



SUMMARY

215-223 Gaspereau Avenue (PID 55274591)

Development Agreement Amendment Application

For Committee of the Whole to consider the PAC recommendation regarding the draft development agreement amendment for Gaspereau Avenue (PID 55274591) to build two additional 2-storey buildings with ten dwelling units each.

PAC Motion (September 9th, 2022):

MOTION:

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT AMENDMENT FOR PID 55274591 AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION.

CARRIED

DRAFT MOTION:

THAT COMMITTEE OF THE WHOLE RECOMMEND THAT DEVELOPMENT AGREEMENT AMENDMENTS FOR 213-223 GASPÉREAU AVENUE (PID 55274591) BE FORWARDED TO A PUBLIC HEARING.

REQUEST FOR DECISION 025-2023 (DA #2022-002)
Development Agreement Amendment Proposal

Gaspereau Avenue PID 55274591

Date: May 2nd, 2023

Department: Planning & Development



1) ACTING CAO COMMENTS

The CAO supports the recommendation of Staff. This will allow this item to proceed to the next phase for a Public Hearing.

2) LEGISLATIVE AUTHORITY

The *Municipal Government Act* and Municipal Planning Strategy establishes the ability to enter into development agreements.

3) STAFF RECOMMENDATION

Staff considers the application consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing.

4) REFERENCES AND ATTACHMENTS

- Attachment 1: Draft Amending Development Agreement
- Attachment 2: Letter from Developer
- Reference: September 8, 2022 PAC Report – found [here](#)

5) DISCUSSION

This application went to Planning Advisory Committee on September 8th, 2022. Since that meeting, the Applicant has made changes to the planning application based on feedback from the PAC, as well as business-based decisions. A letter from the Applicant outlining challenges currently being faced by builders can be viewed in Attachment 2. The application that went to September Planning Advisory Committee included a third building with ground level commercial and 2nd and 3rd storey residential units. This building has been removed from the plans and requirements for a sidewalk to be built at the developers' expense along a section of Gaspereau Avenue have been agreed to as outlined in the Draft Development Agreement Amendment.

The Applicant is now seeking to build an additional 20 dwelling units across two townhouses on the site. Images 1 and 2 show the updated site plan and landscape plan with two proposed buildings (phase 3) located at the rear (east side) of the property. The Planning Advisory Committee has reviewed the application and provided positive recommendations provided the existing landscaping be completed before further development occurs, and that the developer commits to constructing a sidewalk along the Gaspereau Avenue Street front. See referenced PAC Staff report for additional details. Staff have worked with the applicant and sought legal advice to determine the best course of action to ensure the

REQUEST FOR DECISION 025-2023 (DA #2022-002)
Development Agreement Amendment Proposal

Gaspereau Avenue PID 55274591

Date: May 2nd, 2023

Department: Planning & Development



landscaping is completed in a timely manner while not creating a hinderance to development. As a result, the Applicant is required, as stated in the Draft Development Agreement Amendment to complete landscaping as shown in the landscape plan within 1 year of the issuing of occupancy permits for phase 3. Given that the construction of phase 3 will require large trucks traveling in and out of the site which may damage landscaping, it is of Staff and legal opinion to provide the Applicant with 1 year following the issuing of occupancy permits for phase 3 to complete landscaping.

The Applicant has agreed to make certain changes to the landscaping based on Planning Advisory Committee's request. These changes include relocating the garbage shed to the southwest corner of the parking area to reduce unsightliness, paving of the driveway, and finishing the exteriors of all buildings.

In response to concerns for walkability and pedestrian safety, the Applicant has agreed to have the Town construct a sidewalk along Gaspereau Avenue at the Applicant's expense, shown below:



REQUEST FOR DECISION 025-2023 (DA #2022-002)
Development Agreement Amendment Proposal

Gaspereau Avenue PID 55274591
 Date: May 2nd, 2023
 Department: Planning & Development



Image 1. Location of sidewalk to be constructed along a section of Gaspereau Avenue.

A .25 acre piece of land along Gaspereau Ave formerly known as Old Gaspereau Road, will be given to the Applicant as part of the old right-of-way; however, an easement is required on this piece of land to ensure the Town can access underground infrastructure at this site. As such, the Applicant is not permitted to construct buildings along the easement and will be responsible for paving expenses should the Town be required to dig to access underground infrastructure. Neighboring property (225 Gaspereau Avenue) has also been given a piece of land as it is the last remaining piece of the Old Gaspereau Road. Closure of the Old Gaspereau Road is being completed in accordance with the Bylaw to Close Old Gaspereau Avenue Road Right-of-Way.

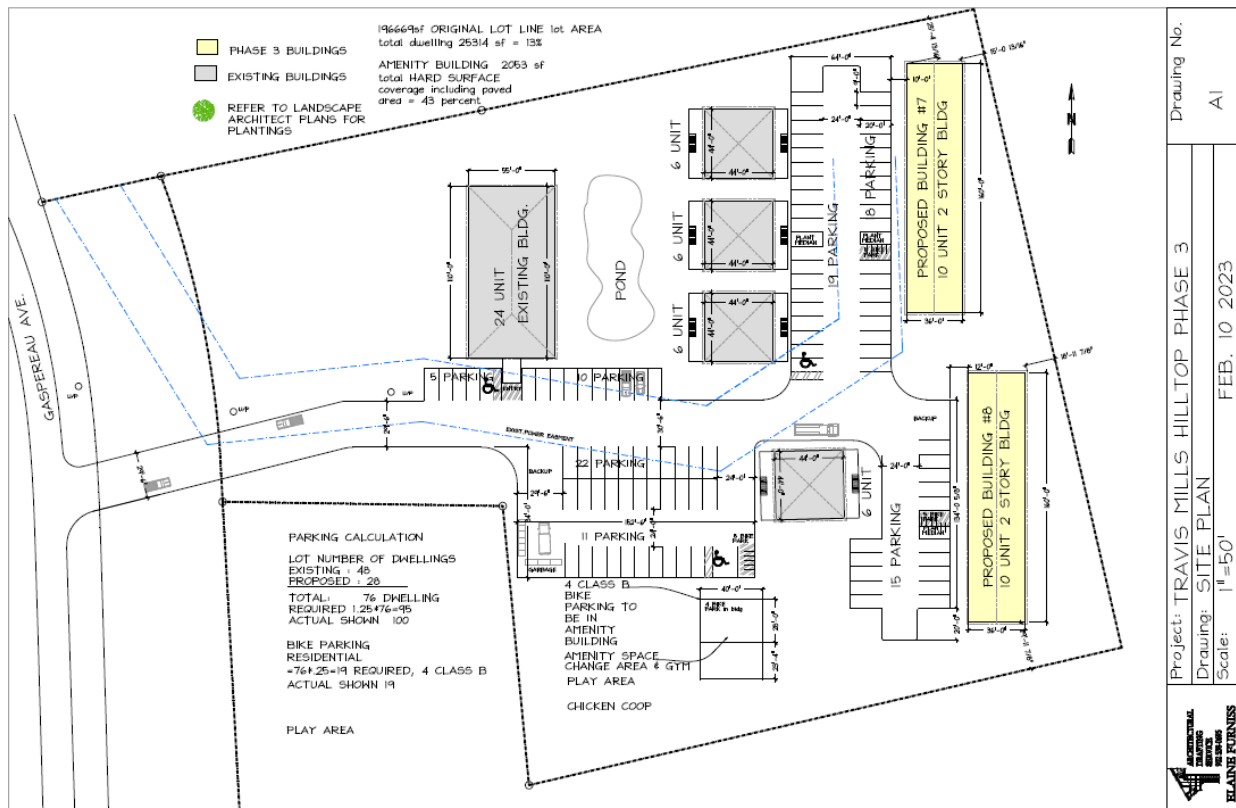


Image 2. Updated site plan with two 10-unit 2-storey buildings.



Image 3. Updated landscape plan.

FINANCIAL IMPLICATIONS

None

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the referenced PAC Staff Report.

7) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

For past communications regarding the application, see referenced Planning Advisory Committee report.

REQUEST FOR DECISION 025-2023 (DA #2022-002)
Development Agreement Amendment Proposal

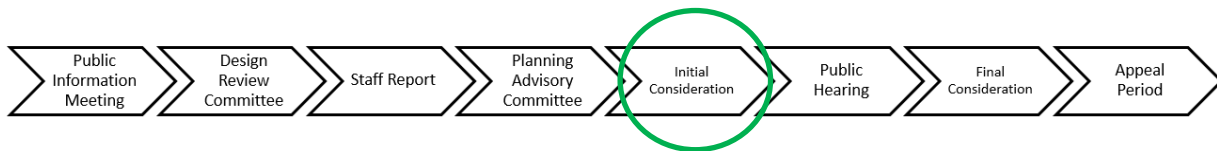
Gaspereau Avenue PID 55274591

Date: May 2nd, 2023

Department: Planning & Development



The next step in the Development Agreement Amendment application process is for the application to go forward to a public hearing, which has tentatively been planned for the evening of the June Council meeting. This step provides the opportunity for Council to hear directly from the public regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town’s website and social media. The existing sign will remain placed on the property indicating the property is subject to a planning application. Following the public hearing, Council will then give consideration to the development agreement amendment.



ALTERNATIVES

1. COTW forwards the application to Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. COTW forwards the application to Council with a recommendation to reject the application.