

MEMO

TO: Planning Advisory Committee

FROM: Andrew Fisher, Director of Planning & Strategic Initiatives

DATE: April 2, 2024

RE: Development Agreement – Dolan Property Development Phase 1

PROPOSAL

An application by Stephanie Mah Trottier of Shaw Group Limited for a development agreement (DA) to allow the development of a property at 105 Church Street, also known as the Dolan Property. The development agreement covers a 20-acre portion of the 123-acre property, representing phase 1 of the development, which falls within the boundaries of the Town of Amherst.

BACKGROUND INFORMATION

The attached application briefing provides the site details, neighborhood context, and building proposal details. The developer proposes a multi-phase residential development containing a full range of housing types from single-detached dwellings, to cluster housing, to apartment buildings. One of the main focuses of the developer is to test unique development types that are affordable or attainable, yet promote social cohesion. Smaller lots and yard setbacks reduces the amount of costly street infrastructure to service each dwelling unit. Clustered semi-detached and townhouses, also called ‘pocket communities, arranged around a central open space are intended to promote social interaction, increase security and community cohesion. The developer is also focused on reducing costs through standardized and modular construction methods.

The flexibility needed to allow this development is not provided for in the town’s Land Use Bylaw (LUB). The attached Development Agreement could be considered as a LUB within a development agreement. It contains four ‘Areas’, described as follows:

General Residential Area – permits single and semi-detached, townhouses and multi-unit dwellings with up to 4 units. This area does not allow cluster developments.

Cluster Residential Area – permits clustered and non-cluster developments, but no multi-units.

Multiple Residential Area – permits all residential types, including apartment buildings with up to 44 units.

Parks & Open Spaces Area – this area sets aside lands dedicated for public open space.

The DA also provides for other uses typical of residential developments, such as Home-Based Businesses, daycares, care facilities, etc.

As noted above, this DA is subject to a 20-acre portion of the 123-acre property that is entirely within the town boundary. This DA is being sought now to enable the goal of achieving approximately 30-40 dwelling units completed by the spring of 2025. While there is a master plan of the entire property, development beyond the scope of this DA is dependent upon the Town and the County of Cumberland reaching an agreement with respect to municipal servicing.

RELEVANT POLICIES

1. Residential Policies (RP)

RP-9 (Medium and High Density By Development Agreement)

Within the Residential Designation, it shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) ensure that the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;*
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;*
- (f) require the use of vegetation to improve the aesthetic quality of the development;*
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.*

The proposed development would have a mix of single and multi-unit homes, providing sufficient on-site parking but located so that it does not impact the intended purpose of a community feel and providing enough green space with amenities to improve the aesthetic quality of the development, therefore, satisfying this policy.

RP-11 Affordable Housing

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; and,*
- (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the town.*

This development is characterized as a mix of housing types and densities, and is intended to provide affordable and/or 'attainable' home ownership.

RP-12 (Residential Area Design)

It shall be the intention of Council to ensure that new residential areas:

- (a) provide for the efficient use of land;*
- (b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- (c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- (d) provides for the efficient and safe movement of pedestrians and cyclists;*
- (e) minimizes adverse effects on the environment;*
- (f) provides for parks and other community uses in safe and central locations.*

The proposal satisfies this policy as the land will be used efficiently, extension of water, storm sewer and sanity will be added and will safely accommodate traffic flow.

2. General Land Use and Development Policies (GP)

GP-7 Compatibility

It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The draft DA addresses all relevant aspects of this policy.

GP-8 Density

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

The density of this development is appropriate to the overall characteristics of its surrounding area.
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3. Municipal Service Policies (MS)

MS-2 (Service Capacity)

It shall be the intention of Council to require that new municipal water, sanitary sewer and storm sewer services be built to a capacity capable of providing service to undeveloped lands beyond the immediate development area, when the development of such an area is dependant upon use of said services.

It shall further be in the intention of Council to pay the incremental cost of such excess capacity and to recoup such costs upon development of the undeveloped lands outside the immediate development.

The Operations Department have reviewed this proposal and confirmed that municipal services can accommodate this development.

4. Recreation Policies

R-21 High Density Open Space

It shall be the intention of Council to require multiple unit residential properties to provide usable open space for the use of residents on the site.

The proposal is generally in keeping with this policy.

5. Implementation Policy

A-5 (Amendment Criteria)

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.*

The proposal meets the intent of the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. With regard to subsection (c), the proposed use does not conflict with the existing uses in the neighborhood and the dimensions fit other existing developments in the area. Parking and traffic generation is not to be an issue for the area.

DISCUSSION & CONCLUSION

Staff feel the draft DA is in keeping with the general intent of the relevant policies of the MPS. The proposal has the potential to have a significant positive impact not just for the Town of Amherst by addressing the shortage of suitable and affordable housing. This development is appropriate for the area in terms of its height, bulk, and general built form.

The following decision options are therefore put forward:

OPTIONS:

- Option One: Recommend that Council enter into the Development Agreement for the Dolan Property Development as drafted.
- Option Two: Recommend that Council not enter into the Development Agreement for the Dolan Property.
- Option Three: Defer a decision and request additional information and /or changes to the proposal.

STAFF RECOMMENDATION: Option One.