

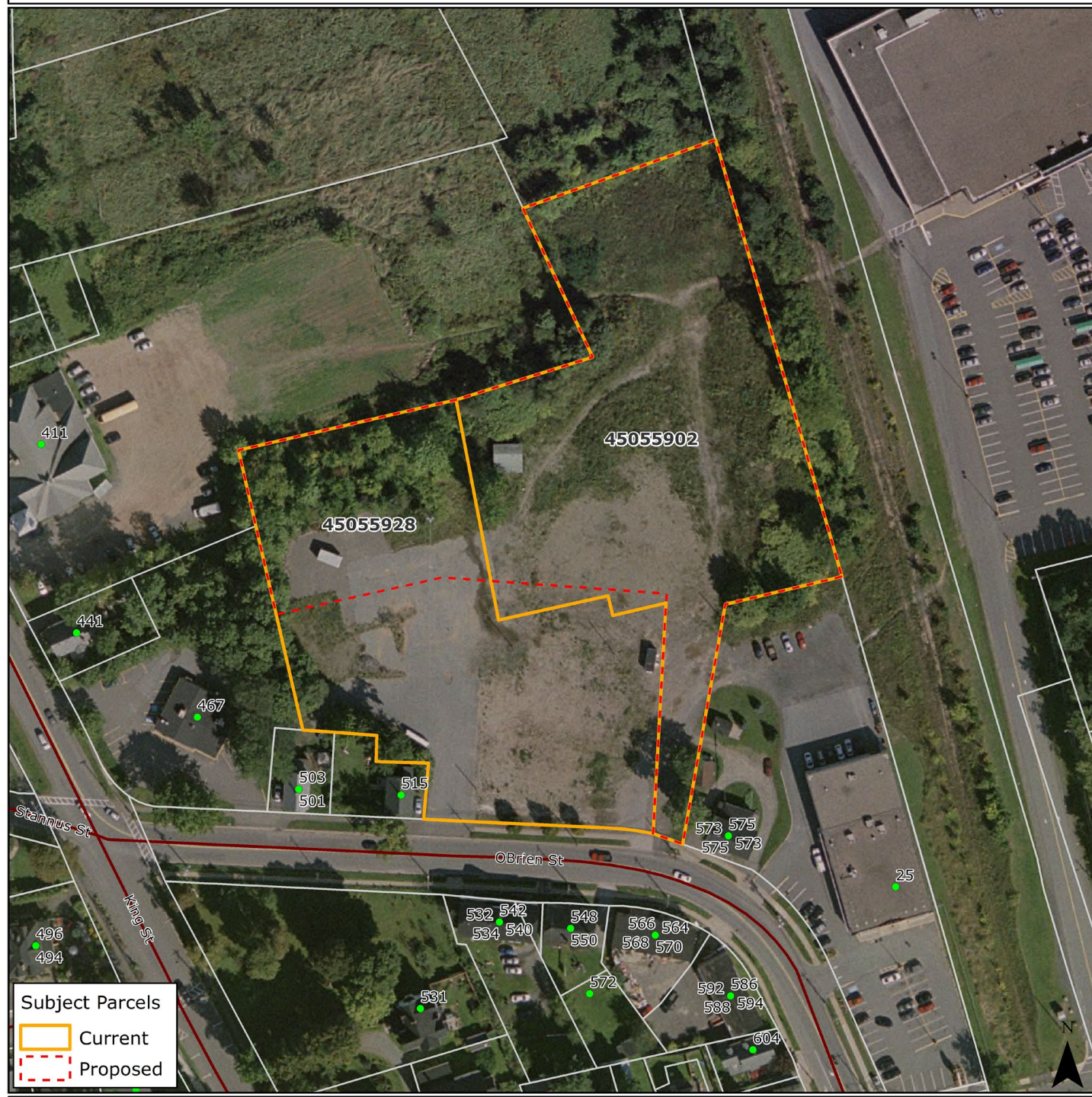
PID 45055902 O'Brien St, Windsor Development Agreement & Discharge

Public Hearing
December 16, 2021

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Orthophoto



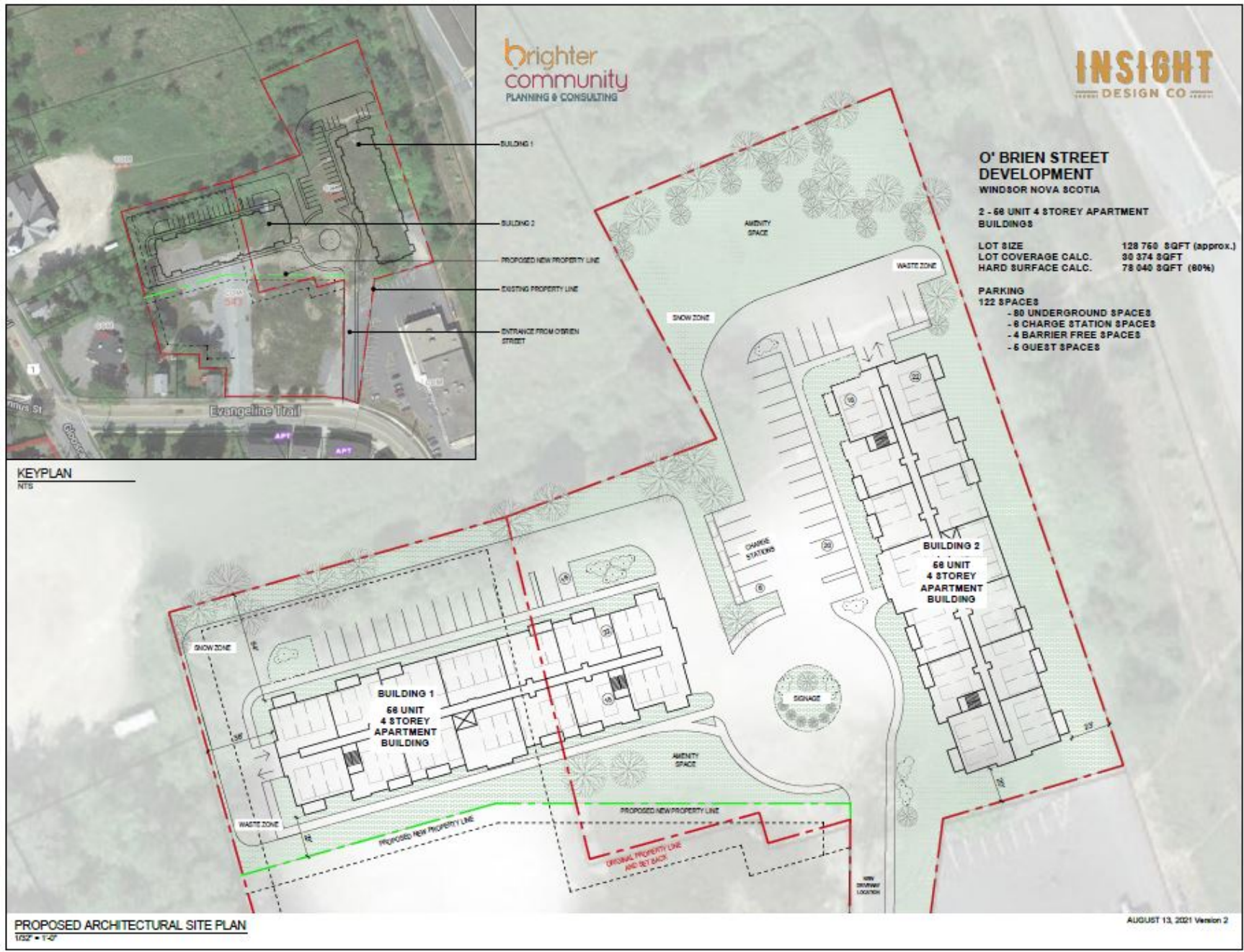
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Application

- A development agreement is a contract between the Municipality and a property owner to consider a use that is not permitted in the underlying zone.
- On September 1, Clark Wilkins applied for a development agreement to permit:
 - two (2), four (4) storey, 56-unit apartment buildings;
 - 122 parking spaces including 80 underground parking spaces;
 - up to 10,000 sq ft of commercial space on the ground floor; and
 - a minimum of 20,000 sq ft of outdoor amenity space





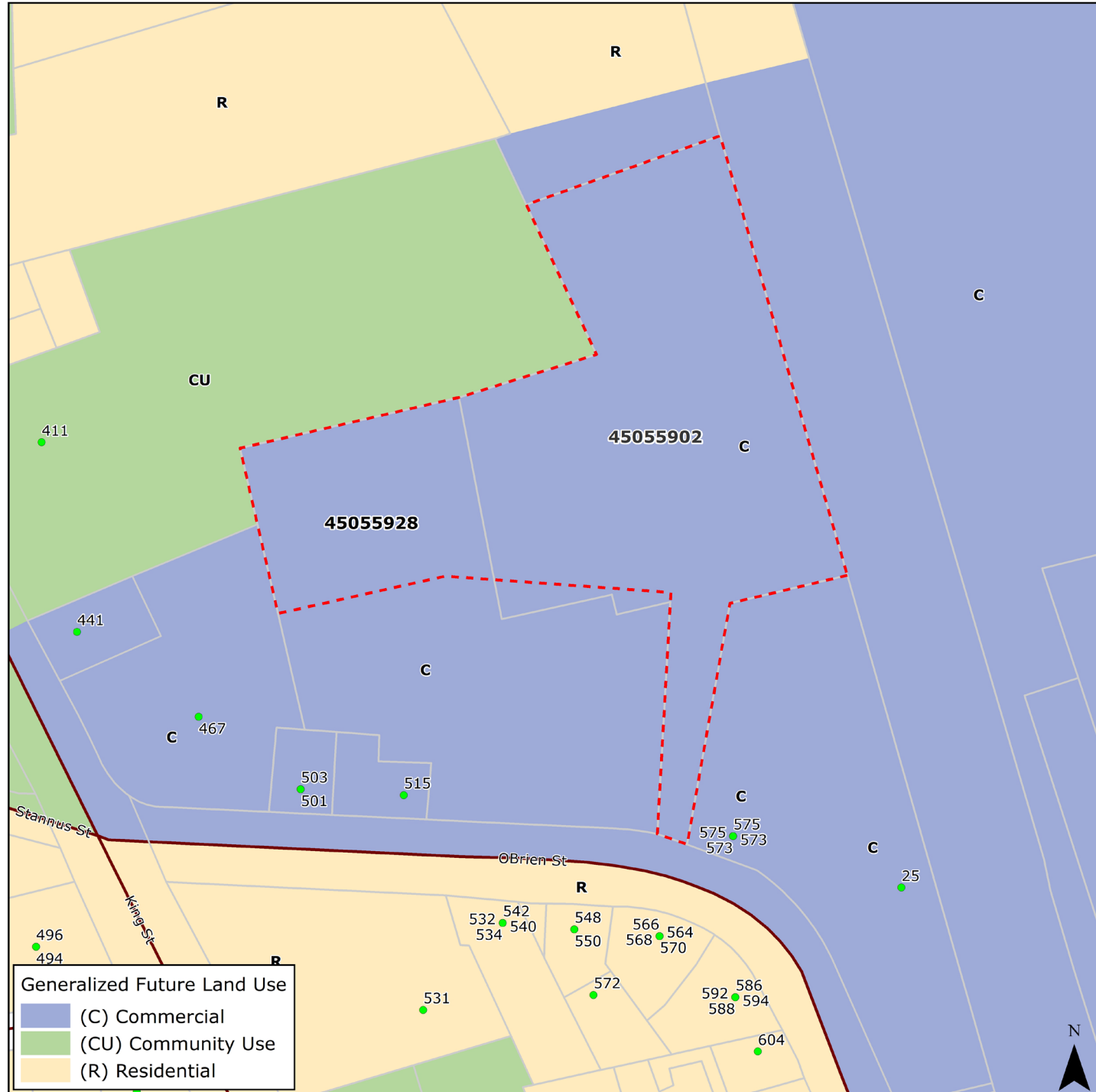
Application



Background

- Current development agreement on the property from 2010
 - Permits two (2) buildings, a maximum of 66 residential units, a maximum height of 4 storeys, ground floor commercial in one building to a maximum of 10,000 sq ft
- This application would discharge the previous development agreement on the property
- Subdivision application to change lot configuration of the subject lot

GLFUM



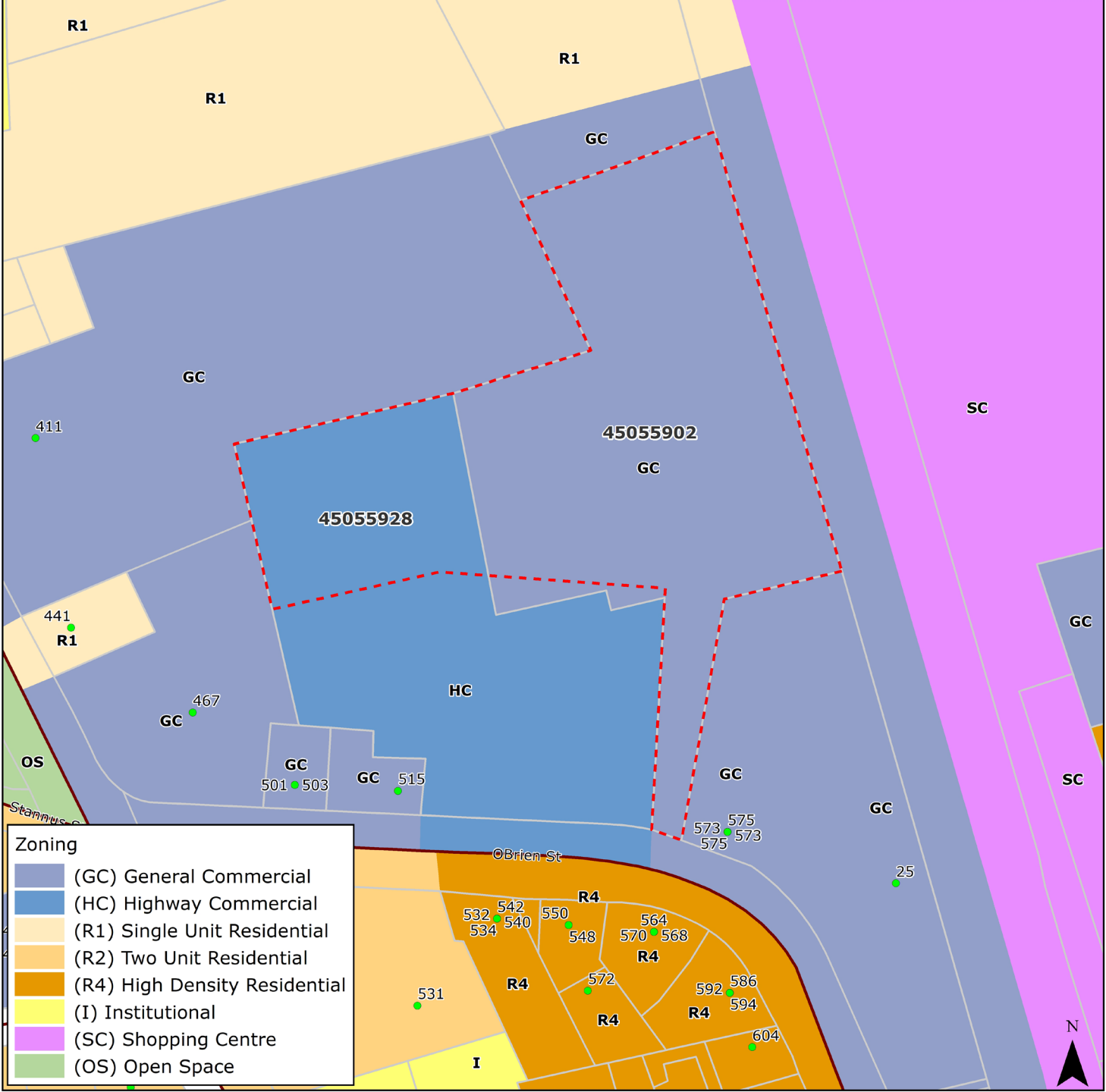
Generalized Future Land Use

- (C) Commercial
- (CU) Community Use
- (R) Residential

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Zoning



Windsor Land Use By-law

- Part 6.0 of the WLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:
 - (I) mixed use development in the Commercial designation or the Industrial designation outside the industrial parks in accordance with Policy 9.2.1 of the Municipal Planning Strategy;

Windsor Municipal Planning Strategy

- Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor
- Part 9.0 of the WMPS contains the policies for mixed use development in Windsor
- **Policy 9.2.1** establishes Council's intention to "consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks"



Development Agreement Details

Permitted Uses

- uses permitted in the underlying zone;
 - residential development of a maximum of 112 dwelling units;
 - underground and surface parking spaces;
 - up to 10,000 sq ft of limited commercial uses on the ground floor of one building; and
 - a minimum of 20,000 sq ft of outdoor amenity space.
-
- All to be generally consistent with the site plan



Development Agreement Details

Requirements

- one (1) parking space per dwelling unit and a minimum of one (1) parking space for every 300 sq ft gross floor area dedicated to commercial uses;
- 5 ft wide sidewalk from O'Brien Street to the building entrances;
- private waste collection with enclosed storage of waste; and
- outdoor storage prohibited.



Development Agreement Details

Requirements Cont.

- Prior to a development permit being issued, the development agreement requires the following items be provided to the Development Officer:
 - a stormwater management plan;
 - copies of Remedial Action Plan and the Certificate of Compliance;
 - water and sewer servicing connections and layout plans; and
 - an environmental study if any portion of the main buildings are to be constructed on lands designated as Environmental Constraints.

Development Agreement Details Cont.

Phased Development

- Section 4.1 (a) states that development must commence within 48-months of the agreement being signed;
 - Section 2.14 (c) requires the first building to be complete within three (3) years of commencement; and
 - Section 2.14 (d) requires the second building to be complete within six (6) years of commencement.
-
- If using the maximum extent of each timeline the owner would have ten (10) years to complete the proposed development



Development Agreement Details Cont.

Substantive Matters

- Substantive matters are any items Council has determined would significantly alter the intent of the development agreement if changed
- If a request is received from the developer to change a substantive matter listed in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council, prior to Council making a final decision on the proposed amendment



Development Agreement Details Cont.

Substantive Matters Cont.

- the uses permitted on the Property as listed in Section 2.1, Use;
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, Site Drainage;
- the requirements for the Remedial Action Plan and the Certificate of Compliance to be submitted prior to a development permit being issued as listed in Section 2.10, Site Remediation;
- the fire safety requirements listed in Section 2.12, Fire Safety.
- the timelines for construction in Section 2.14, Phasing.



Specific Criteria for DA

- **Policy 9.2.1** establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposed development consists of a combination of residential and commercial uses;
 - ✓ the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area or restrict existing commercial development patterns;
 - ✓ adequate parking and safe pedestrian and vehicular access to the site is provided; and
 - ✓ no outdoor storage is permitted.



General Criteria for DA

- **Policy 16.3.1** states the general criteria to be considered by Council
- In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, Manager of Building and Fire Inspection Services, Development Officer, and the Public Works Department have no major concerns which were not addressed in the draft development agreement.



Public Information Meeting Notes

- A virtual Public Information Meeting was held on October 14. The meeting was broadcast live on the Municipal Facebook page.
- The deadline for comments was October 29
- One letter was received from Keith AuCoin
 - Expressed concerns with discharge of sewage from the project
 - Project Engineer for the Public Works Department provided response



Comments / Questions

- The Public Hearing was advertised in the paper on both November 30 and December 7
- One phone call was received from Colin Taylor
 - Previous flooding issues with former Baptist Church property (411 King St.)
 - Concerns on impact on flooding on abutting properties from the proposed development (slope, impervious surfaces, raising of land)
 - Site remediation questions about the excavated soil on site
 - Opposed to any development that would increase water flow onto abutting properties that already have stormwater concerns



Applicant Presentation



Process

Staff Review

Public Information Meeting – October 14

PAC/HAC Review and Recommendation – Nov 8

Council First Reading – Nov 23

Public Hearing & Second Reading – December 16

Notice of Approval in Paper

14 Day Appeal period





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Recommendations (1 of 2)

...that Council gives Second Reading to and approves entering into a development agreement to permit two (2), four (4) storey, 56-unit apartment buildings which include up to 10,000 sq ft of commercial space on the ground floor of one building on the lots now identified as PID 45055902 and 45055928 and following consolidation of the lots by their joint successor PID, on O'Brien Street, Windsor, in a manner substantively the same as the draft set out in Attachment B to the report #21-14B to the Planning and Heritage Advisory Committee dated November 8, 2021, taking note that this development agreement will discharge and replace the development agreement recorded at the Registry of Deeds on April 9, 2010 as document 9561229.



Recommendations (2 of 2)

...that Council requires that the development agreement with Metro Premier Properties Inc. be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.

