

AGENDA

Committee of the Whole

Tuesday, March 10, 2020 9:30 AM

Council Chamber

Chair: George Cornell

Agenda Item 8.2.

CCW 2020-100 - Elmvale Active Seniors Residence request for County support for a Minister's Zoning Order (MZO) to permit a senior's retirement campus

[CCW-2020-100](#)

[CCW 2020-100 Schedule 1](#)

[CCW 2020-100 Schedule 2](#)

Recommendation That Item CCW 2020-100, dated March 10, 2020, regarding the Elmvale Active Seniors Residence request for County support for a Minister's Zoning Order (MZO) to permit a seniors retirement campus, be received; and Page 5 of 877 That direction be provided as to whether Council:

- Supports Elmvale Active Seniors Residence request for a MZO; or
- Does not support Elmvale Active Seniors Residence request for a MZO;

and That the Warden notify the Minister of Municipal Affairs and Housing, Township of Springwater and the Elmvale Active Seniors Residence, of the County's position.



To: **Committee of the Whole**

Agenda Section: Corporate Services
Division: Engineering, Planning and Environment
Department: Planning

Item Number: CCW - 2020-100

Meeting Date: March 10, 2020

Subject: Elmvale Active Seniors Residence request for County support for a Minister's Zoning Order (MZO) to permit a seniors retirement campus

Recommendation

That Item CCW 2020-100, dated March 10, 2020, regarding the Elmvale Active Seniors Residence request for County support for a Minister's Zoning Order (MZO) to permit a seniors retirement campus, be received; and

That direction be provided as to whether Council:

- **Supports Elmvale Active Seniors Residence request for a MZO; or**
- **Does not support Elmvale Active Seniors Residence request for a MZO; and**

That the Warden notify the Minister of Municipal Affairs and Housing, Township of Springwater and the Elmvale Active Seniors Residence, of the County's position.

Executive Summary

A non-profit corporation called the Elmvale Active Seniors Residence (EASR) submitted a letter to Warden Cornell and Members of County Council, requesting the County of Simcoe's support for their request for a Minister's Zoning Order (MZO) to facilitate the development of a senior's retirement campus. Township of Springwater received a similar request, and on January 15, 2020, Council of the Township of Springwater passed Resolution C008C-2020 supporting EASR's request and furthermore, that Council urge the County of Simcoe to support the application for a MZO.

This request is somewhat unique as the matter is not formally in front of the Township or the County as per the usual planning processes at this point; the normal events, studies and reports have not occurred and thus have not then led to what would be deemed a complete planning application.

This matter was briefly considered by County Committee of the Whole as Corporate Services Consent Item 20.1 at the February 11, 2020 joint County Council and Committee of the Whole meeting. The Committee amended the related recommendation to add that the Township of Springwater's request for support of the Elmvale Active Seniors Residence application for a Ministerial Zoning Order be referred to staff for a report to the March 10, 2020, Committee of the Whole meeting. This report identifies the particulars of the development proposal including the applicable planning context, and the *Planning Act* applications required to consider approval of the development, including the use of a MZO.

Background/Analysis/Options

On January 29, 2020, a non-profit corporation called the EASR submitted a letter to Warden Cornell and Members of County Council, requesting the County's support for their request for a MZO to facilitate the development of a senior's retirement campus consisting of:

- 240 self-contained dwelling units in 3-4 storey apartment buildings, including accessory uses such as:
 - Administrative offices,
 - Dining facilities,
 - Doctor's offices,
 - Nursing stations,
 - Activity rooms,
 - Coffee shops and restaurants,
 - Banks, and
 - Hair salons.
- Underground and above-ground parking
- Seniors Medical Centre/Clinic
- Outdoor amenities (trails, tennis courts, bocce, putting green, gazebos)

The EASR identifies the grounds for their request to include the following:

- A MZO will significantly reduce the time to bring the project to reality saving up to 18-24 months or longer;
- A MZO avoids any appeals to the OPA which would significantly delay the project and which would add significant cost to the EASR and municipalities in defending an appeal;
- Urgent and growing need for such facilities as baby boomers retire;
- Life lease form of tenure;
- Having a MZO in place will facilitate applications for funding and financing;
- Expedited approval process will result in significant cost savings which can be passed on to the residents and make the facility even more affordable;
- EASR estimates:
 - the cost of the seniors' development to be between \$60 – 75 Million
 - project could generate 200 full time construction jobs over a 3-4 year period and 50-75 full-time permanent jobs when the facility is fully operational; and
- Township to have final control over the development through Site Plan Control process.

The lands subject to the EASR proposal include two parcels totalling approximately 4.30 hectares (10.63 acres) in area. The lands are located partially within and outside of the Settlement Area of Elmvale. Approximately 0.39 hectares (0.96 acres) are located within the Elmvale Settlement Area with the balance of the lands being located outside of Elmvale in the prime agricultural area. The

lands are legally described as South Part Lot 4, Con 9 being RP 51R-36027 and South Part Lot 4, Con 9 Flos, being Pt of Part 1 on RP 51R-32359 (136 Queen Street East). Please see Schedule 1 to this Report.

A “fixed value” life lease model of tenure is being proposed by EASR where residents would purchase an interest in the use of the residential units and facilities at an affordable cost in comparison to market value costs for housing. The residents would not own any portion of the property. EASR has indicated they may also set aside a number of units for standard rental.

A similar request was submitted to the Township of Springwater for consideration and on January 15, 2020, Council of the Township of Springwater passed Resolution C008C-2020 supporting EASR’s request and furthermore, that Council urge the County of Simcoe to support the application for a MZO.

The Township’s Resolution and EASR’s January 29, 2020 letter to the County was included on the County’s February 11, 2020 Joint Council and Committee of the Whole Agenda as Item 20.1 and is included as Schedule 2 to this Report. Included with the EASR letter is a Fact Sheet with conceptual drawings of the senior’s development.

Planning Considerations

Growth Plan for the Greater Golden Horseshoe, 2019 and Provincial Policy Statement, 2014

Provincial policy directs growth and development to settlement areas to support the development and achievement of complete communities, while protecting agriculture and the environment. New residential units are not permitted in the prime agricultural area, and new public service facilities (includes retirement homes) are to be located in settlement areas.

County Official Plan

The subject lands are designated ‘Settlement’ and ‘Agricultural’ on Schedule 5.1 Land Use Designations to the County Official Plan (2016). The lands within Elmvale are designated Settlement with the balance of the lands outside of the settlement area being designated Agricultural. As does provincial policy, the County Official Plan encourages residential development and associated amenities to occur within settlement areas. As such, a County Official Plan Amendment is required to adjust or expand the settlement area boundary of Elmvale as the conceptual urban uses are not currently permitted within the agricultural area.

Growth Plan 2019 policies 2.2.8.4 and 2.2.8.5 now permit the consideration of an adjustment or expansion to *Settlement Areas* prior to the completion of the Simcoe County Municipal Comprehensive Review (MCR), where previously, they could only be considered through the County’s MCR. Any proposed adjustment or expansion of the settlement area boundary must meet the criteria outlined in the Growth Plan, and specifically Section 2.2.8.3, as well as any other applicable Provincial, County and local policies.

The Ministry of Municipal Affairs is the Approval Authority for all amendments to the County Official Plan. Any decision by the Ministry to adjust or expand the Elmvale settlement area boundary outside/in advance of the County MCR is appealable to the Local Planning Appeal Tribunal (LPAT).

Township of Springwater Official Plan and Zoning By-law 5000

The subject lands are designated and zoned 'Institutional' and 'Agricultural'. The lands within Elmvale are designated and zoned Institutional, with the balance of the lands outside of the settlement area boundary being designated and zoned Agricultural. The Institutional lands within the settlement area permit a medical centre and would only require site plan approval. However, lands outside of the settlement would require a local official plan amendment to adjust or expand the settlement area boundary and re-designate the lands to a site-specific Institutional/Residential designation to permit a retirement home. A Zoning By-law Amendment (ZBA) is required to establish the required zone provisions for permitted land uses, setbacks, building height and parking. Site Plan Approval would also be required to ensure engineering standards and zone provisions are complied with. As EASR does not currently own the subject lands, a boundary adjustment/lot addition would be required to transfer a portion of the existing farm property at 136 Queen Street East to assemble the necessary land holdings for the proposal.

From a typical *Planning Act* applications perspective, the following applications would be required to consider the development proposal on those lands located outside of the current boundary of the Elmvale Settlement Area:

1. County Official Plan Amendment (expand settlement area, re-designate to "Settlement")
2. Local Official Plan Amendment Application (expand settlement area, re-designate for use)
3. ZBA Application
4. Site Plan Control Application – Detailed Design and Reports
5. Boundary Adjustment/Lot Addition for land assembly

It is anticipated that the following documentation would be required by the County and/or Township in support of their respective OPA and ZBA applications:

- Draft County and Township Official Plan Amendment Text and Schedule
- Draft Zoning By-law Amendment Text and Schedule
- Planning Justification Report
- Land Needs Assessment
- Agricultural Land Assessment including MDS
- Traffic Impact Study
- Functional Servicing Report (Water, Sanitary Capacity Analysis)
- Storm Water Management Report and Plan
- Environmental Impact Study (subject to NVCA input)
- Geotechnical Study
- Hydrogeological Study
- Archeological Assessment (Stage 1 & 2)
- Shadow Study
- Fire Safety Plan (Four Storey Apartment Buildings)
- Architectural Control Guidelines

The above-noted studies, reports and plans are required in order to justify a settlement area boundary expansion in the area of the subject lands and to address the technical aspects of the proposal.

Committee should note that this request differs from the Tollendale development application. In the Tollendale application a number of studies were undertaken to identify the appropriateness of the

site prior to the request of the MZO. Therefore the request for support and approval for the MZO in Elmvale may be premature until the site risks are eliminated by the appropriate studies.

If a MZO is pursued and granted, it is still expected that many of the above-noted studies would be completed. However, they would be available after the principle of development was established through the issuance of the MZO and used to support the design of the facility, rather than being available to help determine if the use is appropriate for the site and to justify the expansion of the settlement area. At this time, Staff are unaware that any of these studies have been commenced.

Process to obtain a Minister's Zoning Order for the EASR

Section 47 of the *Planning Act* gives the Minister of Municipal Affairs and Housing the same authority as municipal councils to make decisions on certain land use planning matters. In this regard, the Minister has the authority to directly zone land by issuing a MZO. The MZO would establish land use permissions and set specific requirements for new development, such as maximum building heights, parking, access and servicing requirements. New development must conform to the provisions of the MZO and the permissions of the MZO would trump those of the applicable in-effect official plan(s) and zoning by-laws (in this case, the County of Simcoe Official Plan, Township of Springwater Official Plan and the Township's Zoning By-law 5000). A MZO is non-appealable.

The EASR is looking for Township and County support to have the development approved by way of a MZO.

As you are aware, a similar request was made in 2019 by the proponent of the Tollendale 2 Retirement Complex in Innisfil, in which the County provided a letter of support for a MZO. Tollendale 2 had submitted official plan amendment and ZBA applications to the Town of Innisfil for consideration, which were supported by a host of technical studies and reports. The supporting documentation included the following: Planning Justification Report, Downstream Sanitary Capacity Assessment, Geotechnical Investigation, Limited Hydrogeological Study, In Situ Infiltration Tests, Preliminary Stormwater Management Report, Natural Heritage Evaluation, Traffic Impact Study, and Stage 1 Archaeological Assessment. It was only after being notified that there were certain policy conformity challenges with the proposal that Tollendale 2 requested the municipalities' support for the MZO.

Should an MZO be approved for the EASR proposal, the County's role in the consideration of this development would be limited to being a commenting agency for the Site Plan Control application.

It is recommended that Council provide direction as to whether or not it supports EASR's request for a MZO, and that the Warden be authorized to notify the Minister of Municipal Affairs and Housing, Township of Springwater and the Elmvale Active Seniors Residence, of the County's position.

Financial and Resource Implications

There are no financial implications associated with this report.

Relationship to Corporate Strategic Plan

There are no direct links to the County's Corporate Strategic Plan.

Reference Documents

There are no reference documents associated with this Item.

Attachments

Schedule 1 – EASR Site Location Map

Schedule 2 – EASR January 29, 2020 letter and Township Council Resolution

Prepared By Greg Marek, MCIP, RPP, Manager of Planning

Approvals Date

David Parks, Director of Planning, Economic Development and Transit

March 2, 2020

Debbie Korolnek, General Manager, EPE

February 20, 2020

Trevor Wilcox, General Manager, Corporate Performance

March 3, 2020

Mark Aitken, Chief Administrative Officer

March 3, 2020

Schedule 1 Committee of the Whole Item CCW 2020-100



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1:4,514



February 19, 2020



www.springwater.ca
2231 Nursery Road
Minesing, Ontario
L9X 1A8 Canada

January 20, 2020

Sam Langman
Elmvale Active Seniors Residence
2477 Flos Road 10 West
Elmvale, ON L0L 1P0

RE: Support for a Ministerial Zoning Order – Elmvale Active Seniors Residence

Dear Mr. Langman,

I am pleased to advise that at its regular meeting on January 15, 2020, Council of the Township of Springwater passed the following resolution in support of the Elmvale Active Seniors Residence:

C008C-2020

Moved by: Coughlin
Seconded by: Chapman

That correspondence and information items listed herein, be received as information:

1) Letter from Elmvale Active Seniors Residence re: Request for a Ministers Zoning Order

And

That Council for the Township of Springwater hereby supports the Elmvale Active Seniors Residence application for a Ministerial Zoning Order for their Comprehensive Seniors Retirement Campus proposal; and,

That Council urge the County of Simcoe to support the application for a Ministerial Zoning Order.

And Further That this resolution be forwarded to The Honourable Steve Clark, Minister of Municipal Affairs and Housing; The Honourable Doug Downey, Attorney General and MPP for Barrie-Springwater-Oro-Medonte; Doug Shipley, MP for Barrie-Springwater-Oro-Medonte, and the County of Simcoe.

Carried

I am confident the proposed Elmvale Active Seniors Residence would be of great benefit to the community of Elmvale and beyond. It would allow seniors within the Township of Springwater to remain active and engaged members of their community,

and diminish the isolation and loneliness often experienced by the aging population. In addition, the proposed amenities would attract seniors from surrounding communities, and identify Springwater as a destination for those wishing to age actively.

Should you have any questions, please contact me at don.allen@springwater.ca or (705) 728-4784 Ext. 2040.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Allen". The signature is fluid and cursive, with the first name "Don" and the last name "Allen" clearly distinguishable.

Don Allen, Mayor
Township of Springwater

cc. Steve Clark, Minister of Municipal Affairs and Housing
Doug Downey, Attorney General and MPP for Barrie-Springwater-Oro-Medonte
Doug Shipley, MP for Barrie-Springwater-Oro-Medonte
The County of Simcoe



**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER
RESOLUTION**

Moved by: *Coughlin*
Seconded by: *Chapman*

RESOLUTION NO. C008C-2020
DATE: 15 January 2020

That correspondence and information items listed herein, be received as information:

- 1) Letter from Elmvale Active Seniors Residence re: Request for a Ministers Zoning Order

And

That Council for the Township of Springwater hereby supports the Elmvale Active Seniors Residence application for a Ministerial Zoning Order for their Comprehensive Seniors Retirement Campus proposal; and,

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And Further That this resolution be forwarded to The Honourable Steve Clark, Minister of Municipal Affairs and Housing; The Honourable Doug Downey, Attorney General and MPP for Barrie-Springwater- Oro-Medonte, Doug Shipley, MP for Barrie – Springwater – Oro-Medonte, and the County of Simcoe.

Recorded Vote Requested By:						
Vote Order	Name	Yes	No	Name	Yes	No
	Councillor George Cabral			Councillor Perry Ritchie		
	Councillor Jack Hanna			Deputy Mayor Jennifer Coughlin		
	Councillor Wanda Maw-Chapman			Mayor Don Allen		
	Councillor Anita Moore					

Motion: Carried Lost Deferred Presiding Officer: *[Signature]*