

Public Information Meeting

September 11, 2018

10 Harbourside Drive – Development Agreement Proposal



Proposal

The Applicant and property owner of 10 Harbourside Drive, Joe Rafih of Anvil Beverage Room (1991) Limited, is seeking a development agreement to remove the non-conforming status for the existing lounge in anticipation of minor alterations to the exterior and layout.



Figure 1: 10 Harbourside Drive.

Background

The subject property, 10 Harbourside Drive (PID 55278899) has a lot size of 10,656 ft², is designated Central Commercial (CC) in the Municipal Planning Strategy (MPS) and zoned Central Commercial (C-1) in the Land Use Bylaw (LUB).

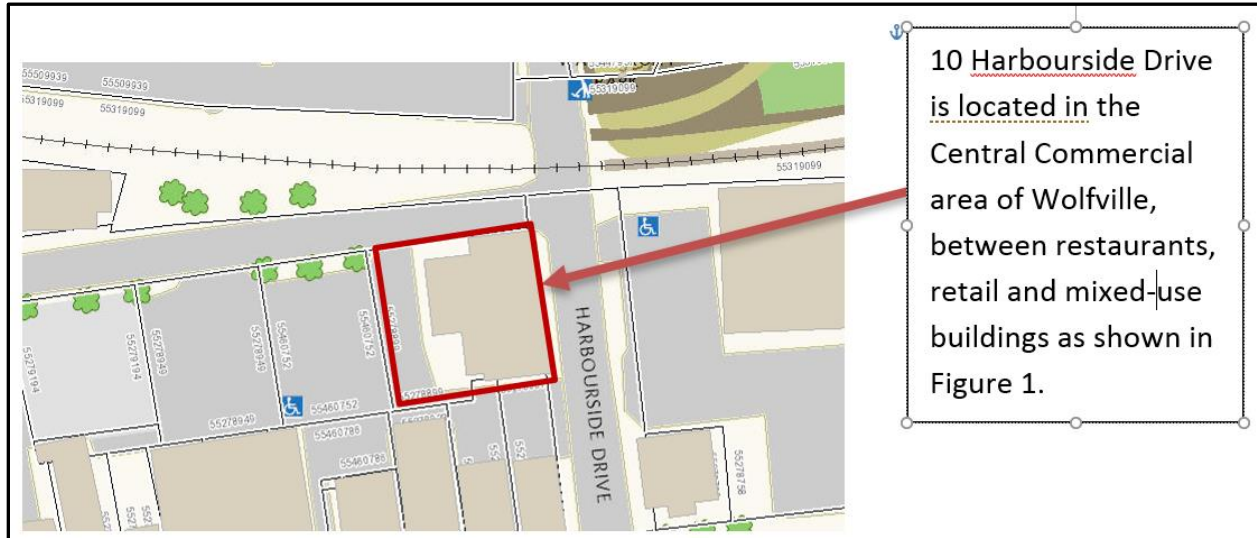


Figure 2: Location Plan for 10 Harbourside Drive.

The property consists of a legally non-conforming lounge. New lounges within the Town of Wolfville are permitted only by development agreement. Lounges existing before this requirement are considered legally permitted, non-conforming uses. Non-conforming uses are permitted to continue operations without alterations as they are a pre-existing use within the Town of Wolfville yet are required to become conforming uses to make alterations.

This application is to become a conforming use lounge to enable minor alterations to the property, as per policies within the Land Use By-Law and the associated Downtown Architectural Guidelines. Alterations intended may include rearrangement of bathrooms, expansion or rearrangement of the kitchen, and alterations to the exterior such as garage bay doors. No alterations, or timelines, are confirmed and therefore no plans for alterations are included.

Existing Conditions

The subject property is permitted to operate in accordance with existing-use as a legally non-conforming use. For this property, that use permits food and beverage service, up to 200 lounge seats, slot machines, and regular closing hours of 1am, or 2am on New Year's Eve.

Preliminary Policy Review

The proposal requests a development agreement to remove the non-conforming status for the existing lounge in anticipation of minor alterations to the exterior and layout.

Nonconforming uses are subject to Section 241 (1)a of the Municipal Government Act which states:

“Where there is a nonconforming use in a structure, the structure may not be... expanded or altered so as to increase the volume of the structure capable of being occupied...”

Which requires the property owner to become a conforming-use lounge, as per our Municipal Planning Strategy policies.

Municipal Planning Strategy - Medium Density Residential Designation Policies

Municipal Planning Strategy (MPS) – Part 9.2 - Central Commercial

The MPS establishes when a development requires a development agreement. lounges may only be approved by development agreement within the Central Commercial designation and zone (CC, C-1), as per Policy 9.2.4:

- 9.2.4** *to consider only by development agreement in areas zoned Central Commercial (C-1) proposals for:*
- *new buildings in excess of 100 square metres building floor area in accordance with policies 12.1.4, 12.1.5 and 18.6.1.*
 - *additions to existing buildings in excess of 100 square metres or which constitute over 25% of the building floor area of the existing building in accordance with policies 12.1.4, 12.1.5 and 18.6.1.*
 - *new lounges, additions to, or extensions of established lounges in accordance with policy 9.2.8.*

MPS Policy 9.2.8, below, identifies criteria that should be met for lounges, and is the primary policy to consider for this type of development proposal.

- 9.2.8** *to ensure that the following criteria are met when Council is considering proposals for premises licensed under the Liquor Control Act as lounges or any additions or expansions of existing lounges by development agreement:*

- (a) *the proposed use shall not have an adverse effect on any adjacent properties, especially residential; and*
- (b) *parking lots and driveways for the use of patrons shall not be located in any minimum required yard that abuts a residential zone; and*
- (c) *the hours of operation of the lounge use shall be restricted to a closing hour of 1:00am.*
- (d) *adult entertainment will not be permitted.*
- (e) *development is in accordance with policy 18.6.1.*

MPS Policy 9.2.8, requires Council to ensure that there is no adverse effect on any adjacent properties, that no parking lots for patrons are not located abutting a residential zone. In addition to these criteria, the development proposal must be in accordance with Policy 18.6.1.

Municipal Planning Strategy (MPS) – Part 18.6.1 & 18.6.2

MPS Policy 18.6.1 and 18.6.2 covers a wide range of considerations, which include neighborhood context, noise, environmental impacts and others, which are listed in Attachment A

Process

The first stage of the application review process will be a Public Information Meeting (PIM) held on September 11th, 2018 in the Council Chamber at Wolfville Town Hall at 6:00PM. The purpose of the PIM is to allow the applicant to answer questions and the public to provide preliminary feedback on the request.

Staff have not completed a review of the project and no recommendation is provided at this time.

The process for a development agreement after the PIM is as follows:

- Staff prepare a report with recommendation for the Planning Advisory Committee
- Initial Consideration by Council
- Public Hearing
- Decision by Council
- Appeal period

How can the public get involved in this application?

The public can, and **is encouraged to**, provide comment on the application at any time in the process, but the earlier in the process the better so that any concerns can be addressed. Not all concerns or

issues can be dealt with through the development agreement process, but if the issue is relevant to the planning process, we will address it in the staff report. Ways that the public can be involved are:

- Direct contact with Staff. The ideal time to do this is before Staff have prepared the staff report and potentially the draft development agreement; however, you can contact Staff at any time.
- Letters or emails to Council.
- Submissions to Council at the public hearing.
- Requests to make a presentation to the Planning Advisory Committee
- Email updates regarding this application – provide your email to Planning Staff and we will put you on the list.
- If you have questions regarding the application or the process for making a decision regarding this application, please contact Jeremy Banks at 599-3762 / email at jbanks@wolffville.ca

Attachments

- A. Policies 18.6.1 & 18.6.2 of the MPS

Attachment A – Policy 18.6.1 & 18.6.2 of the MPS

18.6 CRITERIA FOR DEVELOPMENT AGREEMENTS AND CRITERIA FOR LAND USE BY-LAW AMENDMENTS

It shall be the policy of Council:

18.6.1 *to consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy, when considering proposals for development agreements and Land Use By-law amendments:*

- (a) to ensure that the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application for a development agreement modifies the requirements of the Land Use By-law or the Subdivision By-law.*
- (b) to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:*
 - i. the type and intensity of use; and*
 - ii. the height, mass or architectural design of proposed buildings; and*
 - iii. hours of operation of the use; and*
 - iv. outdoor lighting; and*
 - v. noise, vibration or odour; and*
 - vi. vehicle and pedestrian traffic; and*
 - vii. alteration of land levels and/or drainage patterns; and*
 - viii. deprivation of natural light*
- (c) to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:*
 - i. sanitary and storm sewer systems; and*
 - ii. water systems; and*
 - iii. schools; and*
 - iv. recreation and community facilities; and*
 - v. fire and police protection; and*
 - vi. street and walkway networks; and*
 - vii. solid waste collection and disposal systems*
- (d) to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the Town to absorb capital and/or maintenance costs related to the development.*
- (e) to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:*
 - i. pollution of soils, water or air; and*
 - ii. erosion or sedimentation; and*
 - iii. interference with natural drainage systems and watercourses; and*
 - iv. flooding*

- (f)** to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:
- i.** historically significant buildings;
 - ii.** public access to shorelines, parks and public and community facilities;
 - iii.** important and significant cultural features, natural land features and vegetation.
- (g)** to ensure that the proposed site and building design provides the following:
- i.** useable active transportation networks that contribute to existing active transportation links throughout the community; and
 - ii.** functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property; and
 - iii.** facilities for the safe movement of pedestrians and cyclists; and
 - iv.** adequate landscaping features such as trees, shrubs, hedges, fences, flower beds, and lawns to successfully integrate the new development into the surrounding area; and
 - v.** screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins; and
 - vi.** safe access for emergency vehicles; and
 - vii.** adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation; and
 - viii.** architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition; and
 - ix.** useable outdoor amenity space for use of residents in a residential development; and
 - x.** accessible facilities for the storage and collection of solid waste materials; and
 - xi.** appropriate consideration for energy conservation; and
 - xii.** appropriate consideration of and response to site conditions, including but not limited to; slopes, soil and geological conditions, vegetation, watercourses, wet lands, and drainage.
- (a)** where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of

any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage.

18.6.2 *that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning Strategy. The agreement may include some or all of the following:*

- (a) the specific type of use;*
- (b) the size of the structure(s) within a development;*
- (c) the percentage of land that may be built upon and the size of yards, courts, or other open spaces;*
- (d) the location of structure(s) in relation to watercourses, steep slopes and development constraint areas;*
- (e) storm water drainage plans;*
- (f) the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with adjacent structures, where required by policy;*
- (g) traffic generation, access to and egress from the site and impact on abutting streets and parking;*
- (h) landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also include fencing, walkways and outdoor lighting;*
- (i) open storage and outdoor display;*
- (j) public display or advertising;*
- (k) maintenance of the development;*
- (l) any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;*
- (m) site specific information relating to soils, geology, hydrology and vegetation.*