



First Reading June 22, 2021
233 Gray Street and Abutting Lot

APPLICATION

- application for development agreement completed April 9, 2021
- to allow some of the parking required for the existing 15-unit apartment building at 233 Gray Street to be located on the abutting lot (PID #45354065)

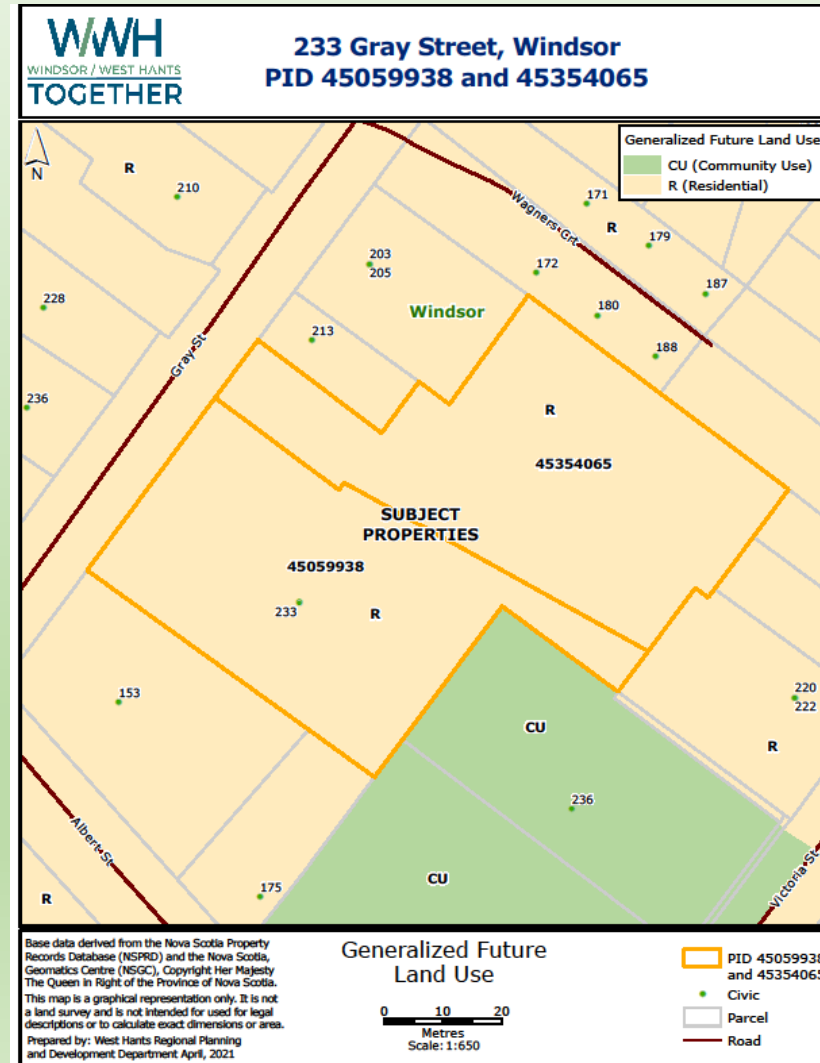
EXISTING SITUATION

- 15-unit apartment building at 233 Gray Street
- most parking for 233 Gray is on the vacant lot next door (PID# 45354065)



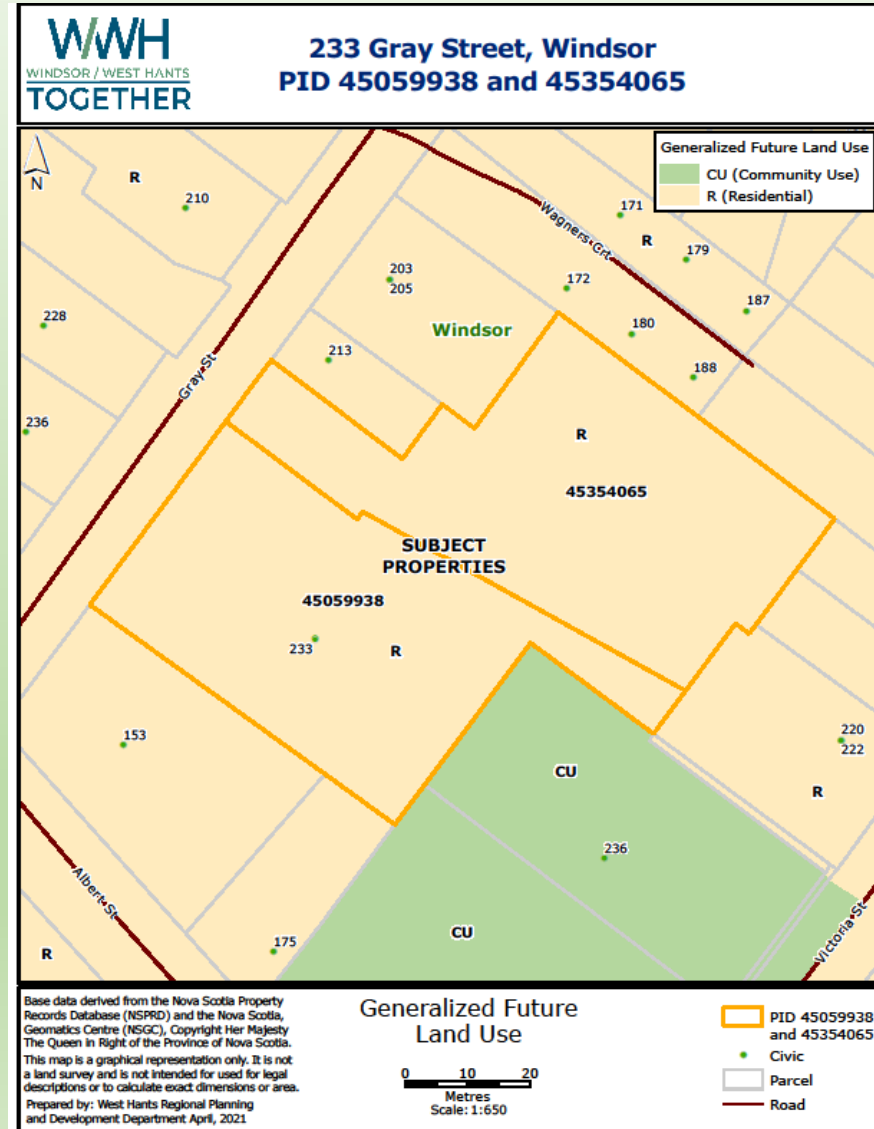
DESIGNATION

- both lots are designated Residential on the Generalized Future Land Use Map of the Windsor Municipal Planning Strategy



ZONE

- both lots are zoned High Density Residential (R-4) in the Land Use By-law



233 Gray Street: Existing Building



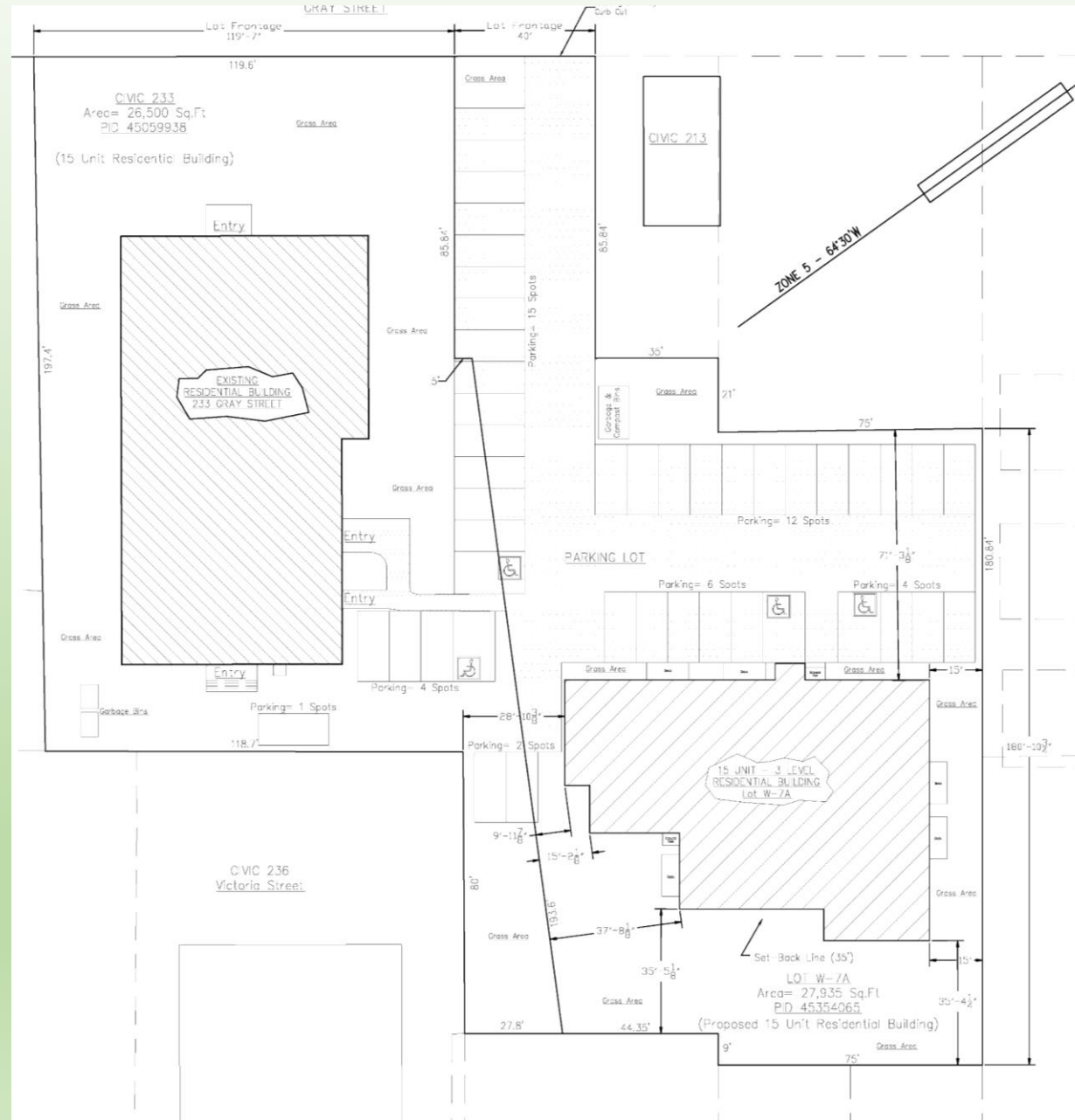
Parking Lot Entry



PROPOSED USE

- a development permit has been issued for a 15-unit apartment building on the vacant lot (PID#45354065)
- High Density Residential (R-4) Zone permits dwellings with more than 6 units (apartment buildings) “as-of-right”: just by getting permits
- a development agreement was NOT required for the new apartment building
- parking for the new building & some of the parking for 233 Gray Street will be located on the now-vacant lot

PROPOSED SHARED PARKING



DEVELOPMENT AGREEMENT

- a development agreement is a contract between the Municipality and an owner to allow something to happen on a lot which would not usually be allowed
- Windsor Land Use By-law requires parking to be located on the same lot as the use it supports or on a different lot only by development agreement
- the proposed development agreement is to allow parking for 233 Gray Street to be located on the lot next door
- each development agreement is considered based on whether the opportunity to have a development agreement is established in the Land Use By-law and the criteria established by Council in the Windsor Municipal Planning Strategy

LAND USE BY-LAW

- the ability for Council to consider a development agreement for parking on a separate lot is established in the Windsor Land Use By-law:

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

- (a) parking on a separate lot in accordance with **Policy 4.11.3** of the Municipal Planning Strategy;*

MUNICIPAL PLANNING STRATEGY (1 of 2)

Policy 4.11.2 *It shall be the policy of Council that off-street parking must be provided on the same lot as the use.*

Policy 4.11.3 *Notwithstanding Policy 4.11.2, parking may be provided on a separate lot by development agreement subject to the following criteria:*

<i>(a) the lot is within 300 ft. (91.44 m.) of the lot for which the parking is required;</i>	✓
<i>(b) the two lots are in the same ownership;</i>	✓
<i>(c) the agreement ensures the required parking is continued to be provided for the said use on the separate lot; and</i>	✓
<i>(d) the provisions of Policy 16.3.1 of the Municipal Planning Strategy (are met)</i>	✓

MUNICIPAL PLANNING STRATEGY

MPS 16.3.1 contains the general criteria for development agreements

- majority of criteria are not applicable as no structure is proposed
- Traffic Authority has determined the road network is adequate and there are no concerns related to the proposed parking lot
- no anticipated municipal costs related to the development
- Development Officer notes the vacant lot is appropriate for the intended use

DEVELOPMENT AGREEMENT

- applies to both 233 Gray Street and the vacant lot next door
- requires a minimum of 43 parking spaces; LUB would require 45
- parking spaces must be minimum of 9' x 11'
- driveway and spaces to be located approximately as shown
- Development Officer can vary the required number of spaces & arrangement of spaces
- no parts of the agreement identified as substantive

Process

Notice was placed in the local paper, Facebook, and the Municipal Website.



*anticipated dates
final dates will be set
by Council

PAC/HAC RECOMMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit the required parking for two fifteen-unit apartment buildings, located on 233 Gray Street, PID 45059938 and the abutting lot, PID 45354065, to be located in a manner substantively the same as described in the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee regarding File 21-08 dated June 10, 2021.

WWH

WINDSOR / WEST HANTS

TOGETHER