

# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: B-7/20 and B-8/20  
Location: 73 and 93 Arthur Street South  
Hearing Date: September 10, 2020  
(Deferred from August 13, 2020)  
Owner: 2278560 Ontario Inc.  
Agent: Charlotte Balluch, Fusion Homes  
Official Plan Designation: Future Park Policy B, Residential 2 – Downtown  
Secondary Plan  
Zoning: Specialized Residential (R.4B-15.3 and R.4B-15.4 (H))  
High Density Apartment Zones

**Request:** The applicant proposes the following:

### **File B-7/20 73 Arthur Street South (retained parcel):**

- a) The creation of a 617.5 square metre shared access easement over a portion of the retained parcel for a shared driveway required for fire route, loading access and turning radius in favour of the severed parcel (shown as parts 4, 5, 6 and 8 on the sketch).

### **File B-8/20 93 Arthur Street South (severed parcel):**

- a) to sever a parcel of land with frontage along Arthur Street South of 32.41 metres and an area of 5,855.5 square metres (shown as parts 7, 9, 10, 11, 14 to 19 on the attached sketch). The retained parcel will have frontage along Arthur Street South of 57.8 metres and an area of 5,463.1 square metres (shown as parts 1 to 6, 8, 12, and 13 on the sketch), and
- b) the creation of a 45.2 square metre shared access easement over a portion of the severed parcel for a shared driveway required for fire route, loading access and turning radius in favour of the retained parcel (shown as parts 10 and 11 on the sketch).

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## Staff Recommendation

### Approval with Conditions

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## **Recommended Conditions**

### **File B-7/20 73 Arthur Street South (retained parcel):**

#### **Committee of Adjustment Administration**

1. 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.
2. 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.
3. 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).
4. 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-8/20 93 Arthur Street South (severed parcel):**

#### **Committee of Adjustment Administration**

1. 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.
2. 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.
3. 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).
4. 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.

## **Parks Planning and Open Space**

5. The Owner shall be responsible for conveyance of River Square and public access easement to the City to the satisfaction of the Deputy CAO of Public Services or their designate, pursuant to s. 51.1 and s. 53(13) of the Planning Act and in accordance with the parkland dedication provisions under the development agreement registered on title to the property as Instrument No. WC428928 on March 13th, 2015, prior to the issuance of the Certificate of Official.
  6. The Owner shall be responsible to prepare and submit a Reference Plan depicting River Square according to the 'Schedule B' of the development agreement registered on title to the property as Instrument No. WC428928 on March 13th, 2015 for the City's approval to the satisfaction of the Deputy CAO of Public Services or their designate and register the City's approved Reference Plan and easement registered on title to the property in favour of the City prior to the issuance of the Certificate of Official.
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## **Comments**

### **Planning Services**

The subject lands are predominantly designated as 'Residential 2' with a small portion along the Speed River designated as 'Future Park Policy Area B' within the Downtown Secondary Plan. In addition to the policies of these land use designations, the Downtown Secondary Plan contains specific policies for the subject property. The subject lands are Zoned R.4B-15.3 and R.4B-15.4 (H) (Specialized High Density Apartment).

The subject lands contain a ten (10) storey apartment currently under construction (73 Arthur Street - Phase 3) as part of the larger 'Metalworks' mixed use development along with vacant and undeveloped lands as part of a future phase (93 Arthur Street - Phase 4). The applicant is requesting to sever the vacant portion from the portion of the lands under construction so that Phase 3 and Phase 4 are on separate and distinct properties. In addition to the severance, the applicant is also requesting several easements for access (i.e. fire route) and servicing purposes on both the severed and retained parcels.

Policy 10.10.1.2 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:

**a) That all of the criteria for plans of subdivision or condominium are given due consideration;**

Staff have reviewed the criteria for plans of subdivision and condominiums and are satisfied that the consent applications conforms to the policies.

**b) 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 Municipality;**

A plan of subdivision is not necessary for the subject property.

**c) That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands;**

The proposed severance and easements will allow the Metalworks mixed use development to be redeveloped as planned, consistent with the Urban Design Master Plan for the site.

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

Extensive public consultation was carried out through the Zoning By-law Amendment application on the subject property. In Planning staff's opinion, the proposed consent will help to implement the ultimate design vision for the site and is consistent with the development approved by Council through the Zoning By-law Amendment.

Staff are satisfied that the applications meet the Consent policies of the Official Plan and the criteria set out in Section 51(24) of the Planning Act.

Planning staff recommend approval of the applications.

### **Parks Planning and Open Space**

The Planning Act allows municipalities to request Parkland Dedication for subdivisions and consents for severance. The City of Guelph is requesting the River Square and Public Access Easements as parkland dedication as it was agreed upon by Fusion Homes and the City of Guelph through a development agreement.

Please see attached 'Schedule B' from the development agreement regarding the location of the easement, and Part IX - Park Dedication/Cash in Leu, clause 9.1(a) regarding the transfer of these easements to the City.

The City of Guelph already has the Riverwalk easement (Walkway Easement) registered on title in favour of the City. However, the easement over River Square and the Public Access easement is still outstanding. Parks Planning conditions provided earlier for the August 13, 2020 hearing have been revised and the previous condition #7 has been removed to allow the design of River Square to take place in conjunction with the last phase of River Walk and the fourth phase of Metal Works through City's site plan review process.

### **Engineering Services**

Engineering has no concerns with either of the applications. Please note that an engineering review on the property was completed under the site plan application SP19-028 amendment in 2019 (file SP19-028).

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

### **Building Services**

This property is located in the Specialized Residential High Density Apartment (R.4B-15.3) and (R.4B-15.4 (H)) Zones. The applicant is proposing to sever the

property and create a new lot as part of the multi-phase development known as the Metalworks. The vacant parcel proposed to be severed is phase 4 of the Metalworks development (to be known as 93 Arthur Street South) and the parcel being retained is phase 3. In addition to the new lot being created, several easements are being requested to provide fire route access, loading access, and turning radius between the two parcels.

Building Services does not object to this application.

### **Grand River Conservation Authority (GRCA)**

The Grand River Conservation Authority (GRCA) has no objection to the proposed consents. Please see attached report.

### **Comments from the Public**

Yes (See Attached)

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### **Contact Information**

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

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