



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Mark Fredericks, Senior Planner

**Date:** May 28, 2024

**Subject:** WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements  
File #24-09A

### LEGISLATIVE AUTHORITY

Part VIII, *Planning and Development, Municipal Government Act*

### RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy Policy 5.4.6 as shown in Attachment A of the report #24-09 to the Planning and Heritage Advisory Committee dated May 9, 2024.

### BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An application was received from Chrystal Fuller of Brighter Community Planning and Consulting, on behalf of Brison Developments, on February 13, 2024. The application includes multiple phases of amendments and a future development agreement to enable 22 fourplex buildings (88 total units) on an extension of Irven Drive in Windsor. This form of housing can be considered under Policy 5.4.6 of the Windsor Municipal Planning Strategy (WMPS) which allows grouped dwellings or multi unit housing through a development agreement application. This

enabling policy requires several criteria to be met, including that the development site abut a collector or arterial road if more than 12 units are proposed. The development site can meet this criterion with a potential road connection between the end of Irven Drive and Payzant Drive. However, the application is seeking the ability to locate these 88 units on a cul-de-sac without a full road connection. The owner’s intent is to provide an emergency route and active transportation connection instead, to maintain pedestrian and cyclist connectivity and to provide access in the case of an emergency.

## **DISCUSSION**

Currently the WMPS Policy 5.4.6 would not allow staff to recommend in favour of the proposed 88 units to locate on Irven Drive, because it is designated as a local road. The application is seeking amendments to these criteria to enable consideration when a favorable traffic impact study is submitted, and an emergency access is provided, in the case of cul-de-sacs.

Staff believe the proposed text amendments are reasonable as they do not guarantee any outcome, but they do establish new criteria to be used in evaluating site-specific development agreements. The changes may also support infill development that makes more efficient use of existing services, including roads and water/sewer services, and may create a more compact community form, where more active transportation options become available.

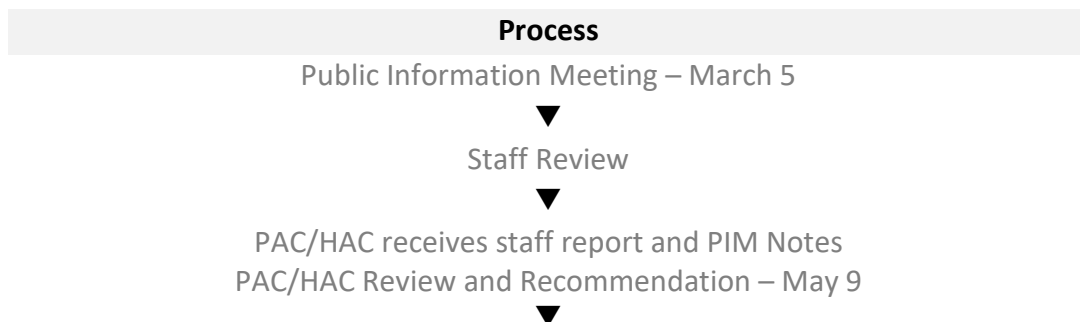
A Public Information Meeting was held on March 5, 2024. Some infrastructure concerns, as well as traffic and sidewalk related concerns were raised by the public at this meeting.

On May 9, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the desire to have road connections, what the road classification of Payzant Drive is currently and in the future, whether the proposal is within the former Town of Windsor, how one-way in/out is calculated and considerations for flood prone areas.

During the meeting PAC/HAC recommended in favour of the application.

## **NEXT STEPS**

The process for this application is as follows:



**Regional Council First Reading – May 28**



Public Hearing & Second Reading – June 25\*



Notice of Approval in Local Paper



14-Day Appeal Period

\*anticipated dates; final dates set by Council

**FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

**ALTERNATIVES**

In response to this application, Council may:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction such as requesting further information on a specific topic.

**APPENDIX**

Appendix A                      2024-05-09 Staff Report - WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements File #24-09

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**CHIEF ADMINISTRATIVE OFFICER REVIEW**

I support the recommendation.

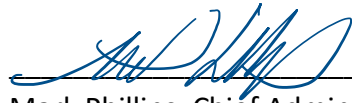
Report Prepared by: \_\_\_\_\_

Mark Fredericks, Senior Planner

Report Reviewed by: \_\_\_\_\_

Sara Poirier, Director of Planning and Development

Report Reviewed by:



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Mark Phillips, Chief Administrative Officer

**Appendix A – 2024-05-09 Staff Report - WMPS Text Amendments: Policy 5.4.6 Criteria for  
Development Agreements File #24-09**



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Mark Fredericks, Senior Planner

**Date:** May 9, 2024

**Subject:** WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements  
File #24-09

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### LEGISLATIVE AUTHORITY

Part VIII, *Planning and Development, Municipal Government Act*

### RECOMMENDATION

To amend the Windsor Municipal Planning Strategy Policy 5.4.6 criteria to allow multi-unit developments or grouped dwellings over 12 units to be considered by development agreement on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the Windsor Municipal Planning Strategy Policy 5.4.6 as shown in Attachment A of the report #24-09 to the Planning and Heritage Advisory Committee dated May 9, 2024.

### BACKGROUND

An application was received from Chrystal Fuller of Brighter Community Planning and Consulting, on behalf of Brison Developments, on February 13, 2024. The application includes multiple phases of amendments and a development agreement to enable 22 fourplex buildings (88 total units) on an extension of Irven Drive in Windsor. This form of housing can be

considered under Policy 5.4.6 of the Windsor Municipal Planning Strategy (WMPS) which allows grouped dwellings or multi unit housing through a development agreement application. This enabling policy requires several criteria to be met, including that the development site abut a collector or arterial road if more than 12 units are proposed. The development site can meet this criterion with a potential road connection between the end of Irven Drive and Payzant Drive. However, the application is seeking the ability to locate these 88 units on a cul-de-sac without a full road connection. The owner's intent is to provide an emergency route and active transportation connection instead, to maintain pedestrian and cyclist connectivity and to provide access in the case of an emergency.

Currently the WMPS Policy 5.4.6 would not allow staff to recommend in favour of the proposed 88 units to locate on Irven Drive, because it is designated as a local road. The application is seeking amendments to these criteria to enable consideration when a favorable traffic impact study is submitted, and an emergency access is provided, in the case of cul-de-sacs.

Staff believe these text amendments are reasonable as they do not guarantee any outcome, but they do establish new criteria to be used in evaluating site-specific development agreements. The changes may also support infill development that makes more efficient use of existing services, including roads and water/sewer services, and may create a more compact community form, where more active transportation options become available.

## **DISCUSSION**

The development that initiated the request is proposed on PID 45408374 and a portion of PID 45162005 which total approximately 5 acres of land. These properties are intended to be subdivided with a new public street built as an extension of Irven Drive. These subject lots are currently designated Residential on the Generalized Future Land Use Map (GFLUM) of the WMPS. The subject lots are currently zoned Two unit Residential (R-2) and Agriculture (AG) on Schedule A of the Windsor Land Use By-law (WLUB). However, the agriculturally zoned property is in the process of being rezoned to the Two Unit Residential (R-2) zone. This zone change was given First Reading by Council on April 24, 2024. A small portion of the corner of PID 45408374 falls in the West Hants planning document boundary and is located within an equivalent Two Unit Residential (R-2) zone.

### ***Windsor Municipal Planning Strategy***

Recognizing the significant population growth and development pressure in WHRM, the Municipality may choose to revisit the WMPS Policy 5.4.6 to consider allowing more density on local roads by development agreement, where appropriate. The proposed amendments to Policy 5.4.6 would allow multi-unit developments over 12 units to locate on a local road if a favorable traffic impact study is provided, and an alternative emergency access is provided in areas where only one road in/out exists.

This proposed change would enable more efficient use of land, encourage more compact communities, and provide more housing options for residents within a walkable location. The requirement of the traffic impact study would ensure that the development does not

compromise traffic safety and would be prepared for each proposal to ensure the project is specifically evaluated as part of the new policy criteria for a development agreement. The policy's remaining criteria adequately address several other possible concerns including parking and architectural controls, compatible housing forms and neighborhood characteristics, recreation spaces and landscaping or fencing considerations.

Section 14 of the WMPS describes the road classification system and the intent for managing the road network into the future. The transportation policies outlined in the WMPS aim to improve the efficiency of the existing road network and propose a road network that remains capable of supporting future development in Windsor. These policies focus on:

**Regional Roads:** *Monitoring traffic patterns and volumes and maintaining visibility from Highway 101.*

**Arterial Roads:** *Designating roads like King Street, Gerrish Street and Wentworth Road as arterial roads that can move high levels of traffic efficiently. (WLUB Definition Arterial Street or Road means a street designed to move large volumes of vehicular traffic between major centres)*

**Collector Roads:** *Designating roads like Stannus Street and College Road as collector roads. (WLUB Definition Collector Street or Road means a street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets)*

**Local Roads:** *all roads not otherwise classified as Regional, Arterial or Collectors are considered local roads. (WLUB Definition - Local Street or Road means a street designed to serve vehicular traffic in residential neighbourhoods)*

**Intersections:** *Investigating design and structural changes to improve intersections like Wentworth Road at Payzant Drive; Wentworth Road at O'Brien Street; Albert Street at Gray Street; Water Street at Gerrish Street; and Water Street at Albert Street.*

**Infrastructure Maintenance:** *Upgrading roads, curbs, and gutters to maintain the town's appearance and function.*

**Pedestrian Traffic:** *Upgrading existing sidewalks, creating new ones, and ensuring accessibility for all residents.*

**Multi-use Trails and Bikeways:** *Establishing bicycle pathways and bicycle lanes.*

These policies aim to improve traffic flow, pedestrian safety, and overall transportation infrastructure in Windsor. However, they do not establish a clear limit on density, or what level of density is appropriate for each type of road. These policies suggest roads may be upgraded, and new pedestrian or bicycle infrastructure may be built to help support the continued development of land in all areas of the former town.

### **WMPS Amendments**

Section 16 of the WMPS considers the implementation of the strategy's policies and recognizes the possibility of needing to amend the WMPS as the development environment changes, or as Council intends to change policy direction. The section states:

## ***“16.1 Municipal Planning Strategy Amendments and Review***

*From time to time Council may find it necessary to amend the Municipal Planning Strategy or the accompanying Generalized Future Land Use Map (Map 1).*

***Policy 16.1.1*** *It shall be the policy of Council to review and make amendments to this Strategy:*

- (a) when there is a requirement to change the Generalized Future Land Use Map (Map 1);*
- (b) to bring the Strategy in line with Provincial Statements of Interest; or*
- (c) when Council deems it necessary because of a change in policy intentions or the development environment.”*

Enabled by the section above, Council can make changes to the WMPS if the proposed changes better respond to an evolving development environment. Following several years of unprecedented population growth and development pressure, the Municipality may choose to optimize its infrastructure to meet the demands of an increasing population. One aspect of Municipal infrastructure is the local road network, which may be capable of accommodating greater density in some locations. However, in certain areas of Windsor, this may not be true which is why the proposed amendments require a favorable traffic impact study for a specific proposal to ensure that the specific roads in a neighborhood can handle an increased level of development.

The Windsor Transportation Map is included as Figure 1. This map identifies all roads in the former town and assigns them with a road classification. The grey roads are classified as local roads, where the development agreement option enabled under WMPS Policy 5.4.6 would currently limit residential uses to a maximum of 12 units. The roads with a black line, or dashed black line are collector or arterial roads, where Policy 5.4.6 could allow consideration for more than 12 units, with no upper limit. This either/or approach to density is limiting for locations that may be well suited for more than 12 units but happen to be positioned on a local road. The proposed amendments help to provide some middle ground. If a property is close to a collector road or is on a local road that has extra capacity, as determined by a traffic impact study, then with the proposed amendments, a development agreement for more than 12 units could be considered.

The traffic impact study requirement would ensure that the development does not compromise traffic safety and considers a specific neighborhood level analysis. This study is then used as part of the evaluation of the potential development agreement.

### ***Proposed Amendments***

In addition to the traffic impact study described above, the other aspect of the proposed amendments is to include an emergency exit to be passable by first responders if necessary. However, this would only be required in locations where a cul-de-sac or other road layouts limit access to one way in or out. For example, Cedar Street is classified as a local road, but already has two ways to enter – from Avon Street or Gray Street, so an extra emergency exit would not be required.

Increased density on local roads can support compact and efficient development, which may reduce the need for outward growth. Increasing density within existing neighborhoods, on local roads when appropriate, may also reduce the total number of vehicles on the road, as walking and other modes of transportation become more accessible, including the feasibility of a local transit system. Neighborhoods that are walkable and have higher density can also foster a sense of community and create more vibrant mixed-use areas by attracting businesses and growth to the local economy.

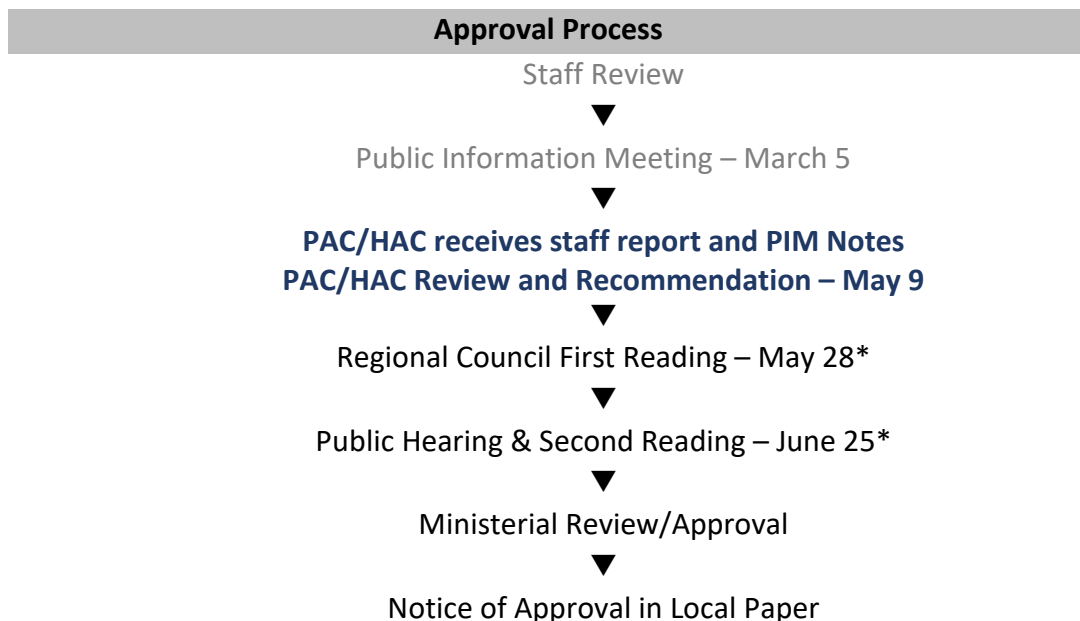
## MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lots. The subject lots also have a low risk shown on the Seawater Intrusion Vulnerability map. If other properties are considered under the amended criteria, they will be reviewed on a project specific basis and reviewed against these MCCAP maps.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

## NEXT STEPS

As noted above, the proposed text amendments have been considered within the context of the policies in the WMPS and are consistent with the intent and objectives of the WMPS. As a result, it is reasonable to consider multi-unit developments or grouped dwellings over 12 units in locations that do not abut an arterial or collector street provided a favorable traffic impact study and emergency access can be provided where necessary.



\*anticipated dates; final dates set by Council

## **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report.

## **ALTERNATIVES**

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction, such as requesting further information on a specific topic.

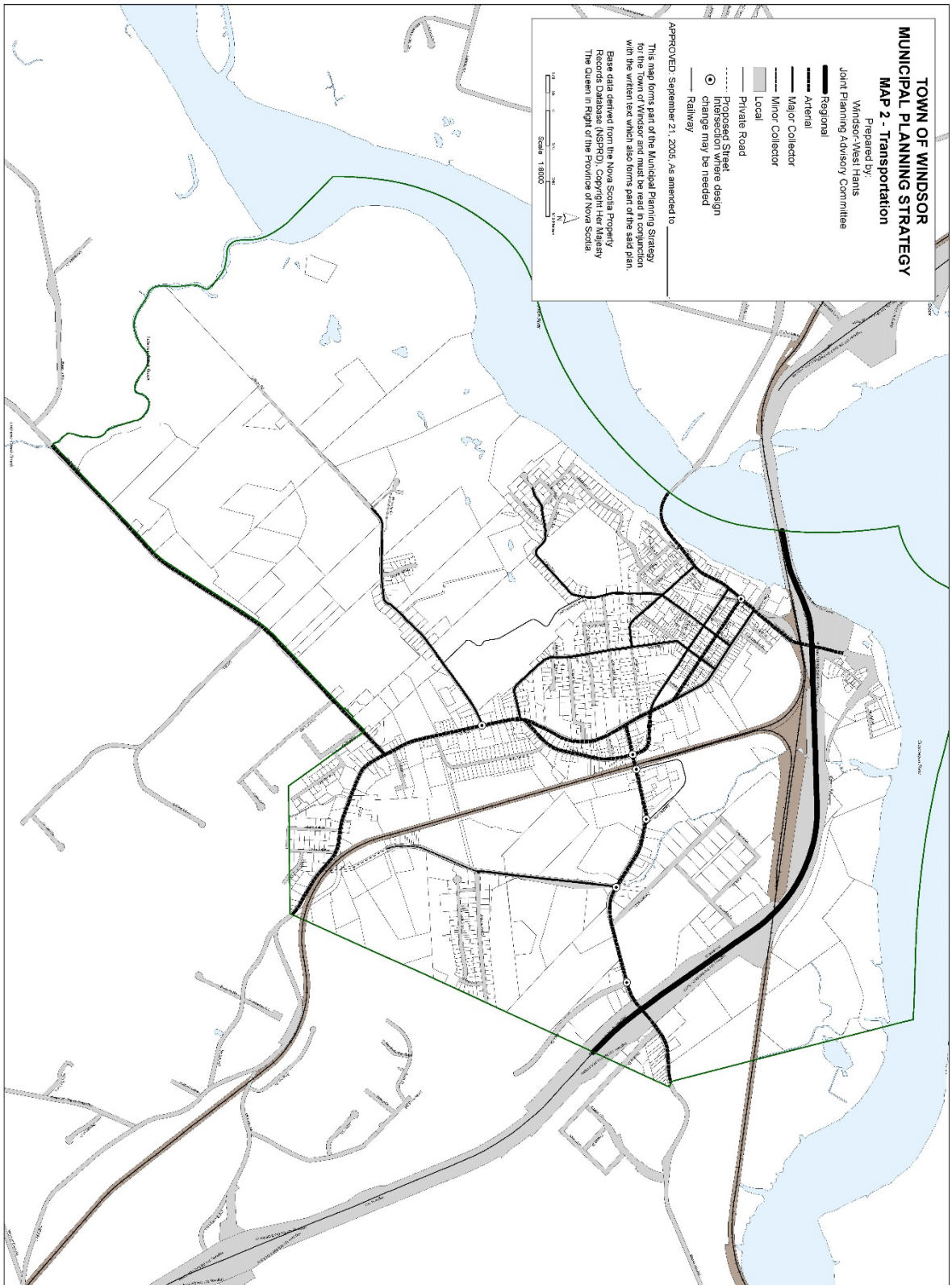
## **ATTACHMENTS**

Figure 1	Windsor Transportation Map
Attachment A	Proposed Text Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: \_\_\_\_\_  
Mark Fredericks, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Sara Poirier, Director of Planning and Development

Figure 1 - Windsor Transportation Map



## Attachment A – Proposed Text Amendments

Note: *red* text indicates a change from the present WMPS policy as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to section 5.4.6 in the Windsor Municipal Planning Strategy to allow developments over 12 units to locate on a local road under certain conditions.

**Policy 5.4.6** *It shall be the policy of Council to consider entering into a development agreement to allow, in the Residential designation, new multiple unit residential development consisting of three or more units, grouped dwellings, boarding houses and residential care facilities, as well as the conversion of existing buildings to three or more units, subject to the following:*

- (a) *the proposed use meets one of the following:*
  - (i) *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; or*
  - (ii) *in the case of a conversion of an existing residential building, that any addition or enlargement to the building meets the setback requirements of the zone in which it is located, or that any undersized setbacks are not further reduced by the addition or enlargement;*
- (b) *the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;*
- (c) *the development is considered compatible with the residential character of the area with respect to traffic generation and population density;*
- (d) *consideration is given to the provision of fences and/or landscaping as part of the residential development to minimize effects on adjacent land uses;*
- (e) *adequate on-site parking is provided and parking areas are well designed;*
- (f) *there is adequate on-site recreational open space suitable in extent and design to the nature of the development; for conversion of existing buildings, nearby public parks may be deemed sufficient;*

- (g) *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, unless a traffic impact study indicates there will be minimal impact on traffic and an emergency access is provided if the site only has one road access. In circumstances where these parameters can be met, more than 12 units can be considered without abutting an arterial or collector street.*
- (h) *the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual if the proposed development is located in an Architectural Control District;*
- (i) *in the case of the conversion of an existing structure, renovations can be made to ensure the safety of residents in case of fire;*
- (j) *any other matter which may be addressed in a development agreement; and*
- (k) *the provisions of Policy 16.3.1 of the Municipal Planning Strategy.*

## Attachment B - Public Information Meeting Notes

Public Information Meeting Notes

March 5 – 19, 2024

Development Agreement: PID 45162005 and PID 45408374, Windsor; File 24-09

<b>Meeting date and time</b>	A public information meeting was held on March 5, 2024 beginning at 6:56 p.m. in Council Chambers at 76 Morison Drive in Windsor.
<b>Attending</b>	In attendance: <ul style="list-style-type: none"><li>• Chair Who chaired the meeting?</li></ul> Four (4) members of staff: <ul style="list-style-type: none"><li>• Director of Planning and Development, Sara Poirier (online)</li><li>• Senior Planner, Mark Fredericks</li><li>• Planner, Alex Dunphy</li><li>• Planning Administrative Assistant Vanessa Lake</li></ul> Council members <ul style="list-style-type: none"><li>• Mayor Zebian</li><li>• Councillor Murley</li></ul> Applicant <ul style="list-style-type: none"><li>• Chrystal Fuller</li></ul> 6 members of the public attended the meeting.
<b>Applicants:</b> Chrystal Fuller on behalf of Brison Developments  <b>Property:</b> PID 45162005 and PID 45408374	Planner Fredericks outlined the request for a development agreement to build 88 units in a grouped dwelling configuration of 22 fourplexes at the end of Irven Drive on an extension of this road. The planning policies for both the Windsor MPS and West Hants MPS were reviewed because a small portion of PID 45408374 falls within the West Hants boundary.  Chrystal Fuller outlined the proposal for fourplex style buildings which would include 4 units, each approximately 600 square feet in floor area. This housing form would provide affordable and alternative housing options. The ability to build these in a grouped dwelling configuration helps keep costs lower as the road construction expense is spread across more units.

<p><b>Comments</b></p>	<p>3 members of the public spoke at the Public Information Meeting. The questions and comments from the public are summarized below. No comments were received following the meeting during the comment period.</p> <p>At the Public Information Meeting the following comments were made:</p> <ul style="list-style-type: none"> <li>• Rick Purcell owns the nearby Windsor Motors auto repair business and shared his support for Irven Drive having a connection to Payzant Drive instead of allowing a cul-de-sac. He shared that the road network in the Crossing area is like a maze now, and more connections would be helpful for everyone. He also highlighted the gravel driveway at the end of Irven Drive is currently used frequently as a connection to King Street.</li> <li>• Grant Burgess lives close to the subject lot and operates a trucking and excavation business from his adjacent property. Mr. Burgess has a shared driveway and a sewer easement that are within the property at 1781 King Street. He has concerns about these and how they may be maintained or changed in the future. Mr. Burgess also shared that the proposed grouped dwellings would be very close to his house and would like to see more separation.</li> <li>• David Pemberton – shared his desire to have the Municipality do more to support affordable housing and shared his traffic concerns around King Street and how this development could increase the traffic problems. He lives on King Street and sees vehicles traveling at high speeds.</li> </ul>
<p><b>Adjournment</b></p>	<p>There being no further business, the meeting adjourned at 7:34 p.m.</p>