



AMHERST TOWN COUNCIL

RFD# 2024044

Date: April 22, 2024

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Andrew Fisher, Director of Planning & Strategic Priorities

DATE: April 22, 2024

SUBJECT: Development Agreement – Dolan Property Phase 1

ORIGIN: An application by Stephanie Mah Trottier of Shaw Group Limited for a development agreement (DA) to allow the development of a portion of 305 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.

LEGISLATIVE AUTHORITY: *Municipal Government Act Part VIII Planning and Development.*

PAC RECOMMENDATION: On April 2, 2024, the PAC recommended that Council enter into the attached Development Agreement for 305 Church Street that would permit the development of phase 1 of the project, subject to removal of section 8.1.2 (a).

BACKGROUND: Attached is the draft development agreement, staff report to the PAC and a PPO application briefing. 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 reduce 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.





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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.

DISCUSSION: As detailed in the attached staff report to the PAC, the proposal meets the general intent of MPS policies. The PAC recommended approval of the DA, subject to removal of section 8.1.2 (a). This section would include all of section 4 as 'non-substantive amendments, which do not require PAC review or Council approval. Section 4 contains the detailed provisions for land use throughout the development. Staff agree with removing section 8.1.2 and the developer does not object.

FINANCIAL IMPLICATIONS: Capital contribution for street and service infrastructure that is offset by ongoing tax revenue upon completion of the development.

SOCIAL JUSTICE IMPLICATIONS: Concerns about accessibility features of the home and the management of the buildings/property are addressed in the draft development agreement. The proposed development will be focussed on affordable and or attainable housing.

ENVIRONMENTAL IMPLICATIONS: Concerns raised about flooding and water run-off concerns are addressed in the draft development agreement.

COMMUNITY ENGAGEMENT: An advertised Public Participation Opportunity was held on March 27, 2024. Members of the public present expressed the need for property surface drainage to protect the adjacent property. A Public Hearing will be held on May 15th if First Reading is given. If approved, notice of the right to appeal the council's decision will be published in the local newspaper.

ALTERNATIVES:

- 1) Give First Reading of the application with specific amendments where necessary;
- 2) Refer the application back to the PAC for more information;





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3) Reject the application citing specific policies that are not met by the proposal.

ATTACHMENTS:

- 1) Development Agreement;
- 2) Staff report to PAC;
- 3) PPO Application Briefing
- 4) PPO Summary

Report prepared by: T. Laux

Report and Financial approved by:

