

## Development Agreement Application - VIDA Living

Staff Report TOK202504

Meeting Date: January 13, 2025  
Department: Planning and Development  
Strategic Priority: Housing and Planning

### RECOMMENDATION

**THAT** the Council Advisory Committee direct the Chief Administrative Officer to schedule a Public Participation Meeting and draft a development agreement for the proposed development.

### SUMMARY

The purpose of this report is to present a Development Agreement application for a 56-unit residential development (~25 units in Town) located at Hartlen Court/Oakdene Avenue (PIDs 55034300 and 55341473) for the Council Advisory Committee’s review and consideration.

### BACKGROUND

An application was received on December 12, 2024 from Elizabeth Barry of Locale Real Estate Inc. on behalf of the owners, VIDA Living 2.0 Inc. for a development agreement to facilitate the Kentville portion of a 56-unit low/medium density residential development. The proposed development straddles the municipal boundary with the Municipality of the County of Kings. To facilitate access to the units, a private driveway will connect Hartlen Court and Oakdene Avenue.

Section 230 of the Municipal Government Act provides the legislative authority for Council to consider the adoption or amendment of development agreement by policy. Policy GD-5 of the Town’s Municipal Planning Strategy (MPS) provides the general direction for Council to consider development agreements with Policies IM-10 and IM-11 providing additional detail on requirements and criteria respectively.

### DISCUSSION

The subject lots are designated Residential on the Future Land Use Map of the MPS (Figure 1). The subject lots are zoned High Density Residential (R4) on the Town of Kentville Land Use Bylaw Zoning Map (Figure 2). The subject properties are

approximately 81,000 sf (1.86 acres) (PID 55341473, entirely within Town) and approximately 57,500 sf (1.32 acres) (PID 55034300, southern ~25% in Town), for a total of 137,500 sf (3.18 acres) located on Hartlen Court. The subject properties are undeveloped.

## Surrounding Context

Surrounding properties on the west and south side of the subject lots are designated Residential and zoned Residential Two-Unit (R2). On the east side of Hartlen Court, the properties are zoned High Density Residential (R4). To the west are single-unit detached dwellings, to the south a church, and to the east, a cluster of 3-storey multi-unit apartment buildings.

## Land Use Bylaw

Section 5.5.2(c) states that:

*Council shall consider entering into a Development Agreement for the following uses, in compliance with the Municipal Government Act and Policies IM-10 and IM-11:*

- i. Multi-unit dwelling community constructed on multiple adjoining lots or single lots within the High Density (R4) Zone at the developer's discretion.*

A “multi-unit dwelling community” is not defined in our planning documents. A potential definition which could be included in the development agreement is as follows:

*A **multi-unit dwelling community** is a development consisting of two or more residential units on a single parcel of land, designed to accommodate multiple households. These units may be arranged in various configurations, such as apartments, townhouses, rowhouses, or similar building types, and may include shared amenities such as parking, green spaces, recreational facilities, or other common areas.*

Where this policy is likely to be used again in the future, we would propose that this type of community is characterized by the following factors:

1. Multiple Residential Units: A combination of attached, semi-attached, or stacked housing units.
2. Ownership and Tenure: Units may be individually owned, rented, or a combination thereof, depending on the structure of the development (e.g., condominium or rental complex).

3. Common Areas: Shared spaces such as hallways, entrances, parking lots, or landscaped areas that are maintained by a designated authority (e.g., homeowner's association, property management).
4. Integrated Design: The community is planned and developed as a cohesive entity to ensure compatibility with surrounding land uses, adequate infrastructure, and access to services.

This added clarity can be brought into the Land Use Bylaw as part of a future housekeeping amendment. By including a definition in the proposed development agreement, we would at least have some precedent for any similar applications in the near future.

## **Development Agreement**

A development agreement is a binding legal agreement entered into between the Town and a property owner that are able to address very specific details regarding the design and use of a proposed development. Development agreements are a very useful planning tool since they allow Council to consider the unique opportunities and constraints facing each development proposal on a case-by-case basis.

The ability for Council to consider a development agreement must be stated in the Land Use Bylaw and the Municipal Planning Strategy must identify the kinds of uses that Council may consider in each area. Uses which Council may consider are those which Council has determined may have significant impact on the area and that a negotiated process is required to ensure any potential impacts are minimized. A proposal being considered must be measured against only the specific and general criteria for the proposal in the MPS and not any other criteria.

## **Municipal Planning Strategy Review**

Policy GD-5(d) of the MPS is the primary enabling policy to be considered for this application. This policy provides Council with the ability to consider the development of a 'multi-unit dwelling community', constructed on multiple adjoining lots or single lots, within the High Density (R4) Zone by development agreement at the developer's discretion.

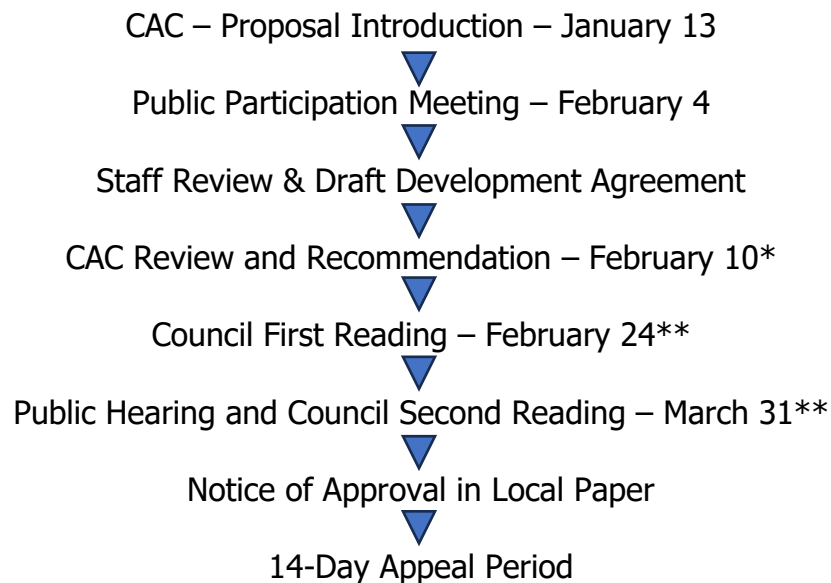
Policy IM-11 of the MPS establishes the general criteria which must be considered for all development agreement applications. A full list of criteria is included in this report in Attachment A with respective areas of review provided. A full review of criteria will be completed upon completion of the Public Participation Meeting.

Policy IM-12 of the MPS provides Council with the ability to require additional information if they consider it pertinent to the development process. These items have been listed in Attachment A for further consideration.

## Next Steps

Where a development agreement has not been registered in the Town of Kentville since 2018, we are proposing the following schedule (in-keeping with the requirements of the MGA) to help guide this application:

### Process



\*soonest anticipated date, upon DA review by both parties

\*\*anticipated dates; final dates set by Council

## Financial Implications

There are no financial implications for the Town or residents regarding the filing of this report.

Respectfully submitted,

Darren Shupe, Director of Planning and Development

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## Attachments:

Figure 1:	Future Land Use Map Extract
Figure 2:	Zoning Map Extract
Attachment A:	Development Agreement Criteria Review
Attachment B:	Proposed Site Plan & Planning Rationale

Figure 1: Future Land Use Map Extract

## Generalized Future Land Use Map PID 55341473 and Portion of PID 55034300, Kentville



This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

Map by: Ben Croll, 2025

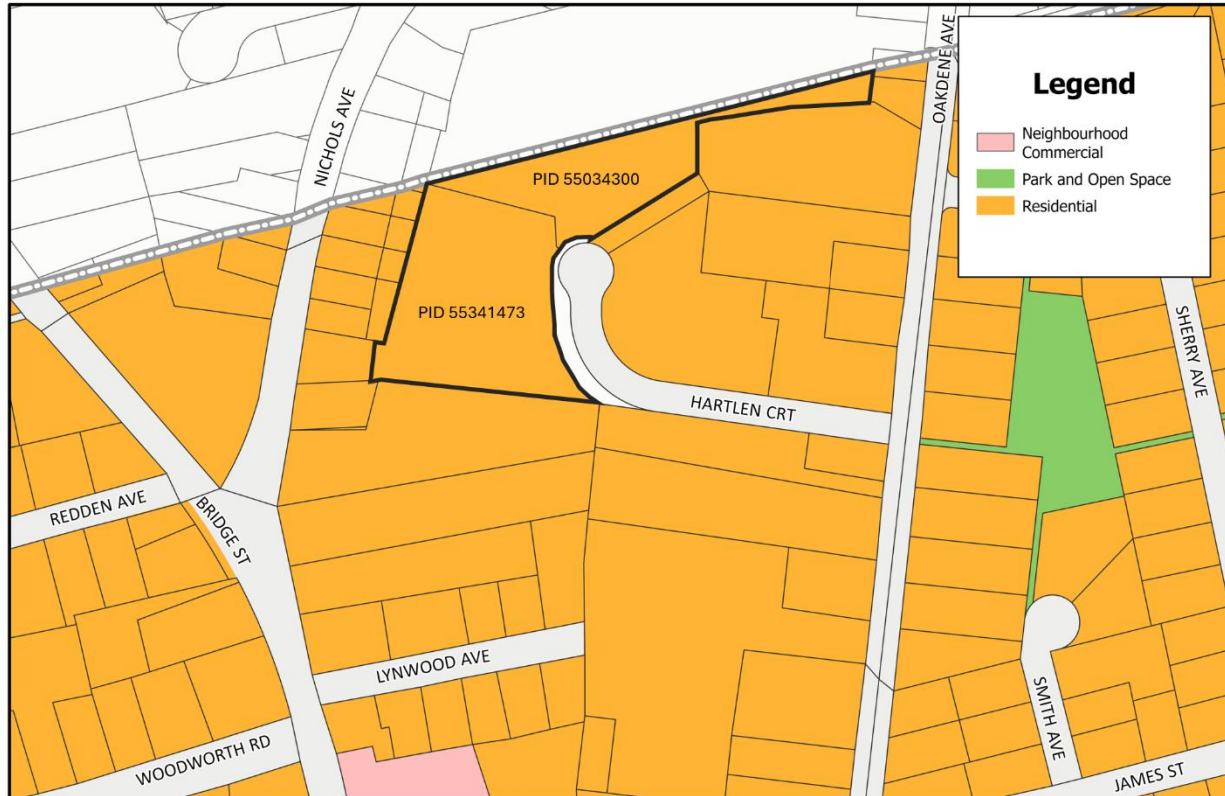


Figure 2: Zoning Map Extract

## Zoning Map

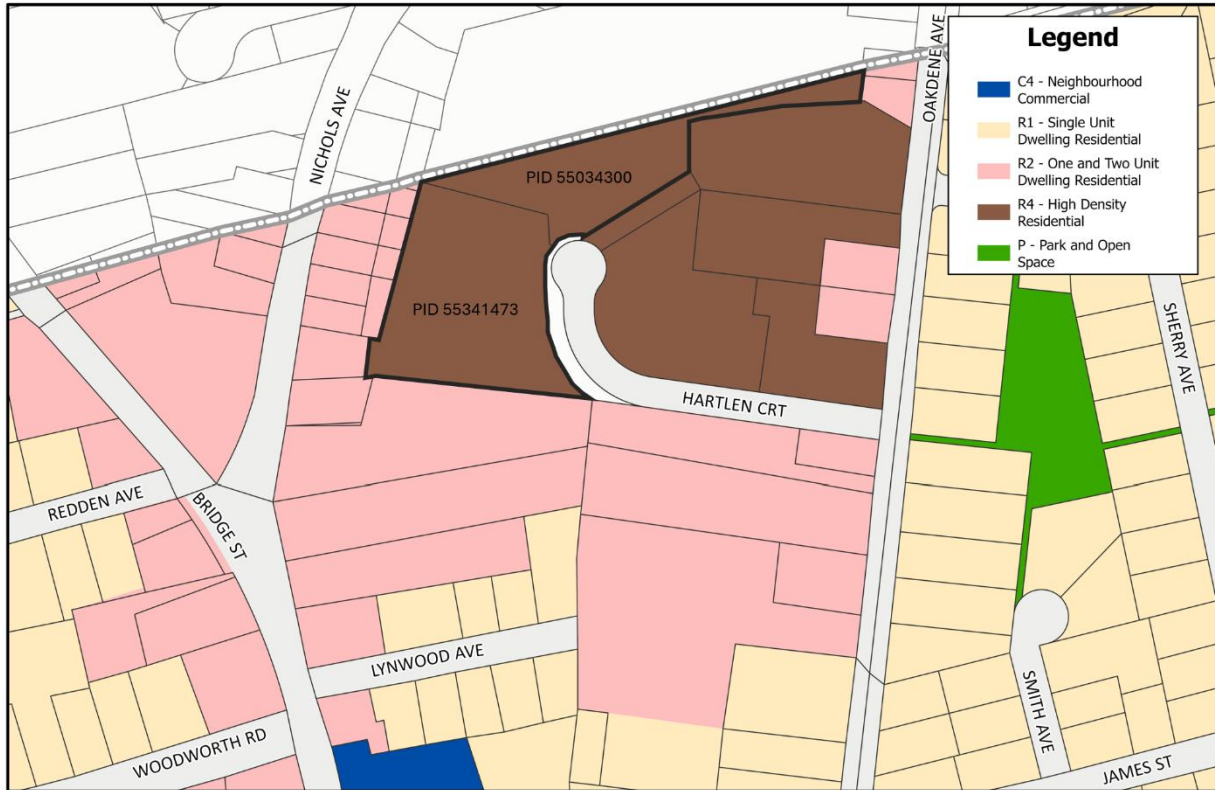
PID 55341473 and Portion of PID 55034300, Kentville

0 20 40 60 80 100 Meters



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Map by: Ben Coll, 2025





## Attachment A: Development Agreement Criteria Review

<b>Policy IM-11 It shall be the intention of Council when considering a development agreement application to have regard for the following matters:</b>	
a) compatibility of the proposed land use with adjacent land uses;	To be reviewed by Director of Planning
b) compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;	To be reviewed by Development Officer
c) compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise;	To be reviewed by Development Officer and Traffic Authority
d) the adequacy of sewer services, water services, waste management services and stormwater management services;	To be reviewed by Director of Public Works
e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services;	To be reviewed by Director of Public Works
f) the adequacy and proximity of schools;	To be reviewed by Director of Planning
g) the adequacy and proximity of recreation and community facilities;	To be reviewed by Director of Recreation
h) the adequacy of the road network in, and adjacent to, or leading to the development;	To be reviewed by Traffic Authority
i) the potential for the contamination or sedimentation of watercourses or for erosion;	To be reviewed by Director of Public Works/Planning
k) previous uses of the site which may have caused soil or groundwater contamination;	To be reviewed by Director of Public Works/Planning
l) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;	To be reviewed by Director of Public Works/Planning
m) the ability of emergency services to respond to an emergency at the location of the proposed development;	To be reviewed by Director of Public Works

n) the financial ability of the Town to absorb any cost related to the development;	To be reviewed by Director of Public Works
o) that the proposed development would not have a negative impact or effect on natural watercourses, drinking water quality and supply, the Kentville Water Commission System Source Water Protection Area or other natural land features by way of contamination, erosion and sedimentation;	To be reviewed by Director of Planning
p) that the proposal is in conformance with the intent of this strategy and with the requirements of Town By-laws and regulations other than the Land Use By-law; and	To be reviewed by Director of Planning
q) the financial ability of the Town to absorb any costs relating to the amendment.	To be reviewed by Director of Finance
<b>Policy IM-12 15.10.3 It shall be the intention of Council to require the submission of additional information to address issues such as:</b>	
traffic impact	Policy T-8 Exerpt: A TIS will generally be required if the development is expected to generate 100 or more two-way trips at the site entrance(s) during peak hours.
stormwater management	Stormwater will be reviewed as part of criteria for IM-11(d)
landscaping	Could require for a more detailed landscaping plan
servicing	Where water and sewer servicing will be more extensive for this proposed development, a servicing plan has been provided by the applicant to be reviewed by the Director of Public Works.
impact on the streetscape	Limited impact anticipated, could consider aesthetics of signage and entryway
<b>... where Council considers this information to be pertinent to the development process.</b>	