

## APPLICATION BRIEFING

<b>Prepared For:</b>	Planning Advisory Committee
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	March 22, 2018
<b>Subject:</b>	Development Agreement application by Godfrey Perry to permit lawful occupancy of an illegal unit that was created in an existing 5-unit converted dwelling at 56 Walker Street.

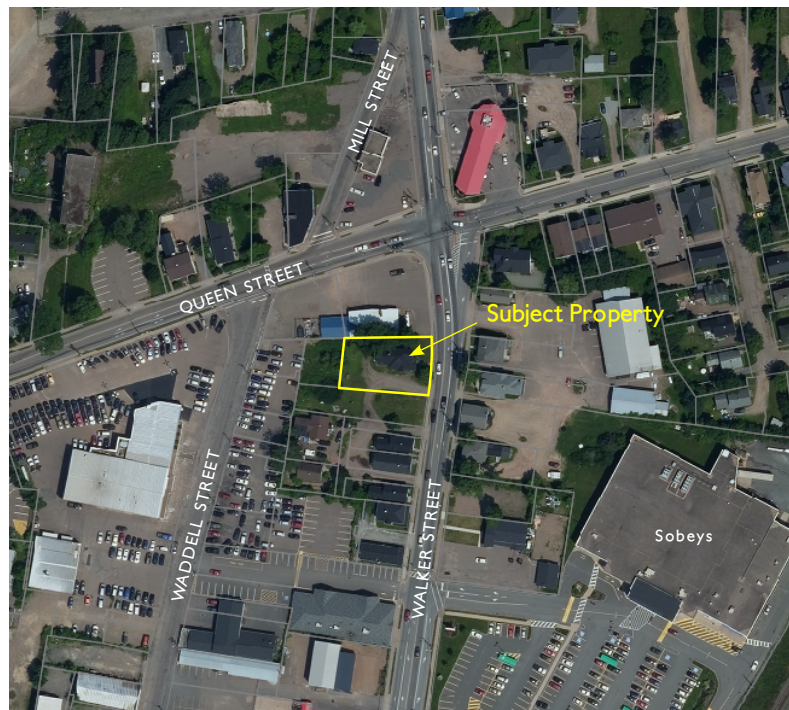
### Background

On December 1<sup>st</sup>, 2017, Godfrey Perry submitted an application to permit one additional dwelling unit in an existing 5-unit converted dwelling at 56 Walker Street. The converted dwelling currently contains 6 dwelling units but one of the units on the second floor of the 2½ storey structure was created without proper permits and does not meet applicable building code or fire safety requirements. The illegal unit is currently unoccupied as Mr. Perry has complied with a September 21<sup>st</sup>, 2017 order to vacate the unit. He has, however, indicated that he is prepared to undertake the necessary work to have the sixth unit meet applicable building and fire safety codes as well as obtain the necessary building and development permits. 56 Walker Street is zoned Downtown Commercial (C1) and, in the C1 Zone, multiple unit residential proposals with four or more units require a development agreement. The first step in obtaining the necessary permits, therefore, is to apply for a development agreement.

At this initial stage of the development application process, Mr. Perry has submitted rough floor plans of the existing dwellings, including the sixth unit, and he is seeking feedback from the Planning Advisory Committee on his application.

### Subject Property

The proposed development involves a single parcel of land situated on the west side of Walker Street, approximately 40 metres (130 feet) south of the intersection of Queen and Walker. An aerial photograph showing the location of the subject properties is shown to the right. The subject property, identified as 56 Walker Street and by PID no. 20196028, is approximately 883 m<sup>2</sup> (9500 ft<sup>2</sup>) in area and has 25.5 metres (84 feet) of frontage on Walker Street. The subject property is situated in a mixed use area that includes a number of converted dwellings as well as purpose built commercial structures. 56 Walker Street is currently developed and contains a 2½ storey converted dwelling containing 6 one-bedroom units. As discussed earlier in this report, one of





Front view of the existing converted dwelling looking west from Walker Street

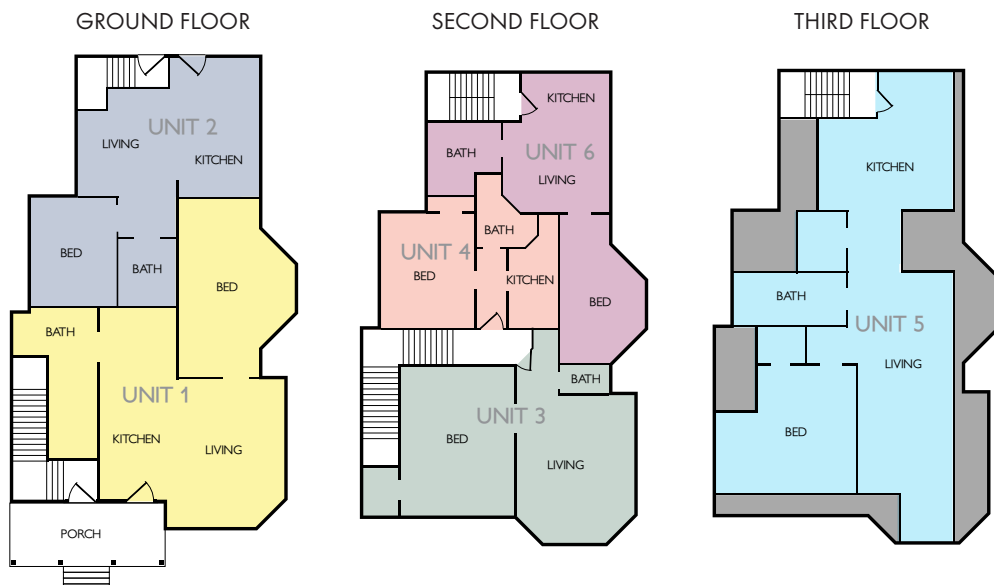


Rear view of the existing converted dwelling looking east from the rear yard of the subject property

these units is illegal. The remainder of the property is undeveloped and consists of a grass area, gravel driveway, and gravel parking lot. There are three mature trees along the northern edge of the property and one large tree in the front yard. The subject property is zoned Downtown Commercial (C1) and it is situated in the Downtown Commercial future land use designation. Photos of the existing structure are shown at the top of this page.

### Development Proposal

Mr. Perry has submitted rough floor plans showing a generalized internal layout of the converted dwelling. The plans are not drawn to scale and their utility is limited other than to give a general sense of where units are located and how they are accessed. The applicant has not submitted a site plan or elevation drawings of the structure. At this time, Mr. Perry has not proposed any exterior changes to the existing structure. Based on discussions with the Town's Building Inspector, however, it may be necessary to provide an additional egress for the sixth unit to meet building code requirements.



Plans showing the general floor layout based on sketches submitted by the applicant (NOT TO SCALE)

## Application Status

Godfrey Perry's application is at the initial step in the development agreement process. He has submitted an application form along with rough sketches showing the internal layout of units in his converted dwelling at 56 Walker Street. At this time, the applicant is simply requesting that the Town approve a development agreement that would legalize an existing illegal unit. He has not submitted any elevation drawings or a site plan of the development because he is not proposing any exterior alterations or site improvements.

At this stage of the application process, plans are expected to be conceptual as they are still subject to change based on feedback from the Planning Advisory Committee (PAC), Staff and the public. The plans submitted by Mr. Perry are sufficient for the initial meeting with PAC. More detailed plans will be required as this application progresses through the application process. Specifically, the applicant will be required to submit a site plan drawn to scale that shows the location of the existing structure, parking areas, trees, and landscaping. These plans will be required to ensure that the proposal includes sufficient parking and amenity space for both the existing units and the proposed new unit. The developer is currently working with the Town's Building Inspector on plans to bring the illegal unit into compliance with applicable requirements of the National Building Code. This may require changes to the exterior of the structure and possibly the addition of an additional exterior stairway (fire escape). These changes may require the submission of elevation drawings showing the proposed exterior changes. The applicant may also be required to update and revise plans based on feedback through the application process.

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 proposed concept 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 their development 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.

This proposal is currently at Step 1 of the Town's development application review process. Once Mr. Perry has had an opportunity to present his proposal to the Committee and once the Committee has had an opportunity to provide their comments, he is expected to identify what, if any, revisions will be made in response to the Committee's feedback. 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 (Step 2). 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 (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.

The Committee also has the option of processing this application using the Standard (short) Application Process which would shorten the process by 1 month. If the Committee opts for the Standard Process, the application would proceed 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

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.*

## RELEVANT POLICY

### **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.*

### **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;*

## RELEVANT POLICY

- 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.

### **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;

## RELEVANT POLICY

- 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.*

### **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.*

- t) *environmental impacts such as air and water pollution and soil contamination;*
- u) *previous uses of the site which may have caused soil or groundwater contamination;*
- v) *suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;*
- w) *the ability of emergency services to respond to an emergency at the location of the proposed development;*
- x) *the application of sustainable and energy efficient design principles;*
- y) *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;*
- z) *the financial ability of the Town to absorb any costs relating to the amendment.*

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