

**WINDSOR PLANNING ADVISORY
COMMITTEE MEETING MINUTES
March 25, 2009**

PRESENT: Deputy Mayor, Laurie Murley, Chair
Mayor Paul Beazley
Councillor John Bregante
Councillor Liz Galbraith (7:06 p.m.)
Councillor Dave Seeley
Ms. Shelley Bibby
Mr. Graham Murphy
Mrs. Laura Myers (7:06 p.m.)

STAFF: Lynn Davis, Director of Planning
Jeanne Bourque, Planner
Velma Macumber, Administrative Assistant

GUESTS: Mitchell Brison, Brison Developments Limited

Chair Murley called the meeting to order at 7:00 p.m.

**Presentation by Brison Developments Limited re development proposal -
Payzant Drive (PID 45336773)**

Mr. Mitchell Brison, Brison Developments Limited, gave a presentation regarding his development proposal for Payzant Drive.

Mr. Brison circulated a concept development plan for the property he owns known as the former Masonic Home property. The property fronts on Payzant Drive and is approximately 14 acres and presently zoned Two Unit Residential (R-2). He said he would like to place commercial development on the front of the property along Payzant Drive which would require a change to the Land Use By-law. Mr. Brison commented that although the economic times are difficult, he felt this is the best time for the project. He referred to the concept plan and stated it was very close to what he has planned for the property and that the R-2 zoning would not be the best use of the property. Mr. Brison advised that there would be commercial buildings in the front of the property with single unit, two-unit and multi-unit residential dwellings as well as apartments/condos in the back. Mr. Brison stated that with respect to the commercial component, there are two local professionals who are interested in building two offices. One professional is interested in beginning construction this spring, if the Committee approves the project.

Chair Murley asked what type of commercial businesses were proposed. Mr. Brison advised that it is a profession similar to physician, chiropractor or physiotherapist.

Mr. Brison pointed out the timing of the project to get it off the ground would be this spring, and fall is not a good time. He said he would like to go ahead with at least one commercial building in the front. He advised that the back of the property is partially a hill that he plans to flatten. He stated he would enter into a development agreement for the residential component in the back which perhaps could run parallel with the other process.

Chair Murley asked if there was another access off Wentworth Road. Mr. Brison said no, and the reason for not providing access to the other properties was because he wanted a self-contained retirement community. Mr. Brison advised that he was having a traffic study done now to see if Payzant Drive could handle extra traffic, which he believes will be done next week. He stated that

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having access into the Lawrence property, without knowing what was going to go on the property, whether it was a Walmart or anything else, would be detrimental to his property. Mr. Brison noted that the Lawrence property had much frontage on Wentworth Road, so he felt that having another access from the development would be unnecessary.

Mr. Brison commented that the project was a big undertaking. The development would be close to the hospital and everything else, and would attract retirees and empty-nesters. He hoped that the development would attract people from other areas as well as those presently living in the Town. Mr. Brison stated that at the present value, the development would be a \$25 million project. He advised that the development would be a combination of 140 units for sale or for rent.

Chair Murley asked Ms. Davis for comments. Ms. Davis advised that Mr. Howell submitted an application which requires a plan amendment to allow Council to consider rezoning to General Commercial. It is not possible now as the rezoning policy requires that the property have access to an arterial street, and Payzant Drive is not an arterial street. Ms. Davis advised that staff is currently working on the application.

Chair Murley asked if the report would be ready for April. Ms. Davis advised that the report would not be ready for the April PAC meeting. Chair Murley said that when the staff report was ready, a special meeting could be scheduled.

Chair Murley asked the Committee for comments.

Mr. Murphy asked Mr. Brison if the development agreement process was the preferred method that worked for the proposal, would he be willing to bring the whole proposal to the forefront to get it underway. This would include a detailed plan for the whole development. Mr. Brison stated he had no problem with laying out the plan, but the development agreement process takes too long. He advised that an amendment to the LUB would allow General Commercial for what he is doing on Payzant Drive. He stated he could assign the lots and put the infrastructure in such a fashion that if the multi-unit residential dwellings were not selling, the lots are large enough to have two-unit dwellings. Mr. Brison advised that he plans to have a park which would have gazebos, trails and benches.

Councillor Bregante asked Mr. Brison what was being proposed for the back of the property. Mr. Brison stated it would just be another building, but he was unsure of what size it would be because of the slope. Councillor Bregante asked what the proposed width was for the street. Mr. Brison said the street would be 50 ft wide.

Councillor Bregante also asked what type of buildings would be on the front four commercial lots. Mr. Brison stated the first lot would have one building that houses two businesses. The other lots could have single buildings or maybe a larger building. Mr. Brison advised that the Victory Credit Union has also been discussing their parcel of land on Wentworth Road. Councillor Bregante noted the first set of drawings he saw showed four 18-unit apartment buildings and now this plan shows three of 30 units each. Mr. Brison commented that the same elevator that goes in for 18 units can go into 36 units. After his consultant did another analysis, it was felt that 30 units with ample parking would be appropriate. Councillor Bregante asked whether the condominium buildings had one or two bedrooms. Mr. Brison advised that the condominiums will have two bedrooms.

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Mayor Beazley asked Mr. Brison if he was planning to move earth to the front of the property. Mr. Brison advised that the front and the eastern part of the property will be built up. Mayor Beazley asked if the commercial building would be on one level. Mr. Brison stated that he was correct. He said one reason for doing the project now is that he wanted to bring it to the market so people would know it is here, and he also has the equipment to do the work now.

Councillor Galbraith asked if a feasibility study was done. Mr. Brison stated that seniors are buying into one level homes. Councillor Galbraith asked if this type of development was common in the province. Mr. Brison advised that he could take some pictures from developments in Halifax.

Mrs. Myers asked whether there was a benefit of doing a development agreement instead of pushing forward. Ms. Davis advised that there is not really a time difference between doing plan amendments along with a rezoning, and the development agreement process. Mrs. Myers commented that either way was going to take time. Ms. Davis agreed.

Chair Murley asked Ms. Davis if special meetings were called, how much sooner could it go through the process, if there was no public objection. Ms. Davis advised that it may take a month off the process, but probably not much more than that. Ms. Davis stated, assuming that the staff report was ready to come to the Committee at the regular monthly meeting, a public information session could be held in May, and if was early in May, there would be time to hold the public hearing in June. The amendments would have to be sent to Service Nova Scotia for review which takes about two weeks to a month, and it could be mid to the end of July before getting it back. Ms. Davis advised that Council cannot decide on the rezoning until the policy is in place. An advertisement would have to be placed in the Hants Journal to state that the plan amendment was in effect, and then the rezoning would have to come to Council for decision. Ms. Davis advised that she was talking about a concurrent process with the rezoning. The first public hearing would include the public hearing for the policy change and the public hearing for the rezoning. After Council approves the rezoning, there is a fourteen-day appeal period, so it could be potentially, September. If there is an opportunity to have special meetings, then it could be done by mid to end of August.

Chair Murley asked about the development agreement process. Ms. Davis advised that with a development agreement there is no requirement for a public information session. However, staff has to work with the developer on significantly defined plans, and the draft development agreement would have to be reviewed by the lawyers. It would be about the same time line for both processes.

Chair Murley asked if the developer provided everything that is needed for the development agreement, what would that do to the time line. Ms. Davis advised that staff would still need time to review it and prepare a report. If everything was received by the end of April, there may be time to get a staff report done in a month. However, it was questionable with the projects that are on the books right now. Mr. Brison said he had no problem providing the plans if he knew where he was going and what had to be done. He said he could get engineering drawings in three weeks. Ms. Davis asked Mr. Brison if he was prepared to define the plans enough for the residential aspect so they can go ahead with a development agreement for both residential and commercial. Mr. Brison stated if there was a consensus from the Committee, he could do it. He commented he did not think there would be much public opposition towards the proposal.

Chair Murley asked if the traffic study being prepared was in relation to the commercial property. Mr. Brison stated it was related to many things in Windsor and West Hants and he has been working on it

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for quite sometime. He commented that if the development agreement process was faster, he wanted to do whatever was the fastest. Mr. Brison commented this was a time sensitive project, and maybe people would question why it was not done last year, and the reason was that he had many projects on the go.

Councillor Seeley asked if the time line was at end of August, how would it that affect the four commercial properties. Mr. Brison advised that one client will not wait, and it is unknown whether the others will. Councillor Seeley asked if Mr. Brison could still proceed. Mr. Brison said the one person wanted to have the building constructed this spring so he can occupy it in the fall. Mr. Brison advised that he also wants to build a home centre on one lot, but he did not know if it would happen this year.

Ms. Bibby asked Mr. Brison what he meant by off the ground this spring. Mr. Brison stated he could start moving earth immediately this spring. Ms. Bibby asked Mr. Brison what he meant by if he did not get approval from the Committee he could not do it in the spring. Mr. Brison stated it was a risky enough business anyway, and he would like to make the bank interested in the project, and if the Committee was in favour, he may not have any problems with financing. Mr. Brison stated right now the property has a residential value but to change it to commercial, it would have a different value. Ms. Bibby stated she thought the project was a great idea too and realized there are economics involved. Ms. Bibby stated she thought they should be dealing with the front part of the property first because of the commercial. Ms. Bibby asked Mr. Brison if he was asking the Committee to give him a quick pass with the commercial side with the understanding that the other side is going to follow suit, or was he asking the Committee to consider two different things. Ms. Bibby stated she was not a councillor but she has been on the Committee for a long time, and she would have a hard time giving blanket approval. She said she was trying to understand why they were looking at the whole picture or if he were just baiting the committee. Mr. Brison stated he was not baiting the Committee as this project was very close to what he wanted as he has been analyzing this for a long time. Mr. Brison stated what he was questioning is if the multi-unit residential was not selling, if it would be incorporated in the development agreement that the units could be changed to two-unit dwellings.

Chair Murley asked Mr. Brison if he cared what process was followed as long as it was done as fast as possible. Mr. Brison said he did not care, the fastest, easiest way was all right with him. Chair Murley asked, given the time, is there a concern with the bank to believe that the Committee was behind the idea. Mr. Brison said yes, and if the bank had a letter from the Committee that they liked the project, it would help.

Mr. Brison stated that all he was asking of the Committee was to support it, and that staff try to find ways to say yes and not find ways to say no. Chair Murley responded by saying that staff has much work to do and Council is aware of this as staff has been working for two units. Chair Murley advised that Council has been looking for ways of helping staff. Council wants development and will do whatever they can to get it, but there is a process, and there is only so much staff can do to make it possible. Chair Murley advised that the staff report may not be ready by the next PAC. She asked the Committee if they were in favour of having a special meeting.

Councillor Galbraith advised that she agreed with Ms. Bibby that she thought the Committee was dealing with the commercial end and thought they would have drawings to look at.

Mr. Murphy stated he liked the basic concept, and that the Committee wanted this kind of project to move ahead quickly, and if there was need to have special meetings to get it moving, then they would do so.

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Councillor Bregante commented he also liked the proposal. He stated the Committee was well aware of how much work that is being placed on the Planning Department with everything that is going on in the area. Staff was being pulled in many different directions. Councillor Bregante noted that Windsor and West Hants are coming into the budgetary process, and they might need to look at hiring additional staff. Councillor Bregante said he would come to as many special meetings as possible, if needed, to get things moving ahead. He noted that Council will soon have to deal with the extension of Payzant Drive and widening of Wentworth Road (Phase III) this year.

Mayor Beazley advised after the presentation this evening, he had a concern about the one commercial lot. His question was how could the Committee make it happen so that Brison Developments would not lose a customer. He said the commercial part is the most time sensitive, the back part they can work through the development agreement process. Mayor Beazley stated it was important that the Committee get to the public information session soon, as it was going to dictate the public's and the Committee's comfort level. Mayor Beazley asked Mr. Brison about the start date. Mr. Brison replied that he would like to start when the weather breaks.

Councillor Galbraith stated she did not see a problem with the proposal, or the fact that Payzant Drive was not an arterial road. She stated she was not worried about public outcry but she cared about having attractive buildings and not strip malls. For the rest, she would like more information on the building designs.

Mrs. Myers stated she was fine with it, but the process would begin as soon as possible.

Councillor Seeley advised that Councillor Galbraith expressed his concerns.

Ms. Bibby advised she was trying to understand Mayor Beazley's comments about putting it through quickly for the first commercial lot. Mrs. Myers commented there was no way to speed the process up.

Ms. Bibby advised that the by-law has to be opened up to make it easier for development but there is process, and she was concerned about precedent setting, putting one developer ahead of the queue.

Mr. Brison stated whatever the Committee could do for him, do for other developers. He commented competition was a wonderful thing, but to ensure it was on a level playing field for both parties. Mr. Brison said the Committee should deal with both parties the same.

Chair Murley advised that the staff report was being prepared, and when it was ready, the Committee would meet to discuss it. She asked Mr. Brison if he now had the assurances of the Committee.

Mr. Brison stated yes, it was very positive. However, it makes him uncomfortable that the development agreement process will take about eight months.

Ms. Davis advised that she needed clarification from Mr. Brison on the proposal. She noted that Mr. Howell had submitted an application for commercial with a plan amendment and rezoning. The reason was that the company was not ready for the residential side of the development, and the fear of that part would slow the commercial side. Ms. Davis stated she wanted to ensure that both parties are on the same track. She asked for confirmation that the application for commercial will be withdrawn and instead there would be a development agreement application for mixed use which included the commercial aspect but also the residential.

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Ms. Davis advised that preliminary building designs for the commercial and residential are needed for the development agreement. She noted that the issues with the cul-de-sac need to be worked out with Public Works. Ms. Davis advised that if everything was submitted quickly, staff could prepare the report for the development agreement, or would they like to go now with the plan amendments for the commercial, and deal with the development agreement for residential later. Ms. Davis expressed concern about the discussion at this meeting and whether Mr. Brison understood what was going to happen, and what is needed for the development agreement. Mr. Brison said he understood, and thought he could get everything done reasonably fast. He advised that he understood that even if they tried to do the commercial with an amendment to the LUB, it was going to take the same amount of time to do the development agreement anyway. Ms. Davis stated that less information was needed for the commercial application. Mr. Brison asked that Ms. Davis suggest what the fastest way would be and he would do this. Ms. Davis asked Mr. Brison if he was willing to do a development agreement now. Mr. Brison said if it was going to be August then he would have to decide whether the project would be done this year.

Chair Murley noted that the current date was March 25th and that Mr. Brison said he would have the plans to the Planning Department in three weeks, which is April 15th. Mr. Brison said yes, but noted that Ms. Davis stated she had to do a report, and the report was not going to be by that time. Ms. Davis advised that the staff report on the development agreement cannot be done until she gets the information for the development including design drawings, etc. Mr. Brison stated he could provide an artist rendering within two weeks, but it could be subject to change.

Ms. Davis advised there is a policy requirement for Council to consider architectural design in the development agreement. This is something that Council would want to consider and this is something that would be in the development agreement.

A brief discussion was held about the commercial square footage.

Mr. Brison said if both processes are going to take the same amount of time, to go with the commercial first, and then for the building design for the rest later, as he is not going to build it this year. He will be doing some groundwork, but construction may not be for another construction season. He commented that he hesitated on a development agreement as he did not want to be held back with details affecting the rest of the project. Mr. Brison asked if there could be flexibility in the development agreement for building design. He stated he did not want to spend his time designing the building in the next weeks to get the project off the ground. If it is part of the development agreement process, maybe there could be some flexibility on the multi-unit residential part while going through the process.

Mayor Beazley stated it seemed to him that the easiest way was to deal with the application for rezoning to get the commercial off the ground than trying to define building design by development agreement. He stated his focus was, how does the Committee get the commercial aspect going quickly, and if they are going in earnest to get it done.

Councillor Galbraith stated she thought the commercial would be an easy sell, but she was concerned about the higher residential density at the back of the property.

Mr. Brison left the meeting at 8:30 p.m.

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A lengthy discussion was held about the process for a plan amendment and rezoning and a development agreement. The Committee discussed the Wentworth Road Overlay District amendments and if the public information sessions for both proposals could be held simultaneously. It was noted that much work is still needed for the Wentworth Road Overlay District amendments as it was a separate issue, and that the development proposal has to be dealt with separately. The Committee also discussed the possibility of a two-stage development agreement process for the Brison proposal.

Ms. Davis asked the Committee if the Wentworth Road Overlay District amendments still were the top priority. The Committee agreed that the Wentworth Road amendments were a top priority.

A brief discussion was held about hiring additional staff or consultants to help staff.

ADJOURNMENT

Moved By: Councillor Galbraith
Seconded By: Mrs. Myers

THAT THE MEETING ADJOURN.

The meeting adjourned at 9:10 p.m.

Chair