

## APPLICATION BRIEFING

<b>Prepared For:</b>	Planning Advisory Committee
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	October 24, 2019
<b>Subject:</b>	Application by Victoria Suites Development to amend a 2016 Development Agreement by adding one storey and 13 units to a proposed 4-storey, 50-unit residential building approved for construction at 46 Forrester Street.

### Background

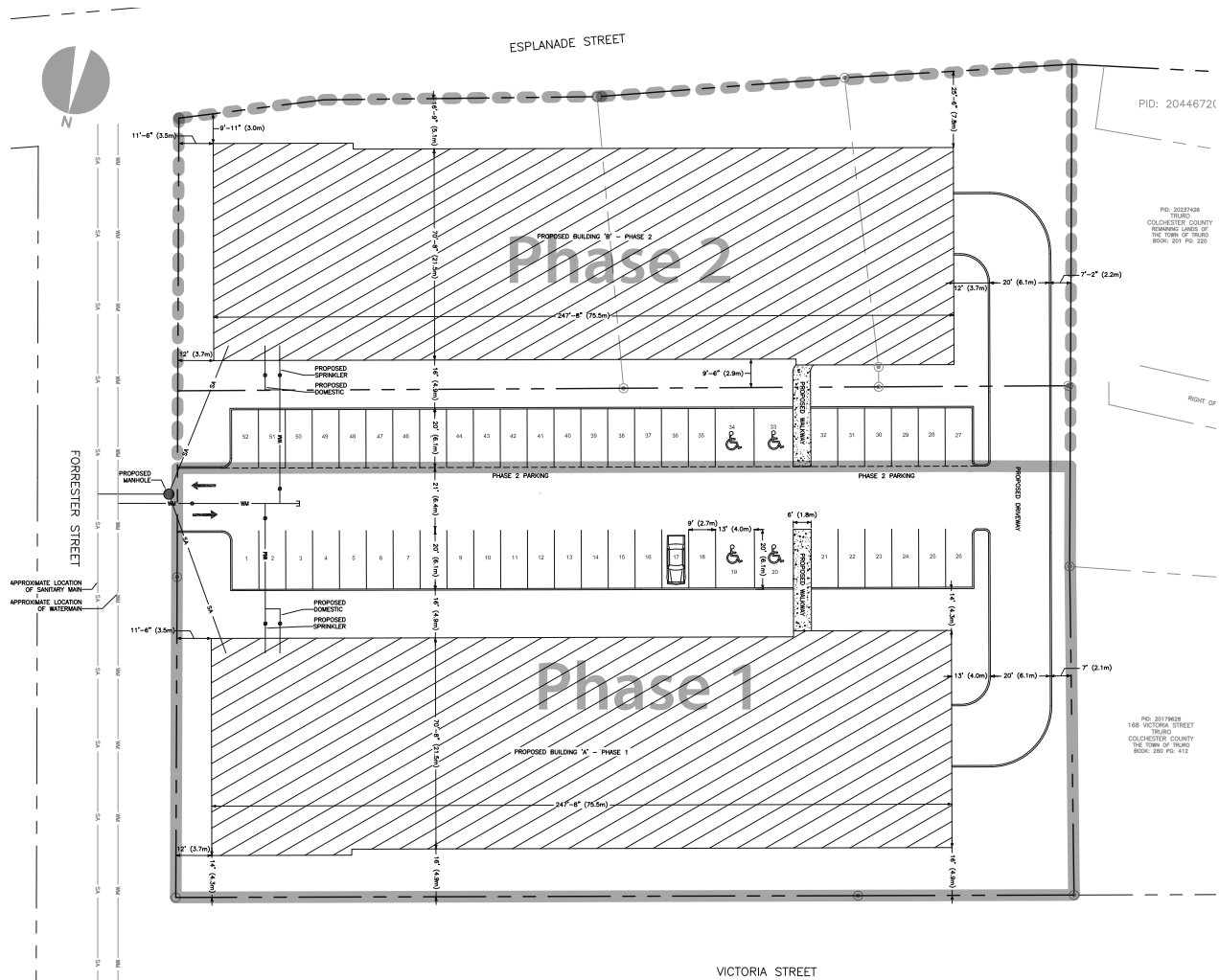
In March 2016, Town Council approved a multiple unit residential development on lands at 180 Victoria Street and 46 Forrester Street consisting of two 4-storey, 50-unit residential buildings. The development was to be constructed in two phases, phase one consisting of one 50-unit building on Victoria Street along with surface parking and driveway access to Forrester Street. Phase two was to consist of a second 4-storey, 50-unit building immediately to the south along Esplanade Street. Council approved two separate development agreements; one for each phase of the proposal. The development agreement for phase one was entered into in April 2016 and construction of the first phase was completed in January 2018. The development agreement for the second phase was approved by Town Council in 2016 but the agreement has not been executed and the developer has until June 2021 to enter into the agreement. On October 24<sup>th</sup>, 2019, Victoria Suites Development submitted an application to amend their approved development agreement to permit one additional storey and 13 more dwelling units in the second phase of the development. If the requested amendment is approved, phase two would consist of a 5-storey, 63-unit residential building.

### Subject Properties

The subject properties include two parcels of land. The first parcel is 180 Victoria Street, also identified as PID no. 20179636. This parcel is 4735 m<sup>2</sup> (1.17 acres) in area and has 91.6 m (300 ft) of frontage on Victoria Street plus 51.8 m (170 ft) of frontage on Forrester Street. This property is currently developed and contains a 4-storey, 50-unit building along with driveway access and surface parking for 26 vehicles. The second parcel is 46 Forrester Street, also identified as PID no. 20447017. This parcel is 2796 m<sup>2</sup> (30,098 ft<sup>2</sup>) in area and has 94.2 m (309 ft) of frontage on Esplanade Street and 26.5 m (87 ft) of frontage on Forrester Street. The former office/warehouse building that occupied this site was demolished earlier this year and the property is currently vacant. The lands are zoned Downtown Commercial (C1) and are situated in the Downtown Commercial Future Land Use Designation.



Air Photo showing the subject property and surrounding area

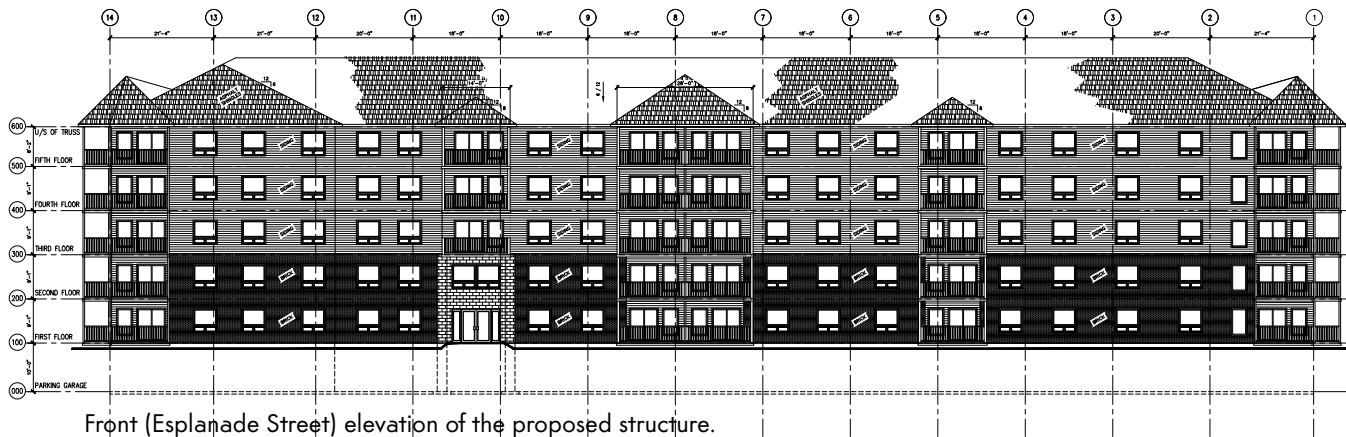


Phasing/Site Plan showing the proposed development (note that north is towards the bottom of the page). Phase 1, consisting of a 4-storey, 50-unit building, driveway access and surface parking for 26 vehicles, is complete. Phase 2, as proposed, will consist of a 5-storey, 63-unit building and surface parking for 26 vehicles.

## Development Proposal

Victoria Suites Development is seeking approval to add one floor and 13 dwelling units to a proposed 4-storey, 50-unit residential building at 46 Forrester Street (northwest corner of Forrester and Esplanade) that was approved for construction in 2016. The proposal consists of a 5-storey, 63-unit building situated just south of the applicant's existing 4-storey, 50-unit building at 180 Victoria Street. This will bring the total number of dwelling units in the development (including both Phases 1 and 2) to 113.

This application does not include any changes to the site plan that was approved by Council in 2016. The proposed structure is to be constructed in the same location with the same ground floor area (footprint) as indicated on the original plans. The structure is set back between 3 m (9.9 ft) and 7.8 m (25.6 ft) from Esplanade Street and set back 3.5 m (11.6 ft) from Forrester Street. The proposed building's dimensions ( $\pm 22 \times 74$  metres ( $\pm 72 \times 244$  feet) and ground floor area ( $\pm 1604 \text{ m}^2$  ( $\pm 17,264 \text{ ft}^2$ ) are also unchanged. The site plan approved in 2016 also included an expansion of the existing central parking area and a ramp down to the below grade parking garage. Both the ramp and additional 26 parking stalls are included in the current proposal. The phasing plan at the top of the page shows the general site layout. Note that phase 1 is already constructed and the proposed amendments will only involve the area identified as "Phase 2".



The applicant has submitted an elevation drawing of the proposed 5-storey building (shown above). It is essentially the same design as the applicant's existing building at 180 Victoria Street with one additional floor added to the structure. The exterior finish is brick on the first two floors with vinyl siding on the third, fourth, and fifth floors. Like the existing building at 180 Victoria, the proposed structure's balconies project beyond the main wall of the building and the roof features several accent gables. Rather than a blank featureless wall and straight roof-line, the projecting balconies and accent gables help break up the massing of the building and add visual interest to the streetscape. The building will have five floors of residential plus a below grade parking level with space for 46 vehicles. The total amount of parking included in this development, including parking in Phase 1, will be 140 spaces plus 4 accessible stalls.

The applicant has indicated that the 13 additional units will consist of 4 one-bedroom units, 5 two-bedroom units, and 4 three-bedroom units. No detailed building plans have been submitted at this time but the applicant has indicated that they want to use the same basic floor plan they used for their buildings at 180 Victoria. That building featured a variety of unit types ranging from 85 m<sup>2</sup> (916 ft<sup>2</sup>) one-bedroom units to 162 m<sup>2</sup> (1748 ft<sup>2</sup>) three-bedroom units. Each unit is appointed with a balcony and 5 appliances including a washer and dryer.

In accordance with Municipal Planning Strategy Policy C-21, the applicant will be required to have the buildings designed by a licensed architect and in accordance with Policies C-10 and C-11, the applicant will be required to consult with the Town's Heritage Advisory Committee.

## Application Status

The proposed changes to the development agreement approved by Council in 2016 will require an amendment to the original agreement. Development agreement amendments, unless they involve matters identified in the agreement as not substantive, require the same public process as a regular development agreement application. The subject property is situated in the Downtown Commercial future land use designation and in accordance with Municipal Planning Strategy Policy C-19, Council may consider new multiple unit residential proposals in the Downtown Commercial designation by development agreement. The same policy would enable Council to consider the proposed amendment.

Planning Staff have not completed a full analysis of the development application at this time. This report is preliminary and intended to provide the Planning Advisory Committee and members of the public with the necessary background to conduct an initial review of the proposal and provide feedback to the developer. The Committee is expected to review 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. A list of relevant policies is attached to this Application Briefing as Appendix A.

The proposal is currently at Step 1 of the Town's development application review process. Once the Applicant has had an opportunity to present their proposal to the Committee and once the Committee has had an opportunity to provide their comments, the Applicant will indicate what, if any, changes or revisions will be made to the proposal. The proposal will then proceed to a second meeting of the Committee which will be advertised and intended to engage the public in the review process. Further revisions to the development proposal may be considered at that time based on public feedback at that meeting. Staff will then prepare a Staff Report and recommendation and Staff 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. At the third meeting, the Committee will make its recommendation to Council and the application will proceed to a public hearing. Staff will present a Final Report and recommendation at that time.

The Committee also has the option of processing this application using the Standard (short) Application Process which would shorten the process by 1 month. Given that the development is situated in a downtown commercial area with no neighbouring residential uses, Planning Staff do not anticipate a great deal of public interest in this application and the Standard Process may be appropriate. The Standard Process would involve this application proceeding to the next Committee meeting with a full analysis and recommendation from Staff. The public participation survey would take place after the Committee has made its recommendation and the results would only be available to Town Council at the public hearing.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'J. Fox', written over a faint circular stamp.

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

## Appendix A

### RELEVANT POLICY

#### **Policy C-2**

*It shall be a policy of Council to ensure that Downtown Truro remains the preeminent location in Colchester County for higher order goods and services and uses such as banks, institutions, cultural facilities, law firms, retailing, specialty shops as well as for pedestrian oriented shopping, dining, and nightlife.*

#### **Policy C-8**

*It shall be a policy of Council to permit a controlled mixture of land uses where the potential for land use conflicts is minimal.*

#### **Policy C-10**

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

#### **Policy C-11**

*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 Commercial Designation that involves any new structure, 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 downtown area;*
- 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 properties or streetscape.*

#### **Policy C-12**

*It shall be a policy of Council to establish urban design standards for the Downtown Commercial (C1) Zone and the Limited Commercial (C2) Zone 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 C-13**

*It shall be a policy of Council to require that all conversions and new construction within the Downtown Commercial (C1) Zone and the Limited Commercial (C2) Zone contribute to the development, preservation, and enhancement of pedestrian friendly and aesthetically pleasing downtown streetscapes.*

#### **Policy C-19**

*In the Downtown Commercial Designation, it shall be a policy of Council to consider multiple unit residential developments having more than four units by development agreement.*

## RELEVANT POLICY

### **Policy C-20**

*When considering multiple unit residential development proposals in the Downtown Commercial Designation pursuant to Policy C-19, it shall be a policy of Council to:*

- f) review the proposal using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;*
- g) 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;*
- h) require that the proposal be compatible with adjacent uses in terms of height, bulk, scale, and lot coverage;*
- i) require that the proposal does not detract from an established or developing streetscape by significantly varying from the typical height and setback of abutting structures or by having a building that is oriented away from the street;*
- j) require that the proposal be forwarded to the Town's Heritage Advisory Committee (HAC) for review and recommendation;*
- k) require that the parking area be suitably landscaped or fenced and situated where it will not be readily visible from the public right-of-way; and*
- l) require that the proposal include recreational open space suitable for use by residents of the development*

### **Policy C-21**

*In the Downtown Commercial Designation, it shall be a policy of Council to only consider proposed multiple unit residential developments that have been designed by an architect licensed to practice in Nova Scotia where the proposal includes new construction, an expansion, or exterior alteration of an existing building.*

### **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.*

## RELEVANT POLICY

### **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.*

### **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.*