

MEMO

TO: Planning Advisory Committee
FROM: Torben Laux, Land Use Planner
DATE: March 3, 2025
RE: Development Agreement – 91 Rupert Street

PROPOSAL

An application by Andrew Cameron of Ocean Breese Estate Ltd, has been submitted for a development agreement (DA) to allow the construction of a 3-story, 18-unit apartment building located at 91 Rupert Street (PID 25518242).

PUBLIC PARTICIPATION

A Public Participation Opportunity (PPO), advertised in accordance with the Policy for Public Participation and Notification, was held on February 6th. No members of the public spoke to this application.

BACKGROUND INFORMATION

The attached application briefing provides site details, neighborhood context, and building proposal specifics. This development agreement would permit the construction of a three-story, 18-unit apartment building. The subject property, located at 91 Rupert Street (PID: 25518242), has a total area of 2,422 square meters (26,074 square feet) and is zoned General Residential. Currently, the lot is vacant and designated for residential use. The proposed development will include 33 parking spaces, providing a ratio of 1.83 spaces per unit. With 53 meters of frontage along Rupert Street, the project aligns with surrounding land uses and zoning regulations, supporting increased residential density while maintaining compatibility with the neighborhood.

RELEVANT POLICIES

1. General Land Use and Development Policies (GP)

GP-4 Efficient Development

It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:

- (a) facilitating the contiguous expansion of the built up areas of the Town;*
- (b) limiting development in un-serviced areas of the Town;*
- (c) concentrating new development in adequately serviced and properly planned areas;*
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town*

The proposed development generally satisfies this policy. It is infill development that will require no extension of town infrastructure.

GP-7 (Compatibility)

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 proposed development aligns with the general intent of this policy by incorporating appropriate setbacks to minimize potential impacts on surrounding properties. The building is set back 21.35 m from the rear lot line and 17.4 m from the nearest dwelling, 9.15 m from the property line of 85 Rupert Street, with an additional 7.45 m to the building, and 9.44 m from PID 25013087, a vacant lot. To further enhance privacy and screening, a 1.8 m (6 ft) high opaque fence will be installed along the shared property line with 85 Rupert Street and the rear boundary adjacent to 32 Charles Street.

GP-8 (Density)

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

The proposed development satisfies the general intent of this policy. The construction of a three-story, 18-unit apartment building introduces a moderate increase in residential density that aligns with the Town's growth objectives. The project makes efficient use of a vacant, residentially zoned property within a serviced area, ensuring that the added density is appropriate for the neighborhood.

2. Residential Policies (RP)

RP-9 (Medium and High Density By Development Agreement)

Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure 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 development is designed to minimize potential impacts on the surrounding residential area through appropriate setbacks and screening measures. The building is set back 21.35 m from the rear lot line, approximately 17.4 m from the nearest dwelling behind the site, 9.15 m from the property line of 85 Rupert Street, with an additional 7.45 m to the building, and 9.44 m from PID 25013087, a vacant lot. A 1.8 m (6 ft) high opaque fence should be installed along the shared property line with 85 Rupert Street and the rear boundary adjacent to 32 Charles Street to enhance privacy.

The development provides 33 parking spaces for 18 units, a ratio of 1.83 spaces per unit, which meets the parking requirements outlined in the Land Use Bylaw. Landscaping will provide additional buffering. Outdoor lighting and signage provisions, as well as landscaping requirements, are addressed in the Development Agreement.

Regarding architectural compatibility, the proposed development is located adjacent to an existing four-story apartment building, approximately 30 m away which is similar in style.

RP-12 (Residential Area Design)

It shall be the intention of Council to ensure that new residential areas:

- (a) provide for the efficient use of land;*
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- (d) provides for the efficient and safe movement of pedestrians and cyclists;*
- (e) minimizes adverse effects on the environment;*
- (f) provides for parks and other community uses in safe and central locations.*

The proposed development satisfies the general intent of this policy.

3. Implementation Policy

A-5 (Amendment Criteria)

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 meets the intent of the relevant Town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street

network and Town water, sanitary and storm sewer services can accommodate the development.

DISCUSSION & CONCLUSION

Staff feel the draft DA is in keeping with the general intent of the relevant policies of the MPS. The proposal has the potential to have a significant positive impact not just for the Town of Amherst by addressing the shortage of suitable and affordable housing. This development is appropriate for the area in terms of its height, bulk, and general built form. The following decision options are therefore put forward:

OPTIONS:

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| Option One: | Recommend that Council enter into the Development Agreement for 91 Rupert Street Development as drafted. |
| Option Two: | Recommend that Council not enter into the Development Agreement for 91 Rupert Street. |
| Option Three: | Defer a decision and request additional information and /or changes to the proposal. |

STAFF RECOMMENDATION: Option One.