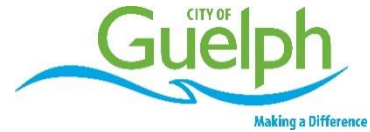


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: B-9/23
Location: 516 Imperial Road North
Hearing Date: October 12, 2023
(deferred at the July 13, 2023 hearing)
Owner: Hogg Fuel and Supply Ltd.
Agent: Chris Pidgeon, GSP Group
Official Plan Designation: Industrial
Zoning Designation (1995)-14864: Industrial (B.3) Zone
Zoning Designation (2023)-20790: Industrial (B) Zone

Request: The applicant proposes to sever a parcel of land with frontage along Imperial Road North of 58.5 metres and an area of 7,065.3 square metres. The retained parcel is proposed to have frontage along Imperial Road North of 51.23 metres and an area of 6,252.1 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Engineering Services

1. 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 that has been prepared in accordance with the City of Guelph's Development Engineering Manual.
2. 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 prepared in accordance with the City of Guelph's Development Engineering Manual.
3. 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 servicing plan that has been prepared in accordance with the City of Guelph's Development Engineering Manual.

4. That prior to the issuance of Certificate of Official, the owner(s) shall submit environmental reports in accordance with Appendix A of City's Guidelines for Development of Contaminated or Potentially Contaminated Sites to the satisfaction of the General Manager/ City Engineer.

Building Services

5. That the commercial parking lot be removed from the severed lands to the satisfaction of the Chief Building Official prior to the issuance of the Certificate Official.

Committee of Adjustment Administration

6. 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.
 7. 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.
 8. 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).
 9. 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 subject lands are designated "Industrial" in the Official Plan. Permitted uses in the "Industrial" land use designation include warehousing, laboratories, contractor's yards, and industrial uses that consist of the manufacturing fabricating, processing, assembly, and packaging of goods, foods, and raw materials.

The proposed severance will create a new industrial lot. The existing building on the retained lands is proposed to remain.

Policy 10.10.1 of the Official Plan outlines criteria to be considered when reviewing an application for Consent. 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.

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 will create one new industrial lot that will be developed for industrial uses in accordance with the "Industrial" land use designation of the Official Plan. The proposed severance will facilitate the redevelopment of an underutilized portion of the property.

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

The application is reasonable and supportable.

The proposed severed lands are zoned "Industrial" (B.3), and the proposed retained lands are zoned "Specialized Industrial" (B.3-6) according to the 1995 Zoning By-law. The subject property is zoned Industrial (B) according to the 2023 Comprehensive Zoning By-law.

The "retained" and "severed" parcels conform with the applicable Zoning By-law requirements in both By-laws. There are currently no existing or proposed structures to evaluate under the Zoning By-law on the proposed severed property. The existing commercial parking lot on the severed lands will be discontinued as a condition of the proposed application. Furthermore, the applicant proposes no changes to the retained parcel, existing structure, parking supply and configuration.

The site is over 0.2 hectares (0.5 acres) in size and therefore is regulated under the City's Private Tree By-law. In accordance with the City's Urban Forest Management Plan and City Urban Forest Policies within the Official Plan, the development should seek opportunities to retain existing trees. A Tree Inventory and Preservation Plan, undertaken by a qualified arborist, in accordance with the requirements of the City's Tree Technical Manual will be required prior to any works on site or development approvals (ie. Site Plan Approval). Please be aware that where preservation is not possible, as agreed to by the City, compensation is required either in the form of Cash in lieu or Replacement Trees, or a combination of the two

at the discretion of City staff. Cash in Lieu rates are set out in the Private Tree Bylaw, while Replacement Tree rates are set out in the Tree Technical Manual (TTM).

Planning staff are satisfied that the proposed severance meets the Consent policies of the Official Plan and subdivision criteria as outlined in Section 51(24) of the Planning Act and recommend approval of the application.

Engineering Services

Engineering has reviewed the requested consent application and recommends the above noted conditions.

Additional information will be received and reviewed through subsequent application(s) for development.

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

Building Services

The subject property is zoned Industrial (B.3) and Specialized Industrial (B.3-6) under Zoning By-law (1995)-14864, as amended and Industrial (B) under council approved Comprehensive Zoning By-law (2023)-2079, as amended. The applicant is proposed to sever the Industrial property into two parcels which meet zoning requirements. Any development proposal on the future parcels will require Site Plan Approval where zoning compliance will be achieved.

The existing commercial parking lot on the lands to be severed is not a permitted use under both zoning by-laws and will need to be removed prior to final approval of the severance.

Building Services supports Planning and Engineering's recommendations subject to the requested condition.

Comments from the Public

None

Contact Information

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