



Town of Amherst
Public Hearing
Agenda

Date: **Thursday, February 8, 2024**
Time: **5:00 pm**
Location: **Council Chambers, Town Hall**

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. 15 & 31 Victoria Street East

3.1 Staff Reports

1 - 20

3.2 Council Questions / Comments

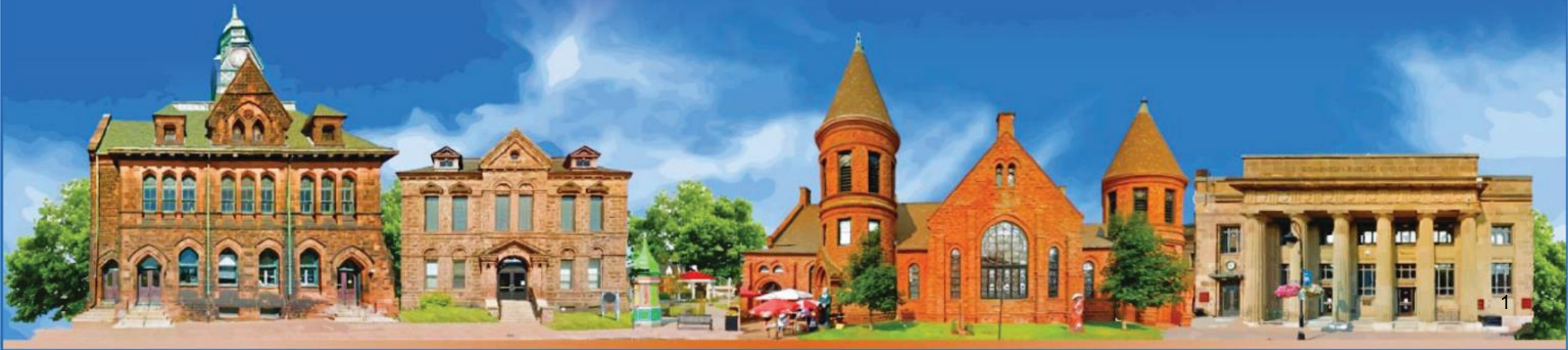
3.3 Public Questions / Comments

4. Adjournment

Public Hearing

Development Agreement to Permit the Construction of a 6-story, 52-62-unit Apartment Building on East Victoria

February 8, 2024



Disclaimer

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.

Introduction

Aim

The aim is to ensure public involvement in the planning process, particularly on development proposals that require a development agreement and/or an amendment to any of the existing planning documents.

Objectives

Specifically, the following will be addressed:

- I. Explain the concept of “development agreement” and how it is administered in the Town of Amherst.
- II. Describe the proposal and outline the relevant land use bylaws and policies.

Development Agreement

What is a Development Agreement (DA)?

A development agreement is a legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms and conditions to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement may include:



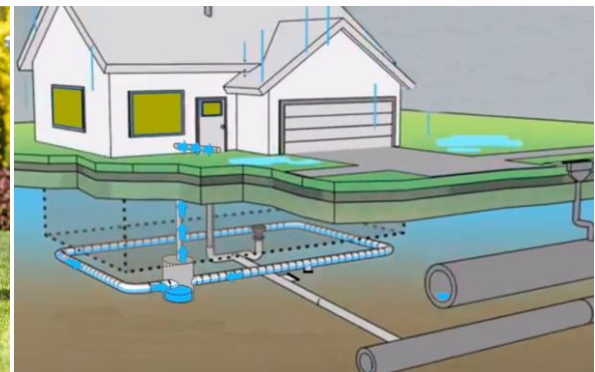
Architectural Design



Parking



Landscaping



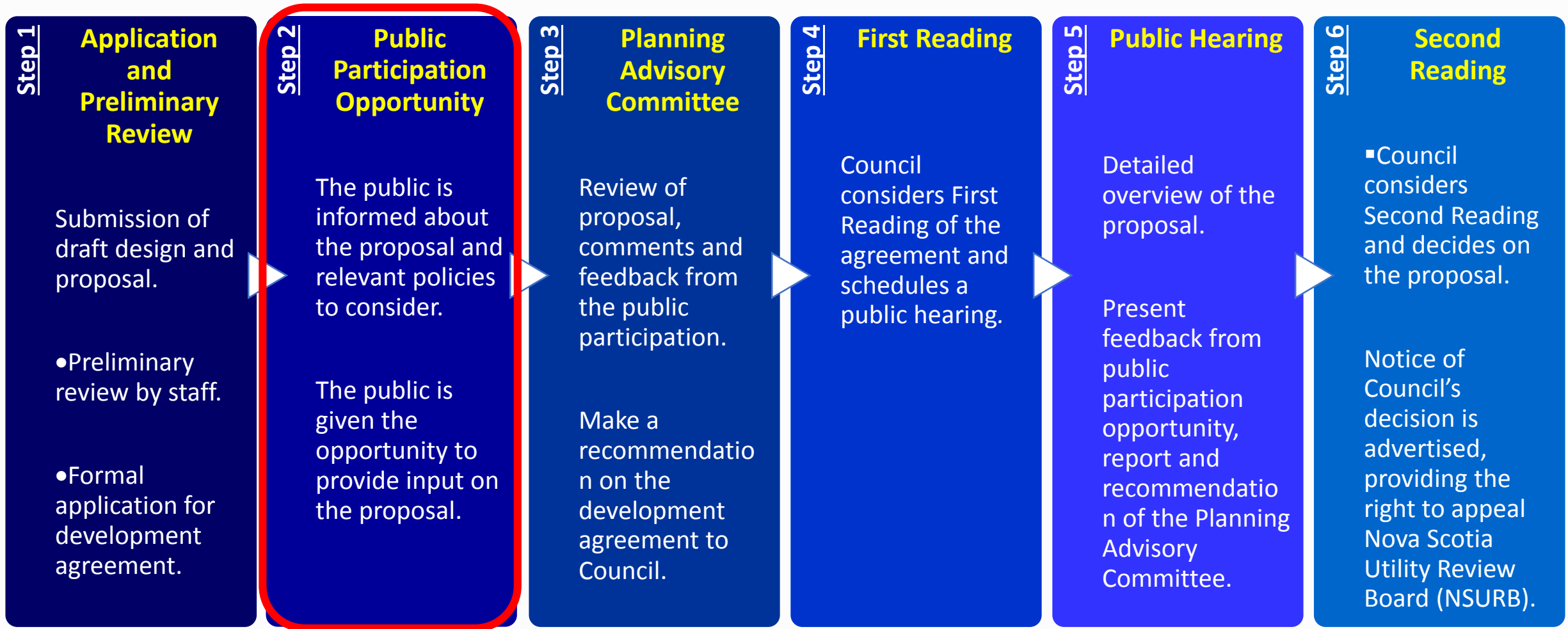
Drainage

A development agreement may also influence the use, fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

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 Planning Advisory Committee (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.
 - **The final decision to enter into a development agreement or amend a planning document** rests on the town Council and must be reasonable in keeping with the intent of the Municipal Planning Strategy.

Development Agreement Process



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

Application Details

Applicant/ Owner: Casey Realty Limited

Summary of Proposal: Development Agreement to permit the construction of a 6-level mixed-use building fronting along East Victoria Street that would contain ground-level commercial uses and up to 62 dwelling units. This is considered Phase 2 in addition to the already approved Phase 1 that includes a 3-level, 24-unit apartment building that will front along Electric Street.

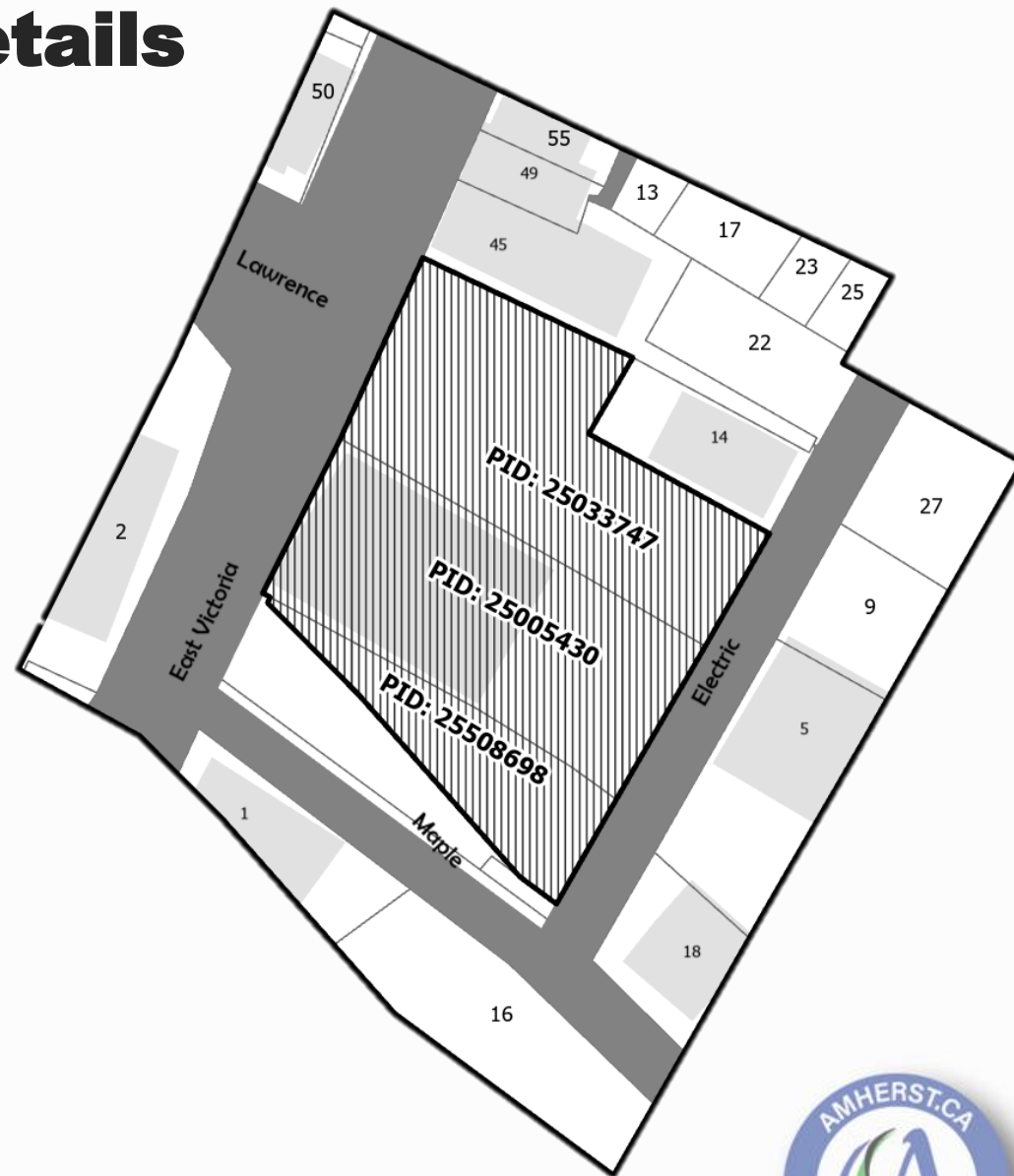
Location: Lots 21-1 Maple Avenue, 92-1 Victoria Street East, and 32 Victoria Street East (PIDs: 25508698, 25005430 and 25033747 respectively).

Property Area: approximately 4586m² (1 acre).

Existing Zoning: Downtown (Core Area District)

Existing Land Use: Parking and open space.

Street Frontage: 61m along East Victoria Street, 62m along Maple Avenue and 70m along Electric Street.



Neighbourhood Context

- The subject property exists in the Downtown Core Area and is bound by Victoria Street, Maple Avenue and Electric Street. The proposal would frame one of the main entrances to town via Lawrence Street.
- The Downtown Core Area contains a wide range of commercial uses and services within a short walking distance to the site. This includes restaurants (Britney, Duncan's Pub, Art of Eating), Commercial Offices (Arthur J. Gallagher, Creighton Shatford), recreational facilities (Victoria Park, Dooly's, Amherst Lions Club), and health facilities (Lawtons Drugs Amherst).
- Moving further north along Victoria Street, the neighborhood consists of several historically significant buildings.
- Further down in the southwest direction is the railway and predominantly residential neighborhoods.



Neighbourhood Context



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General Description

Phase 2: A 6-story, 62-unit apartment building. One bedroom plus den, two bedroom, and two bedroom plus den units. First floor commercial and health care use and potentially 2nd floor.

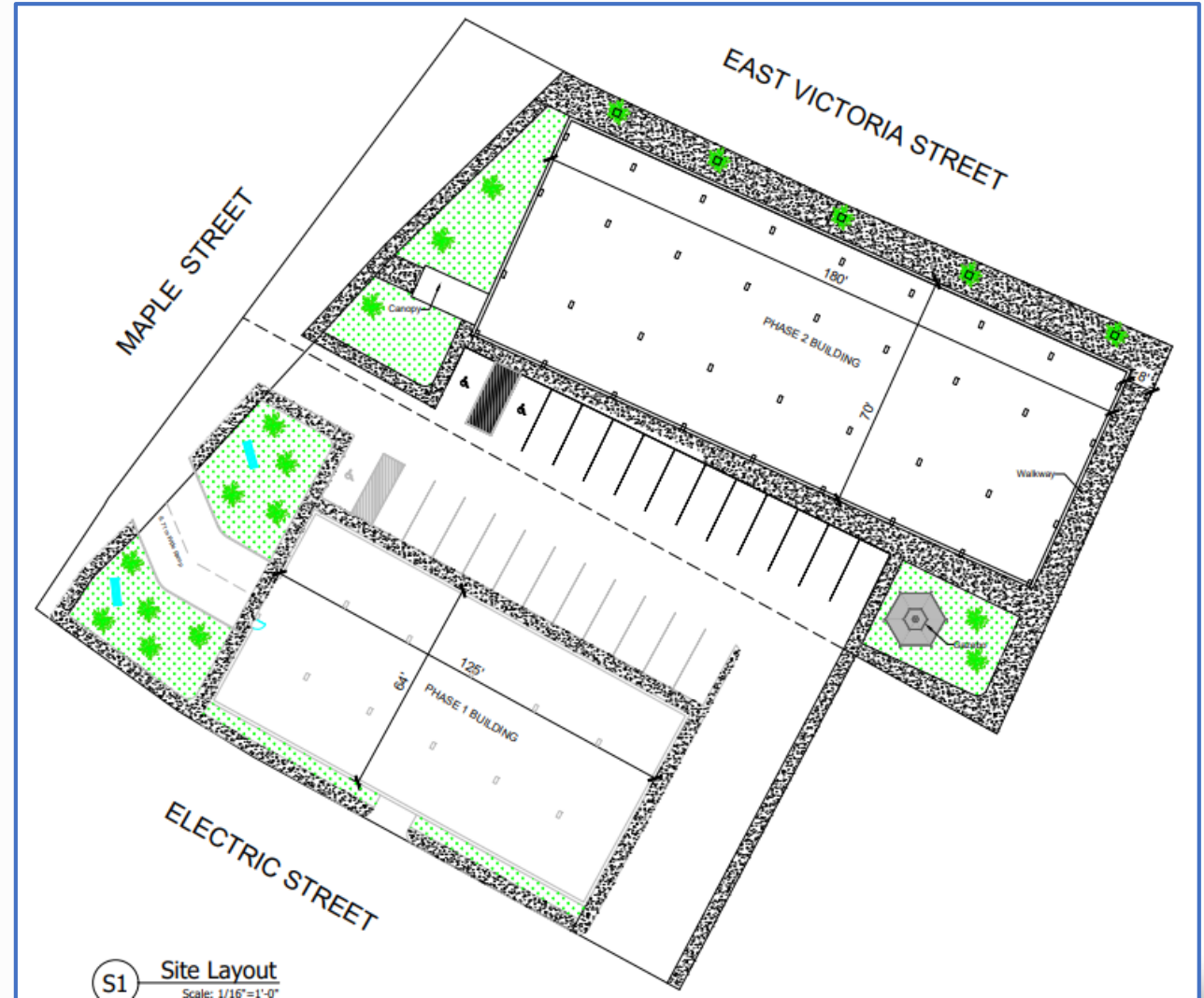
Proposed building area: 6689m² (72,000 sqft).

Lot coverage: 24%.

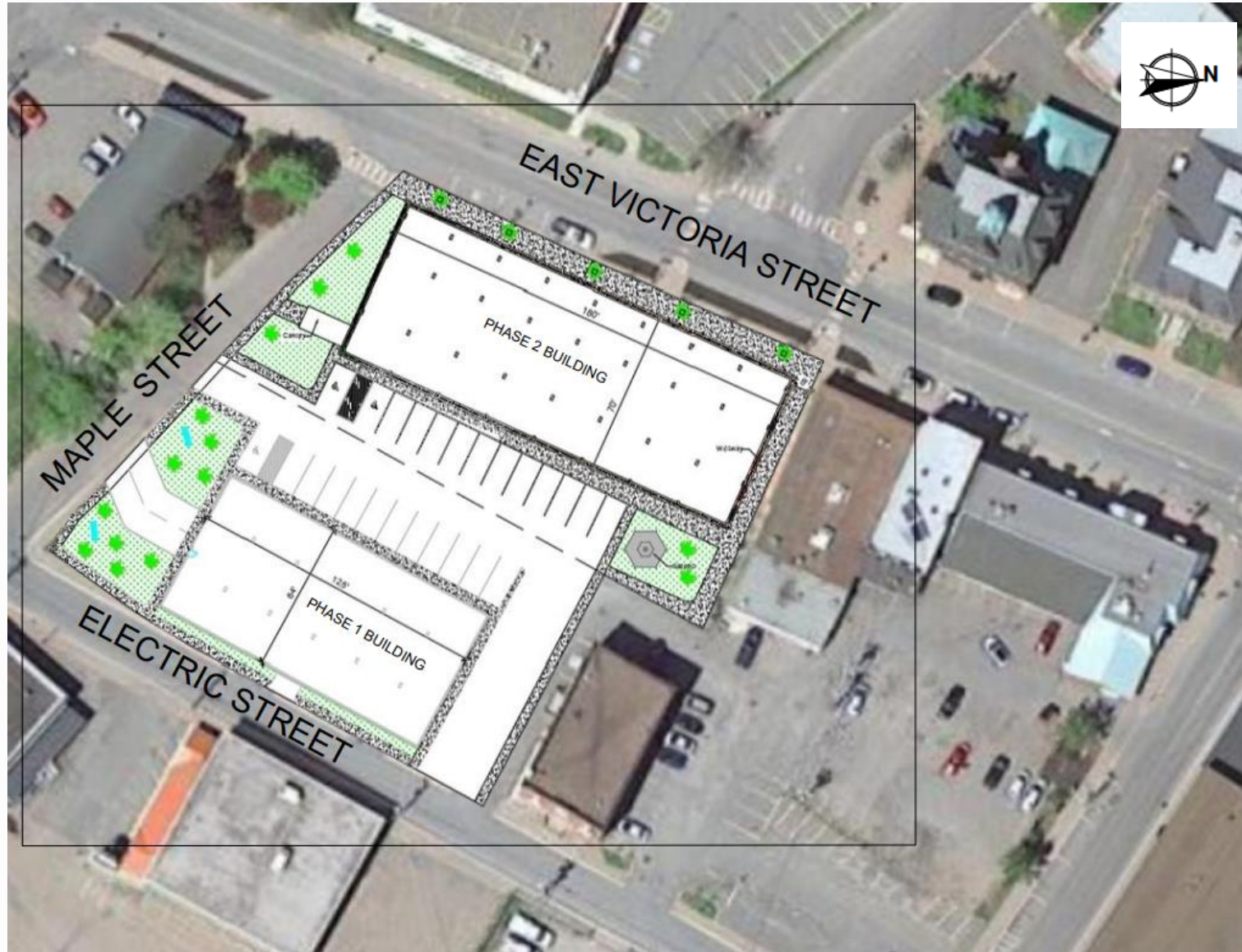
Density: 86 units/acre

Parking: 100 total spaces for both buildings, with 75 underground and 25 surface spaces.

Access: Maple Avenue (underground parking) & Electric Street (Surface parking). The existing side walk along Maple Avenue and Electric Street will be extended around the building to ease pedestrian movement.



Site Plan



Building Elevation



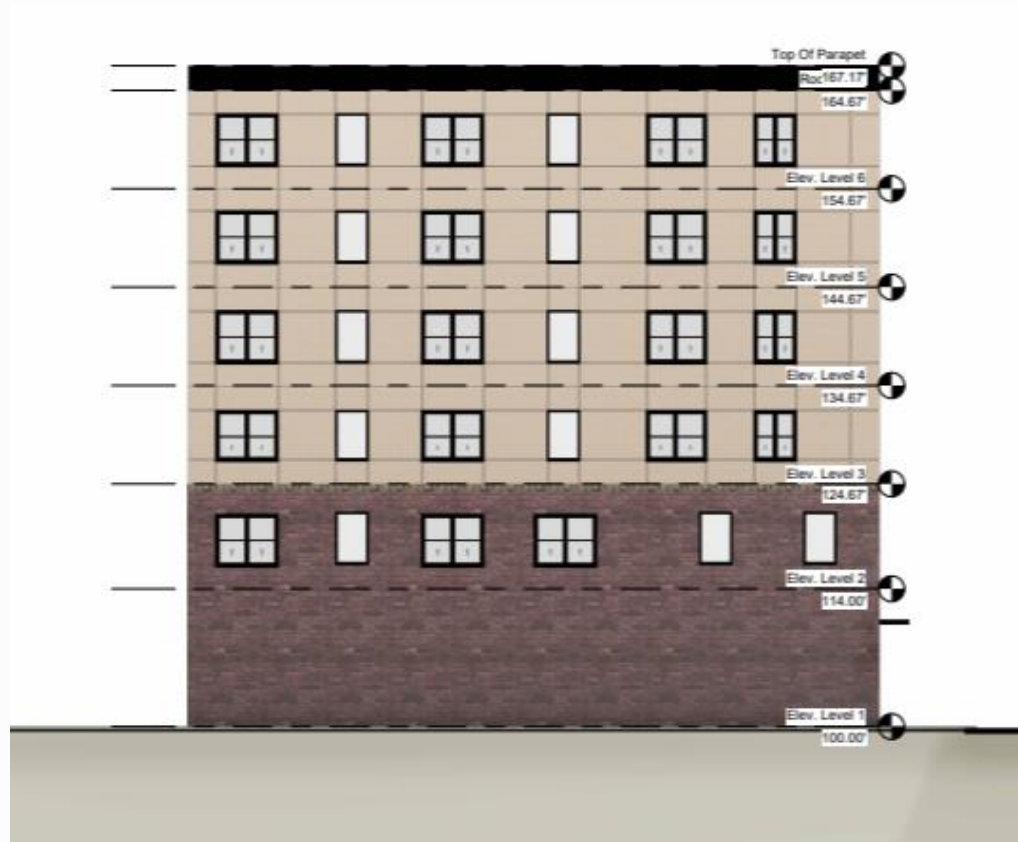
North Elevation

Building Elevation



North Elevation

Building Elevation



East Elevation



West Elevation

Building Elevation (3D)



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Relevant Planning Bylaws And Policies

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

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 Policies

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 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;

Relevant Planning Bylaws And Policies

2. Residential Policies

RP-9 (Medium and High Density by Development Agreement) (Con't)

- (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.

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.

Relevant Planning Bylaws And Policies

3. General Land Use and Development Policies

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.

4. Municipal Service Policies

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.

5. Sustainability Policies

SP-1 (Residential Development): It shall be the intention of Council to encourage high density residential development in the Downtown Zone

SP-2 (Residential Development): It shall be the intention of Council to encourage multiunit residential on the upper floors in the Downtown Zone.

Relevant Planning Bylaws And Policies

6. Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

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

(d) Ground floor residential uses subject to MPS Policy CP-15.

7. Commercial Policies

P-15 (Ground Floor Residential)

It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

(a) the location, height, bulk of the building;

(b) the architecture of the building;

(c) signage;

(d) parking facilities;

(e) landscaping;

(f) pedestrian access;

(g) the unique characteristics of the property and its relationship to the surrounding streetscape;

(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

Relevant Planning Bylaws And Policies

8. 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.