

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: February 06, 2023

RE: **Development Agreement – 3, 4, 5, 7 Robie Street**

PROPOSAL

An application by the property owner, 44143456 Nova Scotia Limited, for a development agreement to allow construction of a commercial office at 3, 4, 5, 7 Robie Street. Note that the existing community hall on 3 Robie Street and the proposed development are non-conforming use, hence, the need for a development agreement.

BACKGROUND INFORMATION

Site Details: The subject properties are located in the General Residential Zone and covers a total area of approximately 2,612m². This includes three abutting lots (**3, 5, 7 Robie Street**) approximately 2,146m² (0.53acre) on the east of Robie Street and another (**4, Robie Street**) **466m² lot on the west**. As currently configured, the subject property has 55 m of frontage on Robie Street and it is used as a community hall and parking lot. **Figure 1** shows the property location and configuration.

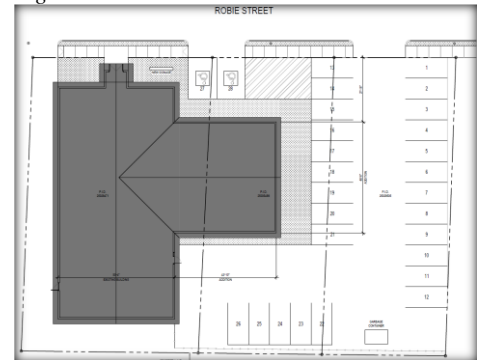
Figure 1. Property Location and Configuration



Neighbourhood Context: The subject property is immediately surrounded by a mix of different residential building types including a Victorian building on the north, detached houses units on the east and west. A funeral home is also located in the Institutional Zone on the south end. The property is within short walking distance from downtown Amherst, social services and recreational facilities including the YMCA, Amherst Theater, among others.

Proposal Details: As shown in **Figure 2**, the existing building on the property will be renovated and its use converted from a community hall to a commercial office (law office/firm). Both the existing and proposed developments are a non-conforming land use in the zone, and the planned renovation will affect the building exterior including its shape, size and volume. The rest of the lands will continue to serve as parking, providing up to 28 spaces including 2 disabled parking. The proposed renovation will not reduce the existing setback from Robie Street.

Figure 2. Site Plan



PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, January 18, 2023. A [video](#) of the meeting has been made available on live streamed event section of the Town website, and a [summary](#) is provided as part of the information package.

The only concern raised at the meeting was regarding provision of parking for the funeral home, and this was addressed by Dave McNairn. He promised to work with the funeral home to ensure adequate parking is available to both staff and customers of Hick and Lemoine Law Office and the funeral home.

RELEVANT POLICIES

Land Use Bylaw: Section 4.15 of the Bylaw states that a development permit may be issued to change a non-conforming use to another use not normally permitted on the property by Development Agreement in accordance with Policy GP-11 of the Municipal Planning Strategy (MPS).

Municipal Planning Strategy: Policy GP-11, the most relevant policy to this issue states that:

It shall be the intention of Council to permit, in all designations, a non-conforming use to change to another use not normally permitted on the property by way of Development Agreement. In considering such a development agreement, Council shall consider the following:

- a) that the proposed use exerts a similar or less of an impact on the surrounding neighborhood;*
- b) the use of buffering, landscaping or fencing to reduce possible impacts or otherwise improve the property;*
- c) that adequate parking is provided for the new use; or the existing parking situation is improved by virtue of the development agreement;*
- d) the proposal will not involve any expansion of the use onto a lot not originally occupied by the use except for the provision of parking;*
- e) signage on the property;*
- f) hours of operation;*
- g) the adequacy of the transportation network to accommodate the proposed use.*

The proposed law office on this property is unlikely to exert a disproportionate impact on the Neighbourhood compared to its current use. Although the proposed renovation will reduce the

number of existing parking spaces, the 28 spaces planned are adequate for the intended use, and the expansion is within the existing setback. The operating hours of this law office (currently between 8.30 am – 5.00 pm from Monday to Friday) are also acceptable within a residential Neighbourhood with good access to Robie Street connecting Havelock and Church Street on the north and south, respectively. In addition, besides the possible noise from cars driving in and out of the parking lot, the activity inside the building should not cause any significant disturbance to the surrounding.

Moreover, since the commercial office will be operating within regular business hours, the neighbourhood will experience a more steady and predictable level traffic and activity compared to the community hall where events take place sporadically.

Other MPS policies relevant to this issue include the following:

A-5 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.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated. The proposed development will likely increase traffic along Robie Street, but this addition should not be high enough to cause a significant disturbance in the neighborhood. The traffic will also be consistent and predictable compared to the current use where events occur at unprecedented times and irregular intervals.

GP-7 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.*

The proposal is generally compatible with the existing residential use in the surrounding neighborhood.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the MPS and LUB. The redevelopment will bring vibrancy and diversity to this Neighbourhood without disrupting its safety and tranquility. Nevertheless, considering the present configuration of the lands and the coverage of the proposed development, consolidation of lands may be necessary for lots 3, 5, and 7 Robie Street.

OPTIONS:

- Option One: Recommend to Council to enter into the Development Agreement for 3, 4, 5, 7 Robie Street as drafted by Staff, subject to any revisions that may arise.
- Option Two: Recommend to Council not to enter into the Development Agreement for 3, 4, 5, 7 Robie Street, citing specific policies with which the proposal does not conform.
- Option Three: Defer the application and instruct Staff to provide more information or negotiate changes to the agreement.

STAFF RECOMMENDATION: Option One.