

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, June 13, 2023
Subject	Decision Report 103-105 Victoria Road North Proposed Zoning By-law Amendment File OZS21-008 Ward 1

Recommendation

1. That the application from MHBC Planning Limited on behalf of the owners, Gemini Homes and Alex Maziarz, for a Zoning By-law Amendment to change the zoning from the current "Urban Reserve" (UR) Zone (1995 - 14864) and the "Low Density Residential" (RL.1) Zone (2023 - 20790) to the "Residential Single Detached" (R.1A) Zone, "Specialized Residential Townhouse" (R.3A-70), and a "Specialized Low Density Residential" (RL.4-22) Zones to permit the development of 32 stacked townhouse units and 23 cluster townhouse units as well as 3 single detached dwellings on the lands municipally known as 103-105 Victoria Road North and legally described as Part of Lot 1, Concession 4, Division 'C', City of Guelph be approved in accordance with Attachment 3 of the Infrastructure, Development and Enterprise Report 2023-20, dated June 13, 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 Amendments affecting 103 and 105 Victoria Road 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 residential development consisting of 32 stacked townhouse units and 23 cluster townhouse units as well as 3 single detached dwellings on the properties municipally known as 103 and 105 Victoria Road 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.

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: \$1,625,068 - \$1,867,180 (based on current rates)
Estimated Community Benefit Charge: Not applicable under 5 storeys
Estimated Annual Property Taxes: \$165,000 to \$207,000 (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 103 and 105 Victoria Road North from MHBC Planning Limited on behalf of Gemini Homes and Alex Maziarz to permit the development of 32 stacked townhouse units and 23 cluster townhouse units as well as 3 single detached dwellings.

The application was initially received by the City on June 4, 2021 and deemed complete on July 12, 2021. The Statutory Public Meeting was held on September 13, 2021. Revisions to the application and development proposal were made in a second submission to the City on May 13, 2022. A third submission to the City was made between November 18 and December 19, 2022. Revisions included adding the stacked townhouse block, changes to the placement of the buildings, adding surface parking on the interior of the site, adding a mailroom and bicycle parking building, increasing the common amenity area and changing heights of the townhouse blocks.

Location

The subject lands are located north of Cassino Avenue and east of Victoria Road North and are composed of two properties municipally known as 103 and 105 Victoria Road North (see Attachment-1 Location Map and Attachment-2 Aerial Photo). The subject lands currently have an area of 1.39 hectares with 90 metres of frontage along Victoria Road North and 154 metres of frontage along Cassino Avenue.

The subject lands currently contain two single detached dwellings, 103 and 105 Victoria respectively. These dwellings will remain and become separate lots from the proposed townhouse site.

Surrounding land uses include:

- To the north: cluster townhouses fronting on Victoria Road North;
- To the east: single detached dwellings fronting on Cassino Avenue and Hadati Road;
- To the south: Cassino Avenue and single detached dwellings fronting on Cassino Avenue and Palermo Crescent; and

- To the west: Victoria Road North, and single detached dwellings beyond.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designations that currently apply to the subject lands is "Low Density Residential". This land use designation permits detached, semi-detached and duplex dwellings as well as multiple unit residential buildings such as townhouses and apartments at a maximum net density of 35 units per hectare. The height of residential buildings in this designation shall be a maximum of three (3) storeys within the delineated built-up area. Recent approval of Official Plan Amendment 80 has increased the maximum density permitted to 60 units per hectare for sites located on arterial roads within the delineated built-up area. This policy applies to multiple unit residential buildings such as townhouses and apartments.

The relevant policies for the applicable land use designations are included in Attachment-4.

Existing Zoning

The subject lands are currently zoned "Urban Reserve" (UR) according to Zoning By-law (1995) - 14864, as amended. The recently adopted Comprehensive Zoning By-law (2023) - 20790 zones the property as "Low Density Residential 1" RL.1.

The existing zoning for both applicable By-laws is shown in Attachment-5.

Proposed Zoning By-law Amendment

The purpose of the Zoning By-law Amendment is to change the zoning from the current "Urban Reserve" (UR) and "Low Density Residential 1" (RL.1) Zones to a the "Residential Single Detached" (R.1A) and "Specialized Residential Townhouse" (R.3A-70) Zones under Zoning By-law (1995) - 14864; as well as the "Specialized Low Density Residential 4" (RL.4-22) Zone under the recently adopted Comprehensive Zoning By-law (2023) - 20790.

Both Zoning By-laws must be amended in accordance with the transition provisions included in the recently adopted Comprehensive Zoning By-law (2023) - 20790 until it comes into full force and effect and Zoning By-law (1995) - 14864 is fully repealed.

Several site-specific zoning regulations have been requested by the applicant, including for the original development proposal submitted in June 2021 as well as for the revised proposals submitted in May and December 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 Comprehensive Zoning By-law (2023) - 20790 is included in Attachment-7.

Original Development Proposal

The original development proposal was for a 44-unit cluster townhouse development fronting Cassino Avenue and 3 single detached dwellings (two existing and 1 new)

fronting Victoria Road North. A total of 53 off-street parking spaces were proposed for the entire development.

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

- To permit a minimum lot area per unit of 219 square metres, whereas a minimum lot area per unit of 270 square metres is required;
- To permit a minimum distance of 11 metres between the front, exterior side and rear yard of one townhouse building and the front, exterior side or rear yard of another townhouse building each containing windows to habitable rooms, whereas a minimum distance of 15 metres is required;
- To permit a minimum distance of 6.5 metres between the private amenity areas to walls in another building containing windows to habitable rooms facing the private amenity area; whereas a minimum distance of 10.5 metres is required;
- To permit private amenity areas to be a minimum setback of 0 metres from side and rear lot lines, whereas a minimum setback of 3 metres is required; and
- To permit a maximum net density of 45.5 units per hectare, whereas net density is limited to a maximum of 37.5 units per hectare.

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 May 2022 to relocate the townhouse blocks to be setback 6 metres from the northerly property line and 15 metres setback between the blocks and providing additional trees and fencing.

A subsequent revision was made in December 2022. The final revised development proposal removed three cluster townhouse blocks and introduced a 32-unit stacked townhouse block fronting Cassino Avenue. A surface parking area interior to the site and building containing a mail room and 32 bicycle parking spaces were also introduced.

The revisions resulted in an increase in total units to 55 from 44 within the townhouse site. This also increased the overall density of the site to approximately 57 units per hectare. The common amenity area was relocated and increased in size on the eastern portion of the site. The widths of the conventional townhouse units (Blocks A, B and C) are increased to 6 metres. The heights of the townhouse blocks along the north property line (Blocks B and C) are reduced to 2 storeys. The new cluster townhouse block will be three storeys.

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

- To permit a maximum net density of 60 units per hectare, whereas a maximum net density of 37.5 units for cluster townhouses and 60 units for stacked townhouses per hectare is permitted;
- To permit a minimum lot area per townhouse dwelling unit of 169 square metres
- To permit active entrances facing Cassino Avenue at least every 30 metres;
- To reduce the setbacks for front, exterior side and rear yard setbacks to private streets back of curb, sidewalk or lot line.

- To permit private amenity area for cluster townhouses to be setback 0 metres from the rear lot line.
- To permit the following regulations for private amenity areas for stacked townhouses:
 - private amenity areas for ground level units in stacked townhouses shall be a minimum of 10m²/unit and may be located in a front yard or an unclosed porch or balcony with no privacy screen.
 - Private amenity area for units above or below finished grade shall have a minimum of 6.5m² and may be located in a front yard.
 - Private amenity areas for units above-grade must consist of a balcony and be defined by a wall or railing between adjacent units to a height of 1.8m.
 - Private amenity areas may face a public street.
- To permit the maximum Lot Coverage to be 32%
- To permit the maximum Building Length to be 60 metres for the stacked townhouse block.

The current conceptual site plan is included in Attachment-9 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 September 13, 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.3A-70 and RL.4-22 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: \$1,625,068 - \$1,867,189 (based on current rates)

Estimated Community Benefit Charge: Not applicable under 5 storeys

Estimated Annual Property Taxes: \$165,000 to \$207,000

These figures are approximations only, based on the addition of 56 residential units 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 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 mix of housing forms will be provided, include street-oriented cluster townhouses and stacked townhouses as well as one new detached dwelling lot. The development proposal represents a context appropriate form of infill in the built-up area of the city directly along an arterial roadway 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 July 27, 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 August 19, 2021. Notice of the application was also provided by means of signage on the property, which was posted on July 23, 2021. All supporting documents submitted by the applicant have been posted on the City's website. A Notice of Revised Application was sent on June 6, 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. Subsequent Notice of Revised Applications was mailed on December 22, 2022 to the same interested parties.

On May 24, 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 and Details 1995-14864

Attachment-7 Proposed Zoning and Details 2023-20790

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

Chris DeVriendt, MCIP, RPP, Manager of Development Planning

Report Author

Michael Witmer, MCIP, RPP, Senior Development Planner

This report was approved by:

Krista Walkey, MCIP, RPP

General Manager, Planning and Building Services

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2395

krista.walkey@guelph.ca

This report was recommended by:

Jayne Holmes, P.Eng, PMP

Deputy Chief Administrative Officer

Infrastructure, Development and Enterprise Services

519-822-1260 extension 2248

jayne.holmes@guelph.ca