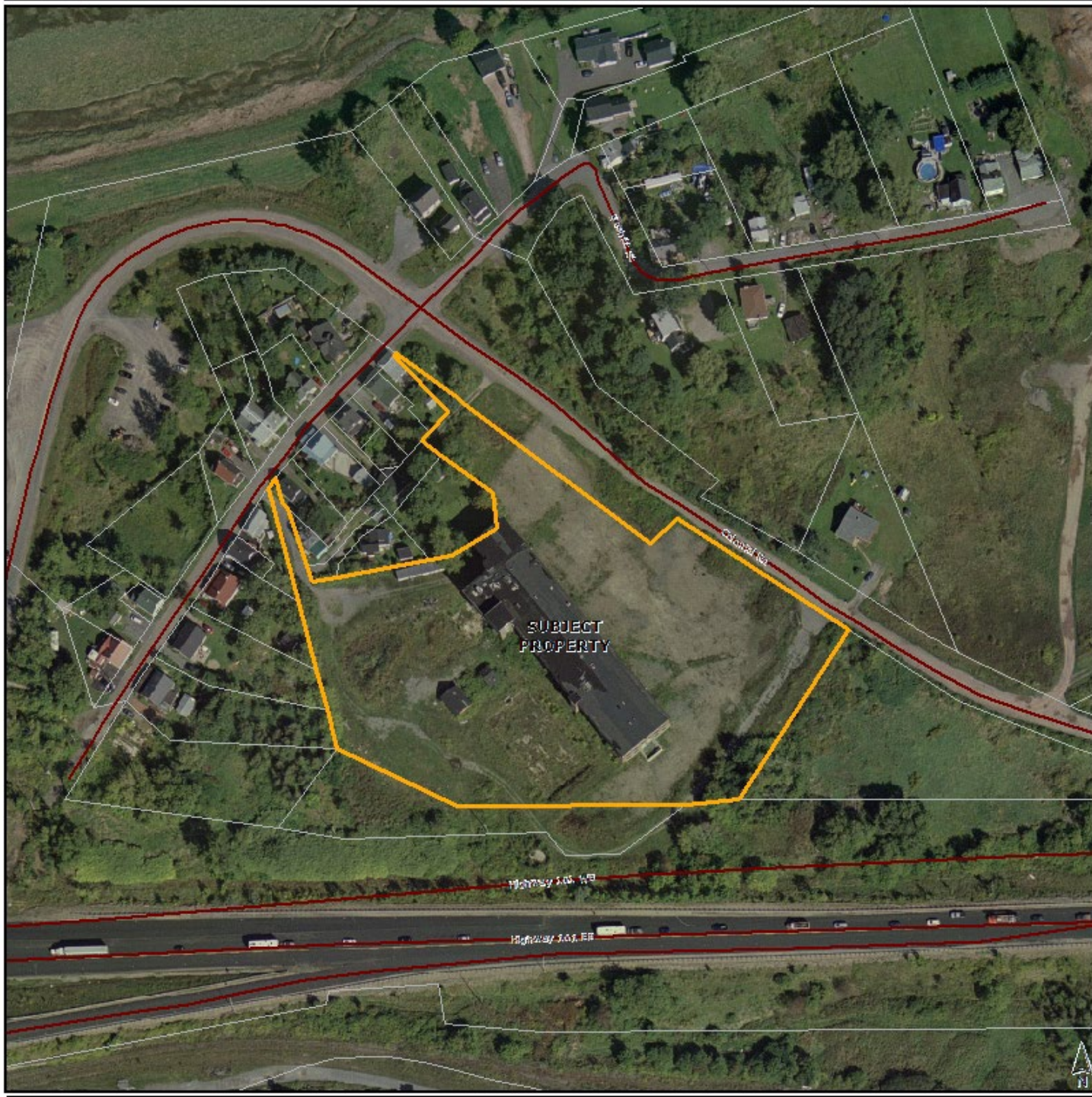


WMPS and WLUB Map and Text Amendments  
368 Nesbitt Street, PID 45056447, and  
PID 45227279, Colonial Road

First Reading  
June 25, 2024





# Orthophoto

368 Nesbitt Street  
PID 45056447

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# Application

- Completed application received from Jenifer Tsang of Sunrose Land Use Consulting on behalf of the property owner, 3321153 NOVA SCOTIA LIMITED / United Gulf Developments Ltd. on April 13, 2023

# Application Cont.

- Request:
  - mixed-use, multi-unit building with ground floor commercial uses, 2 floors of office space and 16 residential floors, for a total of up to 19 floors and 164 residential units;
  - commercial uses: offices, museum, general retail and services, and café;
  - restaurant in a separate building;
  - outdoor commercial recreation space; and
  - specific considerations for: signage and illumination, parking requirements, size and design of building, and buffering



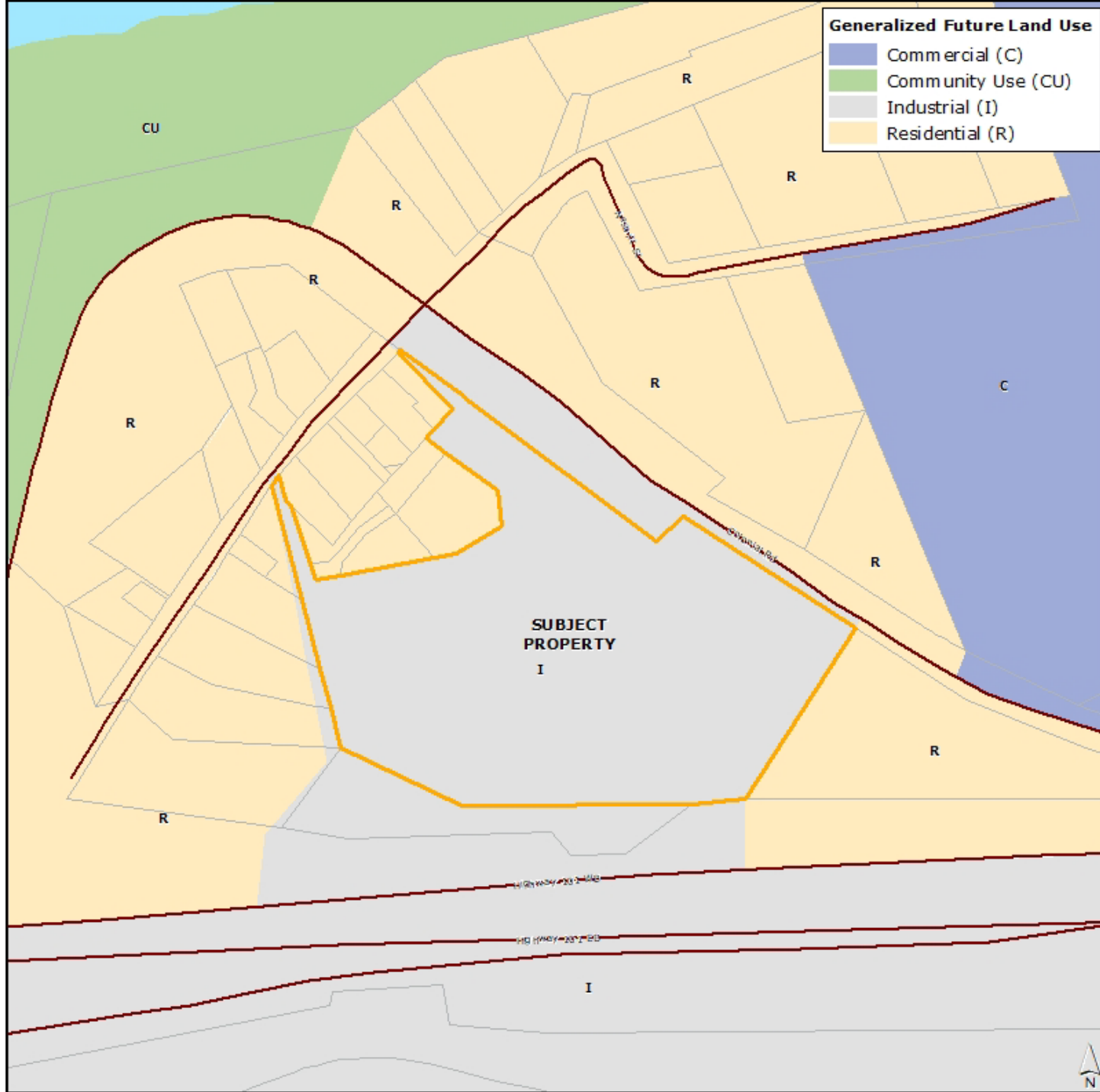


# Site Plan

# Application Cont.

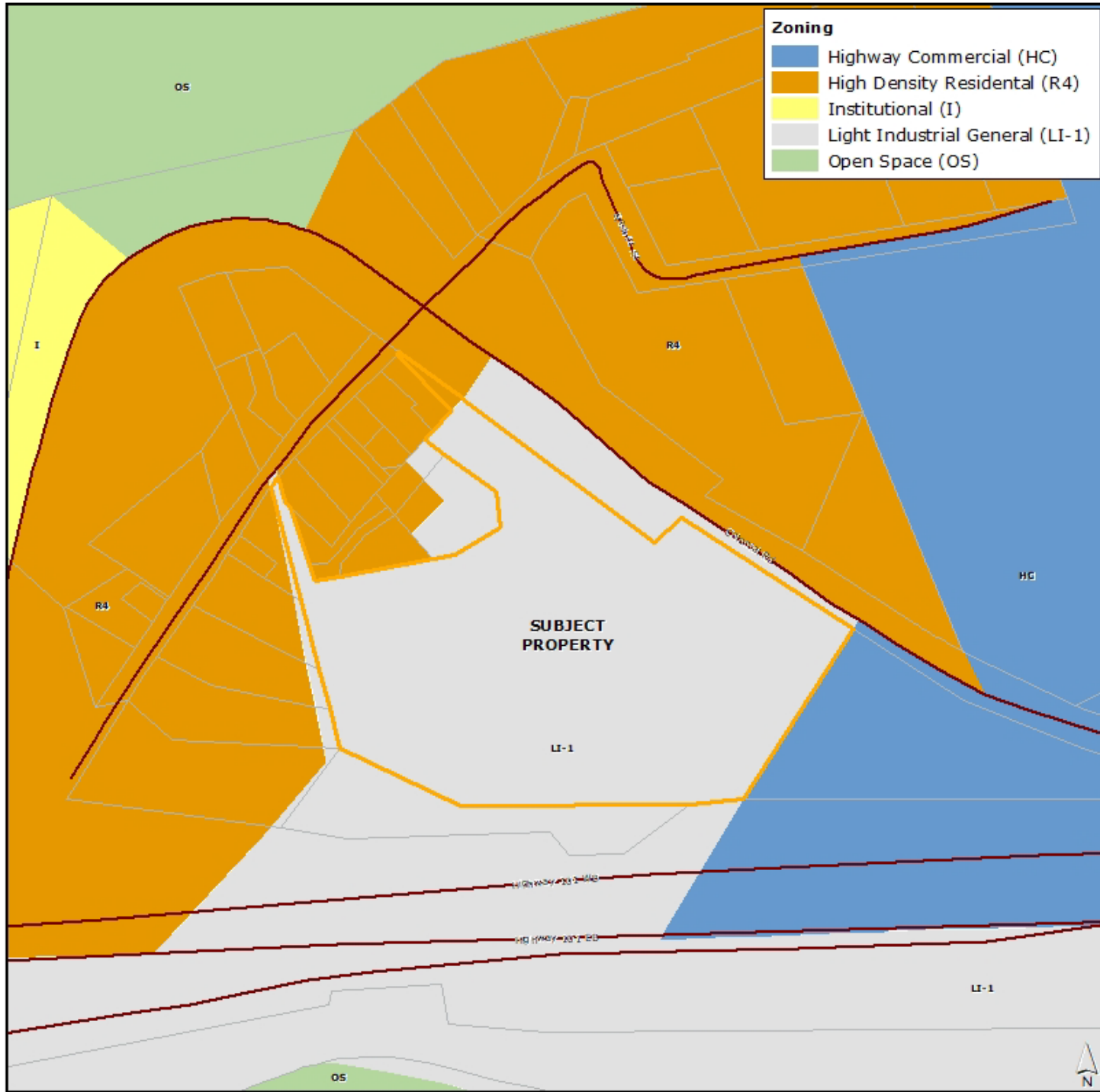
- This application will be considered in two parts:
  1. an amendment to the text of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create a new designation and zone for the property and creation of a policy to allow Council to consider this scale of mixed-use, multi-unit building by development agreement; and
  2. a development agreement in accordance with the new policy of the WMPS.
  
- This report corresponds with the first part of the application





# GFLUM





# Zoning

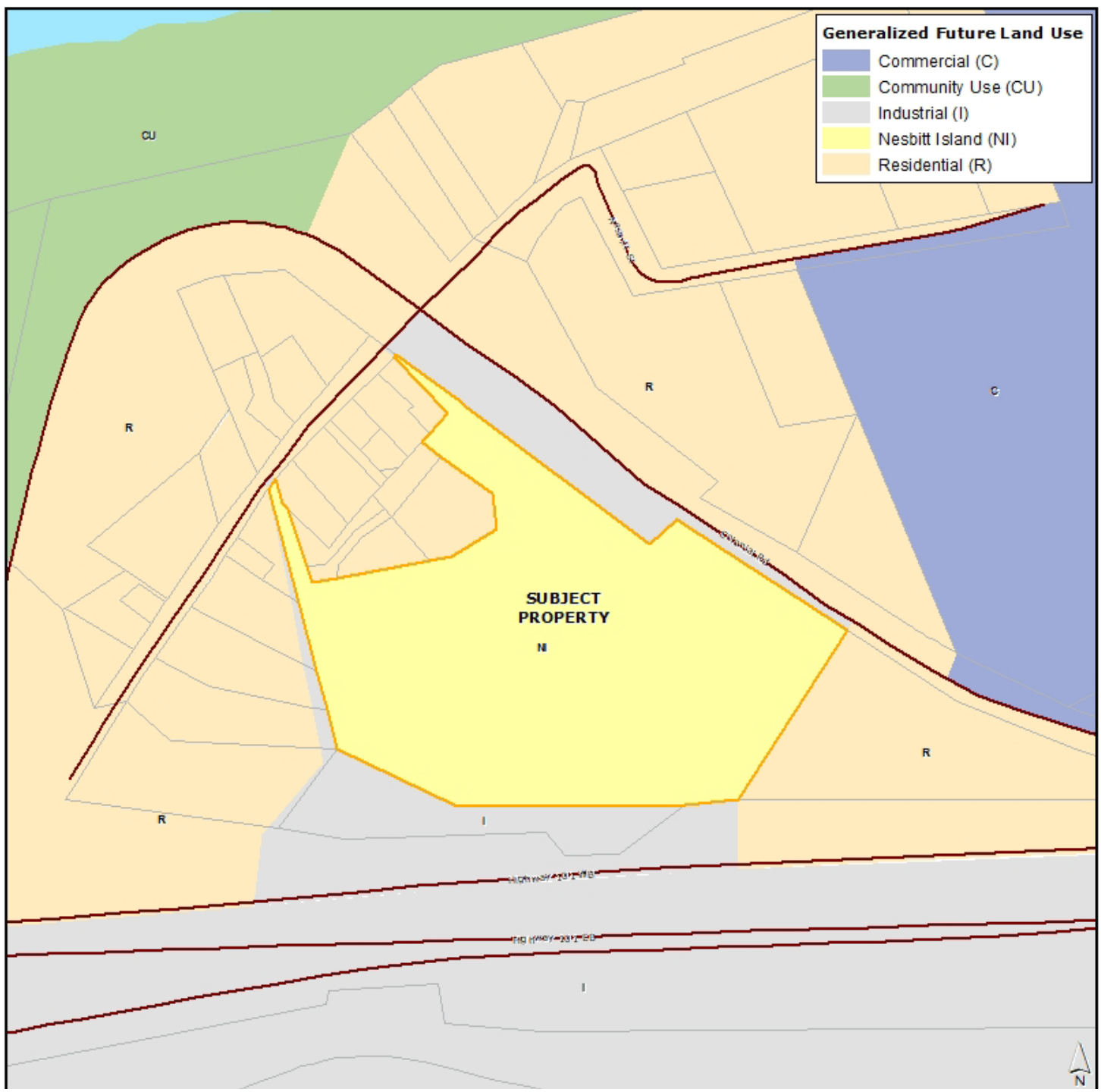
# Amendments Considered

- Staff are requesting Council consider:
  - Map amendments to the WMPS and WLUB to change the designation and zone of the subject lot on both the Generalized Future Land Use Map and the Zoning Map;
  - Text amendments to the WMPS and WLUB to create a new designation and zone for the subject lot and create a policy to allow Council to consider this scale of mixed-use, multi-unit building by development agreement.

# Windsor Municipal Planning Strategy Amendments Cont.

- Include:
  - Nesbitt Island section and designation;
  - Mixed Use (MU) zone to permit a variety of uses;
  - Policy to allow Council to consider rezoning to the Mixed Use (MU) zone based on specific criteria;
  - Policy to allow Council to consider proposals for mixed use, multiple unit residential development by development agreement;
  - Allow more than one building on a lot and roof signs in the Mixed Use (MU) zone; and
  - Remove reference to the textile mill from the Industrial section of the document.

# Proposed GFLUM

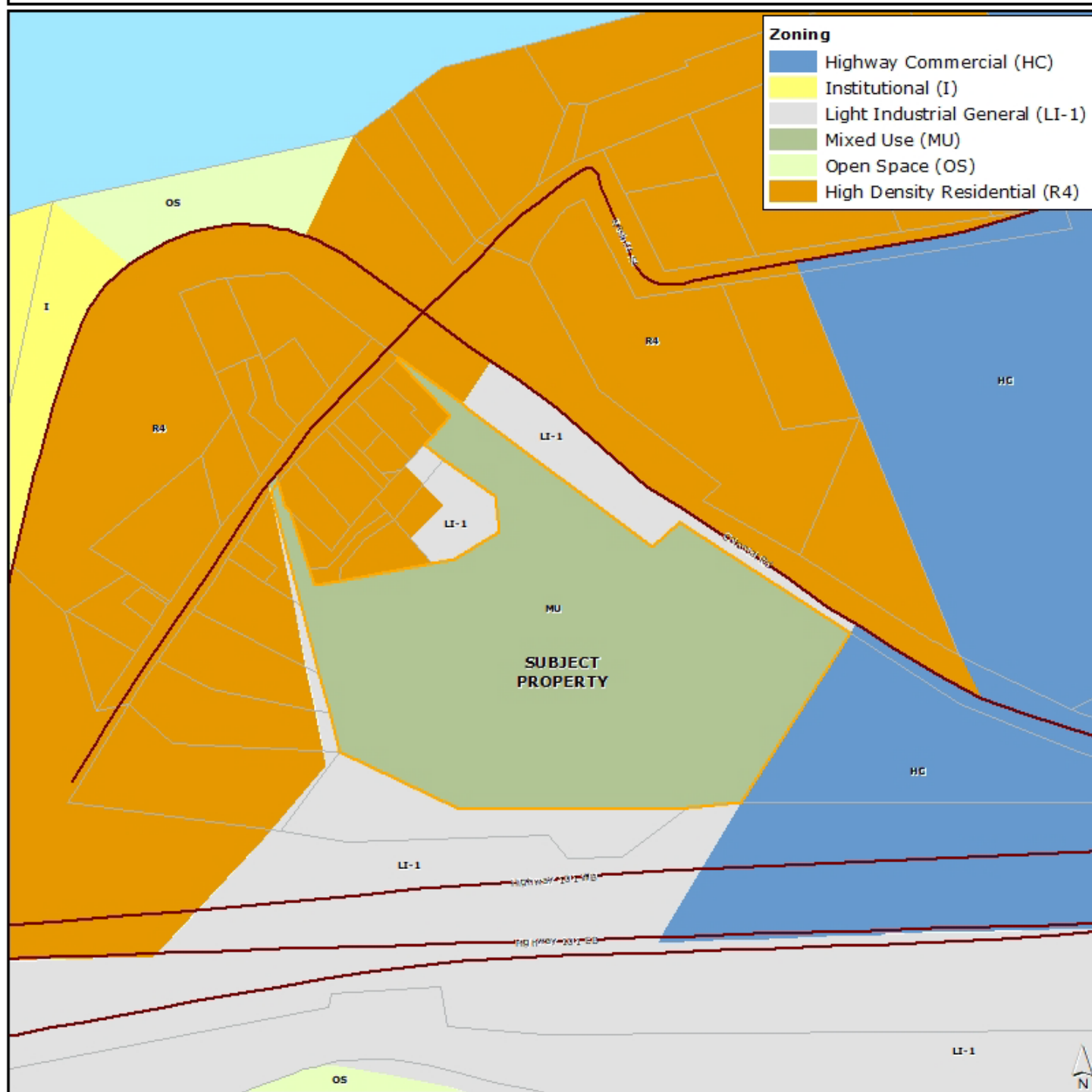


# Windsor Land Use By-law Amendments

- Include:
  - Creation of a specific Mixed Use (MU) zone which outlines permitted uses and zone requirements;
  - Allow Council to consider proposals for mixed use, multiple unit residential development by development agreement; and
  - Allow more than one building on a lot and outline signage provisions in the Mixed Use (MU) zone.



# Proposed Zoning



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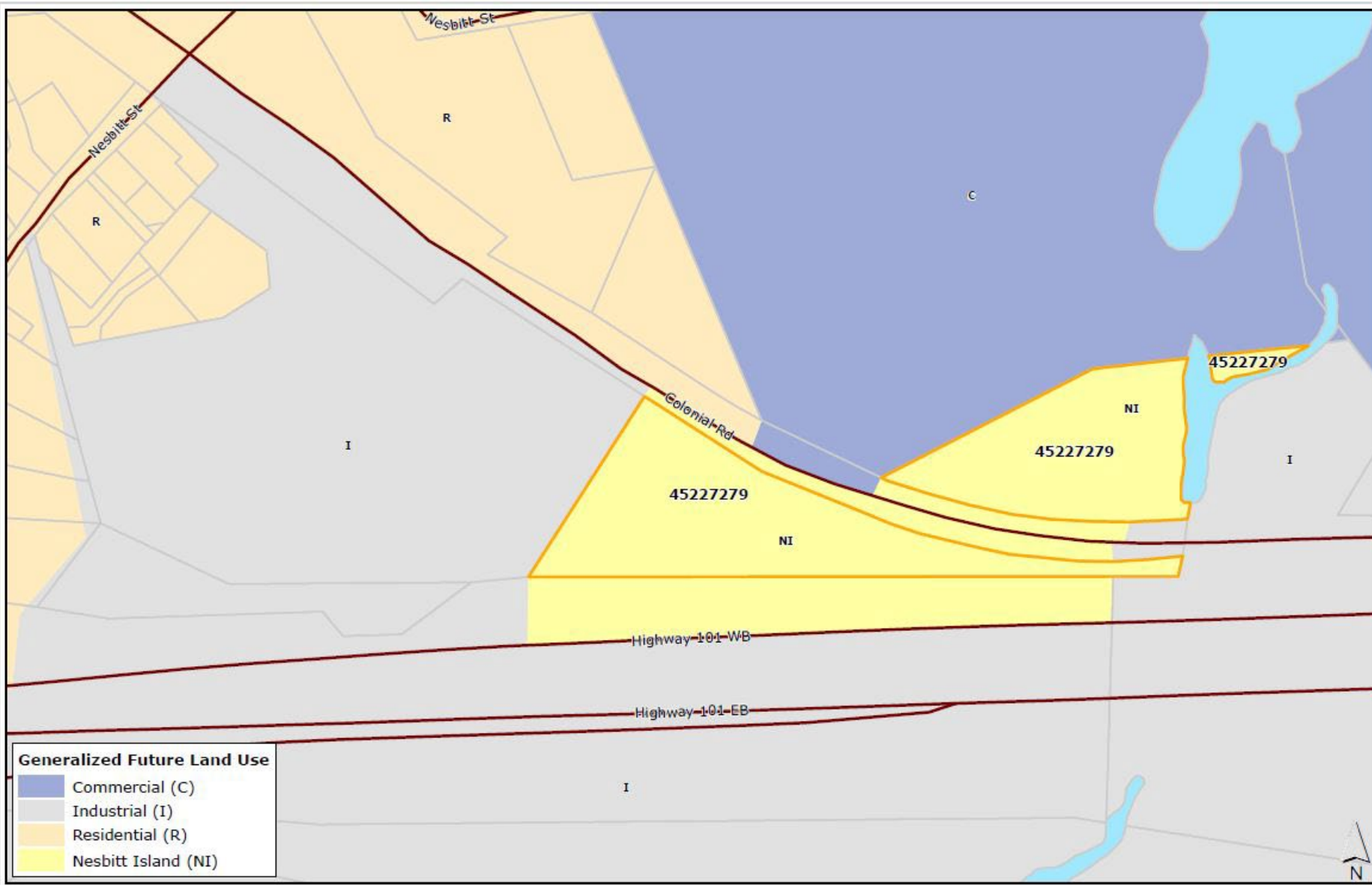


# Municipal Property (PID 45227279)

- East of the former textile mill site
- Approximately 1.50 acres in size and is currently only occupied with an underground stormwater main and manhole on site
- Designated Residential; zoned Highway Commercial (HC) and is within the Environmental Constraints area
- Applicant has shown interest in this lot to provide extra land to assist with stormwater management for their overall development of the former textile mill site. There is a second recommendation to change the designation of the Municipally owned lot from Residential to Nesbitt Island and zoning from Highway Commercial (HC) to Mixed Use (MU)



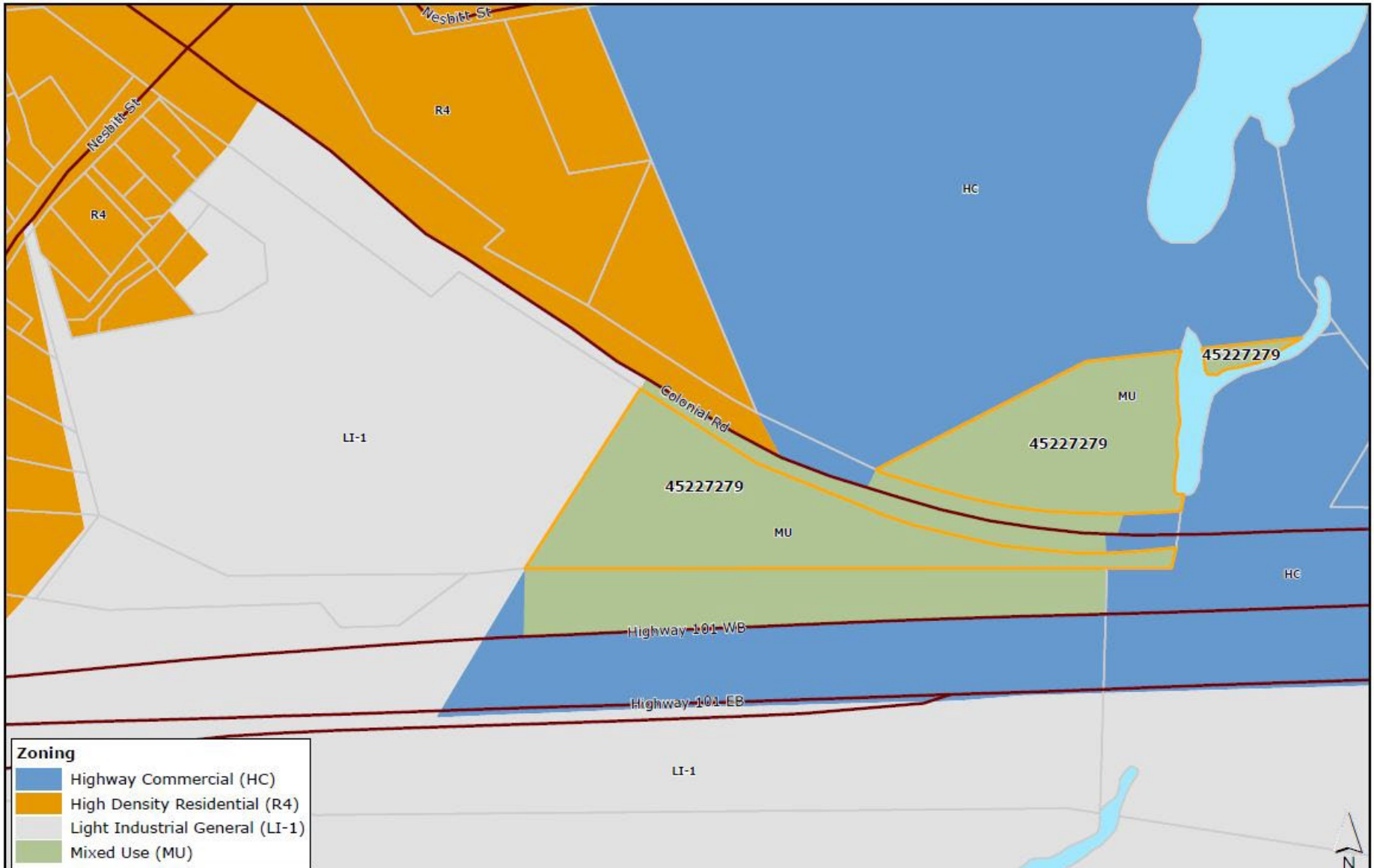
# Proposed GFLUM



Generalized Future Land Use	
	Commercial (C)
	Industrial (I)
	Residential (R)
	Nesbitt Island (NI)



# Proposed Zoning



# General Criteria for Amendments

- In summary the criteria in Policy 16.3.1. are met since:
  - the Public Works Engineering division have confirmed adequate sewer and water service can be provided to the site;
  - the Manager of Building and Fire Inspection Services and local Fire Chief (2023 and 2024) have no concerns with regard to the adequacy of fire protection;
  - the applicant has provided a Traffic Impact Study to the Municipal Traffic Authority and Provincial Department of Public Works. Staff will require final comments from both traffic authorities either at development permit stage or at the development agreement stage;
  - no municipal costs related to the proposal are anticipated.

# PAC/HAC Recommendation - June 13

- Committee discussed:
  - support for Industrial to Mixed Use zoning change and appreciation that the proposed amendments take the historical significance of the building into consideration;
  - concerns for as-of-right height provisions as drafted by staff, compatibility of the proposal in relation to the surrounding area, impact on views from Fort Edward, and whether this proposal should be at the entrance to Windsor;
  - support for optimizing growth in central areas, instead of urban sprawl, and more density as-of-right when in proximity to services; and
  - questions about the Fire Chief comments, water and sewer capacity, whether the new Highway 101 overpass included a sidewalk, and permeable paving for the parking lots.

# PAC/HAC Recommendation - June 13 Cont.

- Mixed Use (MU) zone as drafted by staff allowed up to 8 storeys in height as-of-right as this is a unique property within proximity of Highway 101 and other applications in low density residential areas in Windsor have been approved by Council with up to 8-storeys in recent years.
- Motion approved by PAC/HAC was approved to consider up to 4 storeys in height as-of-right in the new Mixed Use (MU) zone.
- The proposed document amendments have been updated to reflect this motion.

# Process



\*anticipated dates;  
final dates set by  
Council

# Recommendation (1 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider amending the text and the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to create and include PID 45056447 in the Nesbitt Island designation and the Mixed Use (MU) zone and create policies to allow Council to consider multiple unit, mixed use developments in excess of four storeys in height by development agreement in the Nesbitt Island designation in a manner substantively the same as the draft set out in Appendix A of the Council report #23-02C dated June 25, 2024.



# Recommendation (2 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider amending the maps of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to include PID 45227279 in the Nesbitt Island designation and the Mixed Use (MU) zone in a manner substantively the same as the draft set out in Figure 7 and 8 of the Planning Advisory Committee report #23-02B dated June 13, 2024.





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# Windsor Municipal Planning Strategy Amendments Cont.

*Policy 9.3.4* consider amending areas to the Mixed Use (MU) zone only when the property:

- (a) has frontage on Nesbitt Street or Colonial Road; and
- (b) is located on the north side of Highway 101.



# Windsor Municipal Planning Strategy Amendments Cont.

...In considering such amendments, Council shall have regard to the following:

- (a) a geotechnical assessment prepared by a professional Engineer stating that the site is suitable for the proposed development. If within the Environmental Constraints area the study should follow the requirements outlined in Section 12.0;
- (b) the proposed use is compatible with the character of the area regarding items including but not limited to traffic generation and architectural design and scale;
- (c) adequate landscaping, open space and natural or artificial buffering can be provided;
- (d) adequate parking and safe pedestrian and vehicular access to the site can be provided;
- (e) the provisions of Policy 16.3.1 are met.



# Windsor Municipal Planning Strategy Amendments Cont.

*Policy 9.3.5* by development agreement within the Nesbitt Island designation mixed use, multiple unit residential developments in excess of four storeys in height. In considering such development agreements Council shall be satisfied that:

- (a) the proposed development consists of a combination of uses which are permitted in the Mixed Use (MU) zone;
- (b) the building will in no instance exceed 210 ft. (64 m.) in height;
- (c) the architectural design of the development is sensitive to the existing built form and character of the surrounding area, and in particular, where the proposal involves the redevelopment of the former textile mill building or the construction of a new building on the former textile mill site, the heritage of the building is taken into consideration and any significant architectural elements which contribute to the appearance of the public façade(s) including the brick construction and shape of windows are imitated on the first three storeys of the new building.

# Windsor Municipal Planning Strategy Amendments Cont.

- (d) signage exceeding the Land Use By-law regulations may be considered where:
  - (i) the application is accompanied by an engineered design of the proposed signs, specifically detailing the method to secure the signs, if the signage exceeds the height requirements; and
  - (ii) illumination of the sign follows Section 5.18 of the Land Use By-law.
- (e) adequate landscaping, open space and natural or artificial buffering is provided;
- (f) adequate parking, safe and convenient pedestrian access, and vehicular access to the site is provided;
- (g) adequate provision is made to minimize conflict with existing residential dwellings with respect to hours of operation of commercial, institutional and recreation uses;



# Windsor Municipal Planning Strategy Amendments Cont.

(h) the application is accompanied by:

- (i) a site plan drawn;
- (ii) a shadow study;
- (iii) a Traffic Impact Study;
- (iv) a drainage and storm water management plan;
- (v) a geotechnical assessment;
- (vi) other supporting maps;
- (vii) photo examples, plans or elevation drawings; and
- (viii) 3D renderings showing the impact of the proposed development on the views from Fort Edward Historical Site.



# Mixed Use (MU) Zone

- Permits a variety of commercial, residential, institutional and recreation uses

	Commercial Uses	Mixed Use, Multiple Unit Residential	Grouped Dwellings
Minimum lot area	10,000 sq. ft. (929.00 sq. m.)	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
Minimum lot frontage	100 ft. (30.48 m.)		
Minimum front yard	25 ft. (7.62 m.)		
Minimum rear and side yard	20 ft. (6.096 m.)		
Maximum stories in main building	3 storeys	4 storeys	
Maximum height of main building	40 ft. (12.19 m.)	50 ft. (15.24 m.)	
Maximum height of accessory building	15 ft. (4.57 m.)	30 ft. (9.14 m.)	

# Mixed Use (MU) Zone

- Access
- Buffering
- Landscaping
- Open Storage
- Parking
- Pedestrian Access
- Recreation Space
- Architectural Design

