

APPLICATION BRIEFING

Prepared For:	Planning Advisory Committee
Submitted by:	Yanan Gou, Planner
Date:	May 24, 2019
Subject:	Development Agreement Application by Chris Habib to permit the development of a 12-unit three-storey residential building at 1036/1040 Prince Street.

Background

On May 21st, 2019, Chris Habib applied for a development agreement to permit the development of a multiple unit residential development on lands at 1036/1040 Prince Street. The proposed development will consist of one 12 unit three-storey residential building and a surface parking lot that provides parking spaces for 13 vehicles. The property is zoned Limited Commercial (C2) Zone. In the C2 Zone, multiple unit residential development with five or more units require a development agreement.

Subject Lands

The subject lands are currently made up of two separate properties that are to be consolidated. An aerial photograph showing the location of the subject lands is shown to the right. Both of the properties have frontage on Prince Street. The first property is situated close to the intersection of Prince Street and Cottage Street, and is identified as PID no. 20192472. The second property is situated immediately to the east of the first property and is identified as PID no. 20437893. The subject lands, once consolidated, will be 986.44 m² (10,618 ft²) in area and have approximately 43 metres (142 feet) of frontage on Prince Street.

The subject lands are currently undeveloped. It is mostly flat and cleared with only a few mature trees along the south property line. This section of Prince Street is mixed-use area with a variety of commercial, industrial and residential developments. A multiple unit dwelling and a single detached dwelling situated immediately to the west and east of the property on Prince Street.



Air Photo Showing the subject land and the surrounding area

To the south of the property located on Centre Street is a barber shop. Opposite to the subject property across Prince Street is a large industrial area that belongs to Canadian National Railways. Other nearby uses includes a few single detached dwellings, J & L Groceries, Hair & Beyond, Perma Steel Roofing, Air Force Club, Maggie's Place Family Resource Centre and Wallace Living senior residences.

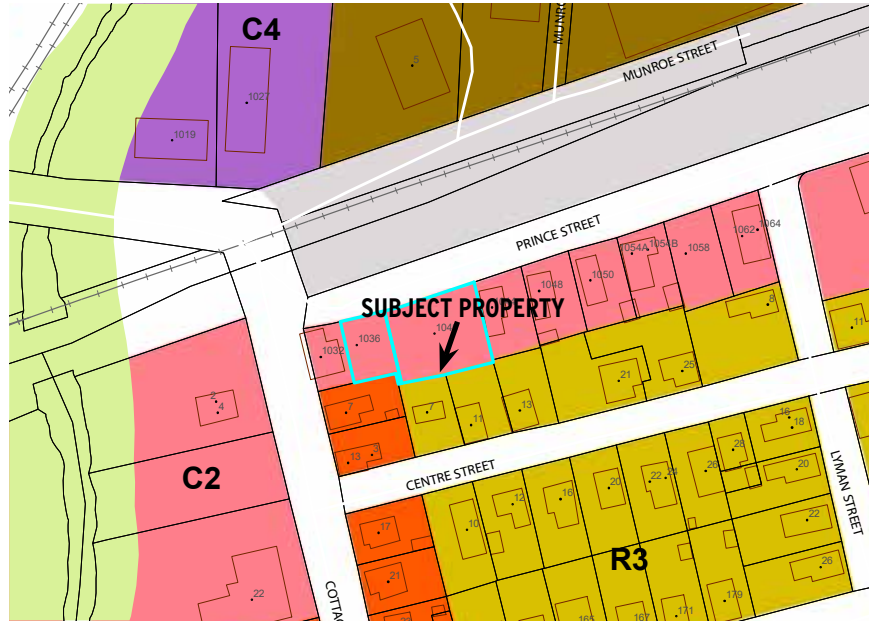
This area of Prince Street is zoned Limited Commercial (C2) Zone and its future land use designation is Downtown Commercial. The first property (PID no. 20192472) is situated on the divide between the Limited Commercial (C2) Zone and Mixed Use Residential (R6) Zone to the south. The second property (PID no. 20437893) is situated on the divide between the Limited Commercial (C2) Zone and General Residential (R3) Zone. Two photos of the subject property and an excerpt from the Town's zoning map are showing below.



1036/1040 Prince Street looking southwest from Prince Street



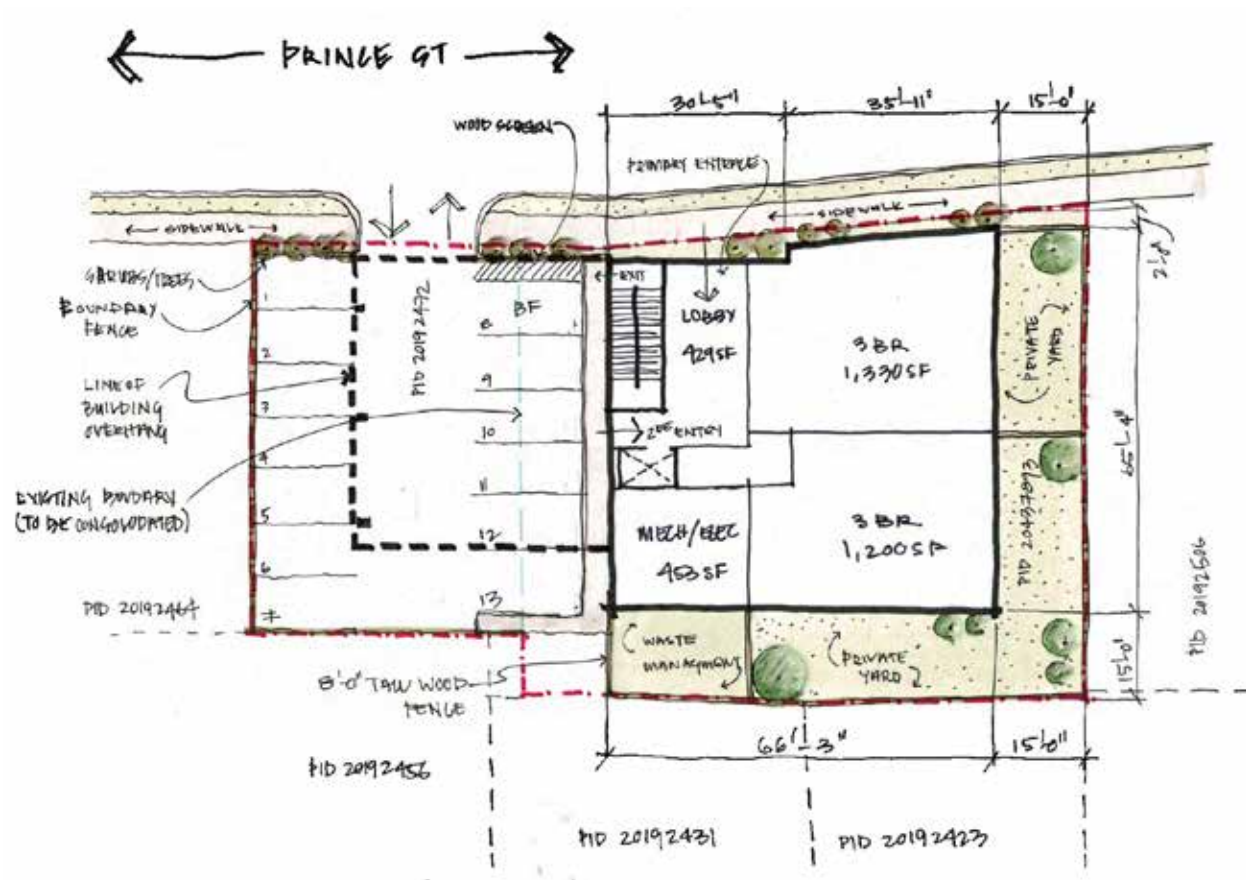
1036/1040 Prince Street looking southeast from Prince Street



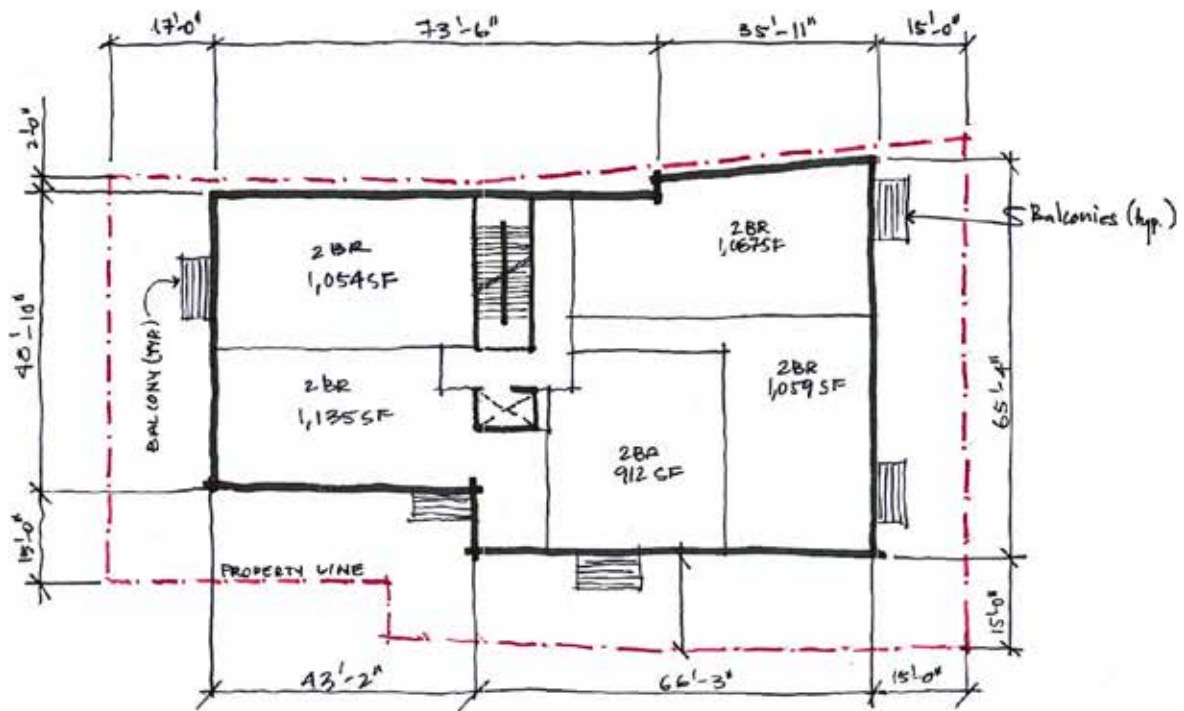
Excerpt from the Town's Land Use by-law showing the zoning of the subject land and surrounding area

Development Proposal

The applicant has submitted floor plans of the proposed 12-unit residential development (shown below).



Proposed ground floor plan



Proposed level 2/3 floor plan

According to the floor plan submitted by the applicant, the proposed building has a minimum 4.6 metre (15 feet) setback on all interior lot lines. The proposed dwelling is to be situated on the eastern portion of the property with private yard surrounding the south and east of the dwelling. Thirteen parking stalls, including one accessible parking stall, will be placed on the western part of the property. The parking lot will be accessed via a drive way at 1036 Prince Street. A section of the second and third floor will overhang and cover a portion of the parking area. Two 3-bedroom units are located on the first floor, each with a private fenced-in yard. Level 2 and 3 consist of five 2-bedroom unit apartments, each with a small balcony. The total lot area and building footprint (at level 2/3) will be 986.4 m² (10,618 ft²) and 576.5 m² (6205 ft²) respectively.

The applicant has also indicated some of the design items that they plan to integrated as the project develops further. The design items are shown as below:

1. Pitched roof lines to integrate with pre-existing character and vernacular
2. Fenced-in private yards for ground floor tenants
3. Adequate storage within units for downsizing demographic
4. Screening and landscaping in front of surface parking
5. Wood framed construction
6. Brick and or wood siding cladding (or similar)

At this time, the applicant has not submitted exterior renderings of the development. Detailed design drawings regarding stormwater management, landscaping, and servicing may be required as the development proceeds.

Application Status

This application is currently at the initial step of the development agreement application review process. The applicant has submitted all the floor plans of the proposed three-storey residential building. At this stage of the application process, plans are expected to be conceptual as they are subject to change based on feedback from Planning Advisory (PAC), staff and the public. More detailed plans may be required as this application progresses through the application process.

This report is preliminary and intended to provide the Planning Advisory Committee and members of the public with some background information to allow for an initial review and feedback on the proposal. 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 Chris Habib 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 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. Given that the subject property is situated in a mixed-use area near the downtown core, there is minimal potential for this proposal to generate land use conflict and Planning Staff do not anticipate a great deal of public interest in this application. If the developer is able to provide more detailed plans and other information required to address any concerns raised by the Committee in advance of the next meeting, it is recommended that this application proceed using the short process.

Respectfully Submitted

Yanan Gou, Planner

Appendix A

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 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 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 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 area 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.*

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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-14

It shall be a policy of Council to allow the Development Officer to permit proposals in the Downtown Commercial Designation that do not conform to applicable Urban Design Standards where the Development Officer is satisfied that the proposed development achieves the Town's objectives with respect to streetscape preservation and enhancement as outlined in this Municipal Planning Strategy. In considering such a proposal, the Development Officer shall seek the advice and opinion of the Town's Heritage Advisory Committee concerning the following matters:

- a) the proposal's architectural design and its compatibility with heritage architectural styles found in the neighborhood;*
- 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 the abutting 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.*

Policy C-15

It shall be a policy of Council to require the submission of detailed elevation drawings, a site plan, and any other information that the Development Officer deems necessary to evaluate a development proposal pursuant to Policy C-14.

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.

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:

- a) review the proposal using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;*
- b) require the submission of professionally prepared renderings or graphic representations that illustrate how any proposed proposed new construction or expansion will impact abutting properties and streetscape;*
- c) require that the proposal be compatible with adjacent uses in terms of height, bulk, scale, and lot coverage;*

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- d) 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;*
- e) require that the proposal be forwarded to the Town's Heritage Advisory Committee (HAC) for review and recommendation;*
- f) 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*
- g) 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 residential development 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 E-10

It shall be a policy of Council to encourage development that either maintains or enhances the pre-development hydrologic regime through site design and engineering techniques aimed at infiltrating, filtering, evaporating, harvesting and retaining runoff, as well as preventing pollution.

Policy E-11

It shall be a policy of Council to adopt performance standards for each land use zone that specifies a maximum percentage for impervious surface. Development that exceeds the maximum percentage of impervious surface will be permitted, up to a specified limit, where development implements on-site stormwater retention and maximizes infiltration by incorporating design elements such as:

- a) permeable pavement;*
- b) infiltration trenches/chambers and bio-retention;*
- c) rainwater harvesting systems in building design;*
- d) green roofs;*
- e) roof drains directed to permeable areas with stormwater infiltration measures in place; and*
- f) utilizing open drainage such as swales.*

Policy E-13

It shall be a policy of Council to encourage the use of existing natural drainage systems where possible.

Policy E-14

It shall be a policy of Council to, where requested by the Town Engineer, require that a grading and stormwater drainage plan be submitted as part of any new multiple lot subdivision or large development.

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Policy In-34

It shall be a policy of Council to require all new construction that is subject to a development agreement, to submit a Stormwater Management plan 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.*

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Policy IM-20

It shall be a policy of Council to require the submission of additional information to address issues such as 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-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 stormwater 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) the ability of emergency services to respond to an emergency at the location of the proposed development;*

RELEVANT POLICY

o) 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; and

p) the financial ability of the Town to absorb any costs relating to the amendment.

Policy IM-34

It shall be a policy of Council hold an advertised public information meeting to discuss a development proposal or amendment application where there is a great deal of public opposition or concern. The cost of advertising this meeting shall be the responsibility of the applicant.