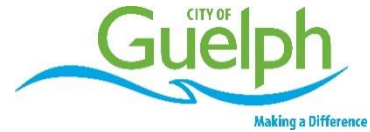


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number:	B-13/23, B-14/23, B-15/23, B-16/23, B-17/23, and B-18/23
Location:	300 Water Street
Hearing Date:	September 14, 2023
Owner:	T.J.L. Transport Ltd.
Agent:	Jeff Buisman, Van Harten Surveying Inc.
Official Plan Designation:	Low Density Residential
Zoning Designation (1995)-14864:	Specialized Low Density Residential (R.1C-32) Zone and Specialized Residential On-Street Townhouse (R.3B-24 and R.3B-25) Zones
Zoning Designation (2023)-20790:	Site-specific Low Density Residential 2 (RL.2-17) and Site-specific Low Density Residential 3 (RL.3-6 and RL.3-7) Zones

Request: The applicant proposed the following:

File B-13/23 – Proposed Lands to be Severed 1

Severance of a parcel of land with frontage along Water Street of 24.5 metres, and an area of 412 square metres.

File B-14/23 – Proposed Lands to be Severed 2

Severance of a parcel of land with frontage along Water Street of 6.9 metres, and an area of 191 square metres.

File B-15/23 – Proposed Lands to be Severed 3

Severance of a parcel of land with frontage along Water Street of 6.9 metres, and an area of 193 square metres.

File B-16/23 – Proposed Lands to be Severed 4

Severance of a parcel of land with frontage along Water Street of 6.9 metres, and an area of 193 square metres.

File B-17/23 – Proposed Lands to be Severed 5

Severance of a parcel of land with frontage along Water Street of 6.9 metres, and an area of 193 square metres.

File B-18/23 – Proposed Lands to be Severed 6 and Easement

Severance of a parcel of land with frontage along Water Street of 11.4 metres, and an area of 331 square metres. The applicant is also proposing to create a 3 metre wide, 84 square metre easement for sanitary servicing over a portion of the proposed severed parcel in favour of the proposed retained parcel.

The retained parcel will have frontage along Denver Road of 29.2 metres and an area of 548 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Files B-13/23, B-14/23, B-15/23, B-16/23 and B-17/23 – Proposed Lands to be Severed 1 to 5

Planning Services

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
 - a) verification and confirmation of high groundwater levels on site;
 - b) in situ permeameter testing in support of the clear stone infiltration gallery;
 - c) stormwater management plan that demonstrates maintenance of pre- to post- development;
 - d) recharge and runoff volumes;
 - e) grading, drainage and erosion and sediment control plans; educational signage; and
 - f) a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street

Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).

5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy

CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.

10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
 - a) "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
 - b) "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence."
 - c) "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
 - d) "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.

Engineering Services

14. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A stormwater management Report for the severed and retained lands that has

been designed in accordance with the City of Guelph's Development Engineering Manual.

16. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
17. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer
20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, a hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm

water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.

Alectra Utilities

24. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

25. That the related applicable consent files (files B-13/23, B-14/23, B-15/23, B-16/23, B-17/23 and B-18/23) receive final certification of the Secretary-Treasurer and be registered on title.

26. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.

27. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.

28. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.

29. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

30. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

File B-18/23 – Proposed Part 6 (Lands to be Severed)

Planning Services

1. That prior to issuance of building permit, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will

implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.

2. That prior the issuance of the Certificate of Official, and prior to any grading, tree removal or construction on the site, the Owner/Developer shall obtain a valid Permit to Destroy or Injure Tree(s) and/or complete an updated Tree Inventory and Preservation Plan and Vegetation Compensation Plan, satisfactory to the General Manager of Planning Services and in accordance with the City of Guelph Private Tree Protection By-law (2010)- 19058.
3. That prior to issuance of building permit, the Owner/Developer shall provide details with respect to:
 - a) verification and confirmation of high groundwater levels on site;
 - b) in situ permeameter testing in support of the clear stone infiltration gallery;
 - c) stormwater management plan that demonstrates maintenance of pre- to post- development;
 - d) recharge and runoff volumes;
 - e) grading, drainage and erosion and sediment control plans; educational signage; and
 - f) a salt management plan.
4. That prior to issuance of building permit, the Owner/Developer shall implement the recommendations of the following Environmental Impact Study and supporting Addenda to the satisfaction of the City: 300 Water Street Environmental Impact Study (NRSI, August 2017), 300 Water Street EIS Agency Comment Responses (NRSI, May 3, 2018), 300 Water Street Guelph July 23rd Agency Comments and Responses (NRSI, November 22, 2018) and 300 Water Street, Guelph Second EIS Addendum – Additional Hydrological Information (NRSI, May 7, 2019).
5. That prior to issuance of building permit, the applicant shall arrange with Environmental Planning distribution of the City's Enviro Guide magnets to residents of each dwelling unit.
6. That prior to issuance of building permit, the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for implementing the Vegetation Compensation Plan or equivalent cash-in-lieu to the satisfaction of the General Manager of Planning and Building Services.
7. That prior to issuance of building permit, the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the

cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.

8. That prior to issuance of building permit, the Owner/Developer shall be responsible for payment of money in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 42 of the Planning Act and in accordance to the City's Parkland dedication Bylaw (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
9. That prior to the issuance of the first building permit for the townhouse portion of the lands, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland pursuant to s.42 of the Planning Act. The narrative appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada, and shall be subject to the review and approval of the Deputy CAO of Public Services or their designate, Notwithstanding the foregoing, if the narrative appraisal provided by the applicant is not satisfactory to the Deputy CAO of Public Services or their designate, acting reasonably, the City reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland. Alternatively, the Deputy CAO of Public Services or their designate may utilize the established rates in the applicable Parkland Dedication Bylaw.
10. That the Owner/Developer shall place the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the development agreement to be registered on title:
 - a) "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Park and/or utility corridor are advised that it will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence."
 - b) "Purchasers and/or tenants of all lots or units abutting the existing Silvercreek Parkland/or utility corridor are advised that no private gates will be allowed in this demarcation fence.
 - c) "Purchasers and/or tenants of all lots or units are advised that a public trail exists in close proximity to all lots and that public access to this trail occurs on Water Street."
 - d) "Purchasers and/or tenants of all lots are advised that the existing Silvercreek Park has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."

11. That the Owner/Developer and the Upper Grand District School Board shall reach an agreement regarding the supply and erection of a sign (at the Owner/Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents of schools in the area.
12. That prior to the issuance of building permit, the Owner/Developer shall pay all Development Charges.
13. That prior to issuance of building permit, the Owner/Developer shall demonstrate compliance with the City's Waste Management By-law (2011)-19199.

Engineering Services

14. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A grading and drainage plan for the severed and retained lands. The grading/drainage plan must be designed in accordance with the City of Guelph's Development Engineering Manual
15. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide to the City, to the satisfaction of the General Manager/City Engineer, A stormwater management Report for the severed and retained lands that has been designed in accordance with the City of Guelph's Development Engineering Manual.
16. That prior to the issuance of the Certificate of Official, the Owner(s) shall provide a servicing plan, showing the lateral service connections to the City's infrastructure for review and approval for both the severed lands and the retained lands, to the satisfaction of the General Manager/City Engineer.
17. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer. If the Owner(s) satisfactorily demonstrates to the General Manager/City Engineer that a below-grade gravity connection is not achievable, the building's below-grade level may be allowed to pump sewage, in accordance with the Ontario Building Code, to the property line, and have a gravity connection from the property line to the City's sanitary sewer.
18. That prior to the issuance of Certificate of Official, the Owner(s) shall submit a *Phase 1 ESA* as per Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.
19. That prior to the issuance of a building permit on the proposed severed lands, the Owner agrees to pay the estimated cost of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer. The Owner further agrees to pay the actual

costs of all proposed works within the city's right-of-way to the severed and retained lands to the satisfaction of the General Manager/City Engineer

20. Prior to the issuance of a building permit, the owner shall pay to the City the estimated costs associated with the construction of the sidewalks on Water Street and Denver Street along the entire frontage of the retained and served lands as determined by the City Engineer. Furthermore, the owner(s) agrees to pay the actual cost of the sidewalk across the entire frontage of the property, and pay the full amount by which the actual cost exceeds the estimated cost within thirty (30) days of receipt of an invoice from the City. Similarly, upon completion of final accounting, should the estimated cost exceed the actual cost, the City shall refund the difference to the owner without interest.
21. That prior to the issuance of any building permits on the proposed severed lands, the owner shall pay the flat rate charge established by the City for tree planting for the proposed severed lands.
22. That prior to the issuance of building permit, the Owner shall construct, install, and maintain erosion and sediment control facilities satisfactory to the General Manager/City Engineer, according to a plan submitted to and approved by the General Manager/City Engineer.
23. That prior to Certificate of Official, A hydrogeological assessment that provides four seasons of groundwater monitoring data is to be provided where storm water infiltration is proposed on site or basements are proposed. Refer to the City's Development Engineering Manual, specifically section 5.8, for further information.
24. That prior to issuance of Certificate of Official, the owner shall register a 4.5m wide private servicing easement on the severed lands, in favour of the retained lands. The easement shall be registered on title. To the satisfaction of the City. Further, the owner shall confirm that they will notify in all offers of purchase and sale for all lots and/or dwelling units advising of the private servicing easement for the retained lands.

Alectra Utilities

25. That prior to issuance of a building permit, the applicant makes arrangement for provision of hydro servicing to the severed parcel, satisfactory to the ICI and Layouts Department of Alectra Utilities. The servicing costs would be at the applicant's expense.

Committee of Adjustment Administration

26. That the related consent files (files B-13/23, B-14/23, B-15/23, B-16/23 and B-17/23) receive final certification of the Secretary-Treasurer and be registered on title.

27. That prior to the issuance of the Certificate of Official, the Owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above noted conditions and to develop the site in accordance with the approved plans.
 28. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
 29. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
 30. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@quelp.ca).
 31. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.
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Comments

Planning Services

The proposed severances will result in one "retained" lot, six "severed" lots and an "easement" to the existing 300 Water Street. The retained lot is proposed to have a single detached dwelling built on it. The six severed lots will face Water Street and will be developed with a new on-street townhouse block in accordance with the Low Density Residential land use designation. The proposed easement is needed to service the proposed dwelling on the retain portion because no municipal services are built on Denver Road. Appropriate zoning for the townhouse complex and new single dwelling was approved by City Council on February 10, 2020.

The subject property is designated "Low Density Residential" in the Official Plan. It was redesignated by Council in February 2020 as part of the Official Plan Amendment and Zone Change approval for this site. The "Low Density Residential" land use designation applies to residential areas within the built-up areas of the City which are low-density in character. This designation permits a broad range of low-density residential uses, including single detached dwellings, semi-detached dwellings, duplex dwellings and multiple unit residential buildings, such as townhouses and apartments.

Policy 9.3 of the Official Plan provides several objectives to be achieved in the residential designations in the City. In providing new housing, consideration is to be given to the development of a full range of housing types, affordability and densities to meet a variety of lifestyles and diversity (9.3(b)). Further, several objectives emphasize the need to ensure compatibility of new development in residential areas, including maintaining the general character of built form in existing established residential neighbourhoods while accommodating compatible residential infill and intensification (9.3(f)). New development is also to be compatible with and preserve the general character of established neighbourhoods (9.3(i) and (m)).

Official Plan policy 9.3.1.1 outlines development criteria for intensification proposals within existing residential neighbourhoods. Planning staff have evaluated the severances against this criteria and are satisfied that the proposed new residential lots can accommodate new dwellings that are compatible in form, scale, height, setbacks, massing, appearance, parking layout and siting with buildings in the immediate vicinity. The proposed development can be fully serviced and will not have an adverse impact on the operation of adjacent roads, as it was assessed through the earlier Official Plan Amendment and Zone Change approved by Council in February 2020.

The above policies, criteria and objectives, together with policies regarding development within the Built-up Area and Intensification (Section 3.7), encourage the creation of new low density residential lots within older established areas of the City, providing that the proposed development is compatible with the surrounding residential environment. The Official Plan defines "compatible" as being development or redevelopment which may not necessarily be the same as, or similar to, the existing development, but can co-exist with the surrounding area without unacceptable adverse impact.

Policy 10.10.1 of the Official Plan provides criteria to consider when evaluating Consent applications. Below is an evaluation of these policies as it relates to the subject application:

- i. **That all of the criteria for plans of subdivision are given due consideration.**
Staff have reviewed subdivision criteria of the Official Plan and are satisfied that the application conforms to the policies.
- ii. **That the application is properly before the Committee and that a plan of subdivision has been deemed not to be necessary for the proper and orderly development of the City. A plan of subdivision is not necessary.**
Staff have confirmed this through the earlier Zoning Amendment application as the new lots will front onto and be serviced from existing public streets.
- iii. **That the land parcels to be created by the Consent will not restrict or hinder the ultimate development of the lands.**
The proposed severance does not restrict or hinder the ultimate development of the lands. The proposed development represents a

logical and compatible lot layout that can accommodate a new street fronting townhouses within the built-up area of the City. The subject property is zoned "Residential Single Detached" (R.1C-32) to accommodate the retained single detached home. The subject property is also zoned "Specialized Residential On-street Townhouse" (R.3B-24) and (R.3B-25) to permit the development of 6 townhouses facing Water Street according to Zoning By-law (1995)-14864, as amended. The subject property is zoned "Low Density Residential 2" (RL.2) in the Comprehensive Zoning By-law (2023)-20790 for the retained single detached home. Part 3 is zoned "Specialized Residential Townhouse" (R.3A-70) according to Zoning By-law (1995)-14864, as amended, and is zoned "Low Density Residential 4" (RL.4-22) in the Comprehensive Zoning By-law (2023)-20790. The proposed "retained" and "severed" lots meet the minimum requirements for lot area and lot frontage.

iv. **That the application can be supported if it is reasonable and in the best interest of the community.**

The proposed severance is considered to be reasonable and in the best interest of the community. The proposed development can be serviced by existing infrastructure and public and private amenities such as schools, parks and retail.

The subject property is greater than 0.2 hectares in size and is therefore regulated by the Private Tree By-law. A Tree Permit has been issued for the property to prepare the site for construction.

Staff are recommending conditions related to the townhouse development as the development is not subject to Site Plan Approval under Section 41 of the Planning Act. All required plans and reports; including but not limited to grading and drainage, servicing, tree preservation, landscaping, and traffic movements will be reviewed through clearance of the consent conditions.

Staff are satisfied that the proposed severances meet the Consent policies of the Official Plan and subdivision criteria as outlined in Section 51(24) of the Planning Act.

Staff recommend approval of the applications subject to the above noted conditions.

Engineering Services

Engineering Staff have reviewed the application and can support the severance application at 300 Water Street subject to the above noted conditions.

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

Building Services

The subject lands are zoned Specialized Residential Single Detached (R.1C-32), and Specialized Residential On-Street Townhouse (R.3B-24 and R.3B-25) under Zoning

By-law (1995)-14864, as amended and Site-specific Low Density Residential 2 (RL.2-17) and Site-specific Low Density Residential 3 (RL.3-6 and RL.3-7) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. An Official Plan and Zoning By-law Amendment (2020)-20478 was approved by Council to permit on-street townhouses and a residential single detached lot.

Building permits will be required for the construction of any new dwellings, at which time requirements under the Ontario Building Code will be reviewed together with zoning compliance of any new buildings.

Building Services supports Planning and Engineering recommendations.

Alectra Utilities

Please see attached correspondence.

Comments from the Public

Yes (See Attached)

Contact Information

Committee of Adjustment: City Hall, 1 Carden Street, Guelph ON N1H 3A1

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa