



AMHERST TOWN COUNCIL

RFD# 2018139

Date: October 22, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 22, 2018

SUBJECT: **Development Agreement discharge – corner of Dickey & Rupert St.**

ORIGIN: A request by the property owners of the vacant property located at the corner of Dickey and Rupert Streets (PID 25041666) to discharge a 2007 development agreement for a multi-unit residential complex.

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), section 229 (2) *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with concurrence of the property owner.*

RECOMMENDATION: That Council discharge Development Agreement Case No. DA-2007-02 for PID 25041666.

BACKGROUND: The subject development agreement allowed for construction of a 30-unit townhouse development within nine buildings, accessed by a common driveway. The original property owners did not start the development and subsequently sold the property. The current property owners are not interested in developing the property as laid out in the agreement. Once discharged, the property would be subject to the regular requirements of the Land Use and Subdivision Bylaws.

DISCUSSION: There is no specific Municipal Planning Strategy policy that speaks to discharging a development agreement. It is unfortunate that the 30-unit development is not going to take place; however, with the agreement out of the way it will allow development of the property under the regular provisions of the Land Use and Subdivision Bylaws. As a very rough estimate, the 4.15-acre property could potentially accommodate up to 25 single-detached dwelling lots.

Staff discussed with the property owner alternatives to discharging the agreement such as requesting an amendment; however, the process to amend would be same as entering into a new agreement. As such there is little advantage to keeping the agreement in place.

FINANCIAL IMPLICATIONS: None at this time.

COMMUNITY ENGAGEMENT: There is no public process involved with discharging a development agreement



ENVIRONMENTAL IMPLICATIONS: None at this time.

ALTERNATIVES: None

ATTACHMENTS: DA Discharge Supporting Documentation
Development Agreement Case No. 2007-02
Site Plan

Report prepared by: A.Fisher

Report and Financial approved by: