

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: November 5, 2018
Subject: **150 East Victoria Street – Proposed Development Agreement to convert an existing motel into an apartment complex.**

PROPOSAL:

An application by the property owner of 150 East Victoria Street (PIDs# 25343187 & 25005224) for a development agreement to permit the conversion of an existing motel to a 10-unit motel with six apartment units.

BACKGROUND:

Site Details: The subjection property consists of two parcels, one contains a ten-unit motel, and the other contains five motel units that were converted from ten units. There is also an existing two-bedroom apartment unit on the second floor of the upper building. In total, the property is approximately 1664 m² in area, and is located in the Downtown Commercial Zone (outside the Core Area District). The property is at the edge of the downtown commercial core. To the west, across Herbert Street is a large senior's facility to the east, on East Victoria is a large converted apartment building, and to the north is a 2-unit detached dwelling. The remainder of Herbert Street consists of low density detached homes. The property is almost entirely covered by buildings with the remaining area covered in asphalt for 21 parking spaces.

Proposal Details: As previously mentioned, the lower building was converted from 10-unit motel rooms to five-units in 2017. While this conversion is permitted in the Land Use Bylaw (LUB), the creation of ground floor dwelling units is not permitted. Staff determined that the units change from a motel to a dwelling unit with the installation stoves. The installation of a stove in the five units is the essence of this development agreement application.

2017 Application: In January and February 2017 the PAC and Council considered an application for a development agreement to convert all existing 20 motel units into 10-dwelling units (plus the existing second floor dwelling unit). At that time, the PAC initially deferred a decision and asked staff to negotiate with the applicant to address the lack of greenspace and the concerns raised by an adjacent land owner. A motion to recommend that Council enter into the agreement was defeated. Subsequently, Council rejected the application on March 27, 2017.

The current application differs only in that the proposal involves conversion of five motel units to dwellings in the lower building, while leaving the upper building as-is. Otherwise, the circumstances of the application remain substantially unchanged. As such, please see the attached February 1, 2017 staff report that outlines the issues that were of concern in 2017. The discussion points and proposed solutions provided in the draft development agreement also remain the same.

RELEVANT POLICY AND DISCUSSION:

Municipal Planning Strategy policy CP-15 allows for the conversion of commercial uses to residential uses by development agreement:

CP-15 *It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new*

residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

(a) the location, height, bulk of the building;

(b) the architecture of the building;

(c) signage;

(d) parking facilities;

(e) landscaping;

(f) pedestrian access;

(g) the unique characteristics of the property and its relationship to the surrounding streetscape;

(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

(a) *the location, height, bulk of the building;*

As previously mentioned the exterior dimensions of the building are not being altered. That being said, the current structures on the lots satisfy all Land Use Bylaw requirements in regards to minimum standards for setbacks. The minimum front, side and rear yards in the Downtown Commercial zone is 0 meters.

(b) *the architecture of the building;*

Again, the exterior dimensions of the building are not being altered; therefore significant changes to the architecture of the buildings are not easily achieved. New windows and doors have been installed on all of the units. The majority of the building is one story and for the most part, the lower half is constructed of brick while the upper half is made up almost entirely of windows and doors.

(c) *signage;*

There is no proposed change to the existing signage.

(d) *parking facilities;*

Significant changes to the parking facilities on the property are not easily achieved. The property was designed as a drive up motel and parking is proposed to remain in front of each unit. The asphalt on the property is in fairly good condition.

(e) *landscaping*

The Development Agreement stipulates under Schedule 'A' that all areas not used for buildings and parking be landscaped. As well over grown vegetation will be required to be removed.

(f) *pedestrian Access*

Pedestrian access is achievable from Herbert Street as well as east Victoria Street.

(g) *the unique characteristics of the property and its relationship to the surrounding streetscape;*

The characteristics of the property and their relation to the surrounding streetscape will not be altered. The exterior of the building will remain largely the same as it is now.

(h) *that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.*

There is no direct access to the building off of Victoria Street. The current use of the Victoria Street end of the building is the motel office. The purpose of this clause is to require the continuation of an 'active storefront' along the main streets downtown. As this use never included an actual 'active storefront', is outside the Core Area District and is adjacent to the residential uses on Victoria Street, requiring this end of the building to be converted to a commercial operation is not the intent of the planning policy.

More generally, the proposal supports the following MPS Policies:

SP-1 It shall be the intention of Council to encourage high density residential development in the Downtown Zone

RP-11 It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;

RP-8 It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

Finally, the proposal satisfies all relevant aspects of MPS Policy A-5:

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.

While not a matter to be considered in the land use planning process, the proposed renovations will have to satisfy all relevant provision of the National Building Code and Nova Scotia Building Code Regulations.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the MPS and LUB. Staff do not anticipate significant negative impacts on the surrounding neighbourhood.

OPTIONS:

Option One: Recommend that Council enter into the proposed Development Agreement for 150 East Victoria Street as drafted by Staff, subject to any revisions that may arise during the public participation process.

Option Two: Recommend to Council not to enter into the Development Agreement for 150 East Victoria 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.