

Staff Report



To **City Council**

Service Area Infrastructure, Development and Enterprise Services

Date Tuesday, March 21, 2023

Subject **Decision Report
1408 Gordon Street and 33-41 Arkell Road
Proposed Zoning By-law Amendment
File OZS21-002
Ward 6**

Recommendation

1. That the application from ASC (Guelph) Facility Limited Partnership/Resolve Project Management on behalf of ASC (Guelph) Facility Inc., for a Zoning By-law Amendment to change the zoning from the current "Residential Single Detached" (R.1B) and "Specialized Cluster Townhouse" (R.3A-46) Zones to a "Specialized General Apartment" (R.4A-58) Zone to permit the development of a mixed-use retirement community on the properties municipally known as 1408 Gordon Street and 33-41 Arkell Road and legally described as Part Lot 7, Concession 8, City of Guelph, As In RO700881, Part Lot 7, Concession 8, Designated as Part 3, 61R-1192 and Part Lot 7, Concession 8, City of Guelph, as in IS15763, IS14494, Guelph be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Report 2023-20, dated March 21, 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 1408 Gordon Street and 33-41 Arkell Road.

Executive Summary

Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment to permit the development of a mixed-use retirement community with 226 units and 257 square metres of commercial floor area on the properties municipally known as 1408 Gordon Street and 33-41 Arkell Road.

Key Findings

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

Strategic Plan Alignment

The recommended Zoning By-law Amendment aligns with the Sustaining our Future strategic priority. 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.

Financial Implications

Estimated Development Charges: \$4,549,575 (based on current rates)

Estimated Community Benefit Charge: \$388,000

Estimated Annual Property Taxes: \$360,000 (estimate only and actual number may vary)

Report

Background

An application to amend the Zoning By-law as received for the lands municipally known as 1408 Gordon Street and 33-41 Arkell Road from ASC (Guelph) Facility Limited Partnership and Resolve Project Management on behalf of ASC (Guelph) Facility Inc. to permit the development of a mixed-use retirement community with 226 units and 257 square metres of commercial floor area on the ground level.

The application was initially received by the City on February 5, 2021 and deemed complete on March 5, 2021. The Statutory Public Meeting was held on May 10, 2021. Minor revisions to the application and development proposal was made in a second submission to the City on April 26, 2022. Revisions included changes to the placement of the building, restricting the Arkell Road driveway access to a right-in only, reducing the parking ratio, and a small increase to the amount of commercial gross floor area.

Location

The subject lands are located south of Arkell Road and east of Gordon Street and are composed of three properties municipally known as 1408 Gordon Street, 33 and 41 Arkell Road (see Attachment-1 Location Map and Attachment-2 Aerial Photo). The subject lands currently have an area of 1.96 hectares with 67 metres of frontage along Arkell Road and 25.3 metres of frontage along Gordon Street.

The subject lands are currently vacant and contain remains of the foundation of a former barn and a concrete silo.

Surrounding land uses include:

- To the north: Arkell Road, beyond which are cluster townhouses and a parcel zoned for commercial uses and developed with a temporary real estate sales centre;
- To the east: A religious establishment (Arkell Road Bible Chapel) and single detached dwellings on Malvern Crescent;
- To the south: A daycare establishment and the Upper Grand District School Board's Continuing Education Centre; and

- To the west: Gordon Street, a vacant parcel proposed for a mixed-use development (1354 Gordon Street) and the Elmbrook Plaza with various uses such as restaurants (Borealis Bar and Grill) and retail.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designations that currently apply to the subject lands are “Neighbourhood Commercial Centre” (west portion) and “Medium Density Residential” (east portion).

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 such as retirement residential establishments are also permitted, provided they are within mixed-use buildings with retail uses on the ground level. The maximum height for mixed-use buildings in this land use designation is six (6) storeys and the maximum net density is 100 units per hectare.

The Medium Density Residential land use designation permits multiple unit residential buildings such as retirement residential establishments at a net density between 35 and 100 units per hectare. Convenience commercial uses that are complimentary to and serve the residents are also permitted. The height of residential buildings in this designation is to be between two (2) and six (6) storeys.

The Official Plan has a policy that permits developments exclusively devoted to housing for senior citizens to exceed the maximum net density where residential uses are permitted subject to meeting compatibility and infrastructure criteria.

The relevant policies for the applicable land use designations are included in Attachment-3.

Existing Zoning

The subject lands are currently zoned “Residential Single Detached” (R.1B) and “Specialized Cluster Townhouse” (R.3A-46) according to Zoning By-law (1995)-14864, as amended.

The existing zoning is shown in Attachment-4.

Proposed Zoning By-law Amendment

The purpose of the Zoning By-law Amendment is to change the zoning from the current “Residential Single Detached” R.1B and “Specialized Cluster Townhouse” R.3A-46 Zones to a “Specialized General Apartment” (R.4A-58) Zone.

Several site-specific zoning regulations have been requested by the applicant, including for the original development proposal submitted in February 2021 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 under the current Zoning By-law (1995)-14864, as amended, are included in Attachment-6 and the proposed zoning under the new, Comprehensive Zoning By-law is included in Attachment-7.

Original Development Proposal

The original development proposal was for a mixed-use retirement community with a total of 47 apartments, 99 independent living suites and 88 assisted and memory care units. A separate and dedicated 256.9 square metre commercial unit was also included facing Arkell Road. The development contained several amenities and services intended to serve the residents on site and included fitness facilities, an indoor swimming pool, dining facilities, personal services, a library, a chapel, a theatre and outdoor amenity areas. A total of 155 off-street parking spaces were proposed for the entire development in both a surface parking lot and underground garage. Full move driveway accesses to the subject lands were proposed on Gordon Street and Arkell Road.

The following specialized zoning regulations were included in the original Zoning By-law Amendment application submission to facilitate the development proposal:

- In addition to the uses permitted within the parent R.4A Zone, commercial and retail uses shall also be permitted;
- To permit a maximum net density of 115 units per hectare, whereas a maximum net density of 100 units per hectare is permitted;
- To permit a minimum front yard setback of 3 metres (from Arkell Road), whereas a minimum of 7 metres is required;
- To permit a minimum side yard of 4.8 metres from the eastern (side) lot line, whereas the minimum side yard shall be half of the building height;
- To permit a maximum Floor Space Index (FSI) of 1.3, whereas a maximum FSI of 1.0 is permitted;
- To permit site specific parking rates as follows:
 - Retail: 1 space per 33 square metres of gross floor area;
 - Seniors Apartment Units: 1.5 spaces for the first 30 units and 1.25 spaces for each unit thereafter;
 - Independent Living Units: 0.6 spaces per unit; and
 - Memory Care Units: 1 space per 3 units.

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

Revised Development Proposal

Minor revisions were made to the original development proposal and submitted to the City in April 2022. The revised development proposal continued to show a total of 47 apartments, 99 independent living suites and 88 assisted and memory care units along with several amenities.

The revisions included minor adjustments to the ground floor commercial unit (now 257.4 square metres of gross floor area), increasing the Arkell Road setback to from 3 to 6 metres, revising the orientation (angle) of the south wing of the building to increase the setback to the rear yards of single detached dwellings on Malvern Crescent, redesigning the Arkell Road driveway to be restricted to right-in vehicular movements only and a reduction in off-street parking from 155 to 149 spaces. Although a site-specific parking rate was included in the original application and despite the 6-space reduction in the revised submission, Zoning staff have

confirmed that the proposed parking rate exceeds the minimum requirements in the Zoning By-law. Zoning staff interpreted that the nursing home parking rate of 1 space per 3 beds shall apply to both the Independent Living and Memory Care units.

The following specialized zoning regulations were included in the revised Zoning By-law Amendment application submission to facilitate the development proposal:

- That despite the Zoning By-law interpreting the shortest lot line facing a public road as the front yard, that the Arkell Road frontage shall be deemed the front lot line;
- To permit a maximum net density of 115 units per hectare, whereas a maximum net density of 100 units per hectare is permitted;
- To permit a minimum side yard of 4.5 metres from the eastern (side) lot line, whereas the minimum side yard shall be half of the building height;
- To permit a minimum rear yard setback of 42 metres, whereas a minimum rear yard of 20% the lot depth (46.6 metres) is required;
- To permit a maximum Floor Space Index (FSI) of 1.3, whereas a maximum FSI of 1.0 is permitted; and
- To require a minimum 45-degree angular plane to the southern 46 metres of the subject lands, measured from the rear lot line.

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

Staff Review/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 and questions that were raised by Council and members at and after the Statutory Public Meeting held on May 10, 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 (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;
- Review of the proposed R.4A-58 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 staff review and planning analysis is provided in Attachment-11. The analysis addresses relevant planning considerations, including the issues that were 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 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan;
- Review of the proposal's 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 and specialized regulations;
- Consideration of the applicable sections of the Community Energy Initiative (CEI) update;
- Review of supporting studies and plans submitted in support of the application; and
- All land use planning comments and issues that were raised at the Statutory Public Meeting and all comments received from circulated agencies and members of the public.

Financial Implications

Estimated Development Charges: \$4,549,575 (based on current rates)

Estimated Community Benefit Charge: \$388,000

Estimated Annual Property Taxes: \$360,000

These figures are approximations only, based on the addition of 226 retirement residential units and 257 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 unit 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.

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 are appropriate for the site.

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

The applicant has made minor modifications to the proposed development in response to comments received from members of the public, Council and City staff. This resulted in an improved site layout that is compatible with the surrounding built up area. A range and mix of housing will be provided, including special needs housing intended for senior citizens. The mixed-use development proposal represents a context appropriate form of infill in the built-up area of the city directly along arterial roadways and on lands that are underutilized. 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 minor and 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 on March 19, 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 Mercury Tribune on April 20, 2021. Notice of the application was also provided by means of signage on the property, which was posted on March 26, 2021. All supporting documents submitted by the applicant have been posted on the City's website. A Notice of Revised Application was sent on May 9, 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 application, or requested to receive further notifications.

On March 7, 2023 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 notifications.

Final comments from local boards and agencies and City service areas are included in Attachment-13. A complete summary of public notifications and consultation is included in Attachment-14.

Attachments

Attachment-1 Location Map and 120 m 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 Proposed Draft Zoning - Comprehensive Zoning By-law

Attachment-8 Original Conceptual Site Plan

Attachment-9 Current Conceptual Site Plan

Attachment-10 Current Renderings and Elevations

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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