

8 Upper Water Street, Windsor Development Agreement

Council First Reading
September 26, 2023



Orthophoto

- The property currently has a single-story building on the corner of King Street and Upper Water Street which hosts the Nova Scotia Tourism Bureau, as well as a parking lot and undeveloped land fronting on Cobbett Street
- Abuts a number of residential uses and is located across the street from a parking lot and commercial uses such as service shops and a drive through restaurant





View of Subject Lot from Upper Water Street



Application

- An application was received from Justin Brown of Halyard Developments Ltd. on May 30, 2023.
- The application is to allow a proposed development for a 6-storey mixed-use building by development agreement.



Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- New main buildings are considered in the Town Centre (TC) zone only by development agreement only.

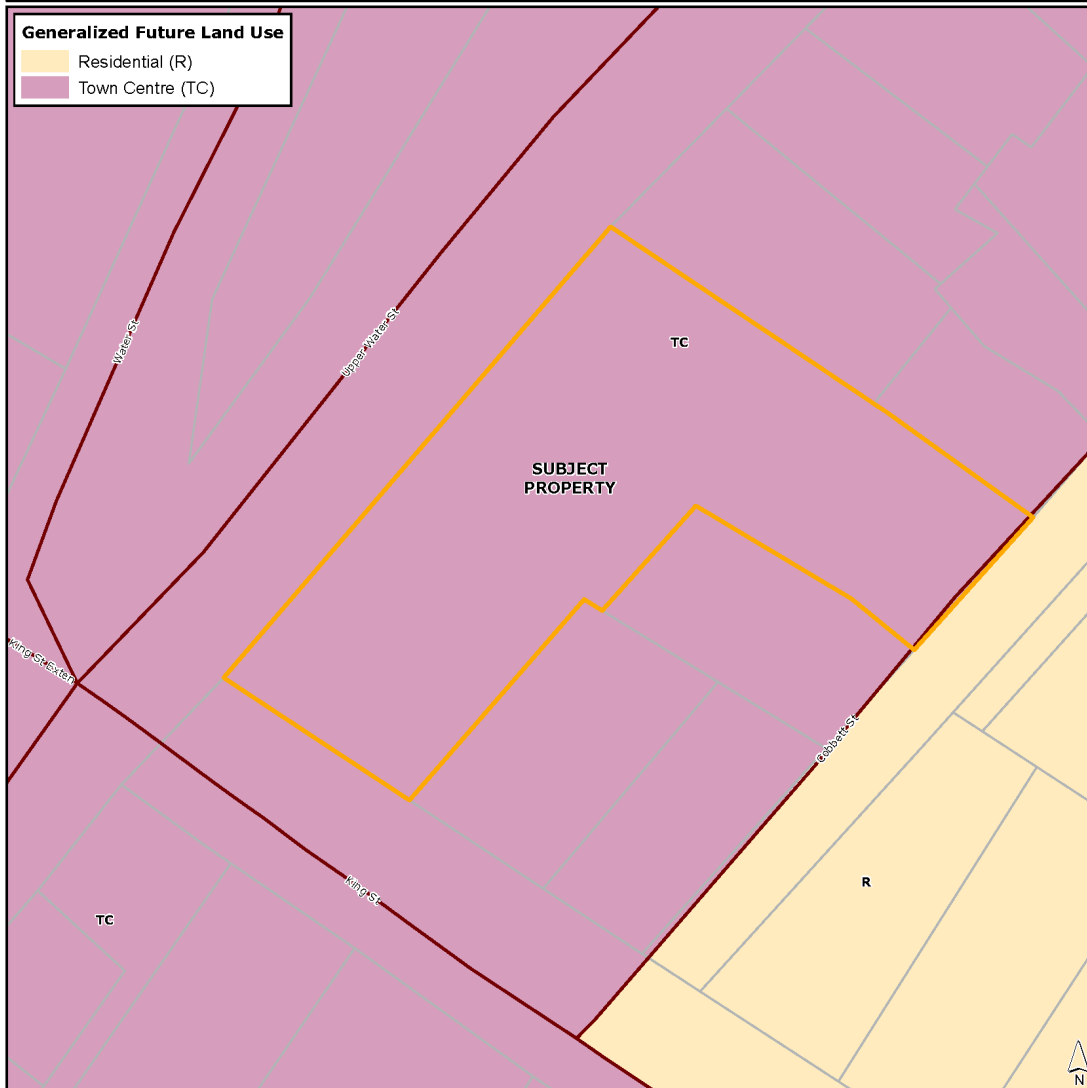


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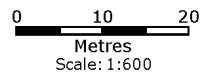
Generalized Future Land Use

- Residential (R)
- Town Centre (TC)



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Generalized Future Land Use



- PID 45333291
- Parcels
- Roads

GFLUM

- Town Centre Designation

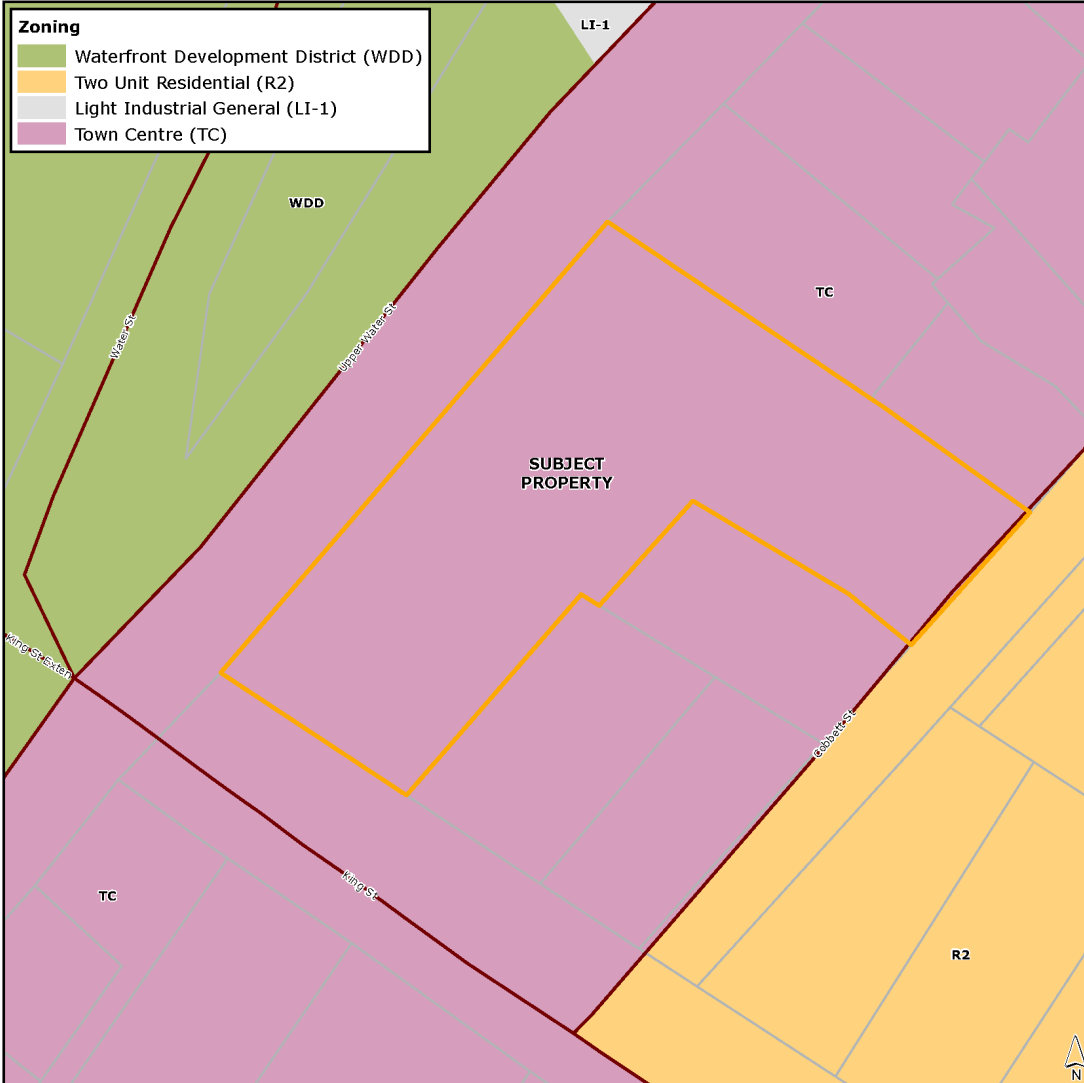
something inspiring awaits





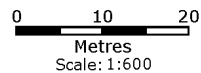
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Zoning



Zoning

- Town Centre (TC) zone
- Permitted uses include:
- A wide variety of commercial uses; and
 - Limited residential uses

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Consideration

- Ability to have a development agreement for a specific purpose must be established in the LUB
- Requests for development agreement are “measured” against the policies of the MPS



Windsor MPS Policies

- **Policy 7.2.1** enables Council to consider new main buildings in the Town Centre (TC) zone by development agreement.
 - **Policy 7.2.2** provides the criteria under policy 7.2.1 for Council to review.
- **Policy 7.4.2** enables Council to consider new multiple unit residential development containing more than three units by development agreement.
 - **Policy 7.4.3** provides the criteria under policy 7.4.2 for Council to review.
- **Policy 16.3.1** states general criteria for development agreements.



Development Agreement Details

Requirements

- Permits: residential apartment building with up to 95 apartment units, and up to 4,165 sq. ft. (386.9 sq. m.) of commercial floor area on the ground floor fronting onto Upper Water Street and King Street
- No setback requirement for front (Upper Water Street) and flanking (King Street) yards
- Maximum height: 6 storeys
- Driveway access from Upper Water Street, King Street, and Cobbett Street
- 86 vehicle parking spaces with an additional 10 bicycle parking spaces to be provided



Development Agreement Details

Substantive Matters

- the number of units permitted within the apartment building; and
- maximum building height of the building.



Public Information Meeting Notes

- A Public Information Meeting was held on July 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 July 19, 2023
- One (1) phone call was received from the public with questions about the clearing of the property for construction.



Specific Criteria for DA

- **Policy 7.2.2** and **7.4.3** establish specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposed use is a permitted use in the Town Centre (TC) zone;
 - ✓ the proposal incorporates windows and other elements in the street level façade;
 - ✓ an adequate amount of parking is included in the proposal;
 - ✓ the planned greenspace is adequately landscaped;
 - ✓ the architectural design and scale of the proposal is reasonably compatible with the surrounding area; and
 - ✓ the Development Officer and Municipal Traffic Authority have no concerns which have not been otherwise addressed in this report.



General Criteria for DA

- **Policy 16.3.1** states general criteria to be considered by Council
- 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 this report.



Process



*anticipated dates;
final dates set by
Council



Recommendations (1 of 2)

... that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water Street in Windsor which is substantively the same as the draft set out in Attachment B of the report File #23-14 to the Planning and Heritage Advisory Committee dated September 14, 2023.



Recommendations (2 of 2)

... that Council requires that the development agreement with Justin Brown which permits a six storey, mixed-use apartment building on PID 45333291 at 8 Upper Water 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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