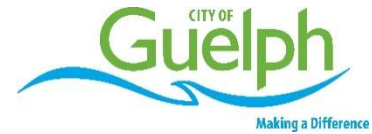


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-8/21 and B-9/21  
Location: 963-1045 Paisley Road  
Hearing Date: March 11, 2021  
Owner: Armel Corporation  
Agent: N/A  
Official Plan Designation: Community Mixed-Use Centre  
Zoning: Specialized Commercial Shopping Centre (CC-28) Zone

**Request:** The applicant proposes the following as shown on the attached plan:

### **File B-8/21 – Proposed Parts 1 and 2 (severed parcel)**

- a) Severance of a parcel of land (proposed Parts 1 and 2) to create a lot with frontage along Elmira Road South of 161.53 metres and an area of 39,738.6 square metres.
- b) Creation of a 2,058.5 square metre easement (proposed Part 2) over a portion of the proposed severed parcel for access, storm sewer, and overland water flow in favour of the proposed retained parcel.

### **File B-9/21 – Proposed Parts 3 to 6 (retained parcel)**

- a) Creation of a 2,035.2 square metre easement (proposed Part 3) over a portion of the proposed retained parcel for access, storm sewer and overland water flow in favour of the proposed severed parcel.
- b) Creation of a 835.3 square metre easement (proposed Part 4) over a portion of the proposed retained parcel for a storm sewer in favour of the proposed severed parcel.

The retained parcel (proposed Parts 3 to 6) is proposed to have an area of 69,846 square metres.

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## Staff Recommendation

### Approval with Conditions

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## **Recommended Conditions**

### **Files B-8/21 and B-9/21**

#### **Committee of Adjustment Administration**

1. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
  2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
  3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel (if applicable), any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email ([cofa@quelp.ca](mailto:cofa@quelp.ca)).
  4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
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## **Comments**

### **Planning Services**

The subject lands are designated "Commercial Mixed-use Centre" in the Official Plan and are zoned "Specialized Community Shopping Centre" (CC-28), according to Zoning By-law (1995)-14864, as amended.

The subject lands are currently developed with multiple commercial buildings locally known as the West Hills Shopping Centre. This shopping centre has been developed in phases over a number of years. The West Hills Shopping Centre is currently in compliance with the "Specialized Community Shopping Centre" (CC-28) Zone and will continue to be in compliance with the CC-28 Zone after the approval of the applications. Existing parking on both the "severed" and "retained" parcels either meets or exceeds parking requirements of the Zoning By-law.

The applicant has submitted two Consent applications as follows:

#### **B-8/21 – Proposed Parts 1 and 2 (severed parcel)**

- a) Severance of a parcel of land (proposed Parts 1 and 2) to create a lot with frontage along Elmira Road South of 161.53 metres and an area of 39,738.6 square metres.

- b) Creation of a 2,058.5 square metre easement (proposed Part 2) over a portion of the proposed severed parcel for access, storm sewer, and overland water flow in favour of the proposed retained parcel.

**File B-9/21 – Proposed Parts 3 to 6 (retained parcel)**

- a) Creation of a 2,035.2 square metre easement (proposed Part 3) over a portion of the proposed retained parcel for access, storm sewer and overland water flow in favour of the proposed severed parcel.
- b) Creation of a 835.3 square metre easement (proposed Part 4) over a portion of the proposed retained parcel for a storm sewer in favour of the proposed severed parcel.

Policy 10.10.1.2 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to application **B-8/21**:

- a) **That all of the criteria for plans of subdivision or condominium are given due consideration.**

Staff have reviewed the criteria for plans of subdivision and are satisfied that the consent application conforms to the policies.

- b) **That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.**

A plan of subdivision is not necessary for the proposed severance and easement.

- c) **That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.**

The proposed severance and easement will allow for the continued, efficient operation of the shopping centre.

- d) **That the application can be supported if it is reasonable and in the best interest of the community.**

The application is considered to be reasonable and is supportable.

Policy 10.10.1.2 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to application **B-9/21**:

- a) **That all of the criteria for plans of subdivision or condominium are given due consideration.**

Staff have reviewed the criteria for plans of subdivision and are satisfied that the consent application conforms to the policies.

- b) **That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City.**

A plan of subdivision is not necessary for the proposed easements.

- c) **That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands.**

The proposed easements will allow for the continued, efficient operation of the shopping centre.

- d) **That the application can be supported if it is reasonable and in the best interest of the community.**

The application is considered to be reasonable and is supportable.

Staff are satisfied that the proposed applications for severance and easements meet the Consent policies of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of both applications.

### **Engineering Services**

Engineering staff met with the applicant (Armel) several times to discuss the proposed easements, as shown in the public notice sketch. The review of the easements was completed in 2020. Engineering staff have no concerns with the requested consent applications.

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

### **Building Services**

This property is located in the Specialized Community Shopping Centre (CC-28) Zone. The applicant is proposing to create a new 39,739 square metre lot which currently contains a retail establishment (grocery store) and associated parking area. The applicant is also proposing to create easements over the proposed severed and retained parcels for access, storm sewer and overland water flow.

Building Services does not object to these applications.

### **Bell Canada**

Bell Canada has no concerns with Applications for Consent B-8/21 and B-9/21 regarding 963-1045 Paisley Road.

### **Comments from the Public**

None

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### **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1  
519-822-1260 Extension 2524 [cofa@guelph.ca](mailto:cofa@guelph.ca)  
TTY: 519-826-9771 [guelph.ca/cofa](http://guelph.ca/cofa)