

**Special WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
April 29, 2009**

PRESENT: Deputy Mayor, Laurie Murley, Chair
Mayor Paul Beazley
Councillor John Bregante
Councillor Liz Galbraith
Councillor Dave Seeley
Ms. Shelley Bibby
Mrs. Laura Myers

STAFF: Lynn Davis, Director of Planning
Doug Armstrong, Town Director of Finance
Velma Macumber, Administrative Assistant

REGRETS: Mr. Graham Murphy

GUESTS: Grant Cooke, Consultant, 4-Site Group
Mitchell Brison, Brison Developments Limited

Chair Murley called the meeting to order at 7:00 p.m. Committee members introduced themselves to Mr. Grant Cooke, of 4-Site Group, who is a consultant hired by the Town to assist the Planning Department in preparing the staff report for the Brison Developments application.

Proposed Municipal Planning Strategy and Land Use By-law amendments - Brison Developments Limited

Mr. Cooke advised that a proposal was received from Brison Developments to amend the Land Use By-law to rezone the front portion of a 13 acre parcel of land (PID 45336773) on Payzant Drive from Two Unit Residential (R-2) to General Commercial (GC). The developer wishes to subdivide it into four commercial lots. The proposed uses for three of the four commercial lots are a physiotherapist clinic, a medical doctor's office, a real estate office and sales centre. The front portion will also include an area where a new public road will be constructed to access future residential development. The back portion of the property is intended to be for mixed residential development in the future.

Section 219(a) of the Municipal Government Act (MGA) allows Council to amend the Land Use By-law according to the policies contained in the MPS. Section 219(b) states that Council shall not adopt or amend the Land Use By-law except to carry out the intent of the Strategy. The Generalized Future Land Use Map (GFLUM) designates the area as residential, and commercial uses are not permitted. However, Section 8.3 General Commercial of the MPS allows general commercial uses in other designations and areas designated as residential subject to criteria such as that the development must have direct access to an Arterial road. Payzant Drive is designated on the Transportation Map as a Collector road, and because it is also a dead end street, its designation to an Arterial road is not an alternative.

Mr. Cooke referred to Policy 16.1.3 of the MPS that allows Council to consider a Land Use By-law amendment to rezone an area immediately beside a given land use designation on the GFLUM to a zone permitted in the adjacent designation without a MPS amendment provided all other policies of the MPS are met. The proposed area to the north is adjacent to a property that is designated Commercial.

**Special WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
April 29, 2009**

Mr. Cooke reviewed the amendment process. Policy 16.1.1(c) allows Council to amend the MPS when deemed necessary because of a change in policy intentions or the development environment.

Mr. Cooke explained that the amendment process to deal with the proposed zoning is a two-step process where first an amendment to the MPS is necessary to supply policy support to consider the rezoning. Rezoning can be considered provided that it is consistent with the MPS policies. A public information session is required on the MPS amendments before a recommendation can be made to Council. Council can consider the MPS and LUB amendments concurrently. A public hearing is required before Council approves or refuses the amendments. If the MPS amendments are approved, copies of the amendments are forwarded to the Provincial Director of Planning for review to see if they conflict with Provincial Interest Statements. As long as there are no conflicts, then a Notice of Approval is published in the newspaper with an effective date, the day of publication, with no appeal period. Council can then deal with the LUB amendments. If the LUB amendments are approved, then a Notice of Approval is published in the newspaper with a 14-day appeal period. Once the appeal period expires, provided that there are no appeals, then the amendment becomes effective.

Mr. Cooke reviewed the MPS amendments. He advised that because commercial uses generate more traffic than residential uses, the MPS requires that these uses be located on an Arterial street to handle the traffic. Payzant Drive is not an Arterial street as it is a dead end street. The Traffic Authority noted that Payzant Drive is constructed to function as a Major Collector road. Major Collector roads act as a connection between Arterial and Minor Collector roads. The Traffic Authority suggested a change in the hierarchy of streets to establish Major and Minor Collectors instead of Collectors. The Traffic Authority also suggested that Wiley Avenue from King Street to Albert Street, Albert Street from Wiley Avenue to Water Street, and King Street from Gerrish Street to Water Street also meet the definition of Major Collector streets. Properties on these streets will also qualify for rezoning to General Commercial. However, a traffic study would be required to consider rezoning to General Commercial.

Mr. Cooke recommended that amendments to the MPS be approved to allow Council to consider General Commercial development on Major Collector Roads, subject to a traffic study. He then reviewed the Brison Developments request to rezone land on Payzant Drive to GC against the policy criteria.

Mr. Cooke referred to Policy 8.3.2 of the MPS which allows Council to consider the creation of new General Commercial zones in any designation by amendment to the Land Use By-law (a) provided the proposed use has direct access to (i) an Arterial road shown on the Transportation Map (Map 2). It is proposed that a new Policy 8.3.2(a)(ii) be added to also allow Council to consider a proposed use if it has direct access to a Major Collector road, subject to a traffic study. Mr. Cooke advised that a traffic study was submitted by Brison Developments which determined that the capacity of the street system would accommodate the anticipated traffic flows resulting from the proposed commercial lots. However, for the future residential development, which is not relative to this application, traffic lights would be required at the corner of Payzant Drive and Wentworth Road. The study states that the traffic lights would be required sometime after 2015 whether or not the proposed residential development goes forward due to normal increase in traffic.

Mr. Cooke advised that other criteria must be considered such as that the proposed use will not conflict with adjacent uses, and that there is adequate parking. Traffic flow and pedestrian safety

**Special WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
April 29, 2009**

must also not be adversely affected and adequate landscaping, green space and buffering have to be provided. Architectural design of the development has to be consistent with the provisions of the Architectural Design Manual, if applicable, and any other matter that may be addressed in the LUB, as well as Policy 16.3.1 of the MPS.

Policy 16.3.1 of the MPS must be considered for any application for a development agreement or rezoning. Mr. Cooke advised that Policy 16.3.1(v)(e) addresses the suitability of the area as to steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding. The subject property is designated dykeland under the Agricultural Marshland Conservation Act and is found in an environmental constraints area. An environmental study would be required to be submitted to the Development Officer prior to issuing a development permit. Mr. Cooke noted that Section 27(2)(b) of the LUB contains a list of uses that are not permitted on dykeland; commercial uses are not listed. He also noted that the environmental study may restrict the size and location of buildings and parking areas at the development permit stage.

Mr. Cooke advised that having reviewed the application against the relevant policies and requirements of the Windsor MPS and LUB and that it satisfies the criteria, it is recommended that the LUB amendment be approved, providing the amendments to the MPS are adopted by Council. In addition, if the amendment is approved, the developer must meet the provisions of the General Commercial zone before development can occur.

Chair Murley asked the Committee for comments.

Councillor Galbraith expressed concern about changing the street definitions of Wiley, Albert and King Streets to Major Collector. She stated the change to the street definitions would be problematic for Town residents. Councillor Galbraith suggested changing Payzant Drive to an Arterial road rather than changing the other streets, as it is believed that Payzant Drive will eventually become an Arterial street. Mr. Cooke advised that changing the street definition of Payzant Drive may be difficult because it is a dead end street. Councillor Galbraith noted that Payzant Drive is one of Council's high priorities. She expressed concerns about traffic clustering in different areas and that there are currently Arterial streets that are experiencing problems with traffic such as O'Brien Street at Wentworth Road. Mr. Cooke advised that if the Traffic Authority reviews the traffic map and determines that some streets designated as Collectors meet acceptable engineering principles, they could be upgraded to Major Collectors. Mr. Cooke advised that the criteria will still apply. Just because an applicant applies for a rezoning, does not mean that it would be approved.

Chair Murley commented favourably on the proposed amendments for Major and Minor Collector roads.

Ms. Bibby noted that the entrance to the Library was on Albert Street and asked if the Library was considered as a commercial or institutional use. Ms. Davis advised that the Library is considered an institutional use.

Mr. Brison commented that if someone applied for a rezoning on the other streets, they would be required to do a traffic study. He advised that the traffic study established that Payzant Drive was adequate at this time.

**Special WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
April 29, 2009**

Councillor Galbraith noted when looking at what is being proposed for development on Payzant Drive and what is already developed, that it is consistent with development on Arterial roads. She suggested changing Payzant Drive to an Arterial road because it is the Council's best interest to do so. Councillor Galbraith advised that changing the street designation of the other streets will not go well with the residents.

Chair Murley noted that the proposed amendments for Major and Minor Collectors actually deal with the existing traffic conditions. Mr. Cooke referred to Policy 8.3.2(b) which deals with a proposed use not conflicting with adjacent uses.

Mr. Cooke reviewed the MPS and LUB amendment process.

Ms. Bibby asked if Brison Developments was responsible for the environmental study. Mr. Cooke advised that it would be tied to the permit. He added that the purpose of the study is to identify the wetlands and what can or cannot be constructed on them.

Councillor Bregante stated that the report explained everything quite well. He said as a resident living on Albert Street, a street which gets much traffic now, that it would not be a major change. Councillor Bregante said he was in favour of moving forward with the public information meeting.

Mayor Beazley agreed that the proposed amendments move forward to a public meeting.

Councillor Galbraith stated she was uncomfortable with the proposed amendments. She said she wanted to ensure that this was the best route to take to allow the proposal. Councillor Galbraith expressed concerns about residents' quality of life, and felt this would be a contradiction to it.

Ms. Davis noted that the proposed amendments would give potential for other uses as long as those uses are compatible with adjacent uses. However, small lots would not meet the size requirements of the General Commercial zone.

Councillor Galbraith noted that Wiley Avenue is a residential street, which is very busy now, but it may become a problem, if the designation is changed allowing trucks to travel on the street.

Councillor Seeley noted Councillor Galbraith's concerns, however, he said he would like the proposal to move forward. Ms. Bibby agreed.

Mrs. Myers stated she understood the concerns with the trucking issues and that changing the street definition may encourage more traffic. However, it may be just the case that whatever route is convenient now, will still be the most convenient. Mrs. Myers stated she was in favour.

The Committee discussed scheduling the public meeting. They agreed that the public meeting would be scheduled for Tuesday, May 12, 2009 at 7:00 p.m. Following that meeting, PAC will meet and discuss the outcome of the meeting and make a recommendation to Council to either approve or refuse the proposal. A special Town Council meeting to give the amendments First Reading will be held immediately after the PAC meeting.

Mr. Brison commented that an environmental study had previously been done on the subject property and now only requires the Development Officer's approval.

**Special WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
April 29, 2009**

NS Planning Directors Spring Conference “Making Main Street”

Chair Murley reminded Committee members about the upcoming conference and that Council approved two PAC members to attend.

Mrs. Myers expressed interest in attending the conference.

ADJOURNMENT

Moved By: Councillor Bregante
Seconded By: Mrs. Myers

THAT THE MEETING ADJOURN.

The meeting adjourned at 7:55 p.m.

Chair

