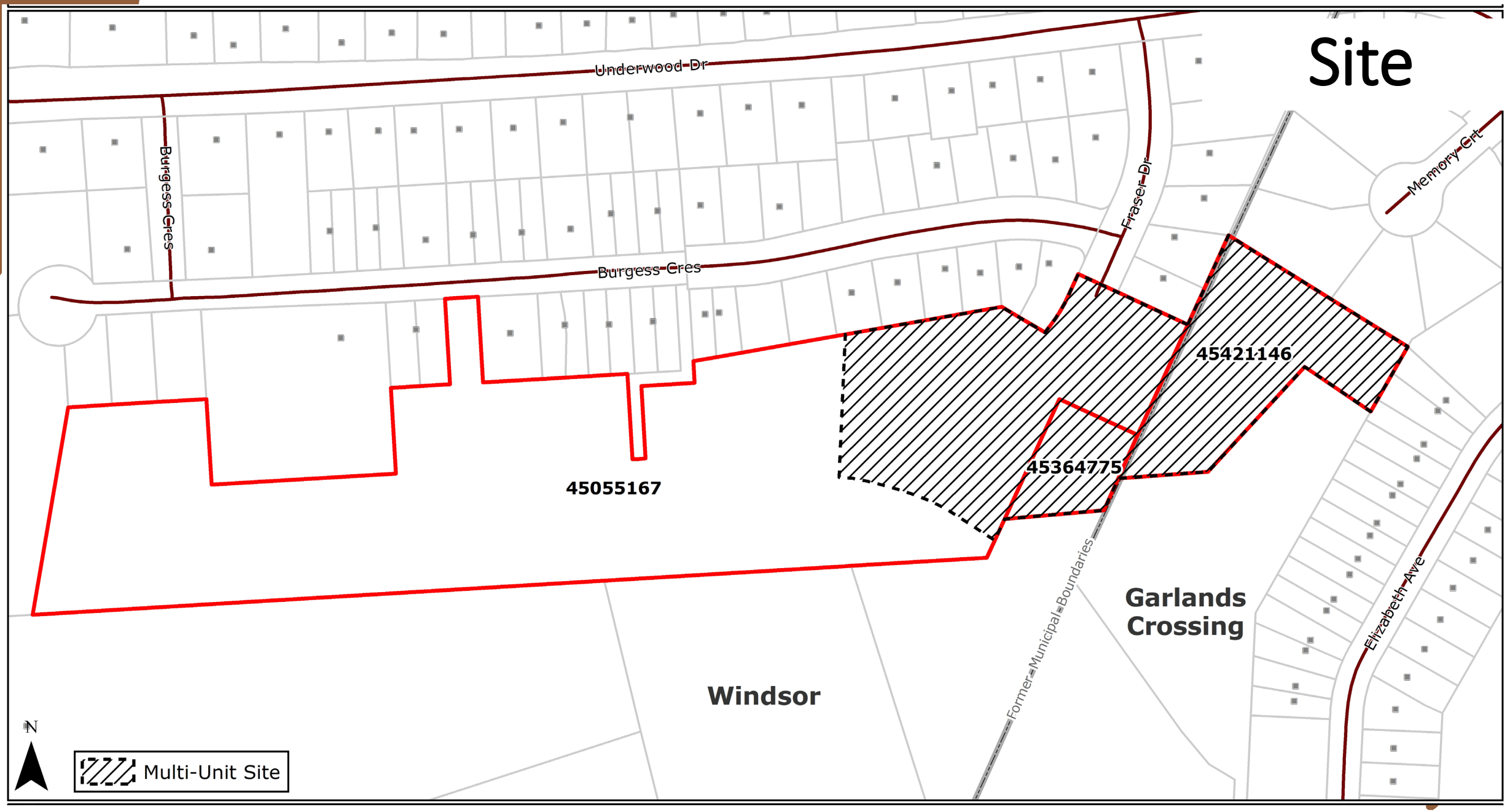
Community Way, Windsor
PID 45055167, 45364775 and 45421146
Development Agreement

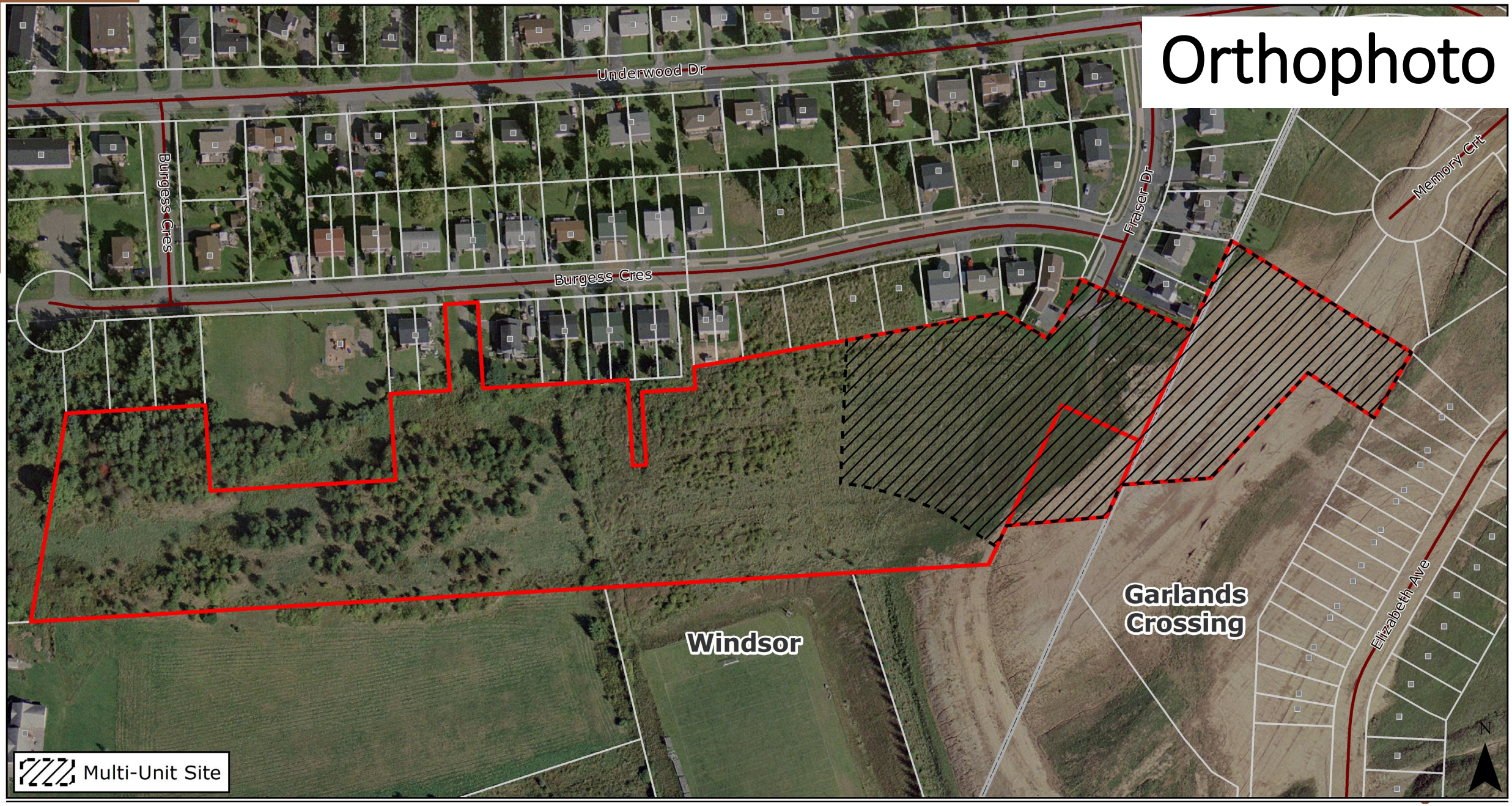
Public Hearing

September 27, 2022

something inspiring awaits


Site
Underwood Dr
Burgess Cres
Burgess Cres
Fraser Dr
Memory Crt
45421146
45364775
45055167
Former Municipal Boundaries
Garlands Crossing
Elizabeth Ave
Windsor
N
Multi-Unit Site

Orthophoto


Underwood Dr
Burgess Cres
Burgess Cres
Fraser Dr
Memory Crt
Elizabeth Ave
Garlands Crossing
Windsor
Multi-Unit Site
N

Application

- A completed application was received on May 17, 2022 from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner Mitch Brison of 3229190 Nova Scotia Limited
- Request two multiple unit apartment buildings on the subject lots

Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- The Residential designation only permits multiple unit dwellings by development agreement

Proposal

- Two, 7-storey, 88-unit apartment buildings (Buildings B and C)

- Building A is permitted by the Crossing development agreement

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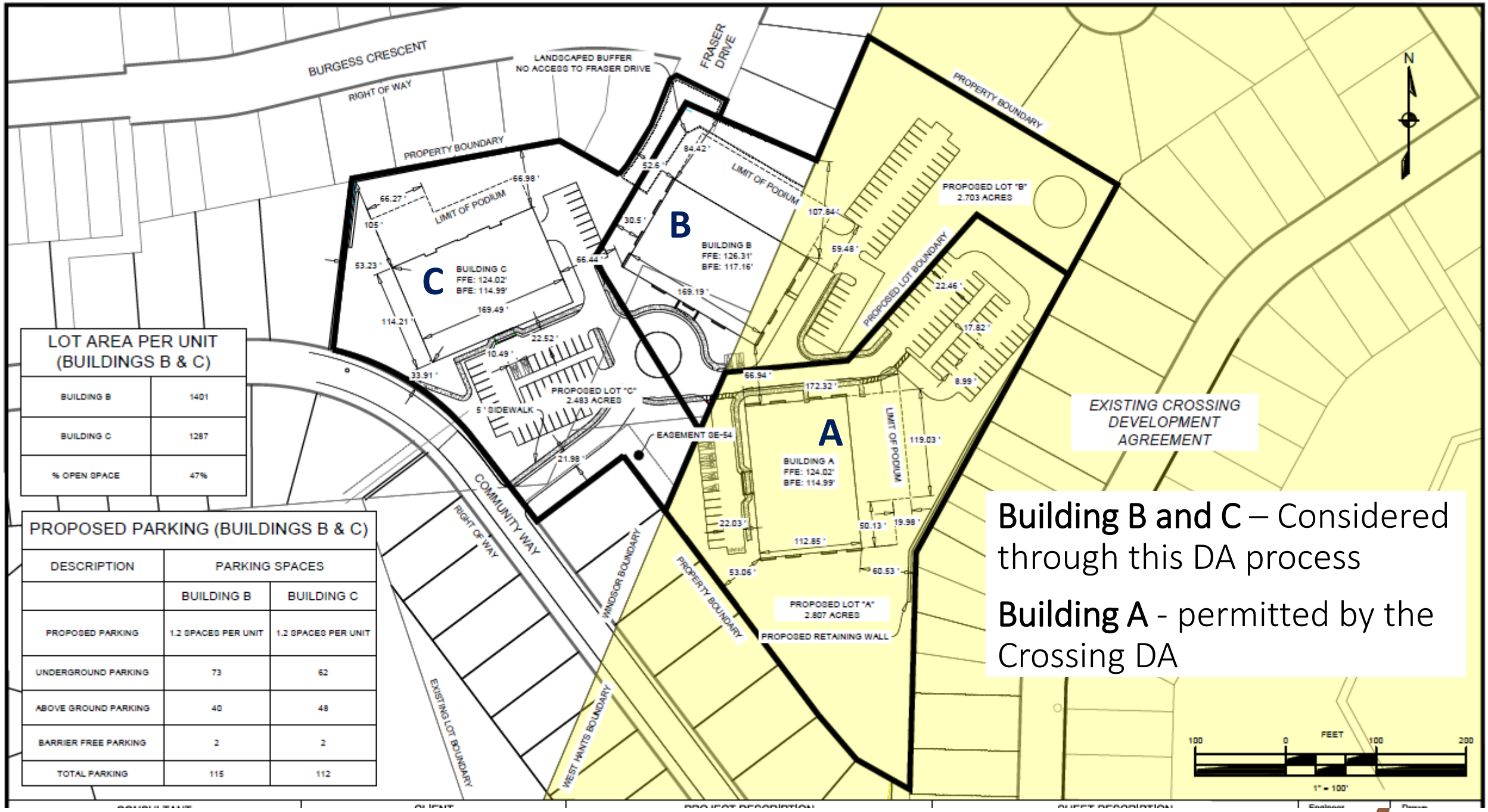
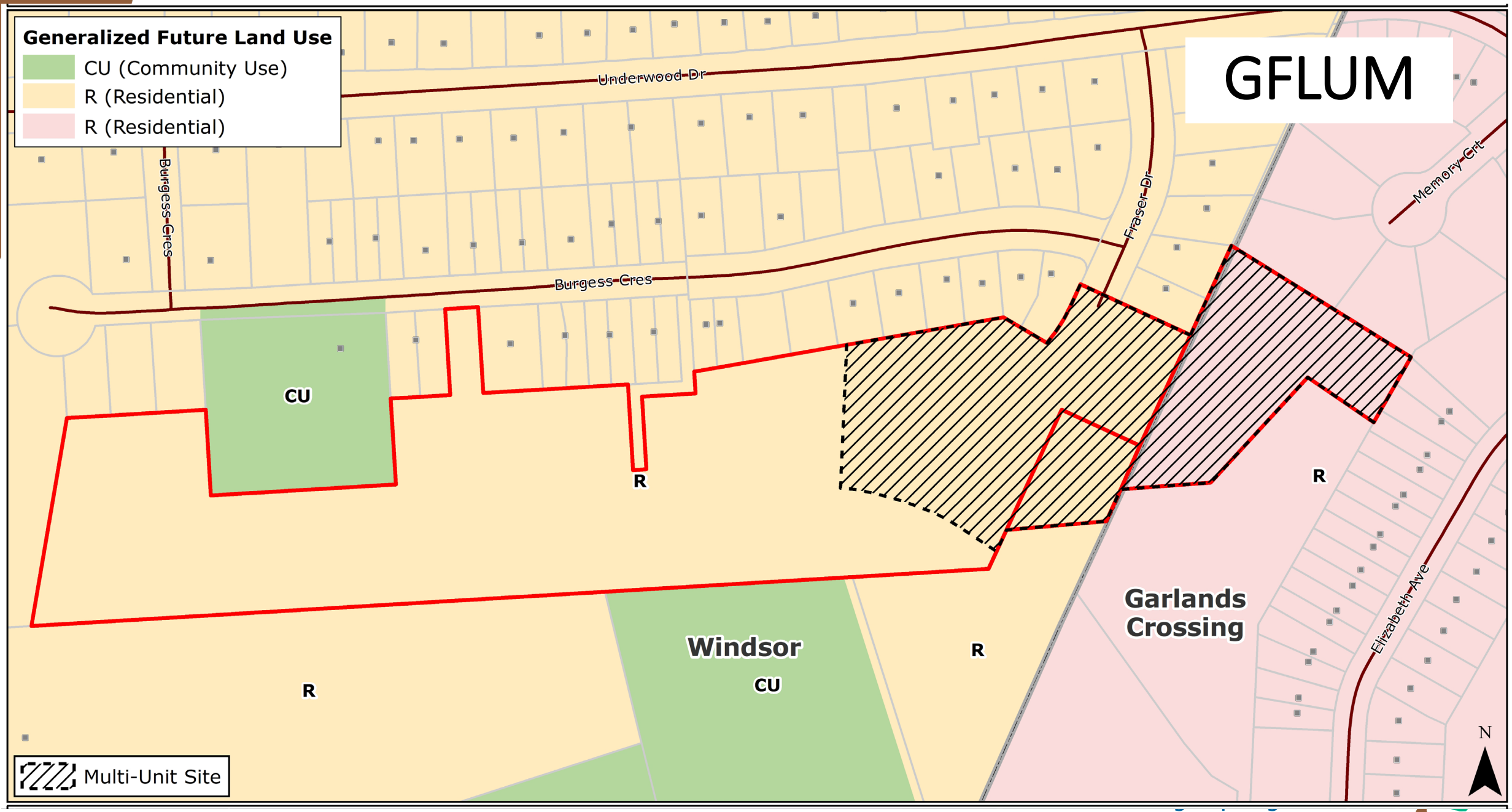


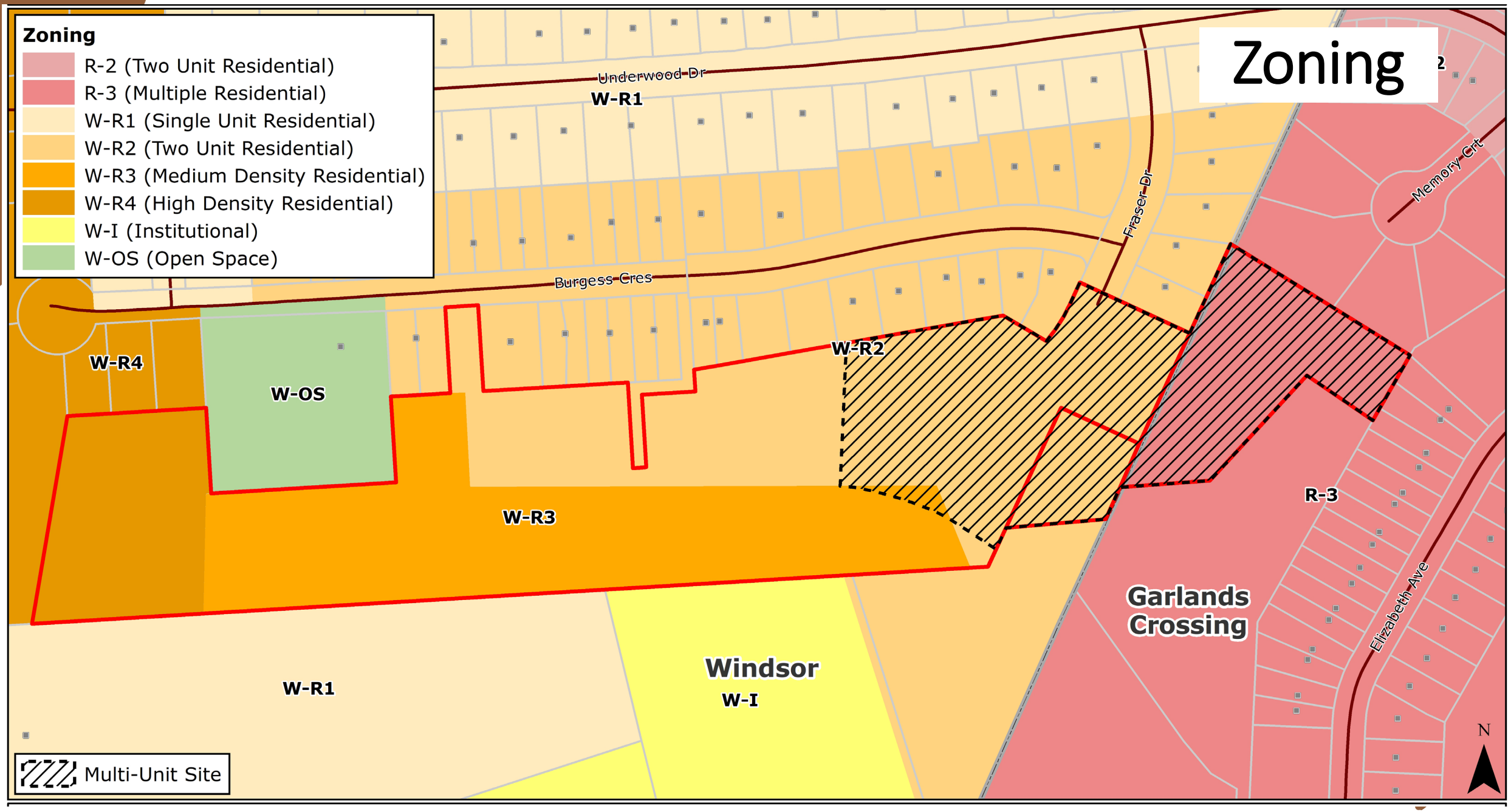
LOT AREA PER UNIT (BUILDINGS B & C)	
BUILDING B	1401
BUILDING C	1287
% OPEN SPACE	47%

PROPOSED PARKING (BUILDINGS B & C)		
DESCRIPTION	PARKING SPACES	
	BUILDING B	BUILDING C
PROPOSED PARKING	1.2 SPACES PER UNIT	1.2 SPACES PER UNIT
UNDERGROUND PARKING	73	62
ABOVE GROUND PARKING	40	48
BARRIER FREE PARKING	2	2
TOTAL PARKING	115	112

Building B and C – Considered through this DA process

Building A - permitted by the Crossing DA


GFLUM
Generalized Future Land Use
CU (Community Use)
R (Residential)
R (Residential)
Underwood Dr
Burgess Cres
Burgess Cres
Fraser Dr
Memory Crt
Elizabeth Ave
CU
R
R
R
R
Windsor
CU
Garlands Crossing
Multi-Unit Site
N


Zoning
Zoning
R-2 (Two Unit Residential)
R-3 (Multiple Residential)
W-R1 (Single Unit Residential)
W-R2 (Two Unit Residential)
W-R3 (Medium Density Residential)
W-R4 (High Density Residential)
W-I (Institutional)
W-OS (Open Space)
Multi-Unit Site
Underwood Dr
W-R1
Burgess Cres
Fraser Dr
Memory Crt
W-R4
W-OS
W-R2
W-R3
R-3
Garlands Crossing
Elizabeth Ave
Windsor
W-I
W-R1
N

Consideration

- Ability to have a development agreement for a specific purpose must be established in the LUB
- Requests for development agreement are “measured” against the policies of the MPS

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:

(b) multiple unit residential development consisting of three or more units in a Residential designation in accordance with Policy 5.4.6 of the Municipal Planning Strategy; and

(c) dwellings in excess of three storeys in a residential zone in accordance with Policy 5.5.1 of the Municipal Planning Strategy;

West Hants Land Use By-law

- Part 6.0 of the WHLUB, 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:

(a) multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre in accordance with Policy 5.3.8 of the Municipal Planning Strategy;

Windsor Municipal Planning Strategy

- Part 5.0 of the WMPS contains the overall intention for properties designated Residential on the Windsor Generalized Future Land Use Map
- Section 5.4 describes the intention for High Density Residential development
- *Policy 5.4.6* establishes Council's intention to consider multiple unit residential development consisting of three or more units in the Residential Designation by development agreement; and
- *Policy 5.5.1* enables Council to consider entering into a development agreement to allow dwellings in excess of three storeys

West Hants Municipal Planning Strategy

- Part 5.0 of the WHMPS contains the overall intention for properties designated Growth Centre on the West Hants Generalized Future Land Use Map
- Section 5.3 describes the intention for residential development in the Three Mile Plains Growth Centre
- *Policy 5.3.8* enables Council to consider proposals for multiple unit residential development greater than three storeys in height in the Three Mile Plains Growth Centre

Development Agreement Details

Permitted Uses

- those uses permitted by the underlying zoning in the applicable Land Use By-law;
- residential development consisting of a maximum of 176 dwelling units within two separate apartment buildings, each constructed on an individual lot; and
- underbuilding, underground and surface parking for the uses within the buildings.

Development Agreement Details

Timelines

- development of Buildings B and C must be completed within 120 months (10 years) of the development agreement being registered at the Land Registry Office

Development Agreement Details

Requirements

- Max. height of the buildings: 7 storeys or 75 ft. (22.86 m.)
  - Windsor Policy 5.5.1 (b) states the building cannot exceed 80 ft. (24.38 m.)

- Min. side yard of 15 ft. (4.57 m.) or at least ½ the building height
  - Windsor Policy 5.5.1 (a) and West Hants Policy 5.3.8 (a)

Development Agreement Details

Requirements Cont.

- a min. of 1 parking space per dwelling unit;
- a min. of 35,000 sq. ft. (3,251.6 sq. m.) of usable recreation space;
- the Owner to have sole responsibility for snow plowing and garbage collection for the development;
- a 5 ft. (1.52 m.) wide pedestrian walkway from Community Way to the main entrances of each building;
- a 10 ft. (3.05 m.) wide buffer strip along the north lot line abutting the properties fronting on Burgess Crescent and Fraser Drive;

Development Agreement Details

Requirements

The developer will be required to provide:

- a stormwater management plan for the site;
- design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s);
- an easement to the Municipality to allow any part of existing or future Municipally owned water, sewer and stormwater lines that service Fraser Drive and/or Community Way to be connected through the Properties, as requested by the Director of Public Works

Development Agreement Details

Access and Egress

- Buildings A, B and C are proposed to have shared access/egress and share other services such as water, sewer and stormwater connections
- Vehicular and pedestrian access/egress from Community Way
- The lot for Building B will be allowed to be created on a right-of-way acceptable to the Municipal Engineer

Development Agreement Details

Substantive Matters

- the uses permitted on the Property as listed in Section 2.1, Use;
- the minimum side yard requirements and maximum building height as listed in Section 2.1 (c);
- the fire safety requirements listed in Section 2.6, Fire Safety;
- the landscaping requirements in Section 2.7, Landscaping; and
- 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.

Development Agreement Details
Additions

- Letter received by applicant on July 21 requesting two additions to the draft development agreement for clarification
  - A definition of “active construction”; added to Section 1.1
  - A statement that no additional parkland fees are required if subdivision occurs; added to Section 2.13

WMPS Specific Criteria for DA

- Policy 5.4.6 and 5.5.1 outline the specific criteria in the WMPS to be considered by Council
- In summary, the criteria are met since:
  - ✓the development is generally consistent with the High Density Residential (R-4) zone standards;
  - ✓the development is compatible with adjacent land uses;
  - ✓the side yards will be at least one-half the height of the buildings; and
  - ✓the buildings will not exceed 80 ft. (24.38 m.) in height.

WHMPS Specific Criteria for DA

- Policy 5.3.8 outlines the specific criteria in the WHMPS to be considered by Council
- In summary, the criteria are met since:
  - ✓the side yards will be at least one-half the height of the buildings;
  - ✓buffering is provided to minimize the impact on abutting properties; and
  - ✓the development meets the criteria set out in Policy 5.3.7.

W/WHMPS General Criteria for DA

- Policy 16.3.1 states the general criteria to be considered by Council
- In summary, the criteria are met since:
  - ✓the proposal is not 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 Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.

Process

Public Information Meeting – June 9

Staff Review

PAC/HAC Review and Recommendation – July 14

Council First Reading – July 26

Public Hearing & Second Reading – Sept 27

Notice of Approval in Paper

14 Day Appeal period

All statutory requirements have been met

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Applicant Presentation

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Public Hearing Comments / Questions

Public Hearing Comments / Questions

- The Public Hearing was advertised:
  - in the paper on both September 6 and September 13;
  - letters to property owners within 300 ft of the subject lots; and
  - signs placed on site.

- 3 emails and 3 phone calls were received from residents; Clerk Snair will read the emails to Council
  - Dave Hackett
  - Maryann Norbury (2)

Public Hearing Comments / Questions

Phone Calls

- Mary Watt –
  - Q: Maximum height and who would be able to live there? C: parking area behind Elizabeth Court may impact them due to lights shining at night
- Beth McCarthy –
  - Q: Will this be the first 7 storey building in Windsor? Noted it would be setting a precedent and obstructing the view plane from other properties;
  - Q: Increased population to the area with the three apartment buildings, has the Municipality considered the impact this will have on traffic?;
  - Q: Are sidewalks and streetlights being required? Noted this has been an issue in the Crossing.
- Manon Leibold –
  - C: Concerned did not receive a letter for the Public Hearing

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Recommendation (1 of 2)

…that Council gives Second Reading to and approves entering into a development agreement to permit up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way in Windsor in a manner substantively the same as the draft set out in Attachment B of the report to Council #21-10 C dated September 27, 2022, taking note that this development agreement will discharge and replace the development agreement recorded on PID 45421146 at the Registry of Deeds on May 16, 2019 as document #114457773.

Recommendation (2 of 2)

…that Council requires that the development agreement with Mitch Brison which permits up to 176 apartment units within two apartment buildings on PID 45055167, 45364775 and 45421146 on Community Way 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.

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