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## **Public Hearings Committee – April 07, 2021**

Subject: ZNPL2020244 – An application has been received to amend the Zoning By-Law of Norfolk County to permit the construction of an eight (8) storey mixed use building containing ground floor retail units, a retirement home/and or long-term care facility, as well as residential dwelling units. TJ CIECIURA on behalf of 2273925 ONTARIO INC. has put forth the application affecting the lands described as 185 Robinson Street.

Report Number: CD 21-20  
Division: Community Development  
Department: Planning  
Purpose: For Information

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### **Executive Summary:**

An application has been received to amend the Zoning By-Law with the following changes:

1. To add a long-term care facility and commercial retail units as permitted uses in the R6 Zone.
2. A reduction in the rear yard setback from 9 metres to 3 metres.
3. An increase in the maximum floor area ratio for an 8 storey building from the permitted 1 to a maximum floor area ratio of 2.6 (18, 420 square metres).

As part of this application the applicant seeks to amend the zoning by-law to amend the following provisions, however more information is required from the applicant. The provisions are listed as follows:

- 1) The Step Back Provision of Section 5.6.3 of the Norfolk County Zoning By-Law.
- 2) The Angular Plane Provision of Section 5.6.4 of the Norfolk County Zoning By-Law; and
- 3) To amend the parking provisions in Section 4 of the Zoning By-Law.

The proposal will require further consent to sever and site plan applications to complete the planning process.

### **Site Features and Land Use:**

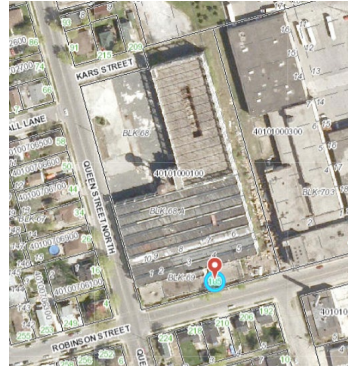
The subject lands are located at 185 Robinson Street in Simcoe, within the Simcoe Urban Residential Area. Historically speaking, the subject site was home to a cannery manufacturing facility (American Can) until the early 1990's. Currently the subject lands

includes, an existing three (3) storey office building which consists of office uses including the Norfolk County Offices and the Provincial Offences Office, as well as a parking lot for the office building. The northern portion of the property, adjacent to the existing parking lot, is currently vacant. The proposed 8 storey mixed use building is proposed to be located on the vacant portion of 185 Robinson Street.

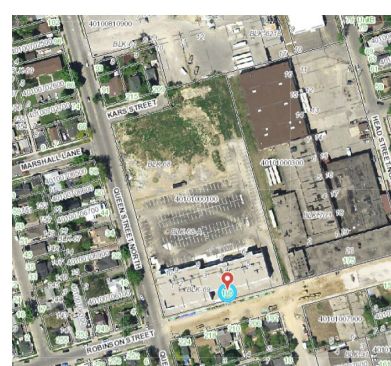
Surrounding the subject lands are, residential and industrial uses to the north. An industrial building to the east and residential uses to the west. To the south is a parking lot and the office building and beyond that are residential uses.



1964



2006



2015

Figure 1: Satellite images of the subject lands (1964-2015).



Figure 2: The photos above show the current status of the subject lands proposed for the Zoning By-law Amendment

**Discussion:**

The proposed development is to establish an 8 storey mixed use apartment with ground floor retail units, a retirement home and or long-term care facility as well as residential dwellings units. The total number of units being proposed is 174. This is comprised of roughly 13,197 square feet (1,226 square meters) of commercial floor space on the ground floor, floors 2 to 4 are to consist of 66 retirement and long-term care units, and floors 5 to will consist of 74 residential units. To service the site the applicant is proposing to provide a total of 206 parking spaces.

The applicant has provided a planning justification report, a site plan, a parking assessment, a traffic impact study, a Contaminated Site Study and a Record of Site Condition. The traffic impact study and parking assessment generally suggest that the site is able to support the proposed parking allocation and that the existing infrastructure would be able to support the proposed development without roadway improvements.

**Planning Justification Report:** A Planning justification Report prepared by Design Plan Services Inc., dated November 25, 2020, provides additional context in relation to the proposal, current and past use of the subject lands, as well as how the proposal meets existing policies within the Provincial Policy Statement, 2020 and the Norfolk County Official Plan. In terms of the Norfolk County Zoning By-Law, the Planning Justification Report speaks to the permitted uses in the R6 Zone, as well as the Site Specific Amendments that would be required to permit the proposal.

**Holding Provision:** As part of the Zoning By-Law Amendment application, the applicant is requesting that the Holding (H) Provision on the subject lands be lifted. Planning staff note that the Holding will be maintained until such time that concerns regarding site cleanup, site plan approval, the applicant has entered into a development agreement, and other applicable matters have been addressed.

**Transportation Study:** A Traffic Impact Study and Parking Assessment prepared by Trans-Plan Transportation Engineering dated August 12, 2020 indicates that the intersections are expected to operate acceptably and that there would be no additional roadway improvements required to accommodate the proposed development. The parking assessment provides recommendations to justify the proposed parking allocation for the site and that the proposed parking supply could accommodate the future parking demands of the site.

Further review and input from Development Engineering will be required prior to submission of the staff recommendation report.

**Environmental Site Assessment and Record of Site Condition Certificate:** The applicant has provided the County with an Environmental Site Assessment (Phase 1 and 2) and a Record of Site Condition. The Environmental Site Assessment revealed that there shows no evidence of contamination from the canning manufacturing facility previously located on the subject lands. The applicant provided a Record of Site

Condition that was previously used when developing the 3 storey office building on the southern portion of the subject lands. Planning staff has requested that the applicant obtain a new Record of Site Condition from the Ministry of Environment, Conservation and Parks for the proposed development as it is a more sensitive land use. The applicant is currently in the process of obtaining a new certificate.

The applicable information will be necessary prior to the submission of the final recommendation report to Council for consideration.

**Site Plan Control:** Following any approvals in relation to this submission, the proposed development will be required to follow the site plan control provisions to ensure the County's development standards are maintained including appropriate buffering, design and other related features.

### **Agency Circulation Comments: Appendix A**

Planning staff has received a number of Staff comments (Appendix A). Key issues addressed in the Staff comments include:

- Based on some current studies as part of our Inter Urban Water Supply study we have identified a potential supply deficiency in Simcoe. Staff will be undertaking additional studies to confirm this over the next few months and a further report will be made available. As a result, development applications which have recently been submitted and deemed complete will be processed to the point of a public hearing, but under our Official Plan, cannot proceed to a decision and must be deferred until allocation and water servicing is confirmed to be available, consistent with the Norfolk County Official Plan Section 8.9.3 (Servicing Allocation and Phasing).

### **Regard For Public Input:**

This report is being presented as part of the statutory public meeting requirement. At this time, the County has received three letters of opposition. The letters have been attached as Appendix C. To summarize the contents of the letters, concerns were raised surrounding the following items:

- The proposed height of the building;
- Traffic volume and traffic increase;
- Pedestrian accessibility and safety;
- Inadequate parking;
- Parking concerns due to the potential increase in on street parking from visitors and residents;
- Compatibility with the surrounding area (height and character); and
- Privacy concerns.

Staff will respond to any comments received regarding the subject application as part of the future staff recommendation report for Council consideration.

**Planning Considerations:**

It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

**Provincial Policy Statement, 2020**

The Provincial Policy Statement is intended to be read in its entirety, and the relevant policies are to be applied in each situation. Part IV: Vision for Ontario's Land Use Planning System provides the overall context for Ontario's long-term prosperity and social well-being. It states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

The subject land is within the settlement area as defined in the Provincial Policy Statement. Section 1.1.3.1 states that Settlement areas shall be the focus of growth and development. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.6 of the PPS states, "New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities."

Policy 1.4.3 of the PPS states, "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market through subsections a), b), c) d) e) and f).

The PPS defines Special needs as "any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons."

Section 1.6 of the PPS outlines policies surrounding Infrastructure and Public Service Facilities. Policy 1.6.1 b) states that infrastructure and public service facilities are to be integrated with land use planning and growth management while meeting current and projected needs.

Section 1.6.6 of the PPS outlines policies surrounding Sewage, Water and Stormwater.

Policy 1.6.6.1 a) outlines that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- 1) Municipal sewage and municipal water services; and
- 2) Private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

Subsection d) outlines that sewage and water services shall be integrated and considered throughout all stages of the planning process.

Policy 1.6.6.2 of the PPS states, that municipal sewage and water services are the preferred form of servicing for settlement areas to minimize potential risks to human health and safety. Within settlement areas existing municipal sewage and water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services.

Policy 1.6.6.3 of the PPS states, that where municipal sewage and water services are not available, planned or feasible, private communal sewage services and private communal *water services* are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

**Planning Comments:** Planning Staff will perform a conformity check based on the above-mentioned policies of PPS, 2020 within the recommendation report.

### **Norfolk County Official Plan**

The subject lands are currently designated “Urban Residential” in the Norfolk County Official Plan.

Section 2.2.3.2 of the Official Plan outlines objectives surrounding Maintaining and Enhancing the Rural and Small Town Character, in which policy e) states that “Develop land use patterns in the Urban Areas that are compact and efficient”.

Section 2.2.4.2 outlines the objectives of maintaining a high quality of life in that the County must provide a variety of housing forms, tenures and levels of affordability through development, redevelopment, intensification and infilling projects.

Section 4.8, of the Norfolk County Official Plan outlines the policies surrounding Potentially Contaminated Sites through subsections a), b) c) d) and e). The County encourages the remediation and redevelopment of identified contaminated sites in accordance with the Environmental Protection Act. Where the redevelopment of land involves a change of use of the property to a more sensitive use, a Record of Site Condition shall be completed .

**Planning Comments:** *The applicant has provided the County with an Environmental Site Assessment (Phase 1 and 2) along with a Record of Site Condition from the Ministry of Environment. The submitted ESA and RSC that were provided to the County were the same documents that were provided in 2012 when the three storey office*

*building was in the planning process. As the current proposed use is for a more sensitive land use, planning staff has requested that the applicant obtain a new RSC from the Ministry.*

Section 5.3 b of the Norfolk County Official Plan outlines policies surrounding Housing. This section outlines that the County is to ensure that a full range of housing types and densities are provided to meet the anticipated demand and demographic change, while meeting the social, health and well-being of both current and future residents, including those with special needs.

***Planning Comments:*** *The proposed apartment building will provide a type of housing that is currently in short supply. This development will help the County meet its 15% targets as outlined above.*

Section 5.3.1 Residential Intensification f) outlines a list of criteria in which infill development, intensification and redevelopment of sites is based on. The criteria is as follows:

- i. The development proposal is within an Urban Area, and is appropriately located in the context of the residential intensification study;
- ii. The existing water and sanitary sewer services can accommodate the additional development;
- iii. The road network can accommodate the traffic generated;
- iv. The proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
- v. The proposed development is consistent with the policies of the appropriate Land Use Designation associated with the land.

***Planning Comments:*** *A Traffic Impact Study (TIS) has been submitted as a part of the application. A Functional Servicing Report (FSR) is required to be submitted at the Site Stage. Greater details within the FSR and TIS may be required during the Site Plan Stage. The proposed residential condominium would provide a high density form of housing within the downtown of Simcoe. The proposed development is proposed to be facing in a east to west direction (parallel to the existing 3 storey office building on the subject lands). Additional review by Planning of compatibility and design is required.*

Section 7.7.1 outlines the permitted uses within the urban residential designation. Subsection i) states that Senior citizens' homes or similar housing facilities for senior citizens including nursing homes shall be permitted to develop in accordance with the medium density residential policies of Section 7.7.2 (b) (Urban Residential Designation – Land Use Policies).



Subsection l) states that small scale neighbourhood convenience commercial and personal service uses to serve the daily shopping needs of a neighbourhood shall be permitted. Section 7.7.2 d) states that no more than one commercial structure or building shall be permitted on any site, and the gross floor area of the commercial use shall generally not exceed 300 square metres;

***Planning Comments:*** *The proposed development is considered a high density residential development. The proposed commercial component of the development is measured at roughly 1,226 square meters and therefore, the applicant may require an Official Plan Amendment to address the above noted policies.*

Section 7.7.2 of the Norfolk County Official Plan outlines the land use policies of the Urban Residential Land Use designation of the Norfolk County Official Plan. Section 7.7.2 c) states that “High density residential uses, including apartment buildings and other forms of multiple housing of a similar density shall be carefully located. The following criteria shall be addressed in the consideration of such applications, especially in proximity to lower density residential development. This includes:

- Density;
- Height;
- Character of the development
- The accommodation of amenities such as garbage storage, parking and landscaping;
- Mitigating impacts on surrounding uses through traffic increases and overshadowing;
- Accessibility to open space (parks);
- Proximity to schools; and
- The site is subject to Site Plan Control.

Section 8.9.1 outlines the policies surrounding Services in the Urban Areas of Norfolk County. Subsection c) states, all development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems.

Section 8.9.3 outlines the policies surrounding Servicing allocation and phasing. Subsection a) states, when unallocated servicing capacity does not exist for a proposed development, the County shall defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.

***Planning Comments:*** *Planning Staff will perform a conformity check based on the above-mentioned policies of the Official Plan within the recommendation report. Further to this, Water Servicing Capacity is currently under review.*

### **Norfolk County Zoning By-Law 1-Z-2014**

The Subject lands are currently zoned Urban Residential Type 6 Zone (R6) with a Holding provision (H) on the property in the Norfolk County Zoning By-Law.



Section 5.6.1 of the Norfolk County Zoning By-Law 1-Z-2014 outlines the permitted uses in the R6 Zone. They are as follows:

- a) Dwelling, apartment
- b) Home occupation
- c) Retirement home

Currently on the subject lands, there are two Special Provisions that exist. The table below outlines Existing Special Provision 14. 664 and what is being proposed through this application. The second existing Special Provision is listed, however what is being proposed is not discussed as more information is required from the applicant. They are as follows:

Existing Special Provision 14.664	Proposed Special Provision 14.664
<p>14.664 In lieu of the corresponding provisions in the R6 Zone, the following shall apply:</p> <p>a) minimum front yard – 1.5 metres except that any portion of an apartment dwelling greater than six (6) storeys shall be setback a minimum of 12 metres;</p> <p>b) minimum exterior side yard – 1.5 metres;</p> <p>c) minimum interior side yard – 6.5 metres;</p> <p>d) maximum building height – eight (8) storeys;</p> <p>e) maximum number of dwelling units – seventy four (74);</p> <p>f) minimum parking aisle width – 6.6 metres for 90 degree parking;</p> <p>g) setback of parking from an interior lot line shall not apply.</p> <p>Notwithstanding the provisions of Section 4.0, the provisions of Subsection 4.2.1 shall not apply</p>	<p>In lieu of the corresponding provisions in the R6 Zone, the following shall apply:</p> <p>a) To add a Special Provision in lieu of Section 5.6.1 to permit a long term care facility and commercial retail units as permitted uses.</p> <p>b) To add a Special Provision in lieu of Section 5.6.2 e) to permit a rear yard setback of 3 metres.</p> <p>c) To add a Special Provision in lieu of Section 5.6.2 g) v) to increase the maximum floor area ratio for an 8 storey building to a maximum floor area ratio of 2.6 (18, 420 square metres).</p>

Existing Special Provision 14.713	Proposed Special Provision 14.713
<p>14.713In lieu of the corresponding provisions in the R6 Zone, the following shall apply:</p> <p>a) <i>front lot line</i> shall mean the most westerly <i>lot line</i>;</p> <p>b) minimum <i>front yard</i> – 2 metres;</p> <p>c) minimum <i>exterior side yard</i> – 3.5 metres;</p> <p>d) minimum <i>interior side yard</i> (left) – 3.5 metres;</p> <p>e) minimum <i>interior side yard</i> (right) – 4 metres;</p> <p>f) maximum <i>building height</i> – five (5) storeys;</p> <p>g) maximum number of <i>dwelling units</i> – sixty six (66);</p> <p>h) lofts forming part of an <i>apartment dwelling unit</i> shall not be considered a separate <i>storey</i>;</p> <p>i) minimum <i>parking space</i> width – 3 metres;</p> <p>j) minimum <i>parking aisle</i> width – 6.6 metres for 90 degree parking;</p> <p>k) <i>parking spaces</i> adjacent to southerly wall of the <i>apartment dwelling</i> may be used for commercial parking purposes;</p> <p>l) <i>setback</i> from a <i>street line</i> or property line for a <i>parking lot</i> shall not apply;</p> <p>m) minimum barrier-free <i>parking space</i> width – 3.65 metres;</p> <p>n) minimum number of <i>parking spaces</i> – eighty six (86).</p>	<p>More information is required from the applicant.</p>

Notwithstanding the provisions of Section 4.0, the provisions of Subsection 4.2.1 shall not apply.	
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As part of this zoning application, the applicant intends to amend the Zoning By-Law to change the following items:

- 1) To amend the parking provisions in Section 4 of the Zoning By-Law.
- 2) The Step Back Provision of Section 5.6.3 of the Norfolk County Zoning By-Law.
- 3) The Angular Plane Provision of Section 5.6.4 of the Norfolk County Zoning By-Law.

At this time, Planning staff are still reviewing the proposal with respects to compatibility and the overall design of the building and site, as a whole.

### **Parking Provisions**

The applicant is requesting to amend the parking provisions in Section 4 of the Zoning By-Law.

The applicant requires the following parking allocations for the proposed uses:

- 111 spaces for the Residential Apartment Parking
- 24 Visitor Parking spaces
- 99 Parking spaces for the Retirement component
- 8 parking spaces for the Long-Term care component
- 41 parking spaces for the commercial parking component
- 283 parking spaces are required in total.

In terms of accessible parking spaces, the applicant is required to provide a total of 8 accessible parking spaces (4 Type A spaces and 4 Type B spaces). The applicant has proposed a total of 7 accessible spaces (4 Type A and 3 Type B spaces).

Therefore, the applicant is proposing a total of 206 parking spaces. The applicant is requesting relief of 77 parking spaces and a reduction in 1 Type B accessible parking space.

### **Step Back Provisions**

The applicant is proposing to amend Section 5.6.3 of the Norfolk County Zoning By-Law.

The Step Back Provision of Section 5.6.3 of the Norfolk County Zoning reads as follows:

“The exterior wall of each floor of a building facing a street and located above four (4) storeys shall be stepped back 2 metres from the exterior wall of the 4th storey and each

floor above six (6) storeys shall be setback an additional 2 metres from the exterior wall facing a street.”

The applicant has proposed the following Step Backs for the proposed development

Building Direction	Ground Floor- Floor 4	Floors 5&6	Floors 7&8
West	3 meters	5 meters	7 meters
South	3.5 meters	5.5 meters	7.5 meters
North	27.1 meters	29.1 meters	31.1 meters
East	21.9 meters	23.9 meters	25.9 meters

Therefore, the applicant is requesting relief from Section 5.6.3 as they are only proposing two 2 meter Step Backs at the 5<sup>th</sup> and 6<sup>th</sup> floors and one at the 7<sup>th</sup> and 8<sup>th</sup> floors, as opposed to a Step Back of 2 meters at each of the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> floor of the proposed building.

### **The Angular Plane Provision**

The Angular Plane Provision of Section 5.6.4 of the Norfolk County Zoning reads as follows:

“Where an R6 Zone abuts an Urban Residential Zone (R1-A, R1-B or R2), no portion of an apartment dwelling shall exceed the height of a 45 degree angular plane originating at the lot line of the nearest R1-A, R1-B or R2 Zone.”

At this time, more information is required from the applicant in regards to specifics surrounding the requested Angular Plane. This information will be required from the applicant prior to establishing a by-law.

The attached diagram (Appendix D) indicates the current Angular Plane of 45 degrees and the impact of the proposed development on the Angular Plane.

The attached Planning Justification Report (Appendix B) by Design Plan Services was submitted as part of the complete application. The Planning Justification Report provides additional context in relation to the proposal. In the staff recommendation report, further analysis will be provided in relation to potential impacts on streetscape, implications on built form in regards to step backs and angular plane.

As part of the Zoning By-Law Amendment application, the applicant is requesting that the Holding (H) Provision on the subject lands be lifted. Planning staff note that the Holding will be maintained until such time that the applicant has entered into a development agreement and potentially for servicing or other purposes.

In order to sever the subject lands from the currently developed portion of 185 Robinson Street, the applicant is required to submit a subsequent consent application.

It should be noted that the proposed development is not permitted to utilize the existing parking lot at 185 Robinson Street to service the proposed development.

**Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: The proposed development will provide a diverse and attractive mix of housing options near the Downtown Core of Simcoe, while increasing the amount of affordable housing available to the community.

**Conclusion:** The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application. A staff report with related recommendations will be submitted to Council for consideration at a later date.

**Recommendation(s):**

That Report CD 21-20, Public Hearing report for ZNPL2020244 be received for information;

THAT any outstanding technical comments and requirements necessary prior to bringing forward a recommendation report be addressed;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

**Attachment(s):**

Maps 1 to 4

Appendix A Agency Circulation Comments

Appendix B Planning Justification Report, November 25, 2020

Appendix C Public Comments

Appendix D Angular Plane Diagram

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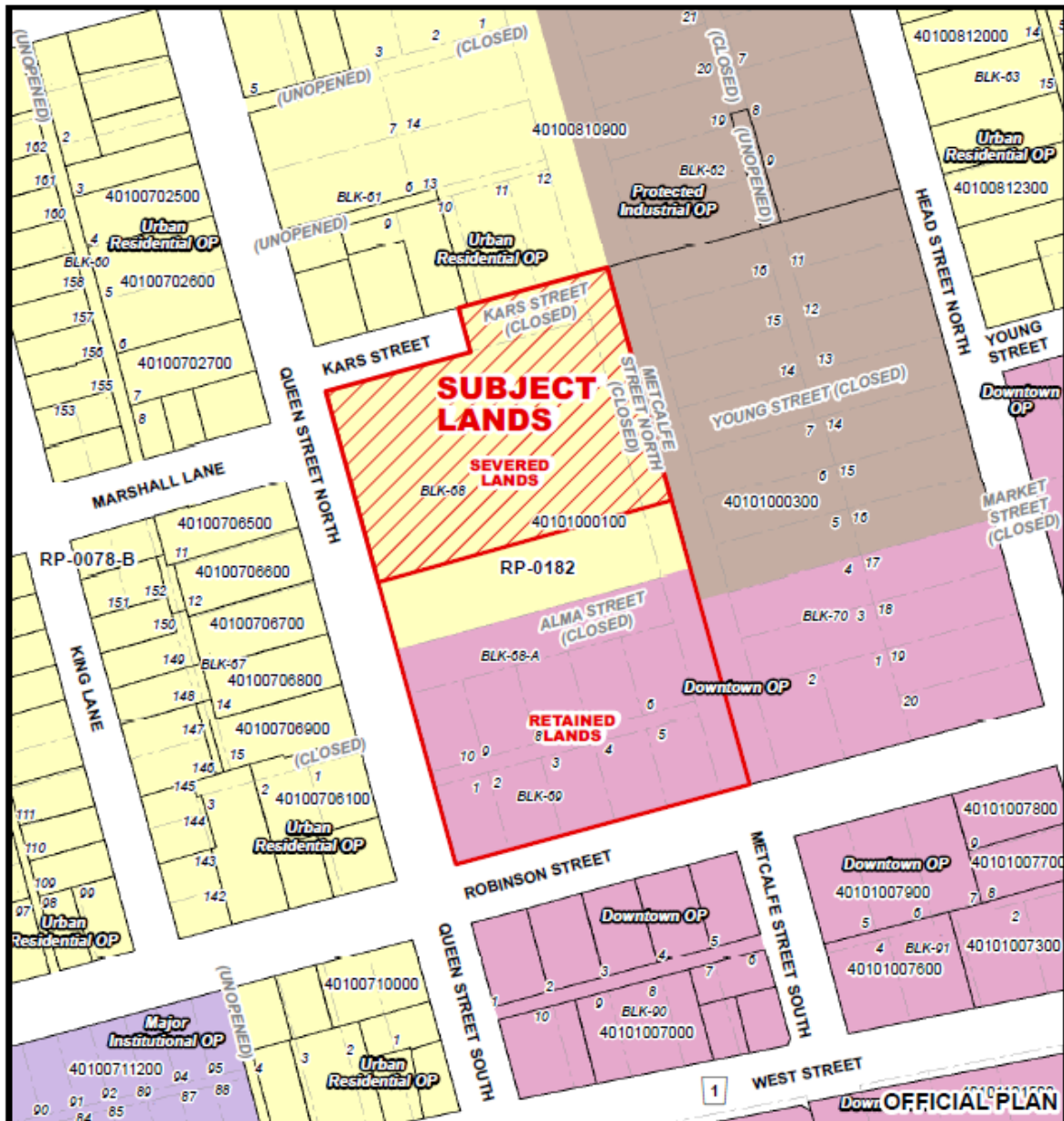
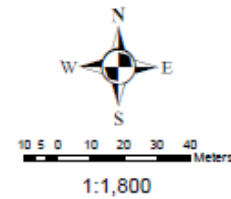
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**MAP 1****File Number: ZNPL2020244****Urban Area of SIMCOE**

2021-03-15

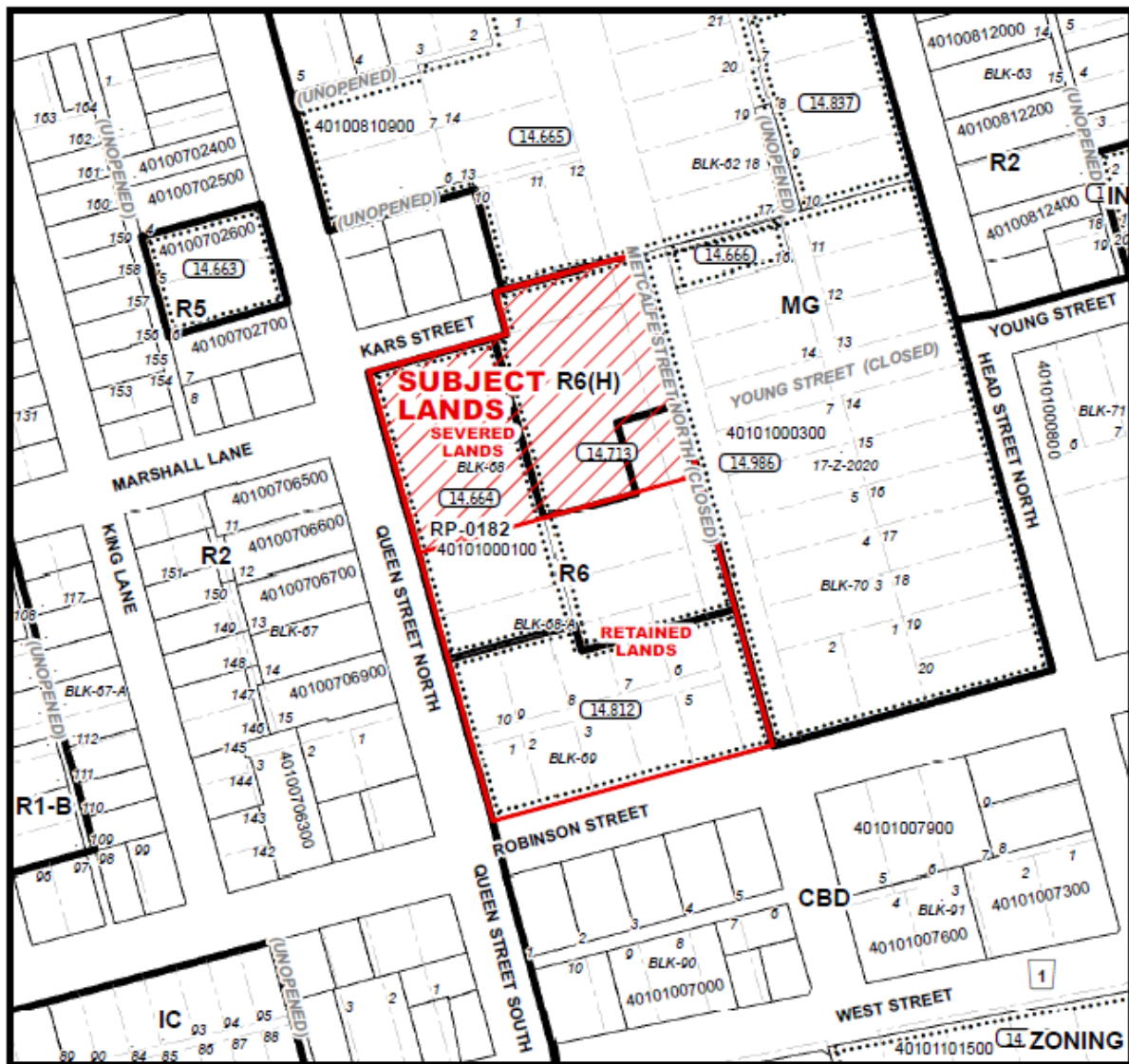
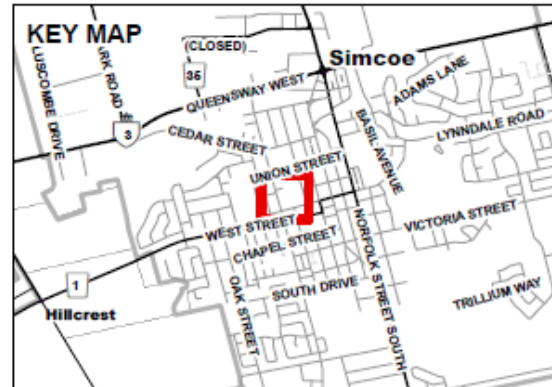
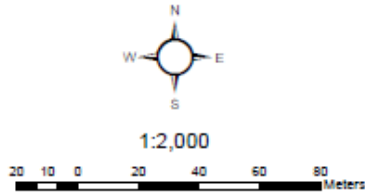


## MAP 2

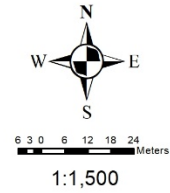
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Urban Area of

## SIMCOE

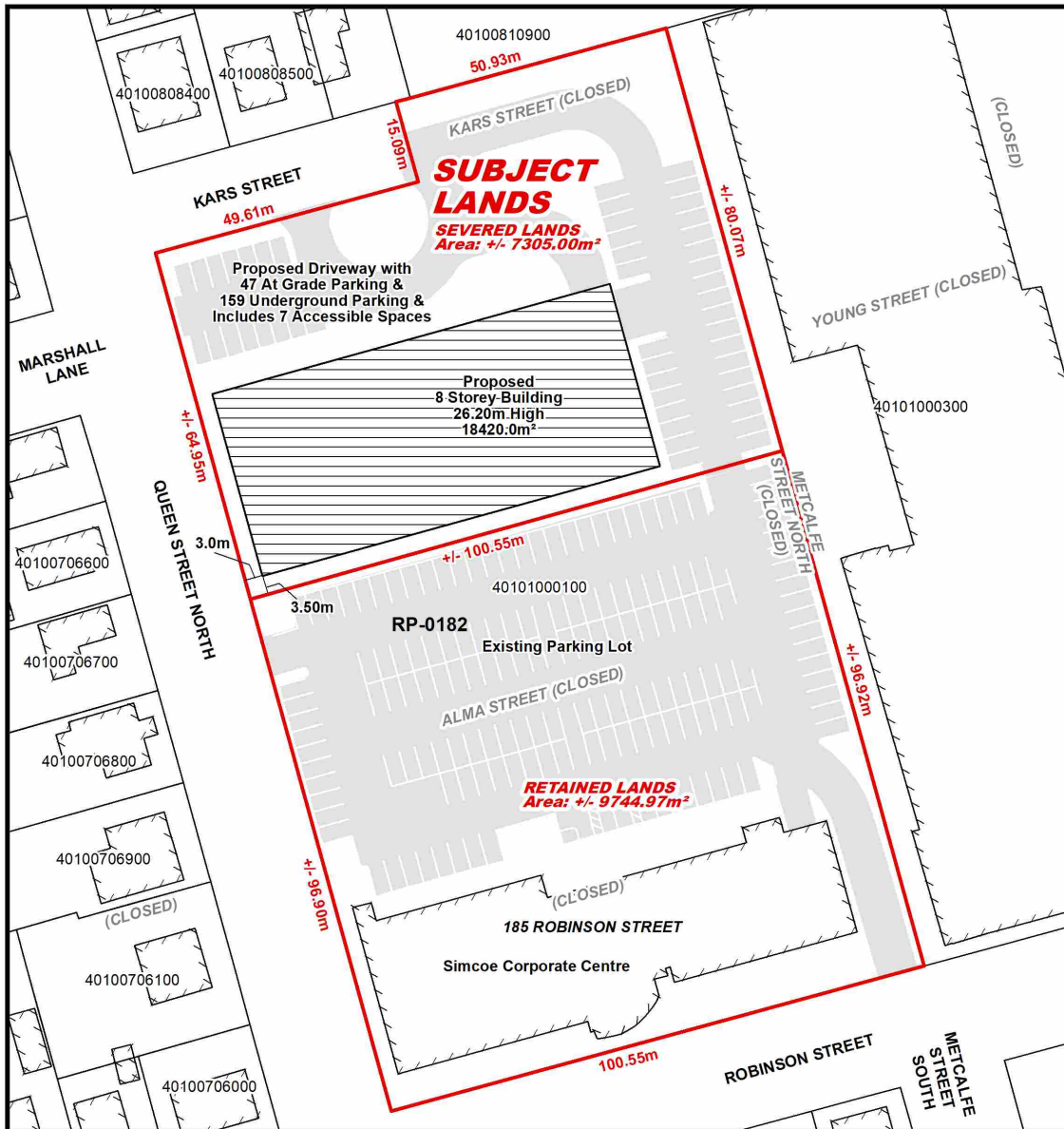
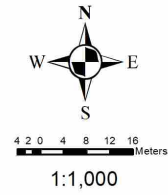


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**MAP 3****File Number: ZNPL2020244****Urban Area of SIMCOE**

12/22/2020



**MAP 4****File Number: ZNPL2020244****Urban Area of SIMCOE**

1/11/2021