



West Hants

## Public Hearing Agenda

1. Intro by Mayor
2. Presentation by Planner (Alex Dunphy)
3. Presentation by Applicant (Ezra Edelstein)
4. Comments or Questions from Public
5. Questions from Council
6. Conclusion of Public Hearing



# 586 O'Brien Street Development Agreement

Public Hearing and Second Reading

May 28, 2024

something inspiring awaits

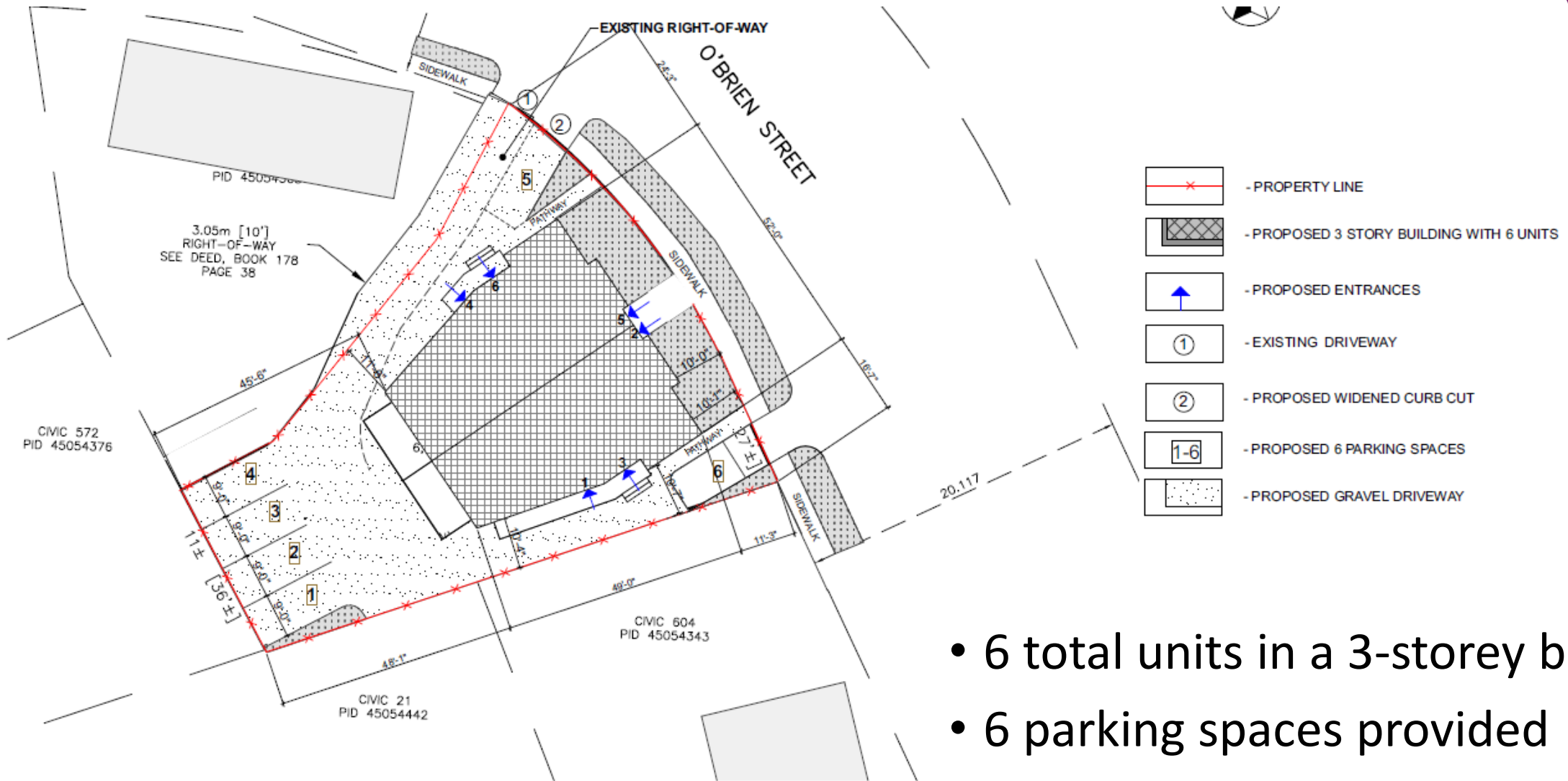


# Application Background

- An application was received from Edward Edelstein of Geome Properties LTD on February 13, 2024
- The application is to allow a 6-unit residential dwelling by development agreement



# Development Proposal



- 6 total units in a 3-storey building
- 6 parking spaces provided

# Development Proposal



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# Orthophoto

The subject lot is currently vacant (orthophoto is not up to date)

Nearby land uses include:

- a variety of residential uses;
- a pharmacy; and
- other new commercial uses.

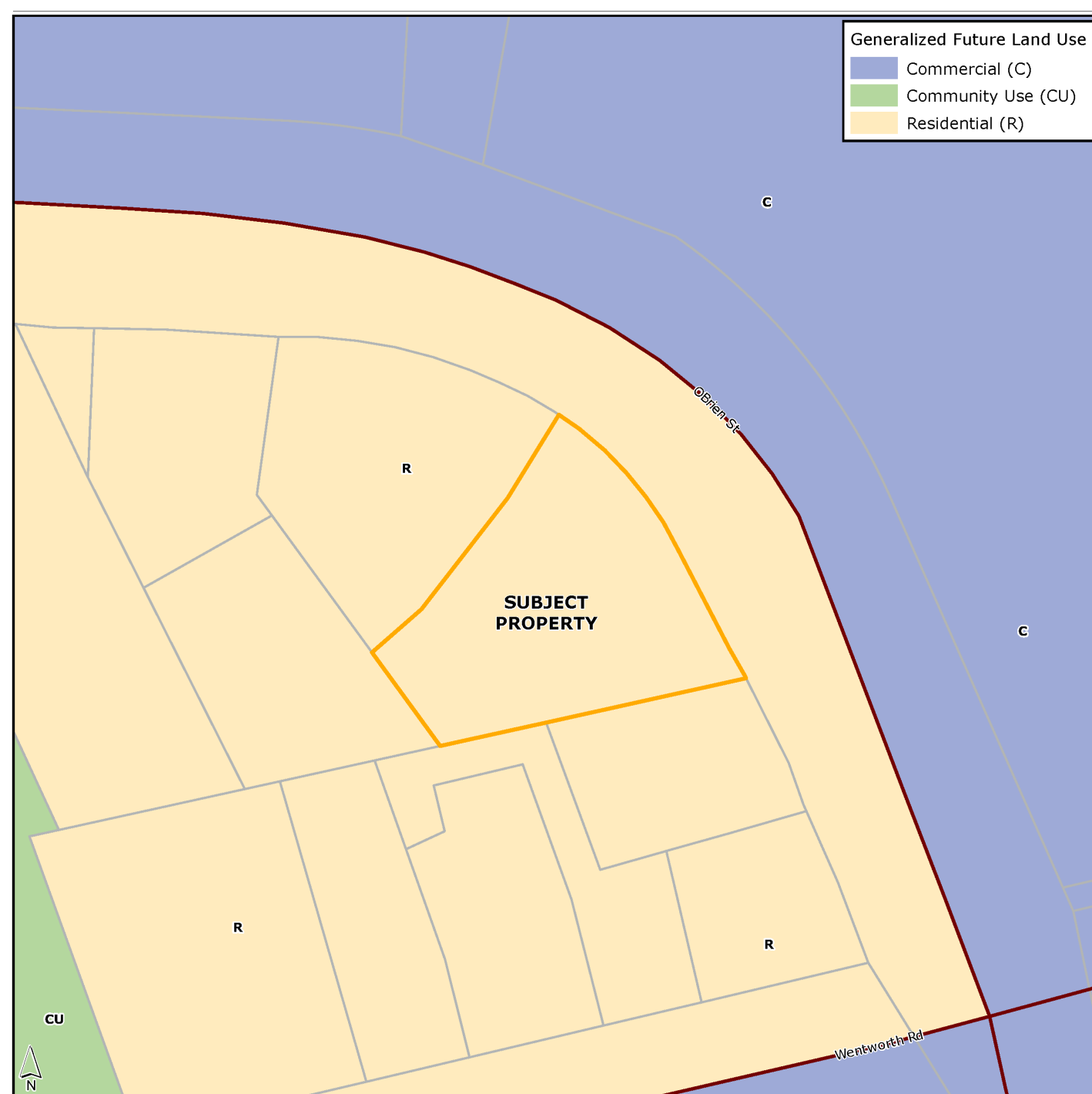


Generalized Future Land Use

- Commercial (C)
- Community Use (CU)
- Residential (R)

# GFLUM

## Residential Designation







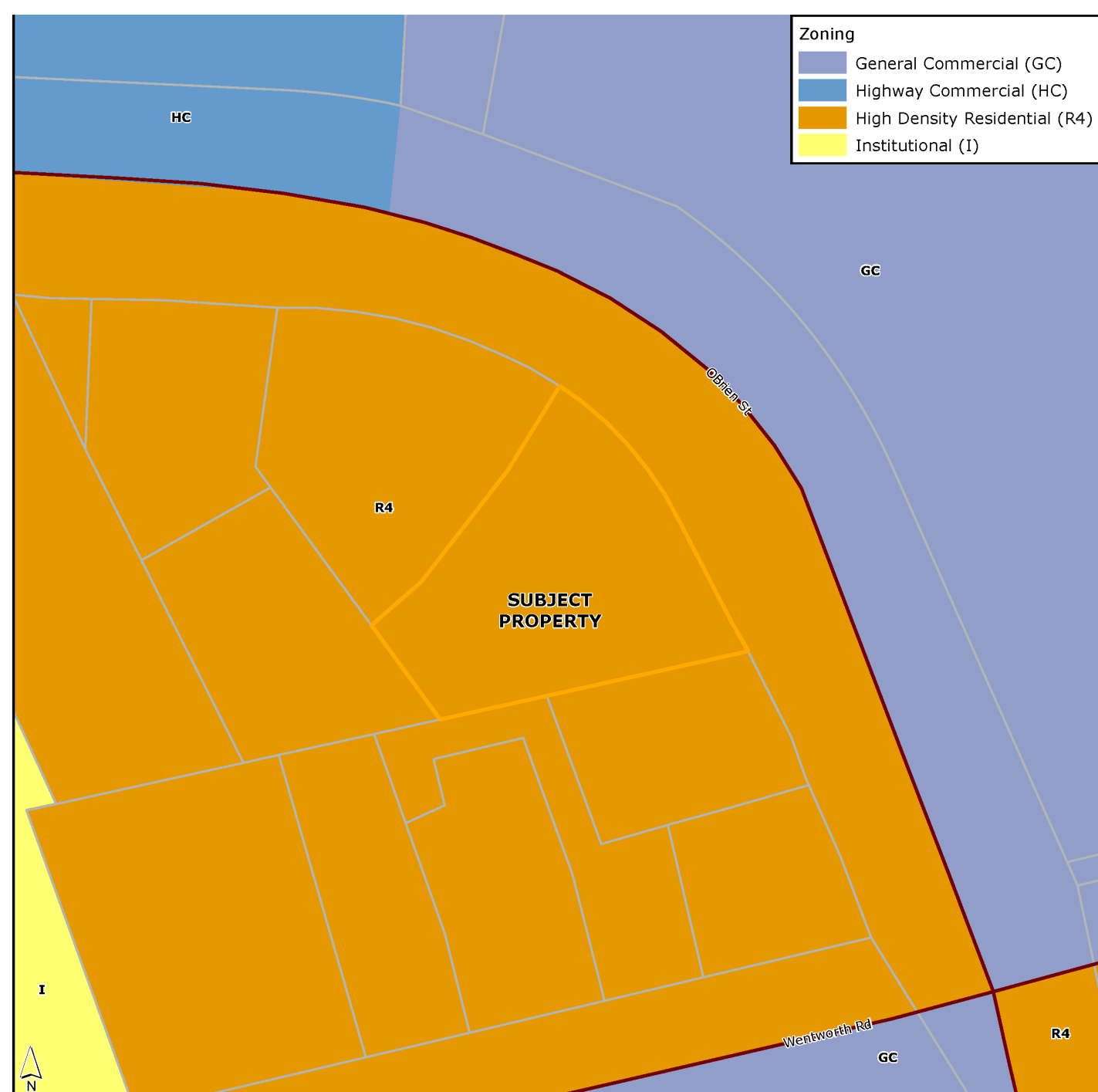
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# Zoning

High Density Residential (R-4)  
zone

| Zoning  |                               |
|---|-------------------------------|
|    | General Commercial (GC)       |
|  | Highway Commercial (HC)       |
|  | High Density Residential (R4) |
|  | Institutional (I)             |





View of Subject Lot



View across from Subject Lot



# Windsor MPS - Enabling Policy

**Policy 5.4.6** enables Council to consider multiple unit residential dwellings of three units or more in the Residential designation by development agreement.

In summary, the criteria are met since:

- the proposal has setbacks that are consistent with other nearby residential buildings;
- the proposal is considered compatible with adjacent land uses;
- the Development Officer and the Municipal Traffic Authority have no concerns which have not otherwise been addressed in the report.



# Windsor MPS – General 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, Public Works Engineering Division, and Municipal Traffic Authority have no concerns which have not been addressed in the report.



# Fire Chief Comment

Indicated that it would be preferable to have a wider access to the rear of the property to allow for potential access by a firefighting apparatus. However, it would be unlikely that they would ever try to access the rear of the building with a fire truck.

- The Development Officer and the Manager of Building and Fire Inspection Services indicated that there are no requirements in either the National Building Code of Canada or the Windsor Land Use By-law for a right-of-way access to be wider than 10 ft. (3.05 m.).
- Staff have included a requirement for the driveway providing access to the rear of the property to be maintained at minimum width of 10 ft. (3.05 m.).

# Development Agreement Details

## *Requirements*

- Permits: up to 6 dwelling units on O'Brien Street
- Setback requirements consistent with the High Density Residential (R-4) zone, except the side and front yards, as well as the minimum lot area which shall be reduced to allow infilling
- Maximum height: 3 storeys
- Driveway access from O'Brien Street on a shared right-of-way with a minimum width of 10 ft. (3.05 m.)
- A minimum ratio of 1 vehicle parking space to dwelling unit is to be provided



# Development Agreement Details

## *Substantive Matters*

- the uses permitted on the property;
- a reduction of the minimum setbacks or minimum driveway width;  
and
- the fire safety requirements.

# Public Information Meeting Notes

- A Public Information Meeting was held on March 5. 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 March 19, 2024
- Staff received no correspondence during the public comment period.

Public Information Meeting – March 5



Staff Review



PAC/HAC Review and Recommendation –  
April 11



Council First Reading – April 23



**Public Hearing & Second Reading – May 28**



Notice of Approval



14 Day Appeal Period

# Process

All statutory requirements have  
now been met



# Applicant Presentation



# Comments or Questions from Public



# Questions from Council



# Public Hearing Comment Period

- The Public Hearing was advertised:
  - in the paper May 7 and 14;
  - letters were sent to property owners within 300 ft of the subject lot; and
  - a sign was posted on the lot.
- The deadline for comments was Friday, May 24.
- Staff received no written correspondence.



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# Recommendations (1 of 2)

...that Council gives Second Reading and approves entering into a development agreement to allow a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #24-04 to the Planning and Heritage Advisory Committee dated April 11, 2024.



# Recommendations (2 of 2)

...that Council requires that the development agreement with Edward Edelstein which permits a multiple unit residential building, consisting of 6 dwelling units, on PID 45054350 on O'Brien Street 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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