

## REVISED APPLICATION BRIEFING

<b>Prepared For:</b>	Planning Advisory Committee
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	October 3, 2019
<b>Subject:</b>	Development Agreement application by 3326158 Nova Scotia Limited to permit a 6-storey, 38-42 unit residential development at 74 Lorne Street .

### Background

On August 15<sup>th</sup>, 2019, 3326158 Nova Scotia Limited made application for a development agreement to permit a five storey multiple unit residential building containing 40 dwelling units at 74 Lorne Street. Also included in this initial development proposal were lands at 109 and 113 Queen Street. This proposal was presented to the Town's Planning Advisory Committee (PAC) on August 26<sup>th</sup>, 2019. PAC members and Staff provided some initial feedback to the applicant on the preliminary proposal. Concern was expressed about the lack of green space, the layout and functionality of the parking area, stormwater management, and the need for a buffer between the proposal and neighbouring properties. On September 26<sup>th</sup>, 2019 the applicant submitted a revised development proposal that now consists of a 6-storey, 38-42 unit residential development. The new proposal has a more functional parking layout and the wing of the building that extended towards Queen Street has been removed, resulting in a smaller building footprint. An additional floor has been added but the roof is now flat to reduce the building's height.

The lands included in the proposed development have also changed. 119 Queen Street and the front portion of 109 Queen Street are no longer included in this application. The subject lands are located in the General Commercial and Downtown Residential future land use designations. Council may consider multiple unit residential development in these designations by development agreement.

### Subject Lands

The subject lands consist of four separate parcels and a portion of a fifth located just northwest of the intersection of Queen and Lorne Streets. The affected lands include the rear portion of 109 Queen Street and four properties at 74/76 Lorne Street that would have been the location of the former Colchester Food Bank. These parcels are also identified as PID nos. 20183455, 20183414, 20183406, 20434379, and 20434387 respectively. 109 Queen is currently developed and contains a four-unit converted dwelling. The front portion of 109 Queen, the portion containing the existing converted dwelling, is not included in this application.



Air Photo showing the subject lands and surrounding area



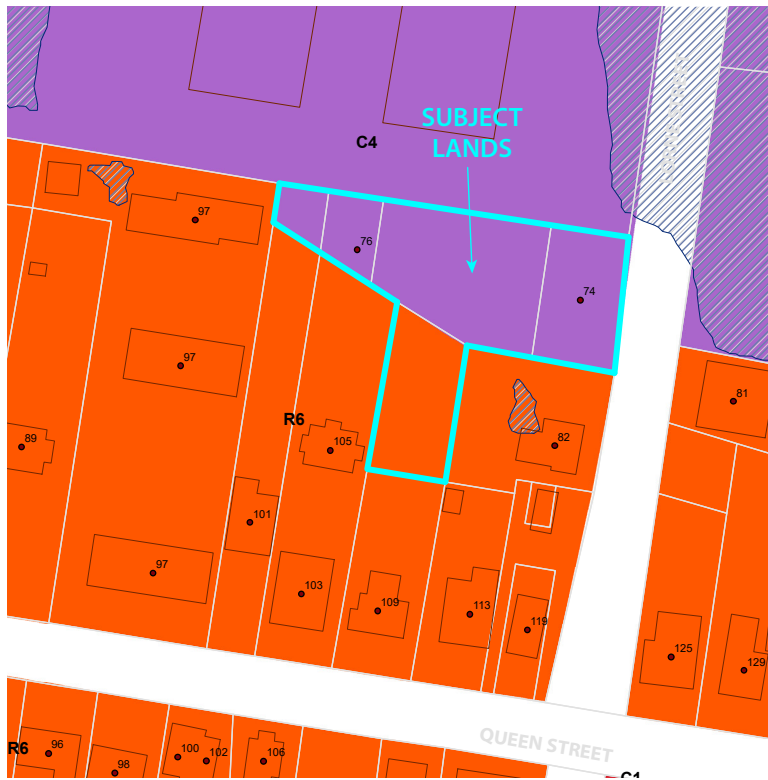
View of 74/76 Lorne Street looking northwest from Lorne Street



View of 74/76 Lorne Street looking southwest from Lorne Street



View of 109 Queen (at left) looking north from Queen Street



Zoning map of the subject lands

109 Queen Street is zoned Mixed Use Residential (R6) and the existing converted dwelling is part of the traditional residential streetscape that defines this section of Queen Street. Development in this area of Queen Street consists of mostly larger homes, approximately 100 years old, that have been converted to a variety of office and professional uses or into multiple unit residential.

The lands at 74/76 Lorne Street are currently vacant and consist of a unimproved gravel parking lot. The total frontage of 74/76 Lorne Street is 35 metres (115 feet).

The properties located at 74/76 Lorne Street are zoned General Commercial (C4). This section of Lorne Street features a variety of land uses including multiple unit residential, institutional uses, recreation uses, agricultural uses, and professional offices.

## Development Proposal

3326158 Nova Scotia Limited has submitted a preliminary site plan and conceptual renderings for a six-storey, 38-42 unit residential building. The proposed structure is approximately 18.3 m (60 ft) wide and 53.6 m (176 ft) deep with a total ground floor area of approximately 955 m<sup>2</sup> (10,300 ft<sup>2</sup>). The preliminary site plan shows surface parking for 36 vehicles situated in two separate lots, one lot with angled stalls situated alongside the main building in the yard abutting 82 Lorne Street and a second situated on the rear portion of 109 Queen Street. The parking stalls in the lot with angled parking do not appear to meet the minimum dimensions as set out in the Town's Land Use By-law.

A single driveway provides vehicle access from Lorne Street to both surface lots and to the parking garage. A covered entry is located at the southwest corner of the structure adjacent to the driveway and surface parking area. The preliminary site plan shows a 412 m<sup>2</sup> (4437 ft<sup>2</sup>) landscaped area at the western end of the property intended for use by residents of the development as outdoor amenity space. The proposed structure is set back from Lorne Street approximately 6 m (20 ft), 3 m (10 ft) from 60 Lorne Street, 11.6 m (38 ft) from 82 Lorne Street, and about 3 m (10 ft) from the rear boundary of 103/105 Queen Street. A copy of the preliminary site plan is shown on the following page.

Very few architectural details have been provided at this point although the conceptual renderings submitted by the applicant suggest a contemporary design with a flat roof and strong emphasis on horizontal elements. The conceptual renderings are shown on the following page and on page 5 of this report. No detailed floor plans have been submitted at this time although the applicant has provided some information regarding the configuration of the interior space including the number of type of units and a rough layout of the ground floor parking garage. The ground level parking garage provides interior parking for approximately 27 vehicles. The second through fifth floor will each have seven two-bedroom units and two 2-bedroom units for a total of nine units per floor. The sixth floor will feature two "penthouse suites". Exact details on the number of units per floor were still being finalized at the time this report was prepared and no information had been made available regarding the square footage of the proposed units or how the units will be appointed (i.e. number of washrooms, appliances, size of balconies).



Conceptual Site Plan of the Proposed Development



Conceptual Rendering of the Proposed Development



Conceptual Rendering of the Proposed Development

## Application Status

The Lorne Street properties are situated in the General Commercial Future Land Use Designation and the Queen Street property is situated in the Downtown Residential Future Land Use Designation. Council may consider new multiple unit residential proposals in both of these Future Land Use Designations by development agreement in accordance with Municipal Planning Strategy Policies C-40 and R-57.

Planning Staff have not completed a full analysis of the development application at this time. This proposal is currently at Step 2 of the Town's development application review process. 3326158 Nova Scotia Limited presented their rough conceptual plans to the Planning Advisory Committee (PAC) in August and committee members provided some initial feedback at that time. In response, the applicant has submitted the revised plans described in this report. The updated site plan and conceptual renderings are now intended to be presented to the public in an effort to engage the community in the design process.

This application is now at the beginning of the public consultation portion of the Town's development application process. At this stage, PAC is expected to hear initial feedback from the public on the proposed design. Further revisions to the development proposal may be considered at that meeting based on public feedback. PAC is also supposed to continue its ongoing review of the proposal based on the applicable policies found in the Town's Planning Documents and provide direction to the developer on how the proposal could better conform to the Town's planning policies and objectives as well as how the proposal could address any issues raised by the community. A list of relevant policies is attached to this Application Briefing as Appendix A.

Following the second meeting of PAC, Staff will prepare a report and recommendation and will conduct an on-line community survey. The results of this survey, along with the Staff Report, will be presented at a third meeting of the Committee (Step 3). At the third meeting, the Committee will make its recommendation to Council and the application will proceed to a public hearing (Step 4). Staff will present a Final Report and recommendation at that time.

Respectfully Submitted

Jason H. Fox, MCIP, LPP  
Director of Planning & Development

## Appendix A

### RELEVANT POLICY

#### **Policy C-40**

*In the General Commercial Designation it shall be a policy of Council to consider multiple unit development proposals having three or more units by development agreement only.*

#### **Policy C-41**

*When considering multiple unit residential development proposals in the General Commercial Designation pursuant to Policy C-40, it shall be a policy of Council to require:*

- a) *that the proposal be reviewed using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;*
- b) *that a multiple unit proposal consisting of more than four residential units be designed by an architect licensed to practice in the Province of Nova Scotia;*
- c) *that the proposed multiple unit development preserve the future commercial development potential of the property and neighbouring properties by:*
  - i) *providing adequate landscaped buffers from existing or potential commercial uses on the property or on an abutting property; and*
  - ii) *reserving a portion of the property that is suitable in terms of size, frontage, visibility, servicing, access, and topography for future commercial development; or*
  - iii) *having a structure that either includes ground floor commercial units or residential units on the ground floor that are designed to be converted into commercial units.*

#### **Policy R-50**

*It shall be a policy of Council to establish Architectural Design Requirements for the Downtown Residential Designation and require that all new development and conversions conform to these standards and that these standards be considered as part of any development agreement application process.*

#### **Policy R-51**

*It shall be a policy of Council to require that all conversions and new construction within the Downtown Residential Designation maintain the integrity of the surrounding residential neighbourhoods and that any new structures complement the architectural style of nearby heritage properties and contribute to the development, preservation, and enhancement of downtown heritage streetscapes.*

#### **Policy R-52**

*It shall be a policy of Council to forward development agreement proposals within the Downtown Residential Designation to the Heritage Advisory Committee for review and recommendation.*

#### **Policy R-53**

*It shall be a policy of Council to take into consideration advice from the Heritage Advisory Committee on the following matters when evaluating a development agreement proposal in the Downtown Residential Designation that involves any exterior structural alterations, new signage, new parking, lighting, or landscaping:*

- a) *the proposal's architectural design and its compatibility with heritage architectural styles found in the neighbourhood;*
- b) *the compatibility of the proposal with any abutting heritage properties in terms of its height, bulk, and scale;*
- c) *the impact of the proposal on any heritage streetscape;*
- d) *the location of any proposed parking areas and how well they are screened from neighbouring properties and from the street; and*
- e) *the suitability of any signage, lighting, fencing, or landscaping elements in terms of their impact on any abutting heritage properties or any heritage streetscape.*

## RELEVANT POLICY

### **Policy R-57**

*Within the R6 Zone, it shall be a policy of Council to consider multiple unit residential proposals with three or more units by development agreement.*

### **Policy R-58**

*When considering multiple unit residential proposals in accordance with Policy R-57, it shall be a policy of Council to:*

- a) review the proposal using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;*
- b) require that all new construction or expansions to existing structures be designed by an architect licensed to practice in the Province of Nova Scotia;*
- c) require the submission of professionally prepared renderings or graphic representations that illustrate how any proposed new construction or expansion will impact abutting properties and the streetscape; and*
- d) require that the proposal be forwarded to the Town's Heritage Advisory Committee (HAC) for review and recommendation.*

### **Policy P-3**

*It shall be a policy of Council to use the Recreation Plan as a policy statement that will guide Council when evaluating development proposals and negotiating planning approvals where the proposed development may have an impact on the implementation of projects identified on the Future Recreation Map.*

### **Policy P-4**

*It shall be a policy of Council to only consider those development proposals that are either consistent with or do not hinder the implementation of objectives and projects identified on the Town's Recreation Plan.*

### **Policy P-9**

*It shall be a policy of Council to take into consideration the recommendations of the Parks & Recreation Strategic Plan, where applicable, when reviewing development proposals.*

### **Policy P-12**

*It shall be a policy of Council to require that any new multiple unit residential development include provision for recreation and amenity space. The Land Use By-law shall allow for the provision of such space either externally or internally to the building, and that such space may consist of common or individual unit space.*

### **Policy P-13**

*It shall be a policy of Council to consult the Parks, Recreation, and Culture Committee when considering the suitability of amenity space included in any development proposal.*

### **Policy P-14**

*It shall be a policy of Council to require that required outdoor amenity space consist of usable space that is dedicated for active or passive recreation use and not include areas that have limited recreational potential.*

### **Policy G-18**

*It shall be a policy of Council to consider allowing a reduction in the number of required parking spaces where it can be demonstrated the proposed development is intended for residents who are less likely to own an automobile due to factors such as age, income, or mobility issues.*

### **Policy G-29**

*It shall be a policy of Council to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night.*

## RELEVANT POLICY

### ***Policy G-30***

*It shall be a policy of Council to prohibit outdoor lighting that is misdirected, excessive, or unnecessary.*

### ***Policy G-31***

*It shall be a policy of Council to require that all outdoor lighting fixtures in or abutting a residential zone or designation be full cut-off fixtures approved by the International Dark Sky Association.*

### ***Policy G-35***

*It shall be a policy of Council to require that all development proposals or other proposals that may impact upon vehicle access to a public street be subject to the approval of the Town's Traffic Authority.*

### ***Policy IN-34***

*It shall be a policy of Council to require that all new construction that is subject to a development agreement, to submit a Storm Water Management Plans for the development, either as a condition of approval or for Council's consideration as part of a development agreement application.*

### ***Policy IM-19***

*It shall be a policy of Council to require the submission of a detailed proposal as part of any development agreement application. The proposal shall include any information or materials required by Council in order to effectively evaluate the submission. The submission shall be accompanied by professionally prepared plans that effectively illustrate the proposal and include details such as, but not necessarily limited to, the following:*

- a) the location, area, and dimensions of the subject property based on a survey or location certificate prepared by a licensed surveyor;*
- b) elevation drawings of the proposed structure or structures;*
- c) the proposed location, dimensions, height, and proposed use of all buildings;*
- d) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;*
- e) the proposed location and nature of any outdoor storage or display;*
- f) the proposed location, design, and content of any signage;*
- g) the proposed location and dimensions of any parking stalls, driveways, and walkways;*
- h) the proposed location of any fencing, refuse containers, and snow storage;*
- i) the proposed location and type of any exterior lighting;*
- j) the proposed location of any outdoor amenity space;*
- k) landscaping elements including the type and location of any existing and proposed trees or other vegetation;*
- l) architectural features including type of materials;*
- m) the location of any watercourses on or near the site;*
- n) existing and proposed drainage patterns including any stormwater management measures;*
- o) the delineation of any 1:20 and 1:100 flood elevations and a description of any proposed floodproofing measures; and*
- p) any proposed phasing of the development.*

## RELEVANT POLICY

### **Policy IM-20**

*It shall be a policy of Council to require the submission of additional information to address issues such traffic impact, stormwater management, landscaping, servicing, heritage preservation, and impact on the streetscape where Council considers this information to be pertinent to the development process. This information may be required prior to Council's approval or as a condition of approval and required prior to issuance of any development permit.*

### **Policy IM-21**

*Where a structure proposed as part of a development agreement application raises concerns with respect to compliance with the National Building Code, it shall be a policy of Council to require that the applicant submit conceptual building plans for review by the Town's Building Inspector.*

### **Policy IM-22**

*When considering a development agreement application it shall be a policy of Council to have regard for the following matters:*

- a) compatibility of the proposed land use with adjacent land uses;*
- b) compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;*
- c) compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise;*
- d) the adequacy of sewer services, water services, waste management services and storm water management services;*
- e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services;*
- f) the adequacy and proximity of schools;*
- g) the adequacy and proximity of recreation and community facilities;*
- h) the adequacy of the road network in, and adjacent to, or leading to the development;*
- i) the potential for the contamination or sedimentation of watercourses or for erosion;*
- j) environmental impacts such as air and water pollution and soil contamination;*
- k) previous uses of the site which may have caused soil or groundwater contamination;*
- l) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;*
- m) the application of sustainable and energy efficient design principles;*
- n) that the proposal is in conformance with the intent of this strategy and with the requirements of Town By-laws and regulations other than the Land Use By-law;*
- o) the financial ability of the Town to absorb any costs relating to the amendment.*
- p) the ability of emergency services to respond to an emergency at the location of the proposed development;*
- q) the application of sustainable and energy efficient design principles;*
- r) that the proposal is in conformance with the intent of this strategy and with the requirements of Town By-laws and regulations other than the Land Use By-law;*
- s) the financial ability of the Town to absorb any costs relating to the amendment.*

## RELEVANT POLICY

### *Policy IM-34*

*It shall be a policy of Council to consider scheduling an evening public hearing and to consider holding an advertised public information meeting where there is a great deal of public opposition or concern regarding a development proposal or amendment application. The cost of advertising these meetings shall be the responsibility of the applicant.*