

February 9, 2021

**Email Delivery**

Committee of Adjustment  
City of Guelph City Hall  
1 Carden Street,  
Guelph ON N1H 3A1

Attention: Trista Di Lullo, Secretary-Treasurer

Dear Ms. Di Lullo:

**Re: Applications for Consent to Sever and Consent to Easements  
West Hills Shopping Centre  
Nos. 963 – 1045 Paisley Road, Guelph**

Armel Corporation ("**Armel**") is the owner of Nos. 963-1045 Paisley Road (collectively the "**Property**") and which is locally known as the West Hills Shopping Centre. The Property is approximately 109,585 square metres in size and is identified on the enclosed plan prepared by BSRD.

Armel is applying for approval of two inter-related consent applications through this submission. The first application is for a consent to sever the Property into two (2) parcels and Armel will retain an easement over the severed parcel for access (pedestrian and vehicular) purposes and an easement for storm sewer and surface water overflow (detailed further below). The second consent application is a consent for easement purposes (only). In this second application, Armel will grant easements for access (pedestrian and vehicular) over part 3 on the BSRD plan, an easement for surface water overflow over part 3 on the BSRD plan, and an easement for storm sewer purposes over parts 3 and 4 on the BSRD plan (also as detailed further below).

**BACKGROUND**

The main purpose of the two applications is to divide West Hills Shopping Centre into two parcels and to seek approval for the required easements that will ensure that the West Hills Shopping Centre will continue to operate efficiently and effectively. The proposed transfer will be between Armel and Loblaw Properties Limited (operating locally as Zehrs Market).

## **LOCAL DETAIL**

As noted above, the Property is known locally as the West Hills Shopping Centre. It has three frontages. It is located to the east of and fronts onto Elmira Road North. It is north of and fronts onto Paisley Road. It is to the west of and fronts onto Imperial Road North.

The Property is occupied by the subject Zehrs Market (No. 1045 Paisley Road) grocery store and surface parking on the "southern" third of the Property while on the remainder of the Property is a series of one-storey buildings with a mix of retail and commercial uses and surface parking on the "north-easterly" third, while the "north-westerly" third is presently vacant.

The West Hills Shopping Centre has operated successfully for many years. Loblaw Properties Limited intends to purchase the "Zehrs Market" portion of the Property and therefore the subject (first) consent application is required. Zehrs Market will continue to operate within the concept of the shopping centre. Besides from an administrative purpose, the shopping centre will continue to operate as it does today and has in the past.

The West Hills Shopping Centre is in compliance today with site specific zone CC-28 and will remain in compliance with the CC-28 zone after the approval of the consents. Provided parking on site exceeds requirements of the zoning bylaw. Therefore, no minor variances or rezoning is required.

Lastly, it is worth noting that we have had discussions with City planning and engineering staff respecting this proposal.

## **APPLICATIONS**

The requested consent approvals will allow for the continued, efficient operation of the shopping centre.

### **a) Consent Application One**

Namely, we are proposing to transfer approximately 39,739 square metres of land being Parts 1 and 2 (the "Severed Lands") on the BSRD plan to the present "user" of the lands (Zehrs Market). Armel will retain the remainder of the lands (the "Retained Lands") forming the other part of the West Hills Shopping Centre.

In order for the Shopping Centre to continue to function as it does today, Armel will be retaining an easement over Part 2 on the BSRD plan for pedestrian and vehicular access. Part 2 forms part of the existing mutual driveway (with Part 3, on the Retained Lands). Armel will also be retaining an easement over Part 2 for storm sewer and overland water flow.

### **b) Consent Application Two**

The second application is purely to create formal easements. Armel will be transferring a storm sewer easement over Parts 3 and 4 (on the BSRD plan) to the Zehrs Market parcel.

Also, being sought through the approval of the second consent application is an easement for surface water overflow over Part 3 on the BSRD plan which is in favour of the Zehrs Market parcel.

Lastly, the second consent application will create a pedestrian and vehicular easement over Part 3 on the BSRD plan that will benefit the Zehrs Market parcel.

### ***PLANNING ACT CONSIDERATIONS***

It is respectfully submitted that these inter-related applications for consent support the orderly development of the neighbourhood, are consistent with the Zoning By-law and comply with all of those matters that one must have regard to pursuant to Section 51(24) of the *Planning Act*.

### **APPLICATION MATERIALS**

Included with this submission letter are each of the following:

- 1) a Consent Application form for 963-1045 Paisley Road (that severs the Property in two and creates an easement benefitting the Retained Lands) and a Consent Application form exclusively for easements (benefiting the Zehrs Market) over the Retained Lands;
- 2) a copy of the plan prepared by BSRD dated February 9, 2021 illustrating proposed Severed and Retained lands, and proposed Easements;
- 3) a copy of a plan showing land use detail on the site and the surrounding lands prepared by BJC Architects;
- 4) a cheque in the amount of \$2,180.00 payable to the City of Guelph for each Application.

If you have any questions or comments, please feel free to reach out to me.

Yours truly,  
**Armel Corporation**



Chris Corosky, Vice President

c.c. Robert Blunt, Bennett Jones