

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, September 12, 2022
Subject	Decision Report 111-193 Silvercreek Parkway North Proposed Zoning By-law Amendment File OZS20-017

Recommendation

1. That the application from Astrid J. Clos Planning Consultants on behalf of D.D. 111-193 Silvercreek Ltd. (Starlight Group Property Holdings Inc.), for a Zoning By-law Amendment to change the zoning from the current "Specialized Community Shopping Centre" Zone (CC-9) to a "Specialized Community Shopping Centre" Zone (CC-32(H)) Zone with a Holding Symbol to permit the development of a six (6) storey, mixed use building with 160 apartment units and 620 square metres of commercial floor area on the property municipally known as 111-193 Silvercreek Parkway North and legally described as Lots 180-204, Registered Plan 568 City of Guelph, be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Report 2022-272, dated September 12, 2022.
2. That in 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 111-193 Silvercreek Parkway North.

Executive Summary

Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment to permit the development of a six (6) storey, mixed-use building with 160 apartment units and 620 square metres of commercial floor area on the property municipally known as 111-193 Silvercreek Parkway North.

Key Findings

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

Financial Implications

Estimated Development Charges: \$2.6 to \$3.8 million.

Estimated Community Benefit Charge: \$700 to \$800 thousand.

Estimated Annual Property Taxes: \$245 thousand.

These figures are approximations only, based on the addition of 160 apartment units and 620 square metres of reconfigured commercial space and are based on the Development Charge and Community Benefit Charge rates that will take effect on September 18, 2022. Actual numbers may vary depending on the final number of bedrooms per apartment as well as the assessed property value.

Report

Background

An application to amend the Zoning By-law was received for the property municipally known as 111-193 Silvercreek Parkway North from Astrid J. Clos Planning Consultants on behalf of the owner, D.D. 111-193 Silvercreek Ltd. (Starlight Group Property Holdings Inc.) to permit the development of a six (6) storey, mixed-use building with a total of 160 apartment dwelling units and 620 square metres of commercial space on the ground level. The property contains and is commonly referred to as the Willow West Mall.

The application was received on December 14, 2020 and deemed to be complete on January 15, 2021. The Statutory Public Meeting was held on March 8, 2021. The original application proposed the development of two separate, six (6) storey buildings. One contained 70 residential apartment units along Willow Road (Building 'G') and the second contained 78 residential apartment units and 605 square metres of ground floor commercial space along Silvercreek Parkway North (Building 'H').

In April 2022, the applicant submitted formal revisions to their application and development proposal, which combined the two apartment buildings into a single, six (6) storey mixed use building located directly at the northeast corner of Silvercreek Parkway North and Willow Road (now referred to as Building 'GH'). The revised development proposal increased the total number of apartment dwelling units from 148 to 160 and the commercial floor area to 620 square metres.

The revised Zoning By-law Amendment application proposes to rezone the subject lands from the current 'Specialized Community Shopping Centre' (CC-9) Zoning to a new 'Specialized Community Shopping Centre' (CC-36(H)) Zone with a Holding Provision. The new CC-36(H) zone would add apartments as a permitted use and a maximum building height of 6 storeys, among other specialized zoning regulations. Engineering staff have indicated that a Holding Provision (H) is required to be added to the new zoning until a Record of Site Condition (RSC) is filed with the Ministry of the Environment, Conservation and Parks (MECP) and a noise feasibility study is completed.

Location

The subject lands are located on the northeast corner of Silvercreek Parkway North and Willow Road (see Attachment-1 Location Map and Attachment-2 Aerial Photograph, respectively). The subject lands have a site area of 6.23 hectares, with approximately 175 metres of frontage along Greengate Road, approximately 340 metres of frontage along Silvercreek Parkway North, approximately 177 metres of frontage along Willow Road and approximately 336 metres of frontage along Applewood Crescent. The lands are currently developed with a commercial mall, commonly known as the Willow West Mall. The existing commercial gross floor area (GFA) developed and built on the subject lands is 18,559 square metres in size with

864 parking spaces provided (based on the approved Site Plans SP08C022 and SP16C040).

Surrounding land uses include:

- To the north: Greengate Road, beyond which are cluster townhouses and single detached dwellings along Applewood Crescent;
- To the east: Applewood Crescent, beyond which are apartment buildings and single detached dwellings;
- To the south: Willow Road, beyond which is a gas station, office and six (6) storey apartment buildings; and
- To the west: Silvercreek Parkway North, beyond which are lands zoned and developed with various commercial uses.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is "Mixed-use Corridor". The Mixed-use Corridor land use designation is intended to have a variety of commercial and residential uses that serve both the needs of residents living and working on-site, in nearby neighbourhoods and employment districts and the wider city as a whole. Commercial, retail, office and service uses are permitted as well as medium and high-density multiple unit residential buildings such as apartments. The maximum height of buildings in this land use designation is six (6) storeys. Freestanding residential development is to be between a net density range of 100 and 150 units per hectare.

Details of the "Mixed-use Corridor" land use designation, including a map is included in Attachment-4.

Existing Zoning

The subject property is currently zoned "Specialized Community Shopping Centre" (CC-9), according to Zoning By-law (1995)-14864, as amended. Several commercial uses are permitted including retail establishments, restaurants, financial establishments and offices. Dwelling units are permitted with commercial uses in the same building, to a maximum building height of three (3) storeys.

On December 19, 2008 the Committee of Adjustment approved a minor variance application for the subject lands (File A-111/08).

The minor variances approved with this application include:

- To permit a reduced minimum off-street parking ratio of 1 parking space per 23.64 square metres of commercial Gross Floor Area.
- To permit a reduced minimum 3 metre setback for Building "G" from Willow Road.
- To permit a reduced minimum 1.86 metre setback from Silvercreek Parkway North.
- That a garbage room/enclosure adjacent to Building G and J shall be permitted.
- To permit a reduced minimum Landscape Buffer of 1.96 m adjacent to Silvercreek Parkway North for Building "H" except where a driveway is provided.
- To permit a reduced minimum Landscape Buffer of 2.98 m adjacent to Silvercreek Parkway North for Building "J" except where a driveway is provided.

The Willow West Mall has an existing commercial Gross Floor Area (GFA), based on of 18,559 square metres. The existing number of parking spaces on the approved

Site Plans and inventoried on-site (as of April 2022) is 864 parking spaces. The minor variance approved for the subject lands permits a minimum parking ratio of 1 parking space per 23.64 square metres of commercial GFA. Based on the current GFA, a minimum 785 parking spaces are currently required and 864 are currently provided. This results in a current surplus of parking provided compared to what is required in the Zoning By-law by way of approved minor variance A-111/08.

Details of the existing CC-9 zoning, including a map is included in Attachment-5.

Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the current "Specialized Community Shopping Centre" (CC-9) Zone to a new "Specialized Community Shopping Centre" (CC-36(H)) with a Holding Provision. The existing CC-9 Zone would be deleted from the Zoning By-law and replaced with the new CC-36(H) Zone.

Under the authority of Section 36 of the Planning Act and Section 10.5 of the Official Plan, Staff are recommending that a Holding Provision ('H') be placed on the Zoning until a Record of Site Condition (RSC) is filed with the MECPC and a noise feasibility study is completed. Once it can be demonstrated to the City Engineer's satisfaction that an RSC has been filed and the current noise feasibility study is updated, the developer can apply to the City to have the Holding Provision lifted from the zoning.

Several site-specific zoning regulations have been requested by the applicant, including for the original development proposal submitted in December 2020 and were revised accordingly to reflect a resubmission to the City in April 2022. These specialized zoning regulations will ensure the final design and construction implements the development concept that has been considered to date. As residential uses are being added to an existing commercial shopping area in a designated Mixed-use Corridor, the recommended specialized zoning regulations will ensure a balance of urban design and supporting features. Differences between the requested and recommended specialized zoning regulations between the original and current development proposal are summarized below.

Details of the proposed zoning are included in Attachments 3 and 6.

Original Development Proposal

The intent of the original Zoning By-law Amendment application was to change the zoning from the "Specialized Community Shopping Centre" (CC-9) Zone to a new "Specialized Community Shopping Centre" Zone to permit the development of two, six-storey buildings containing apartment dwelling units. Building "G" as shown on the original development concept plan is an apartment building with 70 dwelling units along Willow Road. Building "H" as shown on the original development concept plan is a mixed-use building with 78 dwelling units and 605 square metres of ground floor commercial area along Silvercreek Parkway North.

An existing commercial unit (The Beer Store) was proposed at the time to be demolished to accommodate new Building G. A total of 960 parking spaces were proposed for the commercial and residential uses across the entire site. 166 of the residential parking spaces were proposed to be provided underground for both resident and visitor use.

The applicant requested that the proposed apartments on the subject lands be regulated by the "High Density Apartment" (R.4B) Zone. The applicant also requested the following specialized regulations originating from R.4B Zone to implement the original development proposal:

- That the Minimum Exterior Side Yard to Silvercreek Parkway North be 1.5 metres, whereas the R.4B Zone requires 6 metres.
- That the Minimum Rear Yard to Willow Road be 0.95 metres, whereas the R.4B Zone requires 69.2 metres (equal to 20% of the lot depth or one-half of the building height, whichever is greater).
- That the Minimum Common Amenity Area for a maximum of 148 apartment units be 1,995 square metres, whereas the Zoning By-law requires 3,160 square metres (based on 30 square metres per dwelling unit up to 20 units plus 20 square metres for each additional dwelling unit).
- That a maximum of 15 visitor parking spaces be provided underground, whereas Section 4.13.6 of the Zoning By-law requires that all visitor parking be provided above grade.
- That the Minimum Landscaped Open Space be 12%, whereas Table 5.4.2, Row 13 of the Zoning By-law requires a minimum of 40%.
- That the Angular Plane be 57 degrees from the centreline of a street, whereas Section 4.16.1 of the Zoning By-law requires a maximum of 45 degrees.
- That the Minimum setback of underground parking to a lot line be 1.2 metres, whereas Section 4.13.3.4.2 of the Zoning By-law requires a minimum of 3 metres.

The applicant also originally requested the following specialized regulations to the CC Zone:

- That the Minimum Setback for a mixed-use building be 1.5 metres from Silvercreek Parkway North, whereas the CC-9 Zone requires a minimum setback of 31.5 metres, which has been varied through minor variance A-111/08 to 1.86 metres for a commercial building.
- That the Minimum Landscape Strip along Silvercreek Parkway North for a mixed-use building be 1.5 metres, whereas Table 6.2.2, Row 12 of the Zoning By-law requires 3 metres, which has been varied through minor variance A-111/08 to 1.96 metres for a commercial building.
- That the Minimum Landscape Strip along Willow Road be 0.95 metres, whereas Table 6.2.2, Row 12 of the Zoning By-law requires 3 metres adjacent to a street line.
- That the minimum commercial parking ratio be 1 parking space per 25 square metres of Gross Floor Area whereas the CC-9 Zone requires a minimum of 1 parking space per 18.8 square metres of GFA and minor variance A-111/08 varied this requirement to a minimum of 1 parking space per 23.64 square metres of GFA. For the proposed commercial GFA of 18,617 square metres, 788 parking spaces are required and 764 commercial parking spaces are proposed.
- To permit a building height of 6 storeys for either a freestanding residential building or a mixed-used building, whereas Table 6.2.2, Row 8 of the Zoning By-law permits residential dwelling units only with commercial units in the same building with a maximum building height of 3 storeys.

The original conceptual site plan received in December 2020 is included in Attachment-8.

Revised Development Proposal

In April 2022, the applicant submitted a revised Zoning By-law Amendment application and supporting materials to the City for review. Key changes made to development proposal include:

- Combining two mixed-use apartment buildings (previously referred to as Buildings G and H) into a single mixed-use building (now referred to as Building GH), which is placed in an 'L' shape at the northeast corner of Silvercreek Parkway North and Willow Road.
- Increasing the number of apartment dwelling units from 148 to 160 (12 additional units).
- Increasing the amount of commercial gross floor area on the ground floor of the mixed-use building from 604 square metres to 620 square metres (an additional 16 square metres; current proposal has net increase in 62 square metres of commercial gross floor area for entire Willow West Mall site).
- Retaining the Beer Store in its current location and now proposing to demolish the existing free-standing RBC bank. The RBC bank branch could relocate to the ground floor commercial retail space in Building GH that will front Silvercreek Parkway North.
- Increasing the total amount of common amenity area from 1,995 square metres to 2,135 square metres by providing a common amenity area rate of 13.3 square metres per unit. Further design details were provided showing the common amenity areas will include a fenced outdoor area at ground level, rooftop space and interior space.
- Increasing the setback of the mixed-use apartment building to be a minimum of 6 metres from both Silvercreek Parkway North and Willow Road.
- Meeting a maximum angular plane of 45-degrees from the centreline of both Silvercreek Parkway North and Willow Road.
- Increasing the amount of landscaped open space to 14% of the subject lands, for a total of 8,660 square metres (an increase of 723 square metres).
- Providing all visitor parking in a surface parking lot and no longer having visitor parking spaces underground.
- Adding a 3 metre landscaped buffer strip between the Silvercreek Parkway North lot line and surface parking area for the mixed-use building.

After reviewing the applicant's resubmission and comments received to date, notwithstanding and in addition to the regulations set out in Table 6.2.2 – Regulations governing the CC Zone, the current zoning, as well as Table 5.4.2 – Regulations governing the R.4B Zone of Zoning By-law (1995)-14864, as amended, staff are recommending the following specialized zoning regulations for the revised mixed-use development proposal:

- The following additional use shall also be permitted:
 - Apartment Building
 - Accessory Uses
- Minimum lot frontages shall be:
 - Greengate Road – 175 metres
 - Applewood Crescent – 336 metres
 - Willow Road – 60 metres
 - Silvercreek Parkway North – 60 metres

- The minimum lot area shall be 11,000 m².
- The maximum number of dwelling units shall be 160.
- The following minimum setbacks shall apply for an apartment building:
 - Minimum front and exterior side yard: 6 metres
 - Minimum side yard: 3 metres
 - Minimum rear yard: 7.5 metres
- The following minimum setbacks shall apply to the following street lines for a commercial building, including a mall:
 - Applewood Crescent – 18 metres
 - Greengate Road – 22.5 metres
 - Willow Road – 3 metres
 - Silvercreek Parkway North – 1.86 metres
- The minimum setback for an underground Parking Area shall be 1 metre.
- The maximum Building Height for an Apartment Building shall be 6 storeys.
- The maximum Building length along Silvercreek Parkway North shall be 91 metres.
- The minimum required off-street Parking Spaces for commercial uses permitted in Section 6.2.1.2 shall be 3.9 spaces per 100 m² of Gross Floor Area.
- The minimum dimensions for Parking Spaces for Apartment Buildings within a garage shall be 2.75 metres by 5.5 metres.
- All required accessible Parking Spaces shall be designed and placed in accordance with the City's Facility Accessibility Design Manual (FADM) or, 3.4 metres by 5.5 metres for Type A accessible parking spaces and 2.4 metres by 5.5 metres for Type B accessible parking spaces, whichever is greater.
- A minimum 13 m² of Common Amenity Area shall be provided per Dwelling Unit.
- A minimum 14% of the Lot Area shall be used as Landscaped Open Space.
- There shall be no maximum Floor Space Index (FSI) regulation.
- The zoning provisions, including those listed above, shall continue to apply collectively to the whole of the lands in the CC-32(H) Zone, despite any future severance, partition or division for any purpose.
- Notwithstanding the above specialized regulations and Section 6.2 and Table 6.2.2 for the Community Shopping Centre (CC) Zone, Apartment Buildings and mixed-use buildings at 111-193 Silvercreek Parkway North shall be otherwise regulated by the High Density Apartment (R.4B) Zone, including Section 5.4.2 and Table 5.4.2 of Zoning By-law (1995)-14864, as amended.

The current conceptual site plan is included in Attachment-8 and building renderings are included in Attachment-9. A Master Plan for future conceptual residential intensification potential is included in Attachment-10.

Staff Review/Planning Analysis

The staff review and planning analysis for the Zoning By-law Amendment application is provided in Attachment-11. The analysis addresses relevant planning considerations, including the issues and questions that were raised by Council and members of the public at and after the statutory Public Meeting held on March 8, 2021. Final comments on the revised proposal from internal City departments and agencies are included in Attachment-13. The staff review and planning analysis addresses the following:

- Evaluation of the development proposal in accordance with the policies of the 2020 Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- Evaluation of the development proposal's conformity with the Official Plan,
- Review of the proposed CC-36(H) Zoning and required specialized, site-specific regulations;
- Review of the proposed urban design and overall site layout, including a master plan;
- Review of traffic impacts and parking;
- Review of supporting documents submitted with the development applications;
- Confirm support for the 2019 Community Energy Initiative Update (2019);
- Confirm alignment with the City's Affordable Housing Strategy; and
- Address all comments and issues raised at and following the Statutory Public Meeting as well as all comments received from circulated Agencies.

Staff Recommendation

The applicant has revised the development proposal since the initial application submission and the statutory Public Meeting. The applicant has combined two separate six (6) storey apartment buildings into a single mixed-use building. The net density proposed to be introduced to the subject lands is compatible with the surrounding context, while being done in a mixed-use context and as promoted for intensification corridors in the Official Plan. The provision of common amenity area has been clarified, while increasing building setbacks, increasing the amount of landscaped open space to an appropriate rate for the density of apartment uses being added to an existing commercial site. A wider landscaped buffer is being provided along Silvercreek Parkway North. Several other design improvements were made to the development, including to the building massing and integration and transition of residential uses to existing commercial uses, both on and off the site.

A Notice of Revised Application was sent to interested parties, City departments and agencies on May 6, 2022, which identified several of the changes made to the original application. Sufficient Notice has been given to all interested parties and the modifications since the initial submission are considered minor and desirable. Staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

Planning staff are also of the opinion that the proposed Zoning By-law Amendment is consistent with the 2020 Provincial Policy Statement and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposed Zoning By-law Amendment conforms to the objectives, goals and policies of the Official Plan. The specialized CC-36(H) Zoning, including the Holding Provision and site-specific regulations are appropriate for the site and to ensure a compatible and compact form of development in the City's Built-up Area.

Planning staff recommend that Council approve the Zoning By-law Amendment subject to the zoning regulations and proposed conditions to be imposed through site plan review as outlined in Attachment-3.

Financial Implications

Estimated Development Charges: \$2.6 to \$3.8 million.

Estimated Community Benefit Charge: \$700 to \$800 thousand.

Estimated Annual Property Taxes: \$245 thousand.

These figures are approximations only, based on the addition of 160 apartment units and 620 square metres of reconfigured commercial space and are based on the Development Charge and Community Benefit Charge rates that will take effect on September 18, 2022. Actual numbers may vary depending on the final number of bedrooms per apartment as well as the assessed property value.

Consultations

The Notice of Complete Application and Public Meeting was mailed on January 29, 2021 to local board and agencies, City service areas and all property owners within 120 metres of the subject lands. The Notice of Public Meeting was also advertised in the Guelph Tribune on February 11, 2021. Notice of the applications has also been provided by means of signage on the property, which was posted on January 26, 2021. All supporting documents submitted by the applicant have been posted on the City's website. Notices of Revised Applications were sent on May 6, 2022 and June 9, 2022 respectively to local board and agencies, City service areas, and interested parties who spoke at the Public Meeting, provided comments on the applications, or requested to receive further notice.

On August 30, 2022, the Notice of Decision Meeting was sent to interested parties who spoke at the Public Meeting, provided comments on the application, or requested to receive further notice. A complete summary of public notifications and consultation 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 development applications are 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

Attachment-2 Aerial Photograph

Attachment-3 Recommended Zoning Regulations and Conditions

Attachment-4 Existing Official Plan Land Use Designations and Policies

Attachment-5 Existing Zoning

Attachment-6 Proposed Zoning

Attachment-7 Original Conceptual Site Plan

Attachment-8 Current Conceptual Site Plan
Attachment-9 Renderings and Proposed Building Elevations
Attachment-10 Master Plan
Attachment-11 Staff Review and Planning Analysis
Attachment-12 Community Energy Initiative Update Commitment
Attachment-13 Departmental and Agency Comments
Attachment-14 Public Notification Summary

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