



Subject: *Stevens Group - Development Agreement for Assisted Living Facility*
To: CAO for Planning Advisory Committee, March 21, 2023
Date Prepared: March 13, 2023
Related Motions: PAC22(85) September, C22(306)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from the Stevens Group of Companies. The application is for substantial amendments to an existing development agreement (DA) to enable a four storey, 70 units assisted living facility. The existing DA permits the Magnolia long term care facility and an assisted living facility but the time has expired to be able to apply for a permit for the assisted living facility.

Financial Impact Statement

A financial impact analysis has been undertaken for this proposal which shows an estimated (based on assumptions) \$87,500 tax revenue per year compared to an approximate \$19,500 per year for an as-of-right R2 development. Further details are provided in the main body of the staff report.

Recommendation

That Council approve the application.

Recommended Motion

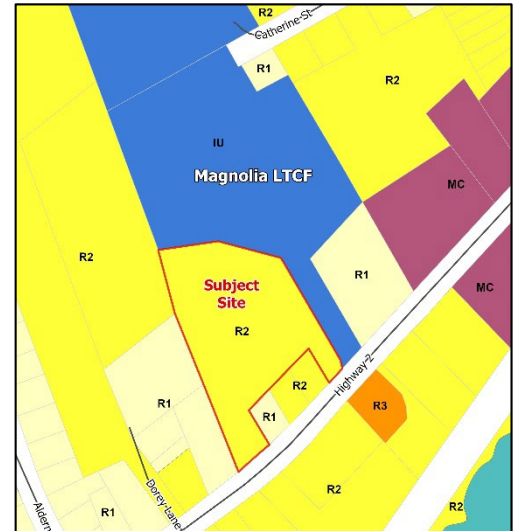
Planning Advisory Committee recommends to Council that Council:

- *give final consideration and approve entering into a Development Agreement for an assisted living facility on 410 Highway 2, Enfield;*
- *within one year of Council's approval.*

Subject Property

The property is located at 410 Highway 2, Enfield. The residential building which was originally located on the property has been demolished. The land is currently zoned Two Dwelling Unit Residential (R2) but has an existing development agreement registered against it for an assisted living facility which was approved in 2008. To the north of the site is the Magnolia nursing home. The nursing home property is zoned Institutional Use (IU). This nursing home has a paved driveway from Highway 2 and a concrete walkway alongside the driveway.

To the west are existing residential zoned properties with existing buildings located on them. To the east of the site is the driveway for the Magnolia and then a residential zoned property. The property abuts 3 existing dwellings to the south. These dwellings share their rear property boundary with the application site.



Development Proposal

The municipality has received an application from the Stevens Group of Companies for a 4 storey, 70-unit assisted living facility. The application is requesting a substantial amendment to an existing development agreement to enable the new building. If Council approve the proposal the proposed draft development agreement will replace the existing development agreement.

The building will include a mixture of 1 bed and 2 bed units. Each unit includes at least 1 bathroom and a full kitchen, and all but the barrier free units will include a private balcony. The building will also include 1,082 sq.m. of indoor shared amenity area which includes a lounge, dining room, a bar and a library. Floor plans for each type of unit as well as floor plans for each storey have been provided in the information package posted with this staff report.

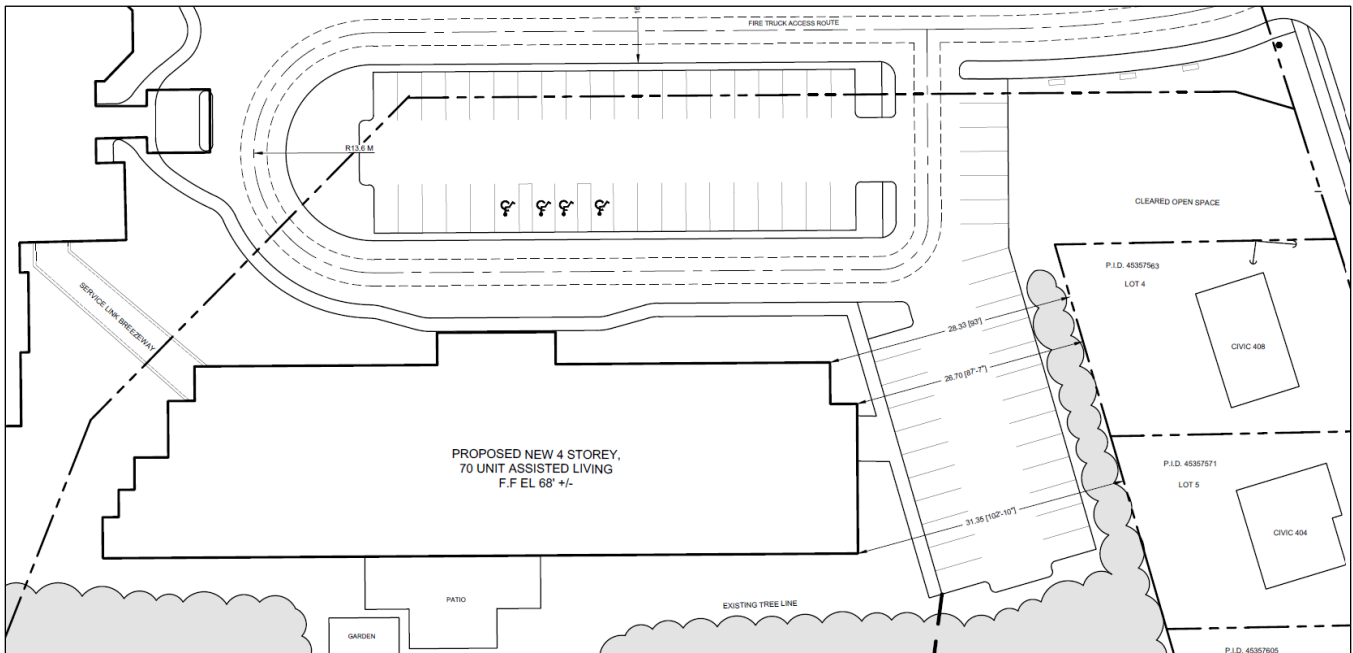
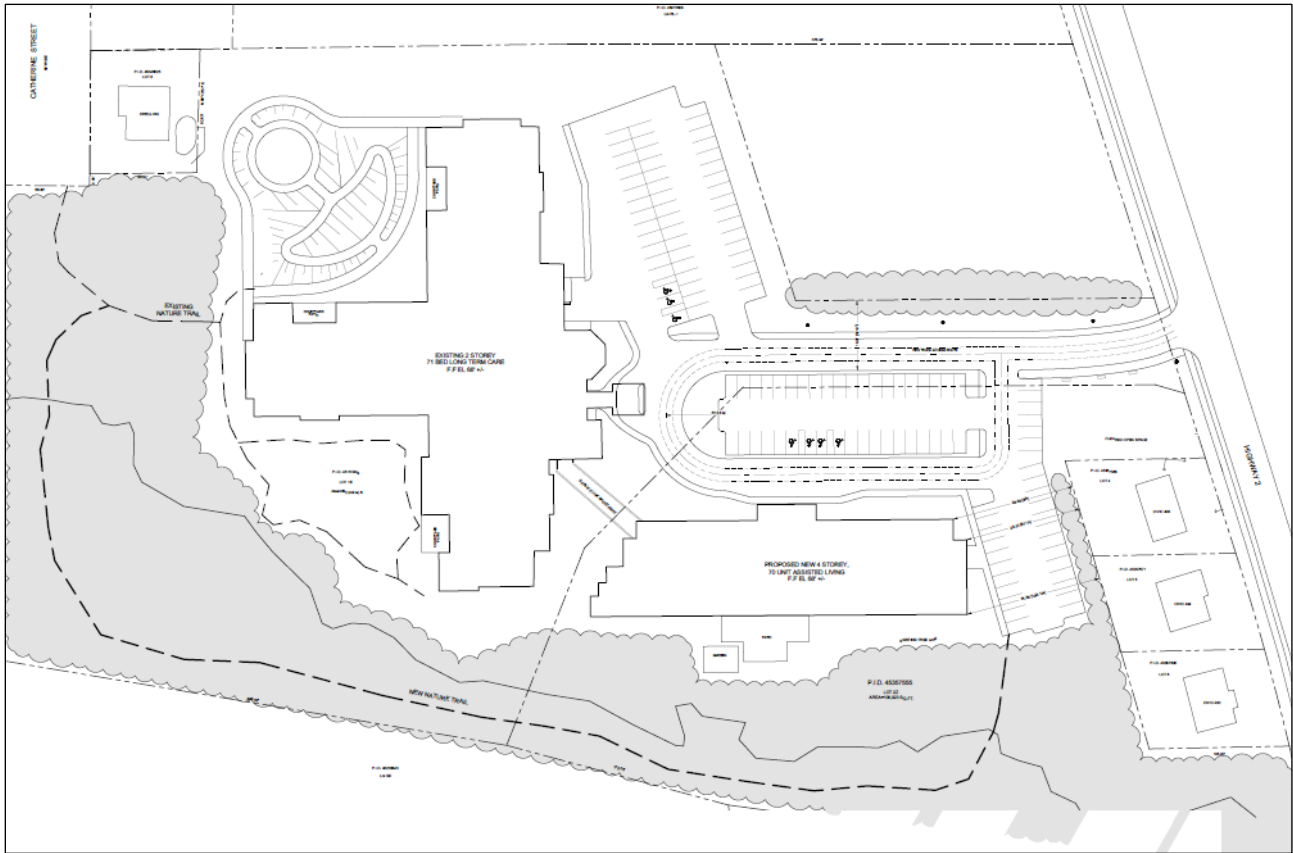
The assisted living facility will be privately owned and operated by Rosecrest Communities. As opposed to provincially regulated facilities, there is no assignment of beds. Tenants will occupy units on an application based rental system. When it comes time for a person to transition to a more intensive long-term care facility, residents must apply for admission through the Nova Scotia Department of Health and Wellness. A facility will be found based on the applicants needs and beds availability. Applicants can request admittance to the Magnolia long-term care facility and if there is no availability, the Department of Health and Wellness will put them on a wait list while they receive care at another facility.

In September 2008 Council approved a development agreement for the existing magnolia facility which permitted the magnolia nursing home. Also included in the approved development agreement was a 5 storey assisted living facility containing fifty (50) units.

The time limits included in the development agreement are that (1) the developer shall apply for a permit to construct the assisted living facility within 3 years of entering into the development agreement; and (2) the development shall be completed within 2 years after the permit has been issued. If the developer wanted to construct the approved 5 storey, 50 unit facility they could apply to extend the time limits of the DA through an unsubstantial amendment.

The developer has decided to pursue a different size for the assisted living facility building than originally approved which is why a substantial amendment to the approved development agreement is being requested.

The site plan and some renderings have been provided by the applicant and are included in this report. The site plan shows the proposed building being located to the south of the Magnolia. The two buildings will be linked by a service breezeway.





Services provided at the Assisted Living Facility include:

- Personal care;
- Medical care;
- Medication management and assistance;
- Memory care;
- Social and recreational activities;
- Housekeeping and laundry;
- Security;
- Transportation; and
- Nutritional services.

Discussion - Policy Analysis

The Planning and Development Department have reviewed the proposed application based on the applicable policies contained in the Municipal Planning Strategy.

The property is zoned Two Dwelling Unit Residential (R2). This zone allows for development agreements to be considered for Institutional Use (IU) Zone uses. Policy OS29 of the Municipal Planning Strategy states that ‘Council shall consider Institutional uses in all zones, by development agreement, to ensure that the Institutional Use is in the community’s best interest.’ An assisted living facility is included in the list of IU Zone uses - under the definition ‘Special Care’. Although enabled by Policy OS29, development agreement applications for institutional zone uses still need to be considered against policies in the MPS. In particular IM27 and IM28. These policies will review whether the assisted living facility is appropriate in the proposed location.

Comments from external agencies and internal departments

To address potential compatibility issues with neighbouring residences, and to comply with criteria applied to consideration of this application, Staff requested comments from internal departments and external agencies, including Nova Scotia department of Public Works (NSPW) and the internal East Hants Department of Infrastructure and Operations.

The Nova Scotia Department of Public Works confirm they have reviewed the application have no traffic impact concerns with the proposed development. They request that the existing access for the application site be removed and all traffic be routed through an upgraded entrance for the Magnolia. Further clarification was sought on a ‘potential second driveway’ which was shown on the original site plan. NSPW confirmed that this should be removed from the proposed plans. The plans have been amended accordingly.

The municipal department of Roads and Engineering provided comments. No specific concerns were raised by this department. Their requirements can be dealt with at the building permit stage and have been included in the draft development agreement. The comments include but are not limited to: water and wastewater capacity will be dealt with at building permit stage; the proposal will be subject to infrastructure charges; a lot grading plan will be required; the development agreement should include a requirement for a stormwater management plan.

The RCMP provided comments on this application and raised some general concerns about increasing traffic on Highway 2. The assisted living facility will share a commercial access with the existing Magnolia long term care facility. As indicated above, NSPW did not request a traffic study and did not raise traffic impact concerns relating to this application.

The Enfield Volunteer Fire Department have provided no comments relating to the application. A ‘truck turning template’ is required to be submitted prior to a permit being issued.

The Nova Scotia Department of Environment and Climate Change responded to a request for comments. They provided no specific comments related to the proposed development. Their standard response letter has been forwarded to the application regarding the regulations under the Environment Act which is a provincial responsibility to administer.

Parking

The applicant is proposing 71 parking spaces for the assisted living facility of which four will be accessible. When asked to provide some information on how they reached the amount of parking spaces needed, they have indicated that they operate at around 2 staff for every 5 residents. At full staff +10 they estimate around 45 employees maximum on site for the assisted living facility. At their other facilities they indicate that residents do not generally own vehicles. This would mean that if all 45 maximum staff were on site, with each one having their own vehicle the remaining 25 spaces would be available for visitors of the residents. The Land Use Bylaw does not have parking standards for this type of development. Staff consider that the proposed parking is sufficient for the proposed use.

If the assisted living facility finds itself in need of more parking there is parking available at the existing Magnolia long term care facility. The property also has a large amount of land which is not proposed to be developed and therefore they have the land available to provide further parking if necessary.

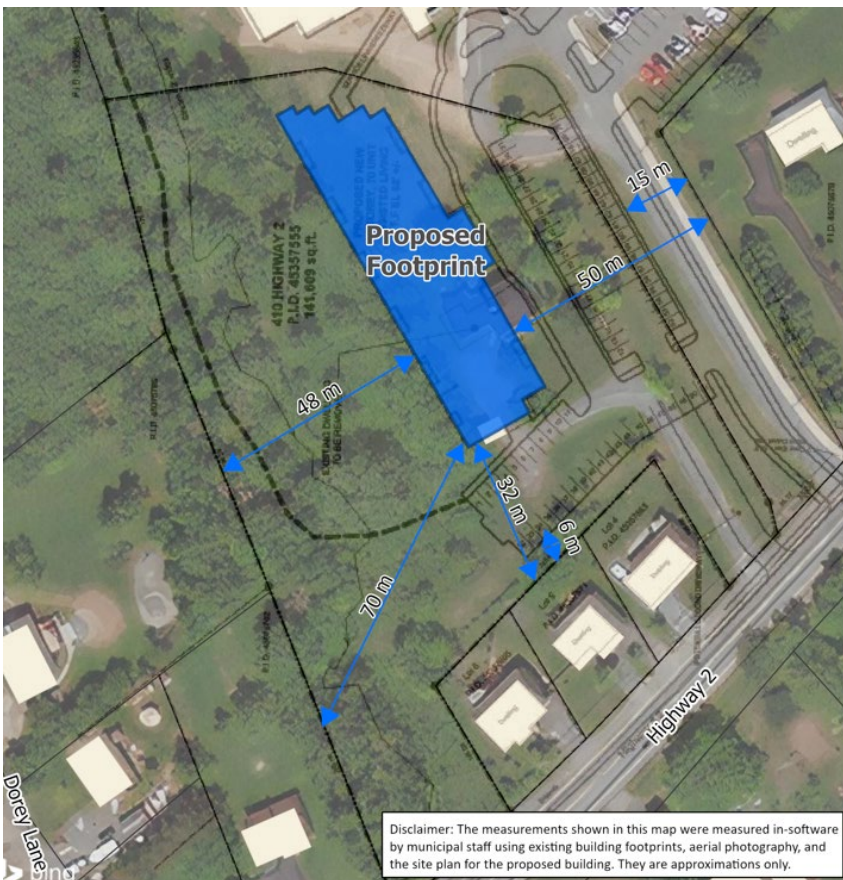
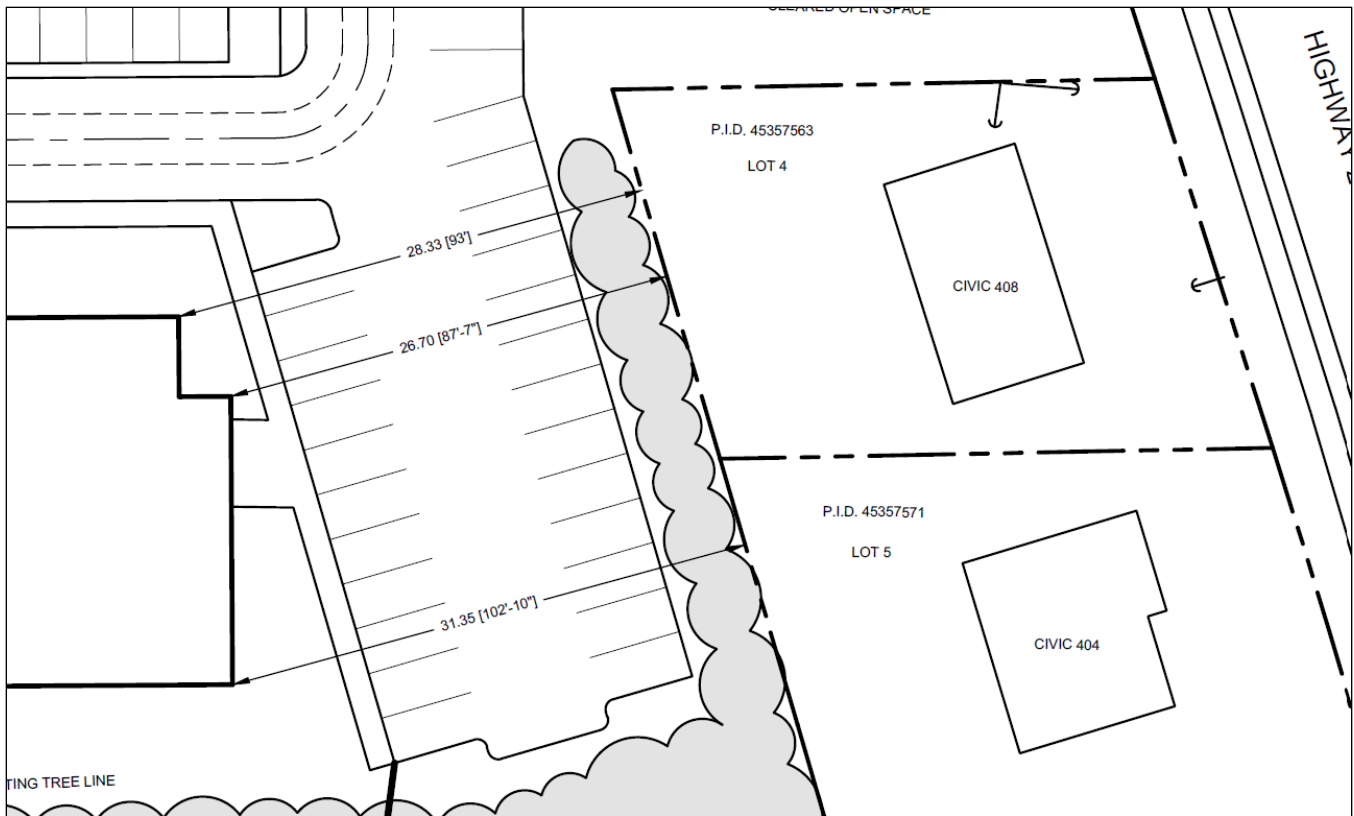
Temporary Accommodation for Staff

The application does not propose designated staff units however the applicant has indicated that there may be a need for temporary accommodations for staff when there are units available. This issue of lack of housing for healthcare workers is supported by recent comments John Lohr, Minister of Municipal Affairs who stated that “we need healthcare workers, and we know some communities are having challenges recruiting and retaining them due to limited housing options” (source Weekly Press, January 18, 2023). The draft DA enables temporary housing to be provided for staff of the assisted living facility or the adjacent long term care facility. This will enable only temporary accommodation when units are available and these are not proposed as permanent accommodation units for staff. Planning staff suggest this approach is appropriate, particularly considering the current housing crisis.

Impact on nearby properties

At the PAC meeting last September there was some discussion about the height of the proposed 4 storey building and the impact on surrounding residential properties. Planning staff have analysed some of the potential impacts from the proposed building. The applicant has updated their site plan to identify setbacks from the building to property boundaries.

The nearest part of the proposed building to dwellings on Highway 2 is estimated at 37 metres (121 feet) which has been measured to the deck on the rear of civic 408. Between the parking area and the property boundary with the dwellings on Highway 2 are some existing established trees which would provide some screening between the dwellings and the proposed new building. The draft development agreement requires this vegetation be retained and also that an opaque wooden fence or wall be provided which will provide additional screening from the parking area and the proposed building. Due to the large setbacks from surrounding properties and the existing and proposed boundary screening, staff feel that the impact to the dwellings on highway 2 will not be significant.

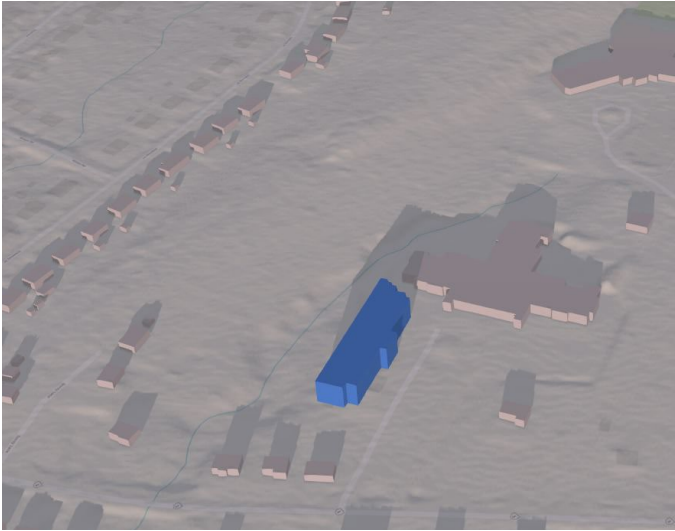


The approximate setback from the proposed building and the rear of 10 Dorey Lane is 96 metres (315 ft) and the area between the proposed building and dwellings on Dorey Lane will be retained with established deciduous and coniferous trees.

The approximate height of the building is 13.9 metres. The maximum height of a dwelling in an R2 zone is 11 metres so the proposed building height is approximately 3 metres higher than permitted as-of-right.

Planning staff have also evaluated the potential impact from shadows created by the proposed building - see maps below. The large setbacks of the proposed building from existing residential buildings surrounding the site means that there is minimal impact from shadows created.

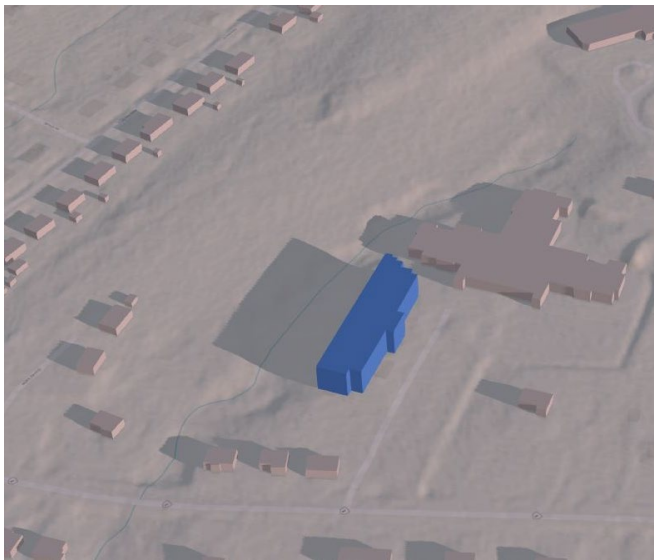
Shadow information for December 21 at 9am.



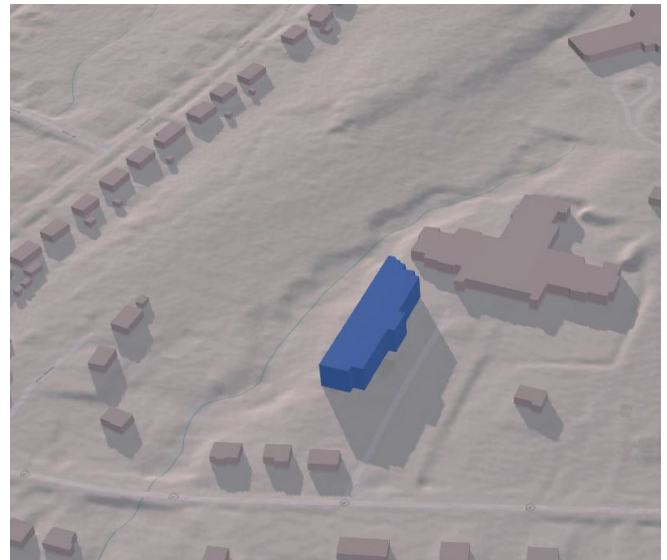
Shadow information for December 21 at 3pm



Shadow information for June 21 at 6am



Shadow information for June 21 at 6pm



After evaluating all the potential impacts from the proposed building on nearby existing residential buildings planning staff consider that the impact will not be significant.

A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies has been provided as appendix A to this staff report.

STRATEGIC ALIGNEMENT

One of the Key Strategies from the Strategic Plan is Strong Community. Providing for a variety of housing options helps to create a community where people can move to or stay in their community when they more support.

LEGISLATIVE AUTHORITY

The legislative authority and process for entering into a development agreement is set out in the Municipal Government Act, Part VIII.

FINANCIAL CONSIDERATIONS

A rough calculation of the financial impact has been undertaken by planning staff. No new roads/ sidewalks etc. will be required for the developed so a simple analysis of the potential tax assessment if the assisted living facility is developed has been carried out. Staff have made an assumption of an \$8.1 million assessment based on the assessed value of the Berkley retirement village in Bedford which is a slightly smaller operation.

The existing residential building on the property has been demolished so staff have assumed the assessed value of two R2 lots (four units). Assessed Values of recently constructed R2 lots were used for identifying potential assessment value. The following potential tax revenue is provided for a per year tax generation.

	70 Unit Assisted Living Facility	As-of-right - four dwelling units
Assumed Assessed Value - 22/23	\$8,100,000	\$450,000 x 4 = \$1,800,000
Approximate Tax	\$87,480 per year	\$19,440 per year

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the *Chronicle Herald* in October 2022. A letter and questionnaire regarding the application was mailed to all property owners within a 300 m of the subject property.

Approximately 140 questionnaires were mailed out. Ten questionnaires were returned and one letter. Of those questionnaire responses two were received from the same person. The responses were mostly in favour of the proposal. One response was not in favour of the development. Comments are summarized below:

- Support this project as it will enable people to remain in the community.
- Agree with the new development.
- This type of facility is needed for the rapidly growing area - in favour of the proposal.
- One person raised concerns about impact of the increase of development in the area (they are in favour of the proposal).
- Concern with traffic on Hwy 2.
- Will there be enough water to service future development (not specific to the proposed application)?
- The proposed development is a good idea.
- Have no problem with the tall building as it is not located right beside the public road.
- Rapidly growing demand for assisted living in Nova Scotia. Pleased to see increase from 50 units to 70 units.
- The Magnolia has been a good neighbour in the community.
- Suggests that the development be approved to address housing and long-term care shortage in East Hants.
- Density should be located next to schools and institutional zoned lands - prime location for high density development.

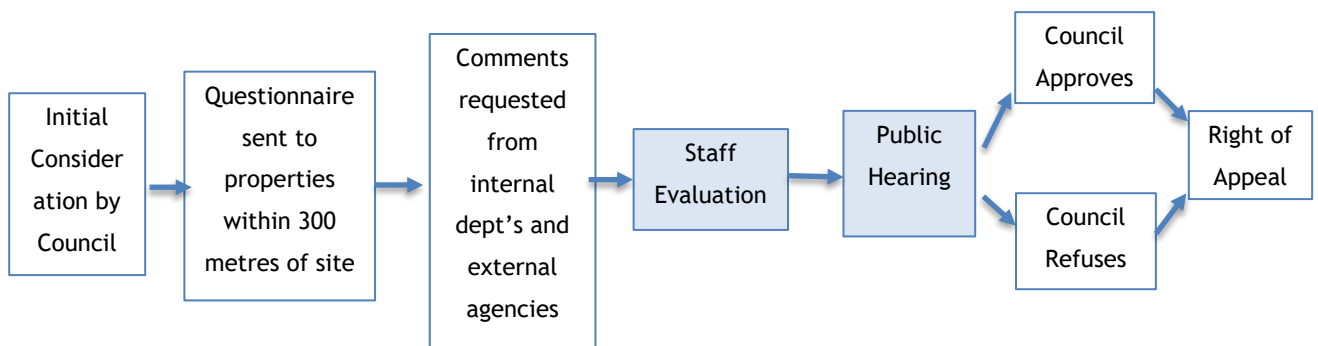
- Excellent proposal, ideal location and much needed in the community.
- We agree with the application.
- Don't think this should be located in a residential area of Enfield.
- There are already issues - water quality, lack of infrastructure to accommodate existing population
- A playground would be a better plan for the property.
- All the municipality sees is more tax dollars.
- It will affect my property values.
- Suggests that the business park be considered instead for the development

A notice advertising the public hearing will be placed in the Chronicle Herald and posted on the municipal website. A letter will be mailed to property owners within 300 metres of the application site.

Conclusion

Staff have completed the review of the application for the substantial amendment to an existing development agreement. The proposed application has been evaluated using all applicable policies in the Municipal Planning Strategy. Staff recommend that the application be approved. The proposal will not have a significant impact on neighbouring residential properties, is located adjacent to a complimentary use, and will provide a much needed housing option for those that need support services to live independently.

Any decisions to approve or not the development agreement application is appealable to the Utility and Review Board.



Attachments

- Information Package provided by the applicant which includes the proposed site plan
- Returned questionnaires
- Draft development agreement

Appendix A - Policy Analysis

Policy	Comments
Community Priority 8 - Allow for a range of housing options appropriate to each neighbourhoods' form and intensity	The proposal provides for a type of housing which isn't readily available in East Hants. Staff consider that the form and intensity is appropriate for the community and is compatible form to the adjacent nursing home and nearby multi-unit residential.
RD3. Council shall encourage new residential development in the Municipality that supports a variety of lifestyles and includes a range of housing choices and household types.	The proposed development provides for a housing type which isn't readily available in East Hants.
OS29. Council shall consider institutional uses in all zones, by development agreement, to ensure that the Institutional Use is in the community's best interest.	This policy enables the development agreement application to be considered for the Assisted Living Facility in the R2 Zone.
IM27. Council shall consider the following evaluation criteria for any development agreement application:	
a) The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.	An analysis of the impact on existing neighbouring residential properties has been included in the main body of the staff report. Staff consider that the proposed building has sufficient setbacks from neighbouring properties to minimize any impacts. There are existing established deciduous and coniferous trees between the proposed building and adjacent property boundaries which buffers the impact of the building.
b) The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.	The development agreement indicates that water and wastewater capacity is available before a permit is issued. Amenity space is being provided on the property for the residents.
c) The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.	NS Public Works have confirmed that they have no traffic impact concerns with the proposed development. They require that the existing access for the application property should be removed and all future development traffic routed through an upgraded entrance for the nursing home. The site plan submitted identifies that the driveway for the nursing home will provide access for the assisted living facility.
d) Council shall consider, where appropriate, the impact of the development on the comfort	No new streets are proposed. The proposed building will connect to the sidewalk on Highway 2 with a walkway that

	and design of proposed streets and existing street users. This shall include whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.	runs from the proposed building to the nursing home and then down alongside the driveway. This will provide a safe pedestrian access to the existing sidewalk network.
e)	The suitability and availability of other appropriately zoned sites for the proposed use.	The zoning on the property enables a development agreement to be considered for this institutional use. The use will be located adjacent to an existing compatible nursing home use.
f)	The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.	A professionally drawn site plan has been submitted showing the location of the proposed building, walkways, areas of tree retention and landscaping.
g)	Adequacy of the size of the lot to ensure required buffering and screening can be carried out.	The property is adequately sized for the proposed development. Buffering will be provided in the form of existing mature deciduous and coniferous trees. An opaque fence or wall is required between the parking area and the adjacent properties on Highway 2.
h)	Potential for significantly reducing the continuation of agricultural land uses.	Not applicable.
i)	The proposed density and urban form, including height, massing, bulk, stepbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.	The approximate height of the proposed building is 13.9 metres which is 2.9 metres higher than permitted as-of-right in the R2 Zone. Although the proposed building is taller than permitted as-of-right the setback distances from existing residential buildings limits the impact of the increased height. The massing of the smaller proposed building, although not the same as the existing nursing staff consider this is compatible and acceptable.
j)	If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.	The fiscal impact of the proposed development will have a positive impact to the Municipality. No new roads are required to be installed.
IM28.	Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:	
a)	The use and size of any new structures or any expansions of existing structures.	The proposed building is a four storey, 70 unit, assisted living facility.
b)	The compatibility of the structure in terms of design elements including, but not limited to roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.	The design of the proposed building is similar to newer multi-unit residential buildings in the corridor area of East Hants. Staff consider that the design of the building is appropriate for this location.

c)	Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).	Existing mature coniferous and deciduous trees are to be retained. In addition to this the draft development agreement includes a requirement for an opaque fence or wall between the parking area to the side of the building and the property boundary with existing buildings on Highway 2.
d)	Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.	All items not identified in the development agreement shall be applicable to the LUB.
e)	Time limits for the application for a development permit and the initiation and completion of construction.	One year to enter into the agreement, two years to apply for a development permit and two years to make the property consistent with the terms of the development agreement.
f)	The establishment of hours of operation and maintenance of the proposed use.	Not applicable to this institutional residential use.
g)	The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.	The applicant is proposing 71 parking spaces for the assisted living facility. A full analysis of the parking provision is provided in the main body of the staff report. Staff consider that the proposed parking is acceptable.
h)	Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.	The development agreement includes details on the permitted signage and this mostly matches what was included in the original agreement.
i)	Methods of protection of the land and watercourses and mitigation practices during and after construction of the proposed development.	As per NSE regulations.
j)	Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.	A stormwater management plan is a requirement of the development agreement. This is required prior to a permit being issued.
k)	Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.	The existing mature landscaping around the rear and side of the proposed building is to remain.