

To: Planning Advisory Committee  
From: Jason MacDonald, MCIP, LPP, Deputy CAO  
Date: February 1, 2017  
Subject: **Supplementary Report**  
**150 East Victoria Street – Proposed Development Agreement to convert an existing motel into an apartment complex.**

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**PROPOSAL:**

An application by the property owner of 150 East Victoria Street (PIDs# 25343187 & 25005224) for a development agreement that would permit the existing motel to be converted into an 11 unit apartment complex.

**STATUS:**

At the January 9, 2017 meeting of the PAC a public participation session was held to consider the above application. At that meeting, the Committee passed the following motion:

**Moved by: Councillor MacKenzie      Seconded by: Deputy Mayor Christie**

**That the Planning Advisory Committee defer the application and instruct Staff to provide more information or negotiate changes to the agreement, with particular attention given to the lack of green space and the concerns raised in Mr. Ettinger’s letter of opposition, included as part of the minutes.**

**Motion Carried**

**UPDATE:**

Regarding the concern about lack of green space staff have spoken to the owner and he is not amenable to removing any asphalt and installing grass on the property. The owner has offered to install:

1. Benches at a few spots on the property;
2. A patio table and chair set outside each room;
3. A hanging flower basket outside of each room.

Staff Comments - Landscaping

While the development agreement process allows for the negotiation of aspects contained within the relevant policy it should be noted that the Land Use Bylaw waives the requirement for amenity space in multi-unit buildings when balconies are provided. In the proposed redevelopment, every unit will have an at grade balcony immediately outside their unit. Therefore, if the development was ‘as of right’ the amenity space would not be required.

Furthermore, it is not uncommon for multi-unit residential buildings in downtown urban locations to not provide landscaped open space. In these situations, nearby parks are used for this purpose. Not only do the parks provide amenity space for the local residents, but the increased usage of the parks by the residents provide for a more vibrant atmosphere for those people in the downtown area. This is a key component of the Centre First – Downtown Action Strategy adopted by the Town of Amherst.

### Staff Comments – Mr. Ettinger’s Letter

Mr. Ettinger lives adjacent to the subject property, just north of the rear building on Herbert Street.

After the introduction, the first part of the letter addressed the current use (motel and long term rentals) and law enforcement issues. While it is truly unfortunate that there are existing law enforcement issues on the site, strictly speaking, Land Use Planning cannot directly address these issues. I can advise that the current use (motel and long term rentals) is permitted to exist and may continue should the application for the development agreement not be approved. Furthermore, should the development agreement be approved, the number of units on the property will be reduced from 21 to 11, thus reducing the overall traffic on the property. Furthermore, it could be anticipated that the larger renovated units, which will include a kitchen, will be safer than the potential alternative of people trying to cook with inadequate resources.

Mr. Ettinger’s letter then addresses the requirement for ‘new one level apartment buildings in Amherst adhere to set backs providing green space for outdoor enjoyment for the residents while providing properties close by a buffer from these multi-units buildings’. While the above statement is true for such new developments in the Residential zone, these rules do not apply to existing buildings in the Downtown Zone.

Regarding the comments concerning the building code, any and all developments and renovations within the Town must conform to the National Building Code and Nova Scotia Building Code Regulations. While not necessarily required, the proposed development agreement can be amended to state that “Variations from the requirements of this development agreement in relation to the built structures are permitted in order to meet the National Building Code and Nova Scotia Building Code Regulations. Specifically, should non-combustible material be required along the outside walls this material will be permitted, with the design subject to the satisfaction of the Development Officer”.

Regarding the requirement for the front office portion of the building to be used for commercial purposes, the Town does have the authority to require this to be the case. However, given the existing market conditions for small, converted commercial space in the area, it is possible that the space may remain vacant, or attract a business that may not be ideal to the residents of the area.

Section 7.2.3 of the Land Use Bylaw applies to new residential construction in the Residential Zone and does not apply to this development.

Section 8.1.1 of the LUB is intended for new construction, not conversion of existing buildings.

Section 8.5 is a specific commercial zone and not applicable to this location.

Regarding the type of windows along the property lines, the Town may require that casement windows be installed to reduce noise impacts on adjacent properties.

### **Summary**

For reasons cited above, and in the original report, staff are of the opinion that landscaped open space is not required on this property. Outdoor balconies are provided and nearby high quality parks are nearby for the use of the residents.

The buildings are obviously in existence in their current location, and due to the proximity to property lines landscaped buffers cannot be provided, nor are they required by the current polices of the MPS or regulations of the LUB.

The existing use of the building as a motel with both short and long term rentals can continue indefinitely without the benefit of a development agreement. It can be argued that reducing the number of units from 21 to 11 will reduce traffic on the property. Furthermore, the renovations, including doubling the size of the units and the addition of kitchens may result in a safer situation than the potential alternative of people trying to cook with inadequate resources.

Staff have amended the proposed development agreement to include the outdoor amenities mentioned in this report, as well as the requirement for casement windows and reference to the National Building Code and Nova Scotia Building Code Regulations.

**Staff recommend that the Planning Advisory Committee recommend that Council enter into the attached development agreement for the existing motel to be converted into an 11 unit apartment complex.**

**Committee Options:**

1. I move that PAC recommend that Council **ENTER** into the attached development agreement for the existing motel to be converted into an 11 unit apartment complex.
2. I move that PAC recommend that Council **DO NOT** enter into the attached development agreement for the existing motel to be converted into an 11 unit apartment complex.
3. Recommend that Council enter into a modified development agreement.