

## STAFF REPORT

<b>Prepared For:</b>	Planning Advisory Committee
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	February 23, 2017
<b>Subject:</b>	Development Agreement application by Van Aardt Investments Limited to permit the development of a health care/institutional use at 63 Queen Street.

### Background

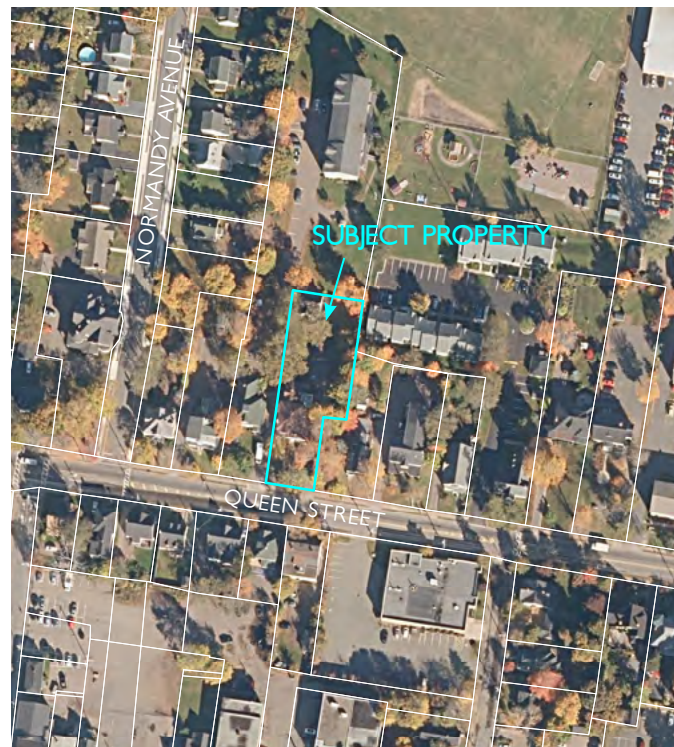
On January 17<sup>th</sup>, 2017, Van Aardt Investments Limited submitted an application to enter into a development agreement and thereby permit the development of an aesthetic medicine practice and two ancillary dwelling units at 63 Queen Street. The proposed development can be considered a “health care” use which falls under the broad heading of “Institutional Uses”.

### Subject Properties

The subject property is 63 Queen Street, also identified as PID no. 20361358. This parcel is 1909 m<sup>2</sup> (20548 ft<sup>2</sup>) in area and has 19.3 m (63 ft) of frontage on Queen Street. The property is currently developed and contains a two storey, two-unit converted dwelling and two accessory buildings. The main building, known as the William J. Kent House, was constructed in 1890 and it is a municipally designated heritage property. The property has been developed as a bed & breakfast with an accessory dwelling unit. The land is zoned Mixed Use Residential (R6) and is situated in the Downtown Residential Future Land Use Designation.

### Development Proposal

The proposed development consists of a medical practice/office & professional use occupying the main floor and most of the second floor of the existing main dwelling. The remainder of the second floor will be utilized as a 1-bedroom dwelling unit. The proposal also includes the creation of an accessory dwelling unit in the existing carriage house and the construction of a new three car garage. The dwelling units proposed for the carriage house and main building are ancillary to the main medical practice/office & professional use and are to be used as accommodations for medical professionals practicing or training in the main building. A site plan of the existing site conditions and the proposed development are shown on page 3 of this report.



Air Photo showing the subject property and surrounding area



Photo of the subject property looking northeast from Queen Street



Photo of the rear yard of the subject property taken from the driveway and showing the two existing accessory buildings.



Photo of the Carriage House that is to be expanded as part of this development application. Taken from the driveway of 59 Queen Street.

### 63 Queen Street Site Plan





Illustrations submitted by the Applicant showing front facade of the existing carriage house (upper left) and the front facade following the proposed expansion

## Analysis

The proposed aesthetic medicine practice and ancillary dwellings can be considered a *Health Care* use. Health care uses are part of a broader use category called *Institutional Uses* which includes hospitals and medical centres. 63 Queen Street is zoned Mixed Use Residential (R6). Institutional uses (such as the proposed health care use) are permitted in the R6 Zone by development agreement in accordance with Municipal Planning Strategy Policy I-12.

This application is being processed under the policies and evaluative criteria found in the Town's Municipal Planning Strategy and Land Use By-law. Full details of this review are attached to this report as Appendix A. There were no significant issues or policy considerations identified as part of this review.

## Public Participation

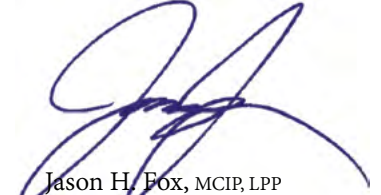
The proposed development is being handled in accordance with the Town's development review process. At their meeting on January 30<sup>th</sup>, the Planning Advisory Committee agreed the proposal should be reviewed using the standard (short) application process. In making this decision, the Committee noted that the proposal was a fairly straightforward and simple development that would likely not generate a great deal of public interest. The standard application process does not include a public participation program prior to the Committee making its final recommendation to Council. The public participation and survey will take place prior to the public hearing.

Details of the application have been posted on the Town's website under "current development applications" and a public notice sign was posted on the subject property earlier this month.

## Conclusion

Planning Staff have completed a review of Van Aardt Investments Limited proposal to develop an aesthetic medicine practice and two ancillary dwelling units at 63 Queen Street. Based on this review, Planning Staff find that this proposal is consistent with the Town's Planning Policies. Staff are therefore recommending that Council enter into a development agreement to permit the proposal as outlined in this report.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'J. Fox', is written over a faint, light blue circular stamp.

Jason H. Fox, MCIP, LPP  
Director of Planning & Development

## Appendix A

RELEVANT POLICY	STAFF COMMENTS
<p><b>Policy R-50</b></p> <p><i>It shall be a policy of Council to establish Architectural Design Requirements for the Downtown Residential Designation and require that all new development and conversions conform to these standards and that these standards be considered as part of any development agreement application process.</i></p>	<p>The proposed development does not include any significant alterations of the main dwelling at 63 Queen. The proposed expansion of the carriage house located in the rear yard does comply with the Town's Architectural Design Requirements.</p>
<p><b>Policy R-51</b></p> <p><i>It shall be a policy of Council to require that all conversions and new construction within the Downtown Residential Designation maintain the integrity of the surrounding residential neighbourhoods and that any new structures complement the architectural style of nearby heritage properties and contribute to the development, preservation, and enhancement of downtown heritage streetscapes.</i></p>	<p>The proposed development does not include any significant alterations of the main dwelling at 63 Queen. The proposed expansion of the carriage house located in the rear yard is not expected to have any impact on the integrity of the surrounding residential neighbourhood or nearby streetscape. The proposed expansion has been designed to match the architectural style of the existing carriage house, which itself was designed to mimic a traditional residential style.</p>
<p><b>Policy R-52</b></p> <p><i>It shall be a policy of Council to forward development agreement proposals within the Downtown Residential Designation to the Heritage Advisory Committee for review and recommendation.</i></p>	<p>The proposal was reviewed by the Town's Heritage Advisory Committee (HAC) at their regular monthly meeting held on February 21<sup>st</sup>, 2017.</p>
<p><b>Policy R-53</b></p> <p><i>It shall be a policy of Council to take into consideration advice from the Heritage Advisory Committee on the following matters when evaluating a development agreement proposal in the Downtown Residential Designation that involves any exterior structural alterations, new signage, new parking, lighting, or landscaping:</i></p> <p>a) <i>the proposal's architectural design and its compatibility with heritage architectural styles found in the neighbourhood;</i></p>	<p>The proposal does not include any alteration of the main dwelling (which is a registered heritage property) and is limited to the carriage house. The carriage house is located in the rear yard and, consequently, impact on the surrounding neighbourhood, neighbouring heritage properties and the Queen Street heritage streetscape is expected to be negligible. The existing carriage house features traditional finish details and a steeply pitched front facing gable which is characteristic of the gothic revival style. The proposed addition to the carriage house has been designed as a continuation of the same style and will feature two additional steeply pitched front facing gables. This addition is compatible with heritage architectural styles found in the area.</p>

RELEVANT POLICY	STAFF COMMENTS
<p>b) <i>the compatibility of the proposal with any abutting heritage properties in terms of its height, bulk, and scale;</i></p>	<p>The proposal will double the size of the existing one-and-a-half storey carriage house. This is not, however, expected to create any compatibility issues with surrounding heritage properties. The footprint of the enlarged structure will be similar to that of other heritage homes in the area. The structure is just one-and-a-half storeys and it incorporates sufficient architectural detailing to minimize the building's scale and bulk.</p> <p>Also, the carriage house is located at the rear of the property and is far enough removed from any abutting heritage properties to minimize any negative impact.</p>
<p>c) <i>the impact of the proposal on any heritage streetscape;</i></p>	<p>See comments under R-53(a) above</p>
<p>d) <i>the location of any proposed parking areas and how well they are screened from neighbouring properties and from the street; and</i></p>	<p>The HAC recommended that all parking be situated in the rear yard. The HAC also requested that the rear parking area be screened from neighbouring properties using opaque/solid fencing and landscaping elements.</p>
<p>e) <i>the suitability of any signage, lighting, fencing, or landscaping elements in terms of their impact on any abutting heritage properties or any heritage streetscape.</i></p>	<p>No significant changes are proposed with respect to landscaping elements. Details concerning signage, lighting, and fencing have not been provided by the applicant at this time. It is recommended that the draft development agreement incorporate a requirement that the applicant consult further with the HAC on these details.</p>
<p><b>Policy I-12</b> <i>It shall be a policy of Council to consider and permit institutional uses in the Single Unit Residential (R1), Two Unit Residential (R2), Mixed Use Residential (R6), and Heritage Residential (R7) Zones by development agreement only.</i></p>	<p>This is the enabling policy that allows Council to consider this proposal by development agreement.</p> <p>The proposed aesthetic medicine practice and ancillary dwellings can be considered a Health Care use. Health care uses are part of a broader use category called <i>Institutional Uses</i> which includes hospitals and medical centres. 63 Queen Street is zoned Mixed Use Residential (R6) and the proposed institutional use (i.e. the proposed health care use) is permitted by development agreement in accordance with this policy.</p>
<p><b>Policy I-13</b> <i>When considering institutional development agreement applications pursuant to Policy I-12, it shall be a policy of Council to require the following:</i></p> <p>a) <i>that the proposal be reviewed using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;</i></p>	<p>This proposal has been evaluated using the evaluative criteria found in Part 11. Details of this evaluation are found below.</p>

## RELEVANT POLICY

## STAFF COMMENTS

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| <p>b) <i>that the proposal be compatible with adjacent uses in terms of height, bulk, scale, and lot coverage;</i></p>   | <p>The proposed expansion of the carriage house will double the footprint of the existing structure. The footprint of the expanded structure, however, will be similar to traditional dwellings found in the neighbourhood. The structure is much smaller than neighbouring multiple unit buildings to the east and north of the subject property. The structure is also smaller than the multiple unit buildings found in the rear yards of other properties in the Mixed Use Residential (R6) portion of Queen Street.</p> <p>The new addition will simply extend the existing one-and-a-half storey structure to the east and it will not increase the building's height. The expansion to the existing carriage house incorporates front facing gables and sufficient architectural detailing to minimize any negative impact of the building's scale. The scale of the structure is in keeping with other traditional dwellings in the area and the proposal is of a smaller scale and bulk than neighbouring multiple unit developments to the north and east. Staff do not anticipate any compatibility issues related to height, bulk, scale and lot coverage.</p> |
| <p>c) <i>that the proposal be compatible with adjacent uses in terms of architectural design, including roof pitch, roof type, materials, and fenestration;</i></p>  | <p>The proposal is an extension of an existing gothic revival style carriage house that forms part of the heritage character of the surrounding neighbourhood. Although the carriage house was constructed recently, the finish details and architectural style of the building complement surrounding heritage properties. The proposed addition will feature the same roof line and finish elements as well as incorporate two additional front facing steeply pitched gables that match the gable on the existing structure.</p>  |
| <p>d) <i>that the proposal does not detract from an established or developing streetscape by significantly varying from the typical height and setback of abutting structures or by having a building that is oriented away from the street; and</i></p> | <p>The proposal does not include any alteration of the existing structure. The proposed addition to the carriage house is located in the rear yard and will not have any impact on an established or developing streetscape.</p>   |
| <p>e) <i>that the parking area be suitably landscaped or fenced and situated where it will not be readily visible from neighbouring properties and the public right-of-way.</i></p>  | <p>The proposal includes a parking area for four vehicles in the front yard. Parked vehicles and asphalt paving will result in a loss of the front lawn and detract from the residential character of the property. It is recommended that all parking be located in the rear yard. Existing fencing and landscaping are already in place around the periphery of the rear yard and are expected to be sufficient to provide an effective visual barrier between the proposed parking area and neighbouring properties.</p>  |

## RELEVANT POLICY

## STAFF COMMENTS

### **Policy G-18**

*It shall be a policy of Council to consider allowing a reduction in the number of required parking spaces where it can be demonstrated the proposed development is intended for residents who are less likely to own an automobile due to factors such as age, income, or mobility issues.*

The proposed health care use will include 6 treatment rooms on two levels of the existing dwelling. This includes a gross floor area of approximately 240 m<sup>2</sup> (2600 ft<sup>2</sup>). Parking is calculated for medical clinics at 1 space/18 m<sup>2</sup> (194 ft<sup>2</sup>) of net floor area (gross floor area minus washrooms, stairs, utility rooms, storage, common areas). The applicant has not submitted detailed floor plans at this time, but assuming that the net floor area is about 80% of the gross floor area, the parking requirement for the health care use would be 11 parking spaces. The parking area for the residential use would be calculated at 0.5 spaces per dwelling unit. The proposal includes one 1-bedroom apartment and one 2-bedroom apartment for a total requirement of 2 spaces. The total parking requirement for this development would be 13 spaces.

This proposal includes parking for 14 cars (11 stalls in the exterior lot plus an additional 3 stalls in the garage) which is sufficient to meet the Town's parking requirements as set out in the Land Use By-law. No reduction in parking requirements is necessary.

The applicant's proposal includes a parking area in the front yard for 4 vehicles but it is recommended that this parking area be removed. These 4 spaces have not been included in the parking calculations.

### **Policy G-29**

*It shall be a policy of Council to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night.*

The draft development agreement will require that outdoor lighting be limited to full cut-off fixtures that illuminate the subject property only and not cause any light trespass.

### **Policy G-30**

*It shall be a policy of Council to prohibit outdoor lighting that is misdirected, excessive, or unnecessary.*

See comment under Policy G-29 above

### **Policy G-31**

*It shall be a policy of Council to require that all outdoor lighting fixtures in or abutting a residential zone or designation be full cut-off fixtures approved by the International Dark Sky Association.*

See comment under Policy G-29 above

### **Policy G-35**

*It shall be a policy of Council to require that all development proposals or other proposals that may impact upon vehicle access to a public street be subject to the approval of the Town's Traffic Authority.*

Details concerning the proposed development were forwarded to the Town's Traffic Authority on February 6<sup>th</sup>. The Town's Traffic Authority has reviewed the proposal and verbally indicated that there are no issues with respect to traffic volumes or driveway locations.

RELEVANT POLICY	STAFF COMMENTS
<p><b>Policy IN-34</b></p> <p><i>It shall be a policy of Council to require that all new construction that is subject to a development agreement, to submit a Storm Water Management Plans for the development, either as a condition of approval or for Council's consideration as part of a development agreement application.</i></p>	<p>Details concerning the proposed development were forwarded to the Town Engineer's Office on February 6<sup>th</sup>. The Town Engineer has reviewed the proposal and verbally indicated that there are no issues with respect to stormwater management. Given the small size of the proposed addition, Staff do not believe that a stormwater management plan is warranted.</p>
<p><b>Policy IM-19</b></p> <p><i>It shall be a policy of Council to require the submission of a detailed proposal as part of any development agreement application. The proposal shall include any information or materials required by Council in order to effectively evaluate the submission. The submission shall be accompanied by professionally prepared plans that effectively illustrate the proposal and include details such as, but not necessarily limited too, the following:</i></p> <ul style="list-style-type: none"> <li><i>a) the location, area, and dimensions of the subject property based on a survey or location certificate prepared by a licensed surveyor.;</i></li> <li><i>b) elevation drawings of the proposed structure or structures;</i></li> <li><i>c) the proposed location, dimensions, height, and proposed use of all buildings;</i></li> <li><i>d) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;</i></li> <li><i>e) the proposed location and nature of any outdoor storage or display;</i></li> <li><i>f) the proposed location, design, and content of any signage;</i></li> <li><i>g) the proposed location and dimensions of any parking stalls, driveways, and walkways;</i></li> </ul>	<p>The detailed site plan based on a survey plan has been prepared.</p> <p>The applicant has submitted preliminary elevation drawings of the proposed addition to the carriage house.</p> <p>The applicant has indicated that the proposal will consist of a health care use in the existing converted dwelling that will occupy the main floor and a portion of the second floor. The remaining area on the second floor of the existing dwelling will be used as a one-bedroom dwelling. The existing carriage house will be expanded to include a two-bedroom dwelling unit and a three car garage. Plans submitted by the applicant indicate the approximate size and height of the proposed addition.</p> <p>The applicant has not submitted any servicing plans. General details about this proposal were forwarded to the Town Engineer's Office on February 6<sup>th</sup>. The Town Engineer has verbally indicated that he does not anticipate that this development will have any issues related to servicing.</p> <p>No outdoor storage or display is proposed as part of this development.</p> <p>The draft development agreement will require that any signage comply with the Land Use By-law signage requirements.</p> <p>The site plan illustrates the locations and dimensions of all parking areas and driveways.</p>

RELEVANT POLICY	STAFF COMMENTS
<i>h) the proposed location of any fencing, refuse containers, and snow storage;</i>	No new fencing is proposed as part of the proposed development. There is sufficient room in the rear yard for refuse containers and there is sufficient room on site for snow storage.
<i>i) the proposed location and type of any exterior lighting,</i>	Information with respect to the location and type of lighting fixtures has not been provided. The draft development agreement will require that all lighting comply with the Land Use By-law lighting regulations and adequate lighting will have to be provided for all parking areas and walkways.
<i>j) the proposed location of any outdoor amenity space;</i>	The proposal includes sufficient green space on site to provide outdoor amenity space for use by residents and clientele of the proposed development.
<i>k) landscaping elements including the type and location of any existing and proposed trees or other vegetation;</i>	Landscaping elements were not included on the site plan. The proposal consists of a minor addition to an existing structure and the creation of a rear parking area. Most of the mature trees on site are situated on the periphery of the property and it is not expected that this proposal will have a significant impact on existing trees. The applicant is encouraged to contact the Town's Urban Forestry Technician to identify opportunities for tree planting.
<i>l) architectural features including type of materials,</i>	The applicant has submitted a preliminary elevation drawing that clearly depicts proposed architectural features. Materials have not been specified at the time this report was written.
<i>m) the location of any watercourses on or near the site;</i>	Planning Staff are not aware of any watercourse on or near the site.
<i>n) existing and proposed drainage patterns including any stormwater management measures;</i>	Details concerning the proposed development were forwarded to the Engineering & Public Works Department on February 6 <sup>th</sup> . Given the small scale of the proposed development, the Town Engineer has verbally indicated that a stormwater management plan will not be required.
<i>o) the delineation of any 1:20 and 1:100 flood elevations and a description of any proposed floodproofing measures; and</i>	The proposed development is not situated in the 1:20 or 1:100 floodplain
<i>p) any proposed phasing of the development.</i>	There is no phasing proposed as part of this development.



RELEVANT POLICY	STAFF COMMENTS
<p>c) <i>compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise;</i></p>	<p>The proposed parking area and carriage house expansion are the only significant land use changes that could impact neighbouring properties. These land uses are situated in the rear yard away from neighbouring low density residential uses. Additionally, the driveway and parking area are fenced to limit the impact of vehicle headlights.</p> <p>There is no outdoor storage or display proposed as part of this development. The proposal is not expected to generate any noise and the Town's Noise By-law will apply.</p> <p>Lighting and Signage will be required to comply with standard Land Use By-law requirements for the Mixed Use Residential (R6) Zone.</p>
<p>d) <i>the adequacy of sewer services, water services, waste management services and storm water management services;</i></p>	<p>Details concerning the proposed development were forwarded to the Engineering &amp; Public Works Department on February 6<sup>th</sup>. The Town Engineer does not anticipate any issues with respect to water, waste water and storm water services.</p>
<p>e) <i>that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services;</i></p>	<p>This development will increase residential densities while utilizing existing infrastructure. It is situated within a built up area of the downtown core and it will contribute to the creation of a more compact urban form.</p>
<p>f) <i>the adequacy and proximity of schools;</i></p>	<p>The creation of one additional dwelling unit is not expected to have any impact on school capacity.</p>
<p>g) <i>the adequacy and proximity of recreation and community facilities;</i></p>	<p>There is sufficient amenity space on site to provide recreation opportunities for residents of the proposed development.</p>
<p>h) <i>the adequacy of the road network in, and adjacent to, or leading to the development;</i></p>	<p>The Town's Traffic Authority has reviewed the proposal and has verbally noted that traffic impact will be minimal.</p>
<p>i) <i>the potential for the contamination or sedimentation of watercourses or for erosion;</i></p>	<p>There are no watercourses in the vicinity of the proposed development.</p>
<p>j) <i>environmental impacts such as air and water pollution and soil contamination;</i></p>	<p>This proposal is not expected to cause any negative environmental impacts.</p>
<p>k) <i>previous uses of the site which may have caused soil or groundwater contamination;</i></p>	<p>Staff are not aware of any previous uses of the site that may have resulted in soil or groundwater contamination.</p>
<p>l) <i>suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;</i></p>	<p>Staff are not aware of any site constraints.</p>

RELEVANT POLICY	STAFF COMMENTS
<p>m) <i>the application of sustainable and energy efficient design principles;</i></p>	<p>The applicant has not indicated if their proposal includes any energy efficiency initiatives.</p>
<p>n) <i>the ability of emergency services to respond to an emergency at the location of the proposed development;</i></p>	<p>Details regarding this application were forwarded to the Town's Police and Fire Services for review on February 6<sup>th</sup>. The Police Chief has responded and did not identify any concerns regarding the Police Service's ability to respond to an emergency at this location. The Fire Inspector had not responded at the time this report was written.</p>
<p>o) <i>that the proposal is in conformance with the intent of this strategy and with the requirements of Town By-laws and regulations other than the Land Use By-law;</i></p>	<p>The draft development agreement will require that the proposal conform to all other applicable by-laws and regulations.</p>
<p>p) <i>the financial ability of the Town to absorb any costs relating to the amendment.</i></p>	<p>The Town is not expected to incur any costs as a result of this development proposal.</p>
<p><b>Policy IM-34</b> <i>It shall be a policy of Council to consider scheduling an evening public hearing and to consider holding an advertised public information meeting where there is a great deal of public opposition or concern regarding a development proposal or amendment application. The cost of advertising these meetings shall be the responsibility of the applicant.</i></p>	<p>Staff do not see the need for an advertised public information meeting, nor is there a need to schedule a evening public hearing.</p>