

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	A-36/23
Location:	384 Crawley Road
Hearing Date:	June 8, 2023
Owner:	Industrial Equities Guelph Corporation
Agent:	Evan Sugden, Bousfields Inc.
Official Plan Designation:	Industrial and Significant Natural Areas and Natural Areas as per New Site Specific Policy 9.13.3.13
Zoning Designation (1995)-14864:	Specialized Industrial (B.3-10) and (B.3-11), Conservation Land (P.1), and Wetland (WL) Zones
Zoning Designation (2023)-20790:	Site-Specific Industrial (B-14) and (B-15), and Natural Heritage System (NHS) Zones

Zoning By-Law (1995)-14864 Requirements:

The By-law:

- a) permits a maximum building height of 20 metres in the Industrial (B.3) Zone;
- b) requires that no garbage or refuse shall be stored on any lot in any zone except within the principal building or any accessory building or structure on such lot or in a container in a side yard or rear yard of such lot; and
- c) requires within the B.3-10 and B.3-11 Zones, that garbage, refuse and storage composters shall be setback a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm;

Zoning By-Law (2023)-20790 Requirements:

The By-law:

- a) permits a maximum building height of 20 metres in the Industrial (B) Zone;
- b) requires that no garbage or refuse shall be stored on any lot in any zone except within the building or structure on such lot or in a container in an interior side yard or rear yard of such lot;
- c) requires that every garbage or refuse storage area required by this by-law, including any garbage loading or unloading area, which is visible from an adjoining site zoned residential, commercial, natural heritage system, institutional, business park, institutional/research park, or park, or from a river or street, shall have a visual screening consisting of a solid fence. An enclosed in-ground waste container is not required to have visual screening;

- d) requires within the B-14 and B-15 Zones, that garbage, refuse and storage composters shall be setback a minimum of 14 metres from Maltby Road and must be visually screened from any public street by a fence, wall or berm;
- e) requires that the minimum width of a parking aisle providing two way access shall be 6.5 metres;
- f) requires that all loading spaces shall be located to the rear of the front wall of a building or to the rear of an exterior side wall of a building facing a public street;
- g) requires that all loading spaces facing a public street shall be screened with a minimum 3 metre wide buffer strip;
- h) requires that no required parking space, parking aisle, snow storage or loading space shall be used for outdoor storage purposes;
- i) requires a maximum front yard and exterior side yard setback of 25 metres; and
- j) requires that a principal entrance shall be provided that faces the front lot line or exterior side lot line.

Request:

The applicant is seeking relief from the By-law requirements to permit:

- a) a maximum building height of 46 metres;
- b) garbage or refuse storage to be permitted outside of the principal building or any accessory building or structure, and located within any yard or location on site, partially screened from view;
- c) a minimum parking aisle width of 6 metres;
- d) loading spaces located beside an exterior side wall of a building not facing a street and not screened with a buffer strip;
- e) outdoor storage for snow storage and related equipment to be located anywhere on site provided is screened from the street by landscaping and fencing;
- f) a maximum front yard setback of 109 metres; and
- g) a principal entrance to not be required to face a street line.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That no outdoor garbage or refuse storage area shall be within 14 metres from the Maltby Road right-of-way.
2. That a reduced parking aisle width of 6 metres shall not apply to any truck routes as shown on the site plan(s).
3. That no loading spaces shall directly face Crawley Road or Maltby Road.
4. That outdoor storage for snow storage and related equipment shall not be located within any sightline triangles, Natural Heritage System (NHS) zone,

fire routes, truck routes, or minimum required off-street parking as shown on the site plan(s).

5. That the maximum front yard setback of 109 metres shall only apply up to the first three (3) phases of the site development.
 6. That prior to site plan approval, the applicant shall demonstrate to the satisfaction of the General Manager of Planning and Building Services that all garbage, refuse and outdoor storage areas are screened in whole or part from public view.
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Comments

Planning Services

The subject lands are designated, in part, "Industrial" and, in part, "Significant Natural Areas and Natural Areas" in the Official Plan. The "Industrial" land use designation permits various employment and industrial related uses such as manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials. Warehousing, the bulk storage of goods and transportation terminals are also permitted, among other uses. The "Significant Natural Areas and Natural Areas" designated portion of the subject lands forms part of the City's Natural Heritage System and includes features such as significant wetlands and significant woodlands along with associated buffers. The applicant has indicated that the area where the development is proposed will be entirely within the portion of the subject lands that are designated "Industrial".

Vertical warehousing and multi-storey buildings with offices and other related uses above the first storey are encouraged in the greenfield areas to increase the number of jobs per hectare. The Official Plan has a site-specific policy (9.13.3.13) for the subject lands permitting industrial buildings to a maximum gross floor area of 160,000 square metres and a maximum height of 46 metres. Furthermore, this policy excuses the development of industrial buildings and ancillary buildings, landscaping and any related works from any policy in the Official Plan.

Planning staff are satisfied that the requested variances in application A-36/23 for the industrial development of a multi-phase cold storage and manufacturing facility meet the general intent and purpose of the Official Plan.

The subject lands are located in the "Specialized Industrial" (B.3-10 and B.3-11), Wetland (WL) and Conservation Land (P.1) zones in Zoning By-law (1995)-14864, as amended. The lands are also located in the site-specific "Industrial" (B-14 and B-15) and "Natural Heritage System" (NHS) zones in Zoning By-law (2023)-20790. This new 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). Therefore, variances have been requested to regulations in both Zoning By-law (1995)-14864 as well as the new Comprehensive Zoning By-law (2023)-20790.

The subject lands are 82.7 hectares in size. The lands have frontage on Crawley Road, Maltby Road and the southern terminus of Southgate Drive. A new, east-west

public road connection is proposed between the Southgate Drive terminus and Crawley Road. As part of the development of a large cold storage and manufacturing facility on the subject lands, several areas of relief have been requested. Specifically, the applicant has requested two (2) variances to the 1995 By-law and seven (7) variances to the 2023 By-law. The variances requested are summarized and discussed further below.

To permit a maximum building height of 46 metres. Relief in this regard is being requested from both the 1995 and 2023 Zoning By-laws.

Planning staff response: As discussed above, a site-specific policy is in the Official Plan to permit a maximum building height of 46 metres. This height is specific to the frozen high bay vertical warehouse component of the development and its proprietary building design. The Official Plan also encourages vertical warehousing for more efficient use of greenfield employment lands. The requested variance to permit a maximum building height of 46 metres will implement the Official Plan policy for uses permitted as of right in the Zoning By-laws. The height variance meets the general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support these variances.

To permit garbage or refuse storage to be permitted outside of the principal building or any accessory building or structure and located within any yard or location on site, while being partially screened from view. Relief in this regard is being requested from both the 1995 and 2023 Zoning By-laws.

Planning staff response: Referring to the applicant's submitted sketches, particularly the overall site plan showing subsequent phases, the buildings will surround an internal loading and trailer storage area, with access routes for trucks and other equipment. The applicant has informed Planning staff that any outdoor garbage or refuse storage areas will be situated in this vicinity and partially screened by a semi-enclosed structure (i.e. fence or wall) to allow frequent pick-up servicing from one side. Along the Crawley Road, Maltby Road and Southgate Drive frontages, considering scale of the subject lands, the building locations, fencing and landscape buffers around the perimeter, the garbage areas will have little to no visibility from public right of ways. This will function similar to being located in an interior side yard or rear yard. The variances for garbage storage meets the general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support these variances, subject to conditions.

To permit a minimum parking aisle width of 6 metres. Relief in this regard is being requested from the 2023 Zoning By-law.

Planning staff response: The drive-aisle width of 6 metres will apply only to two-way accesses between passenger vehicle parking rows. This relief will not apply to drive aisles between truck or trailer parking areas on the subject lands. The applicant has indicated that in their experience on similar industrial developments, a minimum drive aisle width of 6 metres will function

appropriately and meet the operator's specific needs. The variance for a reduced drive aisle width meets the general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support this variance, subject to conditions.

To permit loading spaces beside an exterior side wall of a building not facing a street and not screened with a buffer strip. Relief in this regard is being requested from the 2023 Zoning By-law.

Planning staff response: The subject lands are irregular in shape and have frontage on Southgate Drive (including future east-west connection/extension), Crawley Road and Maltby Road. The Southgate Drive frontage is the legal front yard as it is the shortest. As described previously, the buildings and phases forming part of the industrial development will surround an interior loading and trailer storage area. The loading spaces will all face this interior area, which in part and in future phase(s) would face Southgate Drive. The applicant has confirmed that no loading spaces face Maltby Road, Crawley Road and by extension, the Hanlon Expressway. Landscaping treatments and buffers will be included along all roadways, which will minimize visibility of the loading areas from Southgate Drive. The variance for the location of loading spaces meets the general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support this variance, subject to conditions.

To permit outdoor storage for seasonal snow storage and related equipment be located anywhere on site provided it is screened from the street by landscaping and fencing.

Planning staff response: The applicant has indicated the snow storage areas shown on the conceptual site plan will include equipment at any time (i.e., snow clearing vehicles and related materials). There are several areas on the subject lands specifically marked for snow storage purposes in phase 1, which will be screened by fencing and landscaping. Considering the scale and irregularity of the subject lands and a primary function being for trucking, this variance is considered minor in nature, desirable for the appropriate development of the land and meets the general intent and purpose of the Zoning By-law. Planning staff support this variance, subject to conditions. Planning staff also supports the conditions recommended by Environmental Planning staff in this regard related to snow storage areas being consistent with stormwater management plans and reports as well as a salt management report.

To permit a maximum front yard setback of 109 metres.

Planning staff response: This variance is specific to the building in phase 1. The front yard setback has been measured to the proposed extension of Southgate Drive and/or east-west road connection to Crawley Road. According to the phasing plan submitted by the applicant, phase 4 will construct a building addition to the north of phase 1 which is shown to be within the front yard

setback range of 6 metres to 25 metres. The variances for an increased maximum setback meets general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support these variances, subject to conditions.

To not require a principal entrance to face a street line.

Planning staff response: The proposed industrial development will be accessed off Southgate Drive, with a cluster of buildings surrounding internal operating and parking areas. Crawley Road and Maltby Road will align with the building in more secondary relations. Parking, walking, cycling will all be provided from the interior of the site, with related connections to Guelph Transit also being evaluated. The principal entrance will be to a three-storey office component in the first phase. These geometric and design elements of the site and proposed development make situating the principal building entrance internal to the site more functional and practical. The variance for a for principal entrance location meets the general intent and purpose of the Zoning By-law, is desirable for the appropriate development and use of the land and are minor in nature. Planning staff support this variance.

It is recommended the Committee approve the minor variances subject to the conditions above.

Engineering Services

Engineering has reviewed this application through site plan SP23-007 and has no concerns with the requested variances.

We agree with recommendations made by the Planning and Building staff.

Building Services

The subject property is zoned Specialized Industrial (B.3-11), Park (P.1) and Wetland (WL) under Zoning By-law (1995)-14864, as amended and Specialized Industrial (B-15) and Natural Heritage System (NHS) under council approved Comprehensive Zoning By-law (2023)-20790, as amended. Both by-laws permit a warehouse on the industrial lands. The Park/Wetland/NHS zones do not permit development.

This development is subject to Site Plan Approval. A building permit is required prior to the construction of the building(s), at which time requirements under the Ontario Building Code will be reviewed.

It is noted to the applicant that the Sign By-law is applied within the Building Department. The signage is shown on the top façade of the 40+ metre building. The sign by-law states, "on buildings with 3 or more storeys, one (1) non-illuminated fascia sign per premises may be located on the top storey of the building if no signs are located on any other storey of the building. If this section is utilized, then no other signs are permitted to be located on any other storey of the side of the building to which there is a sign on the top storey." Further discussions will need to be had with the owner/applicant about signage as the maximum

building height in the zones is 20 metres, so signage was not anticipated to be beyond that height when located on the top storey.

Building Services supports Planning and Engineering recommendations.

Grand River Conservation Authority (GRCA)

GRCA has no objection to the minor variance application, see attached letter.

Comments from the Public

Yes (See Attached)

Contact Information

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