



Subject: *Enfield Family Dental Centre Development Agreement Application*
To: CAO for Planning Advisory Committee, May 18, 2021
Date Prepared: May 10, 2021
Related Motions: PAC21(3) January and C21(22)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Enfield Family Dental Centre to enable the construction of a new building at 300 Highway 2, Enfield. When submitted, staff had concerns with the compatibility of the design with the Village Core Zone. The applicant has amended the design of their building and staff now feel that the design is acceptable.

Initial consideration of the development agreement was given at the January 2021 meeting of Council. The public hearing for this application has been scheduled for May 27th.

Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report. The property has an existing dental centre operating on it. A larger building is likely to be a higher taxable value. There are no new municipal roads or services which will be required to support the development.

Recommendation

That Planning Advisory Committee recommend that Council give final consideration and approve the application.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give final consideration and approve entering into a Development Agreement for a new dental centre building at 300 Highway 2, Enfield;*
- *within one year of Council's approval.*

Background

The Municipality received an application from Dr. Reena Kapadia Dentistry, operating as Enfield Family Dental Centre, for a new building to house their operations. The reason for the proposal is that their business has outgrown their existing building which was originally a single family home that was retrofitted to serve as their clinic.

Subject Properties



The subject property is located at the corner of Highway 2 and Shamrock Lane in Enfield. As indicated on the zoning map to the left, the subject property is zoned Village Core (VC). The property is also designated as Village Core (VC). Adjacent zones include: Village Core (VC) Zone to both sides and in front of the site; to the rear of the site the land is zoned Townhouse Zone (R2-T), and along Shamrock Lane to the north the land is zoned Single Unit Dwelling (R1) Zone.

The size of the subject property is approximately 2,235 m² and has frontage onto both Highway 2 and Shamrock Lane. The site has an existing single storey building which is used as the existing dental centre. A copy of an image from google earth shows the existing building on the property.

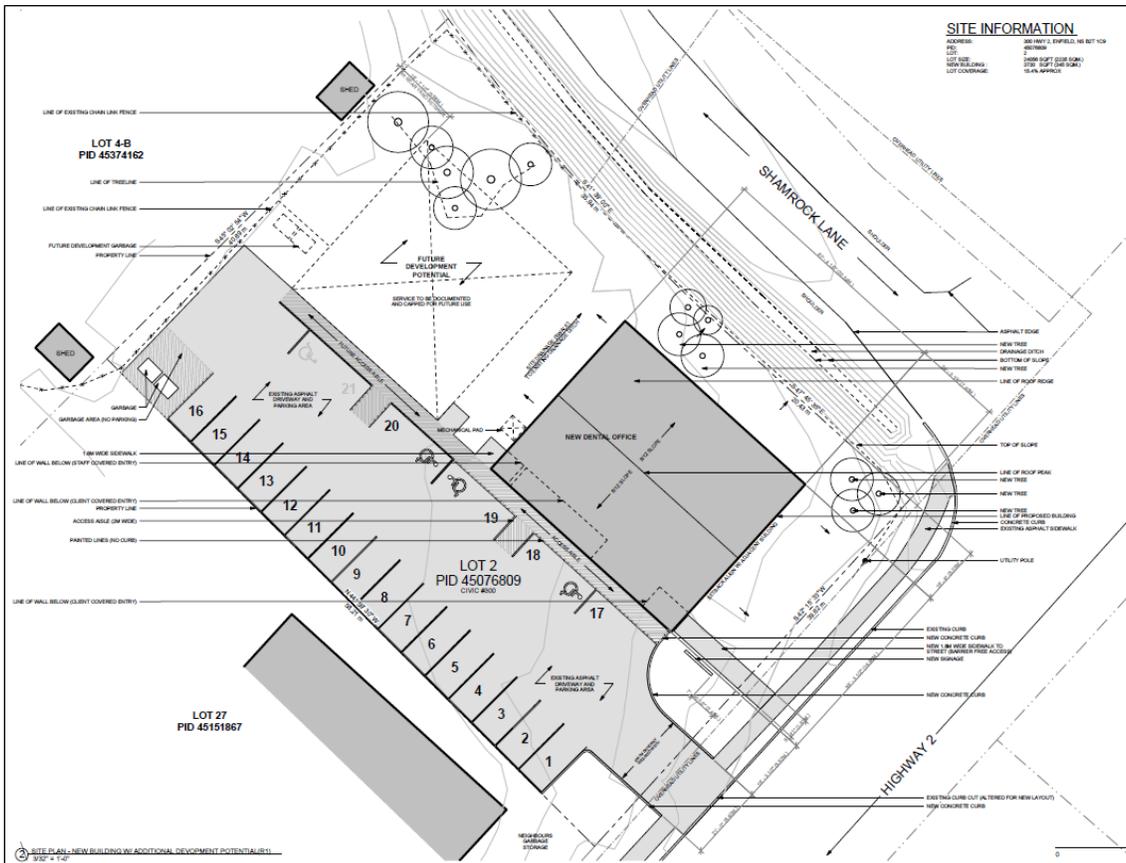
Development Proposal

The application proposes a new building for the Enfield Dental Centre. The proposed building has a footprint of 346 Sq m. and is located towards the front of the site onto Highway 2. The dental centre is located on the first floor but has an area of storage on the second floor.

The applicant intends to demolish the existing building once the new building has been constructed, and they have moved the dental practice into the new building.



A copy of the application plans submitted have been added as Appendix A to this staff report. The building design has been amended since originally submitted. PAC may remember that the previous design was a single pitch modern design.



Policy Analysis

The Planning and Development Department has reviewed the proposed application based on the applicable policies contained in the Municipal Planning Strategy. Staff have requested comments from internal departments and external agencies, including Nova Scotia Transportation and Active Transit. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies has been attached to this final report.

Comments received

Nova Scotia Transportation and Active Transit (TAT) have reviewed the application and confirmed that the existing commercial access to Highway 2 is acceptable for the proposed changes and that a negative impact to the Provincial Road network is anticipated.

Infrastructure and Operations have confirmed that there is currently sufficient water capacity to service the development.

Design and policy analysis

This development agreement application for this building is enabled through the Municipal Planning Strategy under policy UD14 or UD15.

- Policy UD14 sets out that Council shall consider single use commercial uses in excess of 230 m² by development agreement, pursuant to the Village Core Form-Based Zone Requirements and to all applicable implementing policies.
- Policy UD15 enables Council to consider development agreements for (d) institutional uses which do not meet the Form-Based Zone Requirements but will contribute to the vitality and overall goal of the VC Zone.

The size of the building is over 230 m² in size which is referred to in Policy UD14 and a Dental Office falls under the definition of Health Care Services which is defined as an Institutional Use under the Land Use Bylaw.

The Form-Based Zone Requirements are design standards which seek to create some consistency in design with respecting existing vernacular of the area. Policy UD15 however was developed with the intent of enabling the design for Institutional Use buildings to be considered on their own individual merits, whilst contributing to the vitality and overall goal of the VC Zone. In many areas of the world, Institutional Use buildings are designed to be more prominent than the other commercial buildings in the area and create a sense of civic pride. However, these types of buildings are typically public buildings such as City or Town Halls, museums, libraries and hospitals.

Staff have worked with the applicant to bring the building into compliance with the form-based zone requirements as well as address comments from NS TAT. Since the initial submission of the application, the following changes to the site plan and elevation drawings include (form-based zone requirements - FBZR):

- The building has been moved further away from Shamrock Lane - to address comments from NS TAT.
- There has been a reduction in parking spaces from 24 spaces to 21 spaces due to moving the building further from Shamrock Lane. The Land Use Bylaw requires 14 spaces for the proposed use so the number of spaces proposed is in compliance with the LUB.
- A pedestrian entrance has been added to the front elevation which is a requirement under the FBZR - the previous pedestrian entrance to the building was on the side elevation facing the parking lot.
- A 1.8 m wide walkway has been provided directly from the front elevation entrance to the sidewalk along Hwy 2.
- Trees have been added to the site plan to be located between Shamrock Lane and the new building.
- The roof design has changed from a single pitch roof to a more traditional gable roof. The pitch is proposed at 8:12 which complies with the FBZR.
- Additional glazing has been provided on the front elevation.
- Wood cladding has been proposed on a portion of the front elevation and will wrap around to the elevation facing Shamrock Lane. This is to deal with a concern raised by staff about the lack of detailing on the elevation facing Shamrock Lane.

Staff have assessed the final design against the form-based zone requirements and the design mostly meets the form-based zone requirements. The building does not comply with the requirement that 60% or more of the building frontage shall be glass. The applicant has confirmed that the windows on the front elevation is 22.5% of the area. Since drafting the 60% glazing requirements for the Village Core staff have realized that this ratio would be difficult to achieve especially whilst maintaining traditional building designs. In fact, building elevation examples found on page 1 of the form-based zone requirements have been calculated and these range from 20% to 45%. The proposed building frontage fits within these ratios of building examples used in the land use bylaw. It is likely that staff will be requesting an amendment to the 60% requirement in the upcoming plan update.

Although Policy UD15 enables the application to be considered based on the design not having to meet the form-base zone requirements, the policy does set out that the proposal will contribute to the vitality and

overall goal of the VC Zone. Staff consider that the new building does contribute to the vitality and overall goal of the VC Zone. Comparing the existing dental centre building to the proposed building, the new building is more socially interactive by being closer to the front yard and sidewalk and it better serves the pedestrian needs as being located closer to the sidewalk and provides a visible entrance facing straight towards the street and provides a 1.8 m wide walkway.

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the *Chronicle Herald*. A letter and questionnaire have been mailed to all property owners within 300 m of the subject property asking for comments on the proposed development agreement amendment.

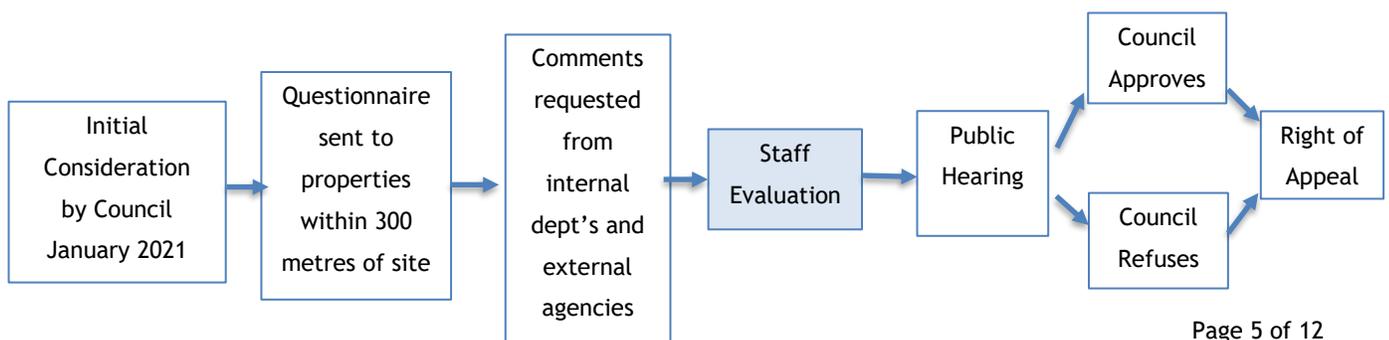
Returned questionnaires have been received from 15 property owners. The returned questionnaires have been scanned and area available for PAC and Council to view. The majority of the responses received confirm they have no objections or they support the development. Comments made on the questionnaires include:

- Question about the location of existing water and sewer lateral.
- Will the development affect the area tax rate?
- Will there be any traffic disruptions?
- Concern about increase of rats.
- Has consideration been given to a turning lane for the property?
- Concern about external lighting for the property
- This is what one would expect to see in a community.
- The larger building would allow for the community to have a larger selection of dentists.
- Beneficial to the community.

A letter confirming the details of the public hearing will be mailed to property owners within 300 metres of the application site and a notice will be placed in the *Chronicle Herald* for two successive weeks.

Conclusion

Staff have completed a review of the application for a new building at the Enfield Dental Centre. The design almost meets the form-based zone requirements but policy UD15 enables Council to consider the application if the proposal contributes to the vitality and overall goal of the VC Zone. Staff consider that the proposed development contributes to the vitality and goal of the VC Zone. It enables a building which is more socially interactive by being closer to the front yard and sidewalk and it better serves the pedestrian needs as being located closer to the sidewalk and provides a visible entrance facing straight towards the street and provides a 1.8 m wide walkway. Staff recommend approval of the application.



Recommendation

That Planning Advisory Committee recommend that Council give final consideration and approve the application.

Appendix A - Application Plans

Appended as a separate document.

Appendix B - Policy Analysis

Policy	Comments
<p><i>UD5. Council shall adopt architectural and site design standards, for new buildings and alterations and additions to existing buildings within the Village Core (VC) Zone pursuant Form-Based Zone Requirements for the Village Core (VC) Zone of the Land Use Bylaw. Requirements will address building form, parking, landscaping, signage, walkways, established setback lines, site design, storage and display, and accessory buildings. These design requirements are a type of Form-Based-Code sculpted to ensure the consistency of building, site and signage standards within a village core.</i></p>	<p>The design of the proposed building and site has been evaluated against the form-based zone requirements. The design has been amended since the initial submission and now the building and site mostly complies with the form-based requirements. Staff consider that the site and building design is appropriate given the use as an institutional use and the proposal creating a design which is more in line with the the vitality and overall goal of the VC Zone.</p>
<p><i>UD14. Council shall consider single use commercial uses in excess of 230 m² by development agreement, pursuant to the Village Core Form-Based Zone Requirements and to all applicable implementing policies.</i></p>	<p>The single use building is greater than 230 m² which is permitted as-of-right in the Village Core Zone.</p>
<p><i>UD15. Council shall consider the following by development agreement in the Village Core (VC) Designation, subject to the criteria of the implementing policies and the Village Core Form-Based Zone Requirements:</i></p> <p><i>d) Institutional uses that do not meet the Form-Based Zone Requirements but will contribute to the vitality and overall goal of the VC Zone.</i></p>	<p>Staff consider that the site and building design is appropriate given the use as an institutional use and the proposal creating a design which improves the vitality and overall goal of the VC Zone. It enables a building which is more socially interactive by being closer to the front yard and sidewalk and it better serves the pedestrian needs as being located closer to the sidewalk and provides a visible entrance facing straight towards the street and provides a 1.8 metre wide walkway.</p>
<p><i>IM27. Council shall consider the following evaluation criteria for any development agreement application:</i></p>	
<p><i>a) The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</i></p>	<p>The property is already in use as a dental centre so the land use has already been established. The building is larger than existing and offers more consulting rooms. The main impact on the additional consulting rooms is an increase in patients coming and going from the property. The level of activity on the property is not likely to cause any significant impact on nearby property owners.</p>
<p><i>b) The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</i></p>	<p>Engineering & technical services have confirmed that there is currently water capacity to service the development but this capacity will be reviewed at the time of a permit. The applicant has a commercial solid waste collection and will continue to do so. No comments have been received from Enfield Volunteer Fire Department but staff consider that the larger dental practice building will have limited impact on the capacity of the fire department.</p>

<p>c) <i>The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</i></p>	<p>NSTAT have reviewed the application and have confirmed that <i>“the existing commercial access to Highway 2 is acceptable for the proposed changes. A negative impact to the Provincial Road network is not anticipated”</i></p>
<p>d) <i>Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</i></p>	<p>There is a sidewalk along Highway 2 that may be used by pedestrians visiting or working at the dental centre. The proposal includes a walkway from the building to the sidewalk which will encourage active transportation users. The building is two storeys high and is human scaled and staff consider that the proposed building and site design will not have an adverse effect on the comfort of street users.</p>
<p>e) <i>The suitability and availability of other appropriately zoned sites for the proposed use.</i></p>	<p>The site is zoned appropriately for the land use of the property.</p>
<p>f) <i>The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.</i></p>	<p>A professionally drawn site plan has been submitted showing the location of the proposed building, parking, solid waste storage, walkways and landscaping.</p>
<p>g) <i>Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</i></p>	<p>The property is adequately sized for the new dental centre building. Buffering is not required under the Form-Based Zone requirements for the Village Core Zone but in staff’s opinion the buffering is not necessary. The building has been moved closer to the front property boundary than the existing building and therefore further away from the multi-unit residential building to the rear. The adjacent property to the side boundary is a commercial use and the proposed building will have limited impact on this commercial use.</p>
<p>h) <i>Potential for significantly reducing the continuation of agricultural land uses.</i></p>	<p>Not applicable.</p>
<p>i) <i>The proposed density and urban form, including height, massing, bulk, stepbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</i></p>	<p>The size of the building is compatible with nearby and surrounding development forms.</p>
<p>j) <i>If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</i></p>	<p>The fiscal impact of the proposed development will have a positive impact to the Municipality. No new roads or services are required to be installed. Instead an existing business will</p>

	expand on the property. Therefore, the taxes collected by the Municipality will increase.
IM28. <i>Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:</i>	
a) <i>The use and size of any new structures or any expansions of existing structures.</i>	The footprint of the proposed building is 346 sq.m and will be used as a dental centre, replacing the existing building on the property.
b) <i>The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.</i>	There is a mixture of building styles in the surrounding area. The size and scale of the building is compatible with the buildings in the area. The pitched roof with the gable facing the road is reasonably consistent with the character of the area. The applicant is proposing the clad the building with metal siding and wood cladding wrapping some of the glazing on the front and side of the building.
c) <i>Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</i>	The draft development agreement requires that the applicant buffer the garbage storage area from adjacent property owners. The building has been moved further away from the multi-unit apartment building to the rear and the use is a use which is a daytime activity. Staff consider that screening to the rear is not necessary.
d) <i>Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.</i>	All items not identified in the development agreement shall be applicable to the LUB.
e) <i>Time limits for the application for a development permit and the initiation and completion of construction.</i>	One year to enter into the agreement, one year to apply for a development permit and two years to make the property consistent with the terms of the development agreement. In addition to these time limits within four (4) months of the new dental centre building being occupied, the existing building on the property will be demolished and the land shall be cleaned up in accordance with a plan to be approved by the Municipal Development Officer.
f) <i>The establishment of hours of operation and maintenance of the proposed use.</i>	No hours of operation have been established which is consistent with other uses permitted as-of-right in the Village Core (VC) Zone.
g) <i>The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</i>	The applicant has exceeded the parking requirements of the LUB which is 14 spaces (2 per consulting room) A total of 21 marked parking stalls are proposed. Staff consider that the amount of parking proposed is appropriate.
h) <i>Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</i>	Signage will be as per the requirements of the LUB.
i) <i>Methods of protection of the land and watercourses and mitigation practices during</i>	As per NSE regulations.

	<i>and after construction of the proposed development.</i>	
j)	<i>Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</i>	A stormwater drainage plan is required before a development permit is issued.
k)	<i>Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</i>	New trees are proposed as part of the development and details of the location of the trees are included on the site plan and added into the development agreement.

Appendix C - Photos



From parking lot to adjacent commercial building



Adjacent commercial building.



North east along Highway 2



Buildings opposite the property.