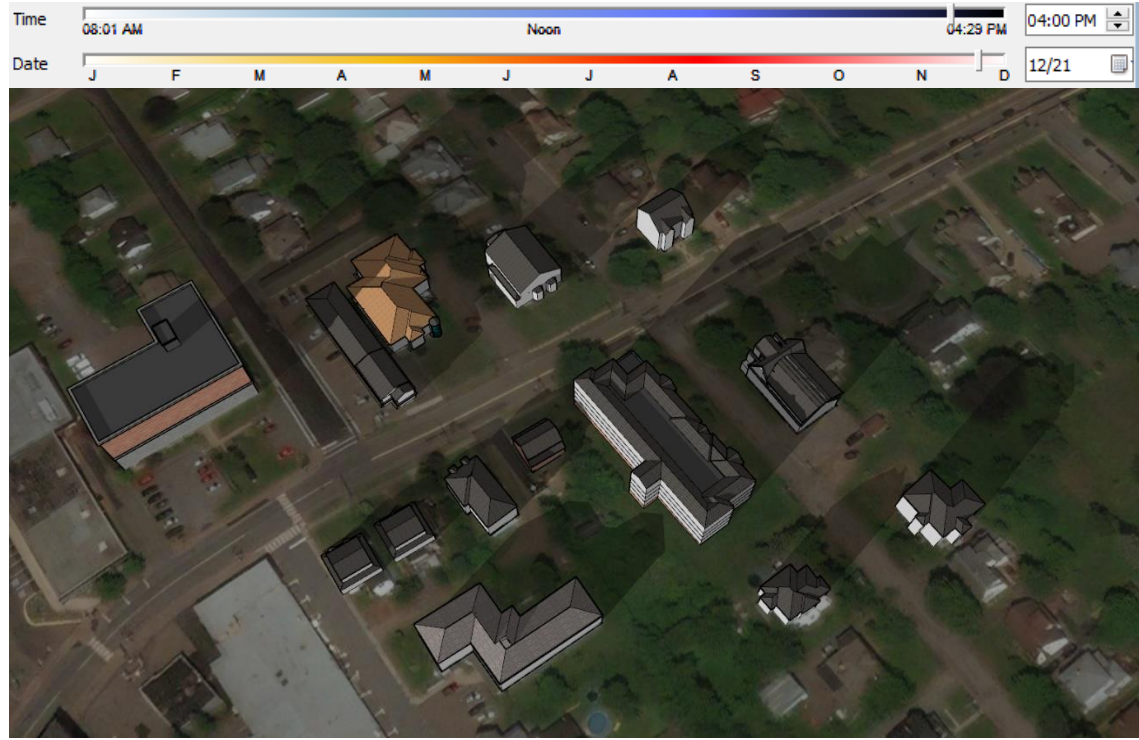
Shadow Analysis (Summer)



Shadow Analysis (Winter)



Shadow Analysis (Winter)

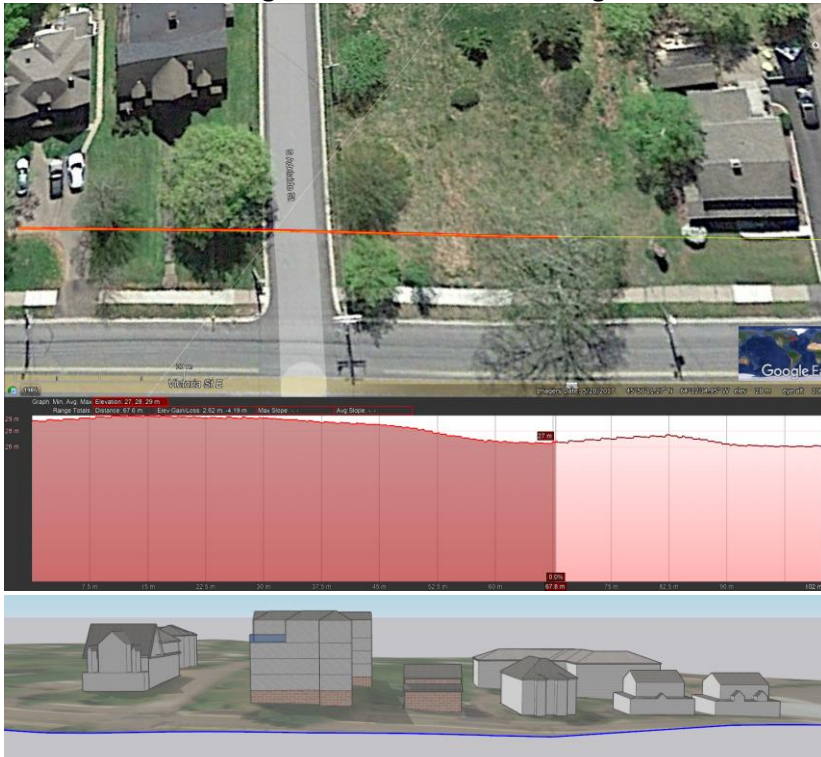


The shadow impact of the proposed four storey building will not be significantly different from a three storey.

3. Building Height

The terrain of the area where the development is proposed is a major determinant of the elevation profile for buildings in the neighbourhood.

Cross Section Showing the Elevation Profile Along East Victoria



Elevation Profile for 155 East Victoria (Subject Property)



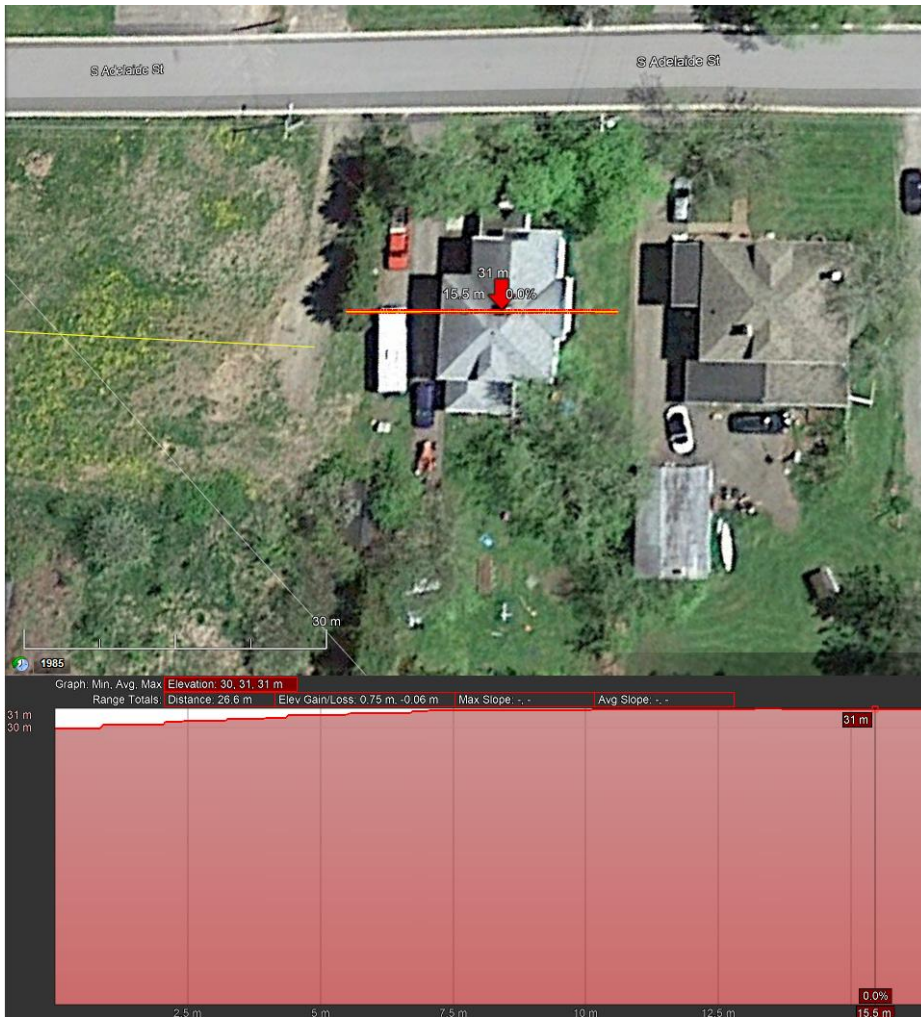
The terrain of subject site ranges from 25m – 30m above sea level (mean ground level = 27.5m). Having a building 18m high puts the peak at approximately 45.5m above sea level.

Elevation Profile for 157 East Victoria



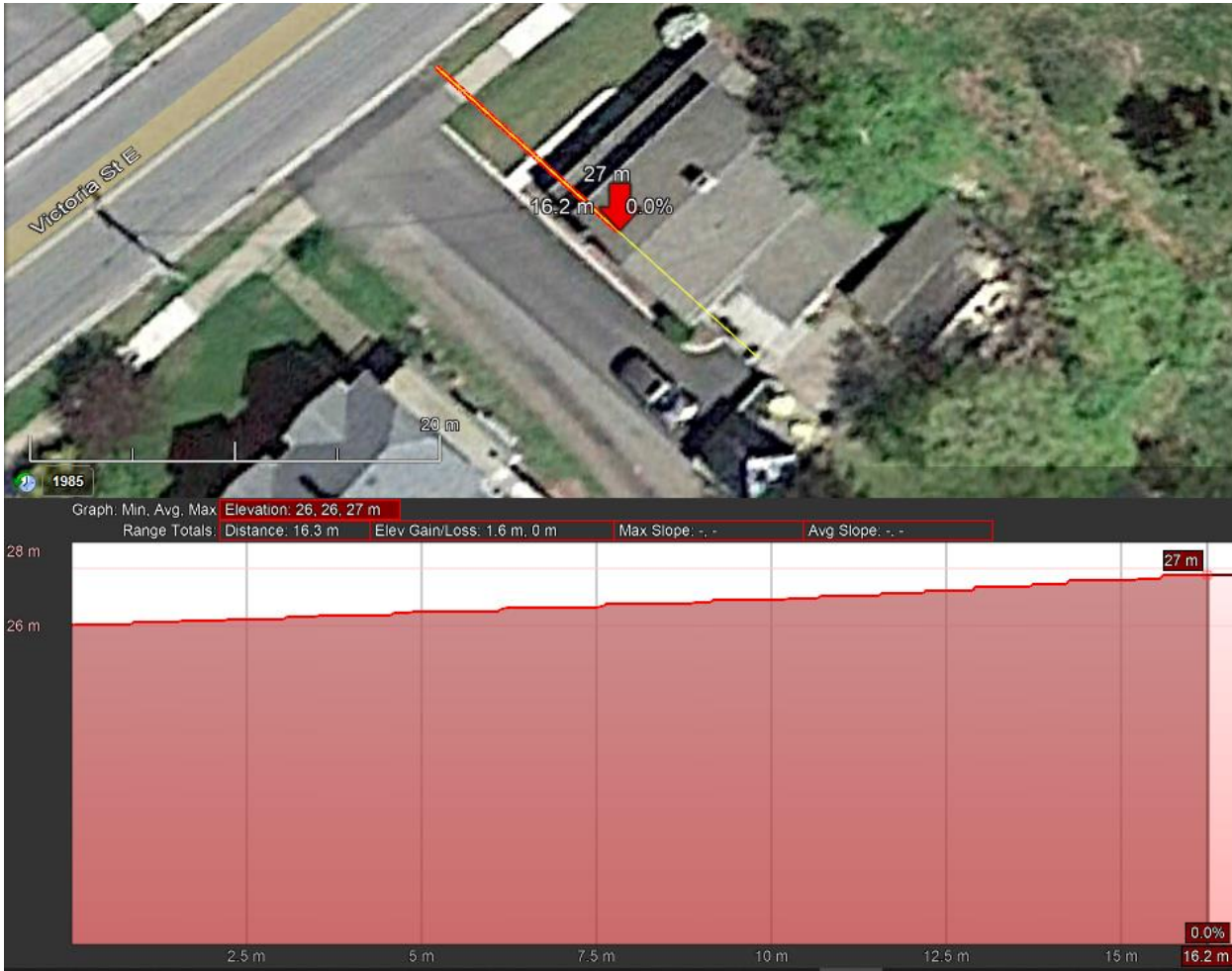
The terrain for 157 East Victoria Street ranges from 27m – 30m above sea level (mean ground level = 28.5m). With an existing 13.87m high building seating on it, the peak is estimated to be at 42.37m above sea level.

Elevation Profile for 1 South Adelaide



While the building will be higher and larger than the existing building at 1 South Adelaide Street, it is important to note that the building at 1 South Adelaide Street is seating on approximately 30.5m elevation above sea level. Hence, a peak of 40.5m above sea level.

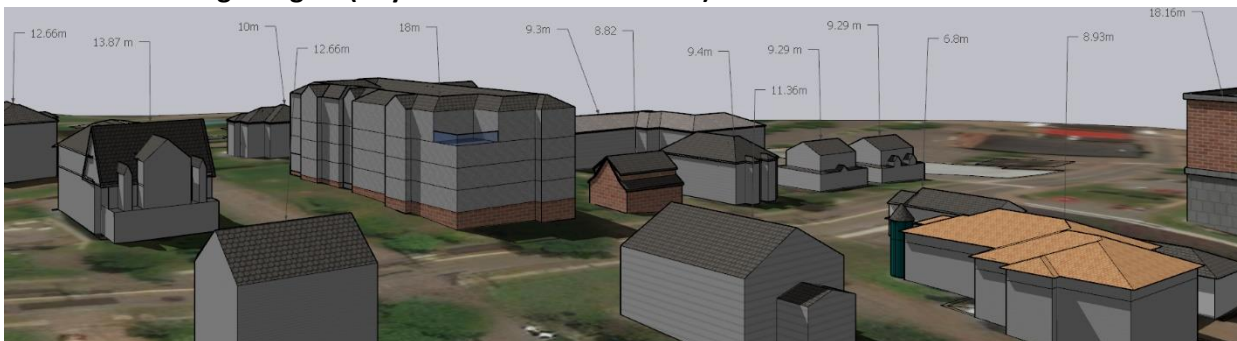
Elevation Profile for 153 East Victoria



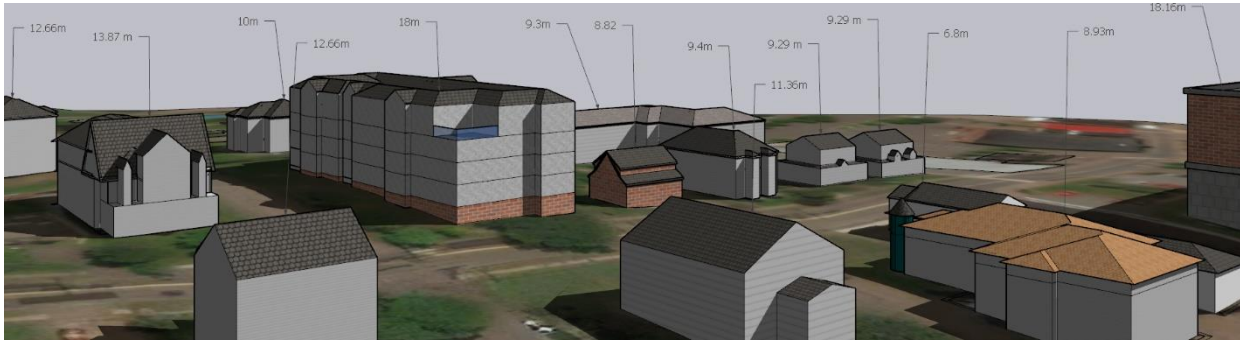
The property on lot 153 East Victoria Street (approximately 8.82m high) is no doubt significantly shorter than the proposal. However, this is not solely due to the height of the proposed building but the terrain of the land and architecture is also a major contributor. Seating on approximately 26.5m above sea level, the peak of the building is 35.32m above sea level; i.e., approximately 10m lower than the proposed building. Therefore, even if the proposal is reduced to three-storey (i.e., less 3m), it will still be significantly taller than the building on 153 East Victoria Street.

Besides, properties along Acadia Street are generally at a lower elevation compared to the ones in their backyard on South Adelaide. Additionally, most buildings in the area have a high-pitched roof (Victorian style) contribute to their height. The proposal is, however, designed with a low-pitched roof which considerable lowers the peak of the building.

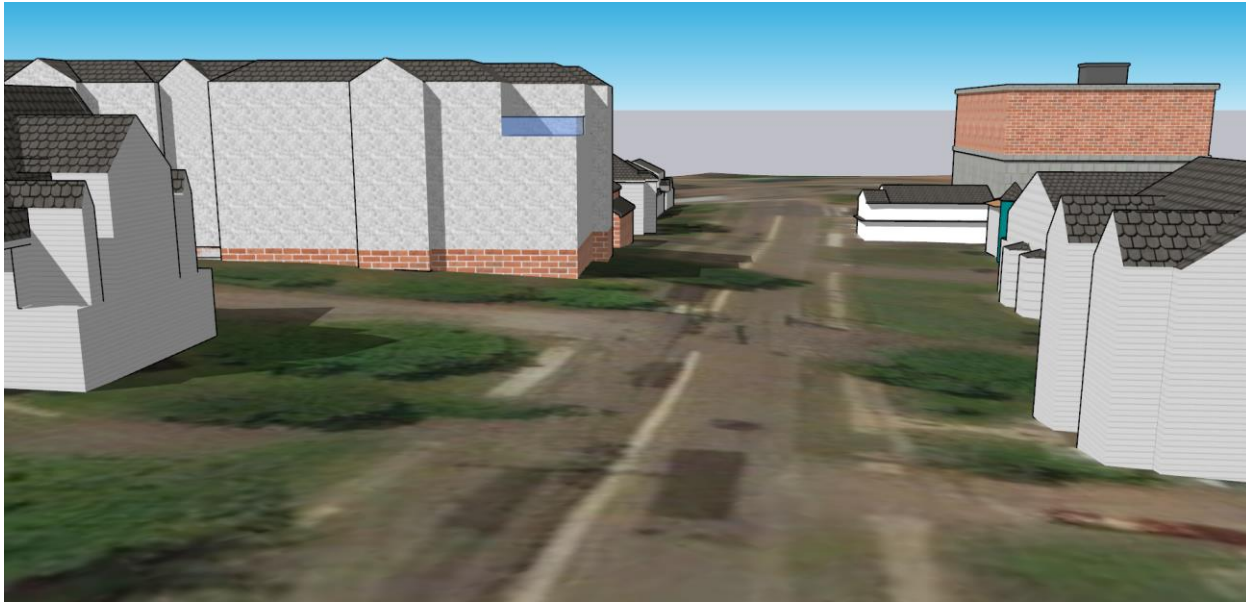
Estimated Buildings Heights (Daytime Shadow in Summer)



Estimated Buildings Heights (Evening Shadow in Summer)



Perspective along East Victoria, facing Downtown



Perspective along East Victoria, from Downtown



Perspective along South Adelaide Facing North Adelaide



4. Façade and Urban Design

The introduction of extrusions, and gables and hip roofs speaks to improvement towards improving visual compatibility and making the design confirm with the existing architecture in the neighbourhood. These steeps will also help to reduce shadow impacts. Nevertheless, conscious effort is needed to ensure that the roof does not drain into the abutting lots.

Case No: DA-2023-XX

This Agreement made this _____ Day of _____ 2023.

Between:

3227967 NOVA SCOTIA LIMITED (owner of property located at 155 Victoria Street, Amherst [PID 25034091], hereinafter called the "Owner"),

of the one part, and

The Town of Amherst (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 48-unit apartment building at 155 Victoria Street, Amherst (PID 25034091).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the ____th Day of _____ 2023, approved the said Development Agreement, subject to the registered Owner of the Lands described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands is the only Lands in the Town of Amherst to which this Agreement applies, and the Lands is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 48-unit apartment building on the said Lands, subject to Schedules A, B, C, D, and E attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Lands Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the Lands which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

SIGNED, SEALED AND DELIVERED

In the presence of

THE TOWN OF AMHERST

David Kogon MD, Mayor

Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER
3227967 NOVA SCOTIA LIMITED**

Leslie Carrie

Schedule A

155 Victoria Street Amherst

Terms and Conditions:

1.0 USE OF LANDS AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 48-unit apartment building in the general location as shown on Schedule 'C'.
- 1.2 Parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C' and 'D'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Lands Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The building shall generally conform to the designs shown on Schedule 'D' and 'E'. Minor variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owner shall be responsible for landscaping unpaved areas and ongoing maintenance on the Lands.
- 1.7 Prior to receiving an Occupancy Permit the Owner shall engage a landscape architect or similarly qualified professional to conduct a site visit and submit to the satisfaction of the Development Officer a written juvenile tree planting plan for the area between the Lands and 153 East Victoria Street that maximizes the visual barrier between the two properties.
- 1.8 The Owner shall install an opaque privacy fence approximately two metres (2 m) in height along all property lines not fronting on a street.
- 1.9 The Owner shall be responsible for maintaining solid waste containment areas within the building, generally in the locations shown on Schedule 'D'.
- 1.10 Paving of the driveways and parking areas shall be completed for the facility within six (6) months from the date an Occupancy Permit is issued.
- 1.11 The Owner shall submit an stormwater management plans to the satisfaction of the Development Officer that applies to both the construction and operating periods, that maintains or reduces but shall not increase surface water runoff onto adjacent private properties.

2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

2.4 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

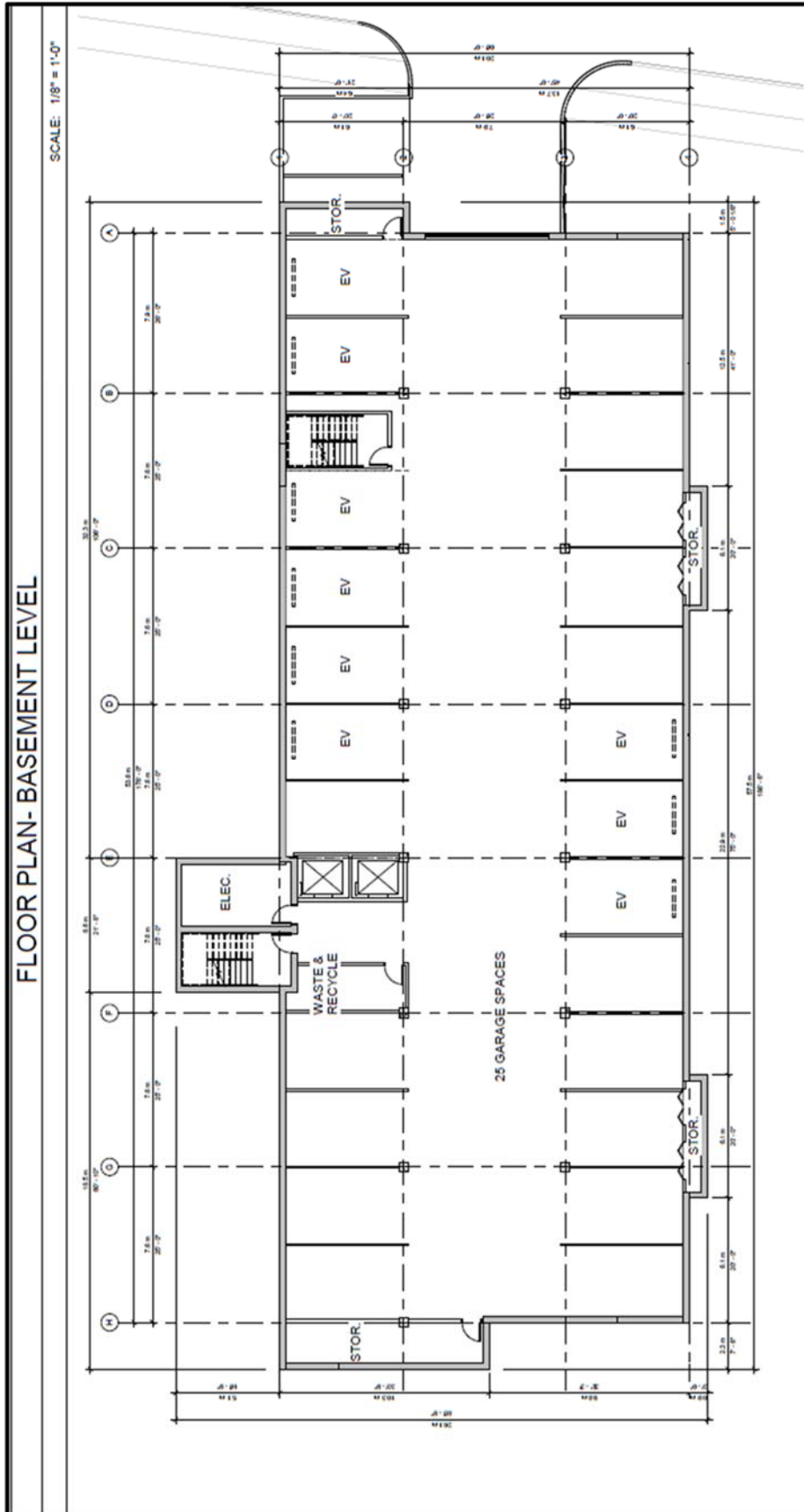
SCHEDULE 'B'



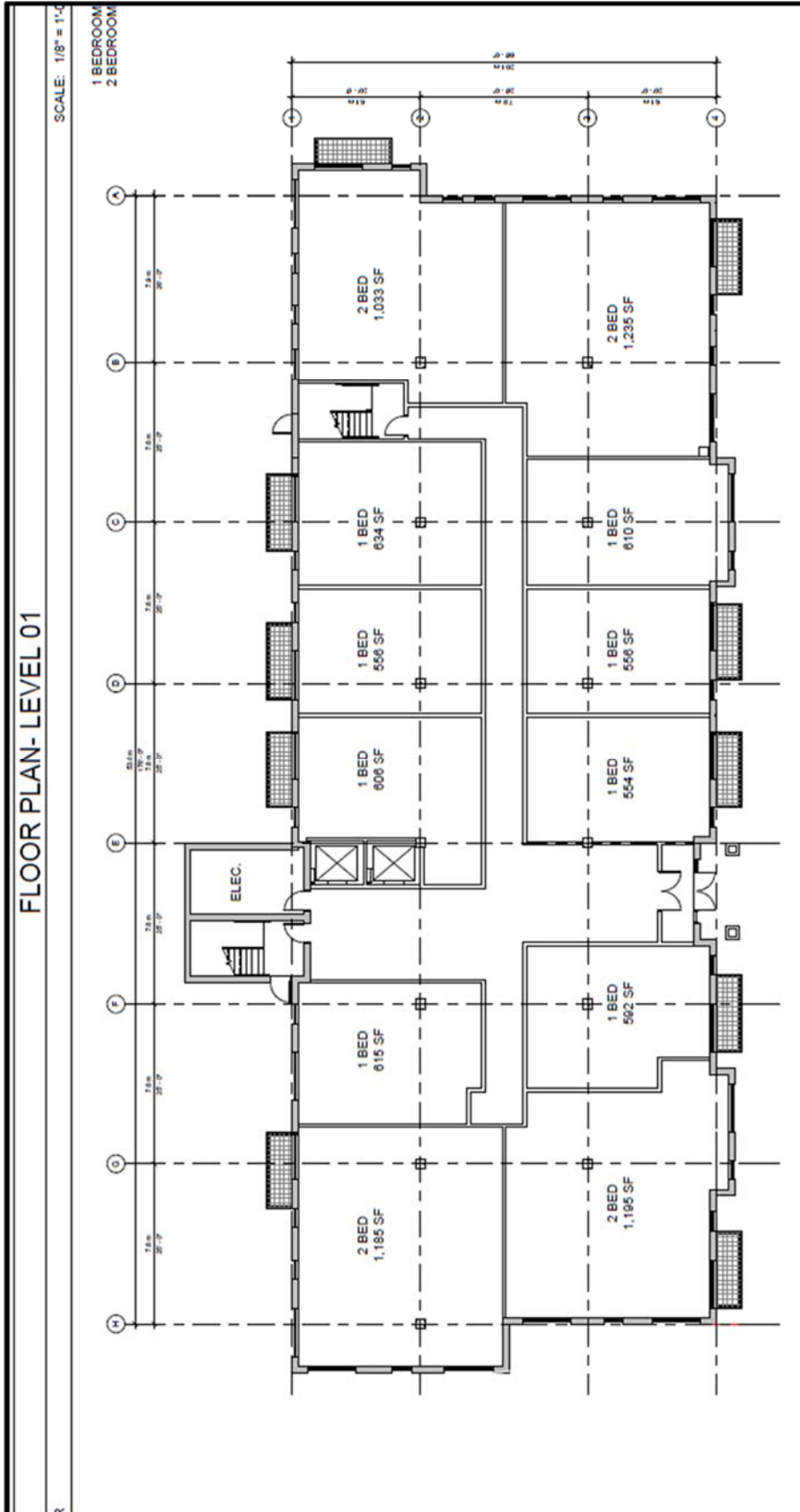
SCHEDULE 'C'



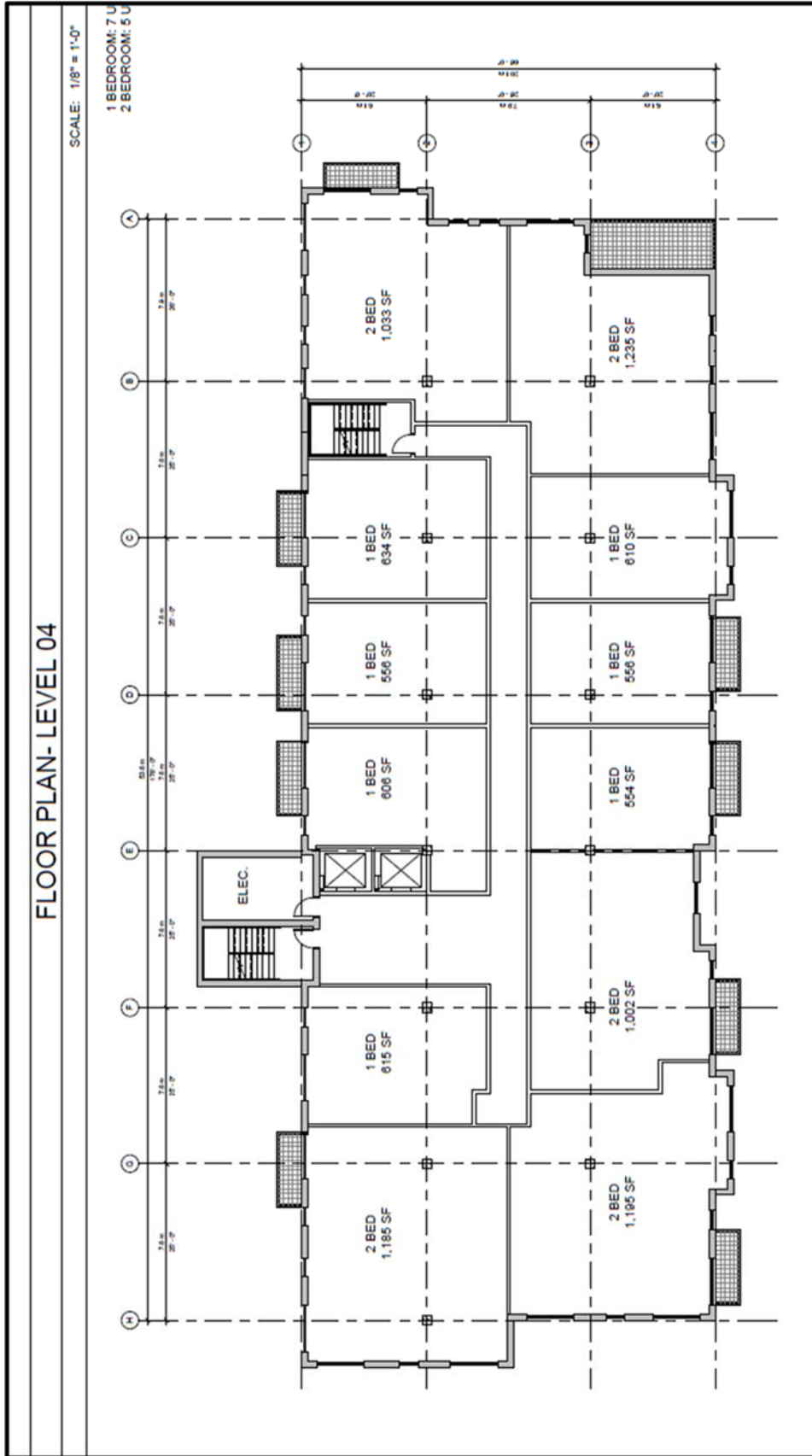
SCHEDULE 'D'



SCHEDULE 'D'



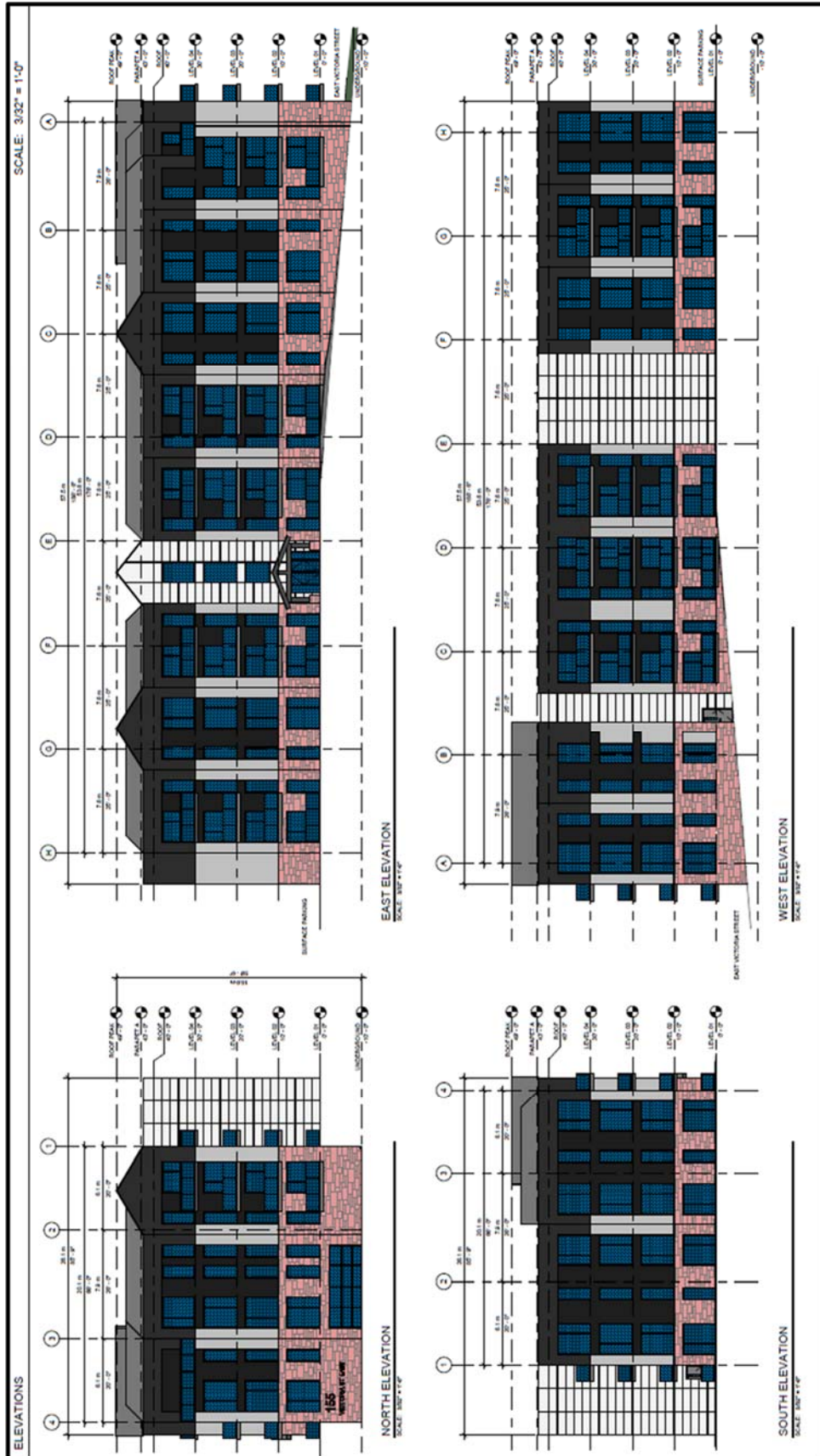
SCHEDULE 'D'



SCHEDULE 'E'



SCHEDULE 'E'



Andrew Fisher

From: Leslie Carrie <lcarrie5@icloud.com>
Sent: April 19, 2023 1:55 PM
To: Andrew Fisher
Subject: Apartment Project Highlights - 155 East Victoria

Andrew,

The motivation to proceed with this project is driven by the extreme demand for suitable housing in Amherst.

We all know the difficulty in recruiting workers and their families without good housing options.

The initial design, from the architect, was a 6 storey, modern exterior design. The building height was determined to be out of scale to the properties in the neighbourhood and the architecture did not reflect neighbouring housing.

We listened,

- The new proposal is a 4 storey building with similar architecture to the project approved 10 years ago.
- The building position is set back from adjacent homes and the architectural detailing is more in keeping with the neighbourhood.

GOAL

- to build the most "Energy Efficient Building" possible, far exceeding the National Building Code Standards.
 - Precast tilt-up concrete panels provide an insulation rating of R32.
 - Roof-top Solar Panels will provide energy to operate the building systems.
 - Heating will be provided by Heat Pumps.
 - This is the first Amherst Apartment Building with Underground Parking with Charging Stations for EV (electric vehicles).
- These features are consistent with the Amherst low fossil fuel agenda.
- The property is fully professionally landscaped, as shown in the Renderings.
 - All finishes are Condo Quality.

MARKET

- Seniors and Newcomers coming to Amherst to work in healthcare, government, offices, business and the industrial park.
 - Seniors who decide to sell their homes and move to adaptable apartment living to "age in place", will be satisfied.
- This will provide single family homes for young families.
- All ground floor units are fully accessible and other floors are adaptable.
 - There are 2 elevators off the secure front lobby.
 - The building meets the CMHC Standards for affordability, but is not subsidized units.

Other OBJECTIVE

- Bring households with disposable income to "Revitalize Downtown Amherst", which has been in decline.
- Multi Unit Residents, within walking of downtown, will support local businesses, cafes and restaurants by taking advantage of the locations "walkability" to Downtown.

Les Carrie
155 East Victoria Limited