

# MEMO

**TO:** Planning Advisory Committee

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

**DATE:** February 06, 2023

**RE:** **Development Agreement – 264 Church Street, Amherst.**

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## PROPOSAL

An application by the property owner, Gem Health Care Group Limited, for a development agreement to allow construction of a 2-storey, 96-Bed long term care facility at 264 Church Street.

## BACKGROUND INFORMATION

**Site Details:** The subject property, located in the General Residential Zone, is a primarily vacant field approximately 14,973 m<sup>2</sup> (3.7 acres) in area. A vacant dwelling unit is also on the site. As currently configured, the subject property has 120m on Church Street. **Figure 1** shows the property location and configuration.

*Figure 1. Property Location and Configuration*



**Neighbourhood Context:** The Subject property is located on the western end of Town. There is currently an unoccupied detached building on the site, a vast amount of vacant/ undeveloped land towards the north and south, and a few detached housing units on the east and south, and a concentration of electricity distribution poles and transformers on the west side. Directly across the site along Church Street is an old industrial building currently used as a storage facility. Complementary health and social facilities and services near the proposed development include Beltone Professional Hearing Care Center, Amherst Pharmasave, Cumberland Physiotherapy, Faith United Pentecostal Church, and two care other homes, Centennial Villa and Gables lodge.

*Figure 2. Site Plan*



**Proposal Details:** According to the site plan (**Figure 2**), the proposal contains a 2-storey 96-bed long-term care facility covering approximately 3,807.63 m<sup>2</sup> (40,985

sqft). Two vehicular accesses are available on Church Street, with up to 90 off-street parking spaces. Site landscaping also features trees and shrubs for buffer and aesthetics.

## **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.

No concern was received regarding this proposal during the public participation opportunity. However, a nearby resident emailed staff to ask about the traffic impact of the proposed development on Robert Agnus Drive and Church Street. Staff addressed this concern by explaining that although the proposed development may increase traffic along Church Street and Robert Agnus Drive, the existing road design, being arterial streets, are adequate to accommodate the anticipated increase. Also, since the proposed facility is intended to replace Gables Lodge (an existing facility in the area), there will be some considerable traffic reduction to make up for the traffic increase that will result from the new development.

## **RELEVANT POLICIES**

**Land Use Bylaw:** Section 7.2.2 of the Bylaw states that in a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Long term care facilities and homes for special care in accordance with Policy RP-19.

**Municipal Planning Strategy: Policy RP-19,** the most relevant policy to this issue states that:

*Within the Residential Designation, it shall be the intention of Council to ensure Long Term Care Facilities and Homes for Special Care occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all long-term care facilities and homes for special care be subject to a Development Agreement. In negotiating such an agreement Council shall:*

- a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- f) require the use of vegetation to improve the aesthetic quality of the development;*
- g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposed lot for the development is of sufficient size to accommodate it without dominating or negatively impacting the surrounding properties. Besides, the architecture is sympathetic, landscaping is well planned, parking is sufficient, and coverage of the building as shown on the site plan is satisfactory. Other issues including lighting and signage are addressed in the development agreement.

Other MPS relevant policies 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 Church Street and Robert Agnus Drive, but the existing road design is adequate to cater for this.

*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.

*MS-11 It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

The proposal is an infill development, which speaks to the efficient use of land that does not require expanding the existing town infrastructure. The street network in this area has relatively high connectivity with close access to shopping and other health and social facilities and services.

**CONCLUSIONS:**

The proposal generally conforms to the relevant policies of the MPS and LUB. The facility will meet the need of the community by providing specialized care for seniors, employment opportunities for healthcare workers, light duty cleaners, and administrative officers, among others in the community, promoting social inclusion among older adults and increasing commerce in the Town, particularly in the retail on South Albion Street/ Robert Agnus Drive.

**OPTIONS:**

Option One: Recommend to Council to enter into the Development Agreement for 264 Church 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 264 Church 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.**