

8 Upper Water Street, Windsor Development Agreement

Postponed Second Reading

November 28, 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.



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



Considerations from October Council Meeting

- On October 24, 2023, staff presented the application at the Public Hearing.
- Council then moved into Second Reading and discussed if a viewplane study or 3D model could be provided.
- Staff had not considered the viewplanes as part of this application, as there are no regulations or criteria within the planning documents to evaluate viewplanes pertaining to this proposal.

Considerations from October Council Meeting

- Staff requested legal opinion regarding whether new information could be provided on an application following the closing of the Public Hearing.
- The Municipal Solicitor's response was that since the application had already moved into Second Reading, no additional information may be considered.



Public Information Meeting – July 5

Staff Review

PAC/HAC Review and Recommendation –
September 14

Council First Reading – September 26

Public Hearing – October 24

Second Reading – November 28

Notice of Approval

14 Day Appeal Period

Process

All statutory requirements have
now been met



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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