

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-22/20
Location: 455 Watson Parkway North
Hearing Date: November 12, 2020
(Deferred at the July 9, 2020 hearing)
Owner: 2431901 Ontario Inc
Agent: Joe Lakatos, A. J. Lakatos Planning Consultants
Official Plan Designation: Service Commercial
Zoning: Service Commercial (SC.1) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit:

- a) a minimum of 79 parking spaces for the proposed vehicle gas bar, convenience store, automatic carwash, retail establishment, and restaurant uses;
- b) a minimum of 10 waiting spaces for the proposed single bay automatic carwash; and
- c) to permit an outdoor patio associated with a restaurant on a property where two lot lines adjoin lands in a residential zone.

By-Law Requirements: The By-law requires:

- a) 1 parking space per 16.5 square metres of gross floor area for a service commercial mall (convenience store, retail establishment, and vehicle gas bar) and 1 parking space per 7.5 square metres of gross floor area (GFA) for a restaurant [total of 82 parking spaces required for the convenience store, retail establishment, vehicle gas bar and restaurant];
- b) 5 parking spaces plus 15 waiting spaces per bay for an automatic car wash; and
- c) that no outdoor patio shall be permitted where more than 1 lot line adjoins lands which are in a residential zone.

Staff Recommendation

Approval

Recommended Conditions

None

Comments

Planning Services

The subject property is designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation is intended to provide a location for highway-oriented and service-oriented commercial uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. Where service commercial uses are adjacent to designated residential areas, urban design mechanisms including building location, buffering, screening and landscaping requirements shall be incorporated on the site. Uses that primarily rely on business from tourists and inter-urban traffic such as a hotel, gas bar and fast-food restaurant are permitted within the Service Commercial designation.

The subject property is zoned Service Commercial (SC.1). Permitted uses in the SC.1 Zone include a carwash, financial establishment, daycare, medical clinic, restaurant and take-out restaurant and vehicle gas bar. A convenience store is permitted within the SC.1 Zone, when it is within a mall, which is a building with 2 or more units.

The proposed development of the property is currently undergoing the Site Plan Approval process by the staff Site Plan Review Committee. The development includes the permitted uses of a carwash, McDonald's restaurant with associated drive-thru and outdoor patio, vehicle gas bar and a 2-unit commercial mall that includes a convenience store and retail unit. Three variances are being requested to facilitate the proposed Site Plan design which include a total site parking space reduction, a car-wash minimum waiting space reduction and permission for an outdoor patio.

Parking Reduction Variance:

The first variance request is to permit 79 parking spaces for the total commercial development, whereas Section 4.13.4 of the zoning by-law requires a total of 87 parking spaces for the proposed development, broken down as follows:

- Automatic carwash: 5 parking spaces;
- 2-Unit mall, being 325.16 square metres (convenience store and retail unit): 20 parking spaces (1 per 16 square metres of gross floor area); and
- McDonald's restaurant, being 464.98 square metres: 62 spaces (1 per 7.5 square metres of gross floor area).

It is noted that when a gas bar has an associated convenience store use, the parking ratio used falls under the convenience store parking ratio.

The Guelph Parking Standards Review, as noted by the applicant in the cover letter, which recommendations will be carried forward into the Comprehensive Zoning By-law pending Council's approval, has the following parking ratio recommendations for the uses on the property:

- Automatic carwash: 0 spaces (10 stacking spaces [zero associated parking spaces])
- Takeout restaurant (McDonald's): 42 spaces (9 spaces per 100 square metres of gross floor area)
- Drive-thru restaurant: 6 stacking spaces
- Vehicle gas bar with related building, being 325.16 square metres: 17 spaces (5 spaces per 100 square metres of gross floor area of the related commercial building, plus 2 stacking spaces per fueling area)

Separate convenience store and retail parking requirements for information purposes:

- Convenience store, 232.26 square metre gross floor area: 10 spaces (4 spaces per 100 square metres of gross floor area)
- Retail, being 92.9 square metres of gross floor area: 3 spaces (3 spaces per 100 square metres of gross floor area)

The total required parking under the proposed parking ratios for the property is 59 spaces when calculating the convenience store and retail use together as the commercial building related to the gas bar. It is noted that stacking spaces at a vehicle gas bar are not a requirement under the current zoning by-law.

The intent of minimum parking standards is to ensure there is adequate parking for a development. The applicant exceeds the amount of parking spaces as recommended in the Guelph Parking Standards Review. The requested variance to permit a reduction of 8 parking spaces, to allow 79 parking spaces on the site, maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Carwash Waiting Space Variance:

The second variance request is to permit 10 automatic carwash waiting/stacking spaces for the single carwash bay, whereas Section 4.13.4.2 of the zoning by-law requires an automatic carwash to have 15 waiting spaces per bay. The intent of the By-law is to ensure there are sufficient waiting spaces for the carwash. The Guelph Parking Standards Review, dated September 2019, recommends a ratio of 10 stacking spaces per automatic carwash. As such, Planning finds that the request maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the development of the land and is considered to be minor in nature.

Outdoor Patio Variance:

The third variance request is to permit an outdoor patio for the McDonald's restaurant, whereas Section 4.17.2.1 of the Zoning By-law states that, no outdoor patio shall be permitted where more than 1 one lot adjoins lands that are in a Residential Zone. The intent of the zoning by-law to restrict patio locations adjacent to residential land uses is to avoid land use conflicts with outdoor noise.

The applicant is proposing the McDonald's patio in the front yard, in the front right corner directly adjacent to 425 Watson Parkway North. There are residential lot lines located on the right side and rear side of the subject property. The location of the patio at the front of the property should have minimal noise impact to the on-street townhomes which front onto Severn Drive and abut the rear of the subject property.

The residential property to the right of subject lands, 425 Watson Parkway North, recently finalized a Site Plan Approval application to permit the construction of a 10 storey, 139 unit rental apartment building. The approved Site Plan layout for 425 Watson Parkway North, has the common amenity area, with landscaping and a 4 bench seating area (which is 15 metres in width), adjacent to the proposed 20 seat patio area of the McDonald's. There is a 6 metre side yard setback between the edge of the outdoor patio and the right side property line where shrubbery type plantings are proposed on the landscape plan. The proposed McDonald's patio will be visible to a single column of balconies in the front left corner of the apartment building.

Given the urban nature of the street, the McDonald's patio would have a minimal noise impact on the adjacent residential apartment building. A McDonald's restaurant patio is mainly used for short restaurant visits where no alcohol is served. The proposed patio is located adjacent to a future outdoor landscaped common amenity area of a residential apartment building, providing an adequate urban transition of uses. The requested variance is considered to meet the general intent and purpose of the Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of the land and considered to be minor in nature.

Planning staff recommend approval of the three variances of the application.

Engineering Services

The engineering review is being completed under the site plan application process (file SP19-047). The site plan was revised to provide a 6.8 metre drive aisle length while removing the two parking spaces adjacent to the carwash exit. The applicant has also provided a "Do Not Enter" sign towards the end of the employee parking drive aisle. Engineering has no concerns with the requested variances.

We agree with recommendations made by the Planning and Building staff.

Building Services

The applicant is proposing to develop the vacant site and construct a vehicle gas bar, convenience store, automatic carwash (single bay), retail establishment, and restaurant (McDonald's) with an outdoor patio and drive-through. A total of 87 off-street parking spaces are required for all the proposed uses on the property. This property is currently subject to an application for Site Plan approval (File SP19-047). Variances from Sections 4.13.4.1, 4.13.4.2, and 4.17.2.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services does not object to this application. A building permit will be required prior to any construction, at which time requirements under the Ontario Building Code will be reviewed.

Comments from the Public

Yes (See Attached)

Contact Information

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