



Subject: Clayton Developments Ltd. Unsubstantial Amendment to Development Agreement
To: CAO for Planning Advisory Committee
Date Prepared: November 10, 2021
Related Motions: None
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Approved by: John Woodford, Director of Planning and Development

Summary

The Planning and Development Department has received an application by Clayton Developments Ltd., to unsubstantially amend the existing development agreement with the Municipality of East Hants. The application requests the following-

1. To increase the number of dwelling units from 36 to 42,
2. Reduce the parking ratio to 1.47 stalls per dwelling unit.
3. Extension of the timeline for completion from 3 years to 5 years after the first development permit has been issued.

The property is located on Highway 2, Lantz.

Financial Impact Statement

The requested amendments will increase the density of the property which staff anticipate will have a positive financial impact on the municipality delivering infrastructure and services to the development.

Recommendation

That Planning Advisory Committee recommends Council approve the application by Clayton Developments Ltd. for unsubstantial amendments to their existing Development Agreement.

Recommended Motion

Planning Advisory Committee recommends that council:

- *Approve the application by Clayton Developments Ltd. for unsubstantial amendments to their Development Agreement, with the Municipality of East Hants for the property located at PID 45409844.*

Background

In 2018, Clayton Developments Ltd. received development agreement approval for 36 residential units to be constructed in the Walkable Comprehensive Development (WCDD) Zone. This development agreement enabled the construction of their 'garden homes' development. Following this approval, the developers received approval for the mixed-use comprehensive development for the remaining large parcels of land.

This current application requests an increase in the total number of dwelling units and a decrease in the parking ratio requirement per dwelling units. The construction of the one-bedroom units that was permitted by an earlier development agreement are being constructed smaller than what was originally intended. Hence the addition of these six units would not be increasing the building footprints or modifying the site layout. Both of these requests are permitted to be considered by an unsubstantial agreement amendment.

Subject Property

The subject property is identified as PID 45409844. It is located on Highway 2 in Lantz and is adjacent to an institutional use building. To the southwest, a large apartment building is being constructed.

The subject property is zoned as Walkable Comprehensive Development District. An excerpt of the zoning map on the right, shows the location of the subject property. The site currently contains three of the nine buildings of which some are occupied. Across the street, the land is zoned industrial commercial that is also owned by Shaw Developments Ltd.



Development Proposal

The purpose of the application is to permit the applicant to reduce the parking ratio, add a greater number of dwelling units and extend the completion of the project by two years. The request for an extension of timeline has been made on account of the Covid- 19 pandemic that has affected business and construction. All three of these are permitted to be considered as an unsubstantial development agreement amendment.

The existing development agreement specifies that a reduction in the number of parking stalls can be considered as an unsubstantial amendment to the existing development agreement. The applicant has proposed to reduce the parking ratio to 1.47 stalls per dwelling unit.

The applicant is proposing to increase the number of residential units from 36 to 42. The number of buildings on the property remains the same (nine) and the size and scale of the buildings are generally the same as the

original approval. The developer is constructing smaller units than what was initially intended in 2018 which means that the approved buildings could accommodate more units.

The applicant is also changing a part of one of the buildings to indoor amenity space and also indoor storage. This does not increase the number of buildings and is being accommodated within existing approved buildings.

The Development Officer who administers the development agreement considers the addition of indoor amenity and storage is generally in accordance with the original development agreement and does not require approval for this change.

Policy Analysis

The Planning and Development Department has reviewed this application based on applicable sections of the Municipal Government Act, the current development agreement, and the policies contained in the Municipal Planning Strategy. Based on this review, the Planning and Development Department has concluded that this application is identified as an Unsubstantial Development Agreement. Those items in a development agreement not considered substantial do not require a public hearing.

The addition of the six units will neither increase the building footprint nor modify the site layout and meet the requirements of the unsubstantial amendments. Planning staff feel that unsubstantial amendments should be permitted. Further, staff does not anticipate any negative impacts of the development on traffic and municipal infrastructure. No significant traffic concerns should arise from this project. In terms of municipal infrastructure, staff views this development to be financially beneficial. The proposed development indicates an increase in density without an increase in any municipal built infrastructure.

As far as a decrease in parking ratio is concerned, the applicant has requested this reduction on grounds of the current tenant usage in parking spaces. Three buildings on site have been constructed and staff has received a permit application for the construction of four other buildings. According to the applicant, the current parking needs observed on site, reflect a requirement of only 62 parking spaces indicating a reduction of 0.03 stalls less per unit than the existing development agreement.

Additionally, due to market demand, the one-bedroom units are being constructed smaller in size, comparable to the size of tiny homes. The Land Use by-law enables a parking ratio of 1.25 spaces per unit for Urban Cottage Development style wherein the size of dwelling units is similar to that of the proposed units. The development is proposing 18 units of the total 42 units as tiny homes which are anticipated to have a parking requirement of only 1 space per unit as these are marketed towards single occupants. Taking this all into account, staff considers that a ratio of 1.47 spaces per unit, is reasonable taking into consideration that an Urban Cottage Development allows for 1.25 spaces per unit.

As per the existing development agreement with the Municipality, any amendment, whether substantive or not, to the agreement must be approved by both parties in writing. Although, as noted above, no public hearing is required, the process requires a newspaper notice and is open to appeal.

Conclusion

The Planning and Development Department has completed its review of the application by Clayton Developments, for an unsubstantial amendment to their existing 2018 Development Agreement. Staff find that the proposal is consistent with the spirit and intent of the existing Agreement.

Recommendation

That Planning Advisory Committee recommends Council approve the application by Clayton Developments Ltd. for unsubstantial amendments to their existing Development Agreement.

Appendix A- Proposed Site Plan

Development Agreement:
The Shaw Group Limited
and the Municipality of East Hants

SCHEDULE B

Site Plan

