

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 11, 2022
Subject	Decision Report 78 and 82 Eastview Road Proposed Zoning By-law Amendment File: OZS19-004 Ward 2

Recommendation

1. That the application submitted by Robert Russell Planning Consultants Inc., on behalf of the owners 2613598 Ontario Inc. and 2589618 Ontario Inc. for a Zoning By-law Amendment to change the zoning from the current "Urban Reserve" (UR) Zone and "Specialized Residential Single Detached" with a Holding Symbol (R.1B-39(H)) Zone in part to the "Residential Cluster Townhouse" (R.3A) Zone, "General Apartment" (R.4A) Zone, "Conservation Land" (P.1) Zone and "Wetland" (WL) Zone on the lands municipally known as 78 and 82 Eastview Road and legally described as Part Lot 2, Concession 5, Division C, City of Guelph (Formerly Township of Guelph), be refused; a summary of reasons for refusal are set out in Attachment-9 of Report 2022-220, dated July 11, 2022.
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Executive Summary

Purpose of Report

This report provides a staff recommendation to refuse a Zoning By-law Amendment to change the zoning on the subject lands from the current "Urban Reserve" (UR) Zone and "Specialized Residential Single Detached" with a Holding Symbol (R.1B-39(H)) Zone in part to the "Residential Cluster Townhouse" (R.3A) Zone, "General Apartment" (R.4A) Zone, "Conservation Land" (P.1) Zone and "Wetland" (WL).

Key Findings

Planning staff recommend refusal of the proposed Zoning By-law Amendment application because the proposed apartment and cluster townhouse development has been unable to demonstrate that it will have no negative impact on the adjacent Natural Heritage System, including a Provincially Significant Wetland, and unable to demonstrate that there are full municipal services available, specifically adequate stormwater management to accommodate the development.

Financial Implications

Estimated Development Charges: \$1,600,000 based on 2022 rates.

Estimated Annual Taxes: \$150,000 based on the 2022 City tax rate for 40 apartment units and 30 townhouse units (estimate only and actual numbers may vary).

Report

An application to amend the Zoning By-law was received for the two properties municipally known as 78 and 82 Eastview Road from Robert Russell Planning Consultants Inc. on behalf of the owners, 2613598 Ontario Inc. and 2589618 Ontario Inc. on March 25, 2019. The application was deemed to be complete on April 12, 2019.

The Zoning By-law Amendment application initially requested to rezone the subject lands in part to a "Cluster Townhouse" (R.3A) Zone along with associated "Wetland" (WL) and "Conservation Land" (P.1) Zones to permit the development of 57 cluster townhouse units and to recognize natural heritage features. The original development proposal can be found in Attachment-7.

A Public Meeting was held for the initial development proposal on June 10, 2019. At the Public Meeting, residents raised concerns, including impacts that the development could have on the adjacent Natural Heritage System (NHS), including the Guelph Northeast Provincially Significant Wetland (PSW) complex as well as woodlands and tree removals. Other concerns were also expressed on the layout of the development, including the location and length of a private roadway to access the townhouses, whether sufficient parking was being provided and site grading. Following this Public Meeting, staff provided policy and technical comments for the applicant's review.

The applicant responded to these comments and revised their development proposal. A formal resubmission of their Zoning By-law Amendment application was made to the City on November 20, 2020. The revised proposal included the introduction of a 5-storey apartment building with 40 units. To accommodate the apartment building, the residential zoning was revised in the application, now requesting to rezone a west portion of the subject lands as "General Apartment" (R.4A) and the east portion of the subject lands keeping the "Cluster Townhouse" (R.3A) Zone originally requested. The number of townhouse units proposed was reduced from 57 to 30. The P.1 and WL zones were largely unchanged. Due to the introduction of a new residential zone and apartment land use to the development proposal, a second Public Meeting was held on February 8, 2021. Many of the same concerns from the first Public Meeting were raised and discussed at the second Public Meeting.

Staff provided further policy and technical comments to the applicant on their second and revised development proposal. On November 21, 2021, the applicant responded once again with a third formal submission. The applicant indicated that the third submission was made in attempts to resolve concerns related to hydrogeological and water balance elements of the site. This supporting study was required as part of a complete application because it assists in determining whether the development would have any negative impacts on the NHS as well as for stormwater management design. No changes to the proposed land use or residential density were made in the third submission. The review in this report primarily reflects the development proposal from the third submission with

reference to supporting materials where necessary from the initial and second submissions.

Location

The subject lands are located on the northwest side of Eastview Road between Starwood Drive and Auden Road (see Attachment-1 and Attachment-2 – Location Map and Orthophoto). The subject lands have a total area of 3.25 hectares and a combined frontage of 116 metres along Eastview Road. In the initial application, the applicant identified approximately 0.97 hectare of the subject lands being occupied by the Guelph Northeast PSW and significant woodlands. On the current conceptual site plan, 1.31 hectares of the site is identified as 'unbuildable' because of the NHS.

The subject lands have two separately conveyable parcels (properties). Each are occupied by a single detached dwelling and other accessory buildings and structures.

Assuming Eastview Road runs in a true east-west direction, surrounding land uses include:

- To the north, natural heritage lands (the Guelph Northeast Provincially Significant Wetland Complex and significant woodlands);
- To the east, single and semi-detached dwellings along Starwood Drive;
- To the south, Eastview Drive, beyond which are cluster townhouses; and
- To the west, cluster townhouses and natural heritage lands (the Guelph Northeast Provincially Significant Wetland Complex and significant woodlands).

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to most of the subject lands is "Low Density Greenfield Residential", with the northwest portions of the lands designated as "Significant Natural Areas & Natural Areas". The "Low Density Greenfield Residential" land use designation permits single detached, semi-detached and duplex dwellings, as well as multiple unit residential buildings, such as townhouses and apartments. The net density of developments within the Low Density Greenfield Residential designation is to be between 20 and 60 units per hectare. Residential buildings are permitted to a maximum height of six (6) storeys.

The "Significant Natural Areas & Natural Areas" land use designation applies to lands within the City's Natural Heritage System (NHS), and include features such as significant wetlands, significant woodlands and significant habitat of provincially endangered and threatened species. Development and site alteration is not permitted within the Natural Heritage System, including associated buffers with the exception of a limited range of uses, including those legally existing and passive recreational activities, among others.

The land use designations and relevant policies contained in the Official Plan are included in Attachment-3. Natural Heritage System mapping from the Official Plan is included in Attachment-4.

Existing Zoning

The subject lands are currently zoned "Urban Reserve" (UR) and "Specialized Single Detached Residential" with a Holding provision (R.1B-39(H)), according to Zoning By-law (1995)-14864, as amended. The UR Zone does not permit residential uses.

The Holding provision requires approval of related consent (severance) applications to create new lots, along with entering into an associated development agreement with the City regarding the consent to sever applications.

The existing zoning map is included in Attachment-5.

Description of Proposed Zoning By-law Amendment

The intent of the Zoning By-law Amendment application is to change the zoning from the current "Urban Reserve" (UR) Zone and "Specialized Single Detached Residential" (R.1B-39(H)) Zone in part to the standard "Cluster Townhouse" (R.3A) Zone, the standard "General Apartment" (R.4A) Zone, along with associated "Wetland" (WL) and "Conservation Land" (P.1) Zones to permit the development of a 5-storey apartment building with 40 units and 30 cluster townhouse dwelling units. The proposed WL and P.1 Zoning has been requested to recognize boundaries and required buffers of natural heritage features on the subject lands. No site-specific zoning regulations were requested by the applicant for any of the zones.

The proposed Zoning is shown in Attachment-6.

Proposed Development

The applicant's most recent proposal (November 2021) includes redeveloping the subject lands to include a 40-unit, 5-storey apartment building as well as 30 cluster townhouse dwelling units. The townhouse units are distributed in four blocks accessed along a private roadway. The roadway and site is proposed to have a singular entrance to Eastview Road that would align with the existing intersection with Auden Road. A secondary emergency access driveway is shown on the eastern portion of the site also accessing Eastview Road and is in alignment with an existing private driveway to a townhouse site. It is labelled as having gates to limit access and use to emergency vehicles only. The NHS portion of the subject lands would include the Guelph Northeast PSW and significant woodlands and their buffers.

On the 3.25 hectare site, the concept plan shows 1.33 hectares of land dedicated for the cluster townhouses (40.9%), 0.6 hectares of land dedicated for the apartment (18.6%), and 1.31 hectares of land for the NHS (40.3%). With a total of 70 dwelling units proposed, the developable portion of the subject lands has a net residential density of 36 units per hectare.

The apartment portion of the development is shown as having 69 off-street parking spaces. Of the 69 spaces, 11 are marked as visitor and 2 as barrier-free. The main floor of the apartment building is shown as a garage containing 22 of these parking spaces. The townhouse portion of the development is shown with a total of 70 parking spaces. Of these spaces, each townhouse unit has two 2 spaces, with one being in a private garage and one in a private driveway. For the townhouses, there are 8 visitor parking spaces and 2 barrier-free. For the entire development, there is a total of 139 parking spaces. The parking rates for the proposed development exceed the minimum requirements in the Zoning By-law.

The existing two (2) single detached dwellings and accessory structures on the subject lands would be demolished to accommodate the proposed development. Several trees were inventoried on the subject lands and a total of 65 trees were identified in a Tree Management Plan for removal because of the development. Some of these trees proposed for removal would require appropriate compensation under the City's Private Tree By-law.

The current and proposed development conceptual site plan is included in Attachment-8. No elevations or renderings prepared specifically for the proposed development were submitted by the applicant with any of the submissions.

Staff Review/Planning Analysis

The staff review and planning analysis for this application is provided in Attachment-9. The analysis addresses relevant planning considerations, including the issues raised by the public and Council at the public meetings. Final comments on the proposal from agencies and internal City departments are included in Attachment-10. The staff review and planning analysis addresses the following:

- Evaluation of the proposal against the 2020 Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (including Amendment 1);
- Evaluation of the Zoning By-law Amendment and development proposal's conformity with the Official Plan;
- Review of whether the proposed development will have no negative impact on the Natural Heritage System directly on and adjacent to the subject lands;
- Review of whether there are adequate and available municipal services to accommodate the proposed development;
- Review of the proposed site layout and parking;
- Review of supporting documents submitted in support of the applications; and,
- All land use planning comments and issues raised at the public meeting and all comments received from circulated agencies and members of the public.

Staff Recommendation

Planning staff recommend refusal of the proposed Zoning By-law Amendment. If approved, it would permit the development of a 5-storey apartment building with 40 units and 30 cluster townhouse dwelling units along with rezoning components of the NHS and buffers on the subject lands.

Following the circulation of three formal submissions of the application and supporting materials to City departments, agencies and the public, Planning and Engineering staff have been unable to conclude that the development will have no negative impact on the NHS. It is both Provincial and City policy for any development to have no negative impact on natural features and their ecological functions such as Provincially Significant Wetlands and significant woodlands.

Engineering staff have also indicated that the applicant has been unable to demonstrate that there are adequate and available services for the development, specifically stormwater management. The Official Plan requires all new development to have available municipal services. Detailed staff comment memos and letters can be found in Attachment-10.

Since the initial submission of the Zoning By-law Amendment application in June 2019 as well as two formal resubmissions and two Public Meetings, staff have had discussions with the property owner, applicant, and their consulting team. These discussions and meetings included reviewing City policies and procedures, required supporting studies, methodologies, and alternative site designs to explore a residential development that could have no negative impact on the NHS and ensure sufficient municipal services are available. Following the review of the third submission made in November 2021, staff continue to have concerns with the development and are of the opinion that the supporting studies do not demonstrate

there will be no negative impact to the NHS and that stormwater services are sufficient.

The proposed development is not consistent with the 2020 Provincial Policy Statement (PPS), it does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and it does not conform to the City's Official Plan.

Financial Implications

Estimated Development Charges: \$1,600,000 based on 2022 rates.

Estimated Annual Taxes: \$150,000 based on the 2022 City tax rate for 40 apartment units and 30 townhouse units (estimate only and actual numbers may vary).

Consultations

A combined Notice of Complete Application and Public Meeting was mailed on April 29, 2019 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The Notice of Public Meeting was also advertised in the Guelph Tribune on May 16, 2019. Notice of the application has also been provided by signage on the subject lands and all supporting documents submitted with the application has been posted on the City's website.

The second Notice of Public Meeting was mailed on January 11, 2021 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The second Notice of Public Meeting was also advertised in the Guelph Tribune on January 14, 2021.

The Notice of Decision Meeting was emailed and mailed on June 27, 2022 to interested parties who either spoke at the public meetings, provided comments on the application or requested to receive further notice. The complete public notification summary is included in Attachment-11.

Strategic Plan Alignment

Priority

Sustaining our Future

Direction

Plan and design an increasingly sustainable city as Guelph grows.

Alignment

The proposed development application is not in conformity with the policies of the City's Official Plan, which is the City's key document for guiding future land use and development, so planning staff recommend refusal. The Official Plan's vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposed development application is not in conformity with the City's Official Plan can be found in the Summary of Reasons for Refusal and Planning Analysis in Attachment-9.

Attachments

Attachment-1 Location Map

Attachment-2 Aerial Photograph

Attachment-3 Official Plan Land Use Designations and Policies

Attachment-4 Official Plan Natural Heritage System Mapping
Attachment-5 Existing Zoning
Attachment-6 Proposed Zoning
Attachment-7 Former Conceptual Site Plan
Attachment-8 Current Conceptual Site Plan
Attachment-9 Summary of Reasons for Refusal and Planning Analysis
Attachment-10 Department and Agency Comments
Attachment-11 Public Notification Summary

Departmental Approval

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