

MEMO

TO: Planning Advisory Committee
FROM: Torben Laux, Land Use Planner
DATE: January 13, 2025
RE: **Development Agreement – 96 Church St (PID 25013814)**

PROPOSAL

An application by Tom Mattinson of Six Point Star Homes has been submitted for a development agreement (DA) to allow the construction of three units in addition to the four units already approved at 96 Church Street. Two of these units will be within the main structure, bringing the total to six units, while a garden suite located in the existing garage will make it a total of seven units.

BACKGROUND INFORMATION

The attached application briefing provides site details, neighborhood context, and building proposal specifics. The dwelling on the site is a municipally registered heritage building. On July 2, 2024, the Heritage Advisory Committee (HAC) agreed to allow alterations to the building's exterior, provided key heritage features were preserved. On October 16th, permits were issued for the conversion of the single-family dwelling into a four-unit dwelling. This development agreement would permit an additional two units within the existing dwelling and convert the existing garage into another unit. The property is 17,060 sqft. in area.

PUBLIC PARTICIPATION

A Public Participation Opportunity (PPO), advertised in accordance with the Policy for Public Participation and Notification, was held on December 12th. No members of the public were in attendance and no comments were voiced. Minutes of the PPO are included in the package.

RELEVANT POLICIES

1. General Land Use and Development Policies (GP)

GP-4 Efficient Development

It shall be the intention of Council to ensure that growth and development within the Town is efficient and cost effective by:

- (a) facilitating the contiguous expansion of the built up areas of the Town;*
- (b) limiting development in un-serviced areas of the Town;*
- (c) concentrating new development in adequately serviced and properly planned areas;*
- (d) encouraging and facilitating infill development on underutilized properties within the built up area of town*

The proposed development satisfies all aspects of this policy. It is infill development that will require no extension of town infrastructure.

2. 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.*

As an existing structure, there will be no impacts to the surrounding residential development. With 10 parking spaces provided for 7 units, a ratio of 1.48 spaces per unit, the parking requirement is exceeded

compared to the 1.25 standard set out in the Land Use Bylaw. These parking spaces will be accessible from the Robie Street side.

Outdoor lighting, signage provisions to address landscaping are addressed in the DA.

Regarding architectural sympathy, the proposed development will not alter the exterior significantly based on the July 2nd agreement from the heritage Advisory Committee.

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;*
- (b) permitting secondary apartments in all dwelling units;*
- (c) permitting a secondary residential structure (Garden Suite) on a lot;*
- (d) cooperating with Federal and Provincial Governments to*

The applicant stated that the units will be affordable based on eligibility for senior Government level capital funding.

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 proposed development satisfies all aspects of this policy as it makes use of two existing structures.

RP-14 (Garden Suite)

It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:

- (a) the garden suite be secondary to the main dwelling on the lot;*
- (b) water and sewer services be provided independent from the main dwelling;*
- (c) two off street parking spaces be provided on the property;*
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;*
- (e) the garden suite be a minimum of 6 metres from the rear property line;*
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;*
- (g) the garden suite not be located in the front yard of the property;*
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;*

(i) the development agreement be discharged

The existing garage located to the right of the property looking at the site from Robie street will be converted into a single unit Garden Suite. It will have separate water and sewer services. While the 6 metre setback noted above will not be met, the impact on the adjacent property will be negligible as it is used for parking

3. 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.

DISCUSSION & CONCLUSION

Staff feel the draft DA is in keeping with the general intent of the relevant policies of the MPS. The proposal will have a positive impact on the provision of suitable and affordable housing in a central location. 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 96 Church Street as drafted.**
- Option Two: Recommend that Council not enter into the Development Agreement for 96 Church Street.
- Option Three: Defer a decision and request additional information and /or changes to the proposal.

STAFF RECOMMENDATION: Option One.