

Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-68/23
Location: 485 Silvercreek Parkway North
Hearing Date: October 12, 2023
Owner: Kewin Holdings Inc. and 723488 Ontario Ltd.
Agent: John Cox, J L Cox Planning Consultants Inc.
Official Plan Designation: Service Commercial
Zoning Designation (1995)-14864: Specialized Highway Service Commercial (SC.2-15) Zone
Zoning Designation (2023)-20790: Service Commercial (SC) Zone

Zoning By-Law (1995)-14864 Requirements:

The By-law permits a variety of uses in the SC.2-15 Zone, but does not permit a day care centre use.

Zoning By-Law (2023)-20790 Requirements:

The By-law permits a variety of uses in the SC Zone, but does not permit a day care centre use.

Request:

The applicant is seeking relief from the requirements of both By-laws to permit a day care centre use as an additional permitted use on the subject property.

Staff Recommendation

Deferral

Comments

Planning Services

The subject lands are designated "Service Commercial" in the Official Plan. The "Service Commercial" land use designation permits a variety of service commercial uses as well as complementary uses such as small-scale offices, convenience uses, institutional and commercial recreation or entertainment uses. Policy 9.4.6.1 indicates that the intent of this designation is to provide a location for highway

oriented and service commercial uses that do not normally locate within the downtown because of site area or highway exposure needs. The proposed use provides a service which, though is not an intensive natured use, is suited for the subject lands due to the need for space to facilitate a day care. Policy 9.4.6.9 of the Official Plan outlines that the Service Commercial land use designation permits complementary uses provided they do not interfere with the overall form, function and development of the area for service commercial purposes. The proposed day care centre will not impact the form, function, or development of the existing service commercial uses and can provide a service to those working in and around the existing service commercial plaza. Therefore, the requested variances are considered to meet the general intent and purpose of the Official Plan.

The subject lands are zoned "Specialized Highway Service Commercial 2" (SC.2-15) according to Zoning By-law (1995)-14864, as amended. The "Specialized Highway Service Commercial" (SC.2.-15) Zone was created to recognize existing uses when the 1995 Zoning By-law was approved and dating back to the current building's construction on the subject lands. As such, a minor variance to Section 6.4.3.2.4.1 is requested by the applicant. The "Specialized Highway Service Commercial 2" (SC.2-15) Zone permits a variety of uses, including retail, service, and restaurant uses. Planning staff are of the opinion the day care centre use is compatible with the current specialized uses of the subject lands. Further, the standard "Highway Service Commercial 2" SC.2 Zone does permit a day care centre use.

The subject lands are also zoned "Service Commercial" (SC) in the Comprehensive Zoning By-law passed by Council on April 18th, 2023. The Service Commercial zone permits a day care centre use in a multi-unit building provided a main use is present in the building. As permitted retail and restaurant uses are also located in the building no variance to the 2023 Zoning By-law is required.

Staff are of the opinion that the proposed use is compatible with the existing and permitted uses on the subject lands. The requested variance conforms to the general intent and purpose of the 1995 Zoning By-law, is considered desirable for the appropriate development of the land and is minor in nature.

Planning supports the deferral recommendation until such time Engineering is satisfied and for the applicant to confirm the location of the outdoor play area and how that effects parking.

Engineering Services

The Guelph Noise Control Guidelines outline that a noise study will be required for any development of noise sensitive land uses that are within proximity to rail corridors and provincial highways or are adjacent to arterial roads. Engineering has reviewed the application and recommends deferral until such time that a Detailed Noise Study has been received, reviewed and accepted to the satisfaction of the General Manager/City Engineer.

Further, please be advised that bollards will need to be demonstrated on the design before final development application approval, to ensure that the outdoor play area is safely protected from vehicular traffic.

Building Services

The subject property is zoned Specialized Highway Service Commercial (SC.2-15) under Zoning By-law (1995)-14864, as amended and Service Commercial (SC) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. This building was built in 1976, prior to Site Plan Approval.

The applicant is proposing a day care on the property. The site specific SC.2-15 zone under the 1995 Zoning By-law does not permit a day care centre but the parent SC.2 zone does. The SC zone under the 2023 CZBL does permit a day care centre as a complimentary use on a property. That means that a main use in the SC Zone must also be within the commercial multi-unit building for a complimentary use to be permitted. A main use permitted is a restaurant, which is within one of the commercial mall units, therefore no variance to the 2023 CZBL is required.

The building is 3165 square metres in area as per City records. Under the 1995 ZBL a Service Commercial Mall requires 1 parking space per 16.5 square metres of gross floor area, which would be 192 parking spaces. Under the 2023 CZBL, a commercial multi-unit building requires 0 spaces for the first 500 square metres of gross floor area; plus 3.5 spaces per 100 square metres of gross floor area in excess of 500 square metres and 5,000 square metres; plus 2.5 spaces per 100 square metres of gross floor area in excess of 5,000 square metres, which would be 94 spaces.

There are approximately 92 spaces along the two frontages of the building. There are approximately 54 spaces around the back side of the building as marked today. Staff notes the existing parking layout is different than the submitted site plan. The loading area is also no longer shown today. A parking variance to the 1995 ZBL could be required for the day care centre play area depending on the size and location of the outdoor play area. The parking space count from the City approved building Site Plan, prior to Site Plan Approval, is legal non-conforming (LNC), but since parking is proposed to be reduced, it loses its LNC status. There is also concern where the play area will be located, as there is an existing drive aisle around the building between the parking spaces.

Note that a building permit will be required prior to any interior alterations or construction, at which time requirements under the Ontario Building Code will be reviewed.

Building Services supports the deferral recommendation until such time Engineering is satisfied and for the applicant to confirm the location of the outdoor play area and how that effects parking.

Comments from the Public

None

Contact Information

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