



Town of Amherst  
Public Hearing  
Agenda

Date: **Thursday, November 23, 2023**  
Time: **5:00 pm**  
Location: **Council Chambers, Town Hall**

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Pages

**1. CALL TO ORDER**

**2. TERRITORIAL ACKNOWLEDGMENT**

“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.”

**3. 105 South Albion Street Development Agreement**

**3.1 Staff Report**

1 - 24

**3.2 Council Questions / Comments**

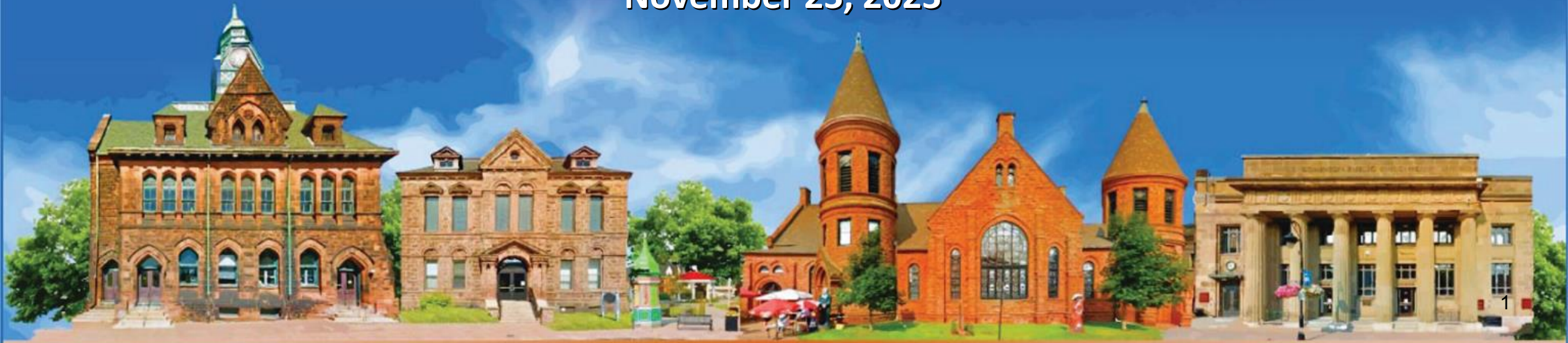
**3.3 Public Questions / Comments**

**4. Adjournment**

# Public Hearing

**105 South Albion Street**

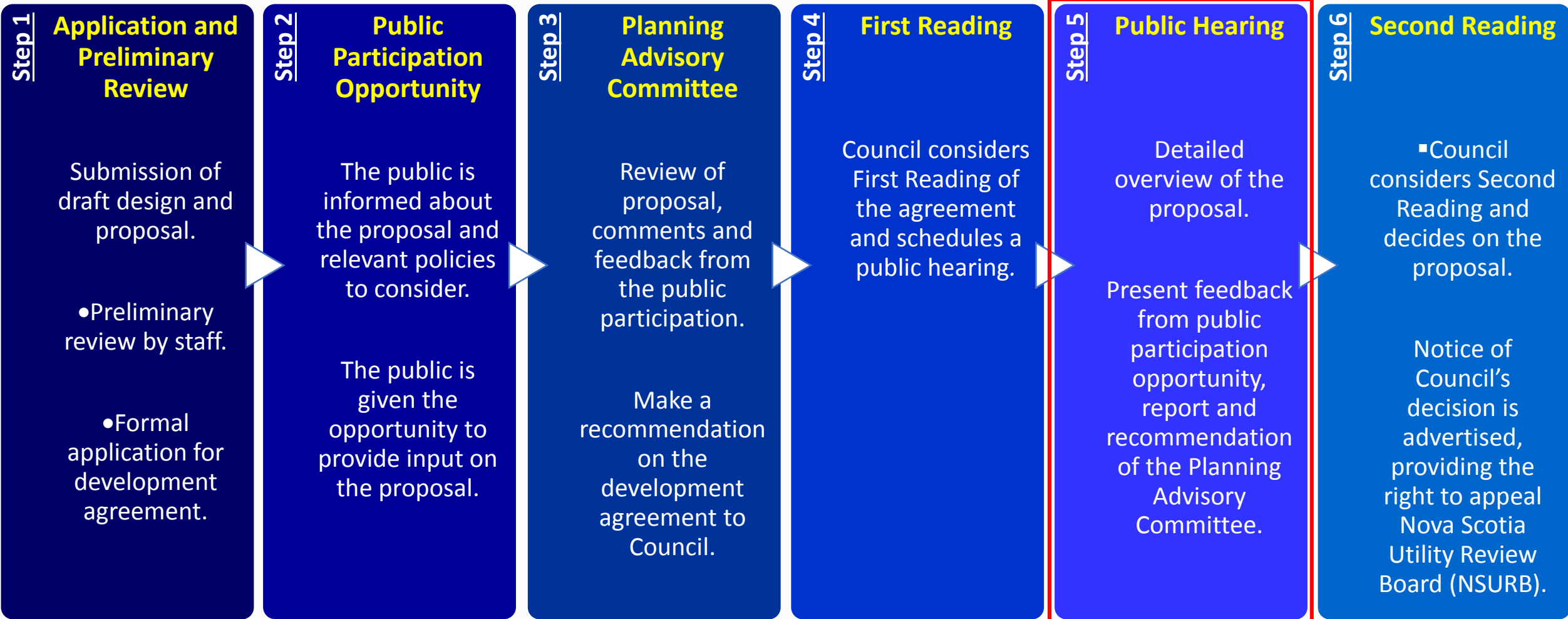
**November 23, 2023**



# 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.

# DEVELOPMENT AGREEMENT PROCESS



*\*All meetings of the Planning Advisory Committee and Council are open to the public.*

# APPLICATION DETAILS

**Applicant / Owner:** Blackbay Real Estate Group

**Summary of Proposal:** Development Agreement to permit two rows of five town houses and two apartment buildings.

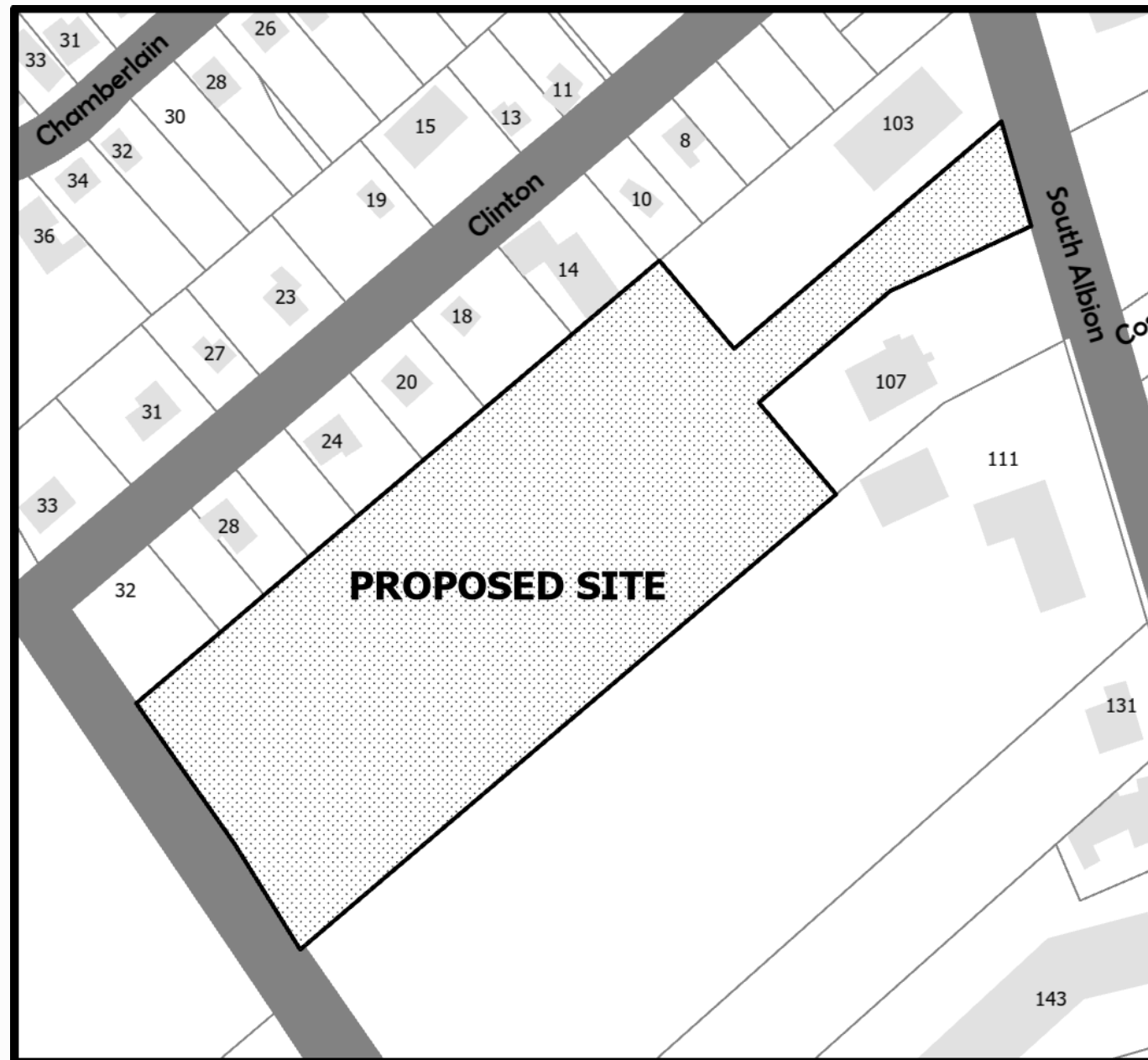
**Location:** 105 South Albion Street (formerly known as Blaine Street).

**Property Area:** 15,783m<sup>2</sup> (4 acre).

**Existing Zoning:** Highway Commercial

**Existing Land Use:** Vacant

**Street Frontage:** South Albion Street



# NEIGHBOURHOOD CONTEXT

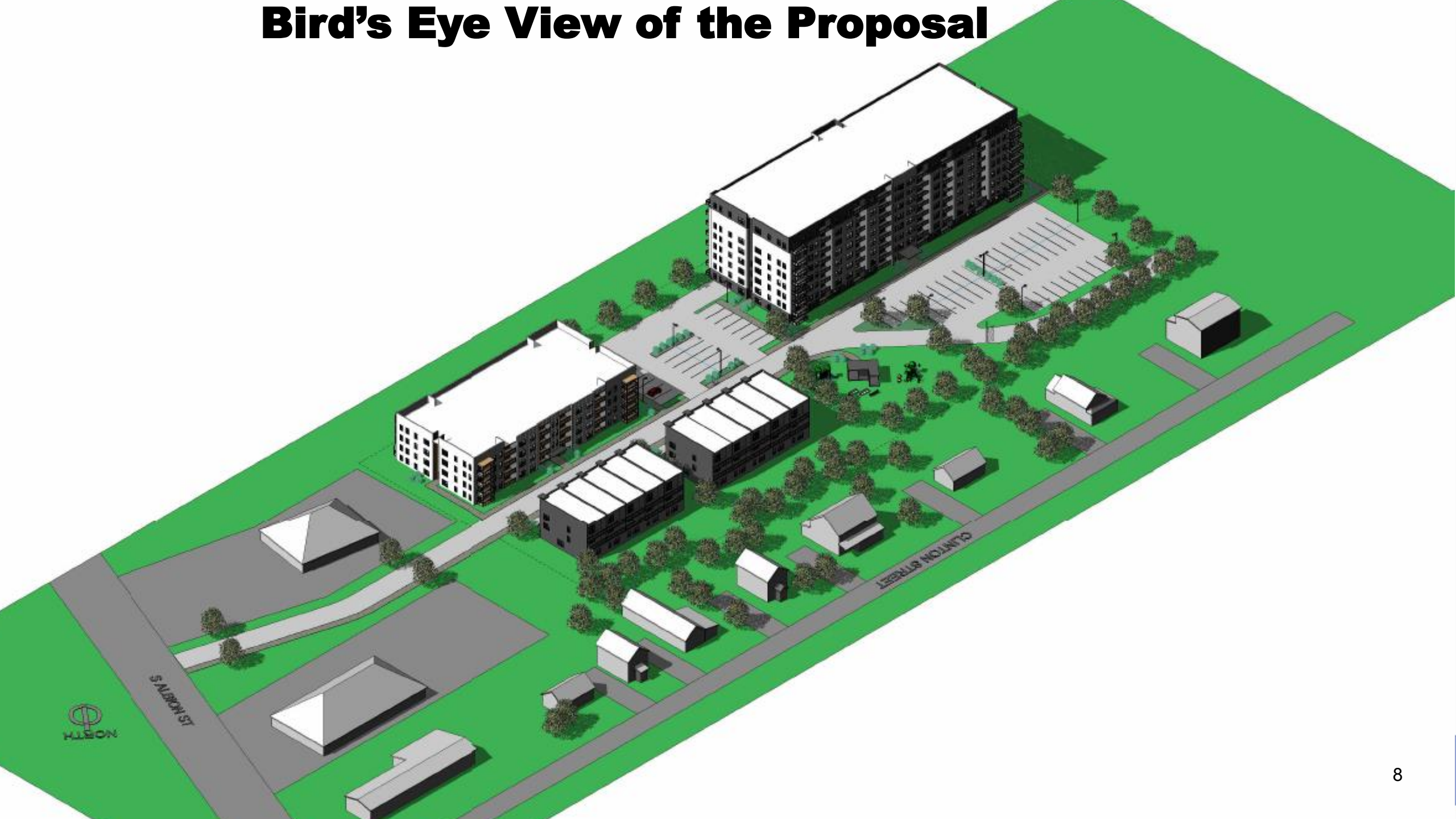
- ❑ The subject property is in the Highway Commercial Zone.
- ❑ North of the site is mix of low density residential and commercial properties
- ❑ There is a vacant lot on the southern border, while the Bulk Plant and Sales Office of Maritime Fuels is on the West side. Further in the southwest direction is a mobile home park and industrial park.
- ❑ Access to the site is through a driveway (proposed) extending from South Albion Street to the end of the block. Two restaurants (Yuan of Asia and Frank and Ginos) exist on the sides of the proposed driveway. A portion of this lane currently serves for parking.
- ❑ Other commercial characters nearby include vehicle dealerships, departmental stores, hotels, gas stations and vehicle services.







# Bird's Eye View of the Proposal



# GENERAL DESCRIPTION

Lot coverage: 12.34%.

Density: 46 units per acre

**Access:** Proposed driveway off South Albion Street

**Landscape and Outdoor Spaces:** There is provision for trees to serve as landscape and buffer, an outdoor garden and playground.

**Total number of residential units:** 186

## Apartment Building (Building C & D)

	C	D
<b>Number of storeys</b>	8-storey building	4-storey building
<b>Number of dwelling units</b>	128 dwelling units.  Each level consists 10 one-bedroom units and 6 two-bedroom units.  Four of these units will be barrier free.	48 dwelling units  Each level consists 8 one-bedroom units and 4 two-bedroom units.  Two of these units will be barrier free.
<b>Parking</b>	129 parking spaces, including: i. 82 underground parking spaces split into two levels, of which four are accessible. ii. 47 surface parking spaces	54 parking spaces, including: i. One level of 30 underground parking spaces, of which two are accessible. ii. 24 surface parking spaces
<b>Amenity space</b>	A deck space of at least 3m <sup>2</sup> per unit	A deck space of at least 3m <sup>2</sup> per unit
<b>Building area</b>	1,697m <sup>2</sup>	1,197m <sup>2</sup>

	A & B
<b>Number of storeys</b>	3-storey building
<b>Number of dwelling units</b>	10 dwelling units. 2 rows of 5 town houses, each containing a 3-bedroom unit.
<b>Parking</b>	1 garage parking per townhouse, plus one driveway parking space.
<b>Amenity space</b>	Two rear deck areas comprising 10m <sup>2</sup>
<b>Building area</b>	82m <sup>2</sup>

# Approach Elevation (Townhouses)



① North  
3/32" = 1'-0"

# Rear Elevation (Townhouses)



3rd FL  
18' - 0"

2nd Fl  
9' - 0"

② South  
3/32" = 1'-0"

# PERSPECTIVE VIEW OF BUILDINGS A & B TOWNHOUSES



#seewhyweloveit



# Side Elevation (Building C and Townhouse)



① East  
3/32" = 1'-0"

# Side Elevation (Building C and Townhouse)



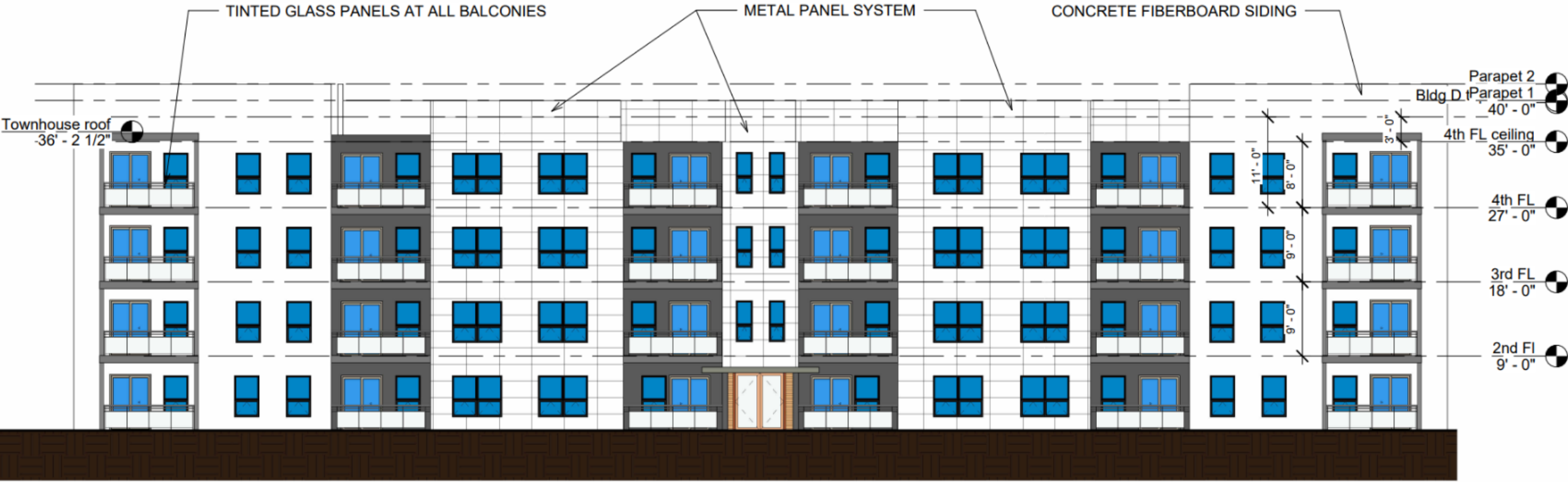
② West  
3/32" = 1'-0"

# Approach Elevation (Building C)



① North - Bldg C  
3/32" = 1'-0"

# Approach Elevation (Building D)



North -Bldg D

**PERSPECTIVE VIEW OF BUILDING C APARTMENTS  
FROM CLINTON ROAD**



**PERSPECTIVE VIEW OF BUILDING D APARTMENTS**



**PERSPECTIVE VIEW OF ALL BUILDINGS IN COMPLEX,  
INCLUDING PARKING AREA, EMERGENCY ACCESS  
ROAD, PLAYGROUND AND B.B.Q. AREAS**

TOWNHOUSES A & B

PLAYGROUND AND B.B.Q AREA  
AMENITIES

APARTMENT  
BUILDING C

EMERGENCY ACCESS ROAD

TENANTS SURFACE PARKING AREA



# RELEVANT PLANNING BYLAWS AND POLICIES

**Section 8.1.1 of the Town Land Use Bylaw** permits residential uses in Commercial Zones according all the applicable Residential standards.

**Land Use Bylaw, Section 7.2.2**, considers allowing apartment buildings greater than 4 units by development agreement in accordance with **Policy RP-9** of the Municipal Planning Strategy.

## **RP-9 (Medium and High Residential 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 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.

# RELEVANT PLANNING BYLAWS AND POLICIES

## RP-11 (Affordable Housing)

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.

## General Land Use and Development Policies (GP)

### GP-7 (Compatibility)

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.

### 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.

## Municipal Service Policies (MS)

**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.

# RELEVANT PLANNING BYLAWS AND POLICIES

## Implementation Policy

### A-5 (Amendment Criteria)

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the 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.

# PREVIOUS STEPS

- ❑ Public Participation Opportunities were held on June 21 and October 4, 2023 following the receipt of the initial and revised proposal, respectively. The discovery a Nova Scotia Power easement intersecting the property prompted the need for revision, ensuring that the development does not infringe upon this section of the property. The participants expressed their support and concerns regarding the proposal at these events.
- ❑ In the opinion of staff, this proposal meets the general intent of Municipal Planning Strategy policies and will promote the vision of the Town of Amherst towards housing.
- ❑ The draft development agreement is expected to address the public concerns.
- ❑ After further review by the Planning Advisory Committee (PAC) on October 10, 2023, the application was recommended to Council for approval.

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# NEXT STEPS

- Sequel to this 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.