



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: June 7, 2022

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**FROM:** Planning Services Department

**DATE:** May 24, 2022

**SUBJECT:** Schlegel Villages Inc., Request for Support of an Amended Minister's Zoning Order, Part of Lot 27, Concession 1, NDS, Designated as Parts 3 and 5 on Reference Plan 20R-20782

**LOCATION:** Southwest corner of William Halton Parkway and Hospital Gate

**WARD:** Ward 7

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#### RECOMMENDATION:

1. That Schlegel Villages Inc.'s request to support an amended Minister's Zoning Order for Part of Lot 27, Concession 1, NDS, Designated as Parts 3 and 5 on Reference Plan 20R-20782 be received.
2. That Council support an amended Minister's Zoning Order, as requested by Schlegel Villages Inc., for two new long term care facilities together with two retirement homes, 250 staff housing units, and accessory land uses.
3. That Staff be directed to work with Schlegel Villages Inc. to implement the Minister's Zoning Order through future *Planning Act* applications, including Site Plan Approval as generally described in the report dated May 24, 2022 from Planning Services.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- **Location:** The subject property is located at the southwest corner of William Halton Parkway and Hospital Gate, is 5.67 ha (14.0 acres) in size, and is currently vacant.
- **Proposal:** Two 10 storey long term care facilities with a combined 640 beds, two retirement homes 12 and 15 storeys in height with a combined 676 units, accessory uses supporting the aforementioned uses, and 250 (staff) apartment dwellings. A total of 948 parking spaces are proposed.

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- **Existing Minister's Zoning Order:** The subject property is subject to an existing Minister's Zoning Order (O. Reg. 446/20) enacted on August 12, 2020 which permits long-term care and accessory uses.
  - **Nature of Request:** In a letter dated May 12, 2022, the Proponent is seeking the town's support for an amended Minister's Zoning Order to add the aforementioned retirement home, 250 apartment dwellings for team members (i.e. staff), and accessory uses to facilitate their integrated "campus of care" model. Site-specific regulations are also proposed.
  - **Policy Context:** Pursuant to Section 47(1) of the *Planning Act*, the Minister of Municipal Affairs and Housing has authority to exercise any of the powers granted to Councils by Section 34 (zoning) of the *Planning Act*. A decision to make an Minister's Zoning Order must have regard to matters of provincial interest. A Minister's Zoning Order does not have to be consistent with the Provincial Policy Statement, conform to the Growth Plan, or the Town's Official Plan.
  - **Process:** The Minister of Municipal Affairs and Housing is not required by legislation to consult with a municipality prior to enacting a Minister's Zoning Order. Recent practice by the Province is to request a letter from the Mayor, or Municipal Council resolution, of support before proceeding with a Minister's Zoning Order request. There is no prescribed process or legislated timelines for the Town to respond to the Proponent's request. Should Council support the Proponent's request for an amended Minister's Zoning Order, it would enable the Proponent to formally submit this request to the Ministry of Municipal Affairs and Housing, following which the Minister would make a decision. A Minister's Zoning Order is not appealable to the Ontario Land Tribunal.

An amended Minister's Zoning Order would replace the need for the Proponent to seek an Official Plan Amendment and Zoning By-law Amendment from the Town. This is particularly relevant since the subject property is currently located within a designated employment area, and the Growth Plan prohibits residential uses within employment areas. In staff's opinion, neither an Official Plan nor Zoning By-law Amendment proposing residential uses would be able to be considered before the Council-adopted policies (OPA 35), which permit mixed-use, are in effect. OPA 35 is being reviewed by Halton Region and is not anticipated to be completed in 2022.

The requested amended Minister's Zoning Order would have the effect of expediting the planning approvals for this project, aligning with the proponent's intent to start construction in spring of 2023. Site plan approval would still be required.

## BACKGROUND:

### O. Reg. 446/20

The availability of long-term care beds has been a key issue in Ontario for several years. As of May 2021 the waitlist to access a long-term care bed in Ontario was more than 38,000 people, with a median wait time of 171 days for applicants to be placed in long-term care.<sup>1</sup>

As part of efforts to alleviate this issue, a Minister's Zoning Order (O. Reg. 446/20) (“**MZO**”) was enacted for the subject property on August 12, 2020, which permits long-term care and accessory uses. The MZO was enacted to facilitate sale of the subject property to a care provider, and to provide expeditious delivery of long-term care beds. This was part of a larger \$2.68 billion Provincial investment in long-term care development intended to deliver 30,000 new beds over ten years.

The beneficial purchaser of the subject lands, Schlegel Villages Inc. (the “**Proponent**”), has proposed a ‘campus of care’ model as part of the delivery of 640 long-term care beds which includes creation of a “main street” that would span the entire length of the building and provide a wider spectrum of care including retirement and independent living options.

*“The simplicity and familiarity of our main street acts to gently orient people of varying cognitive strengths to encourage the ease of passage across the continuum, requiring almost no wayfinding and enhanced by the many facades and amenities encountered along the way. At the heart of the Campus will be a Main Street and Town Square, where residents and their families can make trips to the pub, corner store, pharmacy, Health Centre, the Riverstone Spa, or the rooftop Ruby’s Restaurant, where casual and refined dining can be accessed by all, regardless of whether they are a resident of the Village.”<sup>2</sup>*

The MZO did not contemplate this model of care, and only permits ‘one or more long-term care homes, together with accessory uses’. An amendment to the MZO is being sought to also permit retirement home, 250 apartment dwellings for team members (i.e. staff), and accessory uses to facilitate the Proponent’s integrated “campus of care” model. Site-specific regulations are also proposed.

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<sup>1</sup> Provincial News Release dated October 13, 2021 entitled ‘Ontario Building New Long-Term Care Homes in Oakville’

<sup>2</sup> News Release dated October 13, 2021 entitled “Schlegel Villages to Develop a New Campus of Care in Oakville to Provide a High-Quality of Life and Person-centred Service delivery model to its 640 Village Neighbours”

## Proposal

The proposed development included the following uses (the “**Proposal**”):

- i. two ten (10) storey long-term care homes containing 640 beds;
- ii. two retirement homes at twelve (12) and fifteen (15) storeys respectively containing 676 units consisting of retirement home suites and independent seniors’ apartments;
- iii. a ‘town square’ comprised of a mix of accessory uses<sup>3</sup>;
- iv. a health centre that would be available to residents and the public’
- v. a ‘living classroom’ partnership with a post secondary institution to offer full diploma health care programs;
- vi. two six (6) storey affordable team member (i.e., staff) apartments with approximately 250 units; and,
- vii. parking consisting of approximately 948 surface and underground spaces.

In a letter from the Proponent, dated May 12, 2022 and appended to this report as “**Appendix ‘A’**”, it is noted that the Proposal would facilitate their “...*unique and integrated “campus of care” model to complement the Oakville Hospital District.*” Overall, the Proposal would provide supports to meet the needs of seniors at various stages of life and care requirements. Accessory uses are also proposed to provide support to seniors living the broader community as well.

Together, the long-term care bedrooms, retirement home suites, and seniors' apartments would total approximately 1,118 units. The Proponent estimates that the Proposal would generate approximately 1,100 new jobs<sup>4</sup>.

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<sup>3</sup> The proposed **accessory uses** include: commercial school; day care; general office; medical office; personal service shop; rehabilitation centre; research and development; restaurant; retail store; seniors community centre; seniors day program; and service commercial.

<sup>4</sup> Based on Proponent’s letter in Appendix A.

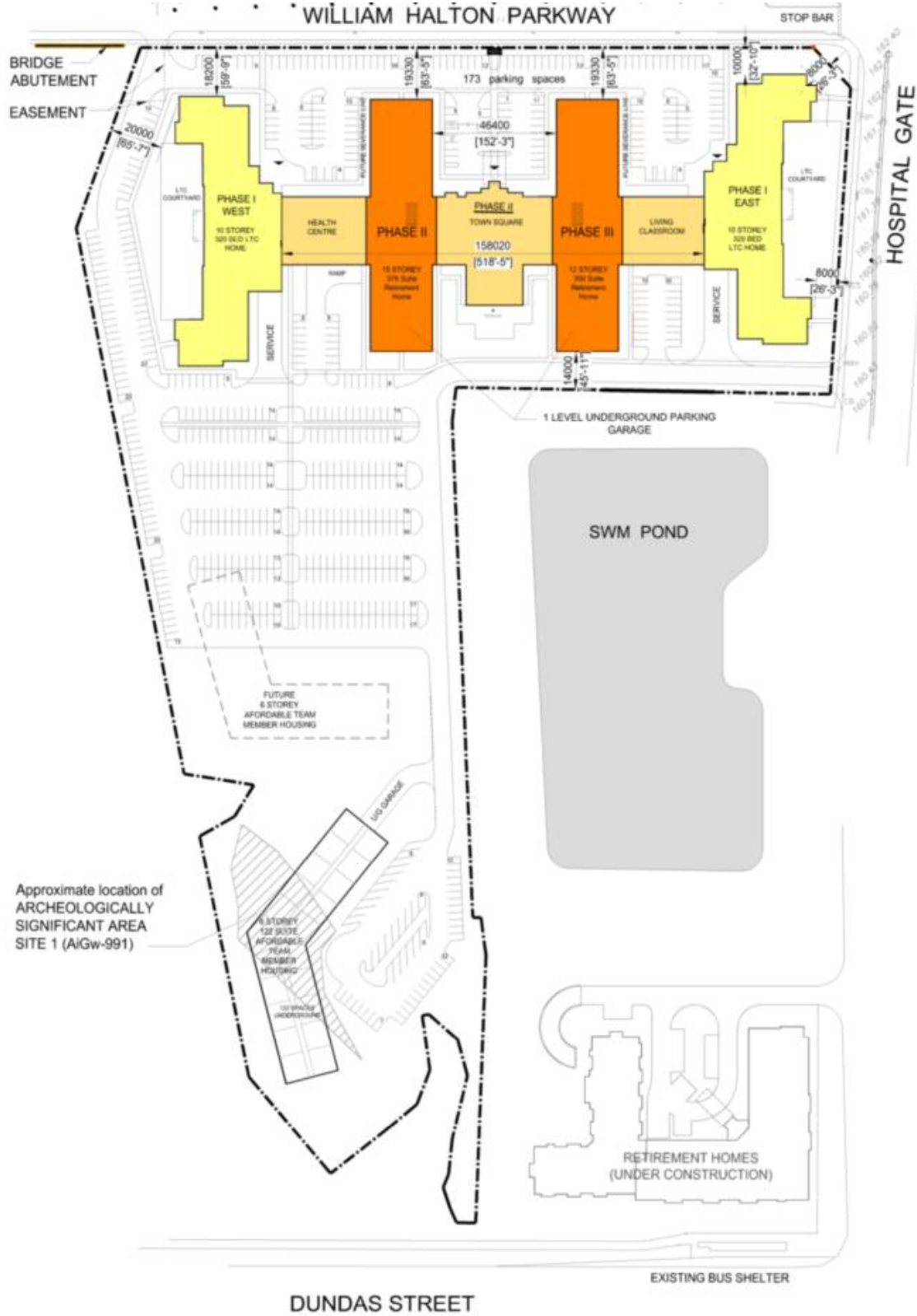


Figure 1: Applicant's Concept Plan

The Proponent provided the following conceptual perspectives:



VIEW FROM WILLIAM HALTON PARKWAY



VIEW FROM WILLIAM HALTON / HOSPITAL GATE INTERSECTION



OVERALL AERIAL VIEW

Figure 2: Applicant's Conceptual Perspectives



### Location & Site Description

The subject property is located at the southwest corner of Hospital Gate and William Halton Parkway across from the Oakville Trafalgar Memorial Hospital (the “**Subject Property**”).



Figure 1: Air Photo

## **Surrounding Land Uses**

The surrounding land uses are as follows:

North – William Halton Parkway, then vacant lands intended for mixed use (OPA 35)  
East – Hospital Gate and Taplow Creek Stormwater Management Pond then Oakville Trafalgar Memorial Hospital  
South – Retirement Home (under construction), then Dundas Street West  
West – McCraney Creek then vacant lands designated for employment.

## **ANALYSIS:**

Pursuant to Section 47(1) of the *Planning Act*, the Minister of Municipal Affairs and Housing has authority to exercise any of the powers granted to Councils by Section 34 (zoning) of the *Planning Act*. A decision to make an MZO must have regard to matters of provincial interest. A MZO does not have to be consistent with the Provincial Policy Statement, conform to the Growth Plan, or the Town's Official Plan.

The Minister of Municipal Affairs and Housing is not required by legislation to consult with a municipality prior to enacting a MZO. Recent practice by the Province is to request a letter from the Mayor, or municipal Council resolution, of support before proceeding with an MZO request. There is no prescribed process or legislated timelines for the Town to respond to the Proponent's request. Should Council support the Proponent's request for an amended MZO, it would enable the Proponent to formally submit this request to the Ministry of Municipal Affairs and Housing, following which the Minister would make a decision. A MZO is not appealable to the Ontario Land Tribunal.

The requested amended MZO would replace the need for the Proponent to seek an Official Plan Amendment and Zoning By-law Amendment. This is particularly relevant, since the Subject Property is currently located within a designated employment area, and the Growth Plan prohibits residential uses within employment areas. In staff's opinion, neither an Official Plan nor Zoning By-law Amendment proposing residential uses would be able to be considered before the Council-adopted policies (OPA 35), which permit mixed-use, are in effect. OPA 35 is being reviewed by Halton Region and is not anticipated to be completed in 2022.

The requested amended MZO, which does not need to conform to the Growth Plan, would have the effect of expediting the planning approvals for this project, aligning with the Proponent's intent to start construction in spring of 2023.

It is noted that the Bill 197 COVID-19 Economic Recovery Act, 2020 amendments to the *Planning Act* introduced enhanced powers to apply to Ministerial approval of site plans to implement MZOs. The Proponent is not seeking use of these enhanced



powers, and staff would recommend against Ministerial approval of site plan given the nature and scope of unresolved issues (see below).

Accordingly, if Council supports an amended MZO for the Subject Property, the Proposal would still require site plan approval, where a full review would be undertaken. Based on a pre-consultation meeting held with the Proponent on March 2, 2022, it is anticipated that a site plan application would include the following reports, studies and plans:

- i. Archaeological Assessment;
- ii. Land Use Compatibility Study;
- iii. Phase 1 Environmental Site Assessment;
- iv. Environmental Implementation Report / Functional Servicing Study;
- v. Transportation Impact Assessment;
- vi. Noise Study;
- vii. Hydrogeological Report;
- viii. Urban Design Brief;
- ix. Shadow Impact Analysis
- x. Heritage Impact Assessment (property is listed);
- xi. Arborist Report;
- xii. Full Set of Architectural Plans;
- xiii. Landscape Plans, Tree Canopy Cover Plan and Details;
- xiv. Engineering Plans (site servicing, grading, erosion and sediment control, etc...);
- xv. Topographic and Legal Survey;
- xvi. Stormwater Management Report;
- xvii. Sustainability Checklist;
- xviii. Vehicle and Pedestrian Circulation Plans; and,
- xix. Construction Management Plan.

Based on an initial review of the application undertaken at a pre-consultation meeting on March 2, 2022, the following issues would require resolution:

- i. Appropriate location of vehicle access from William Halton Parkway;
- ii. Implementation of urban design policies and guidelines, including regard for Council-adopted OPA 35 policies, including design direction for built form, site development and public realm;
- iii. Confirmation of road widening;
- iv. Confirmation of any height restrictions from helipad of Oakville Trafalgar Memorial Hospital;
- v. Transportation considerations including impact on adjacent roadways and intersections, site layout, and parking;
- vi. Stormwater management;

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- vii. Natural Heritage considerations including the limits of McCraney Creek, and any realignment works (if any);
  - viii. Cultural Heritage matters including bother built and archaeological resources;
  - ix. Environmental suitability of site for intended sensitive lands use;
  - x. Land use compatibility including design of proposal in relation to transportation noise sources and planned employment lands to the west;
  - xi. Tree preservation, landscaping and site design;
  - xii. Servicing, including required allocation, if any.

The Proponent also submitted a Planning Brief, which has been appended to this report as “**Appendix ‘B’**” for consideration. The Planning Brief outlines additional details of the Proposal, together an overview of planning policy.

Staff note the development concept for the Hospital District, as adopted by Council through OPA 35, is intended to be an employment focused mixed use node, and Section 26.3 provides that:

*‘residential uses west of the hospital are envisioned within a campus of care model with a range of housing options from independent to assisted living, long term care, community support uses, medical office and service commercial uses’.*

The uses contemplated by the Proposal are in keeping with the development concept for the Hospital District. However, in staff’s opinion, further refinement of the design of the concept plan is required to meet key objectives of Council adopted OPA 35, and the Livable by Design Manual, including: a high standard of urban design and architectural quality; innovative and diverse urban design and built form that promotes a dynamic and livable environment and takes advantages of the views to the natural features; limiting surface parking; requiring visual and physical connectivity; provision of mid-block connections and active transportation corridors; and, providing a pedestrian-oriented street character with strong street walls that enhance the sense of enclosure within the site.

A draft of the proposed amended MZO, is appended to this report as “**Appendix ‘C’**”. Subject to any modifications Council may have to the MZO, the following regulations are proposed:

- i. Minimum front yard (Hospital Gate) and flankage yard (William Halton Parkway): 3.0 metres
- ii. Minimum rear yard: 6.0 metres
- iii. Maximum height: 63 metres or 15 storeys
- iv. Maximum Floor Space Index (FSI): 2.5

- v. Maximum number of dwelling units for all apartment dwellings: 250
- vi. Maximum surface parking area coverage: 35% of the lot area
- vii. Minimum required parking spaces are as follows:
  - a. 0.25 spaces per bed for a long term care home
  - b. 0.33 spaces per assisted living unit and dwelling unit for a retirement home.
  - c. 1.25 spaces per dwelling unit of which 0.25 spaces per dwelling unit shall be designated as visitors parking spaces for an apartment dwelling.
- viii. Minimum landscape area: 10% of the lot area
- ix. Minimum width of a landscape strip abutting any lot line and any surface parking area: 3.0 metres.
- x. Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse.

Staff have reviewed the foregoing regulations and note that they are generally permissive and would facilitate design refinements of the Proposal through the required site plan application, as informed by the required reports, studies and plans. The regulations are based off the 'I' (Institutional Zone), which would generally be appropriate for this form of development, OPA 35 (FSI) and By-law 2014-014 (landscape strip requirements, parking regulations and roof top mechanical). It is noted that OPA 35 would permit a maximum of 12 storeys of building height without structured parking, whereas the draft MZO would permit a maximum building height of 15 storeys. It is anticipated that the maximum building height will be informed by the urban design brief, flight path restrictions, and shadow impact analysis as part of the requisite site plan application.

#### **IMPLEMENTATION:**

Should Council support the Proponent's request to support their amended MZO, it would enable the Proponent to formally submit this request to the Minister of Municipal Affairs and Housing, following which the Minister would make a decision. A MZO is not appealable to the Ontario Land Tribunal.

Town staff intend to continue to work with the Proponent to implement the Proposal through a future site plan application. This approach will result in an expedited process for development of the Proposal, including the provision of 640 long term care beds.

**CONSIDERATIONS:**

**(A) PUBLIC**

Public notice is not required for the Proponent's request for an amended MZO. This report has been posted publically, any comments received prior to the meeting will be provided to Council.

**(B) FINANCIAL**

The Town does not have an approved fee to review a request for a MZO. As such, no fee was charged to review this request. If an amended MZO is eventually enacted, site plan and building permits would be required in due course, at the rates in effect at the time of submission.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

If an amended MZO is eventually enacted, a full staff review would take place through the required site plan application.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- To be the most liveable town in Canada

**(E) CLIMATE CHANGE/ACTION**

If an amended MZO is eventually enacted, the site plan application would be reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019. Based on a preliminary review, it is anticipated that the applicant could reduce the footprint of the Proposal through use of construction methods which support sustainable development including:

- i. renewable energy systems such as wind, geothermal and solar power installations;
- ii. energy-efficiency technologies that are consistent with high energy efficiency standards (such as Energy Star and LEED buildings), design features and construction practices;
- iii. green roofs or high albedo roofs that contribute to the reduction of the urban heat island effect;
- iv. permeable paving and other innovative stormwater management methods;
- v. water conservation and efficiency measures; and,
- vi. conserving heritage resources, which contributes to sustainability by reducing landfill and lessening the demand for energy and resources needed for new construction.

These opportunities to reduce the development footprint of the proposal will be explored in greater detail, and encouraged as part of a future site plan application.

**APPENDICES:**

Appendix A - Letter from Schlegel Villages Inc., dated May 12, 2022

Appendix B – Planning Brief

Appendix C – Draft MZO

Prepared and Recommended by:

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Acting Manager

Current Planning – West District

Submitted by:

Gabe Charles, MCIP, RPP

Director, Planning Services