



**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL**

**MARCH 22, 2017
7:00 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
AGENDA**

1. CALL TO ORDER

2. DECLARATION OF PECUNIARY INTEREST

3. STATEMENT OF PUBLIC NOTICE

4. CORRESPONDENCE RECEIVED

- 4.1 MTO, Peter Dorton (e-mail)
- 4.2 Simcoe County District School Board
- 4.3 Simcoe County (e-mail)
- 4.4 Enbridge Gas Distribution
- 4.5 Severn Sound Environmental Association

5. PRESENTATION FROM APPLICANT

- 5.1 Presentation from Skelton Brumwell & Associates Inc.

6. BACKGROUND REPORT BY TOWNSHIP STAFF

- 6.1 Report from the Director of Planning & Development
Report No.: 2017-PD-12
Re: 2017-ZBA-02 400 Newton St. Amendment to Zoning By-law

7. QUESTION AND CLARIFICATION PERIOD – PUBLIC

8. QUESTION AND CLARIFICATION PERIOD – COUNCIL

9. FINAL STATEMENT BY THE CHAIR

10. ADJOURNMENT

From: Dorton, Peter (MTO) [<mailto:Peter.Dorton@ontario.ca>]

Sent: March-14-17 11:58 AM

To: Steve Farquharson

Cc: Bernard, Kamau (MTO); Grobel, Lukasz (MTO); Van Voorst, John (MTO); Blaney, Cameron (MTO)

Subject: RE: File 2017-ZBA-02, Victoria Mews, Hwy 12 / Newton St. (FW: 400 Newton Street, Victoria Harbour)

Steve:

MTO has no concerns in principle with proposed rezoning. The layout of the Site Plan is acceptable. The Developer should be advised that an MTO Building and Land Use Permit must be obtained for Site Grading/Servicing once the SWM Report is MTO approved and the Environmental Impact Study (EIS) is approved by the Township. MTO will not issue permit for clearing of trees until the Municipality has approved the required environmental reports.

Moreover, only if the Zoning Amendment is passed, the Holding symbol is lifted, and the future Site Plan Application is approved, can the Developer apply for MTO Building and Land Use Permits for the Retirement Residence Blocks.

As for the proposed Zoning Amendment Bylaw itself, we have no concerns in principle. We request that an additional condition for lifting the Holding Symbol (H) be added requiring "approval of SWM Report, Traffic Impact Study, and Site Plan required by Ministry of Transportation."

We await submission of the Traffic Impact Study assessing site impacts on Highway 12 / Newton St. intersection.

We have no concerns with the Functional Servicing Report. It would appear that site servicing works on Highway 12 are not being contemplated.

Comments on the SWMR will be provided under separate cover.

Please feel free to contact me if you have any questions.

Thanks,
Peter Dorton
Senior Project Manager
MTO Central Region Engineering Office
Corridor Management Section
159 Sir William Hearst Ave., 7th Floor
Toronto, ON M3M 0B7
Ph: 416-235-4280
Fx: 416-235-4267
Email: peter.dorton@ontario.ca



Simcoe County District School Board

1170 Highway 26 West
Midhurst, Ontario
L0L 1X0

Phone: (705) 728-7570
Fax: (705) 728-2265
www.scdsb.on.ca

March 8, 2017

Mr. Steven Farquharson
Director of Planning & Development
Township of Tay
P.O. Box 100
450 Park Street
Victoria Harbour, ON,
L0K 2A0

Dear Mr. Farquharson:

ZONING BY-LAW AMENDMENT
400 NEWTON STREET
VICTORIA HARBOUR
TOWNSHIP OF TAY

Thank you for circulating Notice of a Complete Application and Notice of a Public Meeting for the above-noted property to this office. The Application will rezone the subject property from Institutional Hold "I (H)" to Institutional Exception "I-* Zone. The application would define and add the "Independent Retirement Home" as a permitted use in addition to the allowable uses in the Institutional "I" zone on the subject property. The application also proposes to apply a site specific parking provision of 1 space per independent retirement home unit, 1 space for every 20 square metres of gross floor area, with a minimum of 2 spaces being provided to the common building, and 1 parking space per 7 independent retirement home units reserved visitor parking.

Planning staff have no objections to this application. Should you require additional information, please do not hesitate to contact this office.

Yours truly,

Holly Spacek, MCIP, RPP
Senior Planner

Mar 6, 2017

Hi Steve,

County planning staff have no concern with the proposed use, however suggest the definition be further clarified to include "and is subject to the Retirement Homes Act, as amended" at the end of the last sentence. This clarification will ensure the proposed use remains 'Institutional'.

As discussed I have attached links to the following information regarding Retirement Homes in Ontario:

Retirement Homes Act, 2010

<https://www.ontario.ca/laws/statute/10r11>

Retirement Homes Regulatory Authority:

<http://www.rhra.ca/en/licensing/general/>

County planning staff request a Notice of Passing of the Zoning By-law and would like to receive updates regarding the proposed development.

If you require additional information, do not hesitate to contact me.

Sincerely,
Rachelle Hamelin, MCIP, RPP
Planner III

County of Simcoe, Planning Department
1110 Highway 26, Midhurst, Ontario L9X 1N6
Phone: (705) 726-9300 ext.1315
Fax: (705) 726-9832
Email: rachelle.hamelin@simcoe.ca

March 9, 2017

Steven Farquharson, B.URPL, MCIP, RPP
Director of Planning & Development
The Corporation of The Township of Tay
450 Park St.
P.O Box 100
Victoria Harbour, ON
L0K 2A0

Dear Steven Farquharson,

Re: Zoning By-Law Amendment
400 Newton Street
Concession 7, Part of Lot 1, 51R-20425 Except 51R-21720, Part of Block B, West side
of Newtown Street, Plan 459 Tay Part 1
Township of Tay
File No.: 2017-ZBA-02

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Sadler'.

Allison Sadler

Municipal Planning Advisor
Distribution Planning & Records

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5763
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

AS/jh



Severn Sound Environmental Association

67 Fourth Street
Midland Ontario L4R 3S9
Tel: 705-527-5166 Fax: 705-527-5167
Email: mhudolin@midland.ca
Web-site: www.severnsound.ca

March 10, 2017

Steve Farquharson, Director of Planning and Development
Township of Tay
450 Park Street
PO Box 100
Victoria Harbour ON L0K 2A0

Dear Mr. Farquharson,

**RE: Application to Amend the Zoning By-Law -
Victoria Mews, 400 Newton St, Township of Tay (Application 2017-ZBA-02)**

In response to your request, the Severn Sound Environmental Association (SSEA) has reviewed the Phase 1 Environmental Impact Study (EIS) for 400 Newton Street, prepared by Skelton Brumwell & Associates (SBA), dated January 24, 2017 and the Planning Justification Report and Addendum (SBA, dated January 27 and February 13, 2017). These reports were received at the SSEA office in hard-copy on February 16, 2017.

The following comments are offered.

1. Pages 11-15 of the Phase 1 EIS, section 4.2.1.1, Vegetation communities/ Ecological Land Classification (ELC):
 - a. Figure 5, ELC mapping: Several of the colours are very similar, and when superimposed on the aerial photo, it is difficult to distinguish between communities. For additional clarity, each ELC community should be labelled on the figure as well as included in the legend.
 - b. The codes for some of the Ecological Land Classification (ELC) communities do not match in the text of the EIS versus the figure/photo page; this requires clarification and/or correction. The legend on Figure 5 shows ELC communities FOD5-3 and FOM8-1 which are not described in the text or shown on the photo page; conversely, the text of the EIS and the photo page refer to FOD2-4 and FOM5-1, which are not included in the legend of Figure 5.

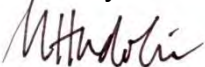
2. Page 8 of the Planning Justification Report states that “The Phase 1 EIS determined that there was no identified habitat of endangered species and threatened species on or adjacent to the subject lands. Therefore, the proposed development and site alteration would be consistent with the PPS”. It should be noted that this conclusion may need modification depending on the findings of the Phase 2 EIS.
3. Page 15 of the Phase 1 EIS, section 5.0, Natural Heritage Analysis states:
 - a. “Significant Woodlands have been refined based on current aerial photography and field investigation”. However, no detailed information or rationale was provided to explain why some forested ELC communities shown in Figure 6 of the EIS were excluded from the refined Significant Woodland boundary.
4. Page 15 of the Phase 1 EIS, section 5.0, Natural Heritage Analysis states:

“based on the findings and field investigations during Phase 1 of this EIS, there is potential for additional natural heritage features and ecological functions on site. Phase 2 of the EIS is required and will be used to identify the presence/absence of any additional natural heritage features on or adjacent to the subject property.”

 - a. The addition of whip-poor-will surveys to the Phase 2 EIS (page 17) is appropriate.
 - b. The cobble piles and piled rock noted on site during ELC field work conducted for the Phase 1 EIS, and the boulder pile noted on pages 3 and 5 of the Preliminary Stormwater Management Report (SBA, January 2017), may be habitat features for reptiles, and should be addressed by the Phase 2 EIS.
 - c. Prior to completing the Phase 2 EIS, SBA must confirm that the Ministry of Natural Resources and Forestry has been contacted for more information about the restricted species (listed in Appendix B of the Phase 1 EIS) and any other recent Species At Risk records that may be relevant to the subject lands, so that appropriate survey protocols or methodology can be included with Phase 2 of the EIS, if necessary.
 - d. The Phase 2 EIS should provide updated information related to Species At Risk and Significant Wildlife Habitat, where applicable.

If you have any questions, please contact me.

Sincerely,



Michelle Hudolin
Wetlands & Habitat Biologist



STAFF REPORT

Department/Function: Planning and Development

Chair: Heinrich Naumann

Meeting Date: March 22, 2017

Report No.: **PD-2017-12**

Report Title: Amendment to the Zoning By-law (2017-ZBA-02) 400 Newton Street

RECOMMENDATION:

That Report No. PD-2017-12 regarding an Amendment to the Zoning By-law (2017-ZBA-02) for 400 Newton Street be received for information.

1. INTRODUCTION/BACKGROUND

1.1 Application Details

- a) Application No.: 2017-ZBA-02
- b) Owner: 2828098 Ontario Inc.
- d) Agent: Skelton Brumwell & Associates Inc.
- c) Location: 400 Newton Street
- d) Official Plan: Institutional
- e) Zoning: Institutional "I"
- f) Zoning By-law Amendment Proposal:

The application would define and add the "*Independent Retirement Home*" as a permitted use in addition to the allowable uses in the Institutional "I" zone on the subject property. The application also proposes to apply a site specific parking provision of 1 space per independent retirement home unit, 1 space for every 20 square metres of gross floor area, with a minimum of 2 spaces being provided to the common building, and 1 parking space per 7 independent retirement home units, reserved visitor parking. The removal of the holding symbol

is also proposed as part of this application, which the applicant has submitted the appropriate study to support this request.

1.2 Site Description

The subject land is located within the Victoria Harbour settlement area and is fully serviced. The property is currently vacant. In order for the proposed development to occur an amendment to the Zoning By-law is required.

Surrounding Land Use:

North - Residential

South - Vacant

East - Vacant

West - Residential

2.0 ANALYSIS

The Zoning By-law Amendment application proposes to rezone the subject parcel from **Institutional Hold "I"** to **Institutional Exception "I-"** which will result in the use *Independent Retirement Home* being added to the Zoning By-law which would facilitate 86 independent retirement home units being developed with an associated common building. The applicant is also proposing as part of the application a special provision to establish a site specific parking provision for the use as well.

The applicant in support of the application has included proposed site plan of the subject lands (see Attachment 2) which includes the location of the future buildings if the application is approved. The applicant has completed and submitted supporting documents for the application. One of the studies completed is a Phase 1 Environmental Impact Study (EIS) and Stage 1 Archeology Assessment, which will be finalized with a Phase 2 EIS and Stage 2 Archeology Assessment as part of the site plan control process submission if the application is approved.

2.1 Internal Departmental Comments

- a) CAO: **No issues or concerns.**
- b) Clerks: **No comments.**
- c) Treasury: **No comments received to date.**
- d) Building Services: **No comments received to date.**
- e) Fire Department: Is satisfied with the proposed definition, and the number of parking spaces. We reserve comment regarding the site plan until after an official site plan meeting has transpired.
- f) Public Works: **No comments received to date.**

2.2 External Comments

- a) Simcoe County District School Board: **"Planning Staff have no objections"**
- b) County of Simcoe: **"County planning staff have no concern with the proposed use, however suggest the definition be further clarified to include "and is subject to the Retirement Homes Act, as amended" at the end of the last sentence. This clarification will ensure the proposed use remains 'Institutional'."**
- c) Enbridge Gas Distribution: "Does not object to the proposed application"
- d) Severn Sound Environmental Association: provided technical comments regarding the Phase 1 EIS.
- e) Ministry of Transportation **"MTO has no concerns in principle with proposed rezoning. The layout of the Site Plan is acceptable. The Developer should be advised that an MTO Building and Land Use Permit must be obtained for Site Grading/Servicing once the SWM Report is MTO approved and the Environmental Impact Study (EIS) is approved by the Township. MTO will not issue permit for clearing of trees until the Municipality has approved the required environmental reports."**

2.3 Official Plan

The subject property is designated Institutional, which only permits public, quasi-public or private institutional uses and may include hospitals, medical clinics, cemeteries, schools daycares and places of worship. The proposed use of a independent retirement home would be considered a permitted use within the institutional zone

2.4 Zoning

The property is currently zoned Institutional "I", which allows for a variety of uses such as clinic, club, community centre, nursing home, retirement home and place of worship. The "I" zone does permit a form of seniors housing, in the form of a retirement home which is defined as: *"shall mean a residence providing accommodation primarily for private persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of foods are provided, and common lounges, recreation rooms and medical care facilities may also be provided."*

Through consultation with Planning staff it was determined that the existing definition of retirement home in the Zoning By-law did not meet with the applicants proposed development. The proposed use of ***Independent Retirement Home*** was proposed with the following definition: ***shall mean a residential building(s) containing dwelling units, designed to provide residence primarily for senior citizens and others with special needs such as barrier-free accessibility and assisted mobility requirements, who do not require assistance with daily living, and which may provide ancillary health, personal service, and/or recreational services to serve the residents of the home. The definition of retirement home shall not include a long-term care facility or semi-independent retirement home.***

As the proposed use is currently not listed in the Zoning By-law, a new parking standard had to be established which is proposes a site specific parking rate of 1 space per independent retirement home unit; 1 space for every 20 square metres of gross floor area, with a minimum of 2 spaces being provided to the common building; and 1 parking space per 7 independent retirement home units reserved visitor parking.

3.0 FINANCIAL/BUDGET IMPACT

There are no anticipated financial/budget impacts as a result of this report.

4.0 CONCLUSION

A recommendation will follow the presentation of this report.

3.0 FINANCIAL/BUDGET IMPACT

There are no anticipated financial/budget impacts as a result of this report.

4.0 CONCLUSION

Prepared and Recommended By;

Reviewed by;

Steven Farquharson, B.URPL, MCIP, RPP
Director of Planning and Development

Robert J. Lamb, CEcD, Ec.D.
Chief Administrative Officer

Attachment:

1. Proposed Site Plan

[illegible][illegible][illegible]

VICTORIA MEW
SENIORS PROJE
400 NEWTON STRE
TOWNSHIP OF TA

SITE PLAN

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THE UNIVERSITY OF CHICAGO

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