



# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Kaveen Fernando Planner I – Development Planning Department <a href="mailto:kfernando@cobourg.ca">kfernando@cobourg.ca</a>	<b>Meeting Type:</b>	
<b>Meeting Date:</b>	<b>January 24, 2022</b>		
<b>Report No.:</b>	Z-11-21		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** **Zoning By-law Amendment – 1005 Elgin Street West (Fleming Building)**

## RECOMMENDATION:

THAT Council be advised that the Planning and Development Advisory Committee (PDAC) has duly considered the application from Community Planning and Consulting Inc. on behalf of Linmac Inc. to amend Shopping Centre Exception Four (SC-4) Zone to permit “Medical Clinic Use” as a permitted land use at 1005 Elgin Street West (Fleming Building) to an existing commercial building.

FURTHER THAT the Planning and Development Advisory Committee endorses the conclusions of the Planning Report.

## 1. STRATEGIC PLAN

N/A

## 2. PUBLIC ENGAGEMENT

The Application for Zoning By-law Amendment was submitted by Community Planning and Consulting Inc. to add “Medical Clinic Use” as a permitted use at 1005 Elgin Street West in November, 2021.

Council formally received the application for approval of Zoning By-law Amendment on November 15, 2021, the application was referred to the Planning Department for a report, and a Public Meeting was held on December 20<sup>th</sup>, 2021 in accordance with the provision of the *Planning Act, R.S.O. 1990, c.P.13*, as amended. There were no public submissions received regarding this application.

Section 34(10) & (13) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended prescribe statutory public notice requirements for a complete application for Zoning By-law Amendment and for the scheduling of a public meeting.

The notice of a statutory Public Meeting can be provided together with the notice of complete application, or separately. The Municipality is required to give notice by either:

- a) Publication in a newspaper that is of sufficient circulation in the area which the application applies; or
- b) Personal or ordinary service made to every land owner within 120 metres of the subject land, and by posting a notice, clearly visible from public highway or other place of public has access to the subject land, or a location chosen by the municipality.

The Municipality's notification procedures for complete application and public meetings included both a) and b) above, including the posting of signs on the frontages of the site in question. In addition, the Town provided an information and application receipt memo to Council for information purposes in open session and posted relevant information regarding the development on its Planning Applications page of the municipal website (Planning and Development). Members of the public on record as making submissions to the Town, if any, will be notified, when the application and this report are being considered by Council for consideration.

### **3. PURPOSE**

The purpose of this report is to provide a planning analysis and justification regarding an application for Zoning By-law amendment to add "Medical Clinic Use" as a permitted use at 1005 Elgin Street West (Fleming Building).

### **4. ORIGIN AND LEGISLATION**

An application for approval of the Zoning By-law Amendment was submitted by Community Planning and Consulting Inc. on behalf of Linmac Inc. in November, 2021. Council moved that the application be received and referred to the Planning Department for a report at its meeting of November 15, 2021 and further directed that a Public Meeting be held. The Public Meeting was convened on December 20, 2021 regarding this application. In accordance with the provisions of the *Planning Act*, if the Municipality fails to approve the complete application within 90 days of its receipt, the applicant may appeal the application to the Ontario Land Tribunal (OLT).

### **5. BACKGROUND**

#### **5.1 Owner**

Linmac Inc.

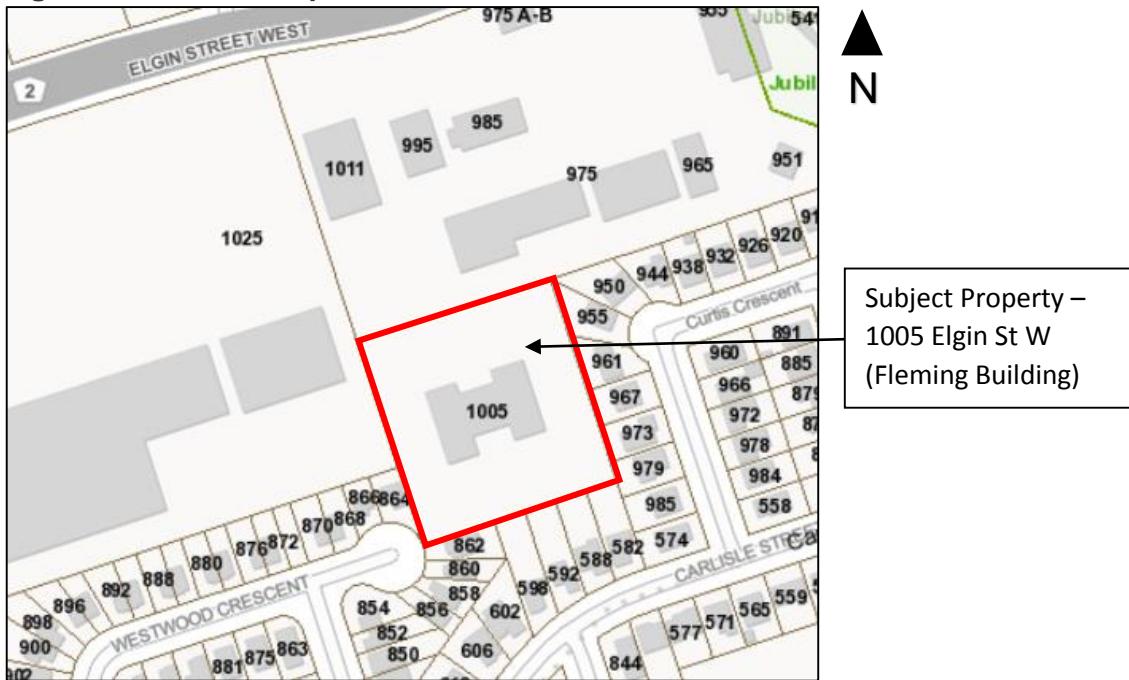
#### **5.2 Applicant/Agent**

Community Planning and Consulting Inc. - Agent: Kevin M. Duguay

#### **5.3 Property Address**

1005 Elgin Street West as illustrated in the attached Figure 1 – Context Map below.

## Figure 1 – Context Map



## 5.4 Existing Land Uses

The subject land is developed and occupied by the “Fleming Building”, which currently houses institutional, commercial/office and clinic uses.

## 5.5 Surrounding Land Uses

The land uses in the vicinity of the subject property generally consist of a mix of commercial, residential and institutional land uses;

North: Commercial and office uses

East: Commercial, office and residential uses)

## South: Residential uses (low density)

West: Commercial (Staples and Northumberland Mall)

## 5.6 Proposal

The Application Summary Section of the Community Planning and Consulting Justification Report (affixed hereto as **Appendix I**) provides an overview of the proposal and reasons for the amendment. The applicant, Linmac Inc., is proposing to convert existing vacant commercial units within Fleming Building into medical practitioner clinic spaces. The current zone permits “clinic use”, however, as per section 3.26 of the Comprehensive Zoning By-law No. 085-2003, a Zoning By-law Amendment is required to introduce more than four (4) medical practitioners. The property owner intends on introducing a maximum of seventeen (17) practitioners with in the building. There are no structural works proposed or any expansion plans for the existing building to convert existing commercial units to medical clinic spaces.

In support of the application, the following planning reports and documents were submitted by the applicant:

- **Appendix I** – Planning Justification Report, Kevin M. Duguay, Community Planning and Consulting Inc., dated October 29, 2021;

The following drawings also form part of this Planning Report:

- **Schedule “A”** – Location Map
- **Schedule “B”** – Parking Plan

Section 6 provides the Planning Analysis of applicable Provincial and Municipal policies, and regulations and guidelines.

## 6 ANALYSIS

In considering the subject application, an understanding of the applicable provincial legislation and local policies is beneficial when reviewing applications for approval of amendments to the Zoning By-law. Kevin M. Duguay's Planning Justification Report (the "KMD Planning Report") provides a detailed overview of relevant provincial and local policies, guidelines and standards and offer opinions relating to conformity.

It is not the intent of this Preliminary Planning Report to duplicate the planning review and analysis provided by the KMD Planning Report, however the following sections provide a general 'high-level' summary of relevant background and commentary from a municipal planning staff perspective and are intended to complement and be read in conjunction with the submission from the applicant.

### 6.1 Planning Act, RSO 1990, c.P. 13, as amended

In accordance with the approval process of the Planning Act, the requirements for considering an application for approval of Zoning By-law amendments include public notification, convening a Public Meeting, and awaiting an appeal period.

As referenced above, the Municipality shall have regard to matters of Provincial interest under Section 2 of the Act, which are encapsulated in the Provincial Policy Statement (PPS), 2020 and Provincial Plans, such as the Place To Grow Growth Plan for the Greater Golden Horseshoe (the "Growth Plan"), 2019. In general, matters of Provincial interest include such applicable matters as: adequate provision and efficient use of infrastructure; orderly development of safe, healthy and complete communities; adequate provision of a full range of housing, including affordable housing; accessibility for persons with disabilities; the protection of public health and safety; appropriate locations for growth and development; the promotion of sustainable development; the use of pedestrian-friendly designs; and development which is transit supportive.

### Comments/Opinion

The proposal to make use of a vacant units within an existing, serviced building, on a commercial property within proximity to regular municipal transit stops and other commercial amenities demonstrates an efficient utilization of existing infrastructure and, therefore, minimizes the unnecessary consumption of land. The proposal to permit a medical clinic at this location will ensure that the medical practitioners are accessible to the community by municipal transit and is well-positioned within the built-up area of the municipality, convenient to other services and businesses.

The KMD Planning Report acknowledges that the existing site provides adequate parking required for the use and ensures that existing businesses on the subject property are unencumbered by the proposed use. In my opinion, the proposed amendment has

appropriate regards to matters of Provincial interest under Sections 2 and 34 of the Planning Act.

## 6.2 Provincial Policy Statement (PPS), 2020 & Growth Plan, 2020

The Provincial Policy Statement (PPS) provides a broader policy direction on land use planning and development matter of Provincial Interest as per the *Planning Act, R.S.O. 1990, c.P.13, as amended*. The PPS provides polices for appropriate development based on efficient use of land infrastructure, protection of natural resources, and supports a mix of employment that caters to municipal needs. As highlighted in the KMD Planning Report, the proposed development is consistent with Sections 1.1.1, 1.1.3.1, 1.1.3.2 and 1.6.6 polices of the Provincial Policy Statement;

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and Municipalities over the long-term;
- Settlement Areas shall be the focus of growth and development;
- Land use patterns within settlement areas shall be based on densities and mix of land uses which; a) sufficiently use land and resources and b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

### **Comments/Opinion**

The Growth Plan directs that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and support appropriate major institutional and office development in urban growth centres, supported by transit areas. In addition, the plan provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to encourage active transportation.

The KMD Planning Report acknowledges the policies of the PPS and the Growth Plan and confirms that the proposal is consistent with the Provincial policies. The report specifically cites that the proposal contributes to a liveable, healthy, complete community, and supports efficient, cost-effective development patterns, which makes use of the existing infrastructure and minimizes land consumption.

The prime location of the Fleming Building supports the transit-supportive land use patterns as highlighted by Provincial Policy Statement (PPS) and provides further amenities such as access to restaurants, retail and more importantly, quick access to Northumberland Hills Hospital in an emergency. Thus, the proposal to introduce more medical clinic uses in this location will contribute to better quality of life for surrounding residents and rest of Cobourg.

Additionally, with respect to the Provincial directive to improve accessibility for persons with disabilities and older persons, the interior renovation required to the existing commercial units will trigger the accessibility requirements within the Ontario Building Code (OBC), as amended. The accessibility requirement within the OBC will ensure that interior improvements relating to accessibility provision are completed during the Building Permit Stage. The existing building does have an accessible entry ramp and lift device.

Based on the above discussion, it is my opinion that the application for Zoning By-law Amendment is consistent with and conforms to matters of Provincial Interests as reflected in the PPS and Growth Plan.

### 6.3 County of Northumberland Official Plan, 2016

The purpose of the County of Northumberland Official Plan (the “County OP”) is to:

- Establish a broad, upper tier policy framework intended to guide local municipalities in the preparation of their Official Plans, Official Plan Amendments and zoning by-laws;
- Implement the PPS and Growth Plan at the County level; and,
- Establish a framework for coordination and cooperation amongst local municipalities and the County on planning and development issues that cross municipal boundaries.

The County OP is not intended to duplicate the policies of local Official Plans, and recognizes that certain land use planning responsibilities are vested with local municipalities. Accordingly, the County OP provides over-arching guidance necessary to formulate detailed strategies, policies and land use designations at the local level. Thus, the land use designations and policies in the Cobourg OP essentially remain intact, but would need to be monitored and regularly updated to ensure conformity with the County OP.

The County OP encourages each of the six (6) urban areas in the County to become complete communities, including the provision of convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, health, transit, recreation and open space for their residents. From this perspective, it is the objective of the County OP to:

- Protect, enhance and maintain existing urban areas as diverse, livable, safe, thriving and attractive communities;
- Promote the efficient use of land and infrastructure by directing most development to urban areas where full services are available;
- Provide opportunities for a diversified economic base, including an appropriate mix of employment and institutional uses to meet long term needs;
- Establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including public transit, cycling and walking;
- Provide for an interconnected system of public spaces that offer convenient and comfortable access and promote safe and healthy environments; and,

- Encourage a high standard of urban design;

#### **Comments/Opinion**

It is my opinion that the proposal conforms with the County OP, and the proposed Zoning By-law Amendment provides a strong foundation for the expansion of the health care facilities within the Town of Cobourg settlement area, while providing additional employment opportunities that would benefit not only the Town of Cobourg but also the surrounding communities.

#### **6.4 Town of Cobourg Official Plan, 2017**

The Official Plan is a broad policy document that establishes an overall planning framework or vision for the community, including policies for maintaining and enhancing the existing community structure and for managing change, and for guiding the municipality in implementing the planning process through a variety of mechanisms and approaches. As per the Town of Cobourg Official Plan, Schedule “A” – Land Use Plan, the subject property is designated “Shopping Node Area”.

Section 3.8 provides a list of permitted uses: commercial including department stores and supermarkets; office; institutional; recreation; and high-density residential uses. The KMD Planning report further analyses of applicable Official Plan policies under “Town of Cobourg Official Plan” (page 9) and provides a detailed summary.

#### **Comments/Opinion**

The proposed development is located on the south side of Elgin Street West, amongst other commercial and office development (Northumberland Mall and Victoria Place Shopping Centre). It is my opinion that the proposal would be consistent with the existing office, commercial and institutional uses on site and the Official Plan policies. The proposed medical clinic use would be considered an institutional use and therefore, is a permitted use in the Shopping Node Area.

#### **Urban and Landscape Design Guidelines**

The Cobourg Official Plan contains number of references to sustainable community design, including the Vision, community design principles, sustainability strategy, and design & improvements. The sustainability strategy of the Official Plan encourages the Creation of a “culture of conservation” which reflects the principle of sustainable development – “Development that meets the needs of the present without compromising the ability of future generation to meet their own needs”. The policies contained within the strategy, and the supporting guidelines of the Town’s Urban & Landscape Design Guidelines, are aimed at encouraging development which are based on this principle and creation of an integrated community sustainability plan by encouraging reduced energy consumption, minimize waste material, water and limited resources, creating livable, healthy and productive environments etc....

#### **Comments/Opinion**

The abovementioned concepts and policies are mostly applicable to new construction, and since no new construction is proposed on the subject lands, it is my opinion that the proposal is consistent with the Urban & Landscape Design Guideline. Additionally, planning staff encourages the proponent and property owner to consider introducing additional energy efficient devices and to adopt green initiatives during the interior renovations that would contribute to the overall operations of the building.

## **6.5 Zoning By-law No. 085-2003**

The subject property is currently zoned “*Shopping Centre Exception Four*” (SC-4) in the Comprehensive Zoning By-law, which currently permits clinic uses and does not permit “Medical Clinic” uses. Medical Clinic Uses are distinguished from clinic uses by having four (4) or more practitioners providing diagnosis and treatment to the general public. Medical Clinic uses are generally recognized within the Institutional Zone category, as they are more readily categorized with other larger public service, community facilities such as schools, hospitals, government offices, libraries and places of worship however, they fit within some larger commercial projects as well.

From a parking perspective, this is an existing development built in accordance with the approved Zoning By-law Parking standards for the existing commercial building. The KMG Planning Report and the parking plan demonstrates a total of 148 parking spaces for the development (refer to **Schedule B - Parking Plan**). Given the change in medical square footage from 871 m<sup>2</sup> to 1530 m<sup>2</sup> in the building, an addition of 659 m<sup>2</sup> of medical space, it would require a total of 102 parking spaces for medical clinic uses with an additional 43 for the existing commercial uses for a total of 145 parking spaces to support all uses. The intention of this Zoning By-law Amendment is to introduce approximately seventeen (17) medical practitioners within the building. The proposal satisfies the parking requirements and exceeds the required number of parking spaces for the site.

### **Comments/Opinion**

The KMD Planning Report provides an overview of the zoning regulation applicable to the subject property. The Planning Department concurs with the findings of the report, and specifically, the analysis and conclusions relating to the parking requirements for the proposed use.

Although a medical clinic use is generally included in the Institutional Use, based on my review of the application, there are no apparent land use conflicts with providing the proposed medical clinic use within this commercially zoned building.

Based on the above discussion, the Planning Department concurs with the proposal in the KMD Planning Report to introduce medical clinic use with approximately seventeen (17) practitioners, and the expansion of floor area to accommodate approximately 1530 m<sup>2</sup> clinic space.

It is my opinion that the proposed amendment to the Zoning By-law is appropriate and represents good planning. The proposed amendment will appropriately responds to the current needs of the Community in a way that makes efficient use of existing resources and infrastructure, and support the use of transit and active transportation methods. The proposal does not adversely impact the existing users or tenants of the subject property.

## **6.6 Agency Comments**

The application was circulated to Municipal Departments and External Agencies for review and comments. Largely, the Development Review Team had no objections or comments regarding the proposed Zoning By-law Amendment application, however, one comment highlighted by the Public Works Department was that no medical waste be disposed into Town of Cobourg sewers and all medical waste is disposed as per the MOE guidelines.

## **6.7 Public Submissions**

No submission were received regarding the Zoning By-law Amendment application in writing, email or at the Public meeting held on December 20<sup>th</sup>, 2021 or subsequently.

## **7 FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

There are no anticipated negative financial implications imposed on the Municipality as a result of this application. The developer will be responsible for all infrastructure costs associated with servicing and developing the site. The applicant has submitted the requisite \$7,500.00 in application fees and deposit.

## **8 CONCLUSION**

Based on the evaluation of the application relative to the applicable Provincial, County and Municipal policies and regulatory framework, it is my opinion that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning for following reasons:

- I. The proposal will satisfy the key policy and regulatory directives of the Planning Act, Provincial Policy Statement, A Place to Grow – Growth Plan, County of Northumberland Official Plan, the Cobourg Official Plan and assists the Town of Cobourg meet the long term economic needs by creating employment opportunities in vacant spaces.
- II. The proposed development is consistent with the intended purpose of Cobourg's Shopping Centre Area policies of the Town of Cobourg's Official Plan.

## **9 ATTACHMENTS**

**Appendix I** – Community Planning & Consulting Inc. – Planning Justification Report (October 2021)