



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Senior Planner

Date: 2021-11-08

Subject: WMPS and WLUB Text and Map Amendment: College Road, PID 45336203; File #21-04

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

To allow the request, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text and the map of the Windsor Municipal Planning Strategy and the map of the Windsor Land Use By-law to include PID 45336203 on College Road in the College Road Comprehensive Development District designation and zone in a manner substantively the same as the draft set out in Figure 3, Figure 4 and Attachment A of the report to the Planning and Heritage Advisory Committee report #21-04 dated November 8, 2021.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on September 23, 2021 from Krista Beeler, Administrator, and Ed Sherman, Director of Infrastructure and Environmental Services, at Dykeland Lodge on behalf of the Hants County Residence for Senior Citizens. The application was to consider permitting a variety of uses including affordable and senior housing, long term care, assisted living, independent living, commercial space and a community centre on the property at PID 45336203 on College Road. The lot is currently vacant and is owned by Hants County Residence for Senior Citizens.

The subject lot is zoned Two Unit Residential (R-2) and within the Residential designation. The lot is approximately 24.7 acres in size.

DISCUSSION

The subject lot is located on College Road in Windsor. The lot is currently designated Residential on the Generalized Future Land Use Map (Figure 1) of the Windsor Municipal Planning Strategy (WMPS). Part 5.0 of the WMPS contains the overall intention for properties designated Residential in Windsor.

The subject lot is zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law (WLUB) (Figure 2). The proposed long term care facility, affordable housing, commercial space and a community centre uses are not permitted in the Two Unit Residential (R-2) zone.

The subject lot directly abuts properties with a variety of different zoning and designations. The designation of the properties abutting the subject lot include Residential, Agriculture and College Road Comprehensive Development District and the zoning of these abutting lots are Single Unit Residential (R-1), Two Unit Residential (R-2), Agriculture (AG) and College Road Comprehensive Development District (CR-CDD).

Former Windsor Municipal Planning Strategy

The former Windsor Municipal Planning Strategy (1991) designated all of the north side of College Road, from the Gladys Manning Memorial Property to Lake Pesaquid and extending to Lebreau Creek, as the College Road Comprehensive Development District. It stated that *“The nature and status of the remaining developable lands at College Road are such that they require a method of land use control that defines in rather precise terms the number, nature, phasing and location of structures and uses from an uncharacteristically broad classification of uses, and provides for a comprehensive statement of the developers intentions prior to any structure or use being established. The concerns and conditions are best satisfied by the adoption of policy to establish a Comprehensive Development District (CDD) at these properties, and to allow development of all or part of the CDD by agreement.”* During the previous plan review in 2005,

Council determined that only the Gladys Manning Property on College Road would be designated and zoned as the College Road Comprehensive Development District (CR-CDD) because no other development had been proposed or completed within the CR-CDD since its creation. Development within the CR-CDD is limited to “residential, institutional or recreational development and other limited services and uses in support of this development” by development agreement, which restricted the development permitted on abutting agricultural lots.

Staff recommend amending the designation and zoning of PID 45336203 on College Road to the College Road Comprehensive Development District (CR-CDD) as it abuts the Gladys Manning Property which is designated and zoned CR-CDD, the current proposal for the site aligns with the intent of the CR-CDD policies, and the subject lot is approximately 24.7 acres in size which is sufficient to accommodate a comprehensively designed development.

Windsor Municipal Planning Strategy

There is no specific policy that allows Council to consider expanding the CR-CDD however Policy 16.1.1 (c) states that “it shall be the policy of Council to review and make amendments to this Strategy when Council deems it necessary because of a change in policy intentions or the development environment.” This application reflects changes in the development environment in that the need for housing has increased, especially for affordable and senior housing, long term care, and assisted living.

Section 219 (1) of the *Municipal Government Act* states that where a council adopts a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law amendment that shall enable the policies to be carried out. This allows both the amendment to the text and map of the Municipal Planning Strategy and the map of the Land Use By-law to happen concurrently.

Proposed amendments to the text and map of the Windsor Municipal Planning Strategy can be found in Attachment A and Figure 3. The proposed amendment to the Windsor Land Use By-law map is located in Figure 4.

Text Amendment

Proposed amendments to the text of the Windsor Municipal Planning Strategy would align the text of the WMPS with the proposed map amendment. The text amendments will update some of the background information for the CR-CDD and designate the subject lot owned by the Hants County Residence for Senior Citizens CR-CDD on the Generalize Future Land Use Map (Attachment A).

Map Amendment

The subject lot is currently designated Residential on the Generalized Future Land Use Map (Figure 1). The proposed amendment is to designate the property within the CR-CDD (Figure 3).

Windsor Land Use By-law

The College Road Comprehensive Development District (CR-CDD) zone does not permit any uses as-of-right. The only development permitted in the CR-CDD must be done by development agreement and can include a mixture of residential, institutional or recreational development with or without convenience and specialty stores, medical offices, personal service shops, and other similar limited services and uses in support of the primary development.

No text amendment to the Windsor Land Use By-law is being proposed as part of this application. The applicant will be applying to have Council consider the proposed development of the subject lot by development agreement if this initial application to amend the WMPS and WLUB is approved by Council.

Map Amendment

The subject lot is currently zoned Two Unit Residential (R-2) on the Zoning Map of the Windsor Land Use By-law (Figure 2). The proposed amendment is to rezone the property to the College Road Comprehensive Development District zone (Figure 4).

WMPS Specific Criteria

There are no specific criteria for this amendment.

WMPS General Criteria

The proposed amendment meets the general criteria for amendments set out in the WMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- the subject lot is adequate in terms of the dimensions and shape; and
- the proposal is not anticipated to significantly change the pattern of development in the area.

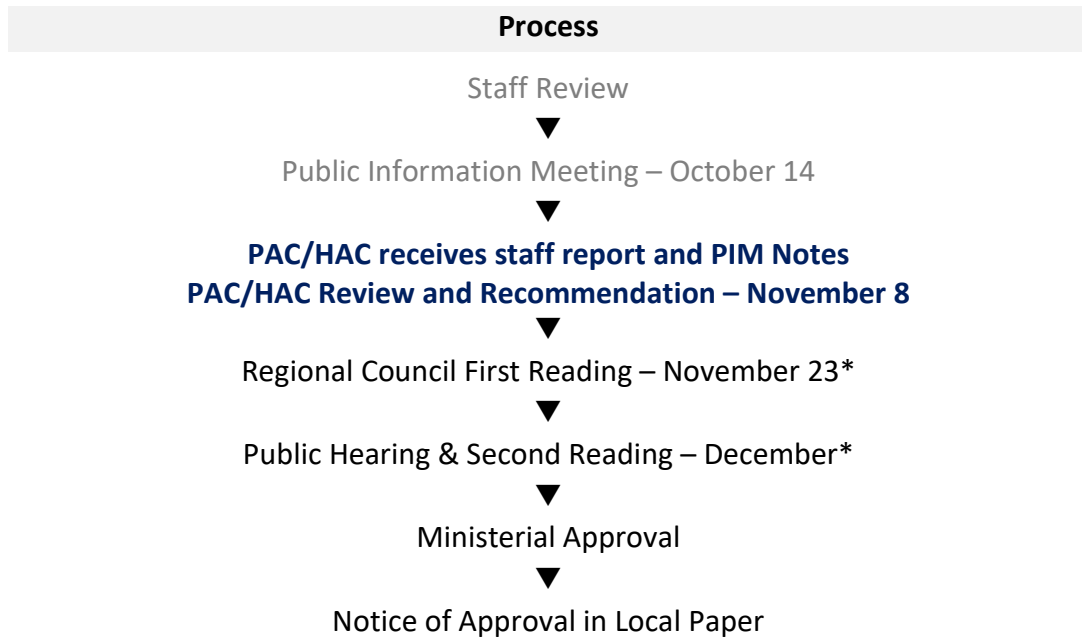
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding. The subject lot in this application does not appear to be affected under this scenario, however College Road itself may experience flooding. The Public Works Department will be requested to comment on this during the development agreement process.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to amend the text and the map of the WMPS and the

map of the WLUB to include PID 45336203 on College Road in the College Road Comprehensive Development District designation and zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality with regard to amending the text and the map of the Windsor Municipal Planning Strategy and map of the Windsor Land Use By-law.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- recommend that Council hold First Reading and authorize a Public Hearing to approve the WMPS text and map amendment and the WLUB map amendment as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Windsor GFLUM Extract
Figure 2	Windsor Zoning Map Extract
Figure 3	Windsor Proposed GFLUM Amendment Extract
Figure 4	Windsor Proposed Zoning Amendment Extract

- Attachment A Draft Amendments to the Windsor Municipal Planning Strategy
- Attachment B General Criteria for Amendment
- Attachment C Public Information Meeting Notes

Report Prepared by: _____
Sara Poirier, Senior Planner

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

Figure 1
Windsor GFLUM Extract

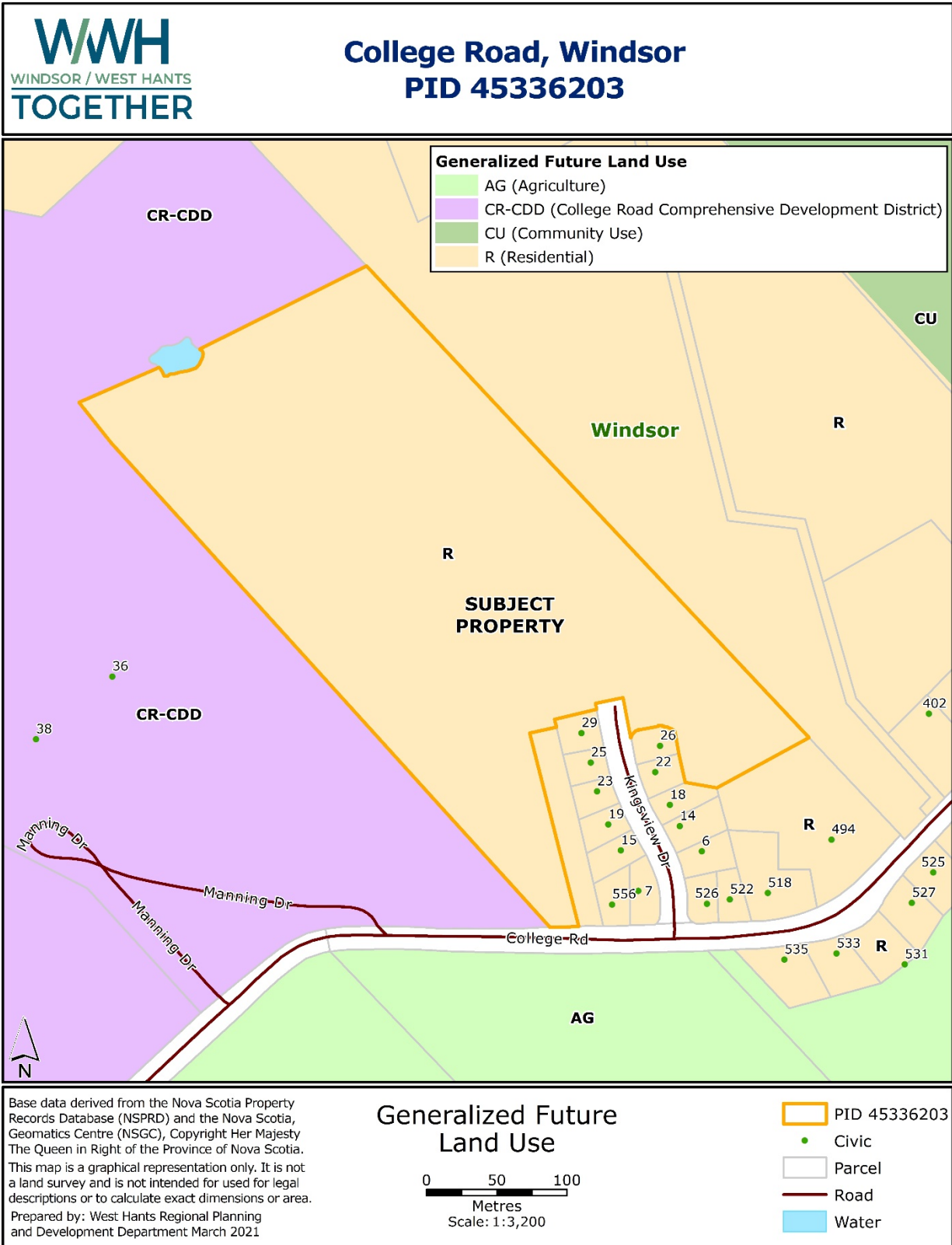


Figure 2
Windsor Zoning Map Extract

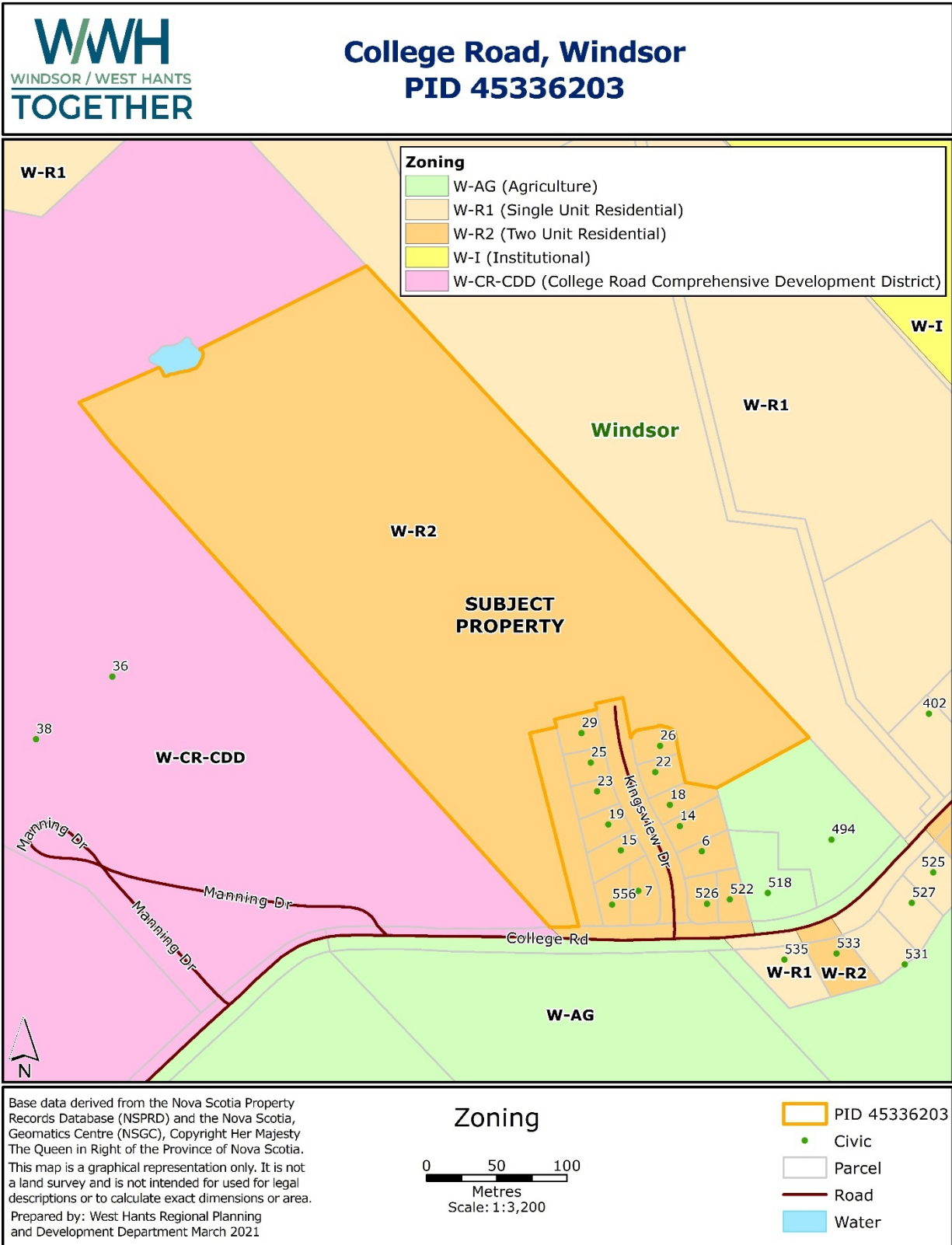


Figure 3
Windsor Proposed GFLUM Amendment Extract

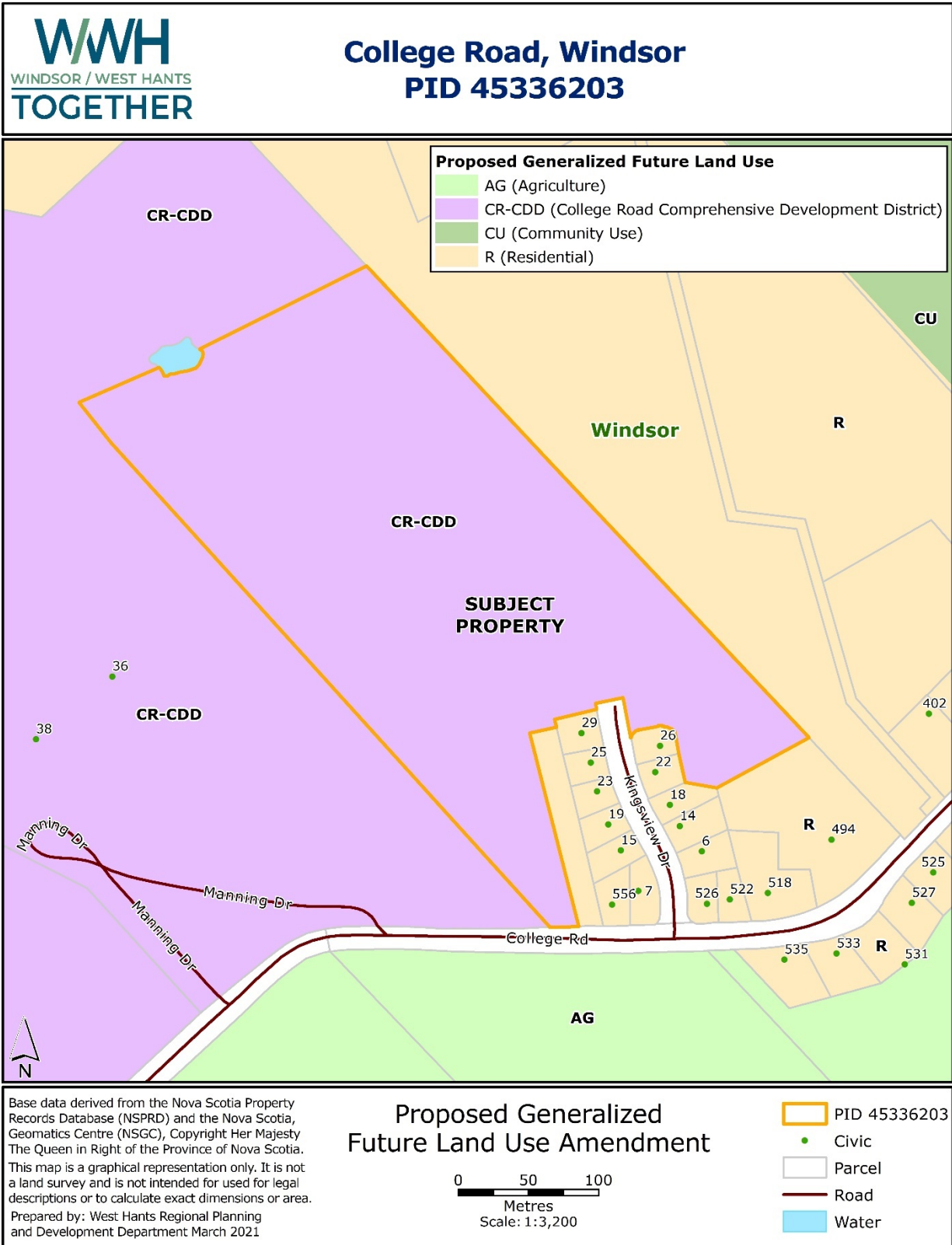
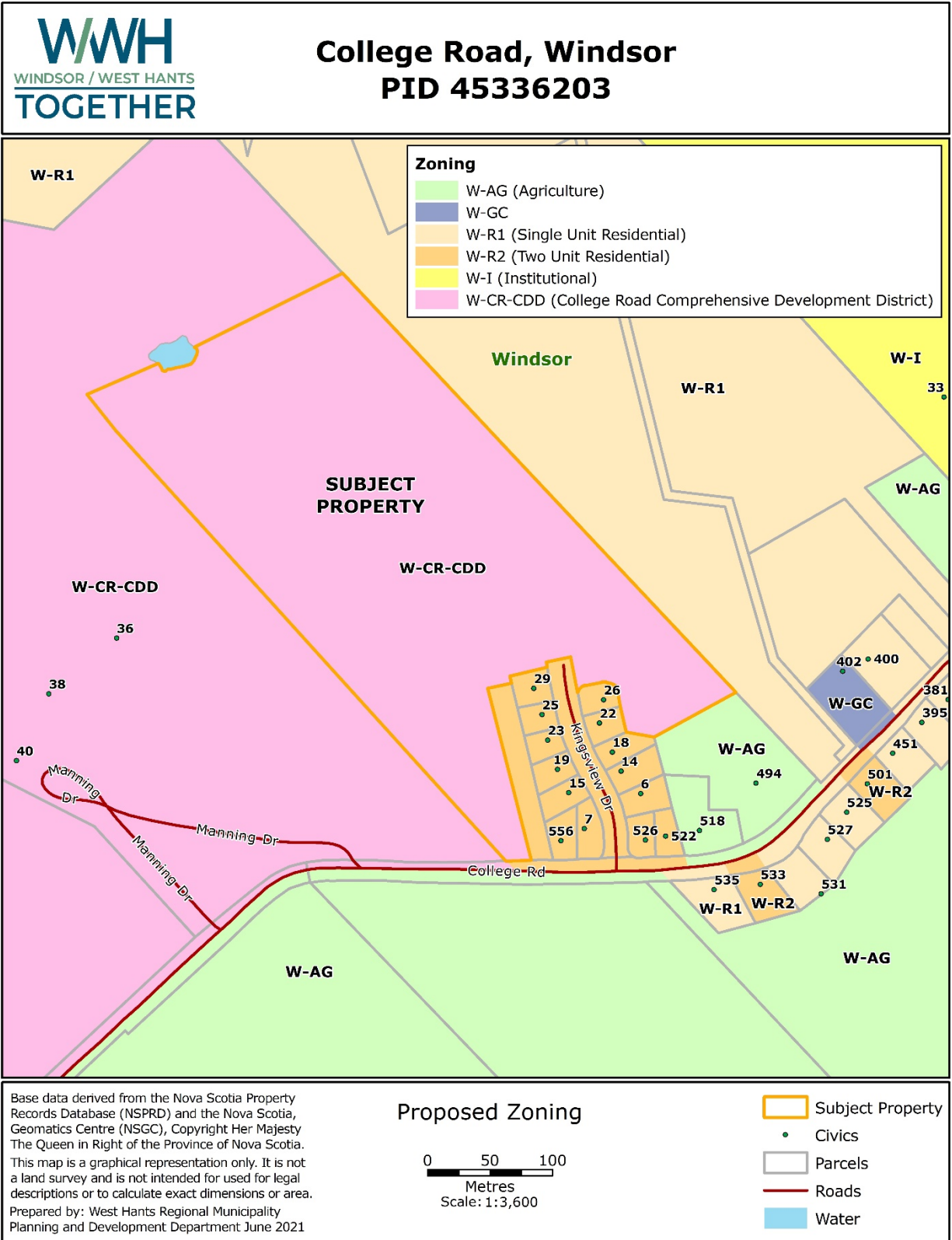


Figure 4
Windsor Proposed Zoning Map Extract



Attachment A

Draft Amendments to the Windsor Municipal Planning Strategy

Text amendments to the Windsor Municipal Planning Strategy to include the property at PID 45336203 on College Road in the College Road Comprehensive Development District (CR-CDD) designation.

[Blue text = Amendments to the WMPS]

5.0 RESIDENTIAL

5.7 College Road Comprehensive Development District

College Road is a dead-end street which currently serves agricultural land, a Provincial Heritage Property known as [Richmond Hill Farm owned by Heritage Trust of Nova Scotia](#), the Gladys M. Manning Retirement Community, [the Dykeland Lodge property](#), Howard Dill Enterprises, Kings-Edgehill School, the Gordon Hughes Tennis Club-Windsor, and a number of residential uses.

Under the previous Municipal Planning Strategy, a Comprehensive Development District (CDD) was applied to all properties on the north side of College Road from the Gladys Manning Retirement Community west to the [Town Windsor](#) limits at Lebreau Creek. Council wished to see a cohesive approach to development of this land including a phasing plan and a comprehensive statement of the developers' intentions prior to any structure or use being established. The intent was that development in the CDD would consist of mixed uses including major residential, institutional or recreational development, and other limited services and uses in support of these major uses. Development would proceed only by development agreement. In establishing the CDD, Council wanted to be able to exert particular control over the development of properties with specific environmental and topographic constraints that could present servicing and development problems. Council also wished for more flexibility in providing for a broader mix of land uses.

Although Phases 1, 2 and 3 of the Gladys Manning Retirement Community were built under this policy, no other new development proceeded during the 12 years since the CDD was created. In fact, the limitations of the CDD may have affected agricultural development on some of the existing farms in the area. In addition, some of the CDD fell under new provincial legislation which limits development on agricultural dykeland.

Council feels the CDD may be somewhat redundant given that this Strategy establishes new policies to allow for mixed development by development agreement. In addition an Environmental Constraints designation (see Section 12), which applies to dykeland and other areas with topographic or environmental hazards, provides more control over the development of these areas. As a result, Council wishes to limit the CDD to the Gladys Manning property, which has already been partially developed under this policy, [and the Dykeland Lodge property](#).

Matters that Council shall consider prior to the approval of an agreement include compatibility of uses and structures, servicing requirements, vehicle and pedestrian traffic, environmental suitability of the site, financial capability of the [Town Municipality](#) to absorb any costs relating to the development, and timeliness of the development.

Policy 5.7.1

It shall be the policy of Council to establish the College Road Comprehensive Development District (College Road CDD) which allows residential, institutional or recreational development and other limited services and uses in support of this development. As-of-right development shall not be permitted.

Policy 5.7.2

It shall be the policy of Council to designate the Gladys Manning Retirement Community property [and the Dykeland Lodge property](#) as College Road CDD as shown on the Generalized Future Land Use Map (Map 1).

Attachment B
General Criteria for Amendment

Policy 16.3.1 In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	As this is a text and map amendment to the Windsor Municipal Planning Strategy and map amendment to the Windsor Land Use By-law most of the criteria are not applicable as no uses are permitted as-of-right in the College Road Comprehensive Development District (CR-CDD). Any proposed development on site would have to go through the development agreement process at which time staff would evaluate the specific application against the criteria.
<i>(ii) the adequacy of school facilities;</i>	Not applicable.
<i>(iii) the adequacy of fire protection;</i>	Not applicable.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	Not applicable.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	Not applicable.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Not applicable.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The subject lot is approximately 24.7 acres in size which is adequate to provide some or all of the uses permitted by development agreement in the College Road Comprehensive Development District.
<i>(d) the pattern of development which the proposal might create;</i>	This proposal is not anticipated to significantly change the pattern of development in the area. The abutting Gladys Manning property is currently designated College Road Comprehensive

	Development District which has been developed as per development agreement originally entered into in 1991 and amended in 2005.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	<p>The subject lot is relatively flat along College Road and gradually gets steeper towards the north west end of the property. There are no evident concerns in terms of steepness of grade, soil or geological conditions.</p> <p>There is a water body at the rear property line.</p> <p>The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) shows that the subject lot does not appear to be affected under a simulated flooding extent for probable maximum flood due to climate change, however College Road itself may experience flooding.</p> <p>It is the responsibility of the property owner to ensure the site is suitable for the proposed uses.</p>
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	There are no other relevant policies of this Strategy.

Attachment C
Public Information Meeting Notes
October 14 – October 29, 2021
File 21-04
College Road, Windsor PID 45336203

Meeting date and time	A virtual Public Information Meeting was held on October 14, 2021 beginning at 6:14 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>One (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Five (5) members of staff:</p> <ul style="list-style-type: none"> • Director LeMay • Senior Planner Poirier • Planner Dunphy • Meeting Secretary Lake • CAO Mark Phillips <p>Applicant:</p> <ul style="list-style-type: none"> • Krista Beeler, Administrator at Dykeland Lodge • John Bregante, Board Member of Dykeland Lodge <p>As this meeting was held virtually there were no members of the public present.</p>
<p>Applicant Krista Beeler and Ed Sherman at Dykeland Lodge on behalf of the Hants County Residence for Senior Citizens</p> <p>Property College Road, Windsor PID 45336203</p>	<p>Planner Poirier outlined the application to redesignate and rezone the lot at PID 45336203 on College Road from the Residential designation and Two Unit Residential (R-2) zone to the College Road Comprehensive Development District designation and zone.</p> <p>A formal presentation was not made by the applicant.</p>
Comments	<p>Comments from the public could be submitted to Planner Poirier by mail, e-mail and telephone between October 14 – October 29, 2021.</p> <p>No written or verbal comments were received from the public.</p>
Adjournment	The meeting was adjourned at 6:20 p.m.