

Cole Drive Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

May 11, 2023

something inspiring awaits



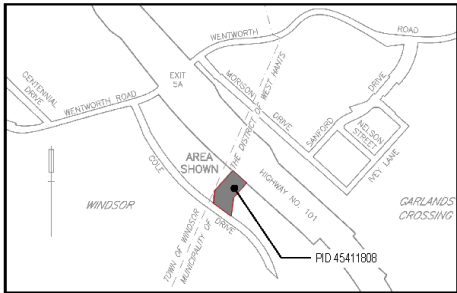
Application Background

- An updated application was received from Darren Shupe of Brighter Community Planning on behalf of Mainland South Investments on March 21, 2023.
- The application is to allow a proposed development for a 4-storey mixed-use building by development agreement.



Development Proposal – LOT 2

brighter
community
PLANNING & CONSULTING



KEYPLAN
NTS



ARCHITECTURAL SITE PLAN
1/84" = 1'-0"

APRIL 2023

- 4-storey building (1st floor commercial, floors 2-4 residential)
- 42 total apartment units
- 13 400 sq. ft. of total commercial space
- 81 parking spaces (37 underground, 44 surface)

something inspiring awaits



Application Organization

The application has been considered by Planning staff in two parts:

1. amendments to the West Hants Municipal Planning Strategy and Land Use By-law to designate PIDs 45366432 and 45366457 as Residential and include them in the Three Mile Plains Growth Centre, as well as concurrently rezone PID 45366432 to the Multiple Unit Residential (R-3) zone;
amendments to the Windsor Municipal Planning Strategy and Land Use By-law to designate PIDs 45366432 and 4536657 as Residential and concurrently rezone the lots to the Two Unit Residential (R-2) zone; and
2. consider the proposed use by development agreement as per Policies 5.4.6, 5.1.1, and 9.1.1 in the Windsor MPS and Policies 5.3.8 and 5.6.4 in the West Hants MPS.

This process is only concerning the West Hants portion of Part 2.





West Hants

Cole Drive, Garlands Crossing
PID 45411808







Orthophoto

- The property is currently vacant
- The property is the West Hants portion of the original application
- Abuts an office building (not pictured), Highway 101, and the Windsor portion of the original application

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department April 2023

Orthophoto

0 20 40
Metres
Scale: 1:1,100

-  PID 45411808
-  Community Boundaries
-  Parcels
-  Roads

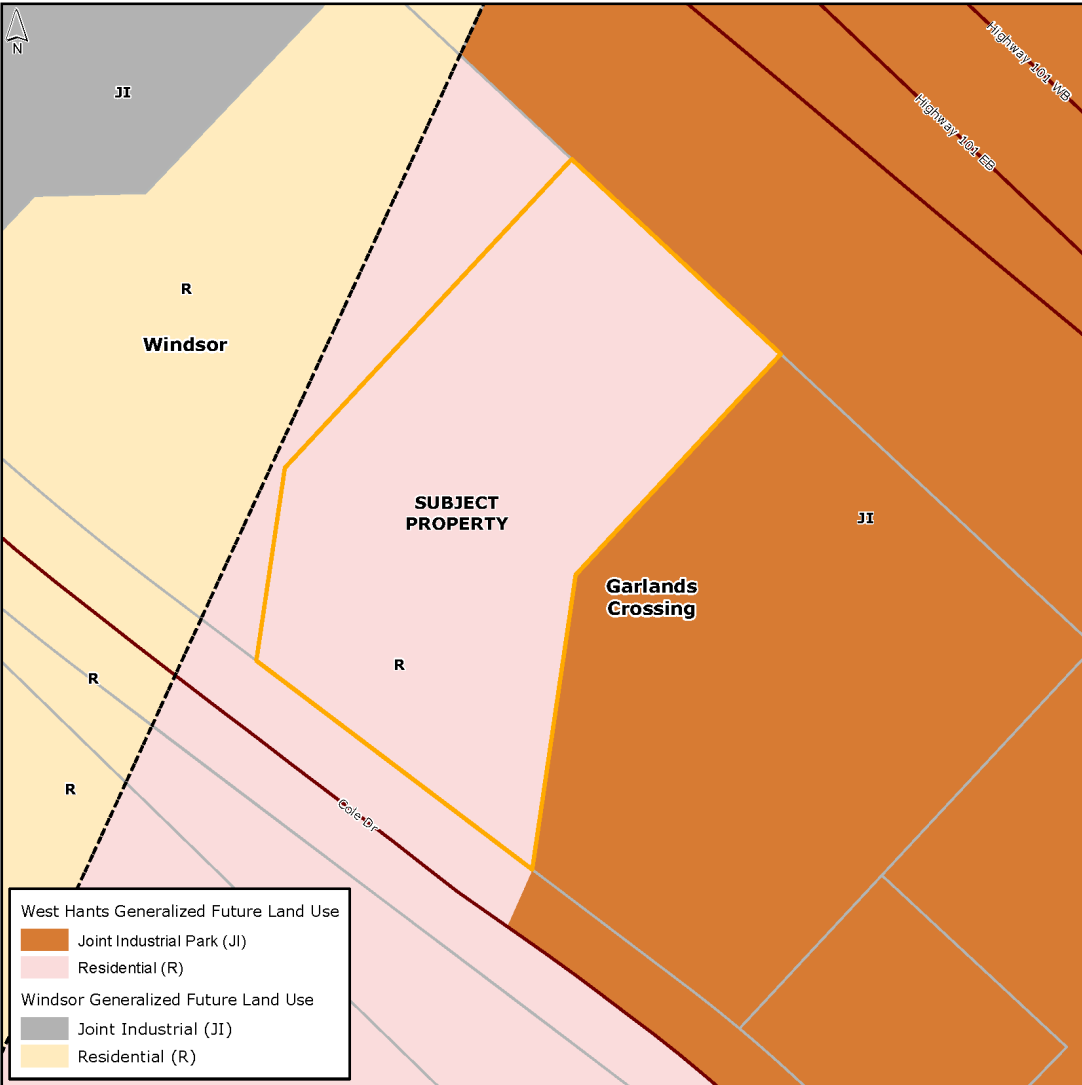
something inspiring awaits





**Cole Drive, Garlands Crossing
PID 45411808**

West Hants



GFLUM

- Residential Designation and within the Three Mile Plains Growth Centre Overlay

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department April 2023

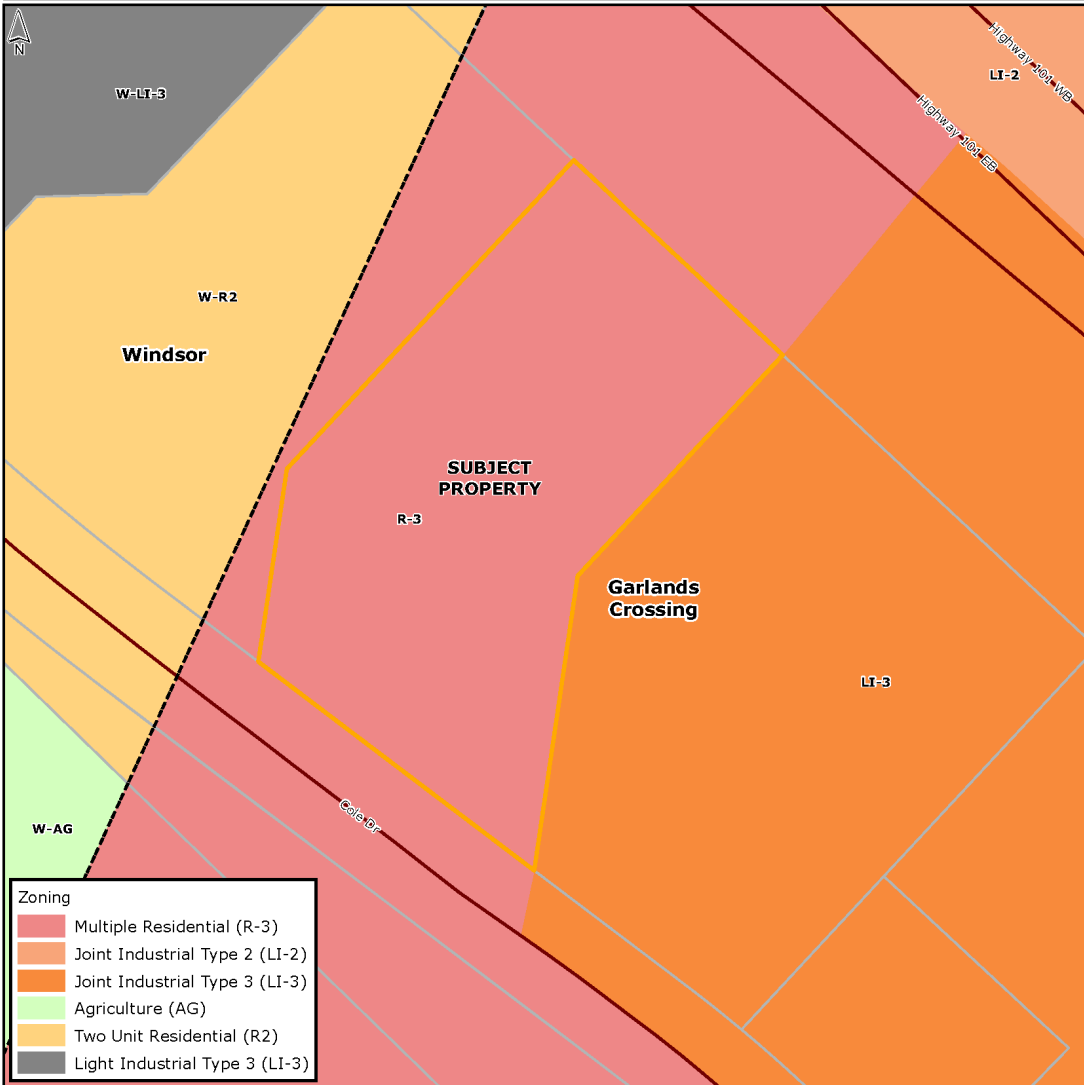
something inspiring awaits





Cole Drive, Garlands Crossing
PID 45411808

West Hants



Current Zoning

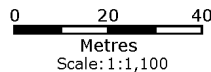
- Multiple Unit Residential (R-3) zone

This permitted uses in this zone include:

- Dwellings with more than two units
- Boarding/Rooming Houses
- Residential Care Facilities
- Uses permitted in the R-1 and R-2 zones

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department April 2023

Zoning



- PID 45411808
- - - Community Boundaries
- Parcels
- Roads

something inspiring awaits





View of Subject Lot from Cole Drive



West Hants MPS – Enabling Policy (Height)

Policy 5.3.8 enables Council to consider multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre. This policy also includes the criteria from Policy 5.3.7. In summary, the criteria are met since:

- the proposed development has side yards that are at least one half the height of the main building;
- Cole Drive has been identified as a Collector Street on the Future Streets Map within the West Hants Subdivision By-law;
- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the West Hants Land Use By-law; and
- the Development Officer, Municipal Project Engineer, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns.



West Hants MPS – Enabling Policy (Commercial)

Policy 5.6.4 enables Council to consider new local commercial uses in Growth Centres outside of the Commercial designation. In summary, the criteria are met since:

- the proposed development is of a similar size to surrounding buildings;
- the draft development agreement outlines the hours of operation for the commercial uses of the development as between 7:00 a.m. and 9:00 p.m. daily, inclusive; and
- the Development Officer and the Municipal Traffic Authority have no concerns.



West Hants MPS – General Criteria Policy

Policy 16.3.1 states general criteria for development agreements. In summary, the criteria are met since:

- the proposal is not considered 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 Municipal Traffic Authority have no concerns which have not been addressed in this report.



Applicant Request

The applicant has requested for the following changes to the development agreement on May 8th:

- Inclusion of 'banks and financial institutions', 'retail stores', and 'indoor recreation uses' to the permitted commercial uses list.
- Commercial hours of operation extended to 10:00 p.m. (Currently 9:00 p.m.)
- Maximum building height increased to 45 ft. (Currently 40 ft.)

Staff do not see any issue with the requested changes and would recommend in favour of their inclusion in the development agreement, with the exception of the hours of operation. The nearby grocery store's hours of operation end at 9:00 p.m. and staff would recommend to maintain the hours of operation in the draft development agreement.



Development Agreement Details

Requirements

- Permits a residential apartment building containing up to 42 apartment units and up to 13,400 sq. ft. (1,244.9 sq. m.) of Commercial Floor Area on the ground floor
- Permits the following commercial uses: arts, crafts, gifts and antique shops, clubs, convenience stores, florists, day care centres, offices, personal service shops, and restaurants (excluding drive-through restaurants)
- Side yards of one-half the height of the building, a maximum height of 4 storeys, and landscape buffering of parking areas and driveways from abutting lots
- Driveway access from Cole Drive
- 1 parking space provided for each dwelling unit and 1 parking space per 500 sq. ft. of commercial floor area
- Signage and illumination shall be regulated under Section 5.18 and 7.0 of the Land Use By-law



Development Agreement Details

Substantive Matters

- the number of units permitted within the apartment building on the Property as listed in Section 2.1, Use;
- the minimum side yard requirements and maximum building height of the building as listed in Section 2.2, Development Location and Design;
- the fire safety requirements as listed in Section 2.5, Fire Safety;
- the hours of operation for the commercial uses as listed in Section 2.11, Hours of Operation.



Public Information Meeting Notes

- A Public Information Meeting was held on April 13. The meeting was broadcast live on the Municipal Facebook page.
- 26 members of the public attended the Public Information Meeting.
- The deadline for comments was April 28
- Darren Shupe provided a presentation on behalf of the applicant.
- Staff received no comments from the public via email or phone.
- A resident asked how residential development was happening in that area. The landowner responded that a rezoning process was previously approved on the subject lot.



Public Information Meeting – Apr. 13

Staff Review

**PAC/HAC Review and Recommendation –
May. 11**

Regional Council First Reading – May 23*

Public Hearing & Second Reading – June 27*

Notice of Approval

14 Day Appeal Period

Process

* Anticipated Date



Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a four storey, mixed-use apartment building on PID 45411808 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-05 to the Planning and Heritage Advisory Committee dated May 11, 2023 with the inclusion of 'banks and financial institutions', 'retail stores', and 'indoor recreation uses' within the permitted commercial uses list, commercial hours of operation extended to 10:00 p.m., and maximum building height increased to 45 ft..

Including the text in red is the recommendation with the applicant's request.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Shawn Foote & Mark Hartlin which permits a four storey, mixed-use apartment building on PID 45411808 on Cole Drive 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

westhants.ca