

PUBLIC HEARING MINUTES – Re. Development Agreement 261-263 Gerrish Street (PIDs 45059433, 45059425, and 45059441)

Town of Windsor, NS

September 27, 2016

7:00 – 7:20pm

Present:	John Bregante	Acting Mayor
	Laurie Murley	Councillor
	Dave Seeley	Councillor
	Scott Geddes	Councillor
	Louis Coutinho	CAO
	Shelleena Thornton	Municipal Clerk
	Doug Armstrong	Director of Finance
	Todd Richard	Director of Public Works
	Devin Lake	Planner
	Scott Burgess	Fire Chief, Windsor Fire Dept.
Regrets:	VanEssa Roberts	Director of Community Development, Tourism & Recreation
Public:	Colin Chisholm	Reporter, Hants Journal
	Tim Reed	Red Reed Pictures
	Ahmed Kilany	Alphonce Developments Ltd. Representative
	3 Members of the public	

- 1. CALL TO ORDER** – Acting Mayor Bregante called the Public Meeting to order at 7:00 p.m. and noted it was a Public Hearing in relation to a Planning matter and not a Town Council meeting (the Council meeting would immediately follow this meeting).

Planner Lake gave a presentation noting that staff received an application from Alphonce Developments Ltd for a new 3-storey mixed-use (or potentially all residential) development at what is currently 261-263 Gerrish Street. The developer owns three properties that would be consolidated (PIDs 45059433, 45059425, 45059441). The existing building on the property has been under an order to ‘vacate and close’ pursuant to the *Fire Safety Act* since July of 2013 and has been vacant and deteriorating since that time. It is proposed that the existing building would be demolished as the first phase of the project.

The properties are designated ‘Residential’ in the Municipal Planning Strategy and zoned ‘General Commercial (GC)’ in the Land Use By-law. The property is not located in an architectural control area. The Municipal Planning Strategy (Policy 9.1.1) enables Council to consider proposals of this nature by development agreement.

A summary of the draft Development Agreement was reviewed, along with the Development Agreement process.

- 2. WRITTEN SUBMISSIONS (if any)** – Clerk Thornton indicated none were received.
- 3. ORAL PRESENTATION (In favour of)** – Ms. Tina Rafuse expressed the below comments noted in Item 4 during this part of the agenda but noted that perhaps she should have raised it during Item 4 and not during Item 3. She added she is not opposed to the development, just concerned about the driveway.
ORAL PRESENTATION (opposed to) – Ms. Tina Rafuse owns 273 & 275 Gerrish Street. She is concerned about the access between the two units as it appears the proposed access will be a shared driveway. There are a proposed 17 parking stalls for the development which means, potentially 17 cars. She has three kids and this raises a safety concern for her. She added that she supports the development, just concerned about the shared driveway and increase in vehicles using it.

5. **QUESTIONS TO PUBLIC BY MEMBERS OF COUNCIL** – When Planner Lake was asked about Ms. Rafuse’s concern, he said he does not foresee any issues and believes it could be worked out with the developer. Ms. Rafuse indicated she supports the project but is concerned on the safety of the shared driveway. Mr. Kilany said they (the developer) only just learned that they own part of it. Until this point, they understood their proposed driveway would be solely on Alphonse Development Ltd’s property. They want to work with their architect to look at moving the driveway to the other side of the property. This would also provide better/fuller access if it can be done. Planner Lake said he would have to look at this closer as he wasn’t aware of this issue until right now. Mr. Kilany confirmed the same (they only just learned of this issue), that the property line is actually in the centre of the driveway. After asked, Ms. Rafuse said the shared driveway is a right-of-way in the deed. Planner Lake said this may change things but he’d have to look into it further. When asked if council should postpone approving this given these circumstances, Planner Lake said he is confident this can be worked out with a caveat being this issue be resolved. Mr. Kilany agreed it can be worked out.

When asked about an elevator, Mr. Kilany said this is designed to be senior-friendly; therefore, a senior-abled building, so an elevator is in the proposed plans. When asked about access, Chief Burgess said it would be better if the access point was on the other side.

When asked if the building would be sprinklered, Mr. Kilany said the potential commercial space would be, but not the residential (it would meet current code fire resistance).

When asked if any changes (such as the driveway access) were to be made and whether this would need to re-advertised, Planner Lake said minor changes can be made without having to re-start the process. He said major changes would come before council again. He said if council is happy with the rest of the proposal, it can proceed with the understanding of staff working out the driveway issue with the developer. When asked by council, CAO Coutinho said based on Planner Lake’s comments, he is happy with proceeding if council wishes. If anything major arises, it will come back to council.

It was noted this matter would be addressed in the regular meeting of council immediately following this public hearing.

6. **CONCLUDING REMARKS** - None

7. **ADJOURNMENT OF PUBLIC HEARING** – With no further matters to discuss, at 7:20pm it was,

**MOVED BY MURLEY/GEDDES THAT THE PUBLIC HEARING BE ADJOURNED.
MOTION CARRIED**


ADMINISTRATOR


CHAIR Mayor. Anna Allen.