



# KWRAPPROVALS INC.

February 11, 2019

Hand Delivered to HRM Office & by E-Mail

**Ms. Thea Langille**

Principle Planner | Urban Enabled Applications

**Halifax Regional Municipality**

PO Box 1749

Halifax, NS B3J 3A5

Dear Thea:

**Re: Substantial Amendment to Existing Development Agreement for PID No. 00378711 (Lot 5-A), 11 Osprey Drive, Shad Bay, HRM Nova Scotia.**

KWR Approvals Inc. (KWRA) has been retained by our client 3274302 Nova Scotia Limited to apply to HRM for a substantial amendment to an existing development agreement with HRM registered at Deed Office on February 25, 2019.

The existing 4.9 acre property is located at 11 Osprey Lane in Shad Bay, just off Highway No. 333.

The original development agreement was approved by Western Regional Community Council on January 26, 2004 and referenced as Municipal Case Number 00618. G.M. Gaudet Enterprises Limited at the time applied for a development agreement to allow a sixteen unit Motel on the subject property. This application is for a substantial amendment as per Part 3 (Amendments), Clause 3.2 of the original development agreement to permit a 16 unit Senior Citizens Housing (that is already operating from the building). Since the original development agreement contained various information required (i.e. deed) that has not changed, we have not been redundant by including it again.

In addition please find attached the full submission hard copy package along with the HRM Planning Application form and accompanying \$2,600 fee. An electronic copy of this submission will be sent today also as per HRM requirements. As KWRA has done with all planning applications it has managed for the past two decades, we submit to HRM and await an internal review to determine if further information is required, so we can provide whatever Staff requires as part of a collaborative review process.

We look forward to your response and if you have any questions, please do not hesitate to contact me. KWRA and our client thank-you in advance for your review into this matter and in your assistance to date.

Warmest Regards,

*Kevin W. Riles*

Kevin W. Riles

President and CEO

cc: Client

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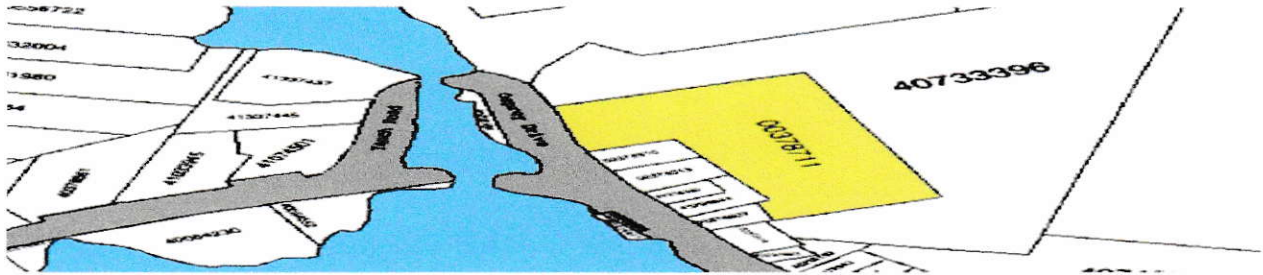
### Appendices

- A. Application Form
- B. LIMS Map and Parcel Historic Listing Report
- C. Existing Development Agreement
- D. Photographs of Existing Building

## 1. Executive Summary

**3274302 Nova Scotia Limited** is applying for a substantial amendment to an existing HRM 2004 Development Agreement (No. 8699) referenced as Municipal Case No. 00618 to permit the continuation of an existing 16 unit Senior Citizen Housing already operating from the existing building originally approved as a Motel. Appendix C contains the existing Development Agreement.

The subject property referred to as 11 Osprey Lane (PID No. 00378711, Lot 5-A) is 4.9. acres on drilled well and septic in the community of Shad Bay, HRM just off Highway No. 333. Appendix B contains Provincial Property Online background information and mapping of the aforementioned property.



## 2. Project Introduction

Our client purchased the property on September 28, 2015. A sixteen (16) unit motel use given economic and local geographic factors was not financially/market feasible. There was at the time and **remains a significant demand and shortage for senior citizen housing** in the area which the current property owner converted the hotel to accommodate. The total senior citizen housing units is sixteen which matches the original Motel, however, Senior Citizens Housing is not a permitted use as per Section 2.1 of the existing Development Agreement and therefore the substantial amendment application. The application form is attached as Appendix A.

There is one well kept attractive 3,600 square foot (60' x 60' sq. ft.) building on-site as highlighted in Appendix D with a couple of photographs. The building has three floors overlooking scenic Shad Bay. On the main and second floor there is 8 units per floor totalling 16 residential senior citizen housing units that are rented. The basement consists of storage & utility rooms and a kitchen room all used for the convenience/need of tenants. All 16 units have a bed, bathroom, and their own cooking devices and food storage items. The units can be categorized as bachelor style units averaging in size from 350-400 square feet. All units are furnished with utilities, a bathroom, closet and small kitchen area as part of their rent. Each unit is rented by month for one average a very modest \$535.00 with one unit at \$400.00 and the most expensive at \$575.00. **The vast majority of the tenants are senior citizens with a few residents on social assistance.**

The building was originally constructed in 2004/2005. It currently has parking for 20 formal parking spaces which is enough for tenants and some guests. There is overflow for parking for seasonal times of the year such as the holidays. It is exactly the same (no additional units and original floor plans) as when my client purchased the Motel Building in 2015. However, the former owners tore down the Restaurant circa 2013. The current owners upgraded the decks, inside units and also added laundry machines with small kitchen area in the basement for tenants to cook larger meals if they liked. Good drinking water is provided to all tenants.



### 3. Applicant and Project Development Team (PDT)

Project Team Member	Project Responsibility	Principle Contact	Contact Information
3274302 Nova Scotia Limited	Property Owner & Operator	Cory Melvin	902.579.7779 <a href="mailto:corymelvin@gmail.com">corymelvin@gmail.com</a>
KWR Approvals Inc.	Urban Planning and Management of Planning Application & Approvals	Kevin W. Riles, President & CEO	(w) 902.431.1700 (c) 902.403.7847 <a href="mailto:kevin@kwrapprovals.com">kevin@kwrapprovals.com</a> P.O. Box 44153 Bedford, Nova Scotia B4A 3Z8
		Patricia MacLeod	Vice President, Administration

### 4. MPS Enabling Policy to Consider Substantial Amendment to Development Agreement

The existing Development Agreement was registered on March 3<sup>rd</sup>, 2004 and there have been no amendments since. An important consideration in applying for a substantial amendment application to an existing development agreement is whether the local Municipal Planning Strategy (MPS) has an enabling policy to consider the proposed amendments.

In our opinion and in review with HRM, we are of the opinion the **enabling policy is RB-6** within the Prospect MPS permits HRM Planning & Development staff and Community Council to consider this substantial amendment application for a 16 unit senior citizen housing building.

The definition of senior citizens housing in the Prospect Land Use By-law (LUB) is quite open-ended, however there are specific interior fixtures and renovations required to ensure it is meeting that definition as opposed to a multiple unit dwelling. Below is the definition of Seniors Citizens Housing as contained in Section 2.80 of the Prospect LUB. In addition, MPS Enabling Policy RB-6 is highlighted.

**2.80 SENIOR CITIZENS HOUSING** means housing designed for occupation by senior citizens.

**RB-6** Notwithstanding Policy RB-2, within the Residential B Designation, Council may consider permitting senior citizen housing in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the appropriate conditions as follows:

- (a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use;
- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the preference for, but not restricted to, a site which has access to commercial and institutional uses;
- (f) the general maintenance of the development;
- (g) the means by which solid and liquid waste will be treated;
- (h) the effects of the development on any adjacent or nearby land uses;
- (i) the preference for a development which serves a local community need; and
- (j) the provisions of Policy IM-11.

In regards to MPS Policy RB-6, we make the following comments.

**RB-6** Notwithstanding Policy RB-2, within the Residential B Designation, Council may consider permitting senior citizen housing in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the appropriate conditions as follows:

- (a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses; Applicant: The existing structure build in 2004/2005 was a motel and the current Senior Citizen Housing Apartment Building is at the same location, same height and same footprint. The only major difference is architecture/design improvements by upgrading the exterior decks, and some newer materials. The community as part of the original development agreement has been use to this building being located on this property for over 15 years. It location and architectural design is complimentary and compatible with the semi-rural character of this community.
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use; Applicant: The current sixteen unit Senior Citizens Housing is the same number of units and density as the former hotel business.
- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped; Applicant: There are 1.5 parking spaces available for each resident and unit which is more than ample parking including guests.
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety; Applicant: The current Senior Citizens Housing use of 16 tenants generates no more traffic than the original 16 unit motel business approved in 2004 and operating for a number of years.
- (e) the preference for, but not restricted to, a site which has access to commercial and institutional uses; Applicant: The current building has easy and immediate access to Highway No. 333 and various commercial and institutional services with Shad Bay and the immediate surrounding communities.
- (e) the general maintenance of the development; Applicant: The Senior Citizens Housing Building is very well maintained.
- (f) the means by which solid and liquid waste will be treated; Applicant: An existing on-site septic system handles all solid and liquid waster.
- (g) the effects of the development on any adjacent or nearby land uses; Applicant: The current use of Senior Citizen Housing Apartment Building is located with the same building footprint of the former motel. This building and sixteen units has been in the community for approximately 15 years. Its senior citizen residents live and contribute in the community.
- (h) the preference for a development which serves a local community need; and Applicant: There is a clear need for affordable senior citizen housing in the community as residents downsize later in life and looking for clean, safe and functional apartment units to rent at reasonable rates. The building with sixteen units provides a small community within the overall Community of Shad Bay.
- (i) the provisions of Policy IM-11. Applicant. Policy IM-11 is often what is often referred to as the Evaluation Criteria for proposed developments and in this case as it relates to MPS Enabling Policy RB-6. The review of MPS Policy IM-11 is found on Section 5 of this submission.

## **5. MPS Evaluation Policy IM-11 within the Planning District 4 (Prospect) Municipal Planning Strategy**



Policy IM-11	Analysis
<p>In considering development agreements or amendments to the land use by-law, in addition to all the other criteria as set out in various policies of this Municipal Planning Strategy, Council shall have appropriate regard to the following matters:</p> <p>(a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all municipal by-laws and regulations.</p> <p>(b) that the proposal is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> <li>(j) The financial capability of the Municipality to absorb any costs relating to the development;</li> <li>(ii) the adequacy of on-site sewage and water services</li> <li>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb additional demands.</li> <li>(iv) the adequacy of road network leading to or within the development; and;</li> <li>(v) the potential for damage to or destruction of designated historic buildings and sites;</li> </ul> <p>© that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses for reasons of:</p> <ul style="list-style-type: none"> <li>(k) type of use;</li> <li>(ii) height, bulk and lot coverage of any proposed building;</li> <li>(iii) traffic generation, access to and egress from the site, and parking;</li> <li>(iv) open storage</li> <li>(v) signs, and</li> <li>(vi) any other relevant matter of planning concerns</li> </ul> <p>(d) that the proposed development is suitable in terms of steepness of grades, soil, and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</p>	<p>The current use of Senior Citizens Housing is simply an adaptive re-use from the original sixteen unit Motel. The building, size, location is the same as the original building as approved by Community Council in 2004. The current use meets a community need of providing affordable senior citizen housing in a clean safe and function building. The current use is consistent with the intent of the MPS and in conformity with the LUB and other municipal regulations.</p> <p>We are of the opinion that the current use is not inappropriate or premature in this manner.</p> <p>The current seniors citizen housing building has adequate on-site sewage and water services.</p> <p>The 16 housing units are for senior citizens not attending school therefore no impact on the schooling system. 16 residents is a small amount and would not strain the capability of recreation or community facilities in the area.</p> <p>The location of the 16 unit Seniors Citizen's Residences is located off a short driveway leading onto Osprey Lane and very close to Highway No. 333. No concerns.</p> <p>Not applicable.</p> <p>In regards to these controls the current use of a seniors citizen residential building is within the same building and property as the former Motel. Residents and the landlord (owners) take very good care of the building and grounds. The height, bulk and lot coverage is the same as the original Motel approved in 2004. Traffic generation is not a concern and open storage is not a consideration. Signage is not applicable.</p> <p>The current building is the exact same location as the former Motel. This building has been in operation in the community for 15+/- years. The current use is suitable in terms of the outlined criteria.</p>

<p>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges – Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02; E-Aug 17/02)</p>	<p>Not Applicable</p>
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## **6. Summary and Conclusion**

The proposed substantial amendment to the existing development agreement is an indication of the evolution in the local community. In 2004 when the original development agreement was approved the original applicants constructed a Motel during a time when this was a viable business use. Since 2007 many small and local community Motels have not been able to make a go of it and the original applicants sold the building to the current owners. Over the past fifteen years there has been a growing need in HRM and Shad Bay for affordable senior citizen residents and housing.

The current Senior Citizens Housing Apartment Building is in the same building as the original Motel with the exception of some improvements. It remains 16 units which was part of the original approval. This is an ideal example of adaptive reuse of an existing building within the community to keep pace with the changing times of residents. The current use has been in operation for over three years and offered senior citizens safe, clean, functional, and affordable accommodations in a beautiful community with easily access to all amenities.