



Subject: *Convent Lane Townhouses Inc. Application: Substantial Development Agreement Amendment and MPS Policy Amendment*
To: CAO for Planning Advisory Committee, September 17, 2024
Date Prepared: September 11, 2024
Related Motions: None
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Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Convent Lane Townhouses Inc. to substantially amend its existing development agreement. The purpose of the application is to increase the number of dwelling units as part of the existing development from the current 14 townhouse units to 20 townhouse units. The property is located off Convent Road, Enfield, and is identified as PID 45077070. A housekeeping amendment to Section C6: Residential Development of the Municipal Planning Strategy (MPS) is required to permit the substantial development agreement amendment to proceed.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A fiscal impact analysis will be completed for the final staff report.

Recommendation

That Planning Advisory Committee recommends that Council give first reading to MPS housekeeping amendments, initial consideration of the substantial development agreement amendment, and authorize staff to schedule a public hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give first reading to the Municipal Planning Strategy Housekeeping amendment to enable development agreements listed in the LUB to be considered in the Townhouse (R2-T) Designation and Zone;*
- *give initial consideration to a substantial development agreement amendment that permits Convent Lane Townhouses Inc. to increase the number of townhouse units from 14 to 20 dwelling units; and*
- *authorize staff to schedule a public hearing.*

Background

Planning staff received an initial application from Convent Lane Townhouses Inc. in June 2024. The application proposes to substantially amend an existing development agreement to increase the number of permitted dwelling units from 14 to 20 townhouse units. The applicant proposes increasing the number of dwelling units by dividing six, 2-storey dwelling units, located at the rear of the property, into upper and lower units; thereby creating six additional townhouse units.

Under Section 7.3, R2-T: Townhouse Zone of the Land Use Bylaw, there is a list of conditional uses, which may be permitted by development agreement, including townhouse developments larger than zone limits although these conditional development agreement uses were not replicated in the Townhouse (R2-T) policy. Therefore, in order for Council to consider the substantial amendment a new housekeeping policy amendment has to be added to the Municipal Planning Strategy.

The original development agreement was negotiated in 2009, under the 2000 East Hants Official Community Plan land use policies and regulations. The development does not have frontage onto Highway 2. Access to the subject property is through a right-of-way easement over the E.H. Horne School Preservation Society property. Policy P10-13 and P10-14, of the 2000 MPS, permitted development permits to be issued for lots on a right-of-way if the lot was created by deed before December 1, 1960. The subject property was created by deed on November 30th, 1940.

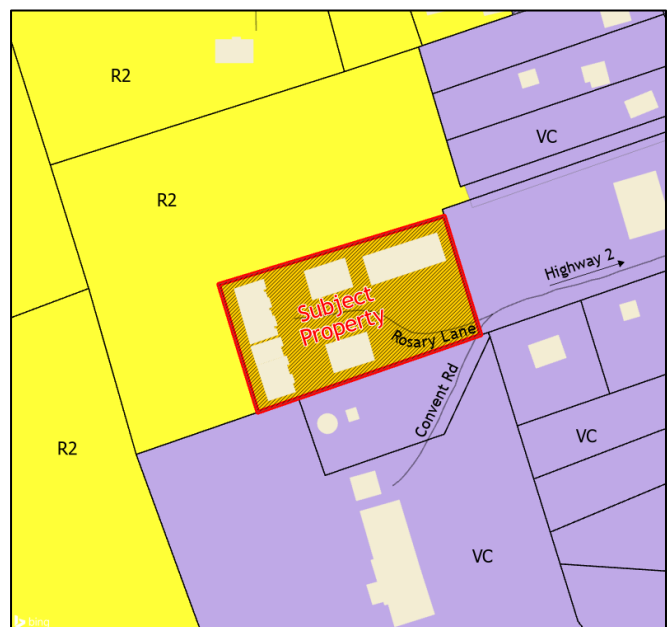
A right-of-way maintenance agreement was required as part of the 2010 development agreement. The maintenance agreement was entered into and registered on the subject lands in 2010. As part of the 2024 proposed development agreement amendment, East Hants is exploring if the existing maintenance agreement can be required to be updated through the development agreement amendment process.

Discussion

SUBJECT PROPERTY

The subject property is shown on the map to the right and is identified as PID 45077070, Convent Road, Enfield. The total area of the subject land is approximately 0.5 ha.

The property is zoned Townhouse (R2-T) Zone. Property to the north and west are zoned Two Unit Residential (R2). Property to the south and east are zoned Village Core (VC). There are a variety of uses adjacent to the subject lands, including a municipal water tower, the E.H. Horne School Preservation Society, and land owned by the Corridor Community Options Society. The townhouse units are located on a named private drive (Rosary Lane), which is accessed over a private right-of-way easement (Convent Road) owned by the E.H. Horne School Preservation Society. Convent Road connects to Highway 2.



DEVELOPMENT PROPOSAL

The purpose of this application is to substantially amend an existing development agreement to permit an increase in the number of dwelling units from 14 to 20 townhouse units. The applicant proposes increasing the number of dwelling units by dividing six, 2-storey dwelling units, located at the rear of the property, into upper and lower units; thereby creating six additional townhouse units.

In order for a development agreement amendment to be considered, a housekeeping amendment to the Municipal Planning Strategy has to be completed simultaneously. A policy is required to be added to the Medium Density Residential Neighbourhood (MR) Designation that permits Council to consider development agreements in the Townhouse (R2-T) Zone. Items that Council will consider by development agreement have already been listed under the Townhouse (R2-T) Zone provisions; however, a policy was mistakenly never developed for the MPS to consider the following uses:

- Townhouse developments larger than zone limits.
- Institutional (IU) Zone uses that do not meet zone requirements.

Below is the housekeeping policy proposed to be added as Policy RD36(B) to the MPS:

RD36(B) Council shall consider the following developments by development agreement in the Townhouse (R2-T) Zone subject to the following criteria:

- a) Townhouse developments larger than zone limits.*
- b) Institutional (IU) Zone uses that do not meet zone requirements.*

A site plan from the existing development agreement has been attached as Appendix A. No new buildings are proposed to be added to the development and the property already contains the minimum required parking stalls for 20 dwelling units (32 parking stalls).

POLICY ANALYSIS

Policy IM12 of the MPS allows Council to consider housekeeping amendments to the Municipal Planning Strategy:

IM12. Council shall consider text amendments to this Strategy when:

- e) Housekeeping amendments are warranted.*

Housekeeping amendments are warranted because development agreement provisions were added to the Townhouse (R2-T) Zone when the planning documents were adopted in 2016; however, development agreements in the R2-T Zone were never enabled by policy. Therefore, because Council's intention was clear on permitting development agreements in the R2-T Zone, the policy amendments are considered housekeeping.

Staff are reviewing the proposed development agreement amendment application based on the applicable policies contained in the Municipal Planning Strategy and the existing development agreements. A detailed table of the evaluative criteria will be included in the final staff report.

CITIZEN ENGAGEMENT

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it had been received



and was under review by staff was placed in the *Chronicle Herald* in July 2024. A Public Information Meeting (PIM) is not required for housekeeping amendments to the Municipal Planning Strategy. Questionnaires will be mailed to residents within 300 m of the subject property. Responses will be provided to Planning Advisory Committee as part of the final staff report.

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies ‘Strong Community’ as one of the four areas of strategic focus. The proposed development provides for a mix of housing types, which helps to support a strong community.

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered and for consideration of a development agreement.

FINANCIAL CONSIDERATIONS

A fiscal impact analysis will be completed for the final staff report.

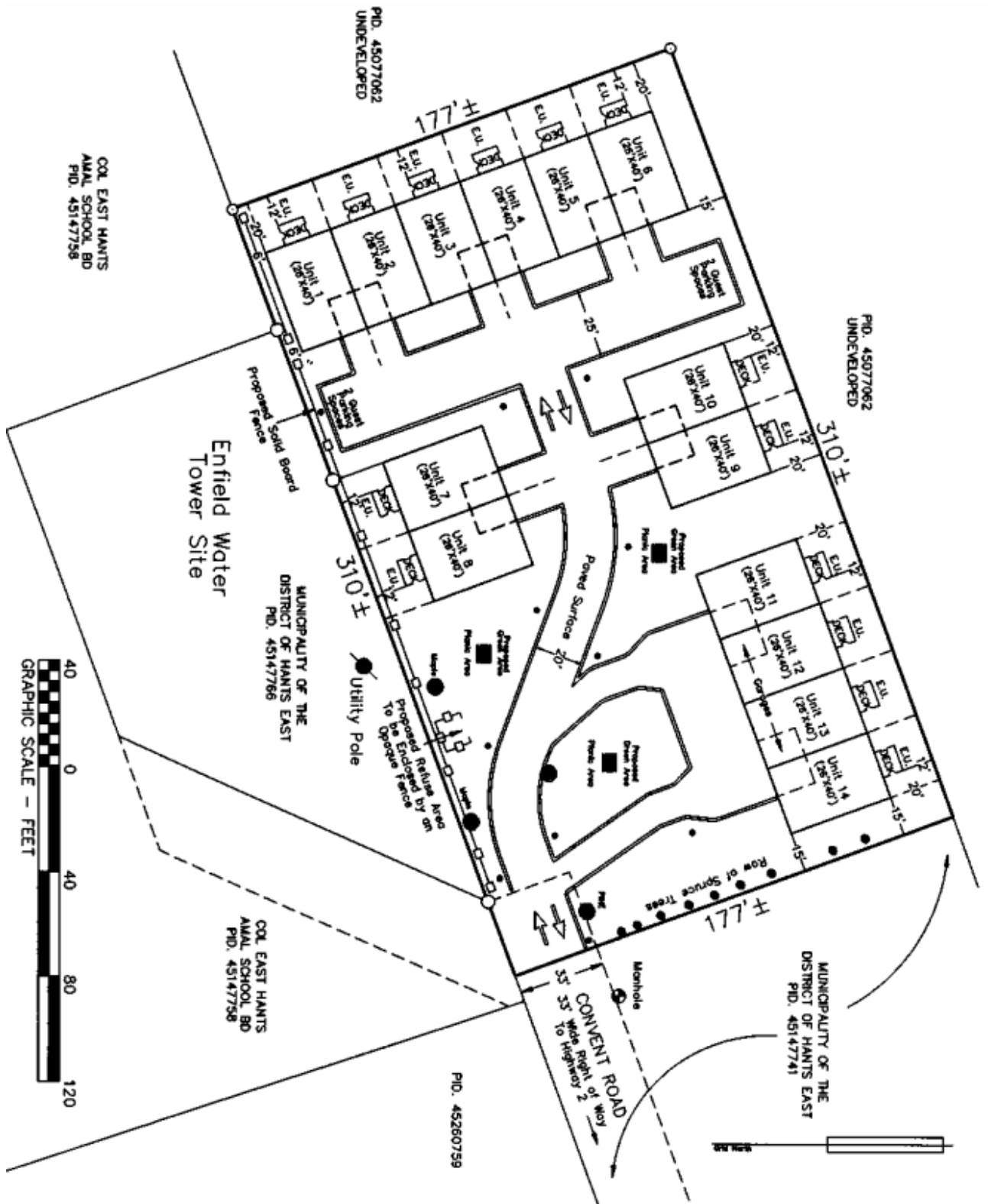
Alternatives

Planning Advisory Committee may choose to recommend refusal of the application.

Attachments

Appendix A - Concept plan from the original development agreement.

Appendix B - Subject property photos.



Appendix B - Subject Property Photos



Subject Property



Two Storey Townhouses



Stairwell Between Buildings



Rear Yard of Two Storey Buildings