

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, December 12, 2023
Subject	Decision Report 331 Clair Road East Proposed Zoning By-law Amendment File: OZS23-007 Ward 6

Recommendation

1. That the application from MHBC Planning on behalf by the owner, 2488995 Ontario Ltd. (Reid's Heritage Homes partnership) for a Zoning By-law Amendment to change the current "Agricultural" (A-2) zone under the Township of Puslinch Zoning By-law 19/85, to a "Specialized Residential Townhouse" (R.3A-72 (H)) zone in the City of Guelph 1995 Comprehensive Zoning By-law (1995)-14864, as amended; and to change the current "Urban Reserve" (UR.1) zone, to a "Specialized Medium Density Residential 6" (RM.6-25 (H)) zone, in the City of Guelph 2023 Comprehensive Zoning By-law (2023)-20790, as amended, to permit the development of 8 stacked townhouse blocks comprising of 136 units on the lands municipally known as 331 Clair Road East and legally described as Concession 8 Rear Part Lot 11, formerly Township of Puslinch, City of Guelph, be approved in accordance with Attachment-3 of the Infrastructure, Development and Enterprise Services Report 2023-430, dated December 12, 2023.
 2. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 331 Clair Road East.
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Executive Summary

Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment to permit the development of 8 stacked townhouse blocks comprising of 136 units, on the lands municipally known as 331 Clair Road East.

Key Findings

Planning staff support the proposed Zoning By-law Amendment subject to the recommended zoning regulations and site plan conditions in Attachment-3.

Strategic Plan Alignment

The recommended Zoning By-law Amendment aligns with the priority of “Sustaining our Future” in the 2019-2023 Strategic Plan, and the priority of “Improve Housing Supply” in the 2024-2027 Strategic Plan.

The proposed development application is in 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 Official Plan’s vision is to plan and design an increasingly sustainable city as Guelph grows. A review of how the proposal is in conformity with the City’s Official Plan can be found in the Planning Analysis in Attachment-10.

Financial Implications

Estimated Development Charges: \$2,967,520 - \$3,996,768 (based on current rates)

Estimated Community Benefit Charge: Not applicable, development is under 5 storeys.

Estimated Annual Property Taxes: \$400,000 - \$500,000 (estimate only, actual number may vary)

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. The Statutory Public Meeting was held on October 17, 2023.

There have been no revisions to the submission materials since the application was received and deemed complete. The applicant, however, did propose some minor revisions to the specialized regulations further to comments raised at the Statutory Public Meeting.

To meet legislative requirements imposed by the Province through Bill 109, a decision on this application must be made by December 16, 2023, or a refund will be owed.

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 Designations 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 was presented to Heritage Guelph at their October 10, 2023, meeting. Heritage Guelph supported the Heritage Attributes as outlined in the associated staff report and recommended Council give notice of its intention to designate 331 Clair Road East. On November 21, 2023 Council authorized the City Clerk to publish and serve notice of intention to designate 331 Clair Road East under Part IV, Section 29 of the Ontario Heritage Act and to bring a designation By-law back before Council if no objections are received within the thirty (30) day objection period.

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-4.

Existing Zoning, Zoning By-law (1995)-14864

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 proposed Zoning By-law Amendment would have the effect of repealing the Township of Puslinch Zoning By-law as it applies to the subject lands and replace it with a new "Specialized Residential Townhouse" (R.3A-xx) zone, in the City of Guelph Zoning By-law (1995)-14864, as amended. The existing zoning in Zoning By-law (1995)-14864 is shown in Attachment-5.

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

The subject lands are zoned "Urban Reserve 1" (UR.1) in the City of Guelph Comprehensive 2023 Zoning By-law (2023)-20790, as amended. 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 in Zoning By-law (2023)-20790, as amended, is shown in Attachment-6.

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-72(H)) zone in Zoning By-law (1995)-14864, as amended, to permit a stacked townhouse development.

Several specialized regulations to the R3.A zone were requested for the proposed development, including:

- 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 (Sections 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.
- 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.

Planning staff recommend some modifications and additions to the requested regulations and recommend the following specialized regulations:

- Amend the definition of stacked townhouse for the R.3A-72(H) zone to align with the stacked townhouse definition included in the 2023 Zoning By-law.
- Reduce the required visitor parking to 14.5% of the calculated total required number of parking spaces, provided a minimum 28% of dwelling units contain both a driveway and individual garage; whereas 20% of the calculated total required number of parking spaces are to be provided for the use of visitors (Section 4.13.6).
- To require parking spaces be setback a minimum of 5 metres from the westerly side lot line and 3 metres from all other lot lines; whereas a 3 metre setback is required from all lot lines (Section 4.13.2.2).
- To require a building located within 70 metres of the front lot line be setback 5.5 metres from the westerly side lot line, or a distance equal to one-half the building height, whichever is greater (Section 5.3.2.2).
- A minimum parking space dimension of 2.75 metres by 5.5 metres (excluding any obstructions) within a garage; whereas a minimum dimension of 3 metres by 6 metres is required (Section 4.13.3.2.2).
- That the maximum ground floor area of all accessory buildings or structures shall be 115 square metres, and the maximum height of an accessory building or structure shall be two-storeys; whereas a maximum total ground floor area of 70 square metres and a maximum height of 3.6 metres is permitted (Sections 4.5.1.4 and 4.5.2.1).
- A Holding (H) provision be applied to the site until the applicant can:
 1. Determine the seasonal high groundwater elevation (SHGW) through an updated hydrogeological report to the satisfaction of the City Engineer/ General Manager which demonstrates the proposed infiltration structures meet the Ministry of Environment, Conservation and Parks (MECP) distance separation requirements from the SHGW, and basement elevations meet the separation distance from the SHGW as outlined in the City's Development Engineering Manual (DEM); and
 2. Provide an updated grading plan to the satisfaction of the City Engineer/ General Manager which demonstrates the site can achieve the requirements set out with the City's DEM, and still be serviced.

See Attachment-3 for the full details of the recommended specialized zoning regulations.

A review of the proposed zoning and specialized regulations to both Zoning By-law are included in the Staff Review and Planning Analysis in Attachment-10.

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 1" (UR.1) zone in Zoning By-law (2023)-20790, as amended, to a "Specialized Medium Density Residential 6" (RM.6-25(H)) zone to permit a stacked townhouse development.

Several specialized regulations to the RM.6 zone were requested for the proposed development, including:

- 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); whereas a minimum exterior side yard of 4.5 meters is required, and a minimum rear yard of 7.5m is required from private streets, back of curb or sidewalk or lot line (to the townhouse unit).
- 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)).
- 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.

Planning staff recommend some modifications and additions to the requested regulations and recommend the following specialized regulations:

- The minimum exterior side yard (townhouse unit) shall be 4 metres from back of curb of the internal private road, and the minimum exterior side yard (townhouse unit) from back of sidewalk shall not apply; whereas a minimum exterior side yard of 4.5 meters is required from private streets, back of curb or sidewalk or lot line (Table 6.19).
- The minimum rear yard (townhouse unit) shall be 6 metres from lot line, and the minimum rear yard (townhouse unit) shall be 5 metres from back of curb of the internal private road, and the minimum length from the outside wall of each garage door frame to back of curb of the internal private road shall be 6 metres; whereas a minimum rear yard of 7.5m is required from private streets, back of curb or sidewalk or lot line (Table 6.19).
- The required parking rate shall be a minimum of 1 parking space per dwelling, plus 0.145 visitor spaces per dwelling unit, provided a minimum of 28% of dwelling units contain both a driveway and individual garage; whereas a minimum parking rate of 1 space per dwelling, plus 0.2 visitor spaces per dwelling unit is required (Table 5.13, Row 17).

- To require secure bicycle parking spaces be provided at a rate of 0.5 spaces per dwelling unit where individual garages are not provided; 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), and to clarify that Sections 5.8.1 and 5.8.2 do not apply to secure bicycle parking spaces (Section 5.8).
- To require every parking space be setback 3 metres from the front lot line, rear lot line and easterly side lot line, and 5 metres from the westerly side lot line; whereas parking spaces are required to be located in an interior side or rear yard and be setback 3 metres from any lot line (Section 5.2.2(a)).
- To permit a maximum of 77% of the required parking spaces be permitted in surface parking areas; whereas a maximum of 75% of parking spaces are to be provided as surface parking spaces (Section 5.2.2(c)).
- A building located within 70 metres of the front lot line shall be setback 5.5 metres from the westerly side lot line, or a distance equal to one-half the building height, whichever is greater.
- No specialized regulation be applied to reduce the number of designed electric vehicle parking spaces required.
- The maximum ground floor area of all accessory buildings or structures shall be 115 square metres, and the maximum height of an accessory building or structure shall be two-storeys; whereas a maximum total ground floor area of 70 square metres and a maximum height of 4 metres is permitted (Sections 4.5.2 (a) and (b)).
- A Holding (H) provision be applied to the site until the applicant can:
 1. Determine the seasonal high groundwater elevation (SHGW) through an updated hydrogeological report to the satisfaction of the City Engineer/ General Manager which demonstrates the proposed infiltration structures meet the Ministry of Environment, Conservation and Parks (MECP) distance separation requirements from the SHGW, and basement elevations meet the separation distance from the SHGW as outlined in the City's Development Engineering Manual (DEM); and
 2. Provide an updated grading plan to the satisfaction of the City Engineer/ General Manager which demonstrates the site can achieve the requirements set out with the City's DEM, and still be serviced.

See Attachment-3 for the full details of the recommended specialized zoning regulations.

A review of the proposed zoning and specialized regulations to both Zoning By-law are included in the Staff Review and Planning Analysis in Attachment-10.

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-9.

Financial Implications

Estimated Development Charges: \$2,967,520 - \$3,996,768 (based on current rates)

Estimated Community Benefit Charge: Not applicable, development is under 5 storeys.

Estimated Annual Property Taxes: \$400,000 - \$500,000 (estimate only, actual number may vary)

Staff Review/ Planning Analysis

The staff review and planning analysis for these applications is provided in Attachment-10. The analysis addresses all relevant planning considerations. Final comments on the revised proposal from internal City departments and agencies are included in Attachment-12. The staff review and planning analysis addresses the following:

- Evaluation of the development proposal in accordance with the policies of the 2020 Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.
- Evaluation of the development proposal's conformity with the Official Plan.
- Review of the proposed R.3A zoning (1995)-14864, including the need for specialized regulations.
- Review of the proposed RM.6 zoning (2003)-20790, including the need for specialized regulations.
- Review of the proposal's land use compatibility with adjacent and established land uses.
- Review of built form 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.
- Review of land use planning comments and issues raised at the public meeting and all comments received from circulated agencies and members of the public.

Staff Recommendation

Planning staff are satisfied that the proposed Zoning By-law Amendment is consistent with the 2020 Provincial Policy Statement and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed Zoning By-law Amendment conforms to the objectives and policies of the Official Plan and the specialized zoning regulations are appropriate for the site. Planning staff recommend that Council approve the Zoning By-law Amendment subject to the specialized zoning regulations and proposed conditions to be imposed through a future site plan control application, as outlined in Attachment-3.

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 October 2, 2023. All supporting documents and drawings received with the applications have been posted on the City's website.

The Statutory Public Meeting was held on October 17, 2023.

On November 27, 2023, the Notice of Decision Meeting was sent to interested parties and members of the public who spoke at the Public Meeting, provided comments on the application, or requested to receive further notice. When a decision is made on the applications, the same interested parties and members of the public will receive further notification.

Final comments from local boards and agencies and City service areas are included in Attachment-12. A complete summary of public notifications and consultation is included in Attachment-13.

Attachments

Attachment-1 Location Map and 120m Circulation

Attachment-2 Aerial Photograph

Attachment-3 Recommended Zoning, Regulations and Conditions

Attachment-4 Official Plan Land Use Designations and Policies

Attachment-5 Existing Zoning – Zoning By-law (1995)-14864

Attachment-6 Existing Zoning – Zoning By-law (2023)-20790

Attachment-7 Proposed Zoning – Zoning By-law (1995)-14864

Attachment-8 Proposed Zoning – Zoning By-law (2023)-20790

Attachment-9 Proposed Site Plan and Building Renderings

Attachment-10 Staff Review and Planning Analysis

Attachment-11 Community Energy Initiative Commitment

Attachment-12 Departmental and Agency Comments

Attachment-13 Public Notification Summary

Departmental Approval

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