

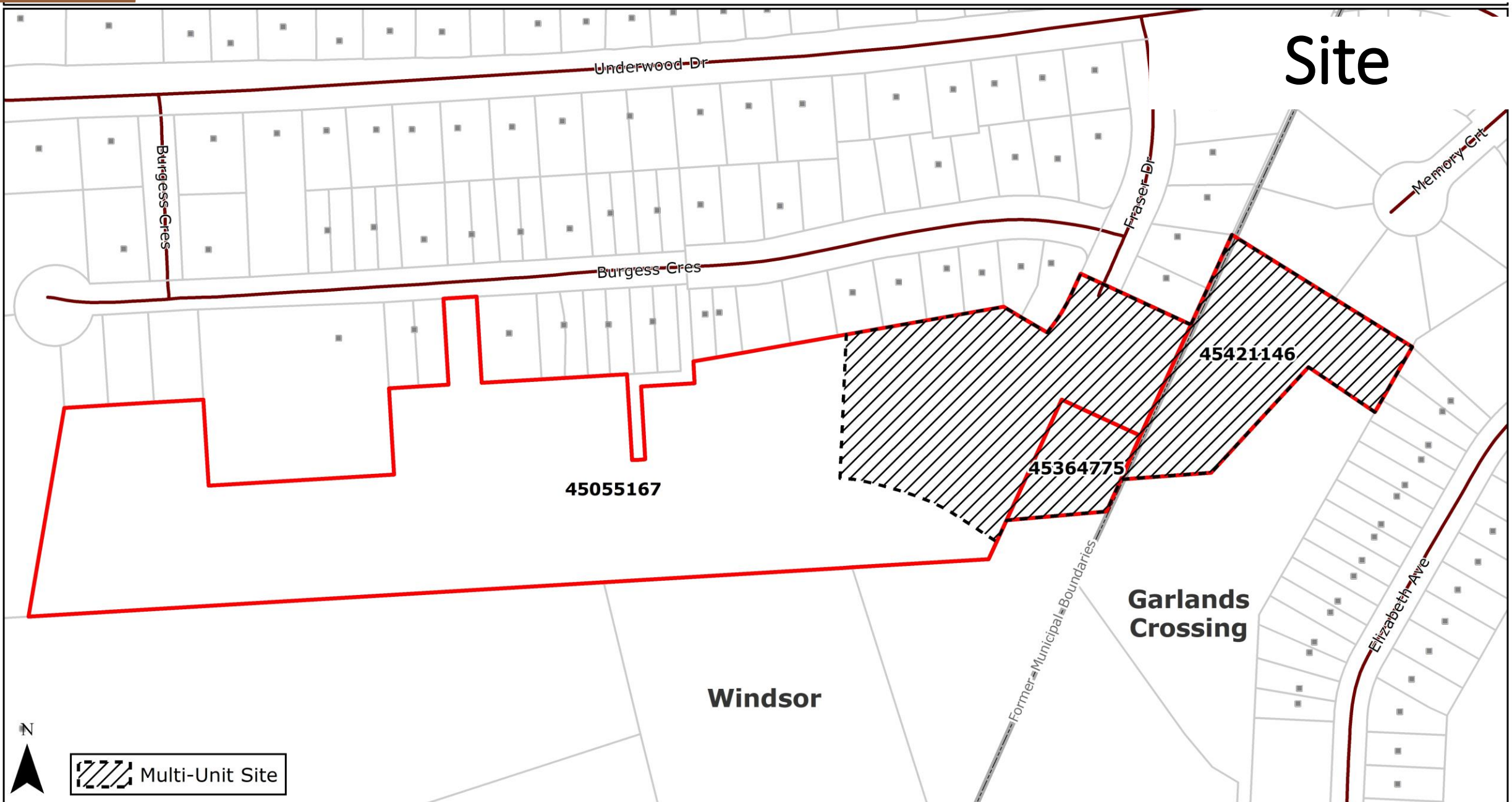
**Community Way, Windsor
PID 45055167, 45364775 and 45421146
Development Agreement**


Planning and Heritage Advisory Committee (PAC/HAC)

July 14, 2022



Site



 Multi-Unit Site



Windsor

Garlands Crossing

45055167

45364775

45421146

Orthophoto



 Multi-Unit Site

Underwood Dr

Burgess Cres

Burgess Cres

Fraser Dr

Memory Crt

Windsor

Garlands Crossing

Elizabeth Ave



Application

- A completed application was received on May 17, 2022 from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited
- Request two multiple unit apartment buildings on the subject lots



Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- The Residential designation only permits multiple unit dwellings by development agreement



Proposal

- Two, 7-storey, 88-unit apartment buildings (Buildings B and C)



- Building A is permitted by the Crossing development agreement



PROPOSED PARKING (BUILDINGS B & C)		
DESCRIPTION	PARKING SPACES	
	BUILDING B	BUILDING C
PROPOSED PARKING	1.2 SPACES PER UNIT	1.2 SPACES PER UNIT
UNDERGROUND PARKING	73	82
ABOVE GROUND PARKING	40	48
BARRIER FREE PARKING	2	2
TOTAL PARKING	115	112

LOT AREA PER UNIT (BUILDINGS B & C)	
BUILDING B	1306
BUILDING C	1262
% OPEN SPACE	47%

Building B and C – Considered through this DA process

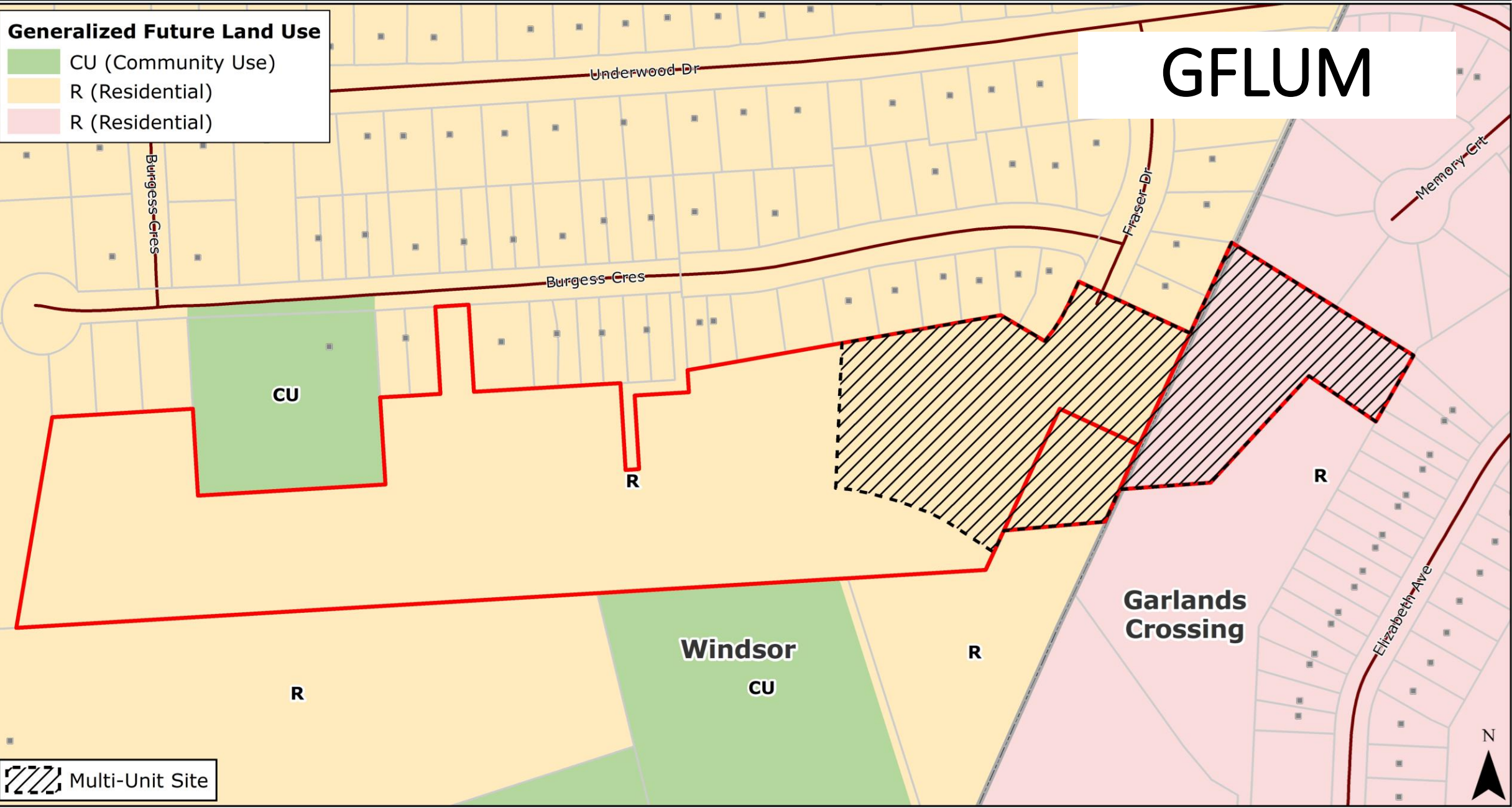
Building A - permitted by the Crossing DA



Generalized Future Land Use

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

GFLUM

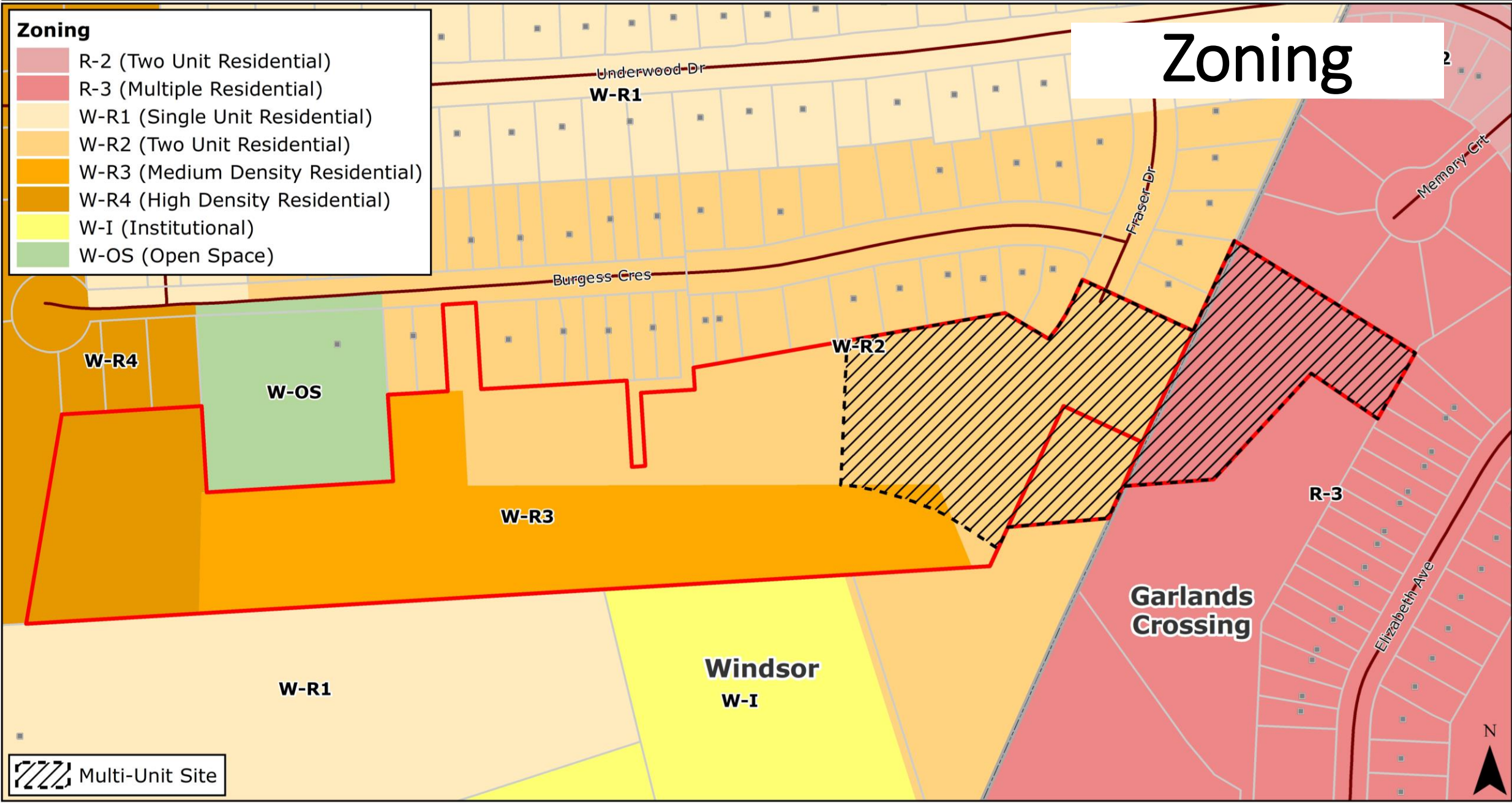


 Multi-Unit Site



Zoning

- Zoning**
- R-2 (Two Unit Residential)
 - R-3 (Multiple Residential)
 - W-R1 (Single Unit Residential)
 - W-R2 (Two Unit Residential)
 - W-R3 (Medium Density Residential)
 - W-R4 (High Density Residential)
 - W-I (Institutional)
 - W-OS (Open Space)



 Multi-Unit Site



Consideration

- Ability to have a development agreement for a specific purpose must be established in the LUB
- Requests for development agreement are “measured” against the policies of the MPS

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:
 - (b) multiple unit residential development consisting of three or more units in a Residential designation in accordance with Policy 5.4.6 of the Municipal Planning Strategy; and
 - (c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the Municipal Planning Strategy;



West Hants Land Use By-law

- Part 6.0 of the WHLUB, 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:
 - (a) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;

Windsor Municipal Planning Strategy

- Part 5.0 of the WMPS contains the overall intention for properties designated Residential on the Windsor Generalized Future Land Use Map
- Section 5.4 describes the intention for High Density Residential development
- **Policy 5.4.6** establishes Council's intention to consider multiple unit residential development consisting of three or more units in the Residential Designation by development agreement; and
- **Policy 5.5.1** enables Council to consider entering into a development agreement to allow dwellings in excess of three storeys



West Hants Municipal Planning Strategy

- Part 5.0 of the WHMPS contains the overall intention for properties designated Growth Centre on the West Hants Generalized Future Land Use Map
- Section 5.3 describes the intention for residential development in the Three Mile Plains Growth Centre
- ***Policy 5.3.8*** enables Council to consider proposals for multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre



Development Agreement Details

Permitted Uses

- those uses permitted by the underlying zoning in the applicable Land Use By-law;
- residential development consisting of a maximum of 176 dwelling units within two separate apartment buildings, each constructed on an individual lot; and
- underbuilding, underground and surface parking for the uses within the buildings.



Development Agreement Details

Timelines

- development of Buildings B and C must be completed within 120 months (10 years) of the development agreement being registered at the Land Registry Office

Development Agreement Details

Requirements

- Max. height of the buildings: 7 storeys or 75 ft. (22.86 m.)
 - Windsor Policy 5.5.1 (b) states to ensure the building does not exceed 80 ft. (24.38 m.)
- Min. side yard of 15 ft. (4.57 m.) or at least $\frac{1}{2}$ the building height
 - Windsor Policy 5.5.1 (a) and West Hants Policy 5.3.8 (a)



Development Agreement Details

Requirements Cont.

- a min. of 1 parking space per dwelling unit;
- a min. of 35,000 sq. ft. (3,251.6 sq. m.) of usable recreation space;
- the Owner to have sole responsibility for snow plowing and garbage collection for the development;
- a 5 ft. (1.52 m.) wide pedestrian walkway from Community Way to the main entrances of each building;
- a 10 ft. (3.05 m.) wide buffer strip along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive;

Development Agreement Details

Requirements

The developer will be required to provide:

- a stormwater management plan for the site;
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s);
- an easement to the Municipality to allow any part of existing or future Municipally owned water, sewer and stormwater lines that service Fraser Drive and/or Community Way to be connected through the Properties, as requested by the Director of Public Works



Development Agreement Details

Access and Egress

- Buildings A, B and C are proposed to have shared access/egress and share other services such as water, sewer and stormwater connections
- Vehicular and pedestrian access/egress from Community Way
- The lot for Building B will be allowed to be created on a right-of-way acceptable to the Municipal Engineer



Development Agreement Details

Substantive Matters

- the uses permitted on the Property as listed in Section 2.1, Use;
- the minimum side yard requirements and maximum building height as listed in Section 2.1 (c);
- the fire safety requirements listed in Section 2.6, Fire Safety;
- the landscaping requirements in Section 2.7, Landscaping; and
- 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.



Public Information Meeting Notes

- A virtual Public Information Meeting was held on June 9. The meeting was broadcast live on the Municipal Facebook page.
- The deadline for comments was noon on June 24
- 5 members of the public spoke at the Public Information Meeting
- 5 written comments were received via email



Public Information Meeting Notes Cont.

- Most comments described traffic concerns
- Intersection Infrastructure Needs Assessment (2021)
 - Considered this proposal in the traffic counts;
 - Recommend: Wentworth Road at Payzant intersection be upgraded to a roundabout;
 - Oct 12, 2021 staff report recommend: DesignPoint be awarded the design contract; states that “the Municipality would like to be prepared to call for tenders for a spring/summer construction start, with project completion within the 2022/23 fiscal period.”
 - No plans to construct a connection for King Street at Payzant Drive



WMPS Specific Criteria for DA

- Policy 5.4.6 and 5.5.1 outline the specific criteria in the WMPS to be considered by Council
- In summary, the criteria are met since:
 - ✓ the development is generally consistent with the High Density Residential (R-4) zone standards;
 - ✓ the development is compatible with adjacent land uses;
 - ✓ the side yards will be at least one-half the height of the buildings; and
 - ✓ the buildings will not exceed 80 ft. (24.38 m.) in height.



WHMPS Specific Criteria for DA

- Policy 5.3.8 outlines the specific criteria in the WHMPS to be considered by Council
- In summary, the criteria are met since:
 - ✓ the side yards will be at least one-half the height of the buildings;
 - ✓ buffering is provided to minimize the impact on abutting properties; and
 - ✓ the development meets the criteria set out in Policy 5.3.7.



W/WHMPS General Criteria for DA

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



Process

Public Information Meeting – June 9

Staff Review

PAC/HAC Review and Recommendation – July 14

Council First Reading – July 26*

Public Hearing & Second Reading – Sept 27*

Notice of Approval in Paper

14 Day Appeal period

*anticipated dates;
final dates set by
Council



Recommendation (1 of 2)

...that PAC/HAC recommends that Council give First Reading to consider entering into a development agreement to permit up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #21-10 dated July 14, 2022, taking note that this development agreement will discharge and replace the development agreement recorded on PID 45421146 at the Registry of Deeds on May 16, 2019 as document #114457773.



Recommendation (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Mitch Brison which permits up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor 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.



West Hants
something inspiring awaits

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