

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, September 12, 2022
Subject	Decision Report 1354 Gordon Street Proposed Official Plan Amendment and Zoning By-law Amendment File OZS19-008 Ward 6

Recommendation

1. That the application from Weston Consulting on behalf of 1354 Gordon Street Inc., for an Official Plan Amendment to add site specific policies to the "Neighbourhood Commercial Centre" land use designation to permit the development of an eight (8) storey, mixed use building with 110 apartment units and 524 square metres of commercial floor area on the property municipally known as 1354 Gordon Street and legally described as Part of Southwest Part of Lot 7, Concession 8 (Geographic Township of Puslinch), as in RO708553, Except Parts 1, 2 and 3, 61R-9367, City of Guelph, be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Report 2022-271, dated September 12, 2022.
 2. That the application from Weston Consulting on behalf of 1354 Gordon Street Inc., for a Zoning By-law Amendment to change the zoning from the current "Urban Reserve" (UR) Zone to a "Specialized Neighbourhood Commercial" (NC-12(H)) Zone with a Holding Symbol to permit the development of an eight (8) storey, mixed use building with 110 apartment units and 524 square metres of commercial floor area on the property municipally known as 1354 Gordon Street and legally described as Part of Southwest Part of Lot 7, Concession 8 (Geographic Township of Puslinch), as in RO708553, Except Parts 1, 2 and 3, 61R-9367, City of Guelph, be approved in accordance with Attachment-4 of the Infrastructure, Development and Enterprise Report 2022-271, dated September 12, 2022.
 3. 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 1354 Gordon Street.
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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 an eight (8) storey, mixed-use building with 110 apartment units and 524 square metres of commercial floor area on the property municipally known as 1354 Gordon Street.

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 site plan conditions in Attachment-4.

Financial Implications

Estimated Development Charges: \$1.8 to \$2.6 million.

Estimated Community Benefit Charge: \$71 to \$90 thousand.

Estimated Annual Property Taxes: \$401 thousand.

These figures are approximations only, based on the addition of 110 apartment units and 524 square metres of 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

Applications to amend the Official Plan and Zoning By-law were received for the property municipally known as 1354 Gordon Street from Weston Consulting on behalf of the owner, 1354 Gordon Street Inc. to permit the development of an eight (8) storey, mixed-use building with a total of 110-apartment dwelling units and 524 square metres of commercial space on the ground level.

The applications were initially received by the City on August 30, 2019 and deemed complete on September 27, 2019. The Statutory Public Meeting was held on November 12, 2019. The original applications proposed the development of an eight (8) storey, mixed-use building with a total of 88 apartment dwelling units and 785 square metres of commercial space on the ground level. A separate standalone gas station and convenience store was also included in the original development proposal.

In October 2021, the applicant submitted formal revisions to their applications and development proposal, which removed the gas station and convenience store component and increased the number of apartment dwelling units from 88 to 110. The commercial space in the mixed-use building was reduced to 524 square metres.

The revised Official Plan Amendment proposes introduce new, site-specific policies for the subject lands to permit a maximum building height of eight (8) storeys and to recognize the proposed maximum net density of 172.4 units per hectare. The

existing "Neighbourhood Commercial Centre" land use designation in the Official Plan would remain.

The revised Zoning By-law Amendment proposes to rezone the subject lands from the current 'Urban Reserve' (UR) Zone to a specialized 'Neighbourhood Commercial Zone' (NC-12(H)) Zone with a Holding Provision. The Holding Provision on the zoning is required until adequate sanitary services become available.

Location

The subject lands are located at the southeast corner of the intersection of Gordon Street and Arkell Road (see Location Map and Aerial Photo in Attachment-1 and Attachment-2, respectively). The subject lands have a site area of 0.638 hectares, with a current frontage of 118 metres along Gordon Street and 43 metres along Arkell Road.

Surrounding land uses include:

- To the north, across Arkell Road, a vacant, single storey commercial building and parking lot, beyond which is the Salvation Army Guelph Citadel;
- To the east, a vacant residential-commercial mixed-use parcel subject to an active Zoning By-law Amendment (33-41 Arkell Road/1408 Gordon Street - File OZS21-002), beyond which is the Arkell Road Bible Chapel;
- To the south, the Elmbrook plaza containing a restaurant (Borealis), a bakery and office uses; and
- To the west, across Gordon Street, single detached dwellings, including two parcels subject to an active Official Plan Amendment and Zoning By-law Amendment (1373-1389 Gordon Street – File OZS22-001).

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is "Neighbourhood Commercial Centre". The Neighbourhood Commercial Centre land use designation intends to establish local convenience and neighbourhood commercial uses to serve the needs of residents living and working in nearby neighbourhoods and employment districts. Multiple unit residential uses are permitted, provided they are within mixed-use buildings and not on the ground level. The maximum height for buildings in this land use designation is six (6) storeys.

Further details of the "Neighbourhood Commercial Centre" land use designation, including a map is included in Attachment-5.

Proposed Official Plan Amendment

The applicant has applied for an Official Plan Amendment to add site-specific policies to the "Neighbourhood Commercial Centre" land use designation to permit a maximum building height of eight (8) storeys and maximum net density of 172.4 units per hectare.

The recommended Official Plan Amendment (to be known as 'OPA 82') is included in Attachment-3.

Existing Zoning

The subject lands are currently zoned "Urban Reserve" (UR) according to Zoning By-Law (1995)-14865, as amended. In general, the UR Zone permits agricultural,

environmental, and recreational uses. The UR Zone does not permit residential or commercial uses.

The Official Plan allows for the UR Zone in situations where, at the time the Zoning By-law was passed, there was insufficient information to determine specific zoning categories to implement the policies and provisions of the Official Plan. Further, the UR Zone may also be applied where development of lands may be considered premature because adequate municipal services are not available.

The existing zoning map is included in Attachment-6.

Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to change the zoning from the current "Urban Reserve" (UR) Zone to a specialized "Neighbourhood Commercial" (NC-12(H)) Zone with a Holding Provision.

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 as full sanitary servicing capacity is not currently available for the development. Full and adequate sanitary services are anticipated to become available after completion of the Gordon Street reconstruction directly in front of the subject lands. This reconstruction project is budgeted to commence in 2023. Once it can be demonstrated to the City Engineer's satisfaction that adequate sanitary servicing capacity is available to support the proposed development, 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 August 2019 as well as for the revised proposal submitted in October 2021. Planning staff are also recommending additional zoning regulations to ensure the final design and construction implements the development concept that has been considered to date. 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 4 and 7.

Original Development Proposal

The intent of the original Zoning By-law Amendment application was to change the zoning from the "Urban Reserve" (UR) Zone to a "Specialized General Apartment" (R.4A-?) Zone to permit the development of an eight (8) storey, mixed use development with 88 apartment dwelling units and 785 square metres of commercial floor area on the ground level. A separate, standalone gas station with an associated convenience store was also originally proposed on the subject lands beside the mixed-use building.

In addition to the regulations set out in Table 5.4.2 – Regulations Governing R.4 – apartment zones of Zoning By-law (1995)-14864, as amended, the following seven (7) specialized regulations were requested to facilitate the original proposal:

- In addition to the permitted uses in Section 5.4.1.1, a Retail Establishment, Office, Restaurant, Restaurant (take-out), Personal Service Establishment and Vehicle Gas Bar shall also be permitted on the ground floor or as standalone uses;

- To permit a maximum net density of 139 units per hectare, whereas the net density is limited to 100 units per hectare;
- To permit a minimum front and exterior side yard of 3 metres, whereas a minimum front and exterior side yard of 6 metres is required;
- To permit a minimum setback between buildings of 5 metres, whereas a minimum setback of one-half the total height of the two buildings or 15 metres is required (whichever is greater) when one of the two building facades contains habitable windows;
- To permit a minimum common amenity area of 189 square metres, whereas a minimum common amenity area of 1,960 square metres is required for a building with 88 apartment dwelling units;
- To permit a floor space index (FSI) of 1.9, whereas the FSI is limited to 1.0; and
- To permit a combined parking space ratio for retail and restaurant uses of 1 space per 13.8 square metres (58 spaces for 800 square metres of combined retail and restaurant gross floor area, not including the vehicle gas bar use), whereas retail uses require a parking space ratio of 1 space per 16.5 square metres and restaurant uses require a parking space ratio of 1 space per 7.5 square metres (78 spaces for 400 square metres of retail and 400 square metres of restaurant gross floor area, not including the vehicle gas bar use).

The original conceptual site plan received in August 2019 is included to this report in Attachment-8.

Revised Development Proposal

In October 2021, the applicant submitted revised applications and supporting materials for review. A third revision was submitted to the City in May 2022 in response to technical comments from City staff. Key changes to the current revised development proposal includes:

- Revising the Official Plan Amendment to permit a building with a maximum height of eight (8) storeys and net density of 172.4 units per hectare;
- Revising the Zoning By-law Amendment to now request changing the existing UR Zone to a specialized NC-12(H) Zone to better align with the existing Official Plan land use designation of 'Neighbourhood Commercial Centre';
- Eliminating the standalone vehicle gas bar and associated convenience store uses;
- Increasing the provision of common amenity area and landscaped open space;
- Eliminating the proposed driveway access to Arkell Road;
- To permit a Micro-brewery or Brew Pub as an additional permitted use (to operate within a permitted restaurant in the NC Zone);
- Redesigning and extending the length of the mixed use, eight (8) storey building further south (where gas station was previously proposed), and increasing the total number of apartment dwelling units from 88 to 110 (an additional 22 units);
- Requesting site-specific zoning regulations for:
 - Reduced minimum interior side yard;
 - Permit a maximum building height of eight (8) storeys;
 - To permit a maximum Gross Floor Area of 11,000 square metres and 524 square metres for commercial and retail uses;
 - Permit a maximum angular plane of 47 degrees be applied to the centreline of Gordon Street.

After reviewing the applicant's resubmissions and comments to date, notwithstanding and in addition to the regulations set out in Table 6.2.2 – Regulations Governing the NC Zone of Zoning By-law (1995)-14864, as amended, staff are recommending the following eleven (11) specialized zoning regulations for the revised development proposal:

- Despite Table 6.2.2, Row 5, the minimum Exterior Side Yard shall be 5 metres.
- Despite Table 6.2.2, Row 6, the minimum Side Yard shall be 10 metres.
- Despite Table 6.2.2, Row 8, the maximum Building Height shall be 8 storeys.
- Building height shall not exceed a 47-degree Angular Plane projected from the Gordon Street centreline right-of-way.
- Maximum residential net density shall be 172.4 units per hectare.
- Despite Table 6.2.2, Row 10, the maximum Gross Floor Area shall be 11,000 square metres.
- A minimum 524 square metres of Gross Floor Area shall be exclusively devoted to commercial uses.
- A minimum 2,200 square metres or 20 square metres per dwelling unit of common amenity shall be provided, whichever is less.
- No building shall exceed a maximum length of 75 metres.
- No surface off-street parking area shall exceed a maximum length of 33 metres, inclusive of drive-aisles.
- An addition to the permitted uses set out in Section 6.2.1.1, the following additional use shall also be permitted:
 - Micro-brewery or Brew Pub

The current conceptual site plan is included in Attachment-9 and building renderings are included in Attachment-10.

Staff Review/Planning Analysis

The staff review and planning analysis for the Official Plan Amendment and Zoning By-law Amendment applications 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 November 12, 2019. 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, including the proposed Official Plan Amendment;
- Review of the proposed NC-12(H) Zoning and required specialized, site-specific regulations;
- Review of the proposed urban design and overall site layout;
- 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 and statutory Public Meeting. The applicant has eliminated the gas station component. The amount of common amenity area has been significantly increased. A second driveway access on Arkell Road has been removed. Several design improvements were made to the development to align with the City's Urban Design policies and vision for the Gordon Street Intensification Corridor. While the revised proposal includes an increase of 22 apartment dwelling units for a total of 110 units, Planning staff are of the opinion that the resulting density is within a compatible form of infill and redevelopment of an underutilized site. Further, the primary commercial function required for the subject lands in the Official Plan is maintained along the Gordon Street public realm.

Notices of Revised Applications was sent to interested parties, City departments and agencies on October 18, 2021 and again on June 9, 2022, which identified several of the changes made to the original applications. Through the review of the applications, staff have also identified the need for additional specialized, site-specific zoning regulations pertaining to maximum building and surface parking lengths and an increased minimum setback to Gordon Street. Sufficient Notice was given to all interested parties and the modifications since the initial submission are considered minor. 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 Official Plan Amendment and Zoning By-law Amendment are consistent with the 2020 Provincial Policy Statement and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposed Official Plan Amendment and Zoning By-law Amendment confirm to the objectives, goals and policies of the Official Plan. The specialized NC-12(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 Official Plan Amendment 82 as outlined in Attachment-3 and also 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-4.

Financial Implications

Estimated Development Charges: \$1.8 to \$2.6 million.

Estimated Community Benefit Charge: \$71 to \$90 thousand.

Estimated Annual Property Taxes: \$401 thousand.

These figures are approximations only, based on the addition of 110 apartment units and 524 square metres of 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 October 10, 2019 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 October 17, 2019. Notice of the applications has also been provided by means of signage on the property, which was posted on October 4, 2019. All supporting documents submitted by the applicant have been posted on the City's website. Notices of Revised Applications were sent on October 18, 2021 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 29, 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-13.

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 and 120 m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Official Plan Amendment No. 82

Attachment-4 Recommended NC-12(H) Zoning, Regulations and Conditions

Attachment-5 Existing Official Plan Land Use Designations and Policies

Attachment-6 Existing Zoning

Attachment-7 Proposed Zoning

Attachment-8 Original Conceptual Site Plan

Attachment-9 Current Conceptual Site Plan

Attachment-10 Renderings

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

Departmental Approval

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