

Windsor Back Road Development Agreement

Planning and Heritage Advisory Committee

June 13, 2024

something inspiring awaits



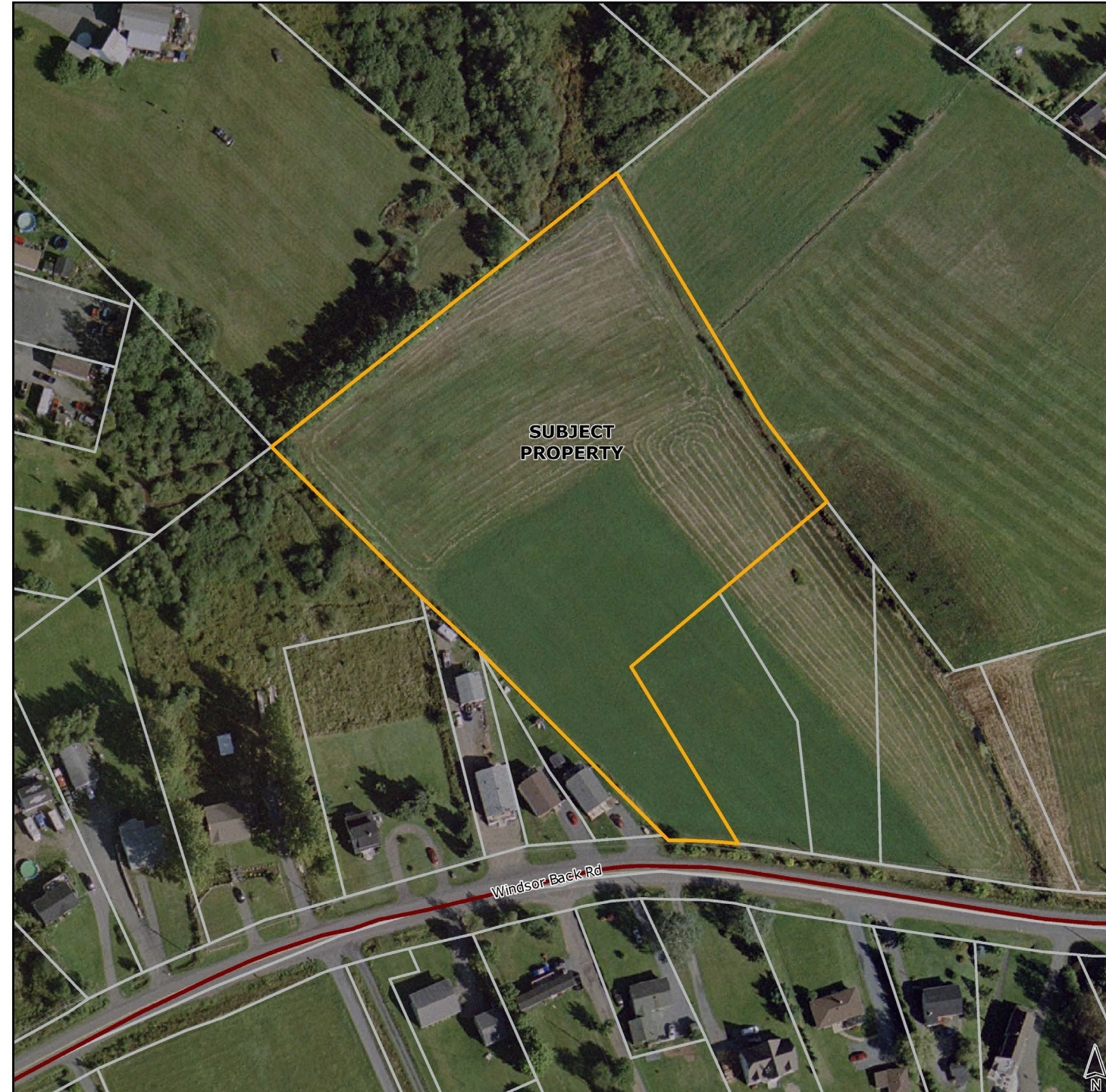
Application

- A completed application was received from the Chrystal Fuller on behalf of the owners Marchand Homes on October 13, 2023.
- The application is for a development agreement to permit Grouped Dwellings on the vacant property.
 - 3 multi-unit buildings
 - 29 units/ building
 - 87 total units



Orthophoto

- Located on Windsor Back Rd.
- 3.9 acres in size
- Subdivided recently
- Mix of low density residential dwellings



Generalized Future Land Use
Residential (R)



GFLUM

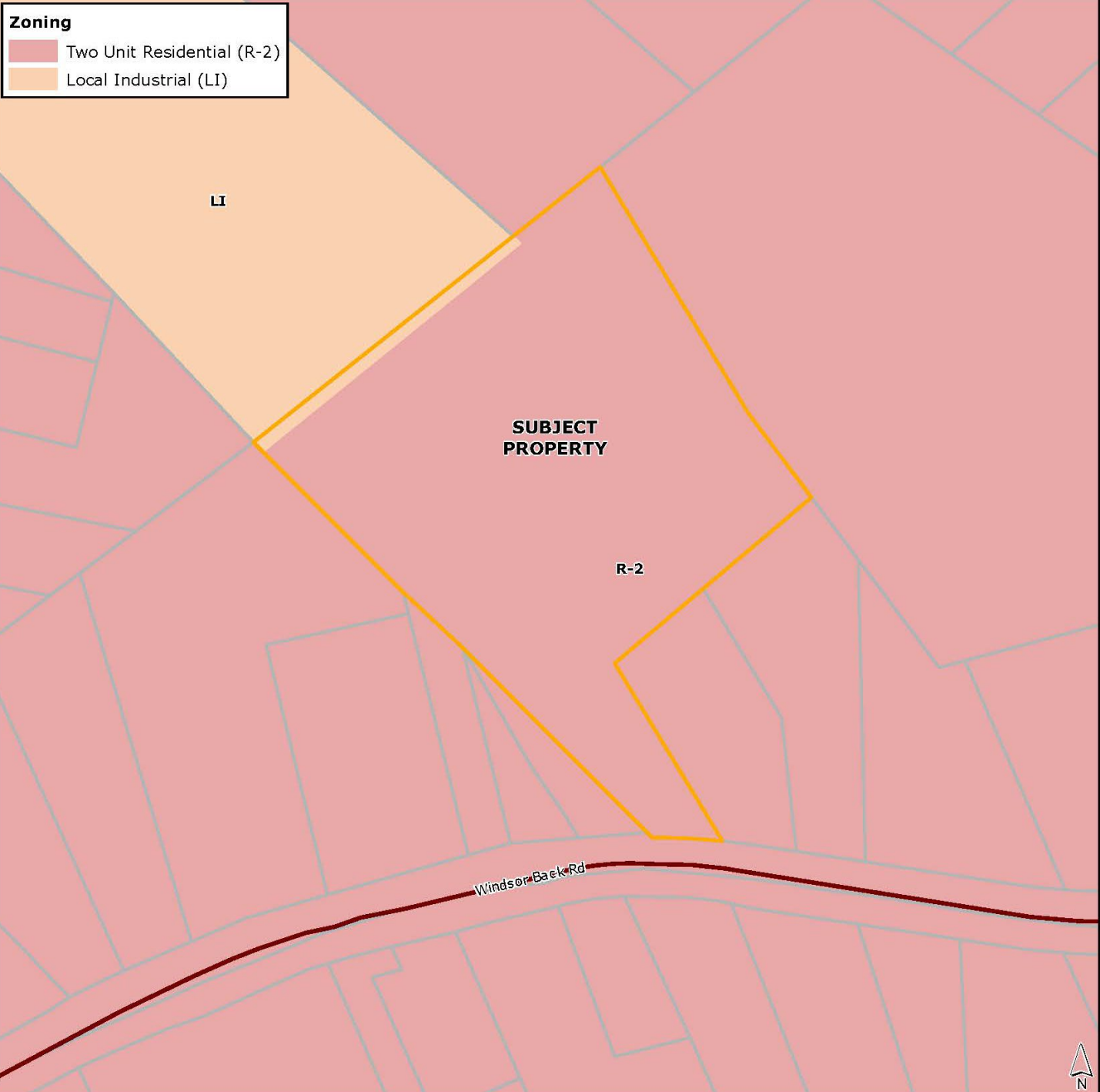
- Residential Designation

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Zoning

	Two Unit Residential (R-2)
	Local Industrial (LI)



Current Zoning

Two Unit Residential (R-2)

Permitted uses include:

- Single unit dwellings
- Two-unit dwellings
- Manufactured homes
- Mobile homes





View of Subject Lot and Posted Signage





View of Abutting Property



West Hants MPS – Enabling Policy

Policy 5.3.10 enables Council to consider grouped dwellings of six or more units in the Three Mile Plains Growth Centre by development agreement:

In summary, the criteria are met since:

- road frontage on a public street is required in the development agreement;
- buildings are grouped and located to conserve the existing natural features of the site;
- the development is reasonably compatible with the character of the area with respect to building scale and traffic generation; and
- clauses (b) to (h) of Policy 5.3.7 are considered met.



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 premature or inappropriate for the area, provided the new public street is built to municipal specifications, which is a requirement of the development agreement;
- municipal costs related to the proposal would benefit the surrounding area; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Project Engineer, and Provincial Department of Public Works have no concerns which have not been addressed in the development agreement.

Application Review Process

Initially, the Development Officers indicated a watercourse was present on the subject lot mapping. Under normal circumstances, this would require a 50 ft. setback.

The applicant then submitted a Watercourse Assessment and Species at Risk Screening letter. That outlined mitigation options for potential impacts on wildlife and a professional opinion that the drainage ditch did not meet the provincial requirements of a watercourse.

Staff contacted the Nova Scotia Department of Environment and Climate Change (NSECC) to confirm the findings within the letter. NSECC conducted a site visit, then confirmed the findings of the letter in a verbal report to staff.

After months of waiting for written confirmation from NSECC, the applicant requested that staff move forward with the application based on the submitted letter prepared by a qualified person.

Staff determined that the submitted letter from a qualified person and a verbal confirmation from the NSECC was sufficient evidence to proceed with the application and conclude that there is no watercourse present on the subject lot.



Development Agreement Details

Requirements

- Permits: up to 87 total dwelling units among 3 buildings
- Setback requirements consistent with the Two Unit Residential (R-2) zone
- Maximum height: 3 storeys
- Driveway access from Windsor Back Road, with access shared if required by the Provincial Public Works Department
- A minimum ratio of 1.3 vehicle parking space per dwelling unit is to be provided



Development Agreement Details

Substantive Matters

- the uses permitted on the property;
- a reduction of the minimum side yard setbacks or maximum height;
- the fire safety requirements;
- the stormwater management plan requirements; and
- the water and sewer servicing infrastructure.



Public Information Meeting Notes

- A Public Information Meeting was held on November 2. The meeting was broadcast live on the Municipal Facebook page.
- Approximately 30 members of the public attended the Public Information Meeting.
- The deadline for comments was November 16, 2023.
- Staff received 12 written submissions during the public comment period.



Public Comments Summary

- Previous flooding on subject lot
- Value of the previous use
- Wildlife and species at risk
- Significant density change
- Road access and pedestrian safety
- Property value impacts
- Conflict with nearby farms
- Underground parking concern
- Cost of rent
- Inadequate servicing in the area
- Stormwater management concerns
- Limited nearby amenities
- School capacity
- Rural setting



Staff Response to Public Comments

- A Watercourse Assessment and Species at Risk Screening letter was prepared by a qualified person to address the concerns regarding potential watercourses and species at risk on the subject property.
- A Traffic Impact Study was approved by Nova Scotia Department of Public Works to address the road network and access concerns.
- Upgrades to municipal services have been agreed upon with the Municipal Public Works Department.
- A stormwater management plan will be required at the permitting stage to ensure that pre- and post-development flows are neutral or better.
- The subject lot is located in the Growth Centre Designation, which incentivizes residential density.
- The Annapolis Valley Regional Centre for Education confirmed sufficient capacity to accommodate the proposal.



Public Information Meeting –
November 2, 2023

Staff Review

**PAC/HAC Review and Recommendation –
June 13, 2024**

Council First Reading –
June 25, 2024*

Public Hearing & Second Reading –
July 23, 2024*

Notice Placed in Paper

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 grouped multi-unit buildings on PID 45402831 in Three Mile Plains which is substantively the same as the draft set out in Attachment C of the report File #22-33 to the Planning and Heritage Advisory Committee dated June 13, 2024.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Jeff Marchand of Marchand Developments Ltd. for PID 45402831 in Three Mile Plains 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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