

# Planning Report

DATE 13 April, 2026



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To: Middleton Planning Advisory Committee  
Prepared By: **Ethan Oderkirk, Planner**  
Date: 12 May, 2026  
Reference: Magee Drive Group Dwelling Proposal

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## Recommendation:

Staff recommend that the Planning Advisory Committee recommend that Council give initial consideration to the proposed Development Agreement for PID 05302047, Magee Drive, Middleton, to permit a 27-unit grouped dwelling development and one community office/boardroom space, subject to completion of the associated Municipal Planning Strategy and Land Use By-law amendment process.

## Part 1. Background

### 1.1. Project Summary

Current Property Owner	Department of Growth and Development – Nova Scotia
Future Owner/Developer	Annapolis County Housing Association (ACHA) and COG Developments
Site Plan Prepared by	EKD Match Design
Civic Address	Magee Drive, Middleton
PID	05302047
Designation	Residential (R)
Zone	Residential (R)
Area	Approximately 2.59 acres (113,036 square feet)
Existing Land Use	Vacant land
Proposed Development	27 grouped dwelling units and 1 community office/boardroom space
Adjacent Land Uses	Residential uses, including nearby affordable and public housing developments, and limited commercial uses.

Subject Property  
(shown in Red Outline)



### 1.2. Location and Site Description:

The Town of Middleton received an application from Eryn Dagley, Owner and Designer of EKD Match Design, on 4 February 2026.

The proposal includes the development of 27 individual and semi-detached residential dwellings ranging in size from approximately 480 to 900 square feet, as well as one community office space. The development concept includes a mix of one-, two-, and three-bedroom units supported by grouped parking areas, pedestrian walkways, and shared green space connecting the internal development. The development will be a mix of market and affordable, with 55% being affordable and the ability to accommodate more as earning permit. Access to the site is proposed from Magee Drive by a private driveway.

The Subject Property is designated Residential under the Municipal Planning Strategy and zoned Residential (R) under the Land Use By-law. The Residential Zone permits a variety of residential building forms as-of-right, including single unit dwellings, semi-detached and duplex dwellings, townhouses, multiple unit dwellings, and grouped dwellings.

The maximum number of dwelling units permitted as-of-right on a lot in the Residential Zone is six (6), subject to meeting the applicable lot area, frontage, setback, height, and parking requirements. Proposals containing seven (7) or more units require Development Agreement approval

The Subject Property is located within an area characterized by a mix of residential and limited commercial uses. Lands to the north and east contain single-unit residential dwellings, while lands to the south contain additional public housing, while lands to the west remain vacant.

### 1.3. Application and Process

The Development Agreement would regulate the detailed form of development on the property. It would not amend policy on its own. Instead, it would establish the site-specific rules that would

apply if Council approves the associated planning document amendments and those amendments take effect. The Development Agreement therefore serves as the implementation tool for the proposed grouped dwelling development on the site.

The draft agreement limits the development to 27 grouped dwelling units and one community office/boardroom space. It ties the development to the approved site plan and requires the Developer to provide updated technical information before the Town issues a Development Permit.

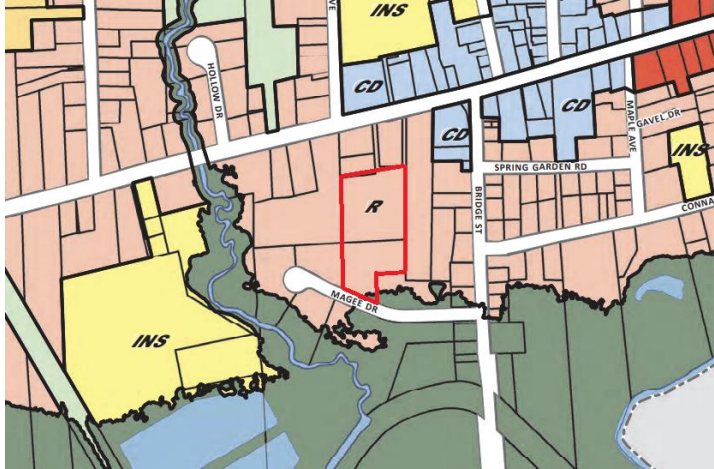


Figure 1 Subject Property Designation



Figure 2 Subject Property Zoning

**1.4. Public Information Meeting**

The Town held a Public Information Meeting, (PIM), on February 19<sup>th</sup>, 2026, providing an opportunity for the public to voice their comments and concerns to staff and the applicant. Below is a summary of the main themes expressed by the public during the meeting:

Public Comment	Comment and Response
Community integration	How does this plan fit together with the existing community? Staff response: <ul style="list-style-type: none"> <li>The town does not regulate tenancy; the tenant mix will be determined by the organization.</li> </ul>
Buffering	How much distance is there between the green space and property, will there be fencing? Staff response: <ul style="list-style-type: none"> <li>Fencing and other landscape buffering will be regulated by Development Agreement.</li> </ul>
Tax rate or exemption	Will there be a tax exemption for providing affordable units? Staff response: <ul style="list-style-type: none"> <li>The property is not eligible for any tax reduction as the property is not commercial and is already zoned residential.</li> </ul>
Construction Access	Where will construction vehicle access to the property be? Staff response: <ul style="list-style-type: none"> <li>Construction access will be on Magee Drive, there is no other option to access the site.</li> </ul>

**Part 2. Discussion**

**2.1. Policy Review**

The Subject Property is designated Residential under the Town of Middleton Municipal Planning Strategy and zoned Residential (R) under the Land Use By-law. The Residential Designation supports long-term residential development, and Policies R1 and R2 encourage a range of housing forms within the Town.

Policy R9 provides Council with the authority to evaluate larger residential developments through a Development Agreement, which allows detailed review of site design and compatibility considerations but does not include grouped dwellings.

*Policy R9 – “It shall be the intention of Council to consider the development of new multiple unit dwellings, townhouse dwellings, Grouped Dwellings the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation by Development Agreement subject to criteria contained in Policy IM16 and IM17.”*

The Municipal Planning Strategy supports a range of housing options, including opportunities for infill and redevelopment where appropriate. In that context, the proposed grouped dwelling development aligns with the residential intent of the designation.

Policies IM16 and IM17 provide the framework for Development Agreement review. These policies allow Council to consider matters such as building location and scale, open space, site design, access, parking, landscaping, buffering, lighting, servicing, and stormwater management. This framework gives Council the ability to evaluate the detailed layout and compatibility of the proposed development.

Policy IM17 outlines considerations of a Development Agreement, Council must consider whether the proposal conforms with the intent of the Strategy, whether infrastructure and road networks can support the development, and whether the development can avoid or mitigate adverse impacts on adjacent uses. The proposed amendment would create a policy pathway for Council to consider grouped dwellings through this review process rather than permit them as-of-right.

Overall, the proposal maintains residential use on the property and aligns with the broader intent of the Municipal Planning Strategy to support housing within the Residential Designation.

## 2.2. Proposed Amendment

The proposed text amendment to the Land Use By-law and Municipal Planning Strategy would include grouped dwellings in the already established policy requiring developments containing seven (7) or more unit to proceed with the Development Agreement process in Policy R9 and corresponding sections of the LUB.

## 2.3. Planning Analysis:

The development introduces a compact housing form on vacant land, which supports more efficient use of municipal infrastructure and land already designated for residential purposes. Furthermore, the development and addition of new housing units is in an area where municipal water, sanitary sewer, and stormwater services are already available.

The surrounding area contains residential uses, including single-unit dwellings to the north and east and affordable public housing to the south. In this context, a grouped dwelling development is generally consistent with the residential character of the area. At the same time, the proposal raises site-specific land use compatibility matters that require careful consideration, including buffering, privacy, lighting, access, parking, and the relationship of the development to adjacent properties and surrounding community development.

The site plan shows a community green space and walking path in the rear portion of the property, together with permeable pathways and pedestrian site circulation linking the development internally and toward Magee Drive. This is an important feature from a land use planning perspective because it provides amenity space for residents, supports walkability, and creates a transition between built form and the edges of the site.

The revised site plan shows a 27-unit grouped dwelling development on a lot of approximately 2.59 acres. This results in a density of approximately 10.4 units per acre. From a planning perspective, the proposal introduces a more intensive residential form than the surrounding

**Commented [MD1]:** May change with new site plan/comments from fire and PW

single-unit pattern. Magee Drive has larger developments already existing, including public and affordable housing. The site plan shows total lot coverage of 34% and approximately 66% green space.

Stormwater management is an important consideration for this site. Several storm outfalls in the area discharge to the Annapolis River, and elevated river levels during the spring can occasionally slow drainage. Although no flooding concerns have been identified at the Magee Drive elevation, on-site stormwater retention will be required through the Development Agreement to manage runoff before discharge to the municipal system. Public works has also indicated that a review of down stream sewage capacity must be conducted to ensure capacity.

The Traffic Impact Statement concludes that the proposed 27-unit development can be accommodated on Magee Drive and Bridge Street with no appreciable impact on traffic operations. The report estimates that the development will generate 19 vehicle trips in the AM peak hour and 25 vehicle trips in the PM peak hour, which is relatively modest in planning terms.

The TIS also concludes that the proposed parking supply of 36 spaces exceeds the minimum requirement of 27 spaces. In addition, the report recommends extending the existing sidewalk on Magee Drive to connect to the proposed site sidewalk, which is an important consideration for pedestrian safety and connectivity. The TIS notes that sight distance at the proposed access is generally acceptable, although consideration could be given to removing an existing tree east of the driveway to improve visibility along the curve.

Under Sections 225C and 225D of the *Municipal Government Act*, Council may consider the proposed Development Agreement at the same time as the associated Municipal Planning Strategy and Land Use By-law amendments and may grant provisional approval or approval in principle where the Development Agreement has been presented at the public hearing and only minor administrative revisions remain. In this case, final approval of the Development Agreement would not occur unless and until the related MPS and LUB amendments are adopted and take effect, with final approval occurring when the Minister has approved the amendments.

Overall, the development supports additional housing within the Town, make use of serviced residential land, and allows Council to consider a grouped dwelling form through a detailed site-specific review process. From a land use planning perspective, this creates a reasonable and controlled path to consider the proposal while maintaining the Town's ability to regulate design, servicing, and compatibility through a Development Agreement.

#### **2.4. Draft Development Agreement**

Attached to this report is a draft Development Agreement for the proposed development on Magee Drive. The draft sets out the site-specific requirements that will govern the development if Council approves the related Municipal Planning Strategy and Land Use By-law amendments.

The draft limits the use of the property to a 27-unit grouped dwelling development and one community office or boardroom space. It ties the development to the approved site plan and requires the Developer to submit the information needed before the Town issues a Development Permit.

The draft addresses servicing and stormwater management. It requires the Developer to submit a stormwater management plan, confirm downstream sewer capacity, and complete any required sewer easement changes. It also requires on-site stormwater retention to control runoff before discharge to the municipal system.

The draft identifies Magee Drive as the site access and regulates the internal layout through the approved plans. It also limits office use to the building identified on the site plan and prohibits general commercial use within that space.

The draft includes requirements for landscaping, fencing, lighting, parking, and maintenance. It requires landscaped buffering along the property boundaries, a six-foot opaque wooden fence along the north side of the community greenspace and walking path, and downward-directed exterior lighting standards away from adjacent properties. It limits parking to 36 spaces, including 3 accessible spaces, and requires the Developer to maintain common green space, pedestrian pathways, internal driveways, parking areas, and landscaped areas.

The draft Development Agreement allows the development to proceed in phases, subject to specific conditions. It requires completion of all landscaping and the walking trail before final occupancy permits are issued. Where the development proceeds in phases, the Development Officer must approve the phasing plan, walkways and internal driveways for individual units must be complete before occupancy, and the stormwater detention pond must be constructed before the Town issues a Development Permit for the 16th unit.

## **2.5. Summary**

The proposed grouped dwelling development represents a significant residential project on vacant serviced land in Middleton. The draft Development Agreement provides the mechanism to regulate the details of that development and to secure the site design, servicing, buffering, parking, lighting, maintenance, and phasing measures needed to make the project function properly.

Subject to completion of the related policy amendment process and subject to final drafting corrections, staff find that the Development Agreement provides an appropriate framework for Council to consider the proposed development.

## **2.6. Staff Recommendation to PAC:**

Staff recommend that the Planning Advisory Committee recommend that Council give initial consideration to the draft Development Agreement for PID 05302047, Magee Drive, Middleton, for a 27-unit grouped dwelling development and one community office/boardroom space.

## **2.7. Proposed Motion**

That the Planning Advisory Committee recommend that Council give initial consideration to the draft Development Agreement for PID 05302047, Magee Drive, Middleton, to permit a 27-unit grouped dwelling development and one community office/boardroom space, subject to the associated Municipal Planning Strategy and Land Use By-law amendments being approved and taking effect.

**Part 3. Appendices:**

**Appendix A: Summary of Policy Evaluation**

**Appendix B: Site Plan**

**Appendix C: Draft Development Agreement**

**Appendix D: Geotechnical Report**

**Appendix E: Traffic Report**

**Appendix F: PIM Minutes**

**Appendix A: Summary of Evaluation Criteria**

Policies	Comment and Concerns
<p>MPS Policy R9  <i>It shall be the intention of Council to consider the development of new multiple unit dwellings, townhouse dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation by Development Agreement subject to criteria contained in Policy IM15 and IM16.</i></p>	<p>The proposal seeks to enable a grouped residential development containing multiple units through the Development Agreement process. Policy R9 provides Council with the authority to evaluate larger residential developments through a Development Agreement, which allows the Town to review site design, compatibility with surrounding uses, and servicing considerations prior to development proceeding.</p>
<p>MPS Policy IM-16  <i>It shall be the intention of Council that a Development Agreement, made pursuant to the Municipal Government Act, may contain such terms and conditions that Council feels necessary, to ensure that the Development Agreement is consistent with the policies of this Strategy. To this end, the agreement may include, but is not limited to, some or all of the following:</i></p>	
<p>(a) The specific use and size of the structure, either new, or an expansion of an existing structure;</p>	<p>The proposal includes approximately 27 individual and semi-detached residential dwellings and 1 community office space ranging from approximately 480 to 950 square feet. The proposed amendment would enable Council to consider this grouped residential development through the Development Agreement process.</p>
<p>b) The location of any structure within a development;</p>	<p>Regulated through the Development Agreement process and comply with the setbacks within the LUB, generally conforming to the site plan.</p>
<p>c) The percentage of land that may be built upon and the size of yards, courts or other open spaces;</p>	<p>Regulated by Development Agreement.</p>
<p>d) The maximum density of the population within the development;</p>	<p>The proposal includes approximately 27 residential units and 1 community office space on a 2.59-acre property.</p>

Commented [CF2]: Should be in the background

e) The architectural design or external appearance of structure, in particular, its compatibility with adjacent structures;	N/A
f) The provision of services and utilities;	Municipal water, sanitary sewer, and stormwater services are available along Magee Drive.
g) Traffic generation, ingress to and egress from the site to abutting streets and parking;	Access is proposed from Magee Drive by a private driveway. Parking and site circulation are regulated through the Development Agreement (DA) process. A traffic report completed by Harbourside Transportation indicated no concern with the increase traffic generated by the proposal.
h) The landscaping or buffering of developments that may include fencing, walkways, and outdoor lighting;	Regulated by Development Agreement.
i) Alteration of land levels;	Regulated by Development Agreement.
j) Open storage;	Regulated by Development Agreement.
k) Public display of advertising;	Regulated by Development Agreement.
l) Integration of universal accessible design considerations for structure and site design and the provision of accessible parking spaces.	Regulated by Development Agreement.
m) Any other similar matter that may be addressed in a Land-Use By-law that Council feels is necessary, to ensure general compatibility of the use and structure with adjacent areas.	Regulated by Development Agreement.
MPS Policy IM17 - General Implementation and Administration In considering amendments to the zoning in the By-law or, entering into Development Agreements, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:	
(a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;	The proposal maintains residential use within the Residential Designation and supports residential development within the Town.
(b) That the proposal is not premature or inappropriate by reason of:	

**Commented [CF3]:** But there are still questions about downstream capacity.

(i)	the financial capability of the Town to absorb any costs relating to the development;	Potential impacts to the Town are sewer capacity issues and removal and applying of sewage and water easement.
(ii)	the adequacy of sewer and groundwater to support the proposed density of development;	No known impact
(iii)	the adequacy and proximity of school, recreation, and other community facilities;	The subject property on Magee Drive is located within Middleton and in proximity to a range of community facilities. Educational facilities in Middleton include Annapolis East Elementary School at 325 Marshall Street, which serves Pre-Primary to Grade 5, and Middleton Regional High School at 18 Gates Avenue, which serves Grades 6 to 12. A report of Annapolis west education centre family of schools in 2017 shows sufficient capacity of public schools.
(iv)	the adequacy of road networks adjacent to, or leading to, the development;	Private driveway access to the site is proposed from Magee Drive. Public Works and a report done by Harbourside Transportation identified no traffic concerns.
(v)	the potential for the contamination of water courses or the creation of erosion or sedimentation;	No known impacts, Stormwater management will be regulated through the Development Agreement (DA) process.
(vi)	stored water capacity for fire protection;	N/A
(vii)	the potential for damage to or destruction of historical buildings and sites.	N/A
(c) That controls are contained in a Land Use By-Law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:		
(i)	type of use;	The proposed development is residential and is located within the Residential Designation.
(ii)	emissions, including air and water pollutants and noise;	Stormwater management and lighting will be regulated through the Development Agreement (DA) process.
(iii)	height, bulk, and lot coverage of the proposed building;	There is an increase to non permeable surface proposed on the Subject Property. Stormwater management will be regulated by DA

**Commented [CF4]:** Unknown. There may be impacts. But the way we will deal with that is by requiring a downstream servicing report

**Commented [EO5]:** Waiting for fire chief comments

(iv) traffic generation, access to and egress from the site, and parking;	Access to the development is proposed from Magee Drive. Public Works reviewed the proposal and identified no concerns.
(v) open storage;	To be regulated by the DA
(vi) signs;	To be regulated by the DA
(vii) similar matters of planning concern.	To be regulated by the DA
(d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs , and proximity of highway ramps, railway rights-of-way, and other nuisance factors.	The Subject Property is serviced by municipal infrastructure. A geotechnical report identified the area can not accommodate high density dwellings in a single building, presenting the grouped dwelling approach.
(e) Provision is made for buffering, landscaping, screening, and access control, to reduce potential incompatibility with adjacent land uses and traffic.	Site plan includes buffering from adjacent residential properties. The plan also shows the required distances as set out for the Residential zone in the Land Use By-law. Tress will be planted on the south and west part of the site. Buffering will be regulated and ensured by DA.