

The Corporation of the City of Kawartha Lakes
Council Report

Report Number PLAN2020-018

Meeting Date: July 28, 2020

Title: Official Plan and Zoning By-law Amendments to permit a Continuum-of-Care Facility

Description: Applications to amend the Town of Lindsay Official Plan and Zoning By-law to permit a 220-unit retirement home (Continuum-of-Care Facility) on the property identified as Vacant Land on Thornhill Road, Lindsay (2645286 Ontario Inc.)

Ward Number: Ward 5 – Lindsay

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2020-018, **Part of Lot 21, Concession 4, 57R-7657 Part 1, Former Town of Lindsay, 2645286 Ontario Inc. – Applications D01-2019-005 and D06-2019-035**, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix 'C' to Report PLAN2020-018, be approved and adopted;

That the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2020-018, be approved and adopted;

That in accordance with Section 34(17) of the Planning Act, Council having considered the changes to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on December 4, 2019 and following resolution was passed:

PAC2019-087

Moved By J. Willock

Seconded By M. Barkwell

That Report PLAN2019-068, respecting Part Lot 21, Concession 4, Part 1, 57R-7657, former Town of Lindsay, 2645286 Ontario Inc. (Fieldgate Commercial) – Applications D01-2019-005 and D06-2019-035, be received; and

That Report PLAN2019-068 respecting Applications D01-2019-005 and D06-2019-035 be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

Carried

This report addresses that direction.

The applicant has submitted applications for an official plan amendment and a zoning by-law amendment. The original proposal was to change the land use designation from the 'Institutions and Community Facilities' designation to the 'Residential' designation and to change the zone category from the 'Community Facility (CF) Zone' to a 'Residential High-Rise One Special ** (RH1-S**) Zone', to permit an eight (8) storey retirement residence with a total of 222-units including apartment and assisted living / independent living units along with associated parking and amenity space.

Through discussions with the applicant, staff have determined it would be more appropriate for the property to remain in the 'Institutions and Community Facility' designation, and to introduce a special policy to address the proposed new built form. Traditionally, 'nursing homes' have been considered to be an institutional use. The proposed building will provide a continuum-of-care, which provides for 'aging-in-place'. The building will be licensed under the 'Retirement Homes Act', and will contain a range of unit types. The proposed built form will function as a hybrid between a typical 'residential' use and an 'institutional' use. As such, the applications will now consider providing exceptions to the 'Institutions and Community Facilities' designation and 'Community Facility' zoning.

Owner: 2645286 Ontario Inc. c/o Fieldgate Commercial

Applicant: Fieldgate Commercial c/o Stephanie Volpentesta

Legal Description: 57R-7657 Part 1; Part of Lot 21, Concession 4, Geographic Township of Ops, Former Town of Lindsay

Designation:	‘Institutions and Community Facilities’ on Schedule ‘A’ of the Town of Lindsay Official Plan
Zone:	Community Facility (CF) Zone on Schedule ‘A’ of the Town of Lindsay Zoning By-law Number 2000-75
Lot Area:	1.37 hectares [3.38 acres]
Site Servicing:	Proposed full urban services: municipal water, sanitary sewer and storm sewer
Existing Uses:	Vacant Land
Adjacent Uses:	North: Wilson Fields (baseball diamonds); Optimist Park (soccer fields); Colborne Street West East: St. Joseph Road; Vacant Institutional lands; Retail Commercial (Whitney Town Centre) South: Thornhill Road; Grocery Store (Loblaws); Kent Street West; Shopping Mall (Lindsay Square Mall) West: City Thornhill Road Water Reservoir; Ontario Court of Justice

Rationale:

The property is located at the northwest intersection of St. Joseph Road and Thornhill Road, between Kent Street West to the south and Colborne Street West to the north, in the northwest quadrant of Lindsay. The subject property is located adjacent to a commercial area, with commercial uses along Kent Street West to the south, and sports fields to the north and northeast. See Appendix ‘A’.

The property is currently vacant and consists of approximately 1.37 hectares, with frontage on St. Joseph Road and Thornhill Road. The east quarter of the property is wooded, with the balance being regenerating field. St. Joseph Road is classified as a collector road.

The applicant is applying on behalf of the owner to re-designate and rezone the lands to permit a 222-unit retirement residence. The retirement residence will be comprised of the following:

- Units on one floor with 24 hour nursing care, similar to the definition of a ‘Nursing Home’ in the Town of Lindsay Zoning By-law (Zoning By-law), but not licensed under the ‘Nursing Home Act’;
- Assisted living units without full kitchens, similar to the definition of a ‘Senior Citizens’ Home’ in the Zoning By-law; and
- Independent living units with full kitchens, similar to the definition of an ‘Independent Seniors’ Apartment Building’ in the Zoning By-law.

For density purposes, the Zoning By-law considers rooms for lodging in a Senior Citizens Home to be 0.5 units. For this proposed build, that would result in a density of approximately 125 dwelling units per hectare, based on the lot area and number of units. The independent apartment units will have their own private

kitchen and dining facilities; whereas the assisted living and 24 hour nursing care units will have a common dining room for the residents. There will be a combination of studio, one-bedroom, and two-bedroom units. Surface and one (1) level of underground parking will be provided on site with a total of 189 spaces proposed. An outdoor amenity area is proposed for resident use. See Appendix 'B'.

Since the writing of the original report, there were 4 main issues identified to resolve, including:

1. Planning Justification;
2. Rationale for the parking reduction request;
3. Issues relating to the Airport noise study; and
4. Affordability of the rental units.

Staff have worked with the applicant and various City Departments over the past few months to resolve the issues noted above. The applicant has submitted a Supplementary Planning Justification Report with respect to the proposed special policy within the existing 'Institutions and Community Facilities' designation and corresponding 'Community Facility Special (CF-S) Zone', and including the rationale for the proposed parking reduction of approximately 10%. Traditional 'nursing home' uses have typically been considered to be 'institutional' uses in many Official Plans and Zoning By-laws throughout Southern Ontario. Traffic Engineers have concluded that 185 parking spaces are sufficient for this proposal. Planning staff accept the rationale and justification provided in the updated report. Issues relating to the airport noise study have been resolved to the satisfaction of the Engineering and Corporate Assets Department, and the applicant has received comments from the Human Services Department as it relates to affordability of the units. The applicant will work closely with the Human Services Department through the subsequent Site Plan application to encourage affordability of the units.

The various reports and plans have been circulated to the applicable City departments and commenting agencies for review and comment, with no further concerns or issues raised, and all issues raised through the public and circulation processes have been addressed to the satisfaction of staff.

Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):

These lands are identified as being within the 'Settlement Area' of Lindsay. Section 2.2.1 of the Growth Plan, 'Managing Growth' provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure. The City has already expended significant cost in providing servicing to the Jennings Creek Community Development Plan (JCCDP) Area, in anticipation of development of the greenfield lands to the north, which will be cost-recovered through a Municipal Act Capital Charge as development

proceeds in this area. This property, while located within the ‘built boundary’, will also be serviced by the North West Trunk Sewer, and subject to the applicable payment.

The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development.

The applications conform to the Growth Plan in that they serve to permit a mix of housing options for seniors in order to accommodate people ‘aging in place’, and provide convenient access to local stores and services in the neighbourhood. The applications will also create full and part-time employment opportunities.

Provincial Policy Statement, 2020 (PPS, 2020):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

The applications for Official Plan and Zoning By-law Amendments were received and reviewed under the PPS, 2014, and staff concluded in Report PLAN2019-068 that the applications were consistent with the PPS, 2014.

The PPS, 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the Council of a municipality shall be consistent with the policy statement that is in effect on the date of the decision. Therefore, the applications are now subject to the policies in the PPS, 2020.

The PPS, 2020 was reviewed for changes as they relate to these applications and staff confirm that there are no applicable changes in the PPS, 2020 that affect the applications. Staff are satisfied that the applications are consistent with the PPS, 2020.

Official Plan Conformity:

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the subject property within the Urban Settlement Boundary of Lindsay as recommended by the Growth Management Study (GMS).

The Lindsay Secondary Plan (LSP) was adopted by Council in June 2017 and is currently under appeal to the Local Planning Appeal Tribunal (LPAT). Due to the

appeals, the subject land remains under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands are designated 'Institutions and Community Facilities' on Schedule 'A' of the Lindsay Official Plan. The applicant originally requested a change to the 'Residential' designation, which would permit a range of low, medium and high density residential uses; home occupations; and neighbourhood commercial uses. The revised Official Plan amendment will now keep the 'Institutions and Community Facilities' designation, which permits nursing homes; major institutional uses; government offices; places of worship; medical clinics; recreational, cultural and educational facilities; cemeteries; fairs or exhibition grounds; other public uses; and accessory uses. The proposed amendment will provide for a special policy to permit a 'Continuum-of-Care Facility' as a specific use.

Section 2 of the Lindsay Official Plan provides the Goals, Principles and Objectives of the Plan as it speaks to creating a Health Community. Specific objectives under 'Accessibility and Safety' include providing a safe pedestrian environment for all members of the community, so that special needs groups, including elderly persons and disabled persons are safe and will not be made to travel excessive distances. Specific objectives under 'Housing' include providing the present and future residents of Lindsay with a range of housing options; a diverse and adequate supply of residential types and tenure; encouraging housing forms and densities designed to be affordable to moderate and lower income households; and for residential development at various density levels based on servicing, road design capacity, public transit and park, recreation and education facilities. The proposed development provides for three (3) types of housing options for seniors, allowing 'aging-in-place'.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Lindsay Official Plan. Staff confirms that the proposal conforms to the Lindsay Official Plan 'Institutional and Community Facilities' land use policies.

Zoning By-Law Compliance:

The lot is zoned 'Community Facility (CF) Zone' in the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law). The applicant had originally requested to change the zone category to a 'Residential High-Rise One Special (RH1-S) Zone' to permit the proposed 'Continuum-of-Care Facility' retirement home. Based on the Supplementary Planning Justification Report, the zoning for the site will remain as a 'CF' zone, with a special provision that will only permit the proposed new Continuum-of-Care Facility, along with site-specific development standards as follows:

Zone Standard:	Existing 'CF' Zone:	Proposed 'CF-S8' Zone:
Minimum lot area	5,000 m ²	10,000 m ²

Zone Standard:	Existing 'CF' Zone:	Proposed 'CF-S8' Zone:
Minimum front yard setback	12.0 metres	5.5 metres
Minimum south (exterior) side yard setback	9.0 metres	5.5 metres
Minimum north (interior) side yard setback	6.0 metres	10.0 metres
Minimum rear yard setback	9.0 metres	10.0 metres
Maximum lot coverage	50%	30%
Maximum building height for main building	15.0 metres	27.0 metres
Maximum building height for mechanical	15.0 metres	29.0 metres
Maximum density by unit type i) Nursing care units ii) Senior citizens' home units iii) Independent seniors' apartment units	N/A	24 units 76 units 122 units
Minimum parking for all uses	211 spaces (based on maximum units)	185 spaces

In addition to the provisions provided in the table, two new definitions will be added to the Zoning By-law: 'Continuum-of-Care Facility'; and 'Nursing Care Unit'. The definition of 'Continuum-of-Care Facility' describes a facility which includes a Nursing Home, a Retirement Home licensed under the Retirement Homes Act, a Senior Citizens' Home and/or Independent Seniors Apartment Building and including facilities associated with and designed to serve those units, such as clinics, recreation centres, dining rooms and personal service establishments. A 'Nursing Care Unit' describes a room or suite of rooms within a Continuum-of-Care Facility where 24 hour nursing care is provided for the resident.

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law. The property is within the City's site plan control area, which will follow the approval of these applications and consider the site-specific details of the development, including good urban design, lighting, landscaping, accessibility, waste collection, etc. On this basis, this proposal will comply with the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

These applications align with the Vibrant and Growing Economy priority by expanding local employment opportunities. They align with the Exceptional Quality of Life priority by increasing the availability of housing stock for the elderly and allowing for an expansion to the number of existing long-term care spaces; enhancing accessibility; and encouraging the use of transit. They align with the Healthy Environment priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

Servicing Implications:

The property is currently not serviced. Full urban municipal services, including water, sanitary sewer and storm sewer are proposed.

Consultations:

Notice of this application was circulated to agencies and City Departments which may have an interest in the application; to persons within a 120 metre radius of the property; and a sign was posted on the property. A Public Meeting was held by the Planning Advisory Committee on December 4, 2019. Since the writing of Report PLAN2019-068, the Public Meeting, and as of July 17, 2020, we have received the following new or updated comments:

Public Comments:

To date, no public comments have been received.

Agency Review Comments:

- December 5, 2019 The Ministry of Transportation Ontario advised they have no objections.
- July 13, 2020 The Human Services Department provided comprehensive comments relating to Council Policy CP2019-004 Affordable Housing Incentives, and the Affordable Housing Target Program. These comments have been provided to the applicant, which intends to work with Kawartha Lakes to ensure a portion of these units are offered to low to moderate income seniors.
- July 14, 2020 The Engineering and Corporate Assets Department confirmed there were no outstanding issues relating to the Airport noise study.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The applications conform to the 2019 Growth Plan, and are consistent with the PPS, 2020. Conformity with the Lindsay Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards for the proposed retirement home or 'Continuum-of-Care Facility'. Any other issues which may arise through the processing of the subsequent Site Plan Control application can be addressed through that application.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be **Approved**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2020-018
Appendix A.pdf

Appendix 'B' – Updated Site Concept Plan, dated June 9, 2020



PLAN2020-018
Appendix B.pdf

Appendix 'C' – Proposed Official Plan Amendment



PLAN2020-018
Appendix C.pdf

Appendix 'D' – Proposed Zoning By-law Amendment



PLAN2020-018
Appendix D.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D01-2019-005 and D06-2019-035