



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-03-22

Subject: WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01 B

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy and the Windsor Land Use By-law to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, by development agreement in the Wentworth Road Gateway District in a manner substantively the same as the draft set out in Attachments A and B of the Planning and Heritage Advisory Committee report #22-01 dated March 10, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on January 20, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the lot at PID 45059631 on Wentworth Road.

The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

Staff recommend amending the text of the planning documents related to the Wentworth Road Gateway District which would then allow Council to consider the requested uses by development agreement.

DISCUSSION

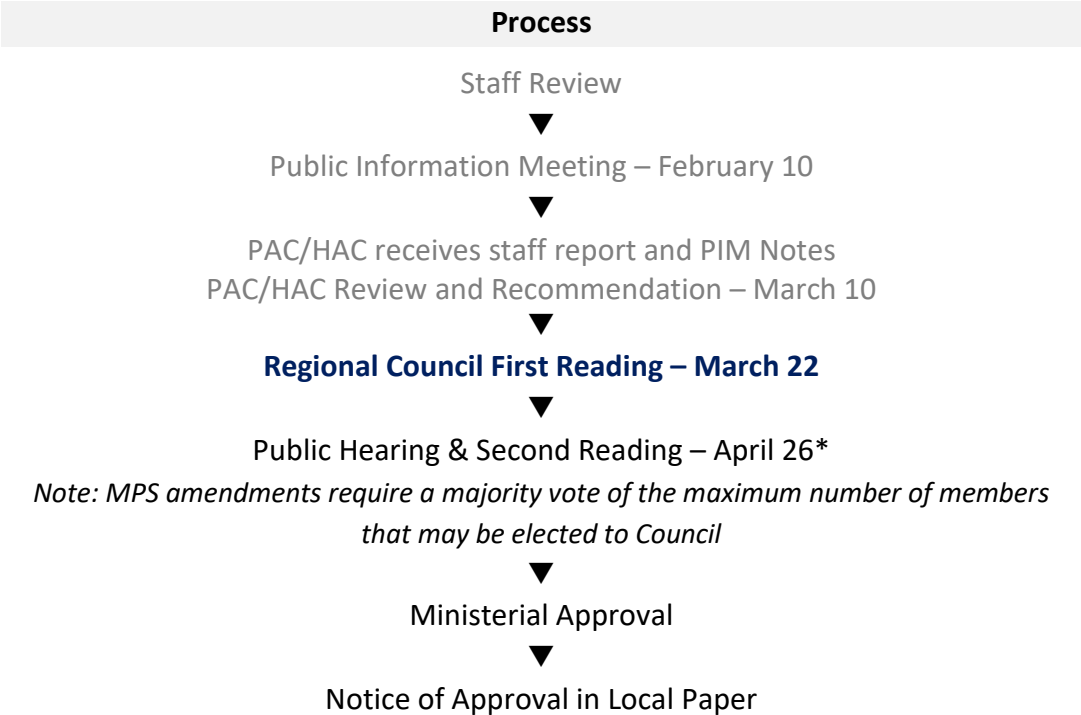
A Public Information Meeting was held on February 10, 2022.

On March 10, 2022 staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

PAC/HAC recommended in favour of the amendments on March 10, 2022.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality with regard to amending the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law.

ALTERNATIVES

In response to the application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the WMPS and WLUB text amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2021-03-10 Staff Report - WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Sara Poirier, Senior Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2022-03-10

Subject: WMPS and WLUB Text Amendments: Wentworth Road Gateway District; File #22-01

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the request, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy and the Windsor Land Use By-law to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, by development agreement in the Wentworth Road Gateway District in a manner substantively the same as the draft set out in Attachments A and B of the Planning and Heritage Advisory Committee report #22-01 dated March 10, 2022.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on January 20, 2022, from Chrystal Fuller from Brighter Community Planning & Consulting on behalf of the property owner Faisal Al-Hammadi of FH Development Group Inc. The application was to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the lot at PID 45059631 on Wentworth Road.

The lot is currently vacant and is owned by FH Development Group Inc.; Mr. Al-Hammadi is the President of that company.

DISCUSSION

The 8.43-acre subject lot is located on Wentworth Road in Windsor. The lot is currently designated Commercial on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS). It is also located in the Wentworth Road Gateway District. Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District.

The subject lot is zoned Wentworth Road Commercial (WR-C) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). Residential uses are permitted in the Wentworth Road Commercial (WR-C) zone however not on the ground floor. Grouped dwellings on the same lot are not permitted.

Almost the entire subject lot is located within the Environmental Constraints area and is within the Tregothic Marsh. The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects marshland for agricultural purposes. Being exempt from this portion of the Act means that the owner would not have to apply to the marsh body to allow any future construction within the designated area of the subject lot.

Properties within the Environmental Constraints designation must meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. The property owner is proposing to develop a currently vacant lot

therefore any of the buildings to be constructed on the Environmental Constraints area of the subject lot would have to meet Section 27.0 of the WLUB. Section 27.0 of the WLUB outlines the requirement for an environmental study to be completed prior to receiving a development permit. The study should describe site conditions and suitable construction methods for the specific lot.

The subject lot directly abuts properties with a variety of different zoning and designations. The designation of the properties abutting the subject lot include Agriculture and Commercial and the zoning of these abutting lots are Wentworth Road Commercial (WR-C), General Commercial (GC), and Agriculture (AG).

History of Subject Lot

The subject lot (PID 45059631) was the location of former Windsor High School which was decommissioned in 2004. The subject lot was owned by the Municipality until 2021 when it was deemed to be surplus property and advertised for sale publicly. The lot was sold to FH Development Group Inc.

A completed application was received on January 20, 2022, to consider permitting a mixed-use development consisting of grouped multiple unit residential buildings and townhouses on the subject lot.

Grouped Dwellings

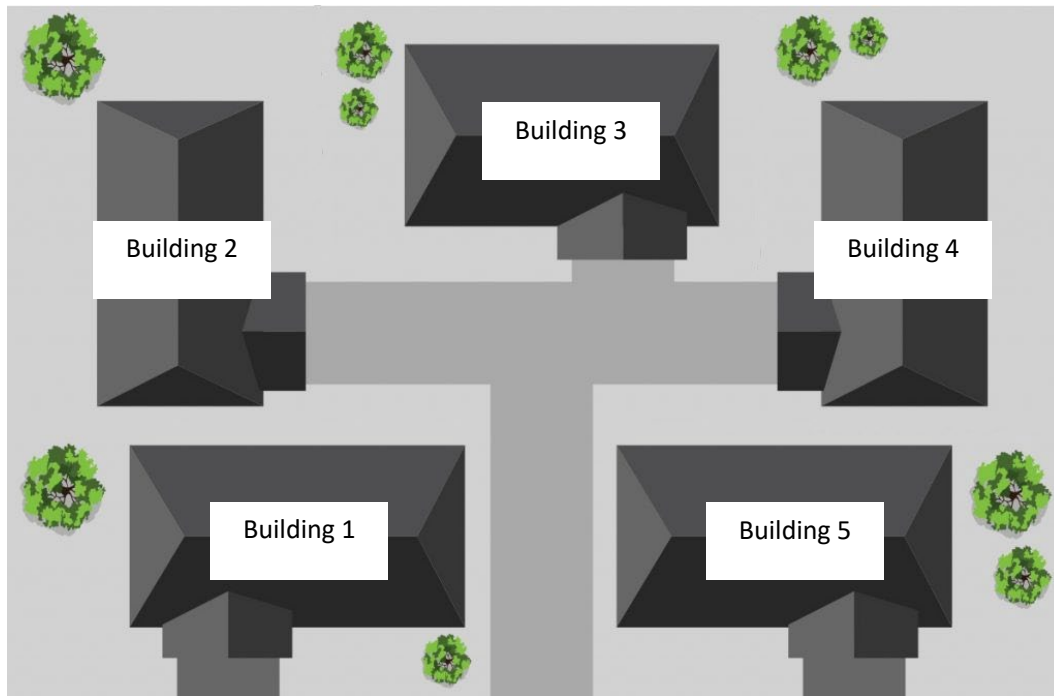
The WLUB defines grouped dwelling as “two or more dwelling units which are contained in two or more buildings designed to be part of a group of dwellings clustered on a single lot”. An example of a development with grouped dwellings is provided in Figure 1. In a grouped dwelling development, driveways, parking areas and amenity space are typically shared amongst all buildings to create a more cohesive and compact development.

The WLUB permits grouped dwellings as-of-right in the High Density Residential (R-4) zone. Grouped dwellings are also permitted to be considered in the Residential designation by development agreement in accordance with Policy 5.4.6.

Grouped dwellings can be beneficial for the following reasons:

- they increase density in serviced areas and promote an efficient use of water and sewer services;
- the shared parking and driveways reduce hardscaping and help manage stormwater more effectively on the lot;
- if placed centrally, they can promote a more active community where active transportation is used more frequently as a means to access services and facilities;
- they can allow a variety of housing options for future residents (i.e., this development the property owner is proposing includes apartment units and townhouses);
- they promote a sense of community through shared amenity spaces.

Figure 1: Grouped dwelling example



Staff are recommending Council consider grouped dwellings in the Wentworth Road Gateway District by development agreement as grouped dwellings would align with the vision of the District to be a vibrant gateway to downtown Windsor that promotes walkability and active transportation use. The District is also located in proximity to a variety of existing services, restaurants, stores, recreational facilities and trails.

Windsor Municipal Planning Strategy

Wentworth Road Gateway District

Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor and Section 8.6 describes the intention for development in the Wentworth Road Gateway District. The Wentworth Road Gateway District extends from the Highway 101 overpass to O'Brien Street in Windsor. There are approximately 35 lots including the subject lot located within the Wentworth Road Gateway District.

Wentworth Road is described as one of the main entrance routes into Windsor and therefore Council created increased regulations to ensure development in this area is attractive to visitors. Council created the following objectives for developments within the Wentworth Road Gateway District:

- to identify Wentworth Road as important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles;
- to promote a sense of welcome and arrival to town; and
- to assist in visitor orientation and direction to the Town Centre, as the main business district.

To achieve these objectives, new developments within this special development area are required to provide landscaping and other features that contribute to the overall attractiveness of the streetscape and create a safe and pleasant pedestrian environment, as well as allowing for efficient traffic movement.

The Wentworth Road Commercial (WR-C) zone permits a wide range of general commercial and highway commercial uses, as well as large format retail stores within a specified size limit as-of-right. Policy 8.6.15 of the WMPS permits Council to consider “*proposals for large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement*” within the Wentworth Road Gateway District, subject to specific criteria. Mixed use, multiple unit residential developments are already permitted to be considered by development agreement. However, there is no mention of considering grouped dwellings in the policy.

Proposed Amendments

The proposal for the subject lot does include mixed-use multiple-unit dwellings, however these uses are contained within grouped dwellings on the subject lot and the proposal also includes townhouses grouped on the lot. Grouped dwellings and townhouses are not permitted in the underlying zone or allowed in Policy 8.6.15 to be considered by development agreement. Therefore, staff are proposing an amendment to Policy 8.6.15 of the WMPS and Section 6.1 (j) of the WLUB to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District.

Policy 16.1.1 (c) states that “it shall be the policy of Council to review and make amendments to this Strategy when Council deems it necessary because of a change in policy intentions or the development environment.” Since the former Windsor High School was decommissioned in 2004 and demolished the subject lot has sat vacant and not been developed. This proposal would reflect a change in the development environment.

Section 219 (1) of the *Municipal Government Act* states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text of the Municipal Planning Strategy and the Land Use By-law to happen concurrently.

Proposed amendments to the text of the WMPS can be found in Attachment A.

Windsor Land Use By-law

Proposed Amendments

Section 6.0 of the WLUB outlines all the developments Council may consider by development agreement. Section 6.0 (j) states “development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial

development". This section will need to be amended to align with the WMPS amendment. The proposed amendments to the text of the WLUB are located in Attachment B.

WMPS Specific Criteria

There are no specific criteria for this amendment.

WMPS General Criteria

As this is a text amendment to the WMPS and WLUB most of the general criteria for amendments set out in the WMPS Policy 16.3.1 do not apply, as these amendments will specify that applications for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings within the Wentworth Road Gateway District will be considered by development agreement. Any proposed development for grouped dwellings within the Wentworth Road Gateway District would have to go through the development agreement process at which time staff would evaluate the specific application against the specific and general criteria. The general criteria are examined in detail in Attachment B.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

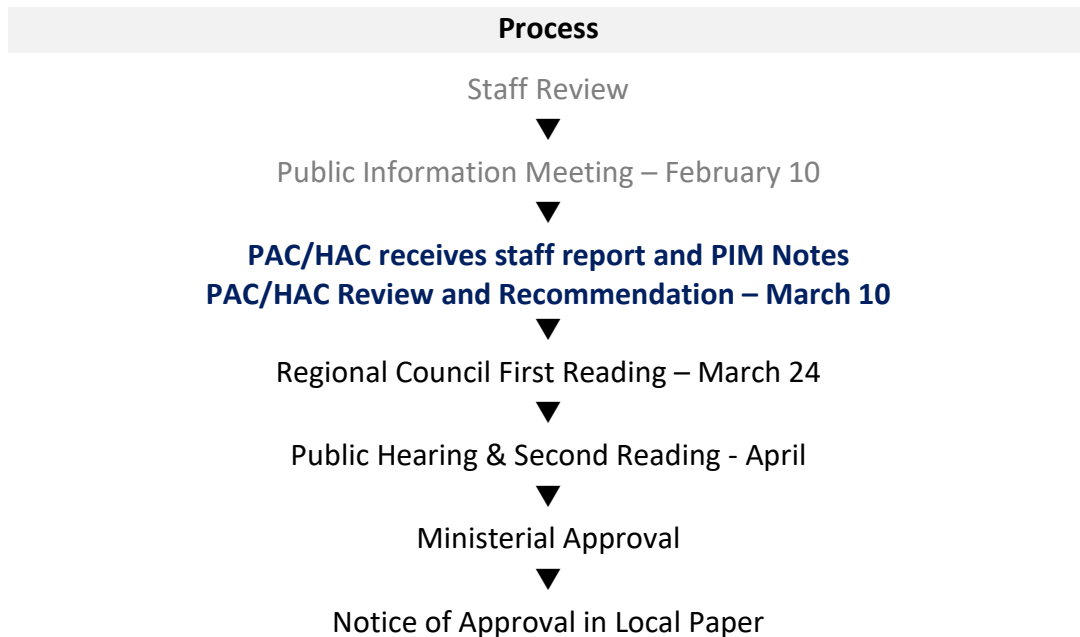
The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The Wentworth Road Gateway District appears to experience flooding in this scenario.

This proposed amendment will allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District. Through the development agreement process staff will write clauses in the development agreement to require the developer to provide an environmental study and a stormwater management plan prior to receiving development permits for development on the subject lot. The environmental study will ensure that the proposed development is constructed in a manner suitable for the site conditions and in a way that addresses any potential flooding issues. The stormwater management plan will ensure the stormwater is managed by the developer on-site and will not impact abutting properties. The Public Works Department will be requested to comment on this in more detail during the development agreement process.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and are consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text of the WMPS and the WLUB to

enable Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed-use apartment dwellings by development agreement in the Wentworth Road Gateway District.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality with regard to amending the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WMPS and WLUB text amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

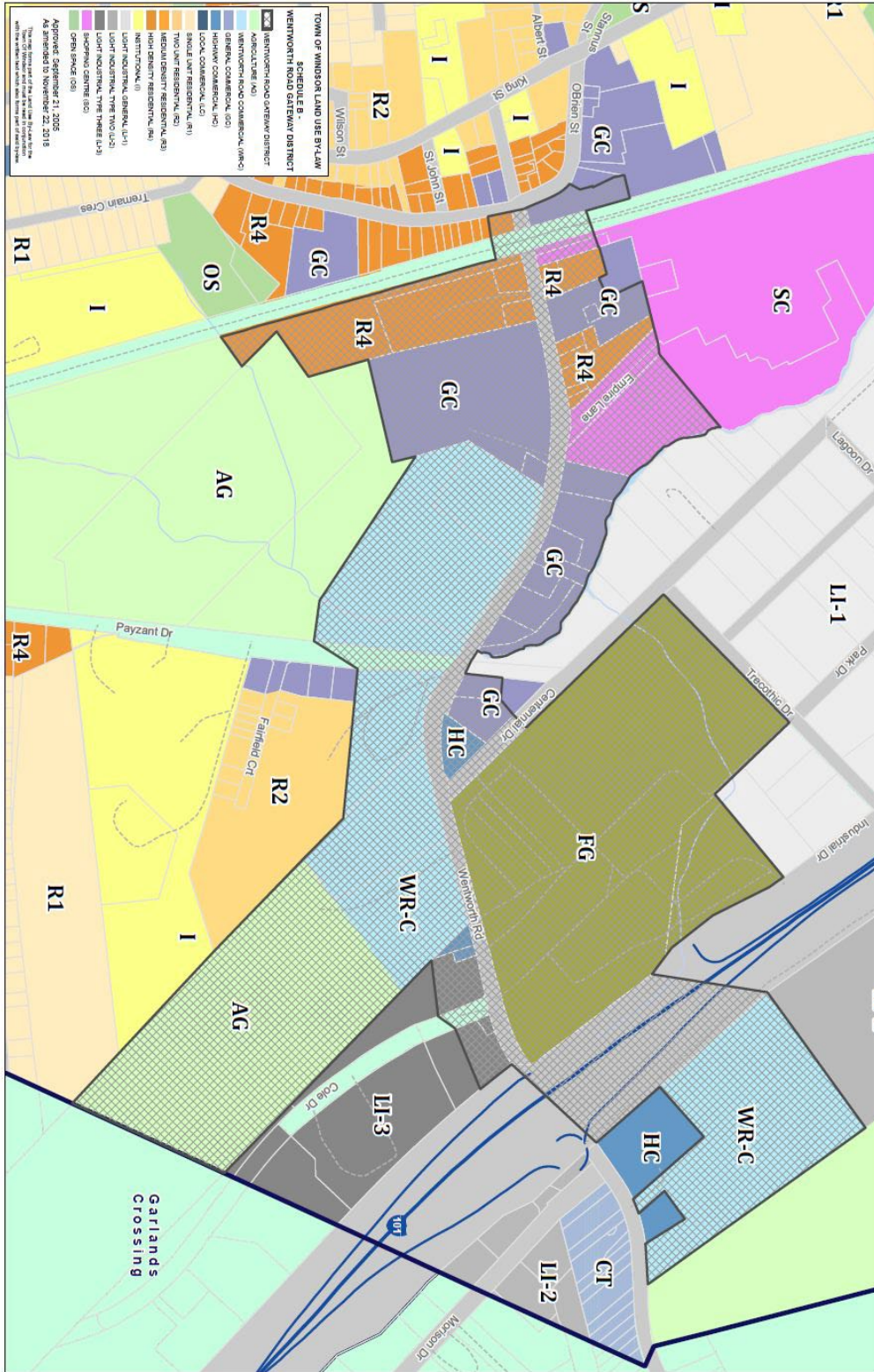
Figure 2	Wentworth Road Gateway District Map
Attachment A	Draft Amendments to the Windsor Municipal Planning Strategy
Attachment B	Draft Amendments to the Windsor Land Use By-law
Attachment C	General Criteria for Amendment

Attachment D Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Figure 2
Wentworth Road Gateway District



Attachment A

Draft Amendments to the Windsor Municipal Planning Strategy

Text amendments to the Windsor Municipal Planning Strategy to allow Council to consider grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings by development agreement in the Wentworth Road Gateway District.

[Blue text = Amendments to the WMPS]

8.0 COMMERCIAL

8.6 Wentworth Road Gateway District

The development of the Wentworth Road area between Highway 101 and O'Brien Street is of concern to Council for several reasons. As one of the main entrance routes to ~~the town~~ **Windsor**, it is important that the streetscape present an attractive appearance. Furthermore, this is one of the few areas of ~~town~~ **Windsor** where there is an existing concentration of commercial uses, as well as land with potential for new development or redevelopment.

Council intends to recognize the role of Wentworth Road as an entrance to Windsor by designating it as a Gateway District. Within the District, a combination of public and private initiatives and development controls will be used to achieve the following objectives:

- to identify Wentworth Road as important entrance route into Windsor, for pedestrians and cyclists as well as for vehicles;
- to promote a sense of welcome and arrival ~~to town~~; and
- to assist in visitor orientation and direction to the Town Centre, as the main business district.

Landscaping, signage for identification and wayfinding, and provisions for pedestrian and bicycle movement are the key measures that will be used to achieve these objectives. The intent is to treat the District as an important and special place. In particular, new developments must contribute to the overall attractiveness of the streetscape. By 2010, ~~Town~~ **Windsor** Council will have invested close to \$5 million in street upgrades to Wentworth Road with traffic signals and turning lanes to improve traffic flow, repaving, wide sidewalks on both sides of the street and street trees. These upgrades will make the area more attractive to new and existing businesses and their customers. Council feels it is important that those wishing to develop on Wentworth Road also do their share by ensuring their developments enhance the appearance of the District and make adequate provision for efficient traffic movement and a pleasant pedestrian environment.

...

Policy 8.6.15 It shall be the policy of Council that within the Wentworth Road Gateway District, Council will consider proposals for **comprehensively designed**

developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area, regional shopping centres, institutional uses, mixed use, multiple unit residential, or light industrial development by development agreement in accordance with the relevant policies of this Strategy and the specific provisions for development in the Wentworth Road Gateway District as contained in Policy 8.6.16.

Policy 8.6.16 It shall be the policy of Council to have due regard to the following in reviewing proposals in the Wentworth Road Gateway District for rezoning to the WR-C zone pursuant to Policy 8.6.14 or development agreements pursuant to Policy 8.6.15:

- (a) the proposed use will not conflict with neighbouring uses;
- (b) the architectural design and scale of the proposed development is compatible with surrounding commercial and/or residential buildings and enhances the appearance of the streetscape, consistent with the objectives of the Wentworth Road Gateway District;
- (c) the building design incorporates windows and other elements in the street level façade to avoid the appearance of solid blank walls;
- (d) the developer provides a traffic study, acceptable to the Town and conducted by a qualified person, which demonstrates that the surrounding street network will efficiently accommodate the anticipated traffic flows and that the development will not necessitate major infrastructure improvements such as traffic lights at the expense of the Town;
- (e) the provisions of Policies 8.6.4 and 8.6.8;
- (f) any other matter which may be addressed in a development agreement or land use by-law; and
- (g) the provisions of Policy 16.3.1

Attachment B

Draft Amendments to the Windsor Land Use By-law

Text amendments to the Windsor Land Use By-law to carry out the intent of the WMPS amendments.

[Blue text = Amendments to the WLUB]

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (j) development proposals in the Wentworth Road Gateway District in accordance with Policy 8.6.15 of the Municipal Planning Strategy for: **comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings**, large format retail stores exceeding 50,000 ft² (4,645 m²) in commercial floor area; regional shopping centres; institutional uses; mixed use; multiple unit residential; or light industrial development;

Attachment C

General Criteria for Amendment

Policy 16.3.1 In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	As this is a text amendment to the WMPS and WLUB most of the criteria are not applicable as these amendments specify that applications for comprehensively designed developments of grouped dwellings with three or more dwelling units which may include townhouse dwellings, triplex dwellings and mixed use apartment dwellings within the Wentworth Road Gateway District will be considered by development agreement. Any proposed development for grouped dwellings within the Wentworth Road Gateway District would have to go through the development agreement process at which time staff would evaluate the specific application against the criteria.
<i>(ii) the adequacy of school facilities;</i>	Not applicable at this time.
<i>(iii) the adequacy of fire protection;</i>	Not applicable at this time.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Wentworth Road Gateway District includes properties along Wentworth Road from Highway 101 to O'Brien Street. Wentworth Road is designated an arterial road on the Transportation Map of the WMPS. The specifics of any proposed developments including proposed traffic volume and driveway entrances would be evaluated through the development agreement process.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	Not applicable.

<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	As noted in (a) (iv) the specifics of any proposed developments would be evaluated through the development agreement process.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	Not applicable at this time.
<i>(d) the pattern of development which the proposal might create;</i>	Policy 8.6.15 already permits Council to consider mixed use, multiple unit developments within the Wentworth Road Gateway District by development agreement. It is not anticipated that amending this policy to provide Council the opportunity to consider grouped dwellings will significantly change the pattern of development in the area.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	<p>Lots within the Wentworth Road Gateway District are relatively flat. Approximately half of the lots within the District are within the Environmental Constraints area which means any new building would have to be constructed to meet Section 27.0 of the WLUB, including providing an environmental study describing site conditions and suitable construction methods prior to receiving a development permit.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	There are no other relevant policies of this Strategy.

Attachment D
Public Information Meeting Notes
February 10 – February 25, 2022
File 22-01
Wentworth Road Gateway District Text Amendments

Meeting date and time	A virtual Public Information Meeting was held on February 10, 2022, beginning at 6:24 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Five (5) members of staff:</p> <ul style="list-style-type: none"> • Director LeMay • Senior Planner Poirier • Planner Dunphy • Meeting Secretary Lake • CAO Mark Phillips <p>The following members of the public requested Zoom invites to the meeting:</p> <ul style="list-style-type: none"> • Linda Card
<p>Applicant Faisal Al-Hammadi, FH Development Group Inc.</p> <p>Property Wentworth Road, PID 45059631</p>	<p>Planner Poirier outlined the application to amend the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to allow Council to consider grouped dwellings, including townhouses and mixed use, multiple unit residential buildings, by development agreement in the Wentworth Road Gateway District.</p> <p>A formal presentation was not made by the applicant.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between February 10 and noon on February 25, 2022.</p> <p>No written or verbal comments were received from the public.</p>
Adjournment	The meeting was adjourned at 6:30 p.m.