
HALDIMAND COUNTY

Report PDD-44-2022 Zoning By-law Amendment to Permit a Retirement Residence – Broad Street, Dunnville



For Consideration by Council in Committee on September 20, 2022

OBJECTIVE:

To amend the Haldimand County Zoning By-law HC 1-2020 to facilitate the development of two (2), four (4) storey buildings consisting of two hundred and forty (240) retirement home units within the urban area of Dunnville.

RECOMMENDATIONS:

1. THAT Report PDD-44-2022 Zoning By-law Amendment to Permit a Retirement Residence – Broad Street, Dunnville be received;
2. AND THAT application PLZ-HA-2021-236 to amend the Haldimand County Zoning By-law HC-1-2020 to amend the existing zoning on the subject lands be approved for the reason outlined in Report PDD-44-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-44-2022 be presented for enactment.

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Reviewed by: Shannon VanDalen, MCIP, RPP, Manager of Planning and Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The applicants are proposing to develop a two hundred and forty (240) unit retirement residence consisting of two (2), four (4) storey buildings with outdoor amenity space. The subject lands are located at 726 Broad Street in Dunnville. In order to facilitate the development the proponents are seeking to amend the zoning to remove an existing special provision; reduce the minimum required units' size and lift the holding provision on the property. A Site Plan Control application has been submitted and is under review, pending approval of the proposed Zoning By-law Amendment. The purpose of this report is to provide Staff's recommendation and a fulsome policy analysis of the subject application.

BACKGROUND:

An application to amend the Haldimand County Zoning By-law HC 1-2020 has been received to facilitate the development of a 240 unit retirement residence in the form of two buildings located at 726 Broad Street in Dunnville (Attachment 1). A retirement home, provides residence mostly to senior

citizens and may provide ancillary health, personal service, and recreational services to serve the residents of the home, and may have up to 25 percent of the gross floor area devoted to providing supervised or supported in-house care for those who need assistance with daily living. A retirement home provides support and services not found in an apartment building, and less than would be found in a long term care home. Attachment 2 shows the proposed site plan for the subject lands as the Owner's Sketch. The area of proposed development on the site is limited to the north west portion of the lands, while the balance of the lands will remain open and undeveloped. In addition to the residential units, Building A will include a communal dining area and common areas for gatherings, and is anticipated to accommodate residents who need some assistance. Building B will include communal dining area, lounge areas and a centralized kitchen facility for residents and is intended to accommodate individuals who do not require regular assistance. The site will also include a centralized outdoor amenity space shared between the two buildings for residents.

The subject lands are currently zoned 'General Commercial (CG)' subject to a Holding (H) provision and a site specific special provision. The zoning in place was enacted in 2005 to facilitate the development of a No Frills supermarket. The existing special provision on the property restricts the use to a supermarket and related accessory uses. The existing Holding (H) Provision was applied to the property, requiring servicing capacity prior to development. That proposal is no longer active and the property has since been sold by Loblaw Properties to the applicants. The lands have an area of 5.25 hectares (12.9 acres) with frontage along Broad Street East, Taylor Road and Main Street East. The existing and proposed access to the site is Broad Street East. The surrounding properties are a mix of residential, commercial and industrial uses. The Canadian Pacific rail line, an active rail line, is located to the west of the property. It should be noted that this line is a low volume, low speed line that services the Innophos plant in Port Maitland. The number of trips generated are in the order of 2 to 3 train trips each week.

The CG zone permits a *Retirement Home* as well as a *Long Term Care Home*. The subject application is seeking to remove the existing special provision, lift the holding provision, and permit a minimum unit size of 30 square metres where 40 square metres is required.

The applicant and their agent hosted a virtual open house via Zoom on April 20, 2022 at 7 pm. Staff attended the open house to observe and took note of neighbourhood comments and questions. The open house was attended by two community members who asked questions of the applicant and their agent related to the nature of the use, the proposed timelines, and the functionality and location of proposed entrances to the site. No objections or concerns relating to the proposed development were raised at the meeting. An information report was presented to Council in Committee on June 21, 2022, when the statutory public meeting was also held. There were no members of the public in attendance and staff did not receive any comments by way of letter, email or telephone as part of that consultation. The information report stated that prior to bringing forward an recommendation report Planning staff required confirmation of registration of the submitted Archaeological Assessment with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), as well as further comments from Grand River Conservation Authority (GRCA). Staff have received a letter from the MHSTCI confirming the registration of the Archaeological Assessment and updated comments from the GRCA.

ANALYSIS:

Planning staff have reviewed the application and related materials and determined the key planning issues relating to this application. They are as follows:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. Policy 1.1. (b) states that,

Healthy, liveable, and safe communities are sustained by [...] accommodating an appropriate and affordable and market-based range and mix of residential types (including single detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

The proposed development will provide a range of housing options suitable for seniors within the existing community of Dunnville. Further, the PPS states that existing settlement areas shall be the focus of growth and development, and planning authorities should identify and promote opportunities for intensification and redevelopment. The subject application is located within the existing settlement area of Dunnville and represents redevelopment within the existing built up area.

The PPS includes policies related to the compatibility of land uses. The subject application is proposing a new sensitive land use in close proximity to a rail line and an industrial use (Original Foods to the north). The PPS recommends separating sensitive land uses from major facilities, and outlines criteria for when avoidance is not possible. Sensitive land uses can be permitted adjacent to major facilities in cases where:

- a) There is an identified need for the proposed use;
- b) Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) Adverse effects to the proposed sensitive land are minimized and mitigated; and
- d) Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

A market overview was conducted by Care Planning Partners Inc. (2020) and concluded that there is a demand for assisted living and independent living units in the County and that demand will continue to increase. Further, the applicant considered alternative sites in the area and was unable to find a suitable alternative for their needs based on size and availability. The impacts on the proposed retirement residences will be mitigated through site design, implementing the recommendations of the Noise and Vibration Impact Study, completed by Aercoustics for M6 Developments, through the Site Plan Control process. A fence and vegetated buffer will be required between the proposed building and outdoor amenity space and the uses to the west of the property to mitigate the visual impacts, including headlights from vehicles in the parking lot. The submitted noise and vibration recommends the installation of an acoustic buffer, and warning clauses for the units. The report also concluded that wall and window construction in line with the Ontario Building Code will be sufficient to achieve compliance with the Ministry of the Environment, Conservation and Park (MECP) criteria for indoor sound levels. Further, the proposed retirement residences are not anticipated to have a negative impact on the adjacent uses.

Section 3 of the PPS provides that development shall generally be located outside of hazardous lands which are impacted by flooding. The applicants have provided floodplain modelling completed by R.J. Burnside. The modelling and subsequent report conclude that the proposed development is located beyond the limits of the floodplain, and the requirement of the GRCA can be met. The lands to the south of the development envelope on the subject lands are located within the floodplain and are to remain vacant and undeveloped. Any future development of this area would be required to comply with all relevant hazard land policies. The GRCA is satisfied that the flooding hazard can be eliminated from the proposed development envelope, and specific design work can be carried out through the site plan process.

Growth Plan for the Greater Golden Horseshoe (2020)

The policies of the Growth Plan generally mirror those of the PPS. The subject application will facilitate the development of retirement residences within the settlement area of Dunnville where appropriate

services are available. The Growth Plan also requires that cultural heritage resources be conserved. The proponents have completed a Stage 1 and Stage 2 Archaeological Assessment, and concluded that no cultural heritage resources were found on the subject lands. These studies have been reviewed and accepted by MHSTCI. Planning staff received notice of the registration of the assessments in a letter from MHSTCI, dated August 11, 2022.

Haldimand County Official Plan

The subject lands are designated 'Large Format Retail' and subject to a special policy (Dun.42) as well as the Riverine Hazards Overlay in the Haldimand County Official Plan (HCOP). The site specific policy was implemented as an Official Plan amendment in 2005 to facilitate the construction of a supermarket and related accessory uses. The site specific policy was based on market study information and functional details to limit potential impact on the existing downtown commercial core. Special needs housing is permitted in this designation and is discussed further in this section.

Section 2 of the HCOP speaks to Environment policies including Hazard Lands. The applicant has provided a Floodplain Report to Planning staff and the GRCA to confirm the extent of the Riverine Hazard on the property. The report concluded that the area to be developed falls outside the floodplain on the property. In the previous Information Report it was noted, the GRCA requested further clarification and technical details related to the floodplain modelling provided by the applicant to ensure it aligns with their requirements. The applicant has provided the GRCA with the required information to confirm that the area of development is to be located outside of the hazard on the property.

Section 5 of the HCOP contains policies related to Infrastructure and Servicing. This section provides authority to request a traffic study for a development, and requires that only those development proposals that can be reasonably accommodated within the existing road network be permitted. A Transportation Impact Study, completed by R.J. Burnside (2021), was submitted as part of a complete application. The study concluded that the development would not require improvements to the existing road network. The study also concluded that the proposed development was able to accommodate various modes of travel, including active transportation. County technical staff reviewed the study and agree with its conclusions. Review of pedestrian linkages and road entrances will be finalized through the site plan process, however no significant improvements are anticipated – there are existing sidewalks and it is near a signalized intersection.

The subject development will be serviced by municipal water and sanitary sewers. A Functional Servicing Report (FSR), completed by Odan-Detech Consulting Engineers (2021), concluded that the existing servicing infrastructure along Broad Street East is appropriate for the proposed use. Servicing capacity was previously allocated to the site for use as a grocery store and related accessory uses. The proposed use will have greater demands on servicing and additional capacity has been allocated to the site to accommodate the proposed development. There are no constraints relative to water supply or sanitary treatment capacity.

Section 6 of the HCOP requires an Archaeological Assessment be completed prior to development occurring. A stage 1 and stage 2 assessment has been completed and no cultural heritage resources were found. The submitted report has been reviewed and accepted by MHSTCI. The recommendations of the report will be enforced through the subsequent site plan process.

Section 7 of the HCOP contains policies relating to special needs housing, which includes assisted living for seniors. The subject application will facilitate the development of special needs housing, as defined in the HCOP. Special needs housing is permitted in Residential, Commercial and Hamlet designations. The subject lands are designated Large Format Retail, a Commercial designation in the HCOP, as such, an Official Plan Amendment is not required to facilitate the development – hence the proposal fits within the intent and purpose of use of the property. This section also provides locational criteria for special needs housing. The subject lands are integrated in the community, with frontage on

an arterial road and sufficient parking is provided on site. Further, site plan control applies to the property and adequate buffering and separation from surrounding land uses will be required. Lastly, it is worth noting that as part of the Official Plan Update Phase 2, the 'Large Format Retail' designation is to be eliminated in the County (including at this site) and replaced with a 'Community Commercial' (CC) designation. The CC designation would continue to permit the special needs housing represented by this application as well as a broader range of non-support style housing (e.g. apartments). Point being, this project continues to align with Council and the community's new vision for this part of Dunnville.

Section 8 of the HCOP outlines the requirements for Site Plan control and provides the requirements of a site plan application. In addition to technical matters related to servicing and grading/drainage and issues related to land use compatibility. The site plan will require the implementation of appropriate separations and buffering as recommended by the technical studies submitted, including the Noise and Vibration Study, Floodplain Report, and Planning Justification Report.

In conclusion it is the opinion of Planning staff that the subject application conforms to the policies of the HCOP and the proposed use is permitted in the 'Large Format Retail' designation. The applicant has initiated the Site Plan control process, in keeping with the policies of Section 8 of the HCOP.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'General Commercial (CG)' subject to a Holding (H) provision in the Haldimand County Zoning By-law. The lands are also subject to a special provision (DUN 37.41) that implement policies Official Plan policy Dun.42, limiting the use on the property a supermarket and related accessory uses.

The subject application is seeking to eliminate the special provision, lift the Holding (H) provision, and reduce the minimum required unit size. The special provision was applied to the subject lands by way a planning application made by the former land owners to facilitate the construction of a grocery store. The grocery store was never constructed at the site, and the current applicants seek to remove the provision to facilitate the development of retirement residences. A retirement home is a permitted use in the CG zone. A *retirement home* is defined as:

a building or part of a building containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home, and may have up to 25 percent of the gross floor area devoted to providing supervised or supported in-house care for those who need assistance with daily living including on-going medical care, nursing care, counselling and social support services, but does not include long term care home as defined herein.

The proposed development will consist of two levels of care across the facility providing variable levels of services in line with needs of the residents. The level of care being provided falls within the scope of the retirement home definition. The homes will be owned and operated by a private entity without municipal involvement.

Section 5 of the zoning by-law outlines the required parking for development within Haldimand County. The by-law requires 1 parking space for every three guest rooms. The subject application is proposing the establishment of 240 units, requiring a total of 80 parking spaces. The submitted site plan includes 144 parking spaces, including 8 accessible parking spaces.

Section 7.2 of the zoning by-law outlines the requirements for development within the Commercial Zones including the General Commercial Zone. The by-law requires a minimum gross floor area of 40 square metres per dwelling unit. The application is seeking a reduction to permit a minimum gross floor area of 30 square metres. The reduction in size is to reflect that many of the units will not include kitchen

facilities as meals will be available in a central dining area. The removal of cooking facilities facilitates the reduction of the size of each unit while still providing adequate living space.

The Holding (H) provision was applied to the property to ensure servicing capacity was available and that a site plan agreement was entered into prior to development. A site plan control application is required prior to development of the site given the CG zone. Further, sufficient servicing capacity exists to accommodate the development and final allocation will occur as part of the site plan process (an authority now delegated to the GM CDS for site plans and which was not in place when the supermarket was proposed).

Next Steps

The applicants have submitted a site plan control application in anticipation of the subject zoning by-law amendment application being approved by Council. The submitted site plan and related studies and reports have been circulated to internal agencies for review and comment. At the time of writing this report review is ongoing, however no major revisions have been flagged. Should the subject application be approved, the site plan control application need also be approved prior to development of the site. It is anticipated that the site plan process will be completed late 2022 or early 2023.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Six Nations Council: Comments were received citing concerns related to the woodlot on the south and southwest portions of the property.

Comment: The development as proposed is not anticipated to interfere with the woodlot on the property, and through the site plan process limits of works fencing will be required.

Grand River Conservation Authority: The GRCA has no objection the approval of the proposed zoning by-law amendment. Additional study has been completed to demonstrate that the flooding hazard can be eliminated from the development area, and more specific design work will be carried out at subsequent planning stages.

Planning & Development, Development Technologist: No objections.

Economic Development & Tourism: No objections.

Emergency Services: No objections.

Project Manager, Forestry Operations: No objections.

Trans-Northern Pipelines Inc.: No objections.

Bell Canada: No comment received.

Hydro One: No objections.

Canadian Pacific Rail: No comment received.

The applicant hosted a virtual open house regarding the application via zoom on April 20, 2022 at 7:00 pm. Invitations were sent by mail to area property owners. The open house was attended by two member of the public who asked questions of the applicant but no concerns were raised at that time. No other comments have been received by Planning staff.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Draft Zoning Amendment By-law.