

Upper Water Street, Windsor PID 45056363 Development Agreement Amendment

Planning and Heritage Advisory Committee

May 8th, 2025

something inspiring awaits



Application

- Application received January 22, 2025 from Coady Sanford
- Request to amend the existing development agreement for PID 45056363 to allow updated unit design, exterior finishes, additional units to upper floors, update commercial uses permitted, and update parking.



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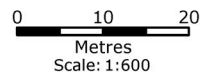
Upper Water Street, Windsor


PID 45056363



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Orthophoto



 PID 45056363

 Parcels

 Roads

Orthophoto

- Currently vacant
- Surrounding properties consist of lower density residential development
- Nearby are Town Centre type developments (commercial and residential)
- Frontage on to Upper Water Street

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Land Use

- Designated Town Centre
- Zoned Town Centre



Background

- Existing development agreement with Asset Management LTD. for PID 45056363 was approved by Council in 2009.
- Permits mixed use development consisting of commercial space (up to 3000 sq.ft.) and 4 residential units on the upper floors of the building.
- Property owner requesting substantive amendments to the development agreement.
- The Town Centre zone permits the development of new main buildings by development agreement

Development Agreement Amendments

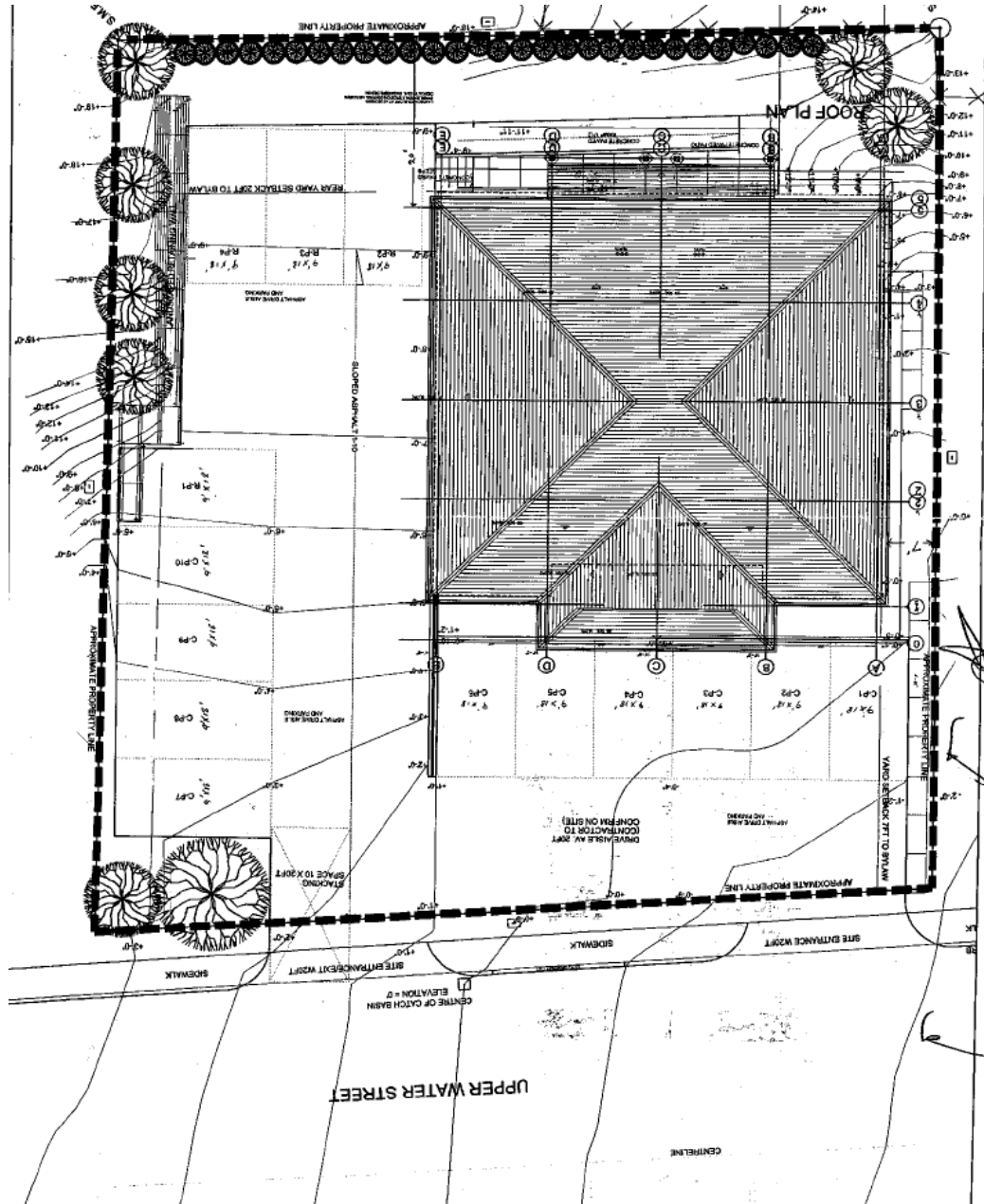
- A property owner can apply for an amendment to a development agreement registered on their property at any time
- Section 15.0 outlines substantive matters of the development agreement
- Section 15.2 states that *“amendments to any matters not identified under Clause 15.1 shall be deemed to be substantive and may only be amended in accordance with the provision of Section 230 of the Municipal Government Act”*. Given these proposed changes are not listed in 15.1, the amendments are deemed substantive.
- Therefore, this amendment application must follow the regular process for planning applications, including a Public Hearing



Development Agreement Details

- Specific changes to the agreement:
 - Additional 2 residential units (up to 6 units)- Up to 3 storeys
 - Additional commercial uses (all permitted in the TC zone):
 - Entertainment, recreation and assembly uses within a wholly enclosed building,
 - Clubs and community organizations,
 - Licensed liquor establishments,
 - Restaurants,
 - Farm markets.
 - Site plan
 - Parking (now 1 stall per dwelling unit and 1 stall per 300sq.ft. of commercial floor area)
 - Balconies
 - Other amendments to language (i.e., stormwater management) and housekeeping





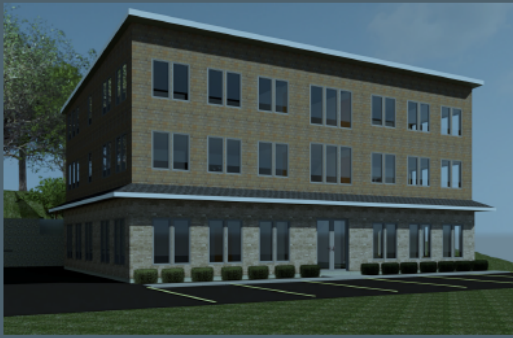
Site Plan

Existing

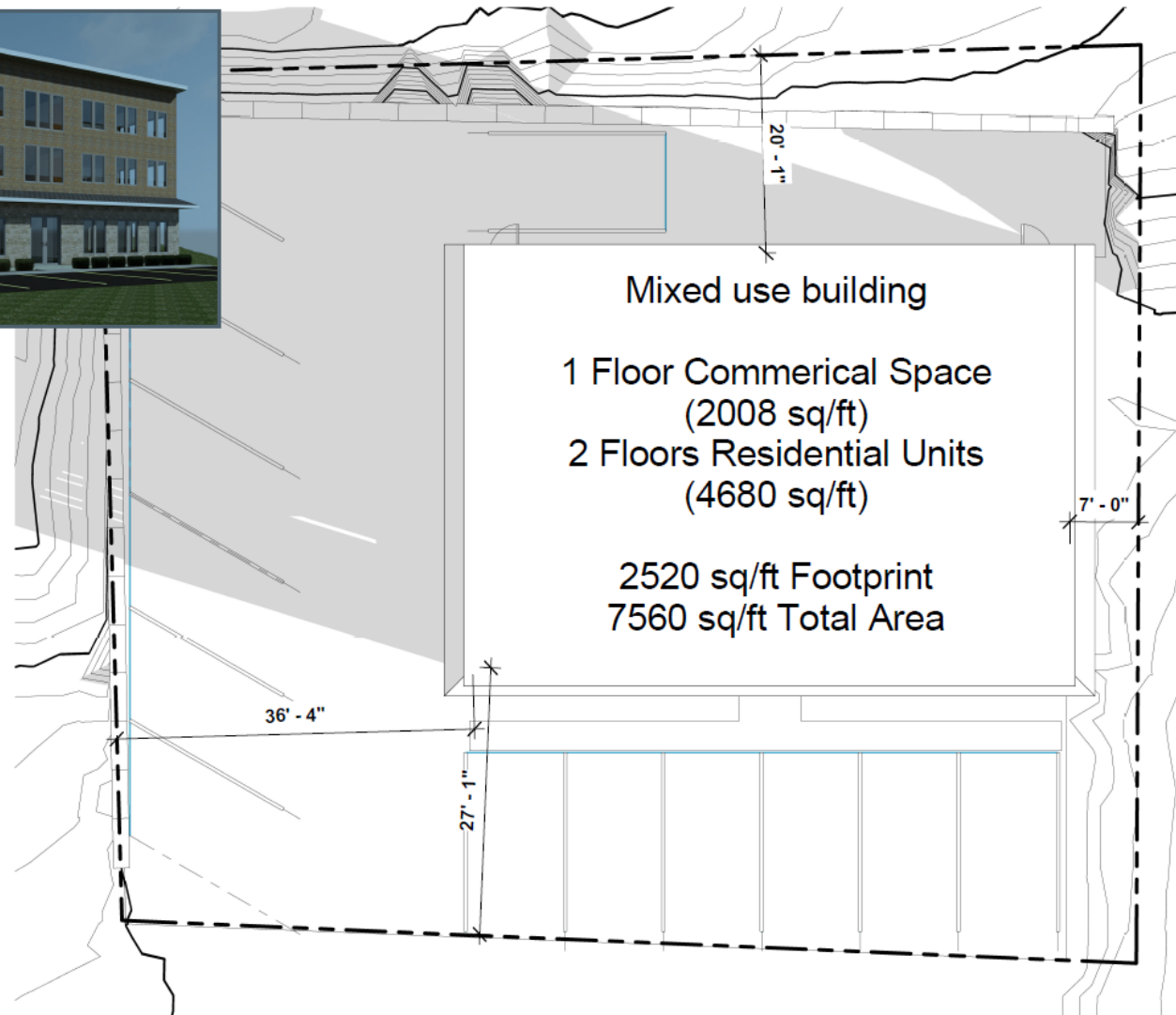


Site Plan

New



Parking spaces needed:
Commerical Space - 7
Residential Space - 6





Windsor Municipal Planning Strategy

- Policy 7.2.1 and 7.4.2 enables Council to consider new main buildings and new residential developments in the Town Centre zone by development agreement.
- Policy 7.2.2 and 7.4.3 states general criteria for development proposals in the Town Centre zone.
- Policy 16.3.1 states general criteria for amendments to development agreements



Windsor Municipal Planning Strategy

The proposal meets all WMPS criteria given that:

- The proposed use is permitted in the TC zone;
- The proposal incorporates windows and other elements at the street façade;
- Adequate parking is included;
- Architectural design and scale are compatible with the surrounding area;
- Proposal consists of commercial uses at the street level;
- Proposal is not considered premature for the area; and
- The Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Public Works, Nova Scotia Department of Public Works and the Municipal Traffic Authority have no concerns which have not been addressed.



Process

Public Information Meeting – April 2

Staff Review

PAC/HAC Review and Recommendation- May 8th

Council First Reading- May 27th *

Public Hearing & Second Reading- June 24th *

Notice of Approval in Paper

14 Day Appeal period

*anticipated
dates



Recommendations

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement which replaces the original development agreement on PID 45056363 on Upper Water Street, Windsor in a manner substantively the same as the draft set out in Attachment D of the report File #25-04 to the Planning and Heritage Advisory Committee report dated May 8, 2025, taking note that this development agreement will discharge and replace the development agreement recorded at the Land Registry Office on November 25, 2009, as document number 94794790.



Recommendations

...that PAC/HAC recommends that Council require that the development agreement amendment with Seastone Developments Limited 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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