



West Hants

Public Hearing Agenda

1. Intro by Mayor
2. Presentation by Planner (Sara Poirier)
3. Presentation by Applicant (Chrystal Fuller)
4. Comments or Questions from Public
5. Conclusion of Public Hearing



**Payzant Drive, Windsor
PID 45276441 and 45366986
Development Agreement**

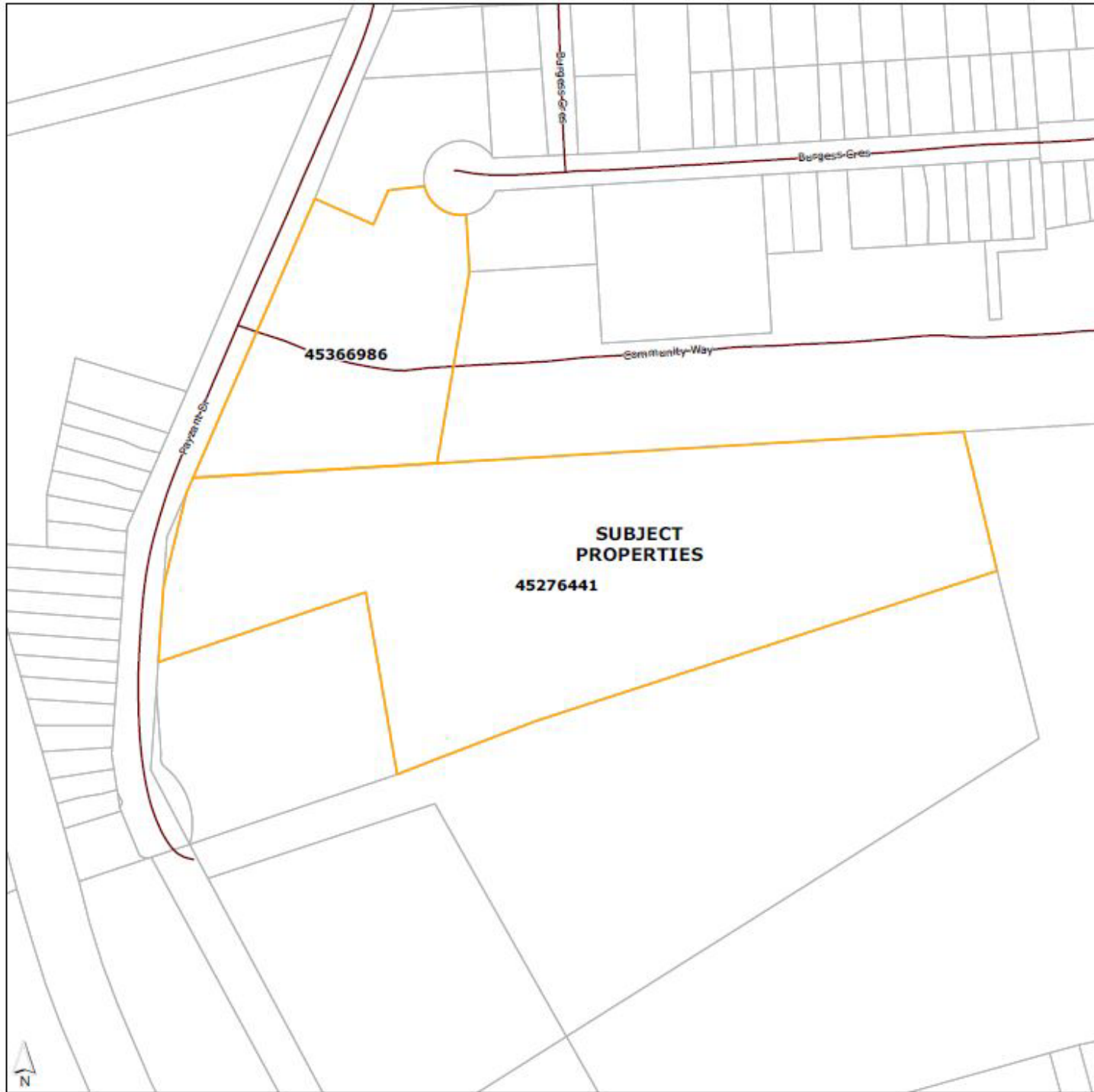
Public Hearing

May 23, 2023

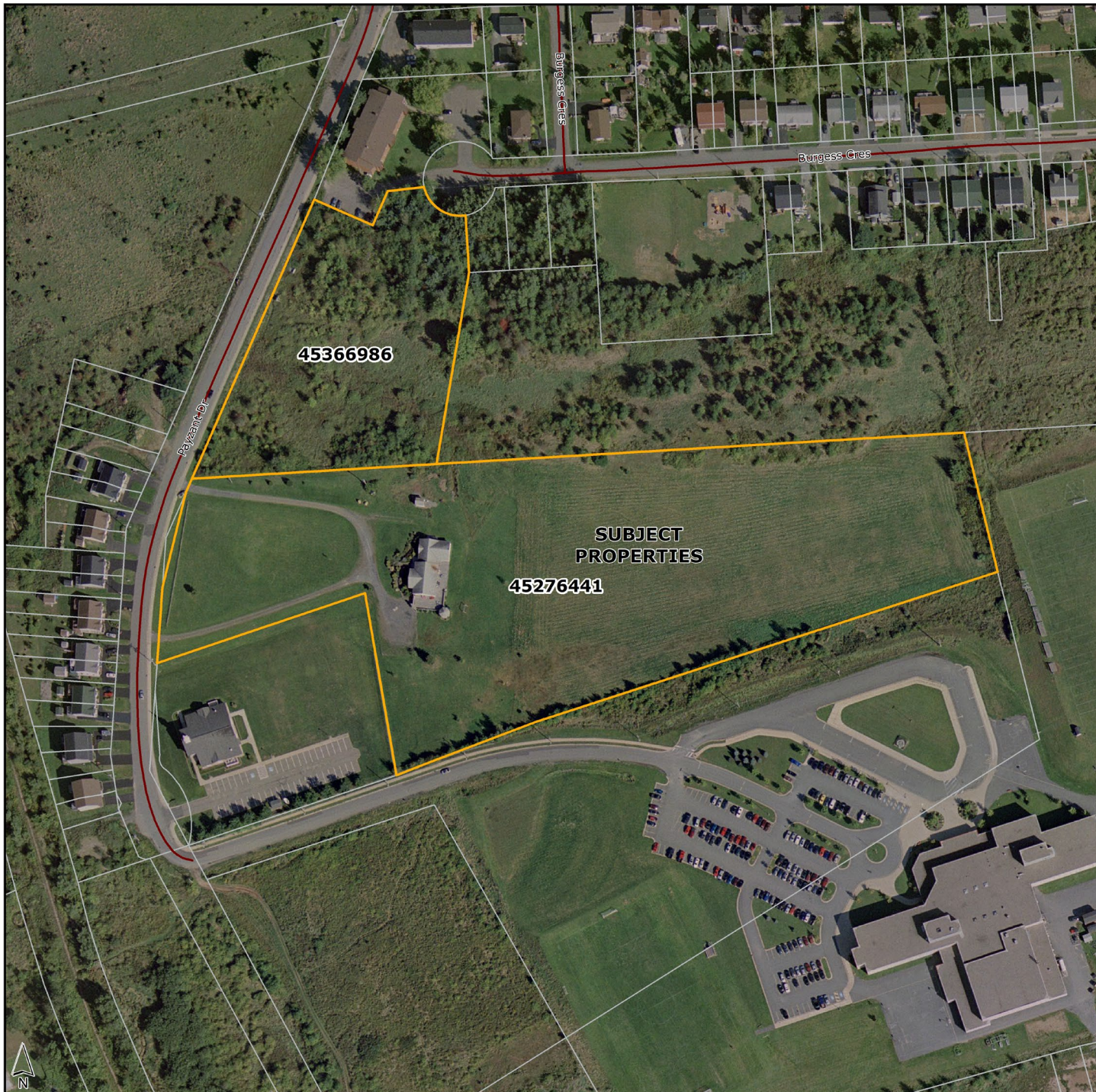
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Site



Orthophoto



Application

- A completed application was received on December 19, 2023 from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited
- Request one, 8-storey, 90-unit apartment building on a portion of the subject lots
- Request to include consideration for commercial space on the ground floor (received Feb 14, 2023)



Overall Concept Plan



- PROPOSED DEVELOPMENT AGREEMENTS:**
1. APARTMENTS "B" & "C"
 2. APARTMENT "D"
 3. COMMUNITY CENTRE
 4. FUTURE R-3's



Proposal



- One, 8-storey, 90-unit apartment building on a portion of the subject lots
- Identified as Apartment "D"



Generalized Future Land Use
CU (Community Use)
R (Residential)









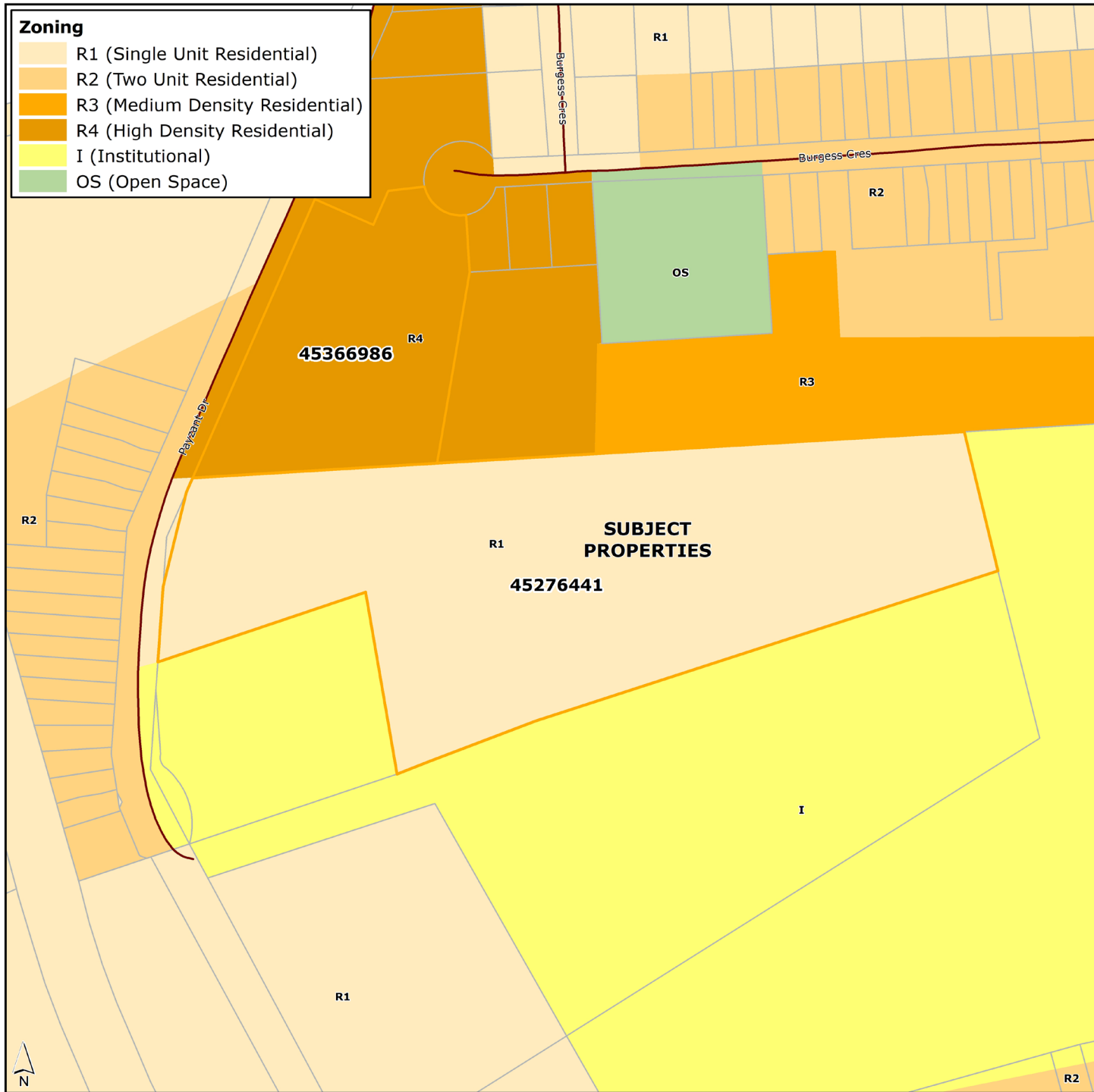
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Zoning

Zoning	
	R1 (Single Unit Residential)
	R2 (Two Unit Residential)
	R3 (Medium Density Residential)
	R4 (High Density Residential)
	I (Institutional)
	OS (Open Space)



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, mixed-use buildings by development agreement



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 WMPS; and
 - (c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the WMPS;
 - (k) mixed use multiple residential/commercial uses in the Residential designation in accordance with Policy 9.1.1 of the WMPS;



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



Windsor Municipal Planning Strategy Cont.

- Part 9.0 of the WMPS contains the overall intention mixed-use developments in Windsor
- *Policy 9.1.1* establishes Council's intention to consider mixed use residential/commercial developments with two or more dwelling units by development agreement in areas designated Residential;

Development Agreement Details

Permitted Uses

- those uses permitted by the underlying zoning in the Land Use By-law;
- an 8-storey apartment building with up to 90 apartment units and up to 10,000 sq. ft. (929.03 sq. m.) of Commercial Floor Area on the ground floor, limited to:

Arts and crafts studios including photography	Dry cleaning and laundry establishments	Restaurants, excluding drive-through restaurants
Banks and financial institutions	Entertainment, recreation and assembly uses	Retail stores including pharmacies
Clubs and community organizations; Commercial schools	Offices	Service and personal service shops
Day care centres, licensed or non-licensed	Repair and rental establishments	Veterinary clinics and animal hospitals

- underbuilding, underground and surface parking



Development Agreement Details

Requirements

- Side yard 15 ft. (4.57 m.) or one-half the height of the building, whichever is greater
- Min. of 13,500 sq. ft. of usable recreation space
- Parking: 1 space per dwelling unit; 1 space for every 500 sq. ft. (46.45 sq. m.) of Commercial Floor Area
- Private snow plowing and garbage collection
- Hours of operation for the commercial uses: 7:00 a.m. and 9:00 p.m. daily, inclusive



Development Agreement Details

Substantive Matters

- the number of units permitted within the apartment building
- the minimum side yard requirements and maximum building height
- the fire safety requirements
- the hours of operation for the commercial uses



Public Information Meeting Notes

- A Public Information Meeting was held on February 16. The meeting was broadcast live on the Municipal Facebook page.
- 14 members of the public attended the Public Information Meeting
- The deadline for comments was March 1
- 2 members of the public spoke at the PIM and 2 written comments were received



Specific Criteria for DA

- Policy 5.4.6, 5.5.1 and 9.1.1 establishes specific criteria 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 building;
 - ✓ the building will not exceed 80 ft. (24.38 m.) in height; and
 - ✓ the commercial uses are located on the street level and do not exceed one-third of the total floor area of the development.



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.



Amendments

- Through discussions with Development Control staff, it was highlighted that for clarity there should be a minimum lot area and minimum lot frontage requirement listed in the draft DA
- Section 2.2 (c) of the draft DA would be amended to include:

Minimum lot size	3 acres
Minimum lot frontage	100 ft. (30.48 m.)

Process

Public Information Meeting

Staff Review

PAC/HAC Review and Recommendation – April 13

Council First Reading – April 25

Public Hearing & Second Reading – May 23

Notice in Paper

14 Day Appeal period



Applicant Presentation

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Comments or Questions from Public



Public Hearing Comments / Questions

- The Public Hearing was advertised:
 - in the paper on both May 2 and 9;
 - letters to property owners within 300 ft of the subject lot; and
 - sign placed on site
- No comments and questions were submitted prior to the meeting





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Recommendations (1 of 2)

...that Council gives Second Reading to and approves entering into a development agreement to permit an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant Drive 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 #22-28 dated April 13, 2023, **with the addition of a minimum lot size of 3 acres and minimum lot frontage of 100 ft.**



Recommendations (2 of 2)

...that Council requires that the development agreement with Mitch Brison which permits an apartment building with up to 90 apartment units and up to 10,000 sq. ft. of commercial space on a portion of PID 452766441 and 45366986 on Payzant 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.





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