

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, October 17, 2023
Subject	Statutory Public Meeting Report 331 Clair Road East Proposed Zoning By-law Amendment File No.: OZS23-007 Ward 6

Recommendation

1. That report 2023-377 regarding proposed Zoning By-law Amendment application (File OZS23-007) from MHBC Planning on behalf by the owner, 2488995 Ontario Ltd. (Reid’s Heritage Homes partnership), to permit the development of 8 stacked townhouse blocks comprising of 136 units, on the lands municipally known as 331 Clair Road East, from Infrastructure, Development and Enterprise Services dated October 17, 2023, be received.

Executive Summary

Purpose of Report

The purpose of this report is to provide planning information on a Zoning By-law Amendment application submitted for the lands municipally known as 331 Clair Road East to permit the development of eight (8) stacked townhouse blocks comprising of 136 units. This report has been prepared in conjunction with the Statutory Public Meeting for the application.

Key Findings

Key findings will be reported in the future Infrastructure, Development and Enterprises Services recommendation report to Council.

Strategic Plan Alignment

The review of this development application will align with the direction of Strategic Plan Priority “Sustaining our Future” to plan and design an increasingly sustainable city as Guelph grows. The review will include an assessment of its 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 proposed Zoning By-law amendment also aligns with the approved 2024-2027 Strategic Plan and improving our housing supply.

Financial Implications

Financial implications will be reported in the future staff recommendation report to Council.

Report

Background

An application for a Zoning By-law Amendment has been received for the property municipally known as 331 Clair Road East from MHBC Planning on behalf of the owner, 2488995 Ontario Ltd. (Reid's Heritage Homes partnership). A Zoning By-law Amendment application was received by the City on June 5, 2023 and following the submission of additional materials on August 30, 2023, was deemed complete on September 18, 2023.

Location

The subject site is approximately 1.65 hectares in size and is municipally known as 331 Clair Road East. The site is rectangular in shape with approximately 171 metres of frontage along Clair Road East. The site is located on the south side of Clair Road East across from Tolton Drive.

The subject site currently consists of vegetation, a detached accessory structure, and a vacant two-storey stone dwelling which is listed under Part IV, Section 27 of the Ontario Heritage Act in the City of Guelph's Municipal Register of Cultural Heritage properties.

The surrounding land uses include:

- To the east, are several large residential lots (along Kilkenny Place and Megan Place) which contain single detached dwellings (Rolling Hills Community).
- To the south, are several large residential lots (along Kilkenny Place) which contain single detached dwellings (Rolling Hills Community), and lands which are part of the City's Natural Heritage System (NHS).
- To the west, is a large residential lot containing a single detached dwelling and lands which are part of the City's Natural Heritage System (NHS). Beyond this is a residential subdivision (Dallan) which contains a storm water management pond, single detached dwelling units, townhouses and apartment buildings and a municipal park.
- To the north is an existing residential subdivision (Westminster Woods) which contains a mix of single detached dwellings and townhouses, a public school and municipal park.

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation that applies to the subject property is Medium Density Residential. The Medium Density Residential designation is intended to provide medium density housing forms including multiple unit residential buildings, such as townhouses and apartments. The minimum height within this designation is two (2) stories and the maximum height is six (6) stories. This designation allows for a maximum net density of 100 units unit per hectare and requires a minimum net density of 35 units per hectare.

Section 4.8 of the Official Plan provides for policies regarding the management of cultural heritage resources. In accordance with the City's Official Plan policies, built heritage resources listed on the City's Heritage Register under Part IV, Section 27 of the Ontario Heritage Act shall be considered for conservation for development applications initiated under the Planning Act, unless it is demonstrated that the built

heritage resource is not of cultural heritage value or interest, and therefore does not meet the criteria for designation under the Ontario Heritage Act.

Heritage Guelph identified 331 Clair Road East as a 2023 designation priority at their [March 13, 2023 committee meeting](#). Staff presented a [Cultural Heritage Evaluation Report](#) at the [July 10, 2023 Heritage Guelph meeting](#) that provided staff's opinion that the property meets four of the criteria for determining cultural heritage value or interest as outlined in [Ontario Regulation 9/06](#) (amended by [Ontario Regulation 569/22](#)) and merits designation under Part IV of the Ontario Heritage Act. A Heritage Attributes and Designation Recommendation will be presented to Heritage Guelph at their October 10, 2023 meeting.

Further details on the land use designation and policies, and further details of the cultural heritage resources policies within the Official Plan are included in Attachment-3.

Existing Zoning, Township of Puslinch Zoning By-law 19/85

The subject lands were annexed from the Township of Puslinch in 1993 and are zoned "Agricultural" (A-2), according to the Township of Puslinch Zoning By-law 19/85. The City of Guelph Official Plan provides that annexed lands are subject to applicable Township Zoning By-laws that were in effect on April 1, 1993 and that these By-laws will remain in effect until they are replaced with new Zoning By-laws and regulations in conformity with the City of Guelph Official Plan. The existing zoning Township of Puslinch Zoning By-law 19/85 is shown in Attachment-4.

Existing Zoning, Comprehensive Zoning By-law (2023)-20790

The subject lands are zoned "Urban Reserve" (UR.1) in the City's Comprehensive Zoning By-law (2023)-20790. The UR.1 zone permits conservation uses and legally existing uses, building and structures. The Comprehensive Zoning By-law was approved by Council on April 18, 2023 but is under appeal in its entirety to the Ontario Land Tribunal (OLT) and is not currently in force and effect. The existing zoning under Comprehensive Zoning By-law (2023)-20790 is shown in Attachment-5.

Proposed Zoning By-law Amendment, (1995)-14864

The purpose of the proposed Zoning By-law Amendment application is to change the zoning from the current "Agricultural" (A-2) zone in the Township of Puslinch Zoning By-law 19/85, to a "Specialized Residential Townhouse" (R.3A-xx) zone under City of Guelph Zoning By-law (1995)-14864. The following specialized regulations have been requested to facilitate this proposal:

- To permit a minimum lot area per unit of 120m² per unit; whereas 150m² per unit is required (Table 5.3.2, Row 3);
- To permit a maximum density of 85 units per hectare; whereas 60 units per hectare is permitted (Section 5.3.2.6.2);
- To permit a minimum private amenity area for stacked townhouses of 9m² per unit and specific regulations to clarify the location of private amenity areas; whereas 10m² per unit is required for stacked townhouse units above grade; and whereas 20m² per unit is required for ground level stacked townhouse units (Section 5.3.2.5.1, 5.3.2.5.2, 5.3.2.5.3).
- To permit a maximum number of dwelling units in a row within a stacked townhouse block to be 24; whereas a maximum of 12 dwelling units in a row

is permitted; and whereas a maximum of 8 dwelling units in a row is permitted where units are adjacent to a public street (Table 5.3.2, Row 18);

- To permit the driveways associated with the stacked townhouses featuring garages to contribute to the visitor parking required for those units; and
- Notwithstanding the creation of property boundaries between units or common elements by registration of a plan of condominium or severance, the zoning regulations for development in the R.3A-xx zone shall be applied to the entirety of the block of land zoned R.3A-xx, and not the individual units created through plan of condominium registration or severance.

Proposed Zoning By-law Amendment, (2023)-20790

The purpose of this Zoning By-law Amendment application is to change the zoning from the current Urban Reserve" (UR.1) Zone in the City's Comprehensive Zoning By-law (2023)-20790, to a "Specialized Medium Density Residential 6" (RM.6-xx) Zone. The following specialized regulations have been requested to facilitate this proposal:

- To permit a minimum private amenity area for stacked townhouses of 9m² per unit and specific regulations to clarify the location of private amenity areas; whereas 10m² per unit is required (Table 6.18 and additional regulations 12 and 13);
- To exempt the RM.6-xx zone from the minimum exterior side and rear yard setbacks from private streets back of curb or sidewalk or lot line (Table 6.19);
- To permit surface parking be located anywhere on the subject lands, provided it is setback 3.0 metres from the front lot line; whereas parking spaces are required to be located in an interior side or rear yard and be setback 3.0 metres from any lot line (Section 5.2.2(a));
- To permit the driveways associated with the stacked townhouses featuring garages to contribute to the visitor parking required for those units;
- To permit surface parking to exceed 75% of the total required residential parking spaces; whereas a maximum of 75% of parking spaces are to be provided as surface parking spaces (Section 5.2.2(c));
- To exempt the RM.6-xx zone from the bicycle parking spaces, long term requirements; whereas a rate of 1 bicycle parking space, long term per dwelling unit is required for each stacked townhouse dwelling unit where individual garages are not provided (Section 5.8);
- To exempt electric vehicle parking spaces for the RM.6-xx zone; whereas a minimum of 20% of the total required parking spaces are to be provided as electric vehicle parking spaces (Section 5.9(a));
- To permit 10% of the total required parking spaces be provided as designed electric vehicle parking spaces; whereas a minimum of 80% is required (Section 5.9(b)); and
- Notwithstanding the creation of property boundaries between units or common elements by registration of a plan of condominium or severance, the zoning regulations for development in the RM.6-xx zone shall be applied to the entirety of the block of land zoned RM.6-xx.

Proposed Development

The proposed development consists of 8 stacked townhouse blocks, containing a total of 136 units. The 4 stacked townhouse blocks facing Clair Road East (40 units) will include integrated rear garages for each unit which are accessed from the

internal private road and primary entrances and front porches facing Clair Road East. The 4 stacked townhouse blocks along the southerly portion of the site (96 units) will be traditional stacked townhouses with the primary entrances facing the internal street.

Access to the site is proposed on Clair Road East, directly across from Tolton Drive.

The proposed development contains a total of 198 parking spaces - 40 driveway parking spaces, and 40 garage parking spaces for the four stacked townhouse blocks facing Clair Road East, and 118 surface parking spaces (20 of which are proposed to be provided as visitor parking spaces, including 6 accessible parking spaces).

A centralized common amenity area is proposed internal to the site.

A portion of the existing two-storey stone dwelling (rear summer kitchen addition) is proposed to be demolished, along with the existing foundation. The remainder of the dwelling is proposed to be retained, conserved, and relocated to the central common amenity area, aligned with the site access on Clair Road East, atop a new foundation and is intended to be used for common amenity purposes.

The proposed site concept plan and building elevations are shown in Attachment-8.

Supporting Documents

The following information was submitted in support of the application:

- Cover Letter, prepared by MHBC Planning, dated June 5, 2023
- Community Engagement Summary, prepared by MHBC, dated July 14, 2023
- Site Plan, prepared by MHBC, dated May 2023
- Planning Justification Report, prepared by MHBC, dated May 2023
- Cultural Heritage Impact Assessment, prepared by MHBC, dated May 2023
- Urban Design Brief, prepared by MHBC, dated May 2023
- Tree Preservation Plan, prepared by NRSI, dated May 2023
- Traffic Impact Study, prepared by TraffMobility Engineering Inc., dated May 23, 2023
- Noise Impact Study, prepared by Stantec Consulting Ltd., dated May 16, 2023
- Geotechnical Investigation, prepared by Stantec Consulting Ltd., dated May 12, 2023
- Hydrogeological Investigation, prepared by Stantec Consulting Ltd., dated May 31, 2023
- Infiltration Testing Results (Hydrogeological Investigation Update Memorandum), prepared by Stantec Consulting Ltd., dated August 29, 2023
- Functional Servicing Report, prepared by Stantec Consulting Ltd., dated June 2023
- Due Diligence Soil Sampling Program (Memorandum), prepared by Stantec Consulting Ltd., dated May 11, 2023
- Phase 1 Environmental Site Assessment, prepared by Stantec Consulting Ltd., dated May 10, 2023

Staff Review

The review of these applications will address the following issues:

- Evaluation of the proposal for conformity and consistency with Provincial policy and legislation, the 2020 Provincial Policy Statement 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 proposed zoning, including the need for specialized regulations.
- Review of the proposal's land use compatibility with adjacent and established land uses.
- Review of the proposed site layout, built form, parking, pedestrian connections, cultural heritage resources conservation and site servicing.
- Review of supporting documents submitted with the development applications.
- Review how the proposed development addresses applicable sections of the Community Energy Initiative update.
- Review alignment with the City's Affordable Housing Strategy.
- Address comments and issues raised during the review of the application.

Once the applications are reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise Services with a recommendation will be considered at a future meeting of Council.

Financial Implications

Financial implications will be reported in the future staff recommendation report to Council.

Consultations

The owner held a virtual neighbourhood meeting on June 28, 2023 to inform the community about the proposed development and obtain feedback. A Community Engagement Summary, prepared by MHBC, dated July 14, 2023 has been included with this application.

The Notice of Complete Application and Public Meeting was mailed to local boards and agencies, City service areas and property owners within 120 metres of the subject lands on September 19, 2023. The Notice of Public Meeting was also advertised on the City of Guelph's website and in Guelph Today (City Information section) on September 21, 2023. Notice of the applications have also been provided by signage on the property, which was installed on September 29, 2023. All supporting documents and drawings received with the applications have been posted on the City's website.

Attachments

Attachment-1 Location Map and 120m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Official Plan Land Use Designation and Policies

Attachment-4 Existing Zoning – Zoning By-law (1995)-14864

Attachment-5 Existing Zoning - Zoning By-law (2023)-20790

Attachment-6 Proposed Zoning – Zoning By-law (1995)-14864

Attachment-7 Proposed Zoning - Zoning By-law (2023)-20790

Attachment-8 Proposed Site Plan and Building Renderings

Departmental Approval

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