



MUNICIPALITY *of the*
COUNTY *of* KINGS

Municipality of the County of Kings

Report to the Planning Advisory Committee

Application for a substantive amendment to a development agreement registered on vacant land in the southeast quadrant of the intersection of J Jordan Road and Summer Street, Canning (File 23-12)

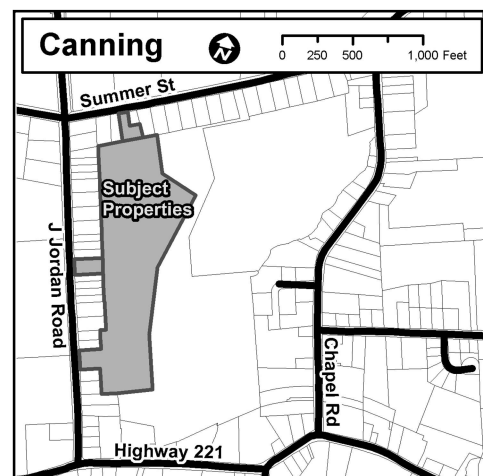
February 13, 2024

Prepared by: Planning Staff

Applicant	Parsons Green Developments
Land Owner	4325323 Nova Scotia Limited
Proposal	Substantive amendments to enable a reallocation of approved residential units in multiple, smaller buildings
Location	Southeast quadrant of J Jordan Road and Summer Street (PIDs 55354385, 55008627 and 55551758) , Canning
Lot Area	22.24 acres
Designation	Residential
Zone	Comprehensive Neighbourhood Development (R5) Zone Residential One and Two Unit (R2)
Surrounding Uses	Low density residential uses, agriculture, institutional and community uses
Neighbour Notification	Staff sent notification letters to 54 property owners within 500 feet of the subject properties.

1. INTRODUCTION

Noel Taiani of Parsons Green Developments has applied to substantively amend the development agreement registered on a vacant parcel of land in the southeast quadrant of J Jordan Road and Summer Street. The applicant is seeking amendments that would enable greater flexibility in allocating the approved residential units within a potentially greater number of multi-unit dwellings having smaller building footprints and/or lower building heights.



2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the development agreement as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement; and
- C. Recommend that Council refuse the development agreement as drafted.

3. STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

The Planning Advisory Committee recommends that Municipal Council give Initial Consideration and hold a Public Hearing regarding amendments to an approved development agreement registered on a vacant parcel in the southeast quadrant of J Jordan Road and Summer Street (PID 55354385, 55008627 and 55551758), Canning, which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated February 13, 2024.

4. BACKGROUND

Parsons Green Developments purchased the subject properties in June 2021 for the purposes of developing a comprehensive development consisting of six multi-unit dwellings, each containing 70 residential units and having a maximum height of 60 feet as well as 22 townhouse units. Municipal Council gave the application Final Consideration on July 26, 2022 and approved the proposed development. Following an appeal at the Nova Scotia Utility and Review Board which was ultimately dismissed, the development agreement was registered on the property on April 11, 2023.

Due to a number of factors including market fluctuations and increasing interest rates, the proponent has requested the ability to build smaller buildings that contain fewer units in an effort to reduce costs to retain the viability of the project, reduce construction times and provide greater affordability to future residents within the development.

5. INFORMATION

5.1 Site Information

The subject properties are located in the southeast quadrant of the intersection of J Jordan Road and Summer Street and have a total lot area of 22.24 acres. The subject properties have three access points: from J Jordan Road and Summer Street. Two accesses are located off J Jordan Road with one access having approximately 110 feet of frontage opposite Glooscap Elementary School and the other having approximately 165 feet of frontage opposite the Village of Canning offices and Fire Department. The access off Summer Street has approximately 66 feet of frontage. A public road is proposed to connect the access off Summer Street to the northerly access off J Jordan Road.

The subject property is generally flat with a somewhat rolling topography that slopes generally downward toward the southeast. There are two watercourses that traverse the subject properties. The first is in the northeast portion of the property and the second bisects the property toward the southern end of the property. Both watercourses are seasonal and intermittent in nature.



Figure 1: aerial photograph of the subject properties and surrounding area.

The surrounding area is made up primarily of low density residential development consisting of one and two unit dwellings fronting on J Jordan Road and Summer Street. On the west side of J Jordan Road, there are many institutional uses including the Canning Village Commission Offices and Fire Department, Northeast Kings Educational Centre, Glooscap Elementary School, Glooscap District Arena and Apple Tree Landing Family Education Centre. There is agricultural activity occurring on abutting properties to the east however, where these lands are located within the Growth Centre, they are subject to residential zoning and are not considered agricultural lands that are required to have protection under the Statement of Provincial Interest. The north side of Summer Street is also under agricultural production however, the lands on the north side of Summer Street to a depth of approximately 225 feet are

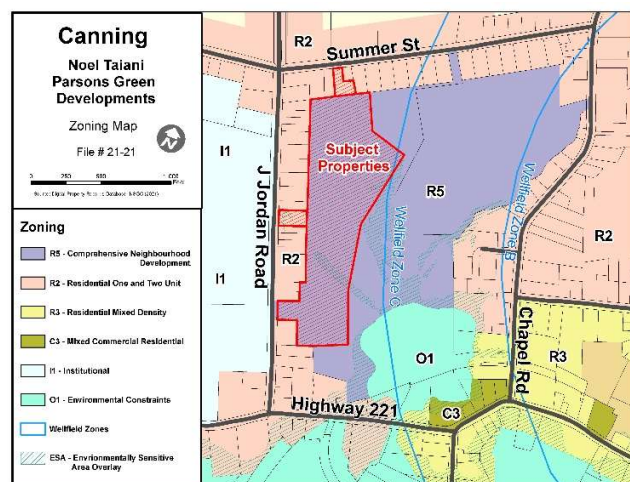


Figure 2: area zoning map

within the Growth Centre boundary and are also within the Residential Designation and have had residential zoning applied, as shown in Figure 2.

6. PROPOSAL

As previously mentioned, the approved development agreement permits a total of six multi-unit dwellings each containing up to 70 residential units as well as 22 townhouse units, resulting in a total of 442 permitted residential units on the subject properties. The subject properties were approved to be developed in two separate phases, but no priority was given to either phase. Phase 1 consists of two multi-unit dwellings to be accessed directly from J Jordan Road by private driveway. Phase 2 consists of 4 additional multi-unit dwellings and the 22 townhouse units. Phase 2 includes the development of a new public road extending from the northern access on J Jordan Road and extending to the access from Summer Street. Most of the approved townhouse units are proposed to be located on the west side of the new public road however, a small pocket of land in the northeast portion of the subject properties was identified for townhouse development.

Due to changing market conditions and a re-assessment of the rental market in Canning, the proponent has requested a substantive amendment to the approved development agreement that would see four of the six approved multi-unit dwellings in the area identified as Phase 2 re-allocate the approved residential units into a larger number of smaller buildings, each containing fewer units. This would also capture the townhouse units that were previously proposed for the east side of the new public road. The revised Phase 2 proposal is meant to be conceptual in nature. This iteration presented a potential development pattern consisted of 5 buildings, having heights between 4 and 5 storeys, smaller building footprints and fewer residential units than initially approved.

The change in the proposal may result in the loss of underground parking for some or all of the buildings, increasing the area of the property devoted to parking and the impermeable surfaces occupying the subject properties. The proponent has requested the option to reduce the required parking and has submitted a letter from a traffic engineer in support of this change. The stormwater management plan has also been revised and the proposed stormwater management ponds are proposed to be increased in volume over and above the additional volume needed to accommodate in the increase in impermeable surfaces.

Site Visit

A Municipal Planner conducted a site visit on the subject property on September 19, 2023. As this is an application for a development agreement amendment and no construction had occurred to date, the proponent was not present for the site visit. The area at the south end of the subject properties has seen much of the vegetation removed and some grading performed. There was evidence of temporary stormwater management infrastructure having been installed to control increases in stormwater flows due to the removal of vegetation.

Public Information Meeting

A Public Information Meeting was held at the Canning Village Office on September 20, 2023. The meeting was well attended with approximately 45 individuals in attendance.

Members of the community asked questions and made comments pertaining to the following topics:

- Whether supporting studies would be redone as a result of the application;
- Concerns related to ongoing stormwater management issues;
- The overall increases in tax revenues that would be generated;
- Questions regarding affordable housing;
- Concerns related to the unit types;
- Overall construction timelines;

Staff have addressed the concerns relevant to this application in the following sections of this report. With particular regard to requests to have the studies conducted as part of the initial application prepared again for this application, Staff have not requested that the proponent have the studies redone with the exception of the stormwater management calculations and plan. Traffic Impact Analyses and servicing studies are prepared on the basis of the number of units and, to a lesser extent, the size of units to estimate the total number of individuals that would use the roads and servicing infrastructure. These reports, during the processing of the initial application, were approved by the authorities having jurisdiction over those matters at the time. In consultation with the engineering department, it was determined that, since the overall unit count is not changing, that the studies do not need to be prepared again. Also, since the composition of the units to be constructed in this revised proposal are intended to consist of a greater number of one bedroom units, it is expected that the overall population of the development will be slightly smaller, thereby reducing the total number of cars as well as water/sewer flows, further reducing the need to have the studies prepared again.

Staff requested that the stormwater management plan be prepared on the basis of the revised site plan associated with this proposal since the elimination of underground parking necessitates additional at grade parking areas, thereby increasing the overall impermeability of the subject properties. As a result, Staff requested the proponent have their engineer prepare revised materials.

The proponent also requested that Staff consider a reduction in the parking requirement for the revised proposal and submitted a letter from a qualified Transportation Engineer in support of the reduced parking rate.

7. POLICY REVIEW – DEVELOPMENT AGREEMENT

7.1 Land Use By-law

This proposal can be considered by development agreement, as enabled in Section 4.7.4(a) of the LUB which states,

“Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Comprehensive Neighbourhood (R5) Zone.

- (a) The development of comprehensive planned neighbourhood developments in accordance with policies 3.1.13 and 3.1.14 of the Municipal Planning Strategy.”

7.2 Municipal Planning Strategy

7.2.1 Enabling Policy and Criteria

The Comprehensive Neighbourhood Development (R5) Zone is generally applied to large properties within the Residential Designation in order to ensure that development is planned in a comprehensive manner that considers the impacts on future development on neighbouring vacant parcels and on existing properties.

The Municipal Planning Strategy contains specific direction related to this type of development contained in policies 3.1.13 and 3.1.14. The subject properties include two parcels within the Residential One and Two Unit (R2) Zone. While the policies within this section apply exclusively to properties within the Residential Comprehensive Development (R5) Zone, policy 3.1.14 addresses proposals that include properties in more than one zone:

Council shall

3.1.14 consider including lands outside the Comprehensive Neighbourhood Development (R5) Zone in a development agreement that applies primarily to lands within the Comprehensive Neighbourhood Development (R5) Zone without an amendment to the Land Use By-law to expand the zone. In considering such an addition Council shall be satisfied that:

(a) the lands abut a Comprehensive Neighbourhood Development (R5) Zone; and

(b) the lands in the Comprehensive Neighbourhood Development (R5) Zone development agreement demonstrably contributes to protecting natural features, improving transportation linkages or facilitating the development of isolated properties;

The two parcels that are located within the Residential One and Two Unit (R2) Zone abut the larger parcel that is zoned Comprehensive Neighbourhood Development (R5) and provide access to this parcel at the southerly end of J Jordan Road and on Summer Street. It is Staff's opinion that, based on policy 3.1.14, they can be included as part of this development agreement application.

Policy 3.1.13 provides the criteria to be used by Council to assess the appropriateness of the proposed development. Several of the policies relate to the revenue and costs associated with development.

Policies 3.1.13 states,

Council shall

3.1.13 consider only by development agreement proposals for comprehensive planned neighbourhood developments within the Comprehensive Neighbourhood Development (R5) Zone. In evaluating such development agreements, Council shall be satisfied that the proposal:

(a) consists of land uses that are consistent with the intent of the Residential Designation, including but not limited to residential uses, community facilities, recreational facilities and commercial uses intended to serve the neighbourhood;

(b) provides a mix of housing options rather than only one building type;

The proposal includes residential uses in the form of multi-unit dwellings and townhouses, providing a mix of housing types consistent with the intent of the Residential Designation.

(c) has an overall minimum density of four (4) units/acre for developments serviced by central sewer and water and similar density for unserviced developments provided the environment can sustainably support the proposed density;

A total of 442 residential units are proposed and the total area of the subject properties is 22.24 acres resulting in a total density of just under 20 units per acre. The subject properties benefit from central services provided by the Municipality and the Village Water Utility. While this level of density has not been seen in Canning thus far, it is not significantly higher than within an as-of-right development within the Residential One and Two Unit (R2) Zone which could result in a density of 32.67 units per acre.

(d) has a neutral or positive long-term impact on municipal finances, as shown by a fiscal impact analysis, or the community or environmental benefits outweigh the costs;

As part of the original review for this application, Staff consulted with the Managers of Revenue, Engineering, Compliance, Public Works and the Director of Engineering to estimate both the revenues and ongoing municipal expenses associated with this proposal. At that time, it was estimated that the combined village and municipal revenues associated with this development at full build-out would be roughly \$770,000 per year while costs associated with water and sewer service along with road maintenance were estimated at \$21,500. While both figures may have changed in the intervening period, Staff are confident that, given the exponential difference in costs vs. revenues, that this proposal will continue to generate far more benefits than costs for the Municipality and the Village.

Similar to criterion (e), above, the previous review of this proposal, on the basis of the financial analysis determined that the new infrastructure would be efficient to service. Given that this proposal would see all of the Phase 2 units (or 272 units) would be located on 430 metres (1,410 feet) of public road. By comparison, typical subdivision development consisting of one or two unit dwellings, this length of road would support the development of between 70 and 210 residential units, if developed to minimum lot standards. With the public infrastructure supporting a greater number of units than would otherwise be expected, this proposal will result in far more efficient infrastructure.

(g) encourages active transportation by providing sufficient sidewalks, pathways and/or trails consistent with the transportation infrastructure policies contained in section 2.3, Infrastructure;

The proposed development provides a walking trail throughout the site, providing connection to J Jordan Road and Summer Street via the proposed new public road which will include a sidewalk along one side. The Village of Canning has been working to develop a sidewalk network with funding being pursued currently for the installation of a sidewalk along Summer Street, in the vicinity of the proposed development. The new sidewalk forming part of the proposed development will contribute to the overall sidewalk network within the Growth Centre of Canning encouraging continuous safe travel throughout the community.

It should be noted that the clustering of development along a shorter public road, as seen in the proposed development, will result in significantly fewer costs to the Village for the ongoing maintenance of the sidewalk.

(h) minimizes environmental impact by protecting sensitive natural features and incorporating low-impact approaches for managing storm water;

The proposed development utilizes low-impact approaches for the management of stormwater. Two retention ponds are proposed near the east property line to manage additional stormwater flows prior to discharge at a rate that does not exceed current flows from the site. All stormwater on site will be directed to the southerly watercourse.

The overall impermeability of the site is expected to increase by approximately 11% as a result of the changes requested in this application, primarily increased use of at grade parking instead of underground parking. In contrast, the volume of the stormwater retention ponds is proposed to be increased by approximately 52%. This results in a net increase of the size of the stormwater management ponds of 37% which will assist in managing stormwater flows associated with extreme weather events. The subject properties continue to benefit from significant areas of vegetation which will continue to assist in managing stormwater management flows naturally, through infiltration into the ground. The Municipal Engineer reviewed revised stormwater management materials and has indicated that the proposed approach is reasonable subject to detailed calculations at the time of permitting.

(i) provides a minimum 100-foot-wide vegetated buffer within Comprehensive Neighbourhood Development (R5) Zones adjacent to the Agricultural (A1) Zone. This buffer area must be entirely contained within the development and may be used for park, recreation and service utility purposes, but must not contain buildings for any other use. The width of the buffer area may be reduced where natural or built features, including but not limited to a ravine, watercourse or road create a buffer with the Agricultural (A1) Zone;

This criteria is not applicable to the proposed development since it does not abut the Agricultural (A1) Zone.

(j) notwithstanding the minimum requirements set out in the Subdivision By-law, provides a minimum of ten (10) per cent open space contribution;

The applicant has agreed to work with the Municipality at the time of subdivision to ensure a 10% contribution in the form of cash-in-lieu, land or a combination thereof to satisfy this requirement. The purpose of this policy is to ensure that there is adequate parkland for residents of the proposed development in the community. The proposed development is in proximity to two schools and the local arena. Based on this consideration and the area context, Staff are satisfied that this criteria has been met through this approach.

(k) utilizes, alternative road, lot, servicing and other infrastructure standards where appropriate;

This criteria is not applicable to this proposal.

(l) provides sufficient vehicle and pedestrian transportation linkages with any adjacent town, village or property through the dedication of land intended for use as a road reserve;

The proposed development provides both vehicular and active transportation linkages to the broader community through the provision of pedestrian walkways and sidewalks within the subject properties. The topography of the site and location of a watercourse and associated ravine along the eastern property line makes connecting adjacent development difficult. The development of other abutting vacant parcels can still occur since these parcels have multiple points of access to public roads.

(m) complements existing and planned development within an adjacent town or village in location, design, and any linkages between town or village and Municipal infrastructure; and

The proposed development will assist in the development of complete communities within Canning by providing housing within built forms that are not currently prominent in the community. The layout and setback requirements ensure compatibility between built forms. There are no other significant development planned for Canning at this time.

(n) meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law;

This will be reviewed in the following section within this report.

7.2.2 Other MPS Policies

With regard to the overarching vision, goals and objectives of the Municipal Planning Strategy, the Vision statement related to the theme of Settlement encourages efficient service and infrastructure delivery as well as a diversity of housing throughout the region. This proposal introduces new forms of housing to the Growth Centre of Canning in a format that is efficient to service from an infrastructure perspective.

With regard to Growth Centres, the objective related to Transportation indicates that the Municipality is seeking to “promote the development of compact, complete communities with accessible active transportation options.” The proposed development adds housing diversity, contributing to a complete community that is able to welcome people of all ages and stages in their lives in a community that boasts a vibrant commercial centre in a walkable format.

With regard to the Residential Designation, the objective related to Settlement indicates that the Residential Designation is intended to, “Accommodate a wide range of housing options, including opportunities for mixed uses and increased densities in areas where urban services are efficient to deliver.” The proposed development is significantly more efficient to service than existing forms of development within the Growth Centre of Canning, contributing to a better overall efficiency across the community. Moreover, the objective encourages increased densities within these areas. Further, the objective related to Healthy Communities indicates that the Residential Designation is intended to, “provide a wide range of housing choices, including affordable housing.” This does increase the types of housing options available to residents within Canning.

7.2.3 General Development Agreement Criteria

Municipal Planning Strategy section 5.3.7 contains the criteria to be used when considering all development agreement proposals. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal’s consistency with the intent of the Municipal Planning Strategy.

It is Staff’s opinion that the proposal meets the general criteria. Staff have reviewed in that it will not result in any direct costs to the Municipality, raises no concerns in terms of traffic or access, is compatible with the surrounding development pattern, is serviced by a private sanitary septic system, is compatible with adjacent uses, and raises no concerns regarding emergency services. Detailed information related to each criterion is provided in Appendix B.

8. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement has been attached as Appendix C to this report. The main content of the proposed development agreement includes:

- Enables the development of up to 442 residential units within multi-unit dwellings and townhouse dwellings;
- Regulates the maximum number of residential units permitted within a multi-unit dwelling and the maximum height;
- Enables the development of amenity buildings;
- Regulates the location and development of a new public road
- Regulates the development of Phase 2 in relation to the development of the public road
- Requires the submission of engineering record drawings related to drainage and other infrastructure
- Regulates the provision and location of parking areas
- Regulates subdivision
- Enables Council to consider neighbourhood commercial uses through a non-substantive amendment

9. CONCLUSION

The proposal and the terms of the draft amending agreement are in keeping with the intent of Council's Municipal Planning Strategy. The proposed amendment to the development agreement continues to permit a development that is efficient to service and provides some flexibility in the overall built form, reducing the impacts of market conditions on the developability of the site. As a result, Staff anticipate much needed housing will be able to be developed faster in a market with little supply. The proposed development introduces housing types that are not very prevalent (apartments and townhouses) in the community thereby increasing the diversity of housing options within the Growth Centre of Canning, which contributes to complete communities where people of all ages and demographics can thrive.

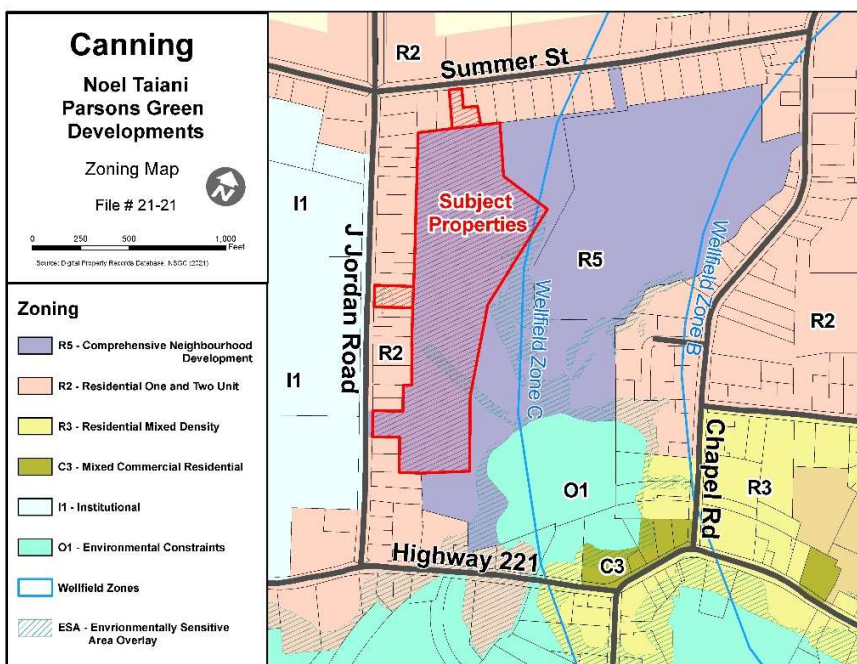
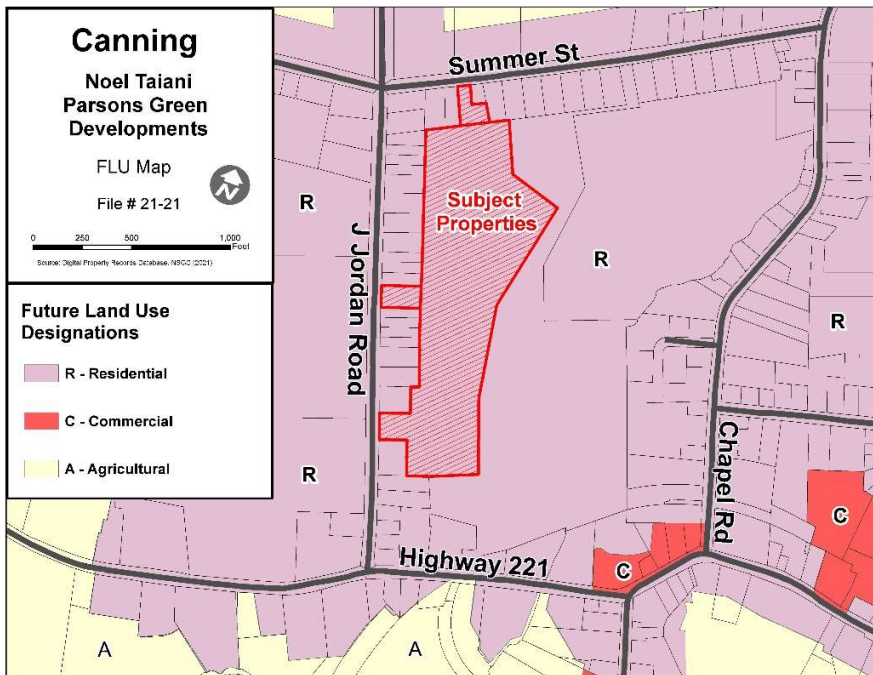
10. APPENDICES

Appendix A: MPS and LUB Maps

Appendix B: General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Appendix C: Draft Development Agreement

APPENDIX A – MPS and LUB Maps



APPENDIX B - General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposal is in keeping with the intent of the MPS as described previously in this report and contributes to the achievement of the overarching vision and objectives for the Municipality. There is no Secondary Planning Strategy in this area.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	A financial analysis has determined that this development will have a net positive impact on Municipal and Village finances.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposal includes building types that are not currently prevalent within Canning however, the proposed layout ensures that potential negative impacts will be minimized and mitigated through the site layout. Staff do not anticipate land use compatibility issues.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The Annapolis Valley Regional Centre for Education indicated that there was capacity at both area schools to accommodate new students and would plan accordingly for any anticipated enrollment increases. The Village Commission Offices and the Glooscap District Arena are nearby on the west side of J Jordan Road, providing recreational and community facilities in addition to the school buildings and yards.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The proponent had a traffic study prepared at the time of the initial application which was approved by the Department of Public Works. Since the number of residential units is not proposed to increase, Staff did not request an updated study.

<p>v. <i>the adequacy of fire protection services and equipment;</i></p>	<p>The Canning Fire Chief indicated their current equipment would not provide external rescue to floors above the second floor. The Kentville Fire Department has been established as an automatic responder to any emergency on the subject properties. The buildings are still required to be sprinklered, providing a measure of protection in addition to local fire departments.</p>
<p>vi. <i>the adequacy of sewer and water services;</i></p>	<p>Staff have identified necessary upgrades in both the water and sewer systems in the community, however, these are necessary in the absence of the proposed development and upgrades are planned in both systems in advance of the construction of Phase 2 of the proposed development.</p> <p>Both water and sewer systems are adequate to service Phase 1 at this time.</p>
<p>vii. <i>the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i></p>	<p>The applicant has prepared a revised drainage plan that includes proposed expansions to the proposed stormwater management ponds that would be able to accommodate 37% more stormwater than would be generated on site. This plan has been deemed acceptable by the Municipal Engineer.</p>
<p>viii. <i>negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>The proposed development is located outside of the Wellfield Protection Overlays in Canning.</p>
<p>ix. <i>pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>Due to several extreme weather events and higher than normal precipitation over the course of the last year, neighbouring properties have experienced some overland flooding and some siltation as a result of site preparation prior to development and the installation of permanent stormwater management infrastructure.</p> <p>The proponent has made several upgrades to mitigative infrastructure and, it appears that the negative impacts have been mitigated. The final, built condition is expected not to generate any additional pollution and the expanded volume of the stormwater management ponds are expected to contain any stormwater flows on the subject properties.</p>
<p>x. <i>negative impacts on lake water quality or nearby wetlands;</i></p>	<p>The proposal is not in proximity to any lakes. A small wetland was identified in the northeast portion of the subject properties. The proposed development will maintain appropriate setbacks from this area. The topography of the site would ensure that</p>

	<p>drainage occurs away from the wetland and, therefore, Staff are satisfied that there will not be any negative impacts on the wetland.</p> <p>There is a man-made pond on the property abutting to the east but, given the proposed stormwater management plan which includes two expanded detention ponds, staff do not anticipate negative impacts associated with the proposed development.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>Staff do not anticipate any negative impacts on neighbouring farm operations as a result of the proposed development.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject properties do not exhibit features that are incompatible with the proposed development. There are no utility rights-of-way through the subject properties.</p>

APPENDIX C – Draft Development Agreement

THIS AMENDING AGREEMENT made between:

4325323 Nova Scotia Limited, of Halifax, Nova Scotia, hereinafter called the "Property Owner",

of the First Part

and

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the parties entered into a Development Agreement registered at the Kings County Land Registration Office as Document 122285555 on April 11, 2023, and affecting land described therein and now known as Property Identification (PID) Numbers PID 55354385, 55551758 and 55008627 (herein after called the "Property"); and

WHEREAS the parties wish to amend the Development Agreement as hereinafter set forth, and

WHEREAS the amendments are identified in the Development Agreement as matters that are substantive matters;

WHEREAS the Property is situated within an area designated Residential on the Future Land Use Map of the Municipal Planning Strategy, and zoned Comprehensive Neighbourhood Development (R5) and Residential One and Two Unit (R2) on the Zoning Map of the Land Use By-law;

WHEREAS policy 3.1.13 and 3.1.14 of the Municipal Planning Strategy and section 4.7.4 of the Land Use By-law provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

1. Schedule B – Phasing Plan is deleted and replaced with Schedule B – Phasing Plan attached to this Amending Agreement and which forms part of this Agreement.
2. Schedule C – Site Plan is deleted and replaced with Schedule C – Site Plan attached to this Amending Agreement and which forms part of this Agreement.
3. Schedule D – Subdivision sketch is deleted.
4. Section 2.1, Permitted Uses and Requirements, is deleted and replaced with the following:
 - (a) Phase 1 as shown on Schedule B – Phasing Plan consisting of two multi-unit dwellings and an amenity building:
 - (i) Buildings shall be located within the area identified as ‘Phase 1 Apartment Development Envelope’ as shown on Schedule C – Site Plan; and
 - (ii) Multi-unit dwellings shall have a maximum of 70 residential units per dwelling and a maximum height of 60 feet or five storeys, whichever is greater;
 - (iii) Phase 1 may be further subdivided in accordance with the requirements of the Subdivision By-law and the zone requirements of the Residential Multi-Unit (R4) Zone; and
 - (iv) The amenity building may be located on a separate lot, subject to the zone requirements for all other permitted uses in the Residential Multi-Unit (R4) Zone except that the building shall be permitted to have a maximum height of two storeys or 25 feet, whichever is greater..
 - (b) Phase 2 as shown on Schedule B – Phasing Plan consisting of a maximum of 302 residential units contained within townhouse dwellings and multi-unit dwellings and an amenity building subject to the following:
 - (i) Townhouse units shall be located in the area identified as “Townhouse Block” on Schedule C – Site plan;
 - (ii) Multi-unit dwellings shall be located in the area identified as “Multi-unit Block” on Schedule C – Site Plan
 - (iii) All dwellings in Phase 2 shall be subject to the requirements of the Residential Multi-unit (R4) Zone, as amended from time to time; and,
 - (iv) Notwithstanding 2.1(b)(iii) above, multi-unit dwellings are permitted to contain a maximum of 70 residential units per dwelling and a maximum height of 60 feet or five storeys, whichever is greater;
 - (v) The amenity building may be located on its own lot, subject to the zone requirements for all other permitted uses in the Residential Multi-Unit (R4) Zone except that the building shall be permitted to have a maximum height of two storeys or 25 feet, whichever is greater.
 - (c) Accessory buildings and uses shall be permitted and shall be subject to the zone requirements of the Residential Multi-unit (R4) Zone. Accessory buildings and uses are not required to be located within a Development Envelope or shown on Schedule B – Site Plan.

5. Section 2.3 Parking is deleted and replaced with the following:
- (a) Parking in Phase 1 shall be provided at a rate of 1.4 spaces per residential unit and shall be required to be located within the same phase, but not necessarily on the same lot, as the associated use provided easements for shared parking are in place;
 - (b) Parking in Phase 2 shall be provided at a rate of 1.25 spaces per residential unit and shall be required to be located within the same phase, but not necessarily the same lot, as the associated use provided easements for shared parking are in place;
 - (c) Parking shall be provided at a rate of 1 parking space per residential unit for townhouse dwellings;
 - (d) Parking areas in Phase 2 associated with multi-unit dwellings shall not be located between the public road and a multi-unit dwelling; and
 - (e) Parking areas associated with multi-unit dwellings shall be subject to section 14.5.1 and 14.5.4 of the Land Use By-law, unless otherwise addressed in this agreement.
6. Section 2.7.1(b) is deleted.
7. Section 3.1 is deleted and replaced with the following:

In addition to any matters in this Agreement which are not specified in Subsection 3.2 below, the following are not substantive matters and may be changed by Council without a public hearing:

- (a) The development of commercial uses consistent with those permitted in the Mixed Residential Commercial (C3) Zone on the ground floor of any multi-unit dwelling or within any amenity building permitted by this Agreement.

THIS AMENDING AGREEMENT is to be read and construed with the Development Agreement and be treated as part thereof, and for such purpose and so far as may be necessary to give effect to this Amending Agreement, the Development Agreement is hereby amended, and the Development Agreement as so amended, together with all the covenants and provisions thereof, which shall remain in full force and effect.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper designing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

MUNICIPALITY OF THE COUNTY OF KINGS

Witness

Peter Muttart, Mayor

Date

Witness

Janny Postema, Municipal Clerk

Date

SIGNED, SEALED AND DELIVERED
In the presence of:

4325323 Nova Scotia Limited

Witness

Noel Taiani, Director

Date

DRAFT

Schedule A – Property Description

PID 55354385

ALL that certain lot, piece or parcel of land situate, lying and being on the East side of J. Jordan Road in the Village of Canning in the County of Kings and Province of Nova Scotia, more particularly bounded and described as follows:

BEGINNING at a survey marker found on the east bound limit of J. Jordan Road marking the northwest corner of Lot 1 as depicted on the Plan of Subdivision filed in the Kings County Registry of Deeds under Plan No. P-10,460, as hereinafter referred to;

THENCE North 18 degrees 36 minutes 56 seconds West a distance of 149.61 feet following the east bound limit of J. Jordan Road to a survey marker found;

THENCE continuing along a curvature in the east bound of J. Jordan Road an arc distance of 203.76 feet to a survey marker found, being a chord distance of 203.76 feet on chord bearing North 18 degrees 59 minutes 11 seconds West from the last mentioned survey marker;

THENCE continuing along the east bound limit of J. Jordan Road North 19 degrees 22 minutes 11 seconds West a distance of 246.54 feet to a survey marker found at the southwest corner of Lot M-2;

THENCE North 71 degrees 18 minutes 02 seconds East a distance of 199.19 feet following the south bound of Lot M-2 to a survey marker found at the southeast corner of Lot M-2;

THENCE North 19 degrees 01 minutes 22 seconds West a distance of 100.57 feet following the east bound of Lot M-2 to a survey marker found at the southeast corner of Lot M-1;

THENCE North 19 degrees 03 minutes 17 seconds West a distance of 100.22 feet following the east bound of Lot M-1 to a survey marker found at the southeast corner of Lot 26;

THENCE North 18 degrees 28 minutes 15 seconds West a distance of 100.03 feet following the east bound of Lot 26 to a survey marker found at the southeast corner of Lot 25;

THENCE North 18 degrees 19 minutes 29 seconds West a distance of 99.99 feet following the east bound of Lot 25 to a survey marker found at the northeast corner of Lot 25;

THENCE South 71 degrees 06 minutes 02 seconds West a distance of 202.09 feet following the north bound of Lot 25 to a survey marker found on the aforesaid east bound limit of J. Jordan Road and marking the northwest corner of Lot 25;

THENCE North 18 degrees 30 minutes 52 seconds West a distance of 178.10 feet following the east bound limit of J. Jordan Road to a survey marker found at the southwest corner of Lot 23B;

THENCE North 71 degrees 51 minutes 37 seconds East a distance of 202.43 feet following the south bound of Lot 23B to a survey marker found at the southeast corner of Lot 23B;

THENCE North 18 degrees 21 minutes 51 seconds West a total distance of 730.29 feet following the east bounds of Lots 23B, 23A, 22, 21, 20, 19, 18, and 17 to a survey marker found at the southeast corner of Lot 16, lands of George and Cheryl Melvin;

THENCE North 63 degrees 08 minutes 35 seconds East a distance of 97.78 feet following the south bound of Lot 14 (lands of George and Nancy Redden) to a survey marker found at the southeast corner of Lot 14;

THENCE North 63 degrees 11 minutes 39 seconds East a distance of 82.00 feet following the south bound of Lot T.H.-1 to a survey marker found at the southeast corner of Lot T.H.-1;

THENCE North 63 degrees 11 minutes 39 seconds East a distance of 66.05 feet following the south bound of Lot T.H.-2 to a survey marker found at the southeast corner of Lot T.H.-2;

THENCE North 63 degrees 11 minutes 39 seconds East a distance of 82.82 feet following the south bound of Lot T.H.-3 to a survey marker found at the southeast corner of Lot T.H.-3;

THENCE North 63 degrees 10 minutes 54 seconds East a distance of 100.03 feet following the south bound of Lot 12 (lands of Paul Graves) to a survey marker found at the southeast corner of Lot 12 also marking the southwest corner of Lot 11;

THENCE South 23 degrees 52 minutes 10 seconds East a distance of 277.13 feet following the west bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 73 degrees 05 minutes 56 seconds East a distance of 284.38 feet following the southwest bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 12 degrees 02 minutes 23 seconds West a distance of 580.78 feet following the west bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 09 degrees 04 minutes 34 seconds East a distance of 482.26 feet following the west bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 19 degrees 47 minutes 50 seconds East a distance of 387.73 feet following the west bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 67 degrees 38 minutes 10 seconds West a distance of 253.78 feet following the north bound of lands retained by Clifford and Cynthia Meek to a survey marker placed;

THENCE South 22 degrees 50 minutes 12 seconds East a distance of 162.05 feet following the west bound of lands retained by Clifford and Cynthia Meek to a survey marker found;

THENCE South 71 degrees 56 minutes 02 seconds West a distance of 70.11 feet following the north bound of lands formerly of Central Guaranty Trust Company to a survey marker found;

THENCE continuing South 71 degrees 56 minutes 02 seconds West a distance of 26.31 feet following the north bound of lands formerly of Central Guaranty Trust Company to a survey marker found;

THENCE South 75 degrees 49 minutes 58 seconds West a distance of 173.65 feet following the north bound of lands formerly of Central Guaranty Trust Company, and the north bound of Lot 1, to the place of beginning.

CONTAINING an area of 21.24 acres (925,150 square feet).

BEING AND INTENDED TO BE Lot C.L.M.-2 as depicted on a Plan of Subdivision and Consolidation of lands of Clifford L. Meek and Cynthia A. Meek prepared by Hiltz & Seamone Company Limited Drawing No. 96-

90 dated September 13, 1996, signed by D. A. Seamone, N.S.L.S. No. 265, and consolidating Lot C.L.M.-1 with remaining portion of Parcel R-1 to form approved consolidated Lot C.L.M.-2, and Remainder Lands of Meek, and bearing the final approval stamp of the Development Officer for the Municipality of the County of Kings dated September 25, 1996, under Municipal Registration Number 960207, and the said approved Plan of Subdivision having been filed in the Kings County Registry of Deeds under Plan No. P-10,460.

EXCEPTIONS:

EXCEPTING THEREOUT AND THEREFROM the following lots:

Lot 26 conveyed in Book 1092 at Page 740 - Plan P-10,576 - Filed: January 21, 1997
Lot 22 conveyed in Book 1095 at Page 739 - Plan P-10,576 - Filed: January 21, 1997
Lot 27 conveyed in Book 1097 at Page 130 - Plan P-10,576 - Filed: January 21, 1997
Lot 25 conveyed in Book 1099 at Page 72 - Plan P-10,598 - Filed: February 21, 1997
Lot 23 conveyed in Book 1099 at Page 205 - Plan P-10,576 - Filed: January 21, 1997
Lot 57 conveyed in Book 1099 at Page 244 - Plan P-10,598 - Filed: February 21, 1997
Lot 28 conveyed in Book 1130 at Page 737 - Plan P-10,598 - Filed: February 21, 1997
Lot 58 conveyed in Book 1238 at Page 753 - Plan P-11,341 - Filed: July 12, 1999

BENEFIT:

TOGETHER WITH a utility easement for purposes of the installation, maintenance and repair of water and/or sewer utility lines running in a general north south direction leading from the north bound of Borden Street (Highway 221) along and beneath the existing farm driveway leading past the east side of the barn complex on the remaining lands of Meek, the centre line of which is approximately 20 feet more or less from the east side of the farm complex buildings, and continuing northerly beneath the farm driveway to the south bound of the above noted Lot C.L.M.-2 (being the boundary thereof having a distance of 253.78 feet on bearing South 67 degrees 38 minutes 10 seconds West from east to west), said easement or right-of-way for purposes of the laying, construction, maintenance and repair of water and/or sewer utility lines leading northerly from the Village of Canning municipal sewer and water services along Borden Street (Highway 221), and in favour of the above noted described Lot C.L.M.-2, with the right at all times for the Grantee, Traditional Home Centres Incorporated, its successors, assigns, workers, servants and agents, to enter upon the said remaining lands of Clifford and Cynthia Meek lying between the south bound of Lot C.L.M.-2 and the north bound limit of Borden Street (Highway 221), provided however that any and all excavation work carried out on the said remaining lands of Meek shall be conducted in a proper, prompt and responsible manner, and all excavation work shall be covered over and the surface of the ground returned as close as reasonably possible to its original state upon any excavation work being carried out for the laying or construction of said line or lines and the repair and maintenance thereof. This grant of easement or right-of-way is not intended for normal pedestrian or vehicular access or ingress or egress to and from Lot C.L.M.-2 from Borden Street (Highway 221), and is only intended to grant vehicular traffic necessary to construct or maintain sewer or water lines. The Grantee, Traditional Home Centres Incorporated and its successors and assigns shall be solely responsible for all costs of construction and laying of any water or sewer lines pursuant to the terms of this easement, and any and all maintenance and repair costs associated therewith.

PID 55008627

ALL that certain lot, piece or parcel of land situate, lying and being at Canning, Kings County, Nova Scotia more particularly bounded and described as follows:

COMMENCING at a survey marker found in the northeast corner of Lot T.H.-1 and the southern

boundary of Summer Street;

THENCE North 63 degrees 13 minutes 03 seconds East, 66.05 feet to a survey marker found marking the northwest corner of Lot T.H.-3;

THENCE South 24 degrees 30 minutes 46 seconds East along the western boundary of Lot T.H.-3, 100.00 feet to a survey marker placed marking the southwest corner of Lot T.H.-3;

THENCE North 63 degrees 08 minutes 34 seconds East along the southern boundary of Lot T.H.-3, 72.97 feet to a survey marker placed on the western boundary of Lot 12;

THENCE South 30 degrees 09 minutes 33 seconds East, 100.12 feet to a survey marker found on the northern boundary of Lot C.L.M.-2;

THENCE South 63 degrees 11 minutes 39 seconds West along the northern boundary of Lot C.L.M.-2, 148.87 feet to a survey marker found marking the southeast corner of Lot T.H.-1;

THENCE North 24 degrees 30 minutes 47 seconds West along the eastern boundary of Lot T.H.-1, 199.99 feet to the point of commencement.

BEING AND INTENDED TO BE Lot T.H.-2 as shown on a plan of survey prepared by Hiltz & Seamone Co., Ltd., dated November 18, 1996 under drawing number 96-109. The said plan having received final approval by the Municipality of the County of Kings on December 6, 1996 under no. 960254 and is filed at the Kings County Registry of Deeds at Kentville, Nova Scotia as P-10535.

PID 55551758

Registration County: KINGS COUNTY

Street/Place Name: J JORDAN ROAD /CANNING

Title of Plan: PLAN OF S/D PLAN OF SURVEY OF BLOCK A1 BEING A S/D OF LOT CLM-2 & LOT 58 AS AN ADDITION TO THE REMAINDER OF LOT CLM-2 TO FORM BLOCK A2 LANDS OF 4325323 NOVA SCOTIA LTD J JORDAN RD CANNING

Designation of Parcel on Plan: BLOCK A1

Registration Number of Plan: 123026503

Registration Date of Plan: 2023-09-07 12:12:59

*** Municipal Government Act, Part IX Compliance ***

Compliance:

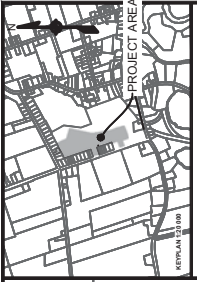
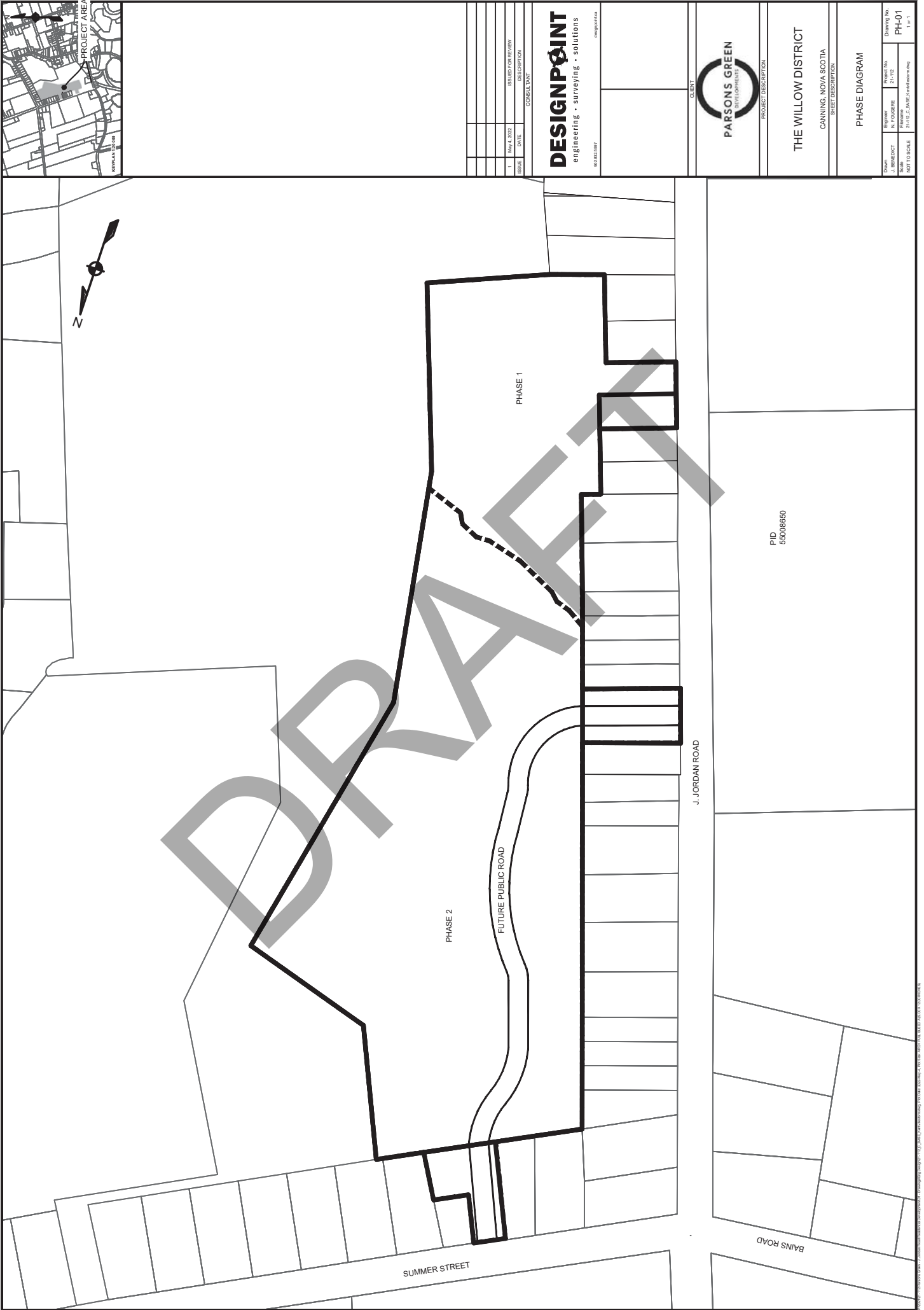
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 2023

Plan or Document Number: 123026503

Schedule B - Phasing Plan



NO.	DATE	DESCRIPTION	COMPLETANT
1	MAY 1, 2023	ISSUED FOR REVIEW	

DESIGNPOINT
 engineering • surveying • solutions
 902.583.9397
 designpoint.ca

CLIENT

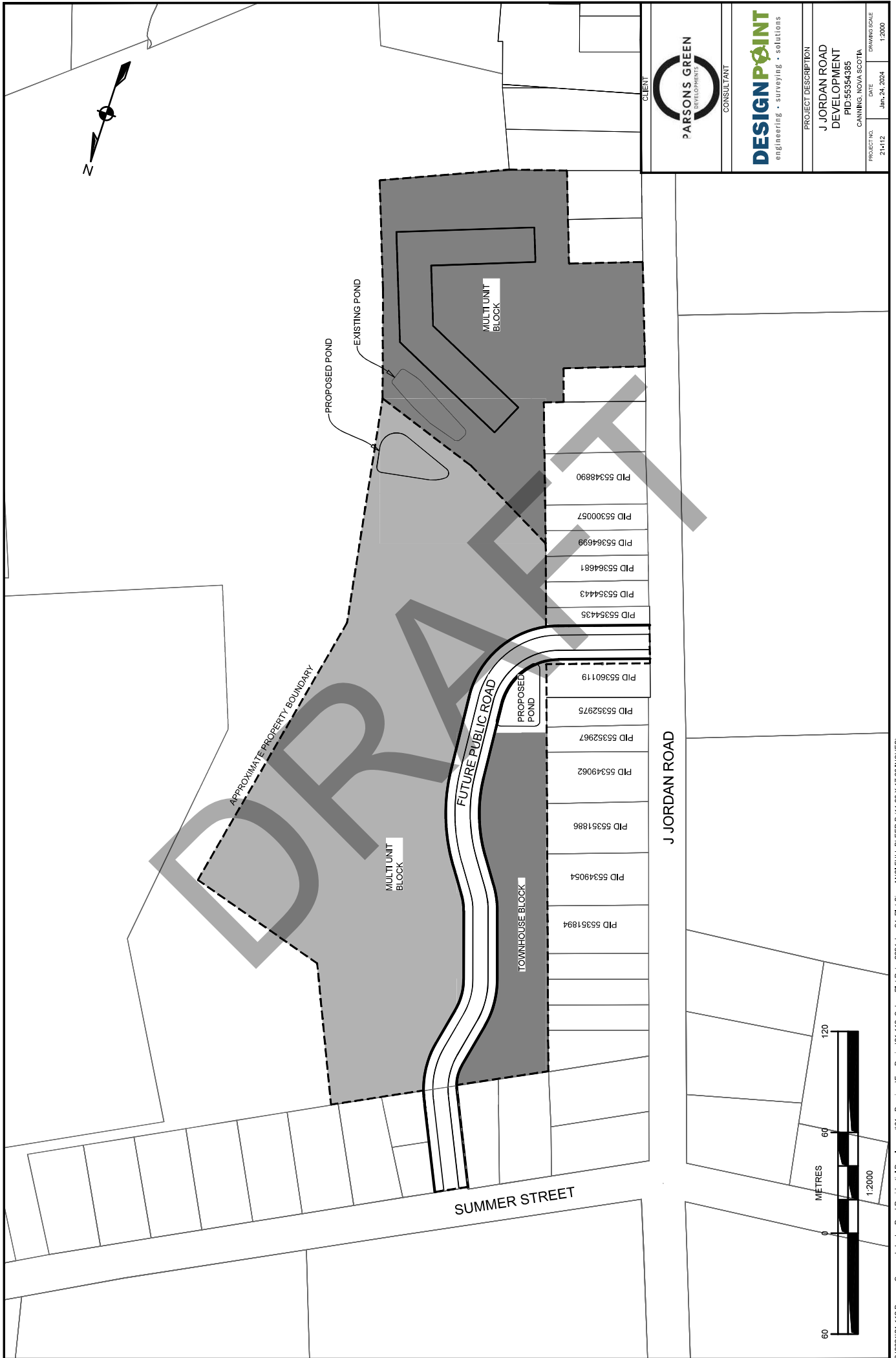


PROJECT DESCRIPTION
THE WILLOW DISTRICT
 CANNING, NOVA SCOTIA
 SHEET DESCRIPTION

PHASE DIAGRAM

Drawn J. BENAJECT	Engineer N. F. COUGRE	Project No. 21-112	Drawing No. PH-01
Scale NOT TO SCALE	Reference 21-112-C-001E, 002E, 003E, 004E, 005E, 006E, 007E, 008E, 009E, 010E, 011E, 012E, 013E, 014E, 015E, 016E, 017E, 018E, 019E, 020E, 021E, 022E, 023E, 024E, 025E, 026E, 027E, 028E, 029E, 030E, 031E, 032E, 033E, 034E, 035E, 036E, 037E, 038E, 039E, 040E, 041E, 042E, 043E, 044E, 045E, 046E, 047E, 048E, 049E, 050E, 051E, 052E, 053E, 054E, 055E, 056E, 057E, 058E, 059E, 060E, 061E, 062E, 063E, 064E, 065E, 066E, 067E, 068E, 069E, 070E, 071E, 072E, 073E, 074E, 075E, 076E, 077E, 078E, 079E, 080E, 081E, 082E, 083E, 084E, 085E, 086E, 087E, 088E, 089E, 090E, 091E, 092E, 093E, 094E, 095E, 096E, 097E, 098E, 099E, 100E	1 of 1	

Schedule C - Site Plan



CLIENT

PARSONS GREEN DEVELOPMENTS

CONSULTANT

DESIGNPOINT
engineering • surveying • solutions

PROJECT DESCRIPTION
J JORDAN ROAD DEVELOPMENT
PID: 55354385

PROJECT NO. 21-112
DATE Jan. 24, 2024
DRAWING SCALE 1:2000