

# Staff Report



---

To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, September 12, 2022
Subject	<b>Decision Report 388 Arkell Road Proposed Official Plan and Zoning By-law Amendments Files: OP1705 and ZC1708 Ward 6</b>

---

## Recommendation

1. That the application by MHBC Planning on behalf of the owner, Upper Grand District School Board, on the property municipally known as 388 Arkell Road, and legally described as Part of Lot 6, Concession 8, Geographic Township of Puslinch; Part 1, Plan 61R-20599, City of Guelph, for approval of an Official Plan Amendment to add a site-specific policy to the "Neighbourhood Commercial Centre" land use designation to permit the development of a school, be approved in accordance with Attachment-3 of Report 2022-286, dated September 12, 2022.
2. That the application by MHBC Planning on behalf of the owner, Upper Grand District School Board, on the property municipally known as 388 Arkell Road, and legally described as Part of Lot 6, Concession 8, Geographic Township of Puslinch; Part 1, Plan 61R-20599, City of Guelph, for approval of a Zoning By-law Amendment to change the zoning from the current "Agricultural" (A) Zone, according to the Township of Puslinch Zoning By-law 19/85 to a new "Specialized Educational, Spiritual and Other Services" (I.1-?) Zone and to the "Conservation Land" (P.1) Zone, in the City of Guelph Zoning By-law (1995)-14864, as amended, be approved in accordance with Attachment-4 of Report 2022-286 dated September 12, 2022.
3. That accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 388 Arkell Road.

---

## Executive Summary

### Purpose of Report

This report provides a staff recommendation to approve an Official Plan Amendment and Zoning By-law Amendment to permit the development of a school.

## **Key Findings**

Planning staff support the proposed Official Plan Amendment and Zoning By-law Amendment subject to the recommended Official Plan Amendment in Attachment-3 and the recommended zoning regulations and conditions in Attachment-4.

## **Financial Implications**

Section 3.3 of the Development Charges By-law (2019) –20372 states that the Bylaw does not apply to lands that are owned by and used for the purposes of ... (b) a board of education.

Section 3 of the Assessment Act exempts public educational institutions from taxation.

---

## **Report**

### **Background**

Applications to amend the Official Plan and Zoning By-law were received for the property municipally known as 388 Arkell Road from MHBC Planning on behalf of the owner, Upper Grand District School Board (UGDSB) to permit the development of a school (secondary school). The applications were received by the City on August 28, 2017 and deemed to be complete on September 21, 2017. The Statutory Public Meeting was held on November 13, 2017. The applicant has revised the concept plan since the original application to address technical comments provided by City staff.

### **Location**

The subject property is located at the north-west corner of Victoria Road South and Arkell Road (see Attachment-1 Location Map and Attachment-2 Aerial Photograph). The subject property has an area of approximately 7.48 hectares (18.48 acres) and a frontage of approximately 174 metres along Arkell Road and an exterior frontage of approximately 395 metres along Victoria Road South. The property is currently vacant.

Surrounding land uses include:

- To the north: lands currently zoned and developed with residential uses and environmental features;
- To the south: Arkell Road, beyond which are medium density residential uses, in the form of townhouses and a commercial plaza;
- To the east: Victoria Road South, beyond which are lands located within the Township of Puslinch and presently used for agricultural purposes; and,
- To the west: lands zoned for agricultural uses under the Township of Puslinch Zoning By-law and designated in the City of Guelph Official Plan for residential uses.

### **Existing Official Land Use Designations and Policies**

The Official Plan land use designations that apply to the subject property are "General Residential", "Medium Density Residential", "Neighbourhood Commercial Centre (4,650m<sup>2</sup>)" and "Significant Natural Areas and Natural Areas". Within the residential land use designations, non-residential uses that are complementary to

and serve the needs of the residential neighbourhoods are permitted. Such non-residential uses include schools.

The northern portion of the subject property is designated as "Significant Natural Areas and Natural Areas". Development is not proposed on this portion of the property and the applicant has prepared an Environmental Impact Study (EIS) to address development adjacent to the environmental feature and recommend appropriate setbacks (buffers) to demonstrate that there will be no negative impacts to the feature.

The "Neighbourhood Commercial Centre" land use designation is comprised of one or several commercial buildings on one or more properties within a compact "node" and is intended to primarily serve the shopping needs of residents living and working in nearby neighbourhoods and employment districts. Institutional and small-scale office uses may also be permitted where these uses are compatible with the particular surroundings. Schools are not specifically permitted within this land use designation and the applicant has submitted an Official Plan Amendment to include a site-specific policy to include a school as a permitted use in this designation on the subject property.

The relevant policies for the applicable land use designations are included in Attachment-5 and the proposed Official Plan Amendment is included in Attachment-3.

### **Official Plan Amendment #48 Land Use Designations and Policies**

Official Plan Amendment #48 (OPA 48), a comprehensive update to the City's Official Plan, designates the subject property as "Low Density Greenfield Residential", "Medium Density Residential", "Neighbourhood Commercial Centre" and "Significant Natural Areas and Natural Areas". A Decision and Order from the Ontario Municipal Board on October 5, 2017 has brought OPA 48 into full force and effect. Although the applications which were received prior to OPA 48 coming into full force and effect are being processed under the 2001 Official Plan, staff must have regard to the policies and designations of OPA 48. The land use designations and relevant policies contained in OPA 48 are included in Attachment-5.

### **Proposed Official Plan Amendment**

The applicant is proposing to add a site-specific Official Plan policy to the "Neighbourhood Commercial Centre" land use designation to permit a school as an additional permitted use. Further details of the proposed Official Plan Amendment are included in Attachment-3.

### **Existing Zoning**

The subject property was annexed from the Township of Puslinch in 1993 and accordingly is zoned "Agricultural" (A), according to the Township of Puslinch Zoning By-law 19/85. The City of Guelph Official Plan provides that annexed lands are subject to applicable Township Zoning By-laws that were in effect on April 1, 1993. These By-laws will remain in effect until they are replaced with new Zoning By-laws and regulations in conformity with the City of Guelph Official Plan. The proposed Zoning By-law Amendment will have the effect of repealing the Township of Puslinch Zoning By-law as it applies to the subject property and will replace it with a new "Specialized Educational, Spiritual, and Other Services" (I.1 - xx) Zone

and the "Conservation Lands" (P.1) Zone in the City of Guelph Zoning By-law (1995)-14864.

Details of the existing zoning are included in Attachment-7.

## **Proposed Zoning By-law Amendment**

### **Original Proposal**

The intent of the original Zoning By-law Amendment application was to change the zoning from the from the current "Agricultural" (A) Zone, according to the Township of Puslinch Zoning By-law 19/85 to a new "Specialized Educational, Spiritual and Other Services" (I.1-?) Zone and to the "Conservation Land" (P.1) Zone, in the City of Guelph Zoning By-law (1995)-14864, as amended. No specialized zoning regulations were requested as part of the original submission.

The original conceptual site plan is included in Attachment-9.

### **Current Conceptual Site Plan**

The applicant has made modifications to the site design to address technical comments received from staff. The proposed building location has remained in the general location as shown on the original site plan (close to the corner of Arkell Road and Victoria Road South), however, the number of proposed access to/from the site have been reduced to address traffic concerns.

Key changes to the original proposal include the following:

- The main vehicular access to the site has been changed from Arkell Road to Victoria Road South;
- There is a now a proposed signalized access on Victoria Road; and,
- The elimination of 1 access along Arkell Road and the remaining access has been shifted as far west as possible along Arkell Road.

Staff are recommending a specialized regulation for maximum building setback to ensure the building is placed near the intersection of Victoria Road South and Arkell Road in conformance with urban design policies of the Official Plan. An analysis of the proposed zoning is included in the staff review and planning analysis in Attachment-11.

### **Proposed Development**

The applicant is proposing to develop the site with a two-storey building with 56 classrooms, outdoor sports facilities and a parking lot with 246 vehicle parking spaces.

The current conceptual site plan is included in Attachment-10.

### **Staff Review and Planning Analysis**

The staff review and planning analysis for these applications is provided in Attachment-11. The analysis addresses relevant planning considerations, including the issues raised by the public and Council at the statutory public meeting. Final comments on the revised proposal from agencies and internal City departments are included in Attachment-13. 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;

- Evaluation of the proposal's conformity with the Official Plan, including the proposed Official Plan Amendment;
- Review of the proposed site layout, built form and parking;
- Review of the proposal's land use compatibility with adjacent and established land uses;
- Review of the proposed zoning, including the need for any specialized regulations;
- Consideration of the applicable sections of the Community Energy Initiative (CEI) update;
- 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 are satisfied that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the 2020 Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (including Amendment 1). The proposed Official Plan Amendment and Zoning By-law Amendment conform to the objectives and policies of the Official Plan and the specialized zoning regulation proposed is appropriate for the site. Planning staff recommend that Council approve the Official Plan Amendment as proposed in Attachment-3 and the Zoning By-law Amendment subject to the specialized zoning regulation and proposed conditions to be imposed through site plan approval as outlined in Attachment-4.

The applicant has made modifications to the proposed development in response to technical comments received, which resulted in a slightly revised layout and staff are recommending specialized zoning regulation for the building location. An analysis of the revised layout and specialized zoning regulations are discussed further in the Staff Review and Planning Analysis in Attachment-11. These changes are considered to be minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

### **Financial Implications**

Section 3.3 of the Development Charges By-law (2019) –20372 states that the Bylaw does not apply to lands that are owned by and used for the purposes of ... (b) a board of education.

Section 3 of the Assessment Act exempts public educational institutions from taxation.

### **Consultations**

A combined Notice of Complete Application and Notice of Public Meeting was mailed on October 6, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject property. The Notice of Public Meeting was also advertised in the Guelph Tribune on October 19, 2017. Notice of Revised Submission was mailed/emailed on May 20, 2021 to local boards and agencies, City service areas, property owners within 120 metres of the subject property and to interested parties who requested to receive further notice. Notice of the applications has also been provided by signage on the subject property and all supporting documents submitted with the applications have been posted on the City's website.

The Notice of Decision Meeting was mailed/emailed on August 30, 2022 to interested parties who requested to receive further notice. The public notification summary is included in Attachment-14.

## **Strategic Plan Alignment**

### **Priority**

Sustaining our Future

### **Direction**

Plan and design an increasingly sustainable city as Guelph grows.

### **Alignment**

The proposed development applications are 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. The Official Plan's vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposed development is in conformity with the City's Official Plan can be found in the Staff Review and Planning Analysis in Attachment-11.

### **Attachments**

Attachment-1 Location Map and 120m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Official Plan Amendment No. 82

Attachment-4 Recommended Zoning Regulations and Conditions

Attachment-5 Official Plan Land Use Designations and Policies

Attachment-6 Official Plan Amendment 48 Land Use Designations and Policies

Attachment-7 Existing Zoning

Attachment-8 Proposed Zoning

Attachment-9 Original Conceptual Site Plan

Attachment-10 Current Conceptual Site Plan

Attachment-11 Staff Review and Planning Analysis

Attachment-12 Community Energy Initiative Commitment

Attachment-13 Departmental and Agency Comments

Attachment-14 Public Notification Summary

### **Departmental Approval**

Chris DeVriendt, MCIP, RPP, Manager of Development Planning

### **Report Author**

Lindsay Sulatycki, MCIP, RPP, Senior Development Planner

**This report was approved by:**

Krista Walkey, MCIP, RPP  
General Manager, Planning and Building Services  
Infrastructure, Development and Enterprise Services  
519-822-1260 extension 2395  
krista.walkey@guelph.ca

**This report was recommended by:**

Jayne Holmes, P. Eng., PMP  
Deputy Chief Administrative Officer  
Infrastructure, Development and Enterprise Services  
519-822-1260 extension 2248  
jayne.holmes@guelph.ca