



Subject: Clayton Development Ltd. - Development Agreement Amendment
To: CAO for Planning Advisory Committee, September 16, 2025
Date Prepared: August 8, 2025
Related Motions: PAC25(23), PAC25(24) PAC25(25), PAC25(75) and C25(221) June
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Clayton Developments Limited for an amendment to their development agreement which was permitted in 2020. The request includes additional multi-unit residential buildings, enabling 16ft frontage townhouse units, enable self-storage uses, and details regarding the phasing of the development. Following comments from PAC and planning staff the developer amended their initial concept plan. Planning staff are recommending approval of the application.

Financial Impact Statement

The amendments proposed to enable the new Block J will result in an increase in the potential financial benefit to the municipality from \$797,419 to \$928,169 per year. Further details of the fiscal impact are provided in this report.

Recommendation

That final approval be given to amendments to the existing Shaw Group Limited development agreement for a mixed-use master planned development in Lantz.

Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- Give final consideration and approve amendments to the existing Shaw Group Limited development agreement for a mixed-use master planned development in Lantz.

Background

In June 2020 Council approved an application by Clayton Developments Ltd. (Shaw Group Ltd.) for a mixed-use comprehensive development on their WCDD (Walkable Comprehensive Development District) land in Lantz. This area is now known as Kiln Creek. The Development Agreement permitted a mixture of residential, commercial and mixed use. The residential includes single unit dwellings, two-unit dwellings, townhouses, garden homes and apartment buildings, with a total of 1,500 dwelling units. The commercial development includes land alongside the Lantz connector, land fronting onto Highway 2 (between the Sportsplex and the elementary school) and mixed-use buildings in the centre of the development. Also included are open spaces contributions, parkland and Active Transportation Trails.

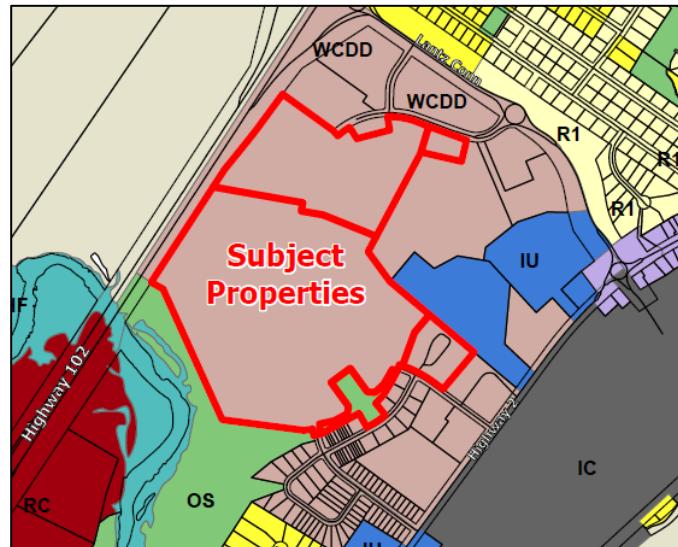
An application was received in December 2024 from Clayton Developments Ltd. to amend their 2020 development agreement for the comprehensive development district. In February 2025, this current application was presented to PAC. At that meeting several concerns were raised. Council tabled a motion to give initial consideration and approval to schedule a public hearing.

Following the February meeting of PAC municipal staff discussed the concerns raised with the developer and they submitted amendments to their application. At the June 2025 meeting of PAC the developer presented to the committee, followed by a report from planning staff. At their meeting in June Council gave initial consideration to the amendments and approval was given to schedule a public hearing.

Subject Property

The application relates to several properties in Lantz. A zoning map to the right identify the properties. All of these sites are zoned Walkable Comprehensive Development District (WCDD). The developer also owns a smaller property, which is located between the Sportsplex and the school property, which was also included in the original development agreement. Several parcels of land have been subdivided out of the original development agreement area. The original agreement will continue to apply on all of the land which included in the original agreement.

The adjacent elementary school and the Sportsplex property are both zoned Institutional Use (IU). Land opposite the site on Highway 2 is zoned Industrial Commercial (IC) and is owned by The Shaw Group Ltd. The municipality owns a parcel of open space between the application properties and the Nine Mile River. This was contributed to the municipality by the developer as part of their open space contributions.



The Nova Scotia Government has recently purchased an area of land from the developer. This area of land can be identified on the proposed concept plan. No details have been provided from the provincial government as to what the intended plans are for this land.

Since the original development agreement was approved, the Lantz Connector has opened and the applicants land has a direct connection to this connector road.

Development Proposal & Policy Analysis

The applicant is applying for substantial amendments to their development agreement. The application requests the following amendments:

1. Permit a self-storage use on an individual lot, Block K (formally block I);
2. Permit a reconfiguration of the proposed site design at “Block J” where the existing low density housing transitions into the highway commercial area. This would require an increase in the unit caps within the development agreement by 100 units both for the development as a whole, and the unit cap specific to multi-unit development.
3. Enhance opportunities for townhouses, in particular manufactured 16 ft wide townhouses, increasing options for housing diversity. This would require amendments to the provisions of the development agreement to enable 16-foot-wide townhouse units to be individually subdivided. The applicant is also requesting that additional areas be permitted for townhouses - increasing the “medium density development” area proposed.
4. Permitting Sub-Phasing at Subdivision - Which would enable portions of a subdivision phase to be developed, rather than requiring the entirety of the phase to be processed at once, while maintaining the flexibility of the existing agreement to modify phase ordering.

Self-Storage Use

The Development Agreement includes areas for commercial development and lists the type of commercial uses which are permitted within those areas. The DA does not allow for a self-storage use in any of the commercial areas.

Section 6.3(f) of the development agreement enables amendments to the list of commercial uses be considered as an unsubstantial amendment. The applicant is requesting a self-storage building with between 2 to 4 four storeys. Any image of an example from Bayers Lake has been provided by the applicant.

No new commercial areas are included as part of this application. The self-storage use, if approved, would be located in an area already identified for commercial development.

Design requirements for the self-storage use has been added into the draft amending DA which includes a minimum 2 stories and a requirement for glazing on the elevation facing the road.

Multi-Unit Development on Block J

The applicant is requesting that additional multi-unit residential buildings be permitted. These are

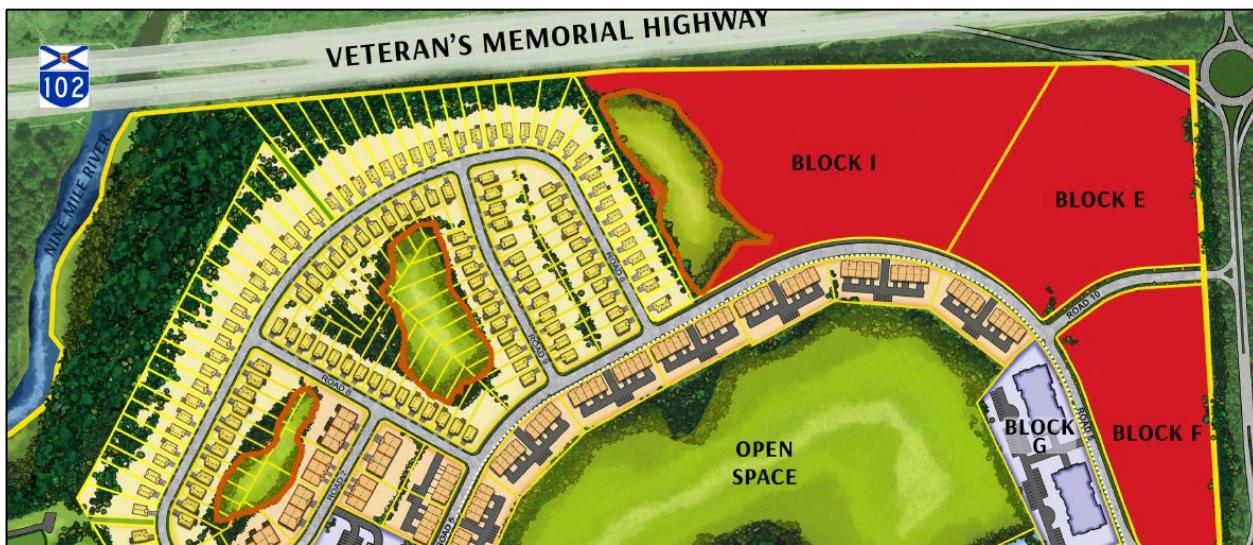


proposed to be located adjacent to Highway 102 and adjacent to land identified as commercial. Along with the addition of more apartment buildings the applicant is requesting that the development agreement enable 100 more residential units which will increase the maximum number of units to 1,600.

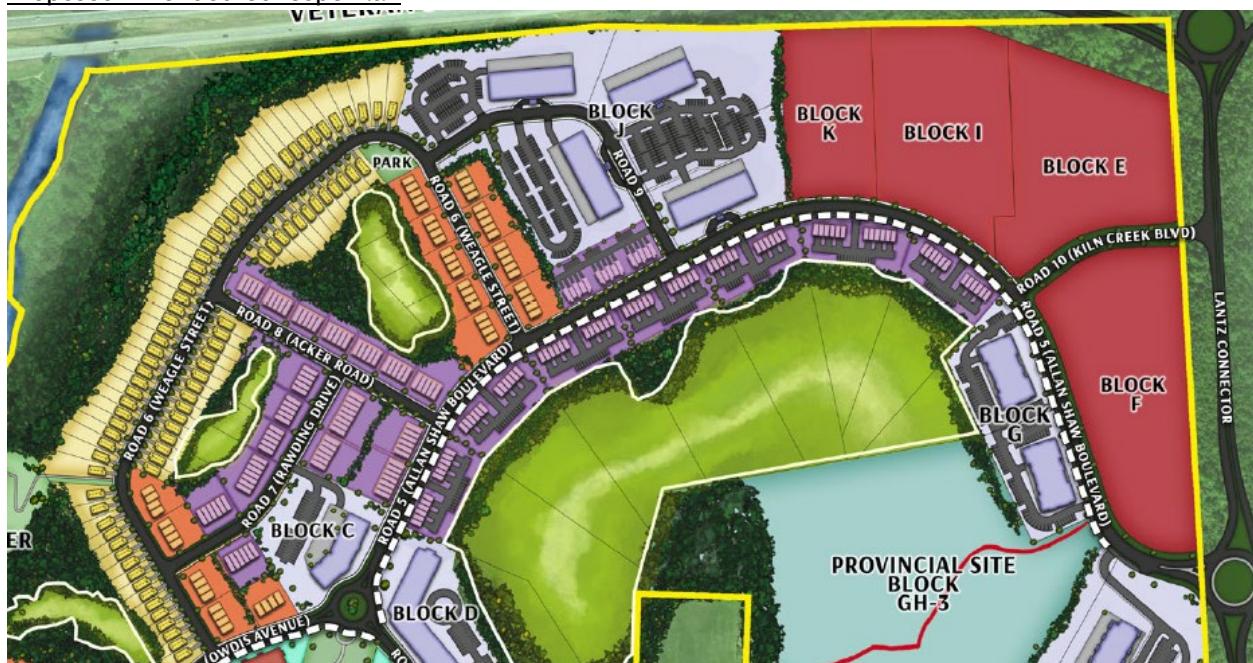
To enable the new apartment buildings some of the commercial land has been removed and some of the lower density housing has been removed. A wetland is also proposed to be altered.

The initial design for the proposed new multi-unit residential area included a driveway. Since the PAC meeting in February 2025, the applicant has amended the design for Block J to now include a municipal street. The applicant has also amended the layout for the proposed Block J by moving the buildings up closer to the municipal street and where possible fronting those buildings onto a street.

Existing Concept Plan



Proposed Amended Concept Plan



The proposed concept includes land for a new pocket park.

The applicant has submitted a wetland alteration request and received approval from the Nova Scotia Department of Environment. These alterations were necessary for the proposed amendments to be developed.

Amendments to Townhouse Requirements

The applicant is requesting a reduction in the minimum lot frontage for on-street and stacked townhouses from 18ft (5.5m) to 16ft. The applicant has indicated that this will enable them to maintain the diversity of price points for first time homebuyers they are requesting that the development of manufactured townhouses which occupy a 16ft wide (4.87m) form. An example image of a 16ft wide townhouse has been provided from a development in Mount Hope, Dartmouth.



Since the PAC meeting in February 2025, the applicant has adjusted the concept plan to remove some of the proposed 16ft frontage townhouse units. The new concept plan includes a mixture of 18ft and 16ft frontage townhouse and an increase in the number of townhouse units.

A clause in the DA regarding parking for the townhouse units has been amended to require front yard driveway lengths be long enough to accommodate vehicles so that they don't overhang past the front property line.

Permitting Sub-Phasing in Subdivisions

The applicant is requesting that sub-phasing of subdivision applications be enabled. This would mean that a phase can be broken into smaller parts if needed. For example, for Phase 3 to be broken into Phase 3A and Phase 3B.

The applicant is also requesting that they be able to submit phases in a non-concurrent order, if needed. The initial main concern from municipal staff was whether this would impact when the open space contributions were provided, as these are linked to specific phases. A clause has been added to the development agreement that requires either the bridge requirements be met before non-concurrent phases be accepted or that an open space contribution be entered into for the bridge.

Increase in Unit Numbers

Included in the application is a request to increase the number of residential units. The original maximum number of units was 1,500 residential units. The applicant is requesting this number increase to a maximum of 1,600 units which would include approximately 470 singles/semis/townhouses and approximately 1,130 multi-unit/garden suites. This count includes the removal of 55 units from the provincial land sale.

Changes to Open Space Contributions

The developer will be contributing additional land for a pocket park. The located of the pocket park will be on Road 6, opposite the proposed new apartment buildings.

The concept plan has also been amended so that the large area of land between the elementary school and the townhouses along Allan Shaw Boulevard is no longer being contributed as open space. This was originally planned to be contributed as there was useable open space land behind Block G but this land has now been purchased by the provincial government. The remaining land is not valuable as parkland. Removing this land from the contributions it means that the department of Parks, Recreation and Culture would not be responsible for future maintenance. This was land which was in excess of open space contributions sought by the municipality. The remaining area of land is identified as wetland so although the land would be located with the boundaries of the townhouse properties, provincial regulations and also the development agreement would mean that this is a non-disturbance area.



Other Considerations

The applicant has submitted a reviewed Traffic Impact Study which was provided to the Nova Scotia Department of Public Works. NS Public Works have confirmed that they do not have any concerns with the addition of 100 residential units.

A request for comments was sent to the Regional Centre for Education but no comments have been received from them.

A request for comments was sent to the Lantz Volunteer Fire Department. A response has not been received from the fire department.

The municipal department of Infrastructure and Operations have no objections to the request to enable variations to the phasing and sub/phasing. They provided a comment regarding the reduction of frontage for the townhouses and the potential to reduce the availability of parking. The development agreement requires 2 parking spaces per unit and the amendments to the development agreement includes further wording which requires driveway lengths to be agreed with the municipal engineer. These requirements are in excess of the requirements included in the Land Use Bylaw.

The applicant has submitted a post development master stormwater plan. This has been updated since the approved development agreement and will replace the plan the original plan in the amended agreement. Each subdivision phase will include a detailed stormwater management plan which will need to meet municipal standards for stormwater at that time.

STRATEGIC ALIGNMENT

One of the Key Strategies from the Strategic Plan is Strong Community. This development agreement amendment application will enable the developer to provide more housing to meet the needs of the growing East Hants and Nova Scotia community.

LEGISLATIVE AUTHORITY

The legislative authority and process for entering into a development agreement and amending that agreement is set out in the Municipal Government Act, Part VIII.

FINANCIAL CONSIDERATIONS

A fiscal impact analysis has been undertaken for the elements relating to the proposed apartment buildings and not the whole WCDD development. The original concept plan showed commercial land and single unit dwellings in the physical area of land that is now proposed as Block J. The fiscal impact analysis has looked at the financial benefit to the municipality from what has been approved and from the proposed Block J. The full details of the analysis have been added as Appendix B to this staff report but has been summarized below.

PAC should note that this is only a potential fiscal benefit based on current potential assessed values and costs of providing services. There are a lot of unknowns when preparing these analyses but it does provide a picture of an increase potential annual financial benefit to the municipality.

Fiscal impact per year	As approved - area of land under Block J	As proposed - Block J
Total Tax Revenue	\$ 1,050,277	\$ 1,459,181
Total Cost of Providing Services	\$ 252,858	\$ 531,012
Financial Benefit to the municipality	\$ 797,419	\$ 928,169

The following relates to potential Fire Rates as approved and as proposed from the development of Block J.

Fiscal impact per year	As approved - area of land under Block J	As proposed - Block J
Fire Rates	\$ 65,480	\$ 138,368

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application.

A letter and questionnaire were mailed to all property owners and residents within 300 m of the subject property. Approximately 250 letters and questionnaires were mailout out and many of these were the new residents of Kiln Creek. Responses were received from 13 properties. These responses have been scanned and provided to Planning Advisory Committee. Comments received include:

- Some of the responses have no concerns with the proposed amendments;
- Questions as to whether the infrastructure of the area can handle the additional dwellings;
- Increased population requires increase in emergency services;
- Comments about the need for more roundabouts;
- Suggestion that additional apartments being affordable;
- Request that existing trails and playground be kept;
- Request to leave a buffer of trees between development and roads;
- Would like to see speed bumps along roads due to increase in traffic;
- Current and future population needs more amenities;
- 16ft townhouses are too small for an area without transit or for families;
- Does not support the storage facility and this should be located in the business park.

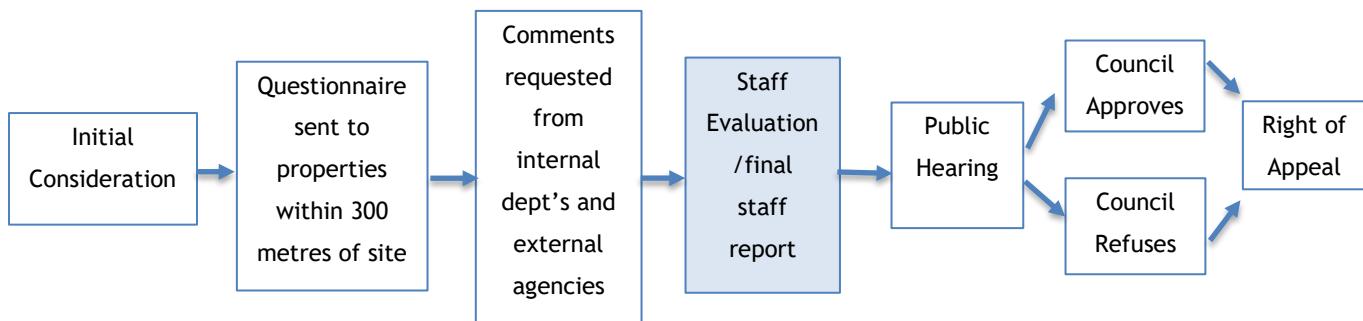
A letter with details of the date and time for the public hearing has been mailed to property owners and residents within 300 metres of subject properties. A notice has also been placed in the Chronicle Herald and on the municipal website.

Conclusion

The concept plan for the Kiln Creek was developed several years ago and to build-out the development for the area will take several years. During that time, it is to be expected that market conditions regarding housing will change. The applicant is attempting to address changes in the market by requesting amendments to the approved development agreement. The amendments will enable more smaller units be built whilst increasing the maximum unit numbers by 6.6% (100 units).

Planning staff are recommending approval of the application.

Any decisions to approve or not the development agreement application is appealable to the Utility and Review Board.



Appendix A:

IM28. Council shall consider the following evaluation criteria for any development agreement application:	
a)	<p><i>The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</i></p>
b)	<p><i>The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</i></p>
c)	<p><i>The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</i></p>
d)	<p><i>Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</i></p>
e)	<p><i>The suitability and availability of other appropriately zoned sites for the proposed use.</i></p>
f)	<p><i>The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if</i></p>

<i>applicable, showing the nature and design of the proposed structure.</i>		
g)	<i>Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</i>	Screening and buffering requirements are already included in the existing development agreement for the commercial land.
h)	<i>Potential for significantly reducing the continuation of agricultural land uses.</i>	Not applicable.
i)	<i>The proposed density and urban form, including height, massing, bulk, stepbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</i>	<p>The amendments to add Block J to the WCDD development will increase the density of that area. The 16ft townhouse units will also increase the density of the applicable townhouse areas. Overall however there is only an increase of 100 units over what is permitted by the existing development agreement.</p> <p>The bulk, massing and height of the apartment buildings in Block J will be compatible with existing approved and/or constructed apartment buildings in Kiln Creek. Both the apartment buildings in Block J and the townhouse units are proposed for areas where there are no dwellings right now. Kiln Creek includes a mixture of housing densities and types and the townhouses and the apartment buildings are considered compatible.</p>
j)	<i>If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</i>	A fiscal impact analysis has been undertaken for the impact of approving Block J. The analysis suggested a financial benefit to the municipality.
k)	<i>The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of the lot to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrogeologist. The requirement for a hydrogeological assessment shall be determined by the Municipality.</i>	Water and Wastewater capacity will be determined at the subdivision stage of development.
IM29. Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:		
a)	<i>The use and size of any new structures or any expansions of existing structures.</i>	New structures include new apartment buildings, 16ft wide townhouse units and a self-storage building.
b)	<i>The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.</i>	Some additional design requirements for both the apartment buildings and the townhouse units are included in the draft amendments to the development agreement. Design requirements regarding height and glazing have been added for the self-storage building.
c)	<i>Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts</i>	Buffering and screening requirements are included in the original development agreement.

<i>that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</i>		
<i>d) Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.</i>		Matters such as in the general provisions and signage section of the land use bylaw where these are not covered by the approved and draft amended development agreement.
<i>e) Time limits for the application for a development permit and the initiation and completion of construction.</i>		Timelines in the existing agreement are not proposed to be amended.
<i>f) The establishment of hours of operation and maintenance of the proposed use.</i>		No hours of operation have been identified in either the existing or proposed draft amended agreement.
<i>g) The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</i>		The draft amendments to the development agreement include further requirements for parking for the 16 ft townhouse units.
<i>h) Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</i>		Signage will be as per the requirements of the LUB and the existing DA.
<i>i) Methods of protection of the land and watercourses and mitigation practices during and after construction of the proposed development.</i>		As per NSE regulations.
<i>j) Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</i>		The Post Development Stormwater Plan will be updated in the amended development agreement. Detailed stormwater plans will need to be submitted with a tentative plan of subdivision.
<i>k) Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</i>		Street trees are required alongside roads.

Policy	Comments
MPS - Criteria for Entering into a Development Agreement for a WCDD	
UD38 Council shall consider entering into a development agreement for a WCDD in satisfaction of the following policies.	
UD39 Council shall not consider Mini-home communities within the WCDD Zone or designation to be compatible with the residential character of those areas.	Mini-homes are not being considered as part of the application.
UD40 Council shall consider entering into a development agreement for an WCDD where the WCDD is consistent with the intent and policies of the Municipal Planning Strategy and no one development within the WCDD shall compromise or overwhelm the walkable, mixed use	The applicant has ensured that the focus of the development is a mixed-use community that has a variety of housing types and encourages walkability through the use of active transportation sidewalks, normal sidewalks, and trails.

residential development focus of the WCDD.		
UD41	<p>Council shall consider entering into a development agreement for a WCDD where the WCDD is not premature or inappropriate in terms of:</p> <p>a) The financial capability of the Municipality to absorb any costs relating to the development.</p> <p>b) The adequacy of any proposed, expanded, or improved Municipally approved central water and wastewater systems to support the WCDD.</p> <p>c) The adequacy of existing and proposed active transportation and automobile distribution networks within and adjacent to the WCDD, including the manner in which proposed roadways within the development are linked with streets of adjacent developments to provide for a cohesive, grid-like network of local and collector streets.</p> <p>d) The adequacy of school, recreation, and community facilities to accommodate development.</p> <p>e) The potential for the development to landlock or reduce subdivision potential of adjacent parcels.</p>	<p>A fiscal impact analysis has been undertaken for the impact of approving Block J. The analysis suggested a financial benefit to the municipality.</p> <p>Capacity of water and wastewater systems will be determined at subdivision approval for each phase of the development. Upgrades to Municipal services may need to be completed as the development progresses. The Municipality does not commit to have upgrades completed as per the Developers time-table. However, the Municipality may enter into an agreement with the developer for them to complete construction of any necessary upgrades.</p> <p>The original development agreement identified new proposed municipal streets and included multi-use trails, sidewalks and trails through parkland. Block J will connect to these roads and sidewalks. The development will connect Highway 2 to the Lantz Connector.</p> <p>The Chignecto Regional Centre for Education has not provided comments regarding this application. The provincial education department is aware of the growth in the East Hants corridor area.</p> <p>Included in the concept plan is land which will be contributed to the municipality as open space. This land is opposite to Block J. The original DA included parkland, a playground, trails and a bridge over the Nine Mile River.</p> <p>The proposed development does not landlock adjacent land and it does not reduce the subdivision potential of adjacent parcels.</p>
UD42	Council shall consider the extent to which the proposed phased development provides for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods.	Efficient pedestrian circulation is one of the requirements of the WCDD zone. The road for Block J will connect to the existing sidewalk and multi-use trail network.
UD43	Council shall consider the extent to which, where applicable, proposed pedestrian routes link up with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.	The road for Block J will connect to the existing sidewalk and multi-use trail network.
UD44	Council shall consider the relative comfort and design of streets and buildings to promote a development conducive to	The streets have been designed to be human-scaled and to promote active transportation. There are a variety of housing

	active transportation by means of human-scaled developments, visual variety and interest for active transportation users.	options and property widths to provide visual variety and interest for active transportation users.
UD45	Council shall require that the development of any Walkable Comprehensive Development District (WCDD) only be considered through development agreements which shall specify:	
a)	The type of land use zoning classification(s) proposed and locations of development(s) within the WCDD site.	The proposed amendments enable more multi-unit residential units and 16ft townhouse units. Details of these are provided on the amended concept plan.
b)	The general phasing of the development relative to the distribution of the specific land uses within all or a portion of the WCDD site.	Some development has already commenced in the Kiln Creek area. The applicant has requested amendments which will enable them to submit applications for subdivision in part phases and also to submit subdivision applications in a non-concurrent order.
c)	The distribution and function of proposed community facilities, amenity space, playgrounds, and public land uses.	The proposed parkland opposite Block J will be contributed in Phase 6. The original development agreement included a park with a playground, trails, multi-use trails, riverside parkland and a bridge over the Nine Mile River.
d)	Architectural controls, site controls, and stormwater controls, and without limiting the generality of the foregoing, the following are examples: controls for external appearance and design of structures; yard and setback variations; berms, buffers, screens, fences, recontouring, and landscaping treatments; maximum lot coverage; and stormwater controls.	Architectural controls are included in the original development agreement. There are some additions to these controls proposed in the amended DA which deal with the townhouse units and also for self-storage buildings.
e)	Matters regarding subdivision of lands within the WCDD including the quality, quantity and placement of proposed open space.	The small area of parkland opposite Block J will be cleared, grubbed and seeded. The municipality will determine at a later date any plans for this land.
f)	For residential, community, and business uses, matters addressing maintenance of the development(s) and hours of operation when appropriate.	Hours of operation for commercial uses have not been identified in either the original DA or through the amendments proposed.
g)	Any other matter relating to the development's impact upon uses within the WCDD, uses adjacent to the WCDD, and uses within the general community, based upon the intent of this strategy.	The proposal adds an additional 100 units which is approximately a 6.6% increase in unit numbers over what has already been approved. The changes proposed to the concept create more variety in housing opportunities. There is limited impact to the existing WCDD and to the general community as the proposed changes in residential types is in areas not yet developed.
h)	Matters identified as: unsubstantial; uses not requiring a development permit, and; the basis for discharging the agreement upon completion of the development or phases of the development.	The draft Development Agreement, under Part 6: Amendments, identifies items to be considered as an unsubstantial amendment, and the DA outlines the basis for discharging the agreement.

Attachments

- Appendix A - Policy Analysis
- Appendix B - Copy of proposed concept plan
- Appendix C - Copy of approved concept plan
- Appendix D - Copy of approved development agreement
- Appendix E - Proposed amended development agreement
- Appendix F - Fiscal Impact Analysis