

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, February 14, 2023
Subject	<b>Decision Report 145 Speedvale Avenue West File: OZS21-013 Ward 3</b>

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## Recommendation

1. That the application by AJ Lakatos Planning Consultant Limited on behalf of the owner, 145 Guelph Inc. on the property municipally known as 145 Speedvale Avenue West and legally described as Lots 127 and 128, Registered Plan 532, City of Guelph, for approval of a Zoning By-law Amendment to change the zoning from the current "Specialized Convenience Commercial" (C.1-17) Zone to a new "Specialized Neighbourhood Shopping Centre" (NC-?) Zone, to permit the redevelopment of the existing vehicle gas bar and convenience store and to add an automatic car wash as a permitted use, be approved in accordance with Attachment-3 of Report 2023-21 dated February 14, 2023.
  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 145 Speedvale Avenue West.
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## Executive Summary

### Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment to change the zoning from the "Specialized Convenience Commercial" (C.1-17) Zone to a new "Specialized Neighbourhood Shopping Centre" (NC-?) Zone to permit the redevelopment of the existing vehicle gas bar and convenience store and to add an automatic car wash as a permitted use.

### Key Findings

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

### Strategic Plan Alignment

The recommended Zoning By-law Amendment aligns with the priority of 'Sustaining our Future'. The proposed development application is 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 proposal is in conformity with the City's Official Plan can be found in the Staff Review and Planning Analysis in Attachment-9.

## **Financial Implications**

Estimated Development Charges: \$12,239 (based on current non-residential rate of \$151.10 per square metre. Final DCs will be determined at building permit based on building size and rates in effect on that date).

Estimated Annual Taxes: \$5,000 (estimate only and actual number may vary).

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## **Report**

### **Background**

An application for a Zoning By-law Amendment was received for the property municipally known as 145 Speedvale Avenue West from AJ Lakatos Planning Consultant Limited on behalf of the owner, 145 Guelph Inc., to rezone the subject property to permit the redevelopment of the existing vehicle gas bar and convenience store and to add an automatic car wash as a permitted use. The application was received by the City on November 22, 2021 and deemed to be complete on December 21, 2021. The Statutory Public Meeting was held on February 14, 2022. A revised submission in response to technical comments on the original application was received on October 28, 2022.

### **Location**

The subject property is located at the north-east corner of Edinburgh Road North and Speedvale Avenue West (see Attachment-1 Location Map and Attachment-2 Aerial Photograph). The property is approximately 0.32 hectares in size with 53.71 metres of frontage along Speedvale Avenue West and 32.92 metres of frontage along Edinburgh Road North. The property is currently developed with a vehicle gas bar with eight (8) pumps under a canopy and a convenience store with approximately 140 square metres of gross floor area.

Surrounding land uses include:

- To the north: low density residential uses including single detached and semi-detached dwellings;
- To the south: Speedvale Avenue West, beyond which are lands zoned for neighbourhood commercial uses and apartments;
- To the east: residential uses including apartments; and,
- To the west: Edinburgh Road North, beyond which is the Canadian National Rail line and industrial uses.

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

The subject property is designated as "Neighbourhood Commercial Centre" in the Official Plan. Permissible uses within this land use designation include commercial, retail and service uses, small-scale offices, community services and facilities, live/work, multiple unit residential within mixed-use buildings and urban squares.

Details of the existing land use designations and policies are provided in Attachment-4.

## **Existing Zoning**

The subject property is currently zoned "Specialized Convenience Commercial" (C.1-17) according to Zoning By-law (1995)-14864, as amended.

Details of the existing zoning are provided in Attachment-5.

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

The existing zoning permits a vehicle gas bar and allows for buildings or structures which existed legally prior to the passing of the Zoning By-law. The site-specific zone states that any extension or enlargement of existing buildings or structures requires an amendment to the Zoning By-law.

The applicant is requesting that the Zoning By-law be amended to permit the redevelopment of the existing vehicle gas bar and convenience store and to add an automatic car wash as a permitted use.

The following site-specific regulations have been requested by the applicant:

- To permit the vehicle gas bar subject to regulations of Section 6.2.2.2 of the Zoning By-law. As the existing "Specialized Convenience Commercial" (C.1-17) Zone is a site-specific zone that recognized the existing buildings and site layout, no regulations are applicable within the existing C.1-17 Zone for a vehicle gas bar. To facilitate the proposed redevelopment for a new vehicle gas bar, the applicant is requesting existing regulations found in Section 6.2.2.2 of the Zoning By-law be applied to the redeveloped vehicle gas bar.
- To permit an automatic car wash subject to regulations of Section 6.2.2.3 of the Zoning By-law. The proposed automatic car wash is associated with the vehicle gas bar will have one (1) vehicle bay. Regulations as per Section 6.2.2.3 of the Zoning By-law are proposed to be applied to the automatic car wash use.
- To permit a minimum of eight (8) stacking/waiting spaces for the single-bay automatic car wash, whereas Section 4.13.4.2 of the Zoning By-law requires a minimum of 15 stacking/waiting spaces per bay.

Staff are recommending a "Specialized Neighbourhood Shopping Centre" (NC-?) Zone on the subject property rather than the "Specialized Convenience Commercial" (C.1-?) Zone that has been requested by the applicant. The "Specialized Neighbourhood Shopping Centre Zone" (NC-?) Zone is more appropriate and more accurately reflects the existing vehicle gas bar, convenience store and proposed automatic car wash uses. The "Specialized Neighbourhood Shopping Centre" (NC-?) Zone also more appropriately implements the "Neighbourhood Commercial Centre" land use designation of the Official Plan. The standard "Neighbourhood Shopping Centre" (NC) Zone also contains regulations pertaining to vehicle gas bars and automatic car washes, whereas the "Convenience Commercial" (C.1) Zone does not have any regulations for these uses. In response to technical comments received on the application, the applicant has requested that no loading space be required.

An analysis of the recommended zoning is provided in the Staff Review and Planning Analysis in Attachment-9.

## **Proposed Development**

The proposed development includes the redevelopment of the existing vehicle gas bar, enlarging the associated retail space and adding an automatic car wash as a permitted use. The existing driveway accesses off Edinburgh Road North and Speedvale Avenue West will be maintained. New sidewalks and landscaping are also proposed. 17 parking spaces and two (2) barrier free parking spaces for a total of 19 parking spaces are proposed on site.

The proposed conceptual site plan is included in Attachment-7 and the proposed elevations are included in Attachment-8.

## **Staff Review and 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 statutory public meeting. Final comments on the revised proposal from agencies and internal City departments are included in Attachment-11. The staff review and planning analysis addresses the following:

- Evaluation of the proposal for conformity and consistency with Provincial policy and legislation, including the 2020 Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (including Amendment 1, which came into effect August 28, 2020);
- Evaluation of the proposal's conformity with the Official Plan, including Policy 8.10 (Built Form: Vehicle-oriented Uses);
- Review of the proposed zoning, including the need for any specialized zoning regulations;
- Review of the proposal's land use compatibility with adjacent and established land uses;
- Review of site servicing, grading and site access;
- Review how the proposed development addresses applicable sections of the Community Energy Initiative update;
- Review of supporting documents submitted in support of the application; and,
- Review of all land use planning comments and issues raised at the public meeting and land use planning comments received from circulated agencies and members of the public.

## **Financial Implications**

Estimated Development Charges: \$12,239 (based on current non-residential rate of \$151.10 per square metre. Final DCs will be determined at building permit based on building size and rates in effect on that date).

Estimated Annual Taxes: \$5,000 (estimate only and actual number may vary).

## **Staff Recommendation**

Planning staff are satisfied that the proposed Zoning By-law Amendment is consistent with the 2020 Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed Zoning By-law Amendment conforms to the objectives and policies of the Official Plan and the specialized zoning regulations proposed are appropriate for the site. Planning staff recommend that Council approve the Zoning By-law Amendment subject to the

specialized zoning regulations and proposed conditions to be imposed through site plan approval as outlined in Attachment-3.

The applicant has made minor modifications to the proposed development in response to comments received on the original application, which has resulted in one additional specialized zoning regulation for loading spaces. Staff are also recommending a different Zone than requested by the applicant. An analysis of the specialized zoning regulations are discussed further in the Staff Review and Planning Analysis in Attachment-9. These changes are considered minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

## **Consultations**

The Notice of Complete Application and Public Meeting was mailed January 5, 2022 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 January 20, 2022. Notice of the application has also been provided by signage on the subject property and all supporting documents submitted with the application have been posted on the City's website.

The Notice of Decision Meeting was mailed/emailed on January 27, 2023 to interested parties who either spoke at the public meeting, provided comments on the application, or requested to receive further notice. The public notification summary is included in Attachment-12.

## **Attachments**

Attachment-1 Location Map and 120m Circulation

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 Conceptual Site Plan

Attachment-8 Proposed Building Elevations

Attachment-9 Staff Review and Planning Analysis

Attachment-10 Community Energy Initiative Commitment

Attachment-11 Departmental and Agency Comments

Attachment-12 Public Notification Summary

## **Departmental Approval**

Chris DeVriendt, MCIP, RPP, Manager of Development Planning

## **Report Author**

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**This report was approved by:**

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