

# College Rd, Windsor PID 45336203 Development Agreement Amendment

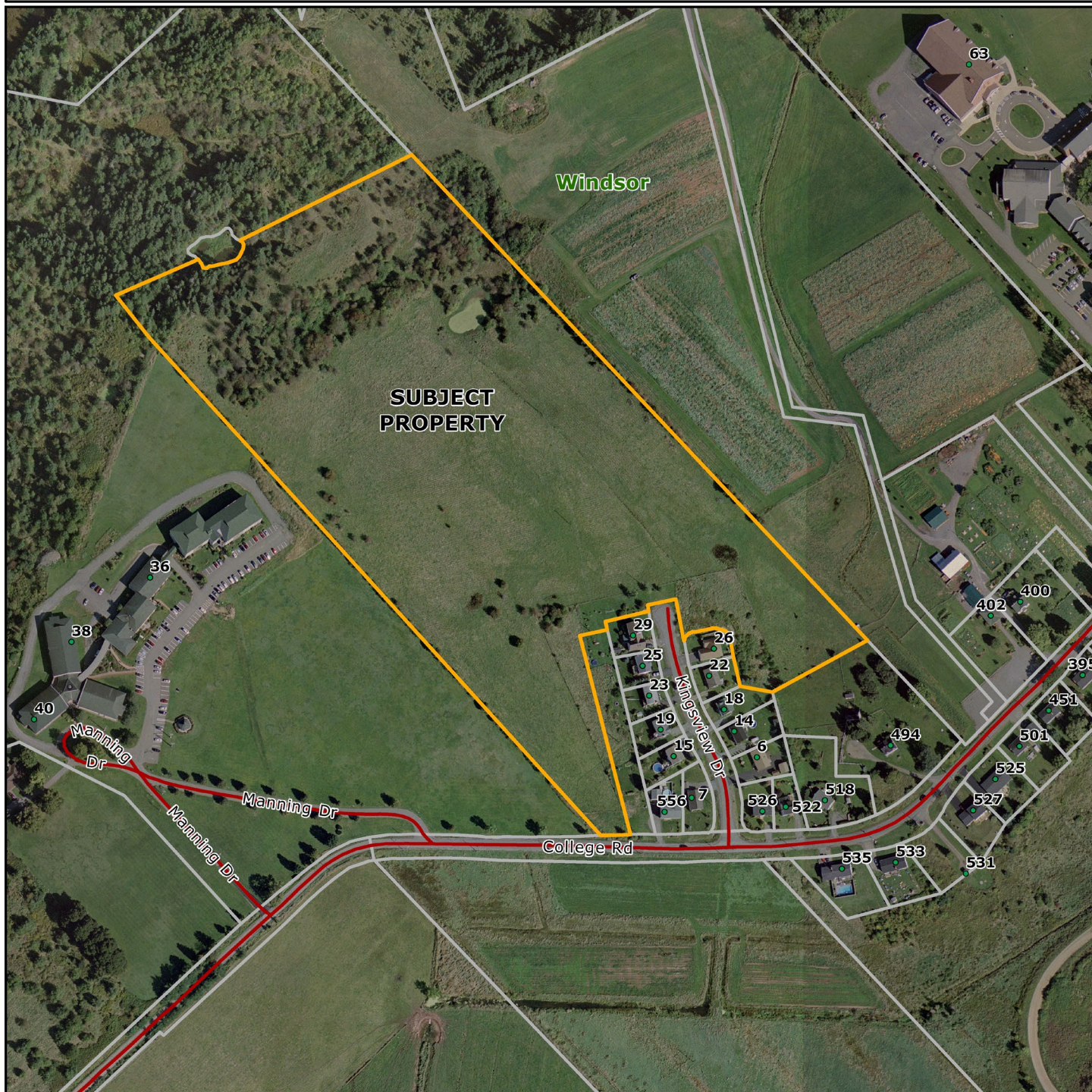
Planning and Heritage Advisory Committee (PAC/HAC)

March 9, 2023

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# Orthophoto



# Application

- Application received November 29, 2022 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 to amend the development agreement with Hants County Residence for Senior Citizens on PID 45336203, College Road, to increase the maximum number of beds permitted in the home for special care from 128 to 160



# Background

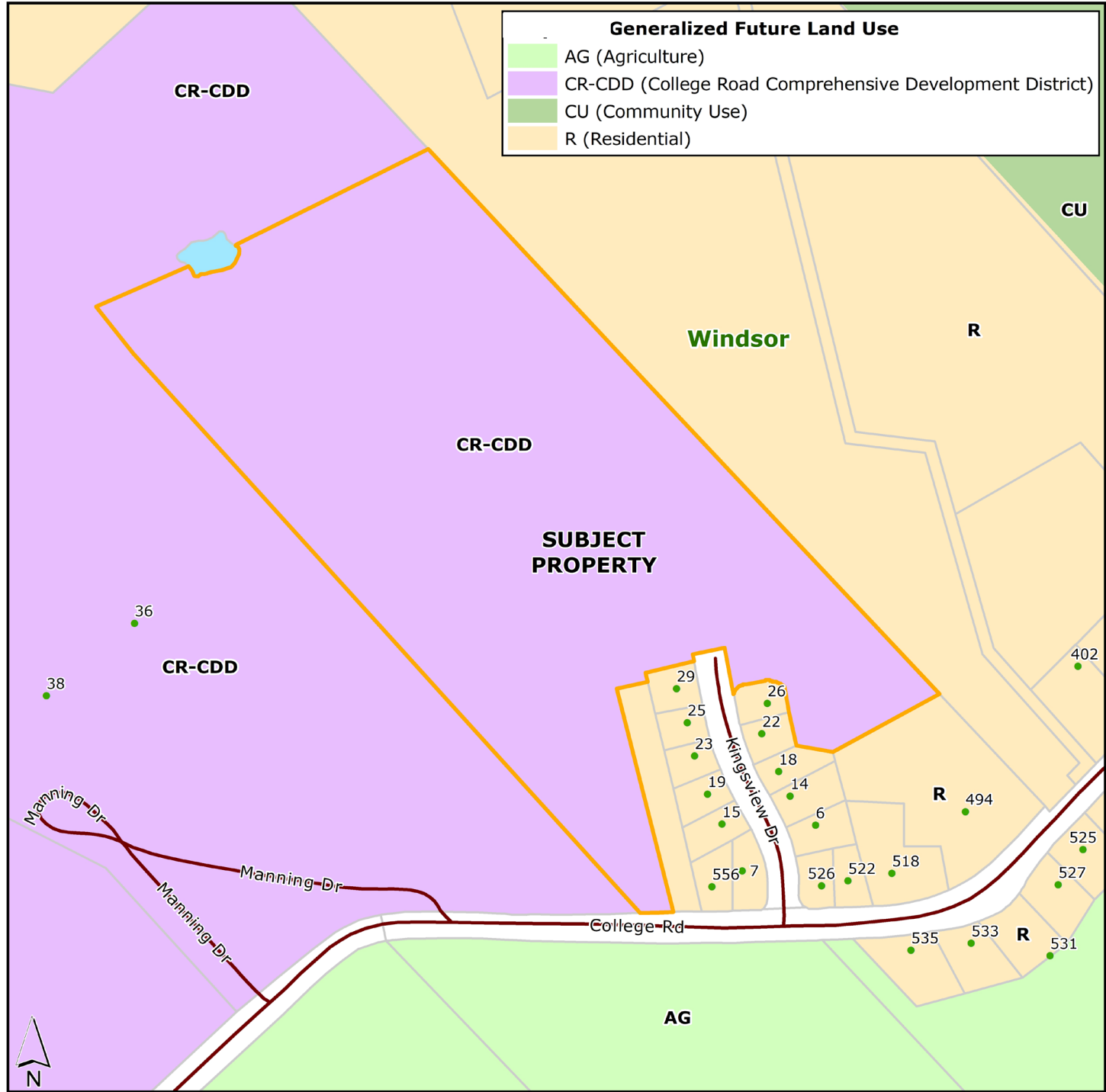
- Development agreement with Hants County Residence for Senior Citizens was approved by Council on May 24, 2022
- Permits a new home for special care with up to 128 beds, plus up to 126 dwelling units on the same lot, which may be used as part of the homes for special care or as assisted living units
- Following approval by Council, the Province requested that Dykeland Lodge construct a larger facility than originally anticipated - expected to now include 144-beds
- Dykeland Lodge would like Council to consider allowing a maximum of 160-beds within the home for special care to accommodate this request and any future increases



# Site Plan

No changes proposed

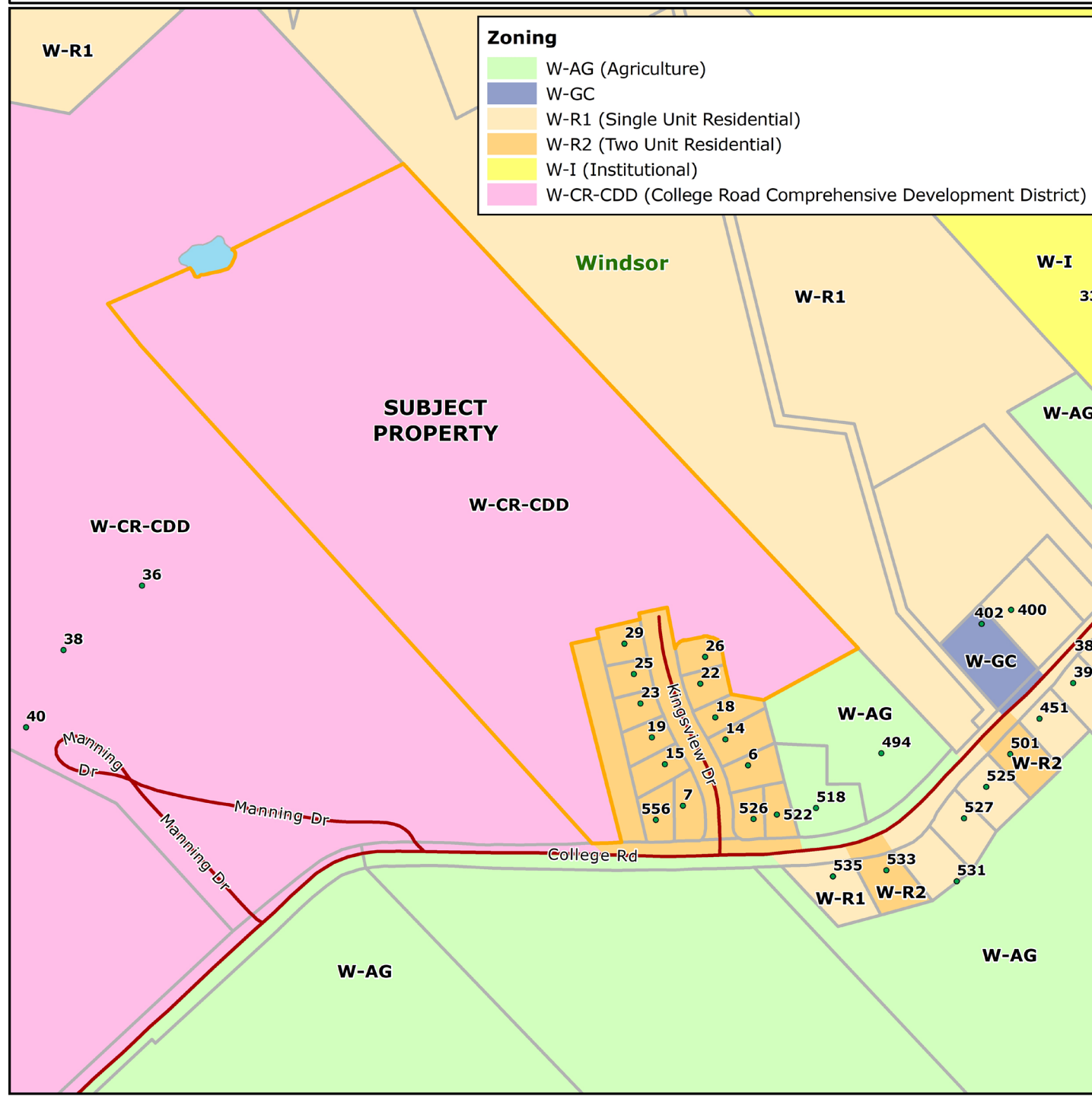




# GFLUM



# Zoning



# 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



# Development Agreement Amendments

- A property owner can apply for an amendment to a development agreement registered on their property at any time
- Section 3.3 outlines substantive matters of the development agreement
- Section 3.3 (b) states that *“the maximum number of beds in the homes for special care and maximum number of residential dwelling units permitted on the lot in Section 2.2, Development Location and Design”* is a substantive amendment to the development agreement
- Therefore, this amendment application must follow the regular process for planning applications, including a Public Hearing



# 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

## *Proposed Amendments*

- Two (2) amendments proposed:
  - Requested change to Section 2.2 to increase the number of beds permitted in the home for special care from 128 to 160;
  - Based on development control staff comments - proposed amendment to increase the minimum amount of recreation space provided in the overall development by 1,900 sq. ft. (176.52 sq. m.) in both Section 2.2 (h) and 2.3 (c) (iii)
- All remaining terms and conditions of the development agreement will remain in full force and effect

# Public Information Meeting Notes

- A Public Information Meeting was held on January 12. The meeting was broadcast live on the Municipal Facebook page.
- 2 members of the public attended the Public Information Meeting
- The deadline for comments was January 27
- No comments were received via phone or email



# 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 control staff, 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 report or the development agreement.



# Process

Public Information Meeting – January 12

Staff Review

**PAC/HAC Review and Recommendation – March 9**

Council First Reading - March 28\*

Public Hearing & Second Reading – April 25\*

Notice of Approval in Paper

14 Day Appeal period

\*anticipated dates;  
final dates set by  
Council



# 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 which replaces the original development agreement on PID 45336203 on College Road in a manner substantively the same as the draft set out in Attachment D of the report File #22-35 to the Planning and Heritage Advisory Committee report dated February 16, 2023, taking note that this development agreement will discharge and replace the development agreement recorded at the Land Registry Office on September 14, 2022, as document number 121300512.



# Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement amendment 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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