

PID 45366432 Cole Drive Development Agreement Part 2

Planning and Heritage Advisory Committee (PAC/HAC)

July 13, 2023





Orthophoto





View of Subject Lot from Cole Drive

Application

- An updated application was received from Darren Shupe of Brighter Community Planning on behalf of Mainland South Investments on March 31, 2023
- Request a 4-storey mixed-use building by development agreement
- This is the second of two buildings in this area submitted by this applicant

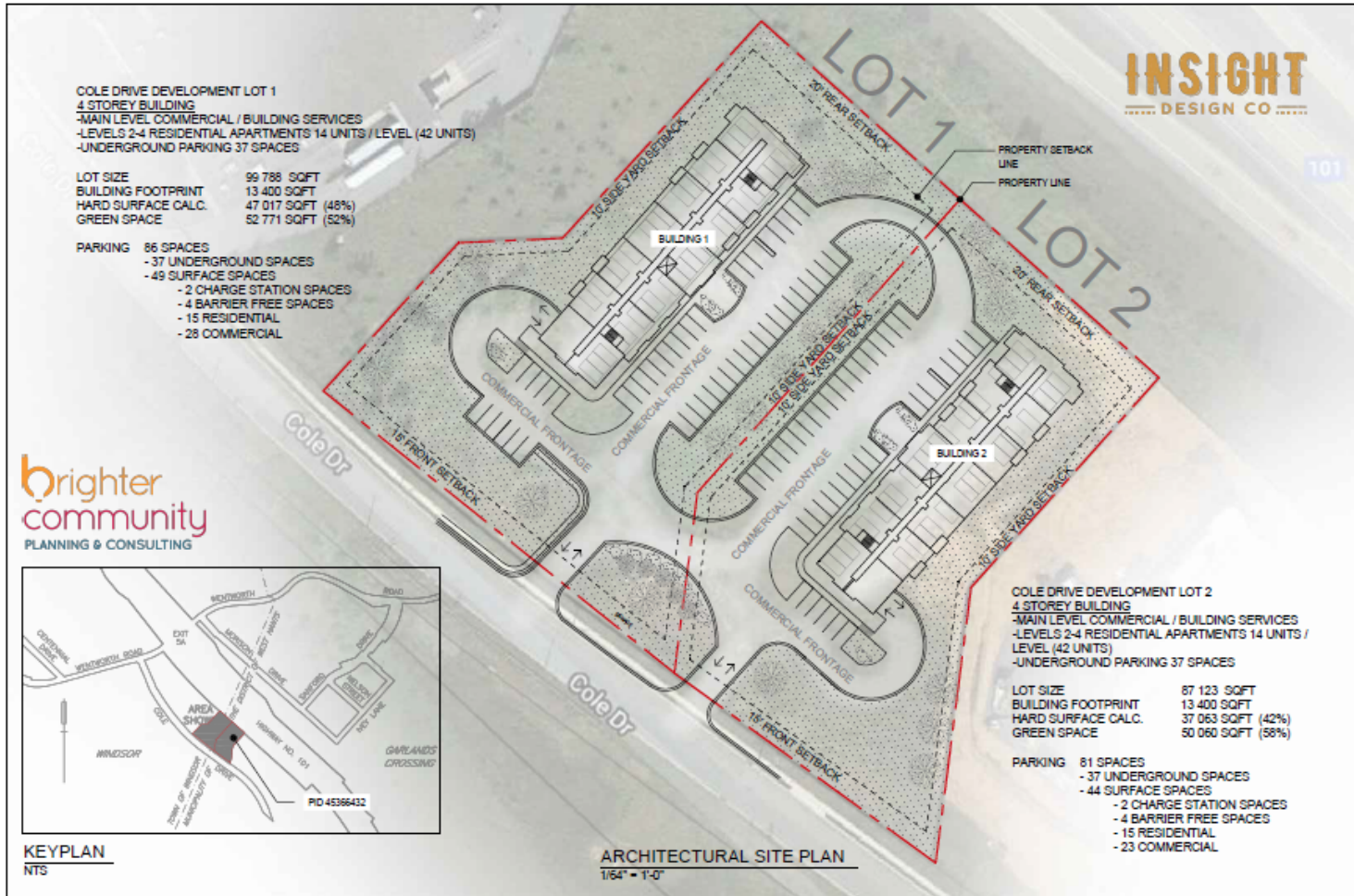


Development Agreements

- 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
- Multiple unit, mixed-use developments of more than three units and greater than three storeys in height are considered in the Residential designation only by development agreement



Development Proposal – LOT 1



- 4-storey building (1st floor commercial, floors 2-4 residential)
- 42 total apartment units
- 13 400 sq. ft. of total commercial space
- 86 parking spaces (37 underground, 49 surface)

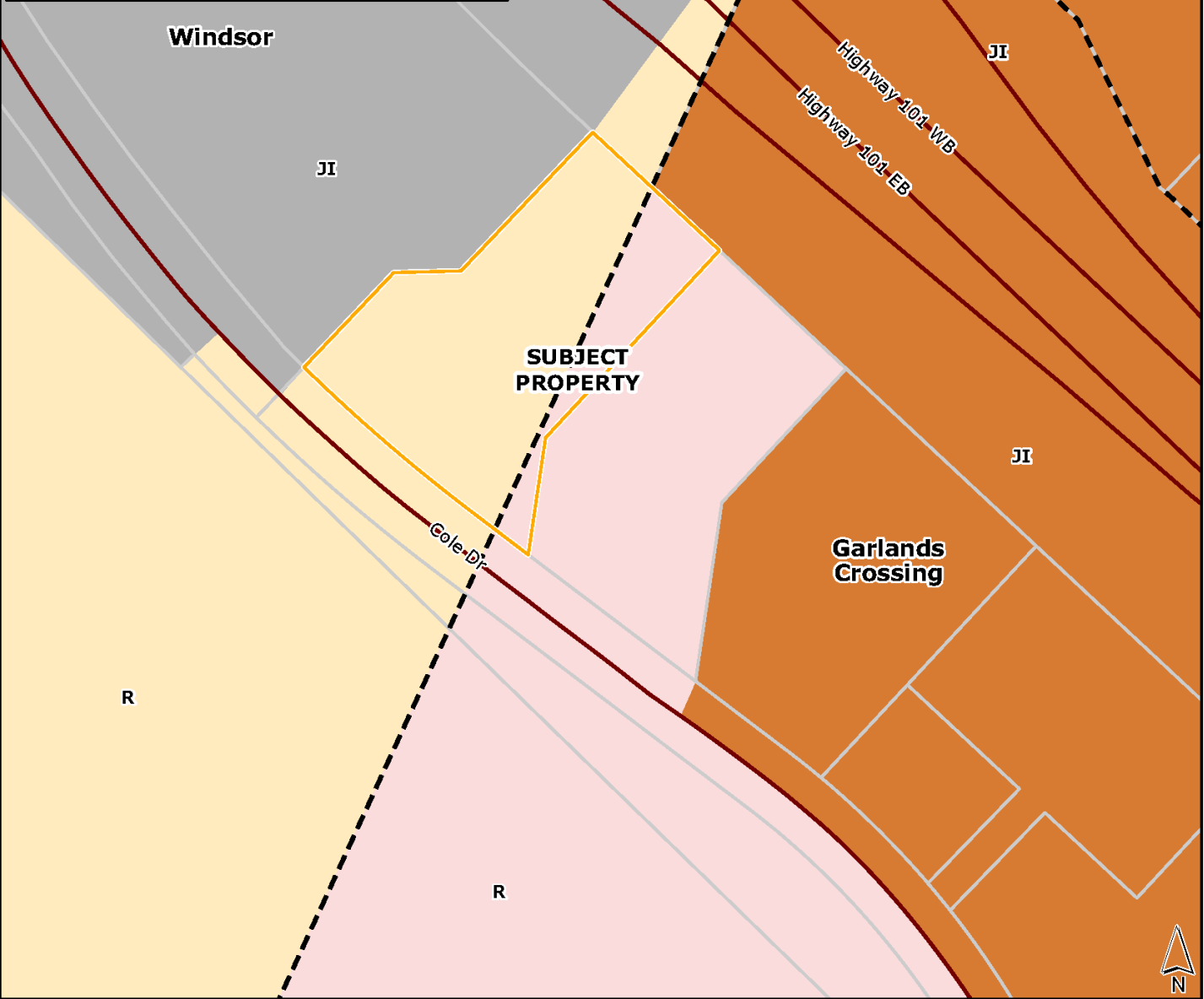


Windsor Generalized Future Land Use

- Joint Industrial (JI)
- Residential (R)

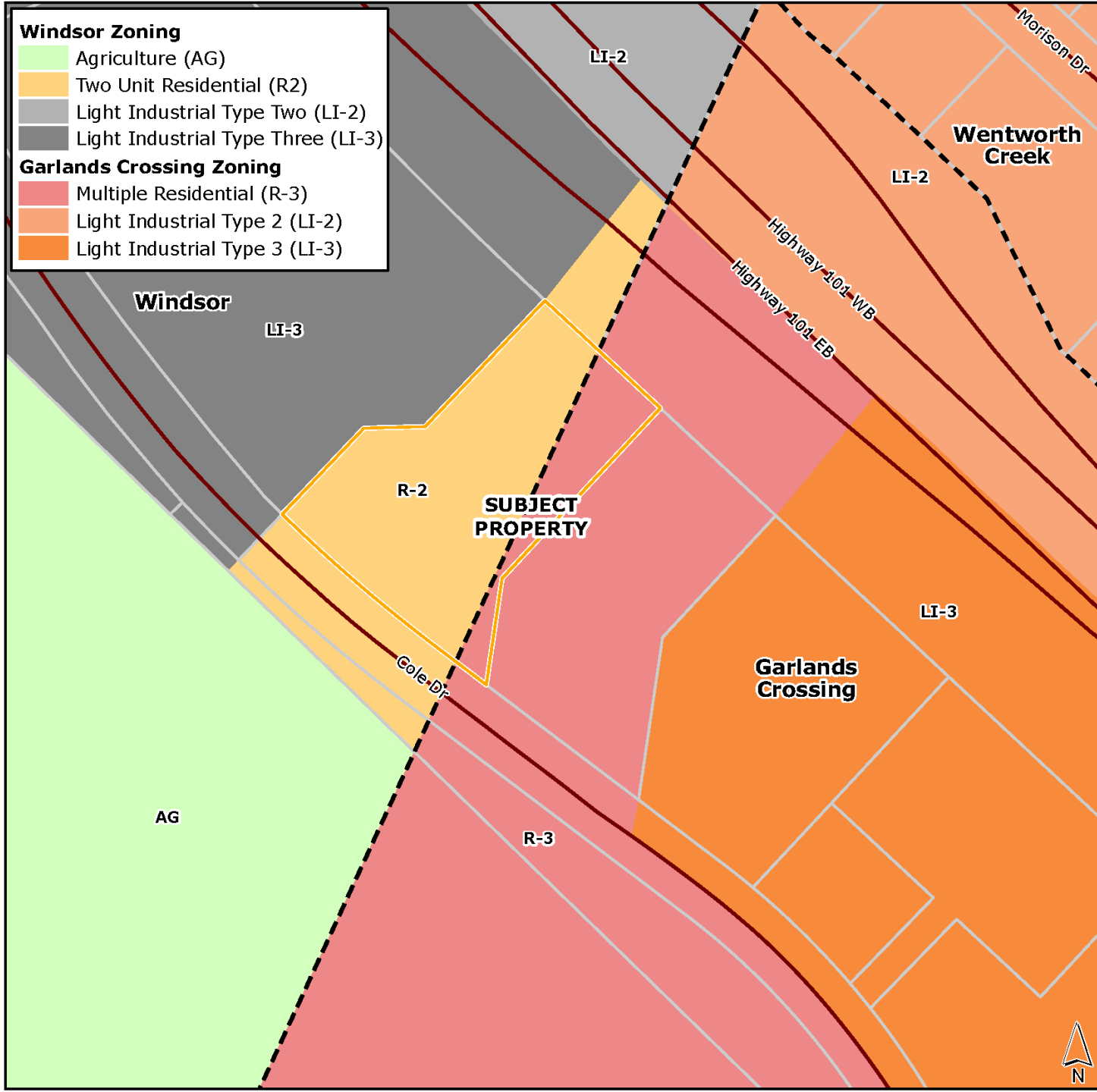
Garlands Crossing Generalized Future Land Use

- Joint Industrial Park (JI)
- Residential (R)



GFLUM

Zoning



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 Municipal Planning Strategy

- *Policy 5.4.6* enables Council to consider multiple unit residential development consisting of three or more units in the Residential Designation by development agreement
- *Policy 5.5.1* enables Council to consider multiple unit residential development greater than three storeys in height in any residential zone by development agreement
- *Policy 9.1.1* enables Council to consider mixed use developments in the Residential Designation by development agreement



Development Agreement Details

Requirements

- Permits: residential apartment building with 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
- Side yards: one-half the height of the building
- Maximum height: 4 storeys
- 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



Development Agreement Details

Substantive Matters

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



Public Information Meeting Notes

- A Public Information Meeting was held on June 6. The meeting was broadcast live on the Municipal Facebook page.
- No members of the public attended the Public Information Meeting
- The deadline for comments was June 20, 2023
- No comments from the public were received



Specific Criteria for DA

- **Policy 5.4.6, 5.5.1 and 9.1.1** establish specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the WLUB;
 - ✓ the proposed development has side yards that are at least one half the height of the main building;
 - ✓ the proposed building is limited to a maximum height of 50 ft.; and
 - ✓ the proposed development is of a similar size and design to surrounding buildings.

General Criteria for DA

- **Policy 16.3.1** states general criteria to be considered by Council
- 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, Public Works Engineering Division, and Municipal Traffic Authority have no concerns which have not been addressed in the development agreement



Process

Public Information Meeting – June 6

Staff Review

PAC/HAC Review and Recommendation – July 13

Regional Council First Reading – July. 25*

Public Hearing & Second Reading – Sept. 26*

Notice of Approval

14 Day Appeal Period

*anticipated dates;
final dates set by
Council



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 45366432 on Cole Drive in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-09 to the Planning and Heritage Advisory Committee dated July 13, 2023.

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 45366432 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.



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