



West Hants
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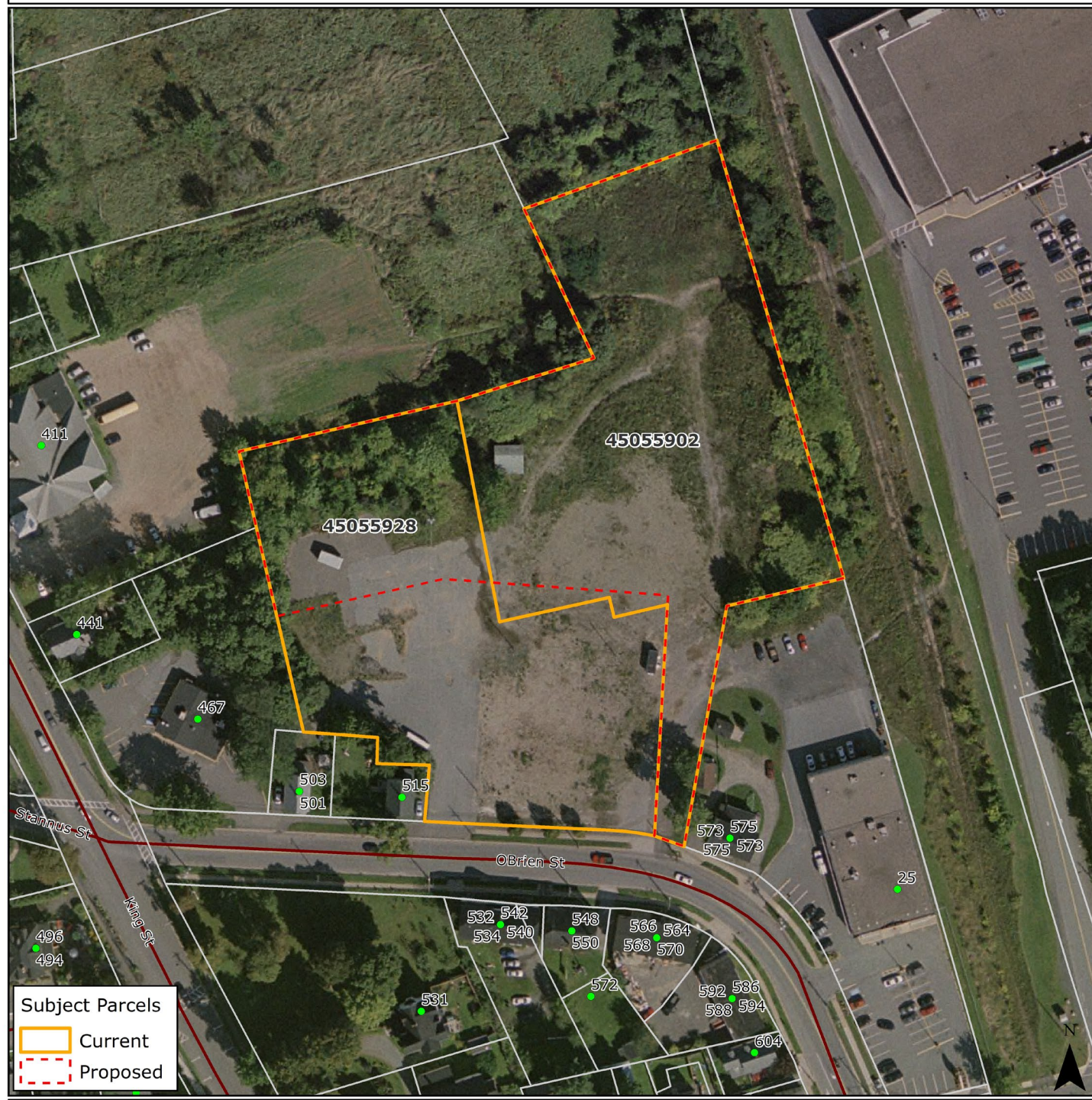
PID 45055902 O'Brien St, Windsor Development Agreement & Discharge

Planning and Heritage Advisory Committee (PAC/HAC)

November 8, 2021



Orthophoto



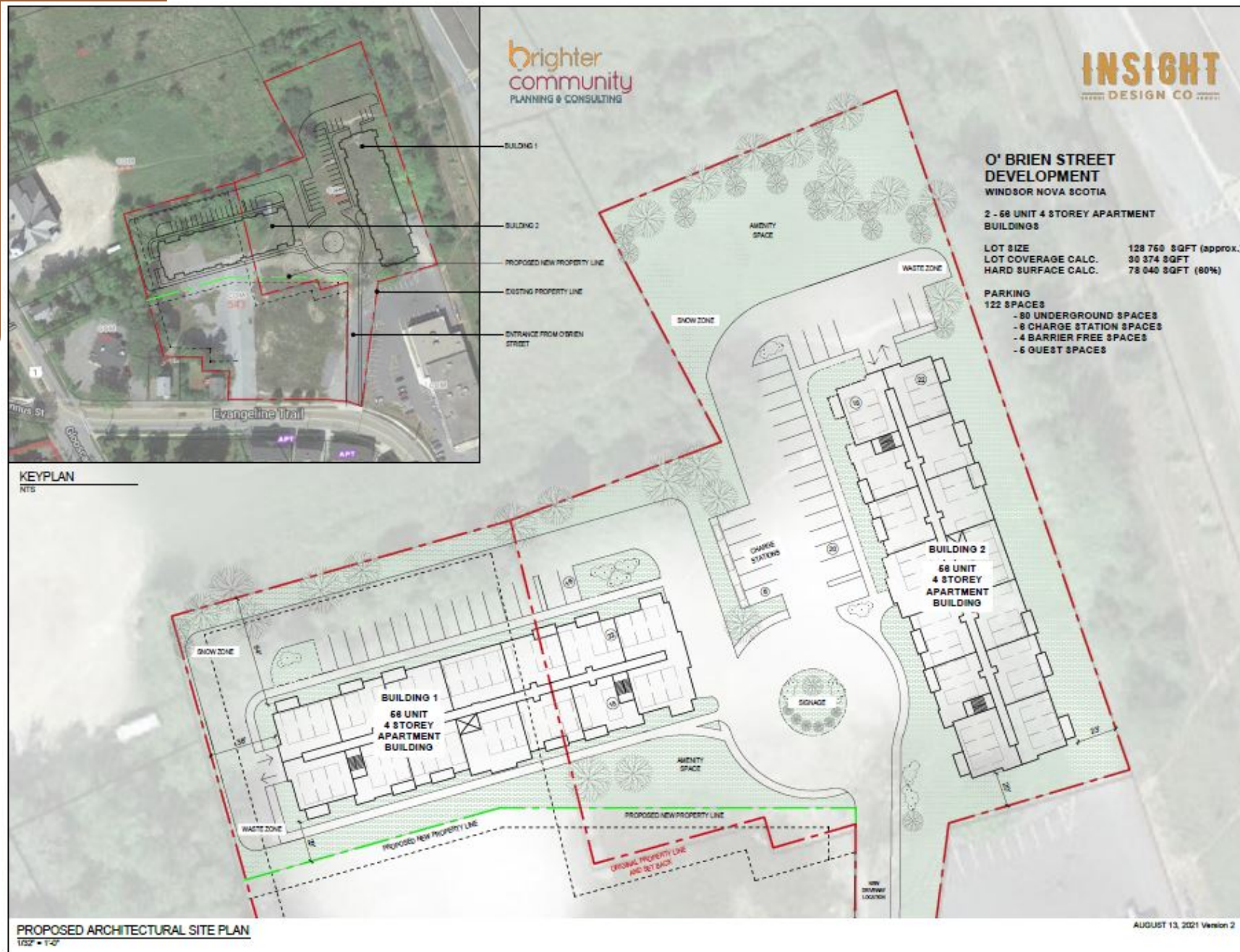
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Application

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone
- On September 1, Clark Wilkins applied for a development agreement to permit:
 - Two (2), four (4) storey, 56-unit apartment buildings;
 - 122 parking spaces which includes 80 underground parking spaces;
 - up to 10,000 sq ft of commercial space on the ground floor; and
 - a minimum of 20,000 sq ft of outdoor amenity space





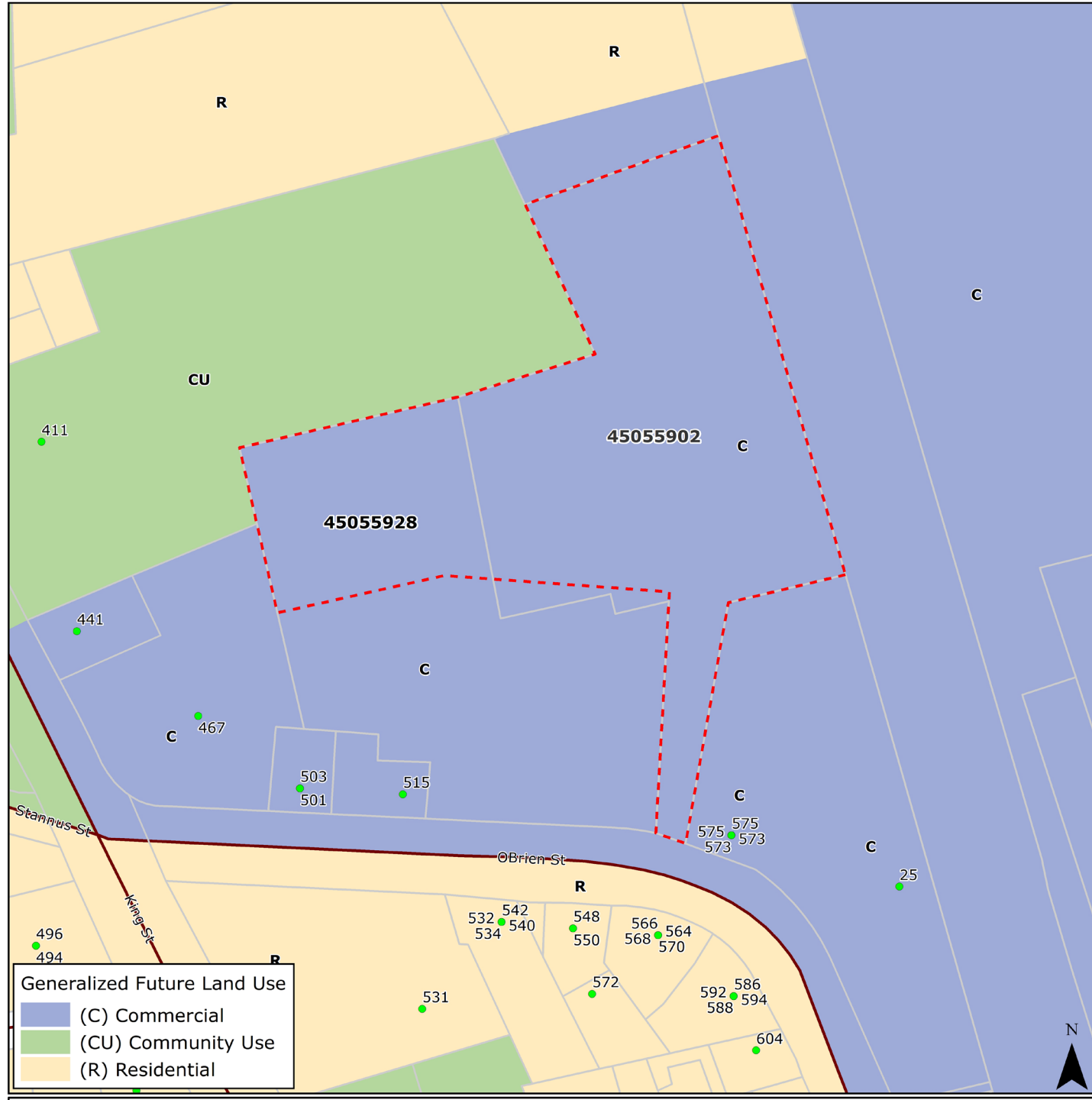
Application



Background

- Current development agreement on the property from 2010
 - Permits two (2) buildings, a maximum of 66 residential units, a maximum height of 4 storeys, ground floor commercial in one building max of 10,000 sq ft
- This application would discharge the previous development agreement on the property
- Subdivision application to change the lot configuration of the subject lot

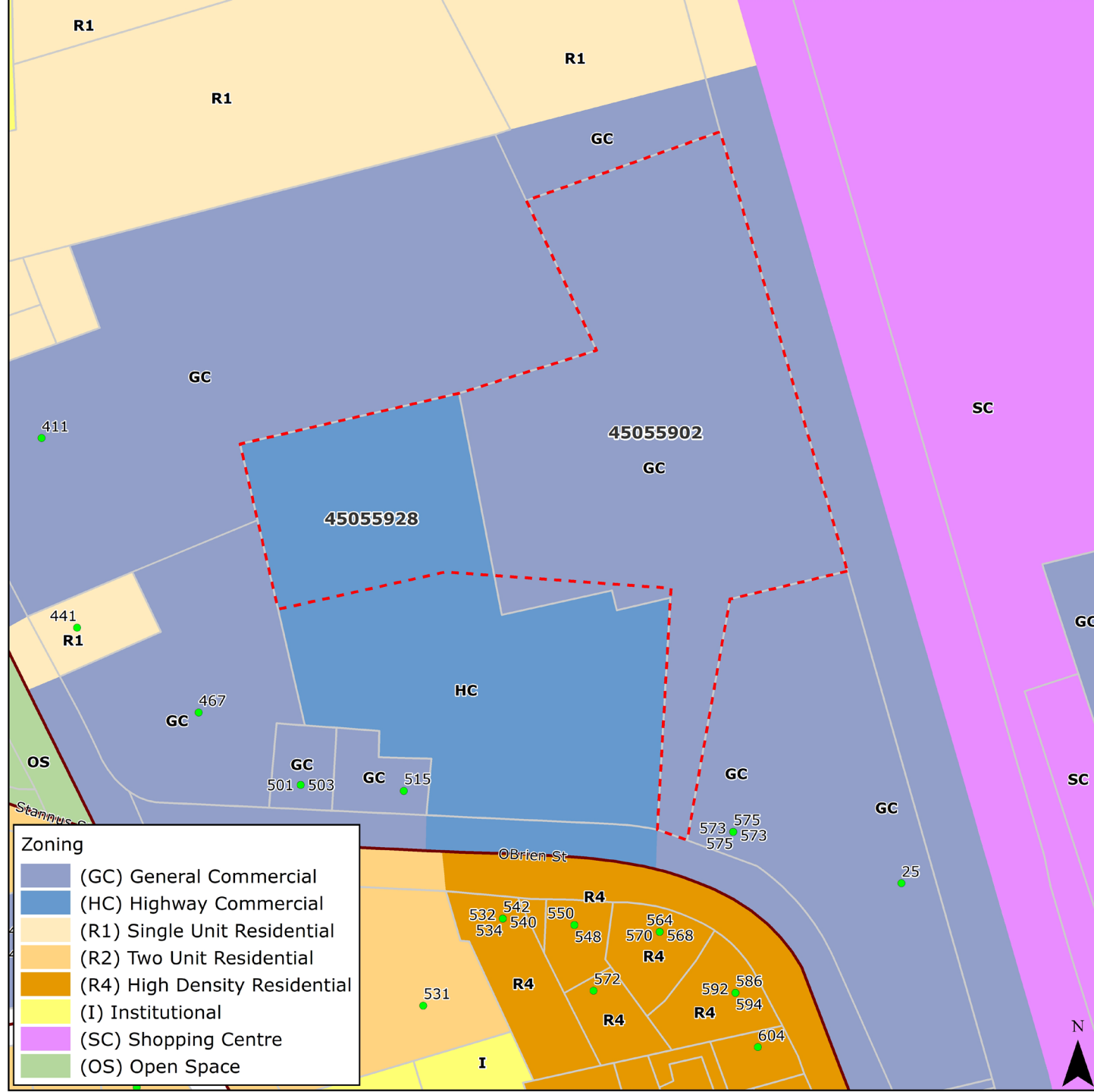
GLFUM



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Zoning



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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:
(I) mixed use development in the Commercial designation or the Industrial designation outside the industrial parks in accordance with Policy 9.2.1 of the Municipal Planning Strategy;

Windsor Municipal Planning Strategy

- Part 8.0 of the WMPS contains the overall intention for properties designated Commercial in Windsor
- Part 9.0 of the WMPS contains the policies for mixed use development in Windsor
- **Policy 9.2.1** establishes Council's intention to "consider mixed use development by development agreement in the Commercial designation or the Industrial designation outside the industrial parks"

Development Agreement Details

Permitted Uses

- uses permitted in the underlying zoning;
 - residential development of a maximum of 112 dwelling units;
 - underground and surface parking spaces;
 - up to 10,000 sq ft of limited commercial uses on the ground floor of one building; and
 - a minimum of 20,000 sq ft of outdoor amenity space.
-
- All generally consistent with the site plan



Development Agreement Details

Requirements

- one (1) parking space per dwelling unit and a minimum of one (1) parking space for every 300 sq ft gross floor area dedicated to commercial uses;
- 5 ft wide sidewalk from O'Brien Street to the building entrances;
- private waste collection with enclosed storage of waste; and
- prohibits outdoor storage.



Development Agreement Details

Requirements Cont.

- Prior to a development permit being issued, the development agreement requires the following items be provided to the Development Officer:
 - a stormwater management plan;
 - copies of Remedial Action Plan and the Certificate of Compliance;
 - design plans of the water and sewer servicing connections and layout; and
 - an environmental study if any portion of the main buildings are intended to be constructed upon lands designated as Environmental Constraints.

Development Agreement Details Cont.

Phased Development

- Section 4.1 (a) states that development must commence within 48-months of the agreement being signed;
 - Section 2.14 (c) requires the first building to be complete within three (3) years of commencement; and
 - Section 2.14 (d) requires the second building to be complete within six (6) years of commencement.
-
- If using the maximum extent of each timeline the owner would have ten (10) years to complete the proposed development

Development Agreement Details Cont.

Substantive Matters

- Substantive matters are any items that Council has determined that would significantly alter the intended effect of the development agreement if changed
- If a request is received from the developer to change a substantive matter outlined in a development agreement, the request must go through the entire development agreement process including Public Hearing before Council, prior to Council making a final decision on the proposed amendment

Development Agreement Details Cont.

Substantive Matters Cont.

- the uses permitted on the Property as listed in Section 2.1, Use;
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued as listed in Section 2.9, Site Drainage;
- the requirements for the Remedial Action Plan and the Certificate of Compliance to be submitted prior to a development permit being issued as listed in Section 2.10, Site Remediation;
- the fire safety requirements listed in Section 2.12, Fire Safety.
- the timelines for construction in Section 2.14, Phasing.



Specific Criteria for DA

- **Policy 9.2.1** establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposed development consists of a combination of residential and commercial uses;
 - ✓ the location of the proposed development does not adversely affect the existing pattern of development in the surrounding area or restrict existing commercial development patterns;
 - ✓ adequate parking and safe pedestrian and vehicular access to the site is provided; and
 - ✓ no outdoor storage is permitted.

General Criteria for DA

- **Policy 16.3.1** states the general criteria to be considered by Council
- In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, Manager of Building and Fire Inspection Services, Development Officer, and the Public Works Department have no major concerns which were not addressed in the draft development agreement.



Public Information Meeting Notes

- A virtual Public Information Meeting was held on October 14. The meeting was broadcast live on the Municipal Facebook page.
- The deadline for comments was October 29
- One letter was received from Keith AuCoin
 - Concerns with discharge of sewage from the project
 - Project Engineer for the Public Works Department provided response



Process

Staff Review



Public Information Meeting – October 14



PAC/HAC Review and Recommendation – Nov 8



Council First Reading – Nov 23



Public Hearing & Second Reading - December



Notice of Approval in Paper



14 Day Appeal period



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 permit two (2), four (4) storey, 56-unit apartment buildings which include up to 10,000 sq ft of commercial space on the ground floor of one building at PID 45055902 on O'Brien Street, Windsor, in a manner substantively the same as the draft set out in Attachment B to the report #21-14B to the Planning and Heritage Advisory Committee dated November 8, 2021, taking note that this development agreement will discharge and replace the development agreement recorded at the Registry of Deeds on April 9, 2010 as document 9561229.

Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Metro Premier Properties Inc. 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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