

Burgess Crescent, Windsor Multi-unit Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

January 12th, 2023

something inspiring awaits

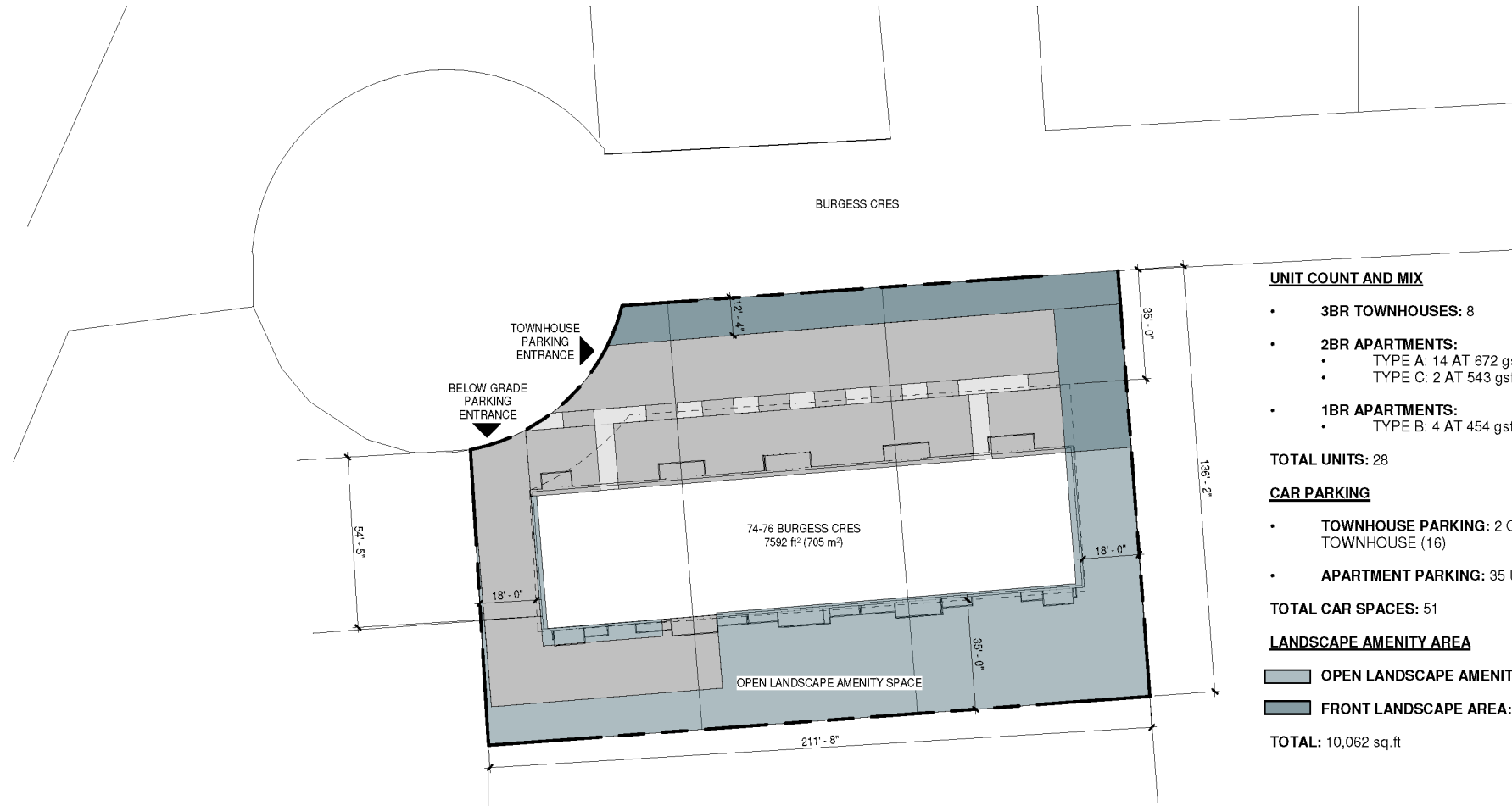


Application

- A completed application was received from Mark Higgins of OT Developments LTD on behalf of Florian Lambie on October 4th, 2022.
- The application was to permit an 8-unit townhouse with attached 20-unit apartment building by development agreement.

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.

Site Plan



UNIT COUNT AND MIX

- **3BR TOWNHOUSES:** 8
- **2BR APARTMENTS:**
 - TYPE A: 14 AT 672 gsf
 - TYPE C: 2 AT 543 gsf
- **1BR APARTMENTS:**
 - TYPE B: 4 AT 454 gsf

TOTAL UNITS: 28

CAR PARKING

- **TOWNHOUSE PARKING:** 2 ON-GRADE SPACES PER TOWNHOUSE (16)
- **APARTMENT PARKING:** 35 UNDERGROUND SPACES

TOTAL CAR SPACES: 51

LANDSCAPE AMENITY AREA

■ **OPEN LANDSCAPE AMENITY AREA:** 7238 sq.ft

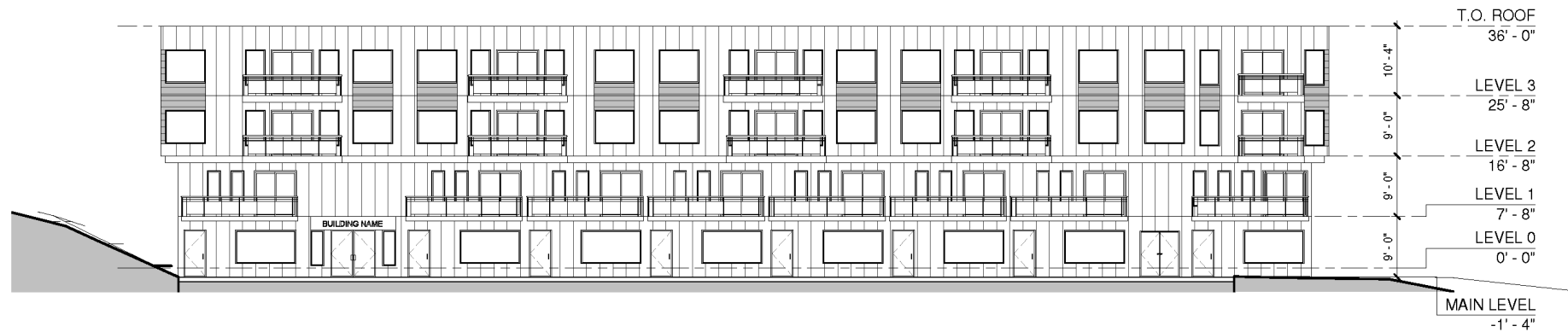
■ **FRONT LANDSCAPE AREA:** 2824 sq.ft

TOTAL: 10,062 sq.ft

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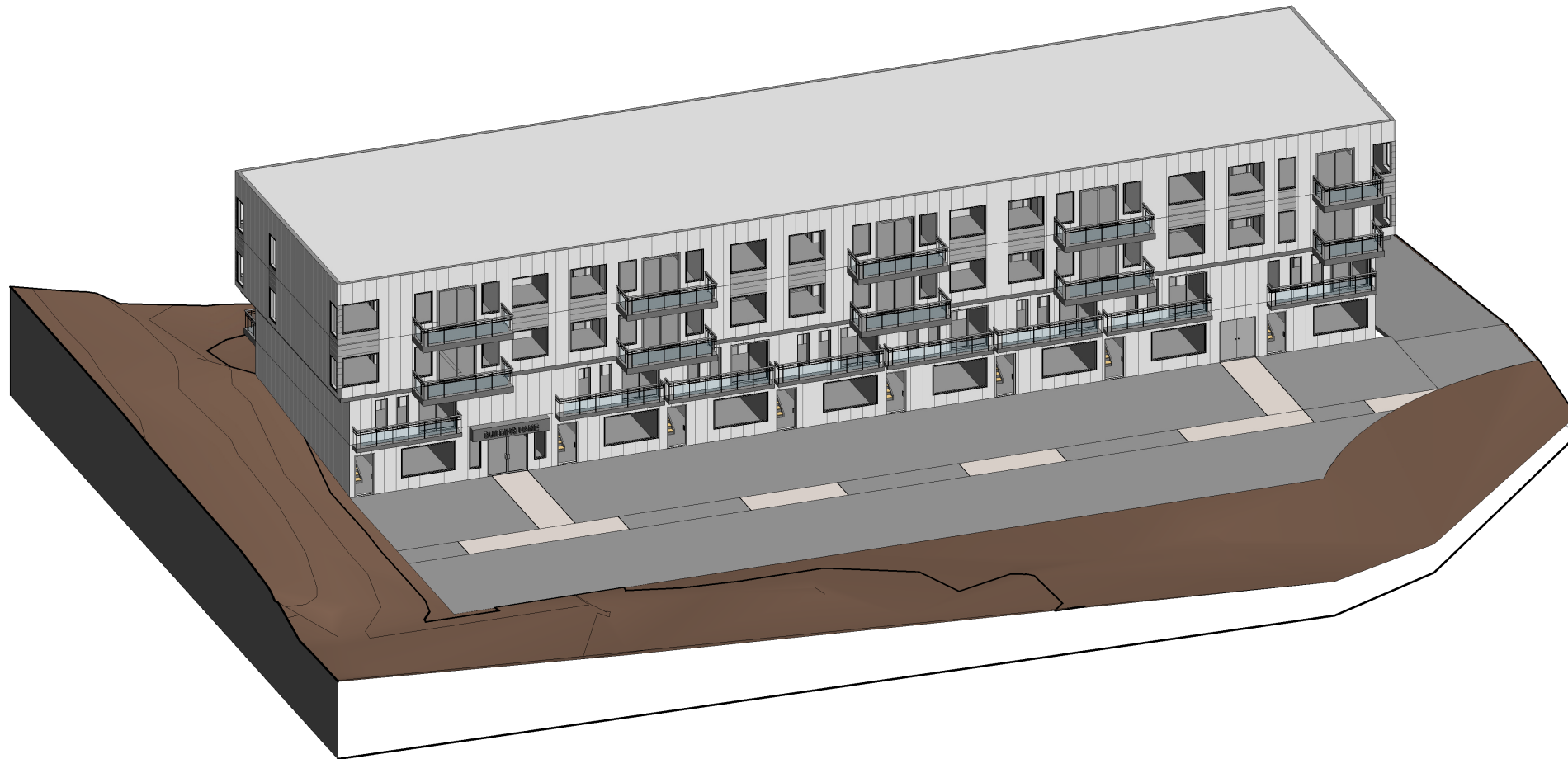


Site Plan – Submitted Drawings



1 NORTH ELEVATION
1 : 200

Site Plan – Submitted Drawings





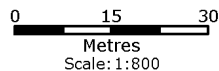
West Hants




Burgess Crescent, Windsor
PID 45338696, 45338688 and 45007010



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Orthophoto



-  Subject Properties
-  Parcels
-  Roads

Orthophoto

- The subject lot is primarily forest, with a small cleared area abutting the end of Burgess Crescent
- There is an existing apartment building at the end of Burgess Crescent, municipal park land to the east, as well as single and two-unit dwellings north and further east of the subject lots
- The lots have since been consolidated to PID 45338688

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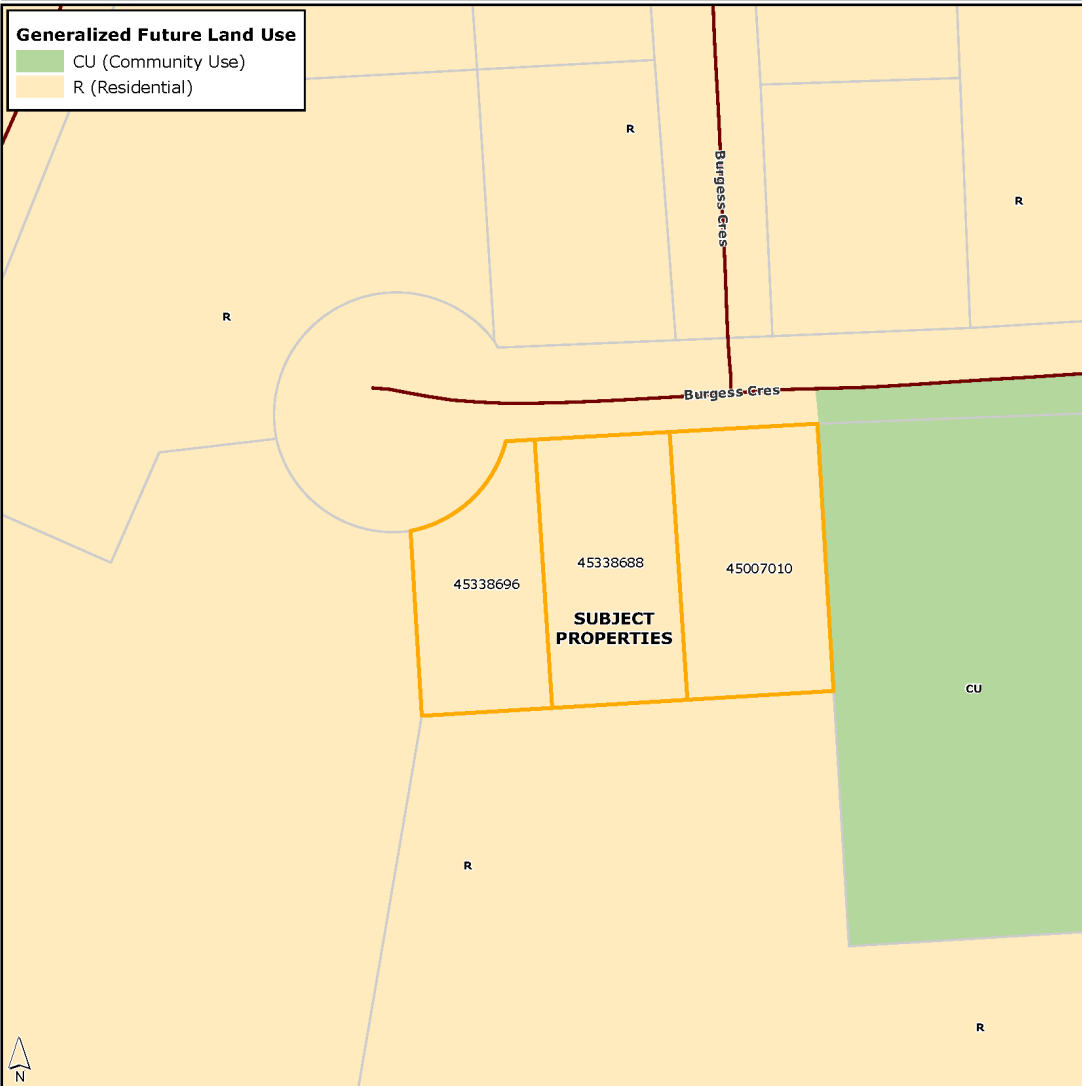


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Generalized Future Land Use

- CU (Community Use)
- R (Residential)



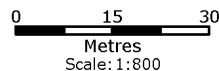
GFLUM - Designation

Current Designation:

- Residential

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Generalized Future Land Use



- Subject Properties
- Parcels
- Roads

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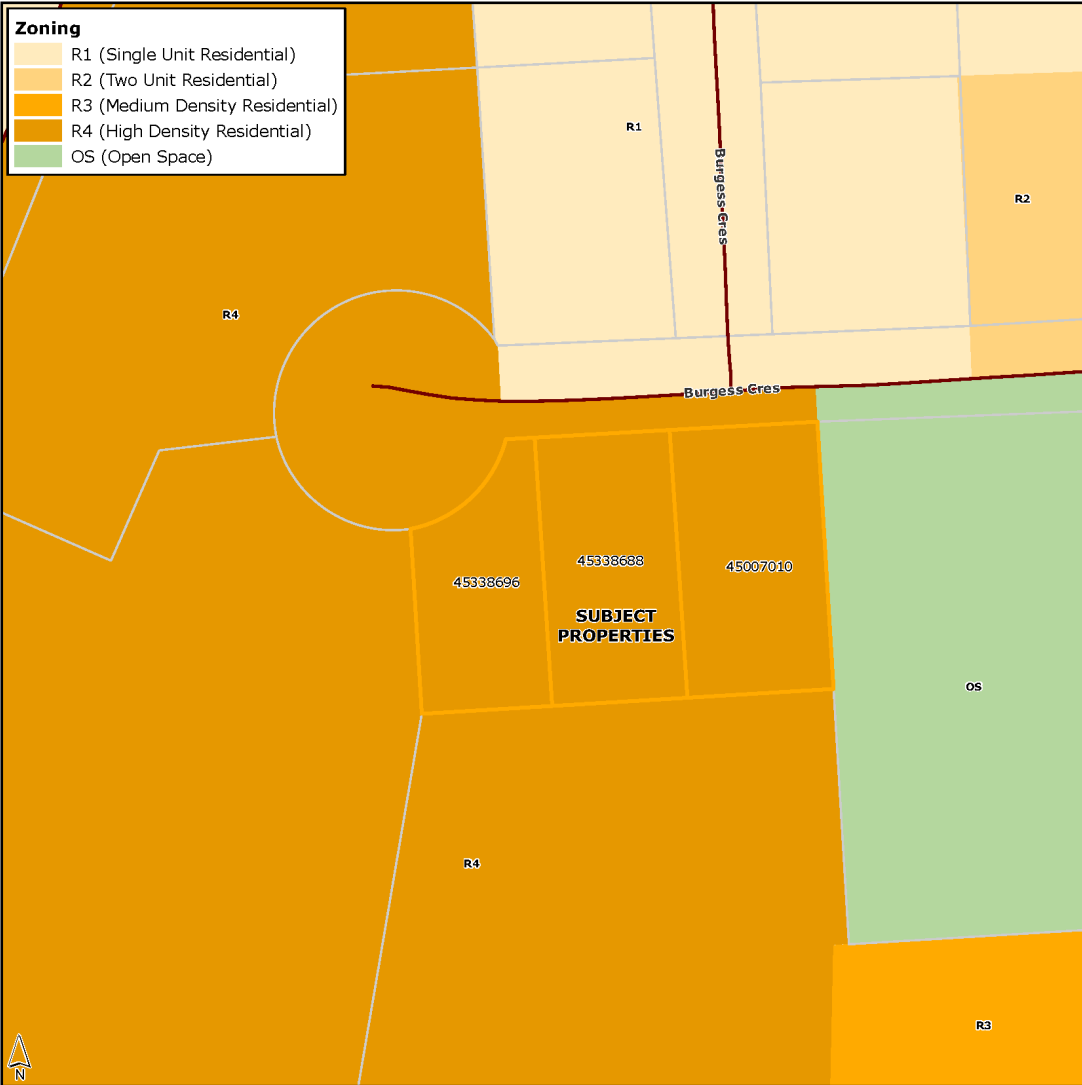




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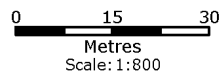
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| Zoning | |
|--------|---------------------------------|
| | R1 (Single Unit Residential) |
| | R2 (Two Unit Residential) |
| | R3 (Medium Density Residential) |
| | R4 (High Density Residential) |
| | OS (Open Space) |



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Zoning



| | |
|--|--------------------|
| | Subject Properties |
| | Parcels |
| | Roads |

LUB - Zoning

Current Zone:

- High Density Residential (R-4)

Permitted Uses:

- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Uses permitted in the R-2 zone subject to the R-2 zone requirements
- Uses permitted in the R-3 zone subject to the R-3 zone requirements
- Boarding and rooming houses
- **Dwellings with more than 6 units**
- Grouped dwellings
- Home for Special Care (Amendment 22-08 effective December 13, 2022)

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View from Subject Lot and Burgess Crescent looking east





View of surrounding properties from Subject Lot



Windsor MPS – Enabling Policy

Policy 5.4.6 provides Council with the ability to consider new multiple unit residential developments consisting of three or more units, in the Residential designation by development agreement. In summary, the criteria are met since:

- the proposal is generally consistent with the High Density Residential (R-4) zone standards (except total lot area);
- the proposal has considerations for landscaping;
- the proposal is compatible with adjacent land uses; and
- the Development Officer and Municipal Traffic Authority have no concerns which have not been addressed in this report.



Windsor MPS – Enabling Policy (Height)

Policy 5.5.1 provides Council with the ability to consider permitting dwellings in excess of three storeys, in any residential zone by development agreement. In summary, the criteria are met since:

- the proposed building has side yards that are at least one-half the height of the main building;
- the proposed building will not exceed 80 ft in height; and
- the proposed building is compatible with the design, height and scale of the surrounding area.



Windsor MPS – Criteria Policy

Policy 16.3.1 states general criteria for development agreements. 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, Municipal Project Engineer, and Municipal Traffic Authority have no concerns which have not been addressed in this report.



Windsor MPS – Criteria Policy (Recreation)

Policy 5.4.5 states the criteria for multiple unit residential development to require adequate recreational space. In summary, the criteria is met since:

- the amount of recreational space provided in the proposal exceeds the amount of recreational space required by the Windsor Land Use By-law; and
- the Development Officer commented that they had no concerns regarding recreational space.



Additional Considerations

Subclause (a) (i) of Policy 5.4.6 states *“in the case of a new building or the conversion of an existing non-residential building, that the development is generally consistent with the High Density Residential (R-4) zone standards”*

- The proposal has a total lot area of 26,047 sq. ft., if built as-of-right, the High Density Residential (R-4) zone would require a lot area of 56,500 sq. ft. The development agreement process allows for flexibility in meeting the standard zone requirements and is considered on a case-by-case basis. The proposal is of a similar bulk and scale to other buildings that would be permitted in the High Density Residential (R-4) zone and would be considered compatible with other uses in the surrounding area. Additionally, the development officer commented that they had no concerns regarding the adequacy of the dimensions or shape of the lot for the proposed use.



Additional Considerations (Cont.)

Clause (g) of Policy 5.4.6 states *“the development abuts an arterial or collector street as shown on the Transportation Map (Map 2), if the development consists of 12 or more units”*

- The development does not directly abut an arterial or collector street, however it is located close to both Payzant Drive, an existing collector street and a proposed collector street as seen on the Future Streets Conceptual Plan. Additionally, the Municipal Traffic Authority had no concerns regarding traffic generation from this proposal.



Applicant Request

- The applicant has requested for the period of commencement to extend to 48 months, instead of a 24-month period.
- The period of commencement is the amount of time after a development agreement is signed and prior to the beginning of construction on a lot.
- A 48-month commencement period is not unusual for multiple unit residential development agreements. Both the O'Brien Street development agreement and the Meadows development agreement had a 48-month commencement period.



Development Agreement Details

Requirements

- Permits a multiple unit residential building: a building or part thereof, other than a converted dwelling, consisting of three or more dwelling units, which have a common entrance from the street level
- A total of 28 units, consisting of: 8 3-bedroom townhouse units, 16 2-bedroom apartments, and 4 1-bedroom apartments
- 18-foot side yards, a maximum height of 36 ft, and 10-foot landscaping buffer on Burgess Crescent
- Driveway access from Burgess Crescent
- 1.5 parking spaces must be provided for each dwelling unit
- Signage and illumination shall be regulated under Section 5.18 and 7.0 of the Land Use By-law
- The proposed driveway may be altered to meet fire safety access requirements as determined by the Fire Chief and Manager of Building and Fire Inspection Services



Development Agreement Details

Substantive Matters

- the uses permitted on the Property;
- the fire safety requirements; and
- the landscaping requirements.

Public Information Meeting Notes

- A Public Information Meeting was held on December 8. 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 December 22.
- Mark Higgins, the applicant, explained how there was an opportunity to develop housing and they looked for an appropriate density to meet the requirements of the Municipality.
- Staff received no comments from the public.



Public Information Meeting – December 8

Staff Review

**PAC/HAC Review and Recommendation –
January 12**

Regional Council First Reading – January 24*

Public Hearing & Second Reading

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 an 8-unit townhouse and attached 20-unit apartment building **with a 48-month Period of Commencement** on Burgess Crescent, Windsor (PID 45338688) which is substantively the same as the draft set out in Attachment B of the report File #22-20 to the Planning and Heritage Advisory Committee dated January 12, 2023.

Including the text in **red** is the recommendation with the applicant's request.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Floran Lambie for Burgess Crescent, Windsor (PID 45338688) 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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