

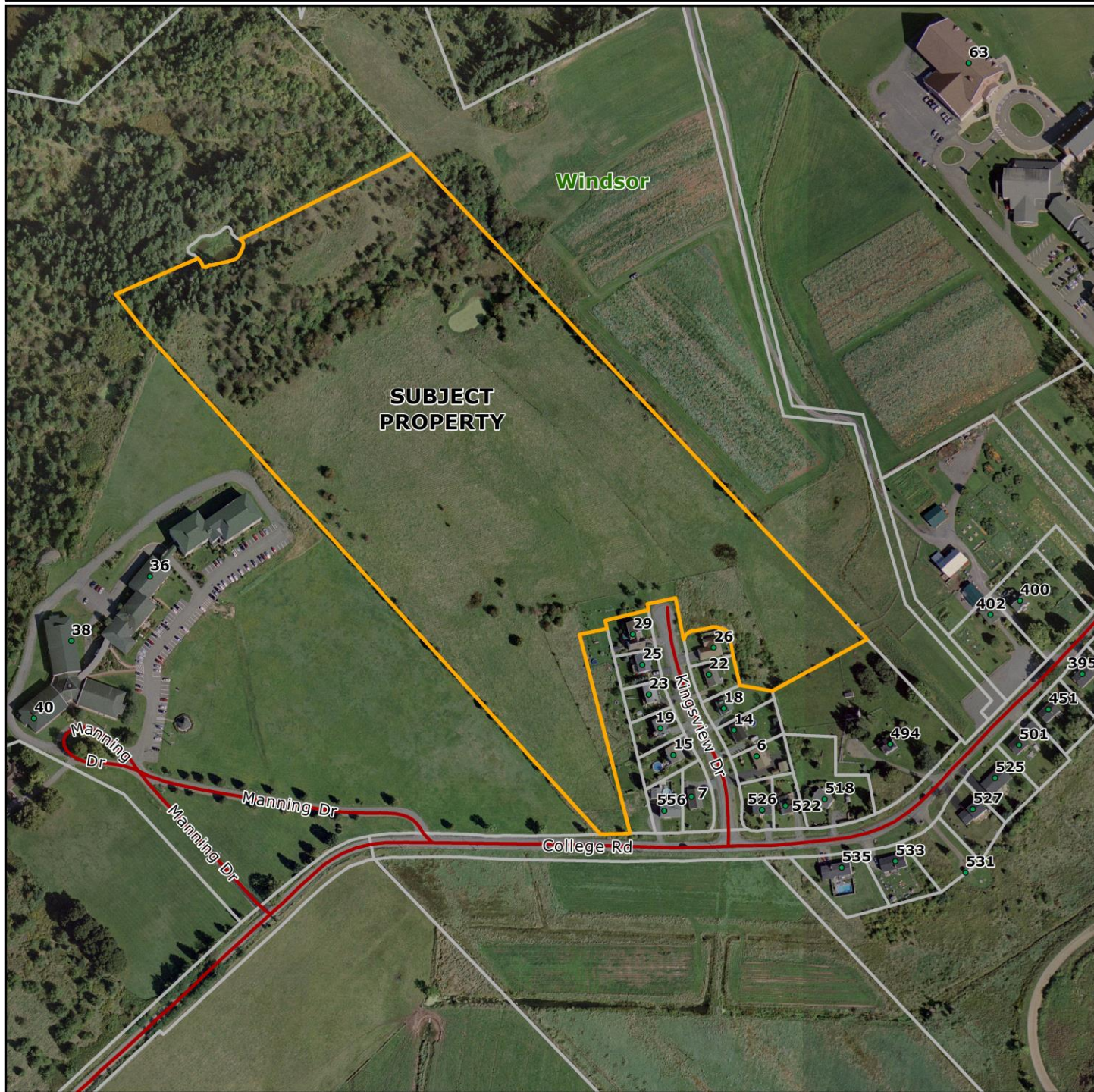
College Rd, Windsor PID 45336203 Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

April 14, 2022



Orthophoto



Application

- Application received September 23, 2021 from Krista Beeler and Ed Sherman on behalf of the Hants County Residence for Senior Citizens
 - Dykeland Lodge is operated by their Board of Directors
- Request a variety of uses including affordable and senior housing, long term care, assisted living, independent living, commercial space and a community centre on the subject lot



Application Cont.

- This application has been considered by Planning staff in two parts:
 1. an amendment to the text and map of the Windsor Municipal Planning Strategy and Windsor Land Use By-law to amend the designation and zoning of the subject lot to College Road Comprehensive Development District (approved by Council Dec 16, 2021); and
 2. consider the proposed uses by development agreement as per Policy 5.7.4 of the WMPS



Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone
- The College Road Comprehensive Development District (CR-CDD) only permits developments by development agreement



Original Proposal

- Dykeland Lodge originally proposed a multi-phase development that would include:
 - a long term care facility with 128 rooms;
 - an assisted living facility with up to 42 units;
 - up to 10 units for residents with disabilities;
 - up to 44 independent living units;
 - a mix of affordable and seniors housing to a maximum of 80 units;
 - plus an 11,000 sq. ft. community centre; and
 - 8,000 sq. ft. of commercial space which may include a pharmacy, corner store, café, and medical centre



Updated Proposal

- Following the feedback received during the Public Information Meeting comment period, Dykeland Lodge requested their application be paused
- On March 1, Dykeland Lodge updated their application to only include:
 - a long term care facility with 128 rooms;
 - up to 10 units for residents with disabilities;
 - up to 28 independent living units; and
 - up to 88 residential units.

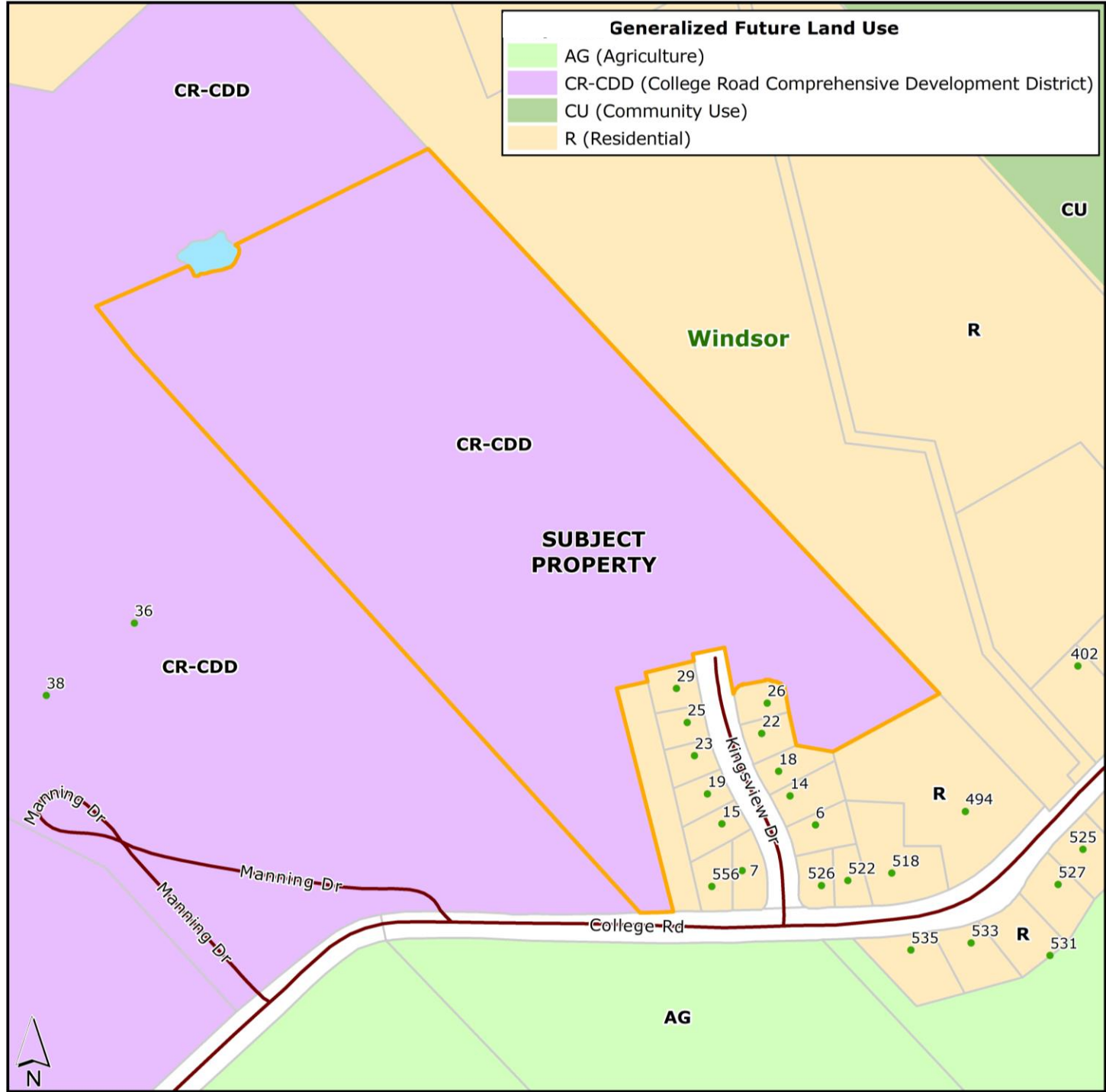
Proposal Update





bird

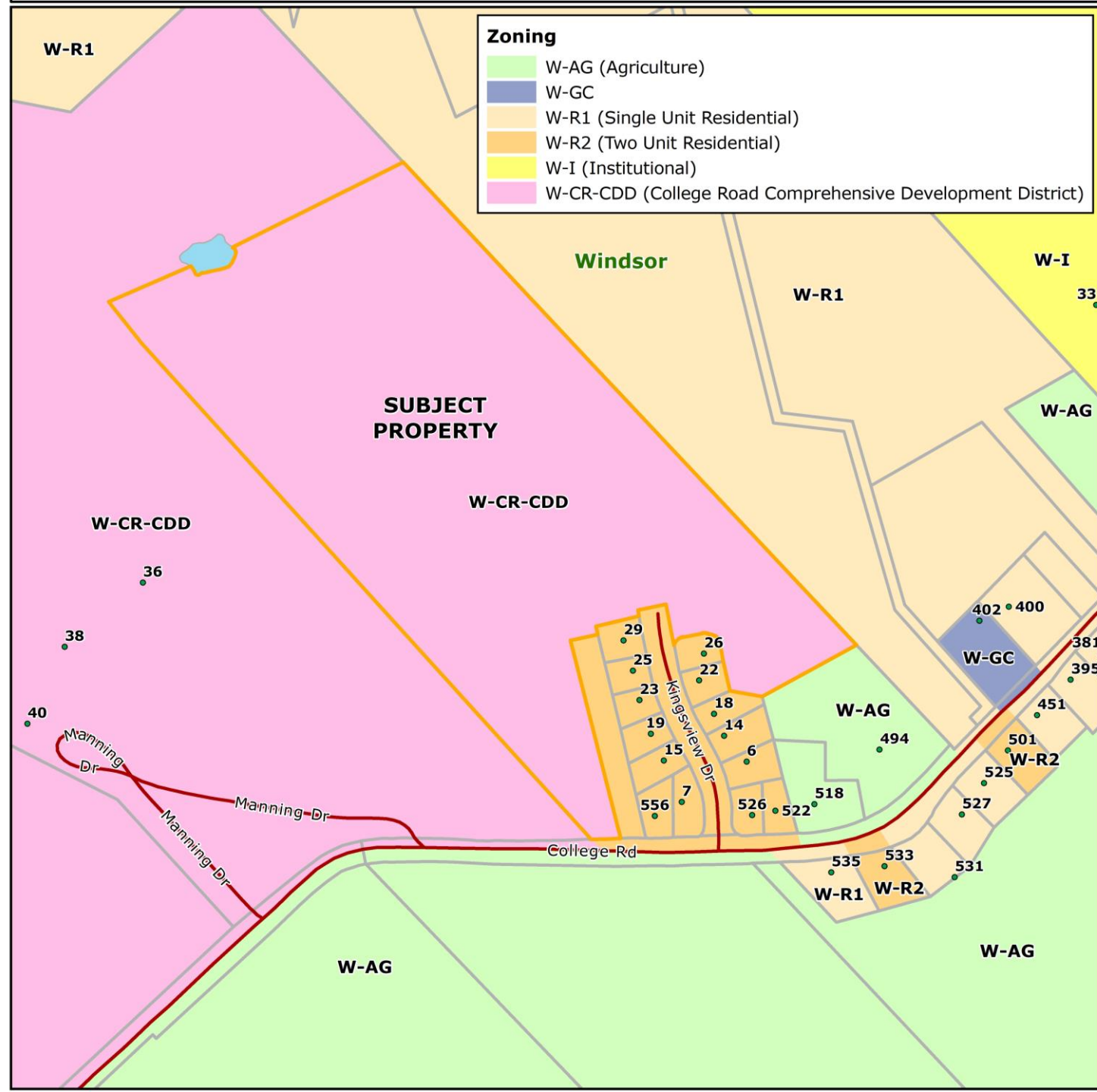
Proposal Cont.



GFLUM



Zoning



Windsor Land Use By-law

- Part 6.0 of the WLUB, Development Agreements, states that “The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

(d) residential, institutional or recreational development in the College Road CDD in accordance with Section 5.7 of the Municipal Planning Strategy;



Windsor Municipal Planning Strategy

- Part 5.7 of the WMPS contains the overall intention for properties designated College Road CDD in Windsor
- ***Policy 5.7.4*** states that “It shall be the policy of Council that a development agreement for the development of the College Road CDD shall only be approved when the following conditions have been satisfied”



Development Agreement Details

Permitted Uses

- Retirement community consisting of:
 - buildings operated as homes for special care;
 - residential uses consisting of single unit, two unit or multiple unit dwellings some or all of which may be used as part of the homes for special care or as assisted living units;
 - outdoor recreation uses;
 - secondary suites within any of the single or two unit dwellings on the lot; and
 - accessory uses to any of the permitted uses.



Development Agreement Details

Phased Development

- Phase 1:
 - a home for special care limited to a maximum of 128 beds; may include accessory uses such as a café, offices and/or pharmacy located within the building;
 - outdoor recreation uses including but not limited to a public trail system; and
 - any accessory uses.



Development Agreement Details

Phased Development Cont.

- Phase 2:
 - single unit, two unit or multiple unit dwellings which may be used as part of the homes for special care or as assisted living units, limited to a maximum of 126 units;
 - any secondary suites; and
 - any accessory uses.



Development Agreement Details

Timelines

- Development to commence within 24 months (2 years) of the DA being signed
 - Phase 1 to be completed within 48 months (4 years) of commencement
 - Phase 2 to be completed within 96 months (8 years) of commencement
- *Note: It is not anticipated that development would take this long to complete*



Development Agreement Details

Requirements

- 1 parking space for every 400 sq. ft. (37.16 sq. m.) of floor area of the long-term care facility;
- 1 parking space per dwelling unit;
- Min. 41,000 sq. ft. (3,809 sq. m.) of usable recreation space;
- Construction hours to be within 7 a.m. – 7 p.m., Mon - Sat;
- Private snow plowing and garbage collection;
- 20 ft (6.09 m) wide buffer strip along the south lot line abutting properties fronting on Kingsview Dr.;



Development Agreement Details

Requirements Cont.

- Stormwater management plan that satisfies the Municipal Engineer that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties, prior to a development permit being issued;
- Design plans of the water and sewer servicing connections and layout including location and connection design of any fire hydrant(s); and
- Archeological resource impact assessment (ARIA), as recommended by Glooscap First Nation, prior to a development permit being issued.



Development Agreement Details

Access and Egress

- Main access must be directly from College Road
- Any other connection will be a secondary access/egress to the lot mainly used for emergency purposes
- Sidewalk from College Road to the building entrances



Development Agreement Details

Substantive Matters

- the uses permitted on the Property;
- the maximum number of beds in the homes for special care and maximum number of residential dwelling units permitted on the lot;
- the fire safety requirements;
- the requirements for a stormwater management plan to be submitted prior to a development permit being issued
- the hours of construction; and
- the requirements for an archeological resource impact assessment (ARIA) to be submitted prior to a development permit being issued.



Public Information Meeting Notes

- A virtual Public Information Meeting was held on January 13. The meeting was broadcast live on the Municipal Facebook page.
- 6 members of the public spoke at the Public Information Meeting
- The deadline for comments was January 28
- 11 written comments were received via email and 8 verbal comments by phone, plus a “Community Response” document



Public Comment Topic Areas

- College Road: upgrades, increased traffic, impact with construction traffic, alternative access and egress
- Water and sewer servicing
- Scale, density and lot size
- Commercial and community centre
- Types of proposed uses
- Recreation uses and Safety
- Environment and wildlife



Public Comment Topic Areas Cont.

- Length of construction, noise and dust
- Emergency access
- Property values
- Stormwater management and hardscaping of the lot
- Impact on residents of Kingsview Dr.
- Impact on Kings Edgehill – through traffic
- Agriculture
- Transparency
- Architectural style



Public Comments Cont.

College Road – Upgrades

- Director of PW: upgrades to College Road in the 2022-23 budget
 - full street reconstruction
 - sidewalk addition (one side)
 - improved street storm conveyance systems, including stormwater upgrades to mitigate future flooding potential (i.e., additional culverts, ditching, asphalt sloping)
 - water and sanitary upgrades where necessary
- Anticipated to be completed within the current right-of-way
- New width of 7.3 m. (curb face to curb face) will accommodate two-way traffic and meets the requirements of the municipal specifications



Public Comments Cont.

College Road – Increased Traffic

- WSP report (2021) recommended that “consideration be given to incorporating the construction of a northbound left-turn lane with the future planned rehabilitation on King Street and the re-location of the crosswalk.”
- Manager of Operations: “the intersection at College Rd and King St is planned to be re-designed with the College Rd reconstruction design. While this should improve traffic flow from College Rd to King St it would still be expected that at peak times the traffic queuing times would increase as the build out progresses. However, it is not expected to be significant due to the nature of the development.”



Public Comments Cont.

College Road – Increased Traffic Cont.

- PW Department continues to monitor roadways within its jurisdiction and communicate with residents and the RCMP when necessary
- Newly created Traffic Calming Policy could be used in the future if concerns exist regarding traffic on the street



Public Comments Cont.

College Road – Impact with Construction Traffic

- Director of Public Works: not concerned with the weight of construction traffic to the proposed development site once upgrades to College Road are complete

Public Comments Cont.

College Road – Alternative Access / Egress

- Manager of Operations: the proposed uses are not considered premature or inappropriate in terms of the adequacy of the existing roads and the proposed driveway and pedestrian routes within and adjacent to the development
- “no new traffic related concerns, but an existing one. College Rd is only connected to one street (King St) therefore there is some concern if there is a street blockage there could be a delay for emergency equipment getting through. There are two other possible privately owned routes, but they are not always accessible / passable.”



Public Comments Cont.

College Road – Alternative Access / Egress Cont.

- A variety of public comments on potential alternative connections from College Road to provide an alternative access/egress. These suggestions include:
 - College Rd to Hwy 14 / Chester Rd by purchasing a piece of PID 45052016 which was for sale;
 - College Rd to Hwy 14 / Chester Road by using the 50 ft water right-of-way / easement;
 - College Rd to Hwy 14 / Chester Rd by using the road located past Manning Drive, known as the “farming road” or “pole road”; and
 - the proposed development to Haliburton / Clifton Avenue.



Public Comments Cont.

College Road – Alternative Access / Egress Cont.

- Majority of the land between College Rd and Hwy 14 / Chester Rd is dykeland
- Windsor MPS and LUB restrict development on dykeland
- Development approval required by both the local marshbody and the Province as per the *Agricultural Marshland Conservation Act*
- Martock Marshbody has strict land use regulations
- Building a permanent road in the dykeland would most likely not be feasible



Public Comments Cont.

College Road – Alternative Access / Egress Cont.

- Connection - proposed development to Haliburton/Clifton Avenue:
 - would require the developer to receive agreement from any property owners between Dykeland Lodge's property and Haliburton / Clifton Avenue
 - significant number of studies required to determine if this would be feasible at the expense of the developer
 - developer has not agreed to provide any alternative access/egress at this time



Public Comments Cont.

College Road – Alternative Access / Egress Cont.

- Promise of alternative access/egress when Gladys Manning approved?
- Municipal Clerk reviewed old Windsor Council minutes
 - 1990 DA mentions the Town extending the paving of College Rd to the Gladys Manning entrance / exit (no promise of secondary access/egress for College Road found)
 - 2008 – discussion related to potential relocation of the Elms
 - 2011 – received “widening and paving of College Road” petition
 - 2014 – approved “no parking” signs near Kings Edgehill School fields
 - 2017 – discussion on upgrades to College Road related to the proposed hockey rink



Public Comments Cont.

Water and Sewer Servicing

- Windsor is a serviced area of the Municipality where efficient use of services and denser developments are encouraged
- Director of Public Works: the proposed uses are not “considered premature or inappropriate related to the capacity of water and sewer services, except as noted there is limited storm water capacity downstream, and this must be addressed within the development agreement.”
- Section 2.8 (b) and (c) addresses the comments on stormwater management



Public Comments Cont.

Scale, Density and Lot Size

- Scale of proposed development has been reduced since the public comments were received
 - No longer including a community centre or separate commercial component
 - Residential component has been reduced by 50 units
- The subject lot is approximately 24.7-acres in size which would be adequate to accommodate the proposed long-term care facility and residential uses



Public Comments Cont.

Scale, Density and Lot Size Cont.

- Windsor population density: 522 people per sq. km.
- Current Dykeland Lodge facility on Cottage Street population density: 6,981 people per sq. km.
- proposed density, at full build-out, of this College Road development: approx. 2,540 people per sq. km.

- Gladys Manning DA (2005) permits population density: 1,240 people per sq. km.
- Windsor Elms DA (2008) in Falmouth permits population density: 1,578 people per sq. km.



Public Comments Cont.

Commercial and Community Centre

- Based on the feedback from the public during the Public Information Meeting comment period the applicant removed the 11,000 sq. ft. (1021.9 sq. m.) community centre and 8,000 sq. ft. (743 sq. m.) of commercial space from the proposal
- Should the need arise in the future Council could consider these additional uses through an amendment to the DA
- An amendment to a DA follows a similar process as the approval of a DA, which would include opportunity for public feedback



Public Comments Cont.

Types of Proposed Uses

- Dykeland Lodge provided details about the different types of care in an FAQ response document:
 - **Long-Term Care:** facilities licensed and funded by the Department of Health and Wellness provide services for people who need ongoing care;
 - **Assisted Living:** for seniors who do not require substantial care but may need services such as meals, housekeeping, and recreation programs and facilities;
 - **Disability (Small Option Homes):** provide support for 3-4 persons with disabilities in community homes, supported by qualified staff;
 - **Independent Living:** Independent Living NS supports Nova Scotians with disabilities through programs and services that promote independent living;
 - **Seniors Affordable Housing:** an affordable option for low-income Nova Scotians over the age of 58, rented through Regional Housing Authorities across the province

Public Comments Cont.

Recreation Uses and Safety

- During the reconstruction of College Road, a sidewalk will be added to one side of the street to improve pedestrian safety and movement to the development site
- Section 2.4 (e) require a 5 ft. wide sidewalk from College Road to the main entry of any building
- Section 2.2 (b)(i) requires a trail system which must be available to the public to be completed as part of Phase 1
- Section 2.4 (b) main access must be directly from College Road; any other connection will be a secondary access/egress mainly used for emergency purposes

Public Comments Cont.

Environment and Wildlife

- Dykeland Lodge provided additional details about the Provincial and Federal environmental policies/Acts they need to follow to develop the lot in an FAQ response document. This was described as:

“All provincial, federal policies/Acts will be upheld to ensure the safety of the community and environment.

The Nova Scotia Department of Public Works requires the supervisory staff of all its construction contractors to attend an erosion and sediment control course to ensure the protection of the construction site and adjacent properties; in addition to this requirement the NS Department of Seniors and Long-Term Care, the department which oversees the design and construction of a new Long-Term Care Facility, mandates that the Owner’s Project Manager also has this course.”

Public Comments Cont.

Environment and Wildlife Cont.

“The Design Team will also include Landscape Architects and Civil Engineers who are trained to design the property following all environmental policies, acts and standards.

The environmental protection plan will be a compilation of all Provincial, and Federal Policies/Acts, some listed below, to mitigate disturbance to land use, wildlife, and habitat. Safety of the community and environment is priority, all Environmental issues will be identified thoroughly and resolved expeditiously, using Federal and Provincial environmental policy extensively into all decision-making processes, as well as all other associated activities. Potential impacts to all aspects of the environment will be taken into consideration and evaluated before any activities would take place.”

Public Comments Cont.

Environment and Wildlife Cont.

“The project will constantly monitor and evaluate environmental benefits/consequences of our activities, and implement our strategies to remove or minimize potential environmental impacts”

Nova Scotia Environment Act	Water Act
Canadian Environmental Assessment Act	Fisheries Act
Canadian Environmental Protection Act	Species at Risk Act (SARA)
Nova Scotia Endangered Species Act	Navigable Waters Protection Act (NWPA)
Clean Air Act	Canada Wildlife Act
Migratory Birds Convention Act”	

Public Comments Cont.

Length of Construction, Noise and Dust

- Section 2.10 restricts construction on the lot to within 7 a.m. – 7 p.m., Monday to Saturday, unless construction is being conducted within a wholly enclosed building
 - This will reduce the impact of noise on abutting properties
- Section 2.14 (b) requires a 20 ft. (6.09 m.) buffer strip along the south lot line abutting properties fronting on Kingsview Drive to provide additional buffering from construction impact
- Dykeland Lodge has advised that their construction team must follow construction standards and regulations related to dust and debris

Public Comments Cont.

Emergency Access

- Section 2.6 was developed based on comments received from the local Fire Chief
 - ensures there is unimpeded access for emergency services vehicles
- The property owner also required to submit an Emergency and Fire Safety Plan to the Province as part of their licensing as a long-term care facility
 - Plan is distributed internally to all staff; and
 - externally to the Windsor Fire Department, R.E.M.O. Coordinator, Department of Health and Wellness, and Office of the Fire Marshall



Public Comments Cont.

Property values

- Impact on property values due to proposed developments are not considered by planning staff when evaluating an application because there is no overall public interest in what one property is valued over another
- Staff must look at the use of land versus the financial impacts (positive or negative) that are associated with it



Public Comments Cont.

Stormwater Management and Hardscaping

- Director of PW: stormwater management plan required prior to development permits being issued to ensure that historical flooding patterns and area drainage systems have been considered and that storm water discharge will not have a negative impact on downstream properties
- Discharge of run-off to adjacent properties other than a natural watercourse is prohibited unless the developer obtains consent in writing from the adjacent property owner(s) and drainage easements over such natural property is provided in favor of the Municipality
- Outlined in Section 2.8 (b) and (c)



Public Comments Cont.

Impact on residents of Kingsview Dr.

- Section 2.4 (b) specifies that the main access/egress is from College Road; any other access/egress shall be secondary and only used for emergency purposes
- Section 2.14 (b) requires a 20 ft (6.09 m) buffer strip along the south lot line abutting properties fronting on Kingsview Drive



Public Comments Cont.

Impact on Kings Edgehill – through traffic

- Kings Edgehill Lane is a private roadway which is outside the jurisdiction of WHRM
- The roadway is currently gated by the property owners
- Proposed upgrades to College Road are expected to improve traffic flow on College Road, reducing the likelihood of Kings Edgehill Lane being used as a thoroughfare



Public Comments Cont.

Agriculture

- Although the lot has been actively farmed and cared for by the Dill family for about 50 years, Council's long-term intention for this lot for at least 30 years has been residential development, as shown by the Residential designation in the MPS which was recently amended to College Road Comprehensive Development District
- Not anticipated to be any negative impact to agricultural land abutting the property due to the requirements for a stormwater management plan and developer following the required Provincial and Federal policies and Acts including erosion and sediment control



Public Comments Cont.

Transparency

- Property owner and applicant is Hants County Residence for Senior Citizens
 - Dykeland Lodge is operated by their Board of Directors
- Municipality follows the *Municipal Government Act* (MGA) requirements for community engagement for development agreement applications
- Municipality also holds a Public Information Meeting prior to beginning the MGA required process, to allow the community another opportunity to comment on the proposal

Public Comments Cont.

Transparency Cont.

- Public Information Meeting was advertised: letter, signs on site, newspaper advertisement, Facebook and website advertisements
- Property owners within 300 ft. of the subject lot were mailed a letter for the Public Information Meeting
 - Council requires, through the LUB, that owners within 300 ft. be notified
- The virtual public meeting took place on January 13 with approx. 10 residents in attendance. The comment period was open until January 28. Multiple residents called or emailed during the comment period as outlined in the staff report.



Public Comments Cont.

Architectural style

- Not within an Architectural Control District therefore there are no architectural design manual elements to be followed

Specific Criteria for DA

- Policy 5.7.1 establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the development agreement is consistent with the intent of Policy 5.7.3 and other relevant policies of the Municipal Planning Strategy; and
 - ✓ the development is compatible with existing development within and adjacent to the College Road CDD.



General Criteria for DA

- Policy 16.3.1 states the general criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated;
 - ✓ the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works, and Manager of Public Works Operations have no concerns which have not been addressed in the development agreement.



Process

Public Information Meeting – January 13

Staff Review

PAC/HAC Review and Recommendation – April 14

Council First Reading – April 26*

Public Hearing & Second Reading – May 24*

Notice of Approval in Paper

14 Day Appeal period

*anticipated dates;
final dates set by
Council

something inspiring awaits



Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to permit a variety of residential and institutional uses on PID 45336203 on College Road in a manner substantively the same as the draft set out in Attachment C of the report to the Planning and Heritage Advisory Committee #21-20 dated April 14, 2022.

Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Hants County Residence for Senior Citizens 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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