

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, December 6, 2022
Subject	Decision Report 265 Edinburgh Road North Proposed Official Plan Amendment and Zoning By-law Amendment File OZS20-012 Ward 3

Recommendation

1. That the application from GSP Group on behalf of 2479281 Ontario Inc., for an Official Plan Amendment (OPA 84) to change the land use designation from "Service Commercial" to "Medium Density Residential" and to add a site specific policy for building height to permit the development of two (2), seven (7) storey mixed-use apartment buildings with 139 apartment units and 188 square metres of commercial space on the property municipally known as 265 Edinburgh Road North and legally described as Parts 4, 5, 6 and 7, Range 4, Division 'A', Geographic Township of Guelph, City of Guelph, County of Wellington be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Report 2022-327, dated December 6, 2022.
 2. That the application from GSP Group on behalf of 2479281 Ontario Inc., for a Zoning By-law Amendment to change the zoning from the current "Service Commercial One" (SC.1) Zone to a "Specialized General Apartment" (R.4A-57) Zone to permit the development of two (2), seven (7) storey mixed-use apartment buildings with 139 apartment units and 188 square metres of commercial space on the property municipally known as 265 Edinburgh Road North and legally described as Parts 4, 5, 6 and 7, Range 4, Division 'A', Geographic Township of Guelph, City of Guelph, County of Wellington be approved in accordance with Attachment-4 of the Infrastructure, Development and Enterprise Report 2022-327, dated December 6, 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 265 Edinburgh Road North.
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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 two (2), seven (7) storey mixed-use apartment buildings with 139 apartment units and 188 square metres of commercial floor area on the property municipally known as 265 Edinburgh Road North.

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.

Strategic Plan Alignment

The recommended Official Plan Amendment and Zoning By-law Amendment aligns with the priority of 'Sustaining our Future'. 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.

Financial Implications

Estimated Development Charges: \$2,704,000 - \$3,613,000

Estimated Community Benefit Charge: \$201,000

Estimated Annual Property Taxes: \$195,000

Report

Background

Applications to amend the Official Plan and Zoning By-law were received for the property municipally known as 265 Edinburgh Road North from GSP Group on behalf of the owner, 2479281 Ontario Inc. to permit the development of two (2), seven (7) storey mixed-use apartment buildings with a total of 139 apartment dwelling units and 188 square metres of commercial space on the ground level.

The applications were initially received by the City on November 19, 2020 and deemed complete on December 1, 2020. The Statutory Public Meeting was held on February 8, 2021. The original applications proposed the development of two (2), seven (7) storey apartment buildings with a total of 141 apartment dwelling units as well as a separate commercial building with 438.9 square metres of gross floor area. The commercial building was proposed to have a day care centre.

On April 4, 2022, the applicant submitted formal revisions to their applications and development proposal, which removed the standalone day care commercial building, reduced and moved the commercial space to 188 square metres on the ground level of one of the apartment buildings. The number of dwelling units was also reduced from 141 to 139. Minor design changes were made to the building setbacks and the placement of parking, common amenity area and landscaped open space.

The revised Official Plan Amendment is no longer requesting a site-specific policy to permit more than 400 square metres of convenience commercial uses on the subject lands. The revised Zoning By-law Amendment no longer requires a site specific regulation for reduced landscaped open space and has increased the site specific regulation to permit an increased floor space index from 1.01 to 1.04.

Location

The subject lands are located on the east side of Edinburgh Road North, north of London Road and south of Willow Road (see Attachment-1 – Location Map and Attachment-2 – Aerial Photo). The subject lands currently have an area of approximately 1.57 hectares, with a frontage of 188.83 metres along Edinburgh Road North.

The subject lands are currently vacant and include a paved parking area that was associated with a former commercial building that has now been demolished (White Rose and Meadowville Garden Centre).

Surrounding land uses include:

- To the north: lands zoned for institutional uses, including Our Lady of Lourdes Secondary School and associated sports fields and a walkway; beyond which is a cemetery;
- To the east: lands zoned for institutional uses, including Our Lady of Lourdes Secondary School and associated sports fields, the Royal Recreation Trail – CNR spurline branch; and parking areas;
- To the south: service commercial uses along the east side of Edinburgh Road North; and
- To the west: Edinburgh Road North and a Canadian National (CN) rail line, beyond which are residential uses including apartments and cluster townhouses accessed off Willow Road and Bagot Street.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is “Service Commercial” (see Attachment-5). The Service Commercial land use designation permits highway oriented and service commercial uses that would not normally locate within Downtown or in a conventional shopping centre because of large site area or highway exposure needs. Such commercial uses may be of an intensive nature that can conflict with residential land uses. Complementary uses such as small-scale offices, convenience uses, institutional and commercial recreation are also permitted, provided they do not interfere with the overall form, function and development of the specific area for service commercial related purposes. Residential uses are not permitted within the “Service Commercial” designation.

The relevant policies for the existing land use designation are included in Attachment-5.

Description of Proposed Official Plan Amendment

The applicant has applied for an Official Plan Amendment to change the land use designation of the subject lands from “Service Commercial” to “Medium Density Residential” as shown in Attachment-6. This shall be referred to as Official Plan Amendment No. 84 (OPA 84).

The Medium Density Residential land use designation permits multiple unit residential buildings such as townhouses and apartments at a net density between 35 and 100 units per hectare. Convenience commercial uses that are complimentary to and serve the needs of residents are also permitted to a maximum gross floor area of 400 square metres. Further, the height and range of residential buildings in this designation is between two (2) and six (6) storeys.

The applicant has requested to change the land use designation to Medium Density Residential to permit a mixed-use apartment development with 139 dwelling units and 188 square metres of commercial gross floor area. The residential net density is 89.1 units per hectare. The residential units and commercial uses would be located in two (2), seven (7) storey apartment buildings. As the height of the apartment buildings exceeds the maximum six (6) storey height in the Medium Density Residential designation by one (1), to permit this, the applicant is also requesting a site-specific policy be added to the Official Plan.

The recommended Official Plan Amendment is included in Attachment-3.

Existing Zoning

The subject lands are currently zoned "Service Commercial One" (SC.1) according to Zoning By-law (1995)-14864, as amended. The SC.1 zone permits a variety of service commercial related uses, including certain retail sales.

The existing zoning map is included in Attachment-7.

Description of Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment would change the zoning from the current "Service Commercial One" (SC.1) zone to a "Specialized General Apartment" (R.4A-57) zone.

Several site-specific zoning regulations have been requested by the applicant, including for the original development proposal submitted in November 2020 as well as for the revised proposal submitted in April 2022. 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 zoning regulations for 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 original Official Plan Amendment and Zoning By-law Amendment was to permit a mixed-use development with two (2), seven (7) storey apartment buildings with 141 dwelling units and a standalone commercial building. This initial development proposal included site-specific policies and regulations that were revised in the April 2022 resubmission or eliminated as they were no longer applicable.

The original Official Plan Amendment application requested an additional site-specific policy to permit convenience commercial uses to a maximum 440 square metres on the subject lands whereas the Official Plan limits convenience commercial uses to 400 square metres. This request was initially made by the applicant to accommodate a standalone commercial building intended to contain a daycare centre. The revised submission in April 2022 included a new conceptual site plan that removed the standalone commercial building and contained less than 400

square metres (188 square metres) of convenience commercial uses on the ground floor of the south apartment block. As such, this site-specific policy in the Official Plan was no longer required. All other aspects of the original Official Plan Amendment application remain unchanged and as summarized above.

The original Zoning By-law Amendment application requested a similar site-specific regulation to permit convenience commercial uses to a maximum gross floor area of 440 square metres. Considering the changes to the overall development concept in April 2022, Planning staff are now recommending this site-specific zoning regulation for convenience commercial area be reduced to a maximum 400 square metres to align with the Official Plan policy.

In addition to the regulations set out Section 5.4.1.1 (permitted uses in the R.4A - General Apartment Zone) and Table 5.4.2, the applicant also initially requested the following site-specific zoning regulations that are no longer applicable to the revised (April 2022) development proposal:

- To permit a day care centre as an additional permitted use;
- To permit a minimum landscaped open space of 35.5% of the lot area (5,660.4 square metres); whereas a minimum landscaped open space of 40% of the lot area (6,459 square metres) is required; and
- To permit a maximum angular plane to Edinburgh Road North (centreline) of 49 degrees, whereas the angular plane to the centreline of Edinburgh Road North shall be 45 degrees.

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

Revised Development Proposal

In April 2022, the applicant submitted revised applications and supporting materials for review. A third minor revision was submitted to the City in June 2022 in response to remaining technical comments from City staff. Key changes to the current revised development proposal include:

- Eliminating the standalone 440 square metre, single-storey commercial building while relocating convenience commercial uses to the ground level of the southerly apartment building block, at a reduced gross floor area of 188 square metres;
- Reducing the number of apartment dwelling units from 141 to 139;
- Reducing the front yard setback of the mixed-use apartment buildings to Edinburgh Road North from 9.15 metres to 6 metres;
- Increasing the right side yard setback from 3.17 metres to 8.04 metres;
- Increasing the provision of common amenity area;
- Increasing the amount of landscaped open space to now exceed the minimum requirements in the Zoning By-law;
- Identifying the northeast corner of the subject lands as a stormwater management area;
- Eliminating a second, right-in/right-out only driveway access to Edinburgh Road North; and
- Reconfiguring the layout of surface level off-street parking.

After reviewing the applicant's resubmissions as well as public, department and agency comments to date, Planning staff are recommending the following specialized zoning regulations be added to the Specialized General Apartment R.4A-57 Zoning for the revised mixed-use development proposal:

- Despite Section 5.4.1.1, the following convenience commercial uses shall also be permitted, to a maximum gross floor area of 400 square metres:
 - Artisan studio
 - Bake Shop
 - Convenience Store
 - Florist
 - Personal Service Establishment
 - Restaurant
- Despite Table 5.4.2, Row 8, the minimum left Side Yard Setback shall be 3.5 metres.
- Despite Table 5.4.2, Row 8, the minimum right Side Yard Setback shall be 8.0 metres.
- Despite Table 5.4.2, Row 18, the maximum Floor Space Index shall be 1.04.
- No building shall exceed a length of 70 metres, measured parallel to Edinburgh Road North.
- For Apartment Buildings above six (6) storeys, a maximum 72% of required parking for Apartment Units may be permitted at grade, in surface parking areas.
- No at-grade parking area, inclusive of parking spaces and drive aisles shall exceed a combined width of 12.5 metres anywhere within 28 metres from the front lot line, measured parallel to Edinburgh Road North.
- The adjacent wall of any apartment building facing Edinburgh Road North shall have a stepback of an additional 2.1 metres above the sixth storey.

The current conceptual site plan is included in Attachment-10 and building renderings are included in Attachment-11.

Staff Review/Planning Analysis

The staff review and planning analysis for these applications is provided in Attachment-12. 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 February 8, 2021. Final comments on the revised proposal from internal City departments and agencies are included in Attachment-14. 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 (PPS) 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 R.4A-57 zoning, including specialized and site-specific regulations;
- Review of urban design and the overall site layout;
- Review of built form compatibility with adjacent land uses;
- Review of supporting documents submitted with the development applications;
- Confirm support for the 2019 Community Energy Initiative;
- Confirm alignment with the City's Affordable Housing Strategy; and
- Address all concerns and issues raised at and following the Statutory Public Meeting as well as comments received from circulated agencies.

Staff Recommendation

The applicant has revised the development proposal since the initial application submission and statutory Public Meeting. Several improvements were made to the site layout, including increasing the amount of landscaped open space and common amenity area, relocating convenience commercial uses to the ground level of one of the apartment buildings and removing a second driveway access to Edinburgh Road North.

Planning staff are supportive of the Official Plan Amendment to change the land use designation from "Service Commercial" to "Medium Density Residential". The applicant completed a Commercial Function Assessment as part of a complete application and Planning staff agree with this study's conclusions that there is a lack of need for Service Commercial designation and zoning of the site and changing to a multiple residential use will not adversely affect the function of service commercial lands in the City.

The mixed-use development proposal represents a compatible form of infill in the built-up area of the City directly along an arterial roadway and on a property that is underutilized. The residential net density will be within the 35-100 units per hectare range permitted in the Medium Density Residential designation. The increase in building height to seven (7) storeys is appropriate as the 45-degree angular plane to Edinburgh Road North is met, there will be no adverse shadow impacts to adjacent properties and all supporting features for the development can be met, including providing sufficient parking and common amenity areas. Similar multi-residential uses exist nearby, including six (6) storey apartment buildings and cluster townhouse units to the west. The subject lands have full municipal services available as well as commercial and public service facilities in close proximity to serve day to day needs of residents.

Notices of Revised Applications were sent to interested parties, City departments and agencies on April 27, 2022. This Notice identified 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 regarding building length, massing and surface parking placement. Sufficient Notice was given to all interested parties and modifications since the initial submission are considered minor and appropriate for the proposed development. Staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

Planning staff are of the opinion that the 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 conform to the policies, goals and objectives of the Official Plan. The specialized R.4A-57 Zoning and site-specific regulations are appropriate for the site and will ensure a compatible and compact form of infill development in the City's built-up area.

Planning staff recommend that Council approve OPA 84 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: \$2,704,000 - \$3,613,000

Estimated Community Benefit Charge: \$201,000

Estimated Annual Property Taxes: \$195,000

These figures are approximations only, based on the addition of 139 apartment units and 188 square metres of commercial space and are based on the Development Charge and Community Benefit Charge rates that took 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. Additionally, there may be legislative changes that limit the ability to levy some or all of these charges.

Consultations

The Notice of Complete Application was mailed on December 1, 2020 to local boards and agencies, City service areas and all property owners within 120 metres of the subject lands. The Notice of Public Meeting was mailed on January 11, 2021 to local boards 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 January 14, 2021. Notice of the applications was also provided by means of signage on the property, which was posted on December 16, 2020. All supporting documents submitted by the applicant have been posted on the City's website. A Notice of Revised Applications was sent on April 27, 2022 to local boards and agencies, City service areas and interested parties and members of the public who spoke at the Public Meeting, provided comments on the applications, or requested to receive further notice.

On November 23, 2022 the Notice of Decision Meeting was sent to interested parties and members of the public who spoke at the Public Meeting, provided comments on the application, or requested to receive further notice. When a decision is made on the applications, the same interested parties and members of the public will receive further notification.

Final comments from local boards and agencies and City service areas are included in Attachment-12. A complete summary of public notifications and consultation is included in Attachment-15.

Attachments

Attachment-1 Location Map and 120 m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Official Plan Amendment No. 84

Attachment-4 Recommended Zoning, Regulations and Conditions

Attachment-5 Existing Official Plan Land Use Designations and Policies

Attachment-6 Proposed Official Plan 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 Current Renderings and Elevations
Attachment-12 Staff Review and Planning Analysis
Attachment-13 Community Energy Initiative Update Commitment
Attachment-14 Departmental and Agency Comments
Attachment-15 Public Notification Summary

Departmental Approval

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