



Town of Amherst  
Public Hearing  
Agenda

Date: **Wednesday, March 22, 2023**  
Time: **12:00 pm**  
Location: **Council Chambers, Town Hall**

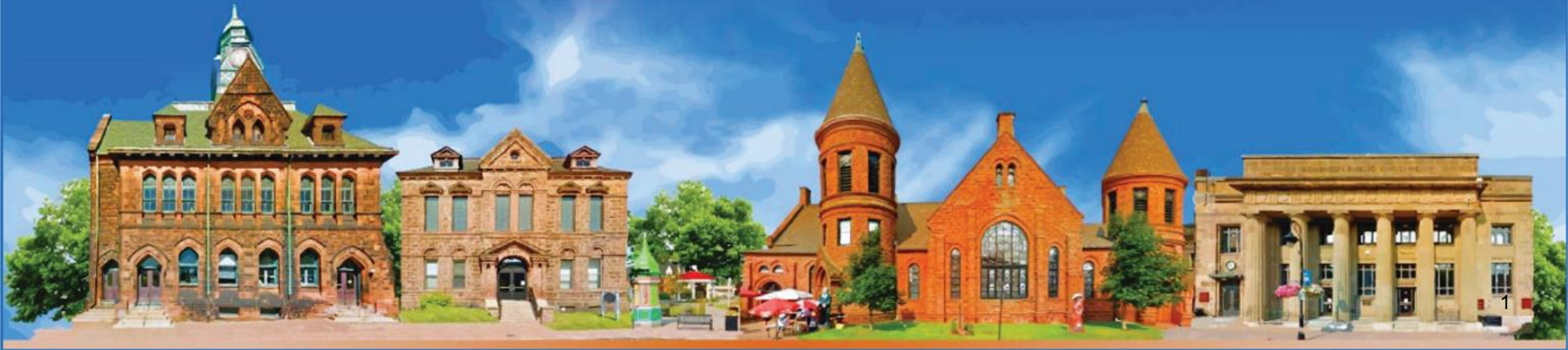
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	Pages
1. Call to Order	
2. 3,4,5,7 Robie Street	
2.1 Staff Report	1 - 13
2.2 Council Questions/Comments	
2.3 Public Questions/Comments	
3. 264 Church Street	
3.1 Staff Report	14 - 26
3.2 Council Questions/Comments	
3.3 Public Questions/Comments	
4. Adjournment	

# Public Hearing

Development Agreement application to permit a change of use from a community hall to an expanded commercial office on 3, 4, 5, 7, Robie Street

March 22, 2023



# DEVELOPMENT AGREEMENT PROCESS

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
  2. The applicant is given an opportunity to make changes as a result of the public input.
  3. The PAC considers a recommendation to Council based on a summary of the Public Participation Opportunity meeting and a staff report.
  4. **Council considers First Reading of the agreement and schedules a Public Hearing.**
  5. Council considers Second Reading, and if approved, notice is placed in local media providing 14-days to appeal the decision.
  6. If no appeals are received the agreement is executed and Building Permits can be issued, subject to agreement terms.
- \*All meetings of the PAC and Council are open to the public.

# APPLICATION DETAILS

**Applicant:** Hicks Lemoine Law Office

**Owner:** 44143456 Nova Scotia Ltd

**Summary of Proposal:** Application to change of an existing non-conforming use to another non-conforming use.

**Location:** 3,4,5,7, Robie Street, Amherst.

**Property Size:** 2,146m<sup>2</sup> (0.53acre) extending from lot 3 to 7 Robie Street, and 466m<sup>2</sup> lot 4 across the street.

**Street Frontage:** 55m on Robie Street.

**Existing Land Use:** Community hall and parking

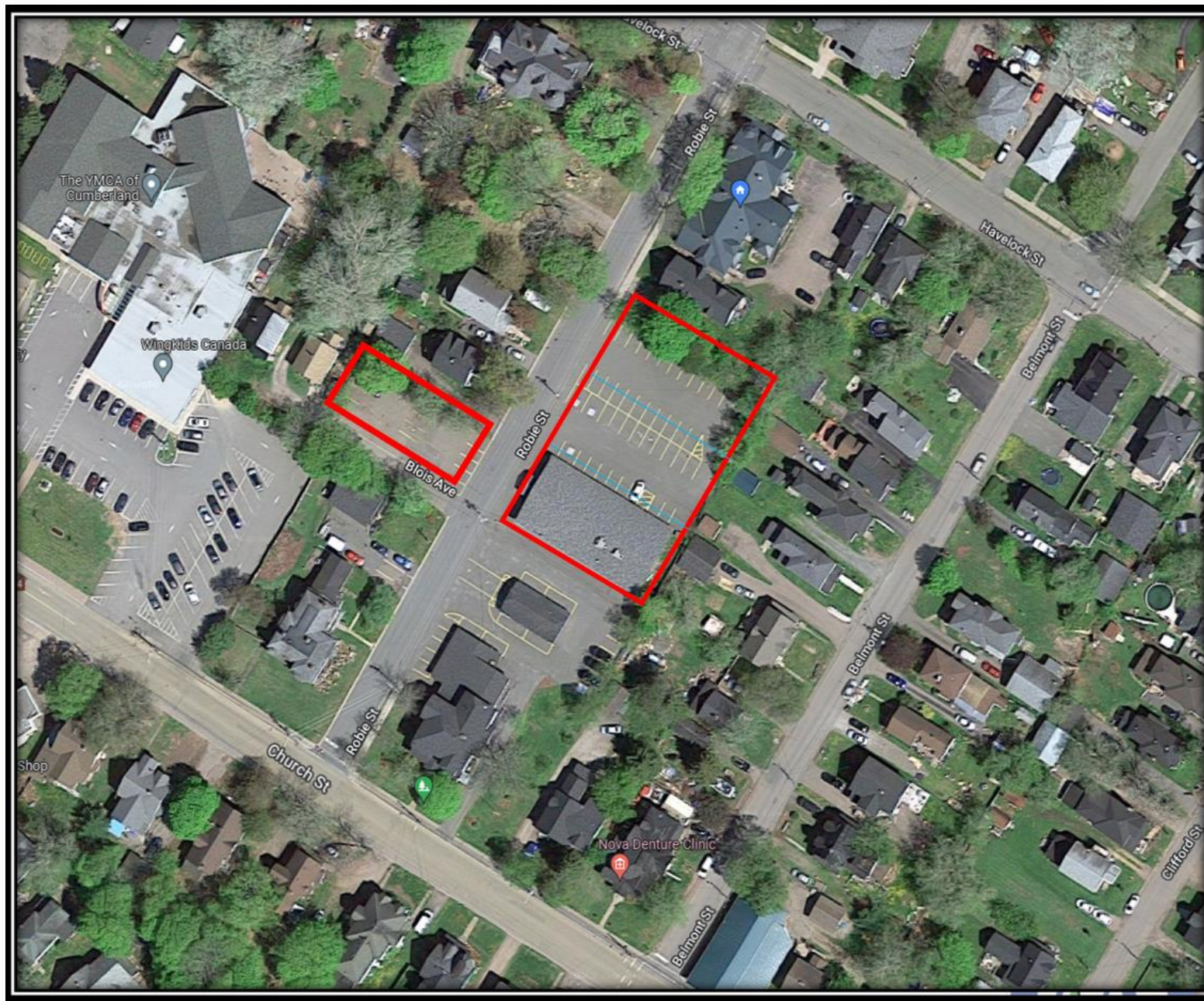
**Existing Zoning:** General Residential

*(A non-conforming use of land means a use of land that is not permitted in the zone (Municipal Government Act, Part VIII, Section 191, paragraph (j))).*



# NEIGHBOURHOOD CONTEXT

- ❑ The **subject property** is located in a residential neighbourhood and surrounded by a mix of different building types including a Victorian building on the north, detached residential housing units on the east and west, and a funeral home on the south end.
- ❑ The property is within short walking distance from downtown Amherst, social services and recreational facilities including the YMCA, Amherst Theater, among others.



# PROPOSAL DETAILS

**General Description:** The applicant intends to renovate the existing community hall on the site and change its use to a commercial office space (law office/firm).

Both the existing and proposed developments are non-conforming land use in the zone, and the planned renovation will affect the building exterior including its shape, size and volume.

**Total Building Area:** 661m<sup>2</sup> (0.16 acres)

**Property Area:** 2,1467m<sup>2</sup> (0.53acre)

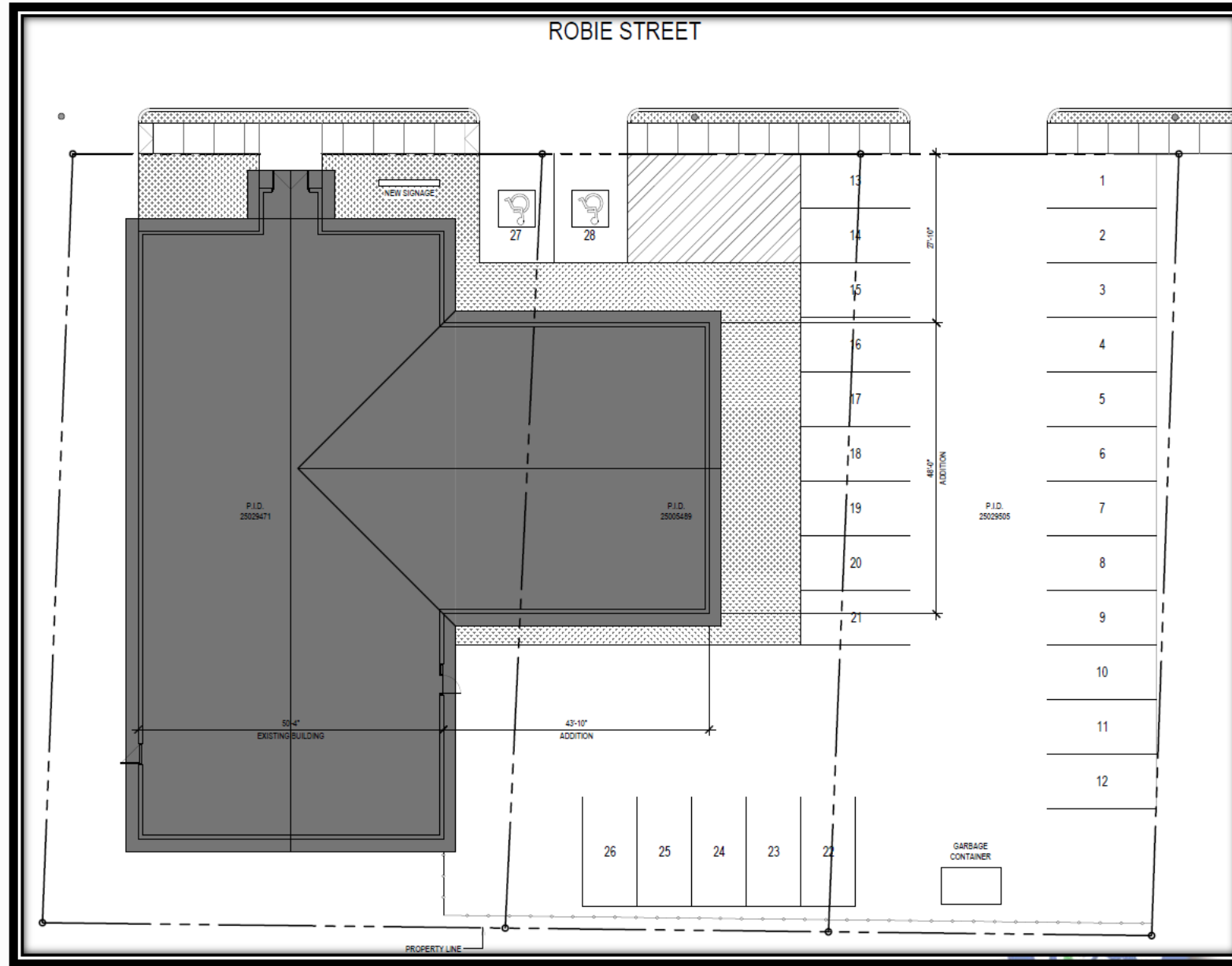
**Parking:** 28 spaces including 2 disabled parking spaces.

**Access:** Vehicle access from Robie Street, and connection to Church Street on the south and Havelock Street in the north.

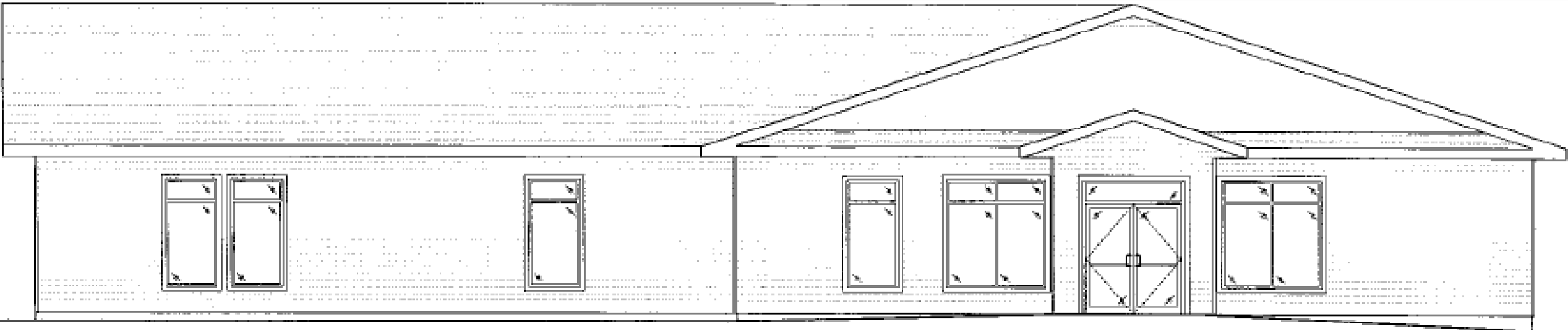
**Building Dimensions:** The proposed extension is 43 feet x 48 feet

**Setbacks:** 2.5m from Robie Street

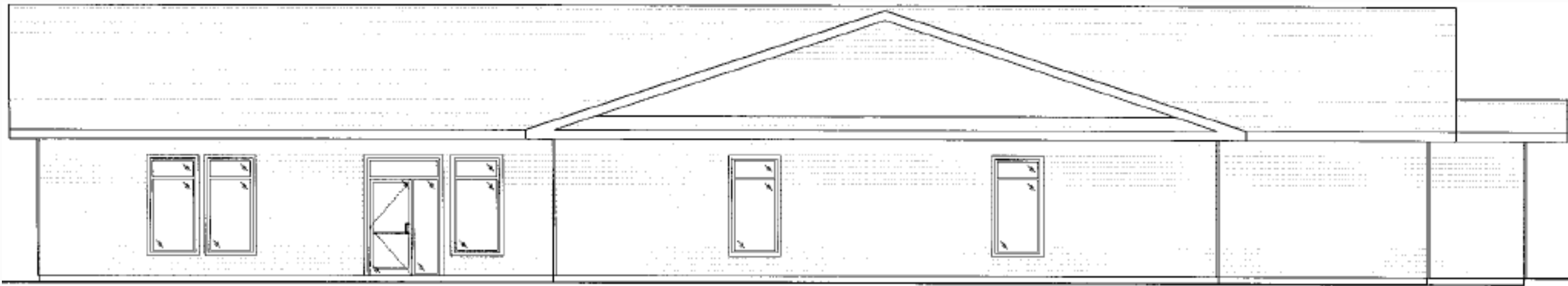
**Signage:** A new sign will be erected 4m from Robie Street



# BUILDING ELEVATIONS

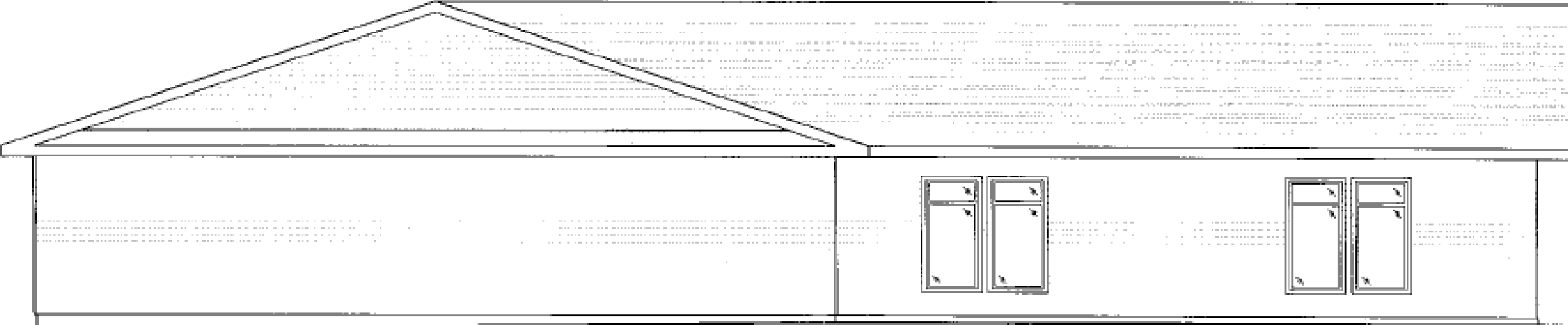


Front Elevation (extending by 93m along Robie Street)

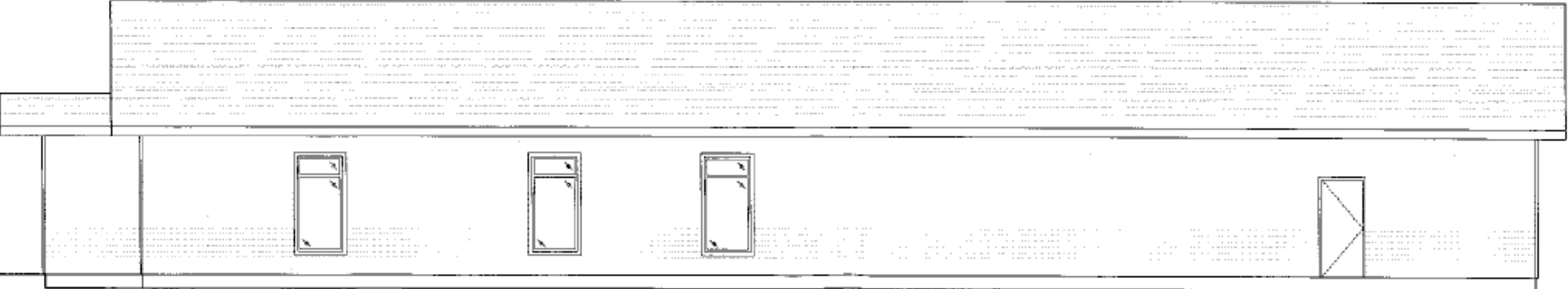


Left Side Elevation (extending by 100m on the side of the parking lot)

# BUILDING ELEVATIONS



Rear Elevation



Right Side Elevation

# PUBLIC PARTICIPATION & PAC REVIEW

- ❑ A Public Participation Opportunity (PPO) was held on January 18, 2023.
- ❑ Inputs from the public and other concerns were addressed at the Planning Advisory Committee (PAC) on February 6, 2023.

## ❑ Concerns

### ▪ Parking

- The proposed parking exceeds the standard “1 parking space per 30m<sup>2</sup>” of floor area (LUB 5.1), with provision for additional parking on 4, Robie Street (PID 25005489).
- The applicant is willing to accommodate parking by user of the funeral home on the abutting lot.

# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Non-Conforming Use Changed by Development Agreement (Land Use Bylaw Section 4.15)

A development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy.

## 2. General Land Use Policy on Non-Conforming Uses (Municipal Planning Strategy, GP-11)

It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:

- (a) that the proposed use exerts a similar or less of an impact on the surrounding neighbourhood;
- (b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;
- (c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;
- (d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;
- (e) signage on the property;
- (f) hours of operation;
- (g) the adequacy of the transportation network to accommodate the proposed use.

# 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 Policy 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 Policy 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. Signs in Residential Zones (Land Use Bylaw Section 6.6)

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.6m<sup>2</sup> per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line.
- (f) Offsite signs are not permitted.

# CONCLUSIONS

- ❑ In the opinion of staff, the proposal meets the general intent of MPS policies.
- ❑ The development will bring vibrancy and diversity to the neighbourhood without disrupting its safety and tranquility.
- ❑ The development agreement process has given the public an opportunity to provide input.
- ❑ The PAC, after reviewing the material and public concerns recommended that Council approve the application.

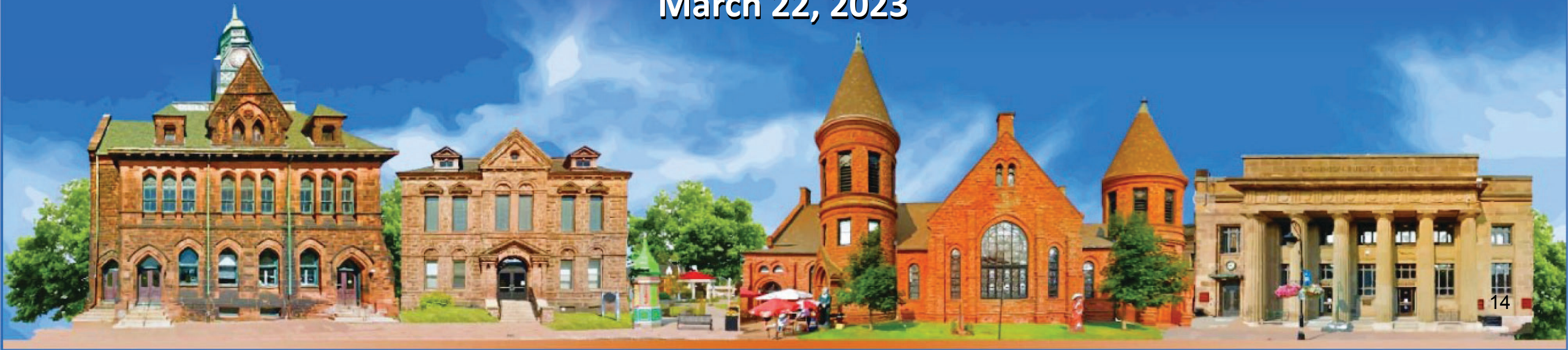
# NEXT STEPS

- ❑ After considering inputs provided at the public hearing, Council at a later date will decide one of the following options:
  - Give second and final reading of the development agreement as drafted or with changes.
  - Defer a decision and request additional information.
  - Reject the application citing specific MPS policies that are not being met.

# Public Hearing

Development Agreement Application to Permit a Long term care facility on 264, Church Street

March 22, 2023



# DEVELOPMENT AGREEMENT PROCESS

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
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# APPLICATION DETAILS

**Applicant:** Sunrose Land Use Consulting – Jenifer Tsang.

**Owner:** Gem Health Care Group

**Summary of Proposal:** 96-Bed Long term care facility (2-storey)

**Location:** 264 Church Street.

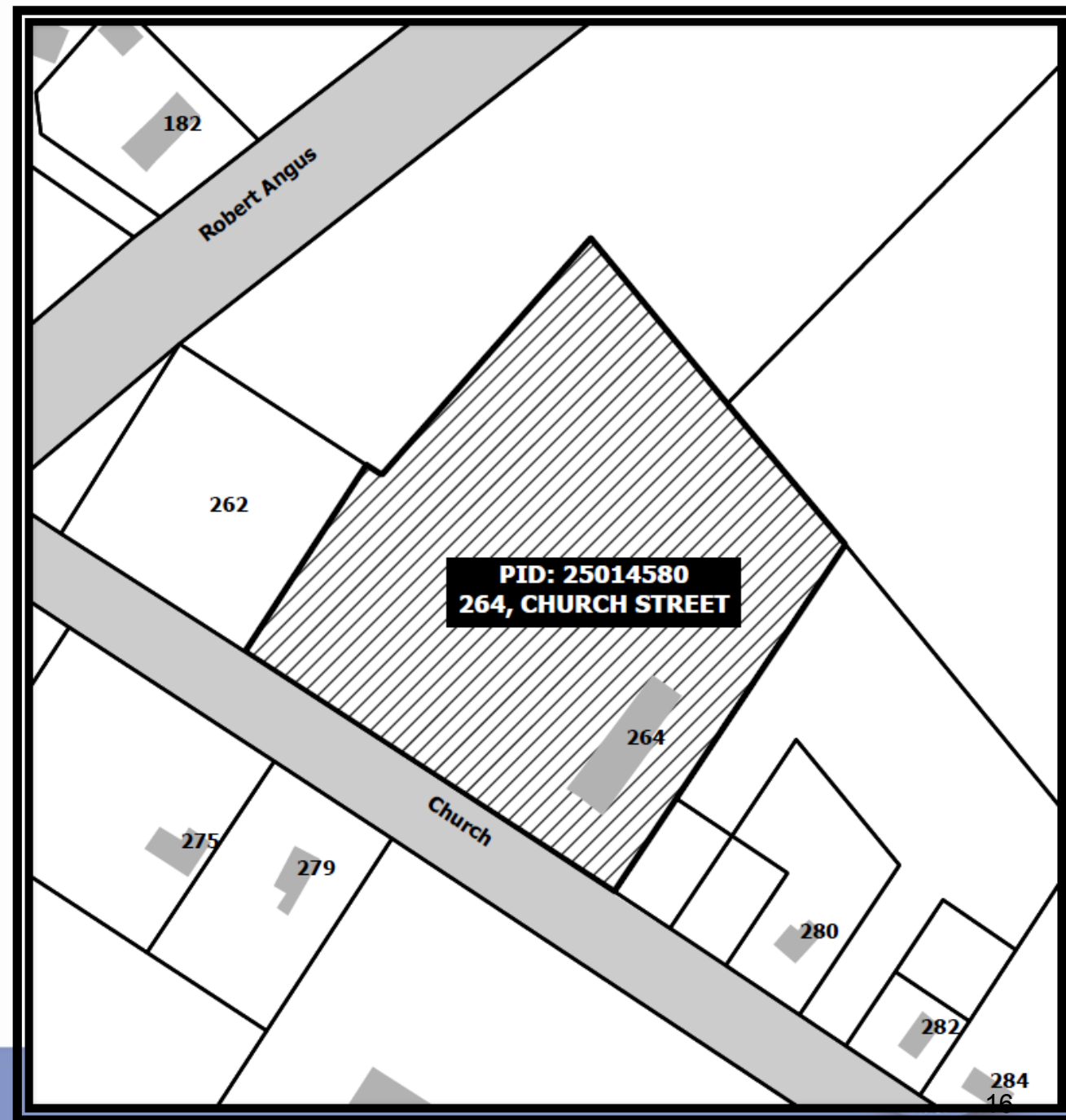
**Property Size:** 14,973 m<sup>2</sup> (3.7 acres).

**Street Frontage:** 120m on Church Street.

**Existing Land Use:** Vacant dwelling

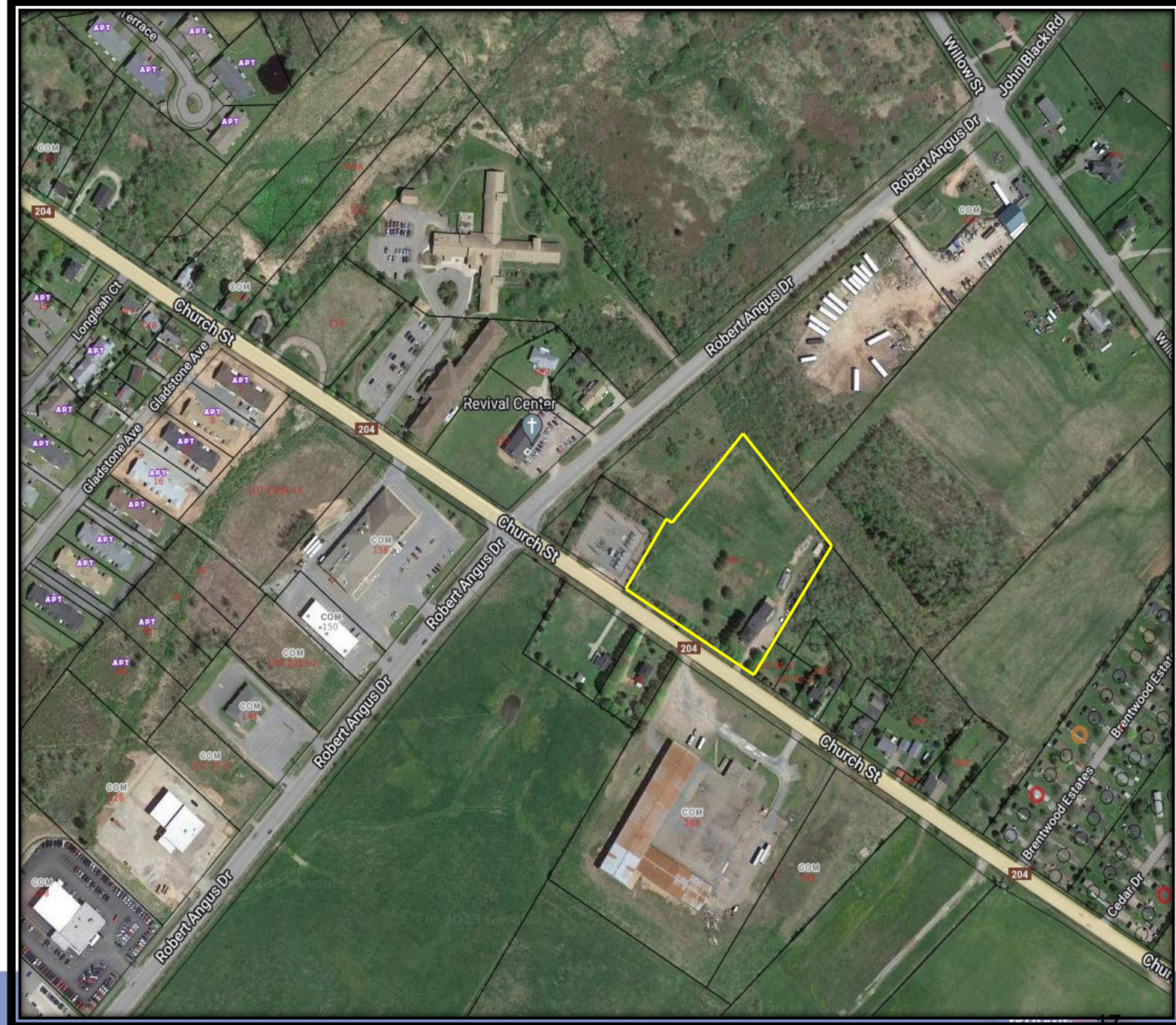
**Existing Zoning:** General Residential

*Residential Care Facility means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, with social, legal, emotional, mental and/or physical handicaps or problems, that is developed for the well being of its residents through self-help, professional care, guidance and supervision unavailable in the resident's own family, an institution or in an independent living situation (Land Use ByLaw, Town of Amherst).*



# NEIGHBOURHOOD CONTEXT

- ❑ The Subject property is located on the western end of Town.
- ❑ There is currently an unoccupied detached building on the site, a vast amount of vacant/ undeveloped land towards the north and south, and a few detached housing units on the east and south, and a concentration of electricity distribution poles and transformers on the west side.
- ❑ Directly across the site along Church Street is an old industrial building currently used as a storage facility.



# NEIGHBOURHOOD CONTEXT



- ❑ Complementary health and social facilities and services near the proposed development include Beltone Professional Hearing Care Center (BPHCC), Amherst Pharmasave (AP), Cumberland Physiotherapy (CP), and Faith United Pentecostal Church (FUPC).
- ❑ Also, there is currently two care homes near the site, i.e. Centennial Villa and Gables lodge which the proposed developed is planned to replace.



# PROPOSAL DETAILS

**General Description:** The applicant is planning to building a 2 storey 96 bed long term care facility.

**Total Building Area:** 3,807.63 m<sup>2</sup> (40,985 sqft)

**Property Area:** 14,973 m<sup>2</sup> (3.7 acres)

**Number of beds:** 96

**Density:** 78 m<sup>2</sup> (840 sqft) per resident

**Parking:** 90 spaces (0.94 spaces/bed)

**Access:** Vehicle access from Church Street.

## Area Summary

Level 1 - 40,985 Sq/Ft

Level 2 - 33,954 Sq/Ft

Level 3 - 5,700 Sq/Ft



# BUILDING ELEVATION



HEALTH CARE GROUP

GABLES LODGE  
LONG TERM CARE



BP DUMARESQ  
ARCHITECT LTD



#seewhyweloveit



# PUBLIC PARTICIPATION & PAC REVIEW

- ❑ A Public Participation Opportunity (PPO) was held on January 18, 2023.
- ❑ Inputs from the public and other concerns were addressed at the Planning Advisory Committee (PAC) on February 6, 2023.

## ❑ Concerns

### ▪ Traffic

- Existing road design on Robert Agnus Drive and Church Street, being arterial streets, are adequate to accommodate the anticipated increase.
- The proposed facility is intended to replace another existing long term care facility (Gables Lodge), hence, the anticipated traffic that will result from the development will not be entirely new.

# 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) Long Term Care Facilities and Homes for Special Care in accordance with Policy RP-19.

## 2. RP-19 Residential Policy on Long Term Care Facilities (Municipal Planning Strategy)

Within the Residential Designation, it shall be the intention of Council to ensure Long Term Care Facilities and Homes for Special Care occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all Long Term Care Facilities and Homes for Special Care be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (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.

# RELEVANT PLANNING BYLAWS AND POLICIES

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

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  - (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. 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.

# CONCLUSIONS

- ❑ In the opinion of staff, the proposal meets the general intent of MPS policies.
- ❑ The facility will meet the need of the community by providing specialized care for seniors, contributing to economic development in through employment opportunities for healthcare workers, light duty cleaners, and administrative officers; and boost retail, particularly in the commercial district on South Albion Street/ Robert Agnus Drive.
- ❑ The development agreement process has given the public an opportunity to provide input.
- ❑ The PAC, after reviewing the material and public concerns recommended that Council approve the application.

# NEXT STEPS

- ❑ After considering inputs provided at the public hearing, Council at a later date will decide one of the following options:
  - Give second and final reading of the development agreement as drafted or with changes.
  - Defer a decision and request additional information.
  - Reject the application citing specific MPS policies that are not being met.