

Wagners Court Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

December 14, 2023

something inspiring awaits

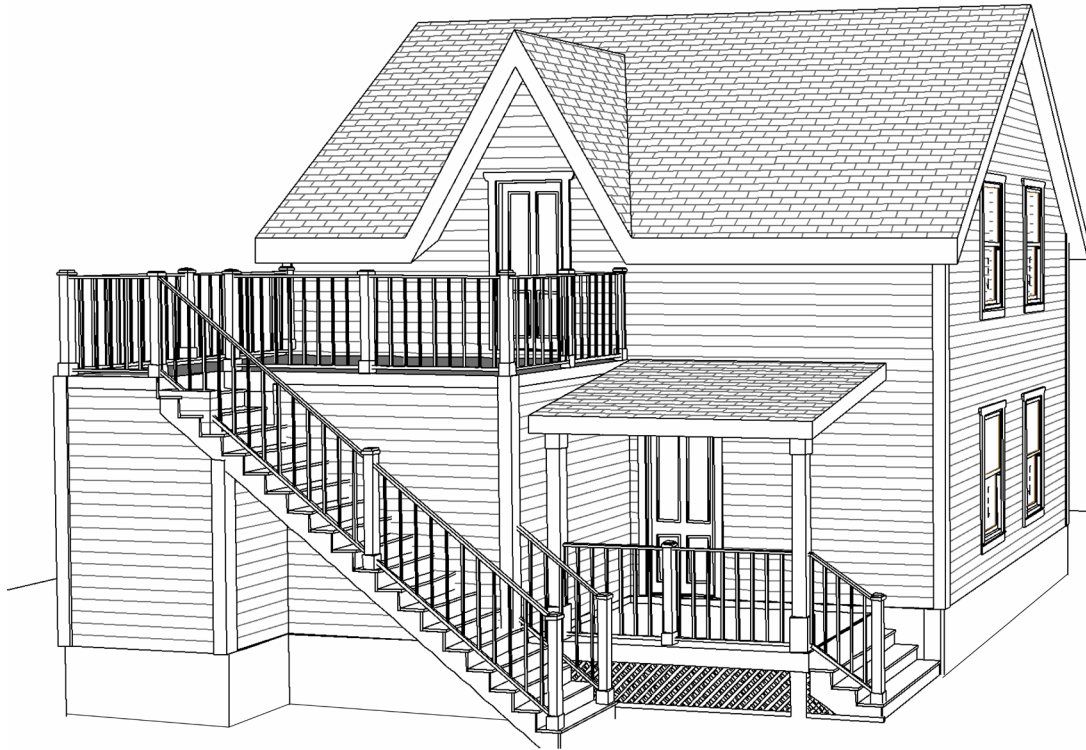


Application Background

- An application was received from Edward Edelstein of Ecogreen Homes on October 11, 2023.
- The application is to allow the conversion from single unit residential dwellings into two-unit residential dwellings for 172, 179, 180, 187, and 188 Wagners Court by development agreement.



Development Proposal



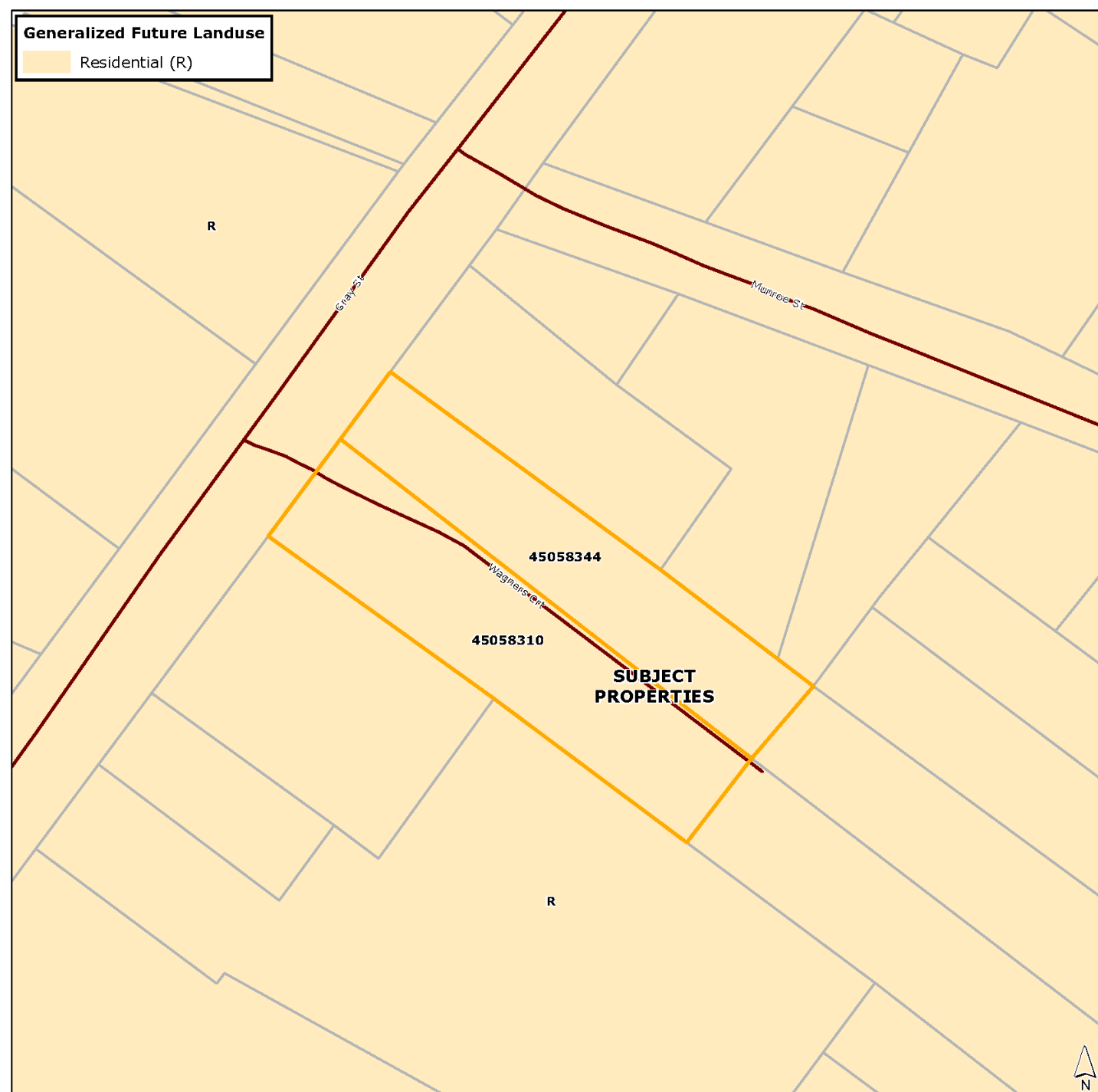
Orthophoto

- The properties currently have 3 single unit dwellings located mirroring each other on each lot
- Abuts a number of residential uses and is located across Gray Street from the Windsor Curling Club



Generalized Future Landuse

Residential (R)



GFLUM

- Residential Designation

something inspiring awaits



Zoning

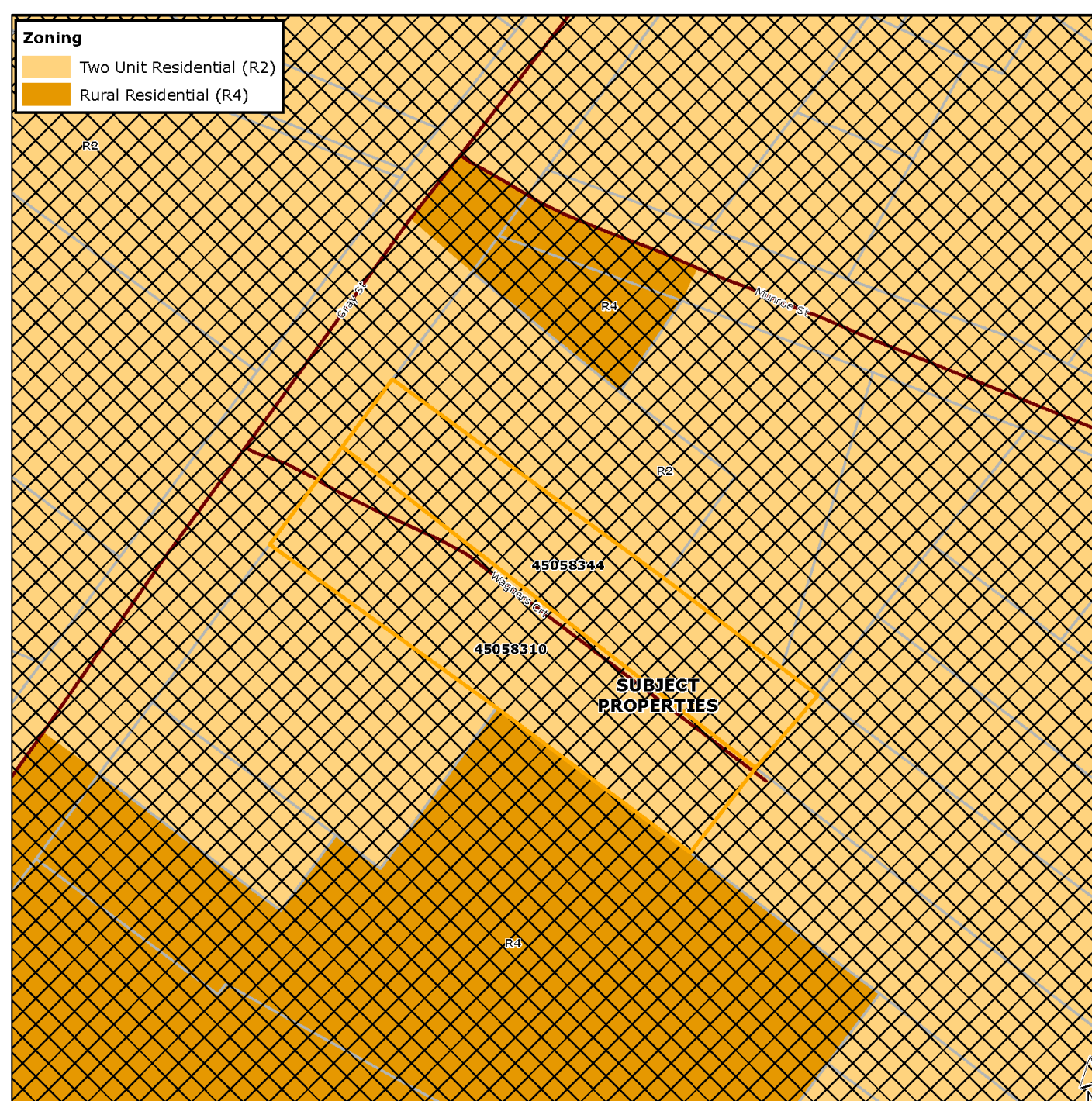
- Two Unit Residential (R-2) zone

Permitted uses include:

- Single and Two-unit dwellings

- Architectural Control District

Requires developments to meet the Architectural Design Manual





View down centre of Subject Lots





View across from Subject Lots



Windsor MPS Policies

- **Policy 5.4.6** enables Council to consider grouped dwellings in the Residential designation by development agreement.
- **Policy 13.0.3** requests comment from the Heritage Advisory Committee on design review for development agreements within the Architectural Control District.
- **Policy 16.3.1** states general criteria for development agreements.



Specific Criteria for DA

Policy 5.4.6 establishes specific criteria to be considered by Council.

- In summary, the criteria are met since:
 - ✓ the proposal does not further reduce the setbacks of the existing non-conforming buildings;
 - ✓ the proposal is considered compatible with adjacent land uses;
 - ✓ the draft development agreement outlines buffering and landscaping requirements;
 - ✓ the architectural design of the proposal meets the requirements of the Central Residential District of the Architectural Design Manual;
 - ✓ the Development Officer, Public Works Engineering Division, Fire Chief, Manager of Building and Fire Inspection Services, and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in the report.



Specific Criteria for DA

Policy 13.0.3 establishes the requirement for comments and recommendation from the PAC/HAC on the design review of applications for development agreements within the Architectural Control Districts.

- With consultation from the Development Officer, planning staff have reviewed the proposed design of the buildings and have determined that it conforms to the requirements of the Architectural Design Manual.
- The aspects reviewed by staff include:
 - architectural style and façade design, height, proportion, and orientation, front yard setback, roof pitch and style, windows and dormers, cladding and trim, porches, porticos, and verandas, exterior staircases and fences, and barrier-free access.



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 report.



Changes to the Proposal (1 of 2)

The applicant has updated staff with their intention for the proposal to demolition and rebuild, as opposed to the renovating the existing buildings.

- Staff discussed this change with the Development Officer and determined that demolition and reconstruction of the units would not affect the development agreement application.



Changes to the Proposal (2 of 2)

The applicant also submitted an updated site plan showing the proposed grouped dwelling closer together. At the time of writing the report, staff had not yet received comment back from the Fire Chief and Manager of Building and Fire Inspection Services.

- Staff have since received comment from both the Fire Chief and Manager of Building and Fire Inspection Services stating that the new setbacks were not a concern, provided that non-combustible construction materials are used.



Questions from Nov. 9 PAC/HAC Meeting (1 of 2)

The first question asked during the meeting was regarding the notification signage referring to the proposal as affordable.

- Staff responded that this was a mistake and that our policies only allow development agreements to regulate land use, not rental cost. Staff have also made the necessary changes to future advertisements to ensure clarity.



Questions from Nov. 9 PAC/HAC Meeting (2 of 2)

The second question asked was regarding how the proposal would affect flooding for the property and other nearby properties.

- Staff requested clarification from the applicant, who stated that their floodproofing measures included removing the existing crawl spaces, raising the main floor height, and building a new foundation from on-grade concrete slab. In addition to this, confirmation will be required from an engineer that pre- and post-development flows are neutral or better than before the development. This will ensure that there is no increase in stormwater runoff due to the proposal.



Development Agreement Details

Requirements

- Permits: up to 11 grouped dwelling units on Wagners Court
- Setback requirements consistent with the High Density Residential (R-4) zone, except the side and rear yards which shall be reduced to based on the footprint of the existing buildings
- Maximum height: 3 storeys
- Driveway access from Gray Street
- A minimum ratio of 1 vehicle parking space to dwelling unit is to be provided



Development Agreement Details

Substantive Matters

- the uses permitted on the property;
- a reduction of the minimum setbacks; and
- the fire safety requirements.

Public Information Meeting Notes

- A Public Information Meeting was held on November 2. The meeting was broadcast live on the Municipal Facebook page.
- 30 members of the public attended the Public Information Meeting
- The deadline for comments was November 16, 2023
- Comments during the Public Information Meeting included:
 - The development agreement process, density of the proposal, housing grants, traffic, surrounding property values, parking, and if the proposal would be a new build.



Public Information Meeting – Nov. 2

Staff Review

**PAC/HAC Review and Recommendation –
Dec. 14**

Council First Reading – Jan. 23*

Public Hearing & Second Reading – Feb. 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 grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-35 to the Planning and Heritage Advisory Committee dated December 14, 2023.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Edward Edelstein which permits grouped dwellings, consisting of 11 dwelling units, on PIDs 45058310 and 45058344 on Wagners Court 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