

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, June 13, 2023
Subject	Decision Report 1373-1389 Gordon Street Proposed Official Plan Amendment and Zoning By-law Amendment File OZS22-001 Ward 6

Recommendation

1. That the application from GSP Group Inc. on behalf of Vaughan St GP Corp., for an Official Plan Amendment (OPA 89) to add a site-specific policy for building height and to change the land use designation in part from "Medium Density Residential" to "Significant Natural Areas & Natural Areas" to permit the development of a four (4) to seven (7) storey mixed-use apartment building with 99 apartment units and 850 square metres of commercial space on the properties municipally known as 1373 and 1389 Gordon Street and legally described as Part Lot 7, Concession 7, Geographic Township of Puslinch, being Parts 1 and 2, 61R-22009, City of Guelph, County of Wellington be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Report 2023-162, dated June 13, 2023.
2. That the application from GSP Group Inc. on behalf of Vaughan St GP Corp., for a Zoning By-law Amendment to change the zoning from the current "Residential Single Detached" (R.1B) zone to a "Specialized Neighbourhood Commercial" (NC-14) zone in the 1995 Comprehensive Zoning By-law (1995)-14864, as amended, and from the current "Neighbourhood Commercial Centre with a Parking Adjustment Suffix and Holding Symbol" ((NCC(PA)(H12))) zone and "Medium Density Residential 5 with a Parking Adjustment Suffix and Holding Symbol" ((RM.5(PA)(H12))) zone to a "Specialized Neighbourhood Commercial Centre with Parking Adjustment Suffix" ((NCC-18)(PA)) zone in the 2023 Comprehensive Zoning By-law (2023)-20790 to permit the development of a four (4) to seven (7) storey mixed-use apartment building with 99 apartment units and 850 square metres of commercial space on the properties municipally known as 1373 and 1389 Gordon Street and legally described as Part Lot 7, Concession 7, Geographic Township of Puslinch, being Parts 1 and 2, 61R-22009, City of Guelph, County of Wellington be approved in accordance with Attachment-4 of the Infrastructure, Development and Enterprise Report 2023-162, dated June 13, 2023.

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 1373 and 1389 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 a four (4) to seven (7) storey mixed-use building with 99 apartment dwelling units and 850 square metres of commercial floor area on the properties municipally known as 1373 and 1389 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.

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. 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-13.

Financial Implications

Estimated Development Charges: \$2,312,000 - \$3,061,000

Estimated Community Benefit Charge: \$199,200

Estimated Annual Property Taxes: \$154,000-\$193,000

Report

Background

Applications to amend the Official Plan and Zoning By-law were received for the properties municipally known as 1373 and 1389 Gordon Street from GSP Group on behalf of the owner, Vaughan St GP Corp. to permit the development of a four (4) to seven (7) storey mixed-use building with 99 apartment dwelling units and 850 square metres of commercial floor area.

The applications were received by the City on December 17, 2021 and deemed complete on January 31, 2022. The Statutory Public Meeting was held on March 21, 2022. The original applications proposed the development of a nine (9) storey mixed-use building with 98 apartment units on floors 2-8 and commercial and office uses on the ground and top floors.

On June 29, 2022, the applicant submitted formal revisions to their applications and development proposal, which reduced the maximum height from nine (9) to seven

(7) storeys along Gordon Street and added a four (4) storey “west” building wing along Vaughan Street. The amount of commercial gross floor area as well as the amount of off-street parking spaces was reduced. The number of apartment dwelling units was increased from 98 to 99. Design changes were made to the driveway access location on Vaughan Street, the building’s angular plane to Gordon Street, total common amenity area and landscaped open space.

Location

The subject lands are located at the northwest corner of Gordon Street and Vaughan Street (see Attachment-1 Location Map and Attachment-2 Aerial Photo). Currently, two separate properties make up the lands, being 1373 and 1389 Gordon Street. 1389 Gordon Street functions as a corner property and has frontage along Gordon Street and access to Vaughan Street. A single detached dwelling and accessory buildings currently exists at 1389 Gordon Street. A single detached dwelling and accessory buildings did exist at 1373 Gordon Street but was demolished in June 2022. The subject lands are generally described as being rectangular in shape and have a cumulative site area of 1.0 hectare and 82.3 metres of frontage on Gordon Street and 124.4 metres of indirect frontage on Vaughan Street.

Surrounding land uses include:

- To the north: single detached dwellings fronting onto Gordon Street;
- To the east: commercial buildings along Gordon Street (Elmbrook Plaza) and a site zoned for an eight (8) storey mixed-use building (1354 Gordon Street) and a site zoned for a mixed-use retirement community (33-41 Arkell Road and 1408 Gordon Street), beyond which are single detached dwellings and other low-density residential uses;
- To the south: on-street and cluster townhouses (Maple Lane) fronting onto both Gordon Street and Vaughan Street; and
- To the west: a City-owned stormwater management facility as well as the Hanlon Creek Swamp Provincially Significant Wetland (PSW) Complex in Preservation Park.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designations that apply to the subject lands are “Neighbourhood Commercial Centre” on the front or east portion along Gordon Street and “Medium Density Residential” on the rear or west portion (see Official Plan Land Use Map and related policies in Attachment-5).

The “Neighbourhood Commercial Centre” designation permits commercial, retail and service uses, small-scale offices, community services and facilities, live/work units, multiple unit residential within mixed-use buildings, and urban squares. The maximum building height in the “Neighbourhood Commercial Centre” designation is six (6) storeys and the maximum net residential density is 100 units per hectare. For new developments, commercial gross floor area is to be provided at a minimum 0.15 floor space index (FSI).

The “Medium Density Residential” designation permits multiple unit residential buildings such as townhouses and apartments with a height range between two (2) and six (6) storeys. The net density of developments is to be between 35 and 100 units per hectare.

Description of Official Plan Amendment

The applicant is proposing an Official Plan Amendment to add a site-specific policy to permit a maximum building height of seven (7) storeys, whereas both the "Neighbourhood Commercial Centre" and "Medium Density Residential" designations limit building heights to six (6) storeys.

The proposed Official Plan Amendment is recognized as "OPA 89" and is included in Attachment-3.

Existing Zoning, 1995 Zoning By-law

The subject lands are currently zoned "Residential Single Detached" (R.1B) and "Wetland" (WL) in Zoning By-law (1995)-14864, as amended. The R.1B zone permits single detached dwellings and other related or accessory uses. The WL zone does not permit new development and the extent of related natural heritage features is to be determined through related environmental studies.

A map showing the existing zoning is included in Attachment-6.

Existing Zoning, 2023 Comprehensive Zoning By-law

The subject lands are divided among three zones in the City's new Comprehensive Zoning By-law (2023)-20790. This includes the "Neighbourhood Commercial Centre" with a Parking Adjustment Suffix and Holding Provision ((NCC(PA)(H12)) zone at the front or eastern portion along Gordon Street, the "Residential Medium Density 5" with a Parking Adjustment Suffix and Holding Provision ((RM.5(PA)(H12)) zone on the western portion, and a small part along the eastern or rear lot line being zoned "Natural Heritage System" (NHS). This Comprehensive Zoning By-law was approved by Council on April 18, 2023 to replace the 1995 Zoning By-law but is not currently in force and effect as it is under appeal in its entirety to the Ontario Land Tribunal (OLT).

A map showing this zoning is included in Attachment-7.

Description of Proposed Zoning By-law Amendment

The 2023 Comprehensive Zoning By-law is currently under appeal at the OLT. Separate amendments are required to both the 1995 and 2023 by-laws to facilitate the proposed mixed-use development during this transition time. These amendments will allow the development to move forward while the 2023 Zoning Bylaw is under appeal. Several site-specific zoning regulations have been requested by the applicant, including for the original development proposal submitted in December 2021 as well as for the revised proposal submitted in June 2022.

The current proposed amendment to Zoning By-law (1995)-14864 would change the zoning from the current "Residential Single Detached" (R.1B) zone to a "Specialized Neighbourhood Commercial" (NC-14) zone. The "Wetland" (WL) zoning limits are also proposed to change to the "Conservation Land" (P.1) zone based on the findings of the applicant's Environmental Impact Study (EIS).

The following site-specific regulations are being recommended to Zoning By-law (1995)-14864 to facilitate the mixed-use development:

- Lot Area
 - To permit a maximum lot area of 10,074 square metres, whereas the NC zone limits lot area to 7,500 square metres.
- Side Yard
 - To permit a minimum side yard setback of 7.5 metres for both the left and right side yards, whereas the NC Zone requires a minimum side yard of 3 metres or one-half the building height (half of 25.4 metres, being 12.7 metres), whichever is greater.
- Building Height
 - To permit a maximum building height of seven (7) storeys, whereas the NC zone limits building height to two (2) storeys or 10 metres, whichever is greater.
- Gross Floor Area
 - To permit a maximum gross floor area of 10,880 square metres, whereas the NC zone limits gross floor area to 1,875 square metres.
- Parking
 - To permit a minimum parking ratio of 1 space per residential unit, inclusive of visitor parking (99 residential parking spaces), and a minimum ratio of 3.5 spaces per 100 square metres of non-residential gross floor area (30 non-residential parking spaces), whereas the NC zone requires 1 space per residential unit plus 20% for visitor parking (114 residential parking spaces) and 1 space per 18 square metres for a mall (49 non-residential parking spaces).
- Loading
 - To not require a loading space, whereas a loading space is required for a commercial mall.
- Angular Plane
 - To permit a maximum angular plane to the centreline of Gordon Street of 46-degrees, whereas the NC zone limits angular planes to the road centrelines of 45-degrees.
- Common Amenity Area
 - To require a minimum common amenity area rate of 17 square metres per dwelling unit.
- Buffer Strip
 - To permit the required buffer strips to consist of a chain link fence when abutting any residential, park or wetland zones.

The proposed amendment to Zoning By-law (2023)-20790 would change the zoning from the current "Neighbourhood Commercial Centre" with a Parking Adjustment Suffix and Holding Provision ((NCC(PA)(H12)) zone at the front or eastern portion along Gordon Street and the "Residential Medium Density 5" with a Parking

Adjustment Suffix and Holding Provision (RM.5(PA)(H12)) zone on the western portion to a "Specialized Neighbourhood Commercial Centre" with a Parking Adjustment Suffix (NCC-14(PA)) zone. The "Natural Heritage System" (NHS) zoning limits will also be refined based on the findings of the applicant's EIS.

The following site-specific regulations are being recommended to Zoning By-law (2023)-20790 to facilitate the mixed-use development:

- Permitted Use Regulations
 - To permit an office use to a maximum gross floor area of 450 square metres, whereas the NCC zone limits an office use to a maximum gross floor area of 400 square metres.
- Lot Area
 - To permit a maximum lot area of 10,074 square metres, whereas the NCC zone limits lot area to 7,500 square metres.
- Building Height
 - To permit a maximum building height of seven (7) storeys, whereas the NCC zone limits building height to six (6) storeys.
- Parking
 - To permit a minimum parking ratio of 1 space per residential unit, inclusive of visitor parking (99 residential parking spaces), and a minimum ratio of 3.5 spaces per 100 square metres of non-residential gross floor area (30 non-residential parking spaces), whereas a mixed-use building within the "Parking Adjustment" (PA) area requires a minimum of 1 parking space per residential unit plus 0.1 visitor spaces per residential unit and a maximum of 1 parking space per residential unit plus 0.25 visitor spaces per residential unit (114-124 residential parking spaces) and for the non-residential use, a minimum 0 spaces for the first 500 square metres of non-residential floor area and 3.5 spaces per 100 square metres of non-residential floor area between 500 and 5,000 square metres (13-14 non-residential parking spaces).
 - To permit all residential parking spaces to be provided in a surface parking area, whereas a maximum of 75% of residential parking for mixed-use buildings on lots greater than 9,000 square metres is permitted at grade.
- Angular Plane
 - To permit a maximum angular plane of 46-degrees to the centreline of Gordon Street and 10.5 metres above the interior side yard, whereas the NCC zone requires 45-degree angular planes.
- Common Amenity Area
 - To require a minimum common amenity area rate of 17 square metres per dwelling unit, whereas the NCC zone requires a minimum common amenity area rate of 20 square metres per dwelling unit.

Original Development Proposal

The original Official Plan Amendment and Zoning By-law Amendment was to permit a nine (9) storey mixed-use development with 98 dwelling units and 1,076 square metres of commercial gross floor area. A total of 627.2 square metres of common

amenity area was proposed at a ratio of just over 6.4 square metres per unit. A total of 162 off-street parking spaces were proposed.

The original Official Plan Amendment was to add a site-specific policy to permit a maximum building height of nine (9) storeys. The original Zoning By-law Amendment requested similar site-specific regulations, including an increased maximum height of nine (9) storeys, an increased maximum angular plane of 52-degrees, a similar maximum gross floor area, reduced minimum side yard setback, reduced off-street parking ratios, and a minimum overall common amenity area provision. A regulation originally requested an increase in maximum gross floor area per commercial unit was removed as it no longer required based on revised unit sizes.

The original conceptual site plan is included to this report in Attachment-10.

Revised Development Proposal

In June 2022, the applicant submitted revised applications and supporting materials for review and circulation. A third and fourth submission in response to technical comments was received in November 2022 and March 2023. Key changes to the current and revised development proposal from the initial submission include:

- Reducing the maximum building height from nine (9) storeys with an additional mechanical penthouse to seven (7) storeys inclusive of the mechanical penthouse;
- Reducing the corresponding angular plane to the Gordon Street centreline from 52-degrees to 46-degrees;
- Adding a four (4) storey, eastern building wing along Vaughan Street;
- Increasing the number of dwelling units from 98 to 99,
- Relocating the singular driveway access further east on Vaughan Street to align with Maple Lane and be further from Gordon Street;
- Increasing the minimum common amenity area from 627.2 square metres (6.4 square metres per unit) to a 1,683 square metres (17 square metres per unit);
- Reducing the total off-street parking from 162 to 129; and
- Realigning the future public trail access to Preservation Park to be closer to the Vaughan Street right-of-way.

The current conceptual site plan is included in Attachment-11 and building renderings and elevations are included in Attachment-12.

Staff Review/Planning Analysis

The staff review and planning analysis for these applications is provided in Attachment-13. The analysis addresses all 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 March 21, 2022. Final comments on the revised proposal from internal City departments and agencies are included in Attachment-15. 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 (OPA 89);

- Review of the proposed NC-17 and NCC-18(PA) zoning, including specialized and site-specific regulations;
- Review of urban design and the overall site layout;
- Review of the mitigation of negative impacts on the adjacent Natural Heritage System;
- Review of traffic impacts and the supply of off-street parking;
- 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

Planning staff have reviewed the revised mixed-use development proposal from June 2022 as well as subsequent submissions to address technical comments and are satisfied that the proposed Official Plan Amendment and 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. Further, the proposed Official Plan Amendment and Zoning By-law Amendment conforms to the objectives, goals and policies of the Official Plan. The specialized NC-17 and NCC-18(PA) Zoning and site-specific regulations are appropriate for the redevelopment of the subject lands and will ensure a compatible and compact form of infill development in the City's built-up area and on a designated intensification corridor.

Planning staff recommend that Council approve the Official Plan Amendment No. 89 (OPA 89) as set out in Attachment-3 and the Zoning By-law Amendment subject to the specialized zoning regulations to the 1995 and 2023 Zoning By-laws. Conditions recommended in Attachment-4 will be imposed through site plan control.

The applicant has made modifications to the proposed development in response to comments from Council, staff and area residents. These modifications resulted in a modified development layout while maintaining the uses originally requested and at a similar net density. An analysis of the revised layout and specialized zoning regulations is provided in the Staff Review and Planning Analysis in Attachment-13. These changes are minor and maintain the intent of the initial development proposal discussed at the Statutory Public Meeting. Considering this, staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act.

Financial Implications

Estimated Development Charges: \$2,312,000 - \$3,061,000

Estimated Community Benefit Charge: \$199,200

Estimated Annual Property Taxes: \$154,000-\$193,000

These figures are approximations only, based on the addition of 99 apartment units and 850 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 and Public Meeting was mailed on February 14, 2022 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 Mercury Tribune on February 24, 2022. Notice of the applications was also provided by means of signage on the property, which was posted on February 9, 2022. All supporting documents submitted by the applicant have been posted on the City's website. A Notice of Revised Applications was sent on August 8, 2022, and December 12, 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 further notice.

Prior to submitting formal revisions in June 2022, the applicant hosted two community working group meetings on April 20, 2022 and May 4, 2022 to better understand and respond directly to area residents concerns. Planning staff attended both community working group meetings to observe and address procedural related questions.

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 applications, 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-15. A complete summary of public notifications and consultation is included in Attachment-16.

Attachments

Attachment-1 Location Map and 120 m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Official Plan Amendment No. 89

Attachment-4 Recommended Zoning, Regulations and Conditions

Attachment-5 Existing Official Plan Land Use Designations and Policies

Attachment-6 Existing Zoning, 1995 Zoning By-law

Attachment-7 Existing Zoning, 2023 Zoning By-law

Attachment-8 Proposed Zoning, 1995 Zoning By-law

Attachment-9 Proposed Zoning, 2023 Zoning By-law

Attachment-10 Original Conceptual Site Plan

Attachment-11 Current Conceptual Site Plan

Attachment-12 Current Renderings and Elevations

Attachment-13 Staff Review and Planning Analysis

Attachment-14 Community Energy Initiative Update Commitment

Attachment-15 Departmental and Agency Comments

Attachment-16 Public Notification Summary

Departmental Approval

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