

**Development Agreement:
1781 King Street, Windsor (PID 45162005) and
PID 45408374, Edward Drive, Garlands Crossing**

Council First Reading

July 23, 2024



Application

- A completed application was received from Chrystal Fuller on February 13, 2024, on behalf of Brison Developments.
- Seeking a development agreement to permit 92 dwelling units within 23 four-unit dwellings on an extension of Irvan Drive in Windsor.
- This application included multiple phases:
 1. Rezone from Agriculture to Two Unit Residential (approved May 28)
 2. MPS amendments to DA criteria (approved June 25)
 - 3. Development agreement for 92 units (today)**



Application Cont.

- Government of Canada incentivizes the construction of purpose-built rental housing by providing a 100% rebate on the GST, or the Federal portion of the HST
- Government of Nova Scotia has also announced that it will provide a 100% rebate of the Provincial portion of HST for the same purpose
- The applicant has purposely designed this application for four-unit dwellings to submit the project to this and any future funding opportunity

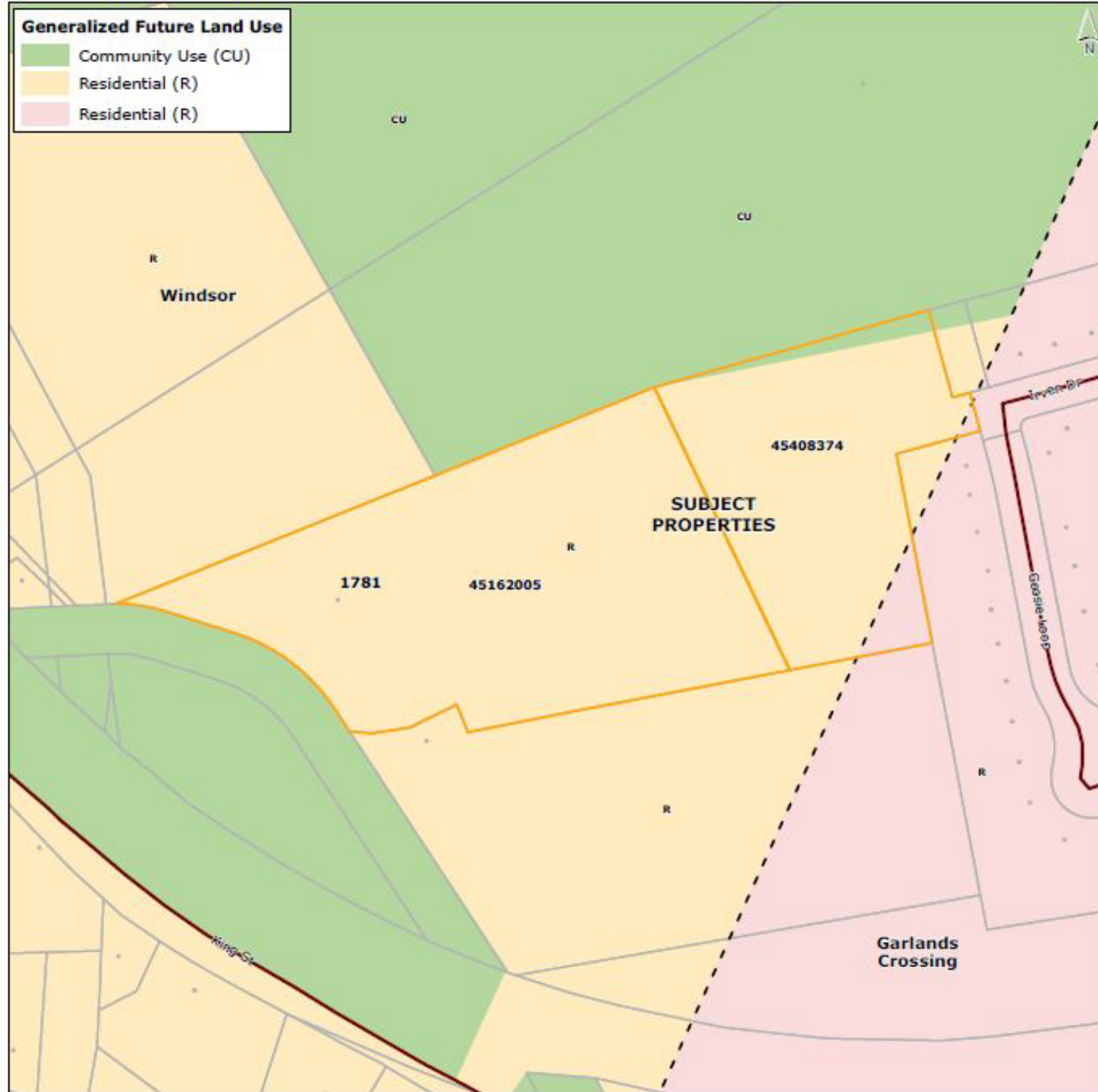




Orthophoto

- PID 45162005 is approx. 5 acres
- PID 45408374 is approx. 2.6 acres
- Proposed development to utilize 6.3 acres of the subject lots



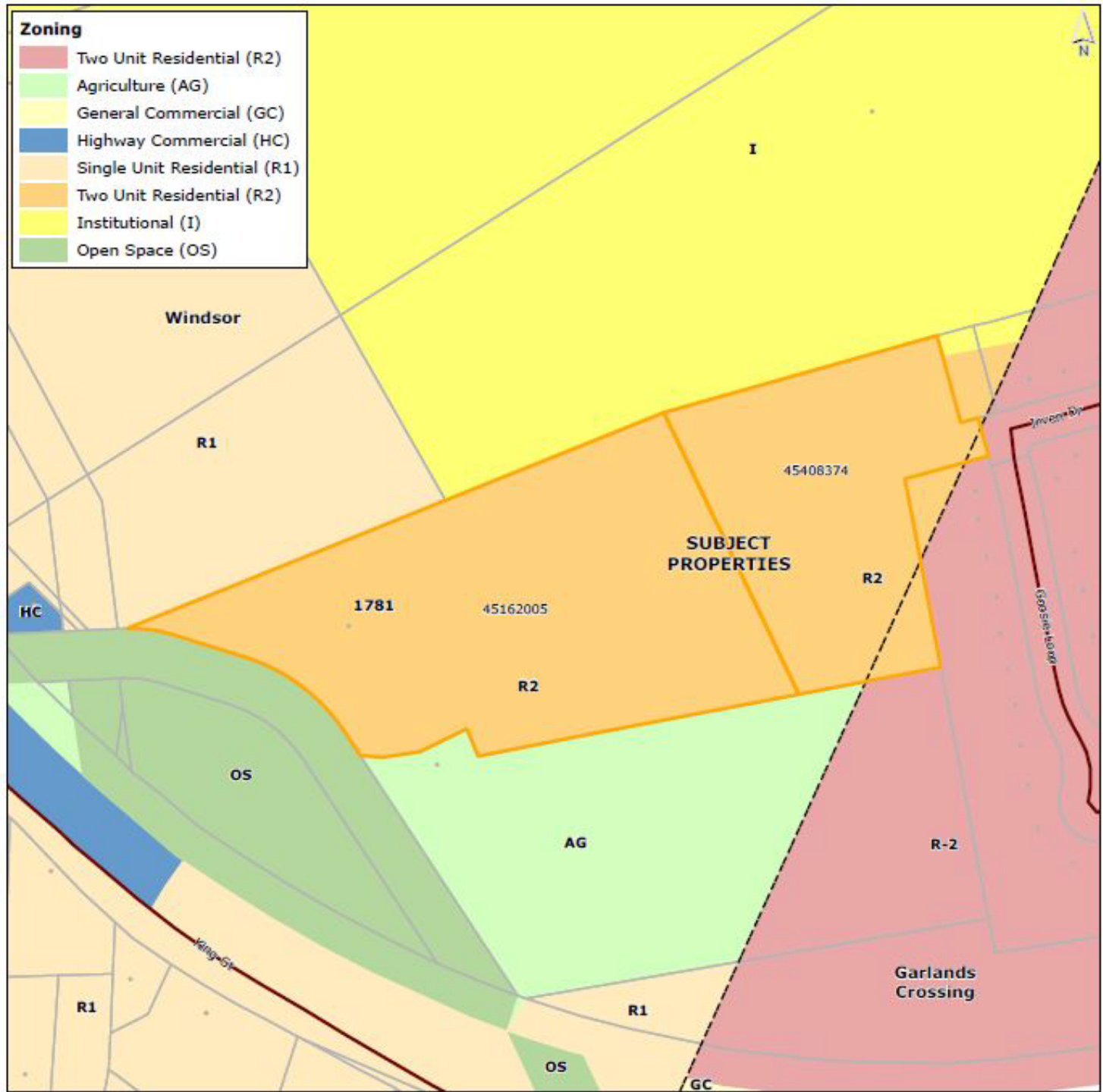


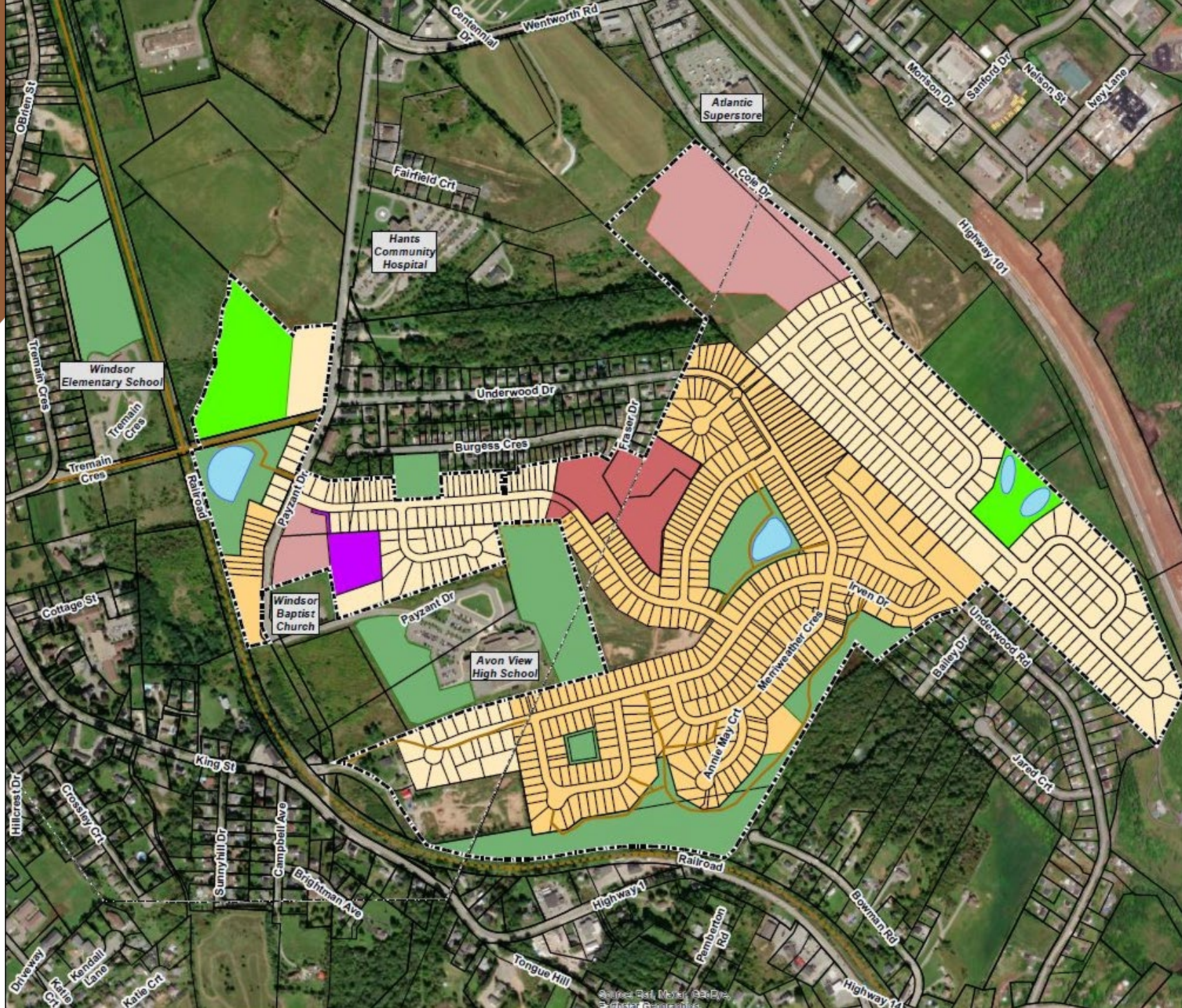
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Zoning





Overall Concept

Irven Drive Extension

Staff highlighted concerns with the proposed design of the Irven Drive Extension due to:

1. The length of cul-de-sac being proposed;
2. The criteria of Policy 5.4.6; and
3. The Future Streets Map of the Subdivision By-law showing a future connection from the Crossing to King Street.

For these reasons, staff have been advocating for the Irven Drive Extension to connect to the future Payzant Drive Connection in relation to this proposal.

1: Length of Proposed Cul-de-sac

- Municipal Services Specifications Manual (2022)
 - “the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer.”*
- Proposed cul-de-sac is greater than 400m in length
- Public Works Engineering Division stated that a road reserve should be provided to allow a future street connection to the Payzant Drive Connection
 - High density proposed would present risks related to road closures for watermain repair, road construction and maintenance, emergency response, snow removal and solid waste collection

2: Criteria of Policy 5.4.6

- Originally required the development to abut an arterial or collector street if the development consisted of 12 or more units
- Council approved amendments to this criteria on June 25, 2024
- Now allows multi-unit developments or grouped dwellings over 12 units to be considered on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided
- Irven Drive Extension is no longer required to connect to the future Payzant Drive Connection if a favourable traffic impact study and emergency access are provided and acceptable to the Public Works Engineering Division



3: Future Streets Map

- Shows future connection from the Crossing to King Street
- Section 28 of the Windsor Subdivision By-law states:
 - “(c) Where an area of land being subdivided includes or abuts land that contains a Required Street Connection as identified on the Future Streets Map (Map 1), the general layout of new streets in the proposed subdivision shall conform to the Future Streets Map. The location of such new streets is not required to be an exact match of the Future Streets Map, but must allow for, in the opinion of the Development Officer, the future continuation and completion of any Required Street Connection.”*
- Development Officer stated exact location may be varied to some degree, but the street connection from Irven Drive Extension to Payzant Drive Connection is required

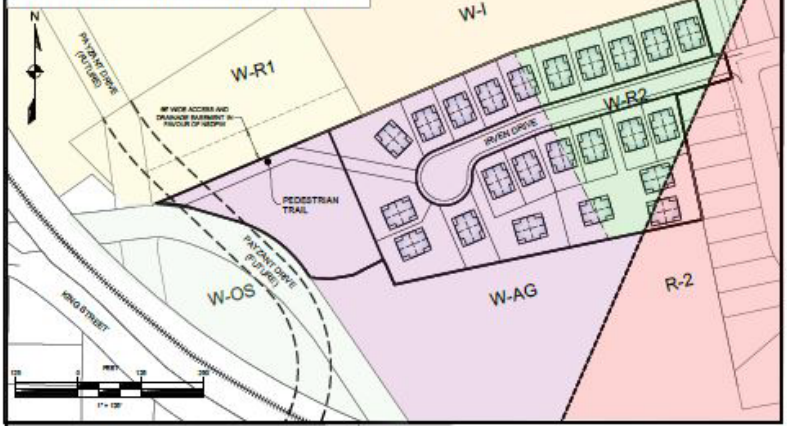
Connection Options

- Applicant provided three design options for a connection between Irven Drive Extension and the Payzant Drive Connection

Connection Option 1

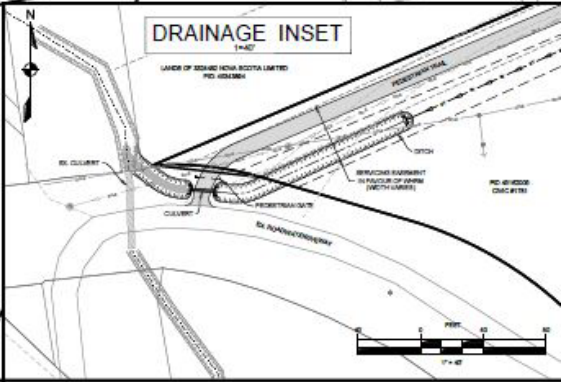
- Irven Drive Extension ending in a cul-de-sac with a 25 ft. wide access easement in favour of the Municipality to provide an emergency access / active transportation connection
- Attached to the draft development agreement
- Due to the reasons mentioned previously (i.e., length of cul-de-sac and Future Streets Map requirements) this option is not recommended by staff

CURRENT ZONING CONDITIONS



Connection Option 1

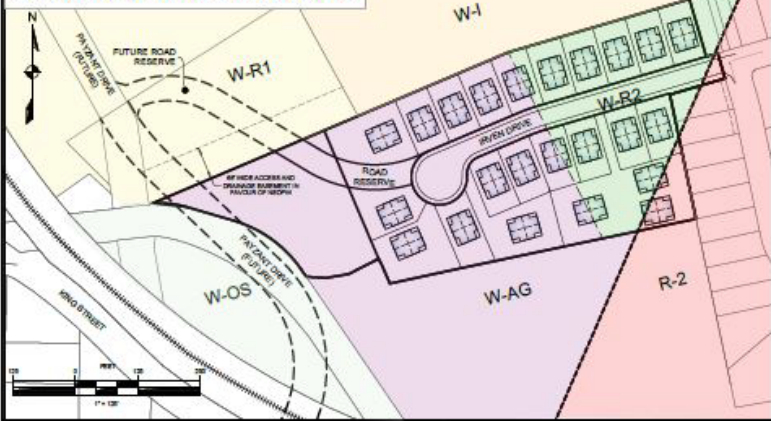
92 dwelling units
23 buildings



Connection Option 2

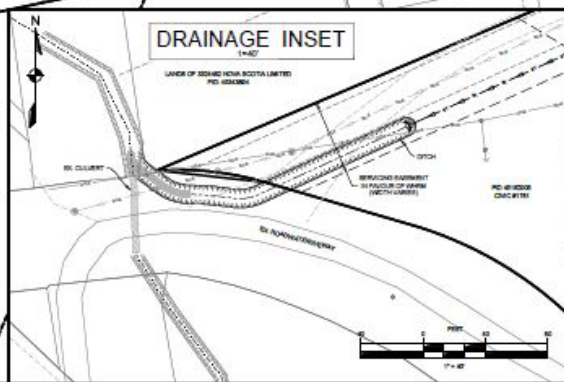
- Irven Drive Extension ending in a cul-de-sac with a road reserve being provided, angled towards the abutting private property to the north west
- Applicant suggests that the two private property owners could provide land to allow the road reserve to connect the future Irven Drive Extension to the future Payzant Drive Extension
- Unless there is agreement from both property owners to provide the road reserve as depicted on the plan it would not be a feasible option

CURRENT ZONING CONDITIONS



Connection Option 2

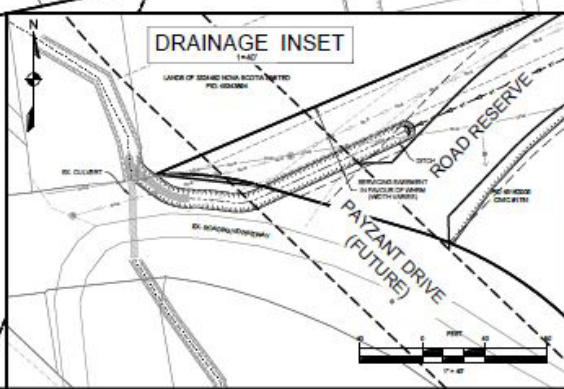
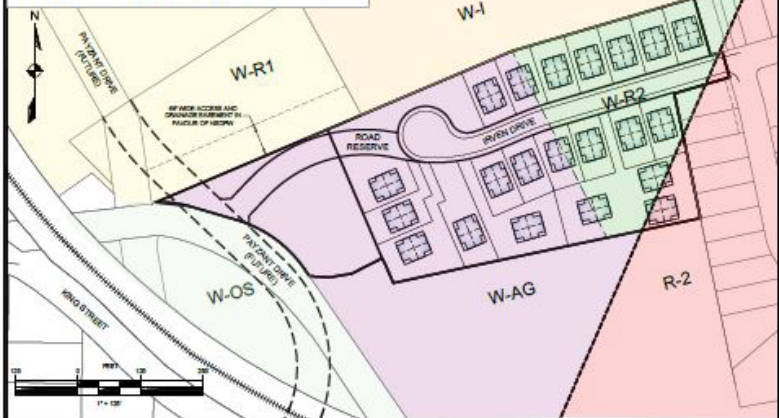
92 dwelling units
23 buildings



Connection Option 3

- Irven Drive Extension ending in a cul-de-sac with a road reserve being provided on the applicant's property and connecting to the future Payzant Drive Connection
- This would be the most viable option provided and is preferred by staff

CURRENT ZONING CONDITIONS



Connection Option 3

84 dwelling units
21 buildings



Traffic Study Submitted by Developer

- In January the applicant submitted traffic information to the Public Works Engineering Division that concluded:

*“The analysis of the four scenarios definitely demonstrated that the **best** connection for **both** the residents of The Crossing and the **general public** is Community Way connected to Payzant Drive. This connection will allow residents of The Crossing direct access to the hospital, the school, and a commercial district in Windsor; it will allow the public much better access to the hospital, the school, and a commercial district in Windsor.”*



Traffic Study Submitted by Developer Cont.

*“The **worst** connection for both the residents and the general public is Irvan Drive connected to King Street. This connection does little for the residents of The Crossing to access their desired destinations and allows the general public to use a long and circuitous route through The Crossing to reach the hospital, the school, etc. This route would not be of great benefit to the public, compared to Payzant Drive connected to King Street, and would have the very undesirable effect of bringing ‘short cutting’ traffic through The Crossing using Irvan Drive. Irvan Drive is already built as a residential street, not a collector, and which cannot be rebuilt, even if one wanted; the short-cutting traffic would be quite detrimental to the residents quality of life.”*



Municipal Traffic Impact and Connection Study

- WSP engaged to perform a Traffic Impact and Connection Study
- Wholistic view of the area from Underwood Road, King Street, Wentworth Road, Payzant Drive, Cole Drive and the entire Crossing Development
- Known development information, future planned connections from Payzant Drive - Irven Drive via Community Way, Edward Drive - Cole Drive via Abbey Road, and Payzant Drive – King Street, and traffic calming, included in the scope of the study



Municipal Traffic Impact and Connection Study Cont.

- Final Study received by the Municipal Traffic Authority on July 11, 2024
- Recommendation #2:
 - *“continue to plan for the construction of two new intersections at King Street at Payzant Drive and Payzant Drive at Irven Drive. These additional intersections increase options for traffic throughout the area and provide an opportunity for a crosswalk and new road connection between King Street and the Avon View High School. If these intersections are constructed, both should be STOP controlled and a left turn lane should be included on King Street for traffic turning to Payzant Drive.”*



Municipal Traffic Authority Response

- *“If Irvan Dr connects with the Payzant Dr connector as recommended in the July 2024 WSP Traffic Impact and Connection Study and the WHRM Municipal Engineer, I would consider the traffic compatible with no negative impact. Without this connection as it is proposed in the DA I would consider the traffic to not be compatible having negative impacts on the roads network.”*



Municipal Traffic Authority Response Cont.

- *“The existing road networks are inadequate in relation to the Irven Dr Extension DA proposal as the proposal is a high-density development on a dead-end street that is over 400m with poor connectivity. With the proposed addition of the Payzant Dr connection to King St and the proposed Irven Dr connection to Payzant which is also recommended in the 2024 WSP Traffic Impact and Connection Study, I would consider the road network adequate.”*



Municipal Traffic Authority Response Cont.

- *“After reviewing the January 2024 Traffic Report, April 2024 GAALCO Traffic Impact Analysis, along with the March 2024 WSP Memorandum and the July 2024 WSP Traffic Impact and Connection Study, I’ve concluded both GAALCO Reports were narrowly focused only considering and collecting data at one intersection. They did not take in account “P loop” starting at Merriweather Crescent which would extend over 400m as a dead end (as per the WHRM Municipal Specifications) or any other intersection in the area. ...*



Municipal Traffic Authority Response Cont.

- ... *“As well they only focused on the Irven Dr Extension proposal. Contrary to the GALLCO Reports the WSP Memorandum and Study focused on multiple current and proposed intersections surrounding the Irven Dr Extension proposal as well as all known proposed developments known to WHRM.” ...*



Municipal Traffic Authority Response Cont.

- ...*“Based on the vast differences in scope, traffic data collection, intersection focus and proposed development consideration between the GALLCO Reports and the WSP Memorandum and Study, Staff’s opinion is to agree with the more in-depth evaluation provided by WSP. The WHRM Traffic Authority recommends and agrees with the WHRM Municipal Engineer that the Irvén Dr Extension DA includes a 16m wide land parcel be turned over to WHRM to allow Irvén Dr to connect with the Payzant Dr connector at some point in the future.”*



Development Agreement Details

Requirements

- Permits: a maximum of 92 dwelling units in 23 four-unit dwellings
- Fencing along the southern lot line abutting PID 45294980
- Emergency access / active transportation trail to be completed by 2030
- Road reserve to be provided for Payzant Drive Connection to King Street
- 1 parking space per dwelling unit
- Stormwater management plan prior to development permit



Development Agreement Details

Substantive Matters

- the uses permitted on the Property;
- the requirement of an emergency access / active transportation trail to be provided;
- the fire safety requirements; and
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued.



Development Agreement

Changes Requested by Applicant

- reduce side yard and minimum distance for grouped dwellings;
- accept emergency access / active transportation as Municipal infrastructure;
- require bonding for the emergency access / active transportation if not completed within the specified timelines;
- reconsider on-street parking being prohibited;
- require fire hydrant placement in accordance with the Municipal Services Specifications Manual;
- consider the road reserve required to build the proposed Payzant Drive Connection to King street at a later date;



Development Agreement

Changes Requested by Applicant Cont.

- consider the development in two phases;
- increase the timelines for completion of the phases; and
- increase timeline for record drawings to be provided.

Windsor MPS Specific Criteria

- Policy 5.4.6 establishes the intent of Council to consider entering into a development agreement to allow new multiple unit residential development consisting of three or more units and grouped dwellings in the Residential designation.
- In summary the proposal does not meet the criteria since:
 - the Municipal Traffic Authority has provided comment on the negative traffic impact of the proposal in relation to the compatibility and impact of traffic generation (5.4.6 (c) and (g));
 - ...

Windsor MPS Specific Criteria Cont.

- ...
- the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection (5.4.6 (e)); and
- the local Fire Chiefs and the Municipal Emergency Management Coordinator have not yet commented on the proposed emergency access (5.4.6 (g)).



West Hants MPS Specific Criteria

- Policy 5.3.10 establishes the intent of Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre.
- In summary the proposal does not meet the criteria since:
 - the Municipal Traffic Authority has provided comment on the incompatibility of traffic generation and the inadequacy of proposed streets (5.3.7 (c) and (d)).



Windsor and West Hants MPS General Criteria

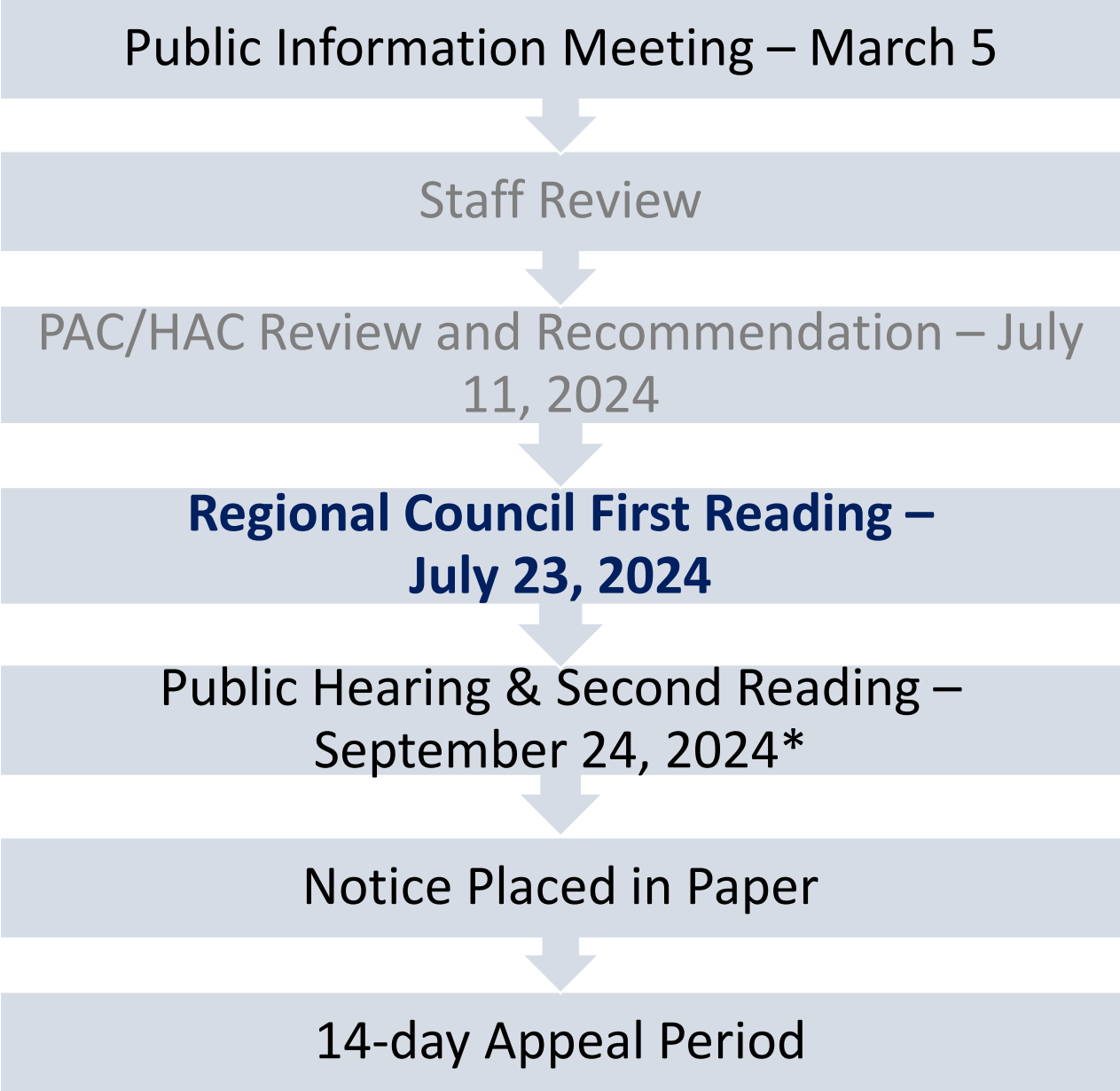
- Policy 16.3.1 outlines the general criteria for development agreements.
- In summary, the proposal does not meet the criteria as:
 - the Municipal Traffic Authority has provided comment on the inadequacy of proposed streets and unsuitability of auto movement (16.3.1 (a) (iv), WMPS 16.3.1 (b), WHMPS 16.3.1 (c)).

Summary

- At this time staff do not recommend in favour of the application based on the Municipal Traffic Authority responses, as the application continues to not meet the Policy criteria (5.4.6 (c) and (g), 5.3.7 (c) and (d), and 16.3.1 (a) (iv) and (b)).
- Additional information is also needed from:
 - the Fire Chiefs on the design of the proposed emergency access route;
 - legal regarding the changes proposed by the applicant;
 - the applicant to address the parking concerns from the Municipal Public Works Engineering Division.



Process



*anticipated dates

Recommendation (1 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing, subject to the successful resolution of all the outstanding matters in the report, which is substantively the same as the draft set out in Appendix A of the report File #24-15 A to Council dated July 23, 2024.



Recommendation (2 of 2)

...that Council require that the development agreement with Mitch Brison for PID 45162005 and PID 45408374 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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Alternative Recommendation (1 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a total of 92 dwelling units within 23 four-unit dwellings grouped on a portion of PID 45162005 and PID 45408374 in Windsor and Garlands Crossing which is substantively the same as the draft set out in Appendix A of the report File #24-15 A to Council dated July 23, 2024, **and including all of the changes proposed by the applicant pending legal review.**

