



West Hants

## Public Hearing Agenda

1. Intro by Mayor
2. Presentation by Planner (Alex Dunphy)
3. Presentation by Applicant (No presentation)
4. Comments or Questions from Public
5. Conclusion of Public Hearing



# 8 Upper Water Street, Windsor

## Development Agreement

Public Hearing and Second Reading

October 24, 2023

something inspiring awaits



# 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.

# 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



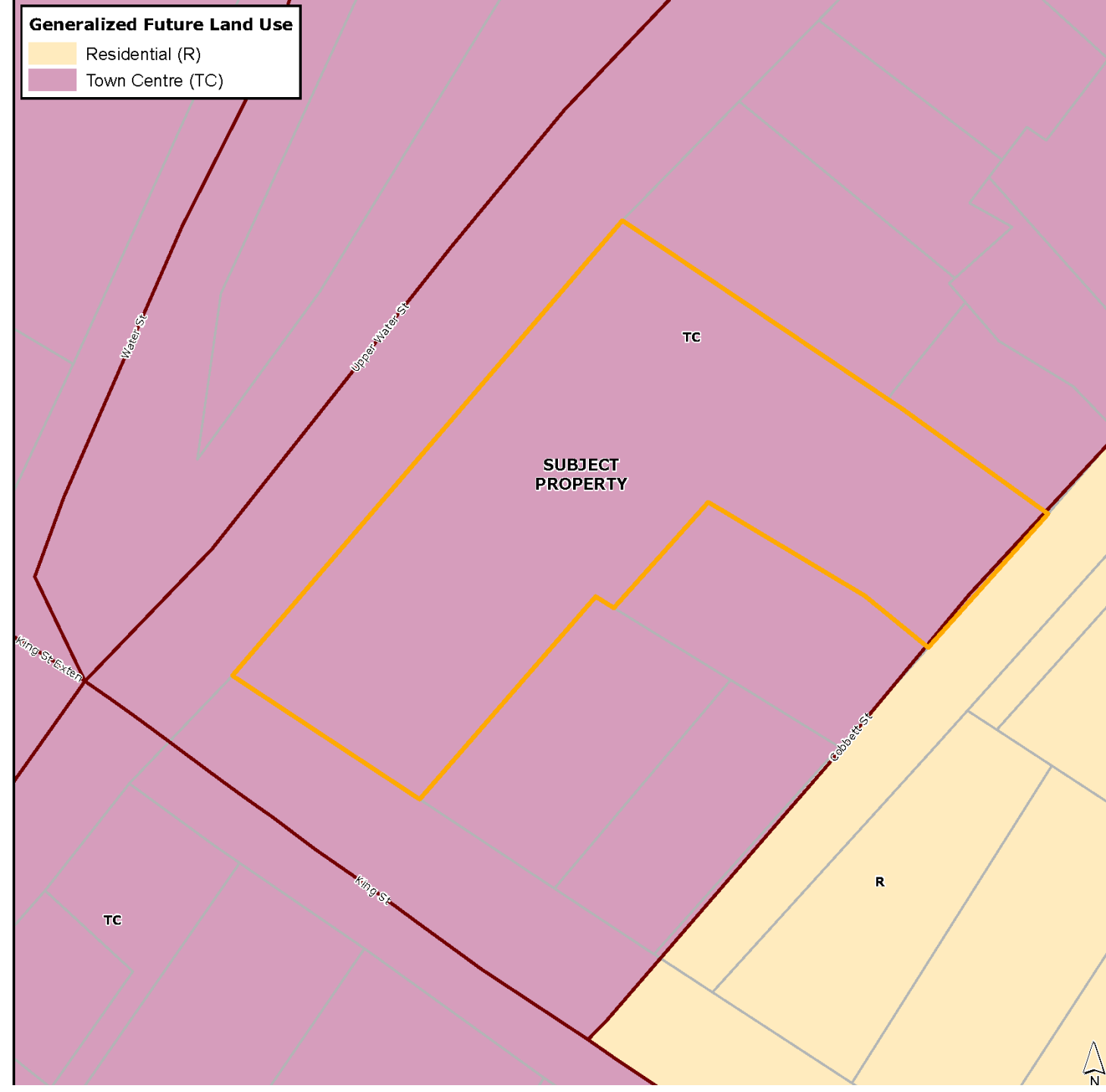


View of Subject Lot from Upper Water Street



**Generalized Future Land Use**

- Residential (R)
- Town Centre (TC)



# GFLUM

- Town Centre Designation





# Windsor Municipal Planning Strategy 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.



# 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.



# 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.



Public Information Meeting – July 5



Staff Review



PAC/HAC Review and Recommendation –  
September 14



Council First Reading – September 26



**Public Hearing & Second Reading – October 24**



Notice of Approval



14 Day Appeal Period

# Process

All statutory requirements have  
now been met



# Comments or Questions from Public



# Public Hearing Comment Period

- The Public Hearing was advertised:
  - in the paper October 3 and 10;
  - letters were sent to property owners within 300 ft of the subject lot; and
  - a sign was posted on the lot.
- The deadline for comments was Friday, October 20.
- Staff received no written correspondence.





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# Recommendations (1 of 2)

...that Council gives Second Reading to and approves entering into a development agreement **which replaces the original development agreement** to permit 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, **taking note that this development agreement will discharge and replace the development agreement recorded at the Registry of Deeds on August 20, 2013 as document 103626942.**



# 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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