



PLANNING RATIONALE

July 2023

Subject Address:

Units 36 & 37, 585 Hanlon Creek Boulevard,
Guelph, ON

1.0 Background

1.1 Introduction

Batory Management has been retained by Ged Smyth c/o DBL CRS Sim Lounge, as the planning consultant in support of a zoning by-law amendment application for 585 Hanlon Creek Drive, Units 36 & 37 (the 'subject site') in the City of Guelph, Ontario.

The subject site is located on the northeast corner of Downey Road and Hanlon Creek Boulevard, within the Hanlon Creek Business Park. The site is currently under construction which consists of five (5) two-storey employment buildings which includes a number of intended end-users including business and industrial related uses. Loading areas are placed internally, front-facing each building with visitor and employee parking surrounding the building facades.

The proposed Zoning Amendment seeks to expand the existing permitted uses within the Corporate Business Park Zones (BP-3 in By-law 2023 and B.5-3 in By-law 1995) to include the use of a Recreation Facility to accommodate a golf simulator. The new use is proposed to be contained within Unit #36 and #37 of 585 Hanlon Creek Boulevard, and will include a reception area, four (4) golf 'booths', an office, lounge, and washrooms.

This Planning Rationale Report provides an overview of the proposed development and a detailed rationale for the proposed Zoning By-law Amendment required to facilitate the proposed use of the subject site.



Figure 1 – Site Location

1.2 Surrounding Neighbourhood Context

The subject site is a 25,379 square metre irregular shaped parcel located within an employment area in south Guelph. The site has 97.4 metres of frontage on Hanlon Creek Boulevard with two points of access. The frontage of the site along Downey Road is 131.8 metres. The surrounding area is predominantly low-rise industrial and employment buildings, along with natural features on adjacent lands.

The subject lands are bound by the following:

- To the north: natural heritage lands and a stormwater management pond, Downey Trail, and further to the north are single detached dwellings.
- To the south: Hanlon Creek Boulevard and existing Business Park Uses.
- To the west: Downey Road and Agricultural Uses
- To the east: natural heritage lands, Downey Trail, and Business Park uses.



Figure 2 – Aerial Photo of site currently under construction (July 2023)

The immediate neighbourhood is a Corporate Business Park subdivision neighbourhood that is currently experiencing development with office and employment buildings being constructed organically on many of the individual parcels within the corporate business park.

1.3 The Subject Site: 585 Hanlon Creek Boulevard, Units 36 & 37

The subject site consists of five (5) two-storey employment buildings within a corporate business plaza which are currently under construction, as a site plan approval was recently approved for the development. Loading areas are placed front-facing each building unit with visitor and employee parking surrounding the facades. There are a total of 51 individual units, with the proposed location for the Golf Simulator being Units 36 and 37 in Block 3, highlighted in blue on Figure 3.



Figure 3 – Subject Site Plan - Proposal Identified in Blue



Figure 4 – Concept Development Rendering



Figure 5 – Concept Elevation Rendering



Figure 6 – Building Under Construction

2.0 Proposed Development

2.1 Proposed Development Summary

The proposal involves the expansion of permitted uses on the subject site to support the use of a Golf Simulator. No external changes are proposed to the Site or building to facilitate this new permitted use. The Golf Simulator will be located within Units #36 and #37 of the building and will include a reception area, four (4) golf ‘booths’, an office, lounge, and washrooms. Figure 7, below, illustrates the proposed layout for the new facility.

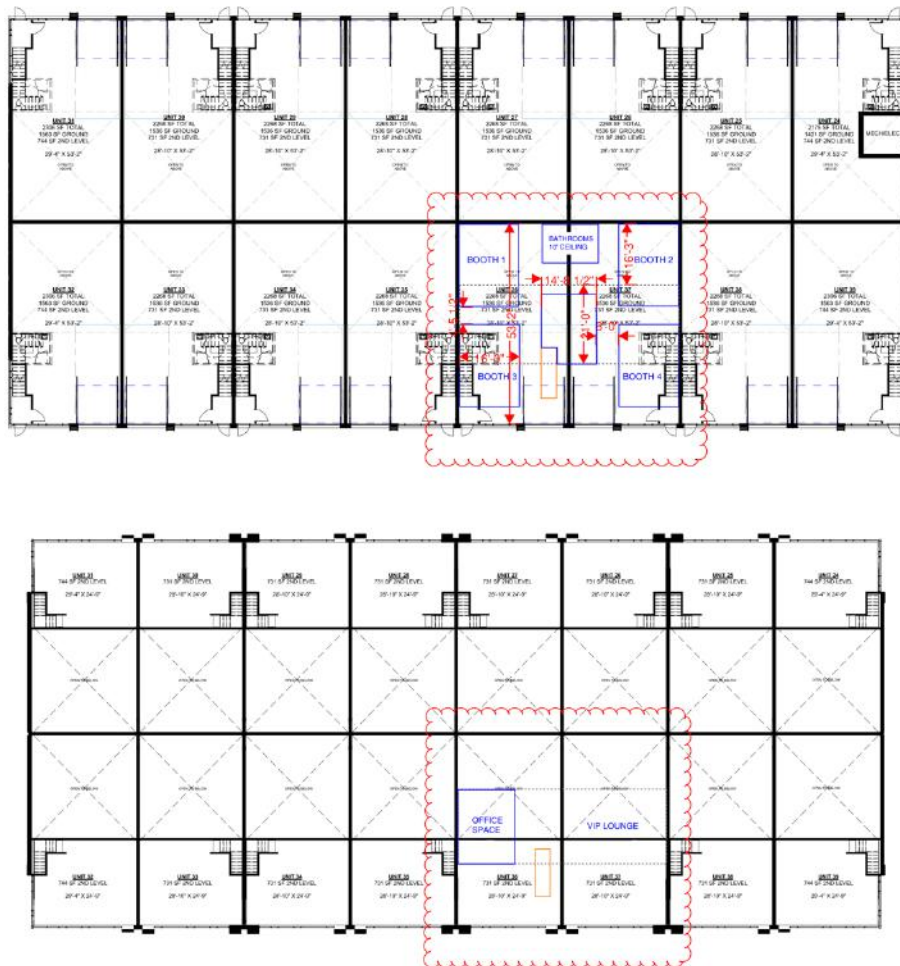


Figure 7 – First and Second Floor Plans

Vehicle access to the Units 36 and 37 parking area is located on the front side of Block 3, internal to the development. The loading area for the units is front facing to the building with a roll-up door. The food and supply partners associated with the golf simulator use are anticipated to deliver food to the unit via a single axel transit van or smaller, and delivery frequency is anticipated to be once a week. The technical data for this vehicle type has been provided as part of the development application.

2.2 Required Approvals

The proposal requires an amendment to the Corporation of the City of Guelph's Zoning Bylaws ((1995)-14864 and (2023)-20790 in order to introduce a Golf Simulator use as a new permitted use to the existing Corporate Business Park Zones (BP-3 in By-law 2023 and B.5-3 in By-law 1995), to allow for the recreation facility to be legally permitted as a complementary use. A draft Zoning By-law is attached to this Report as Appendix 'I'.

As no expansion or alterations to the gross floor area of the Site, nor any changes to the existing parking lot is proposed as part of the development, a Site Plan Application is not required to facilitate the introduction of a Golf Simulator as a new permitted use.

3.0 Review of Policy and Planning Framework

3.1 The Planning Act (2022)

The Planning Act RSO.1990 is the framework for all land use planning and development in the Province of Ontario and describes how land uses may be controlled, and who may control them. Generally, the Planning Act is intended to provide the basis from which municipalities may approve regulations related to land use development. As per Section 2 of the Act, decisions by a planning authority must be consistent with the Act and with the requirements listed in Section 2, in addition to policy statements issued under Section 3.

Section 2, Part 1 sets out matters of provincial interest, to be regarded by the Minister, council of a municipality, a local board, a planning board and the Tribunal. Matters applicable to the Proposal include:

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the minimization of waste;
- the appropriate location of growth and development;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities.
- the promotion of built form that is well-designed, encourages a sense of place; and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.
- adaptation to climate change.

Analysis:

The Proposed Development reflects the orderly development of safe and healthy communities by locating a new complementary business park use within an existing zoned, business park facility. The use will contribute to local employment and increase the diversity of the municipality's economy. The proposed Golf Simulator assists in climate change adaptation by utilizing a more sustainable approach to the sport that minimizes impact on land. The proposed use has regard for and contributes to the above noted matters of Provincial interest.

3.2 Provincial Policy Statement (2020)

On February 28, 2020, the Ministry of Municipal Affairs and Housing introduced an updated Provincial Policy Statement that came into effect on May 1, 2020. All decisions under the Planning Act, or that affect a planning matter within the Province, are required to be consistent with the new 2020 Provincial Policy Statement.

The Provincial Policy Statement (2020) (the 'PPS') provides direction on a wide range of matters of provincial interest relevant to land use planning and development to promote strong communities, a strong economy, and a healthy environment. The PPS includes policies regarding the efficient and wise use and management of land and infrastructure; protection of the built and natural environment; the development of sustainable and resilient complete communities that enhance health and social well-being; the growth of a variety of employment opportunities; the development of a mix of housing; open space and recreation opportunities; and transportation options intended to increase the use of active transportation and transit.

The following PPS policies are of particular relevance and importance to the development of the Site.

Policy 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development which may cause environmental or public health and safety concerns; and
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Policy 1.1.3.1 states that Settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 provides direction on the land use patterns within settlement areas are based on densities and a mix of land uses which:

- a) efficiently use land and resources; and
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.3.1 states that Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Policy 1.7.1 states that Long-Term Economic Prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness.

Analysis:

The proposed development will support long-term economic prosperity of the existing employment area and the site through the addition of the proposed Golf Simulator use. Increasing the number of compatible employment uses permitted on this site creates a more resilient and diversified employment area and local economy, and represents an efficient use of land.

3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan provides a strategic framework for managing growth and development within the Greater Golden Horseshoe. The new Growth Plan was prepared and approved under the Place to Grow Act, 2005 and took effect on May 16, 2019 replacing the 2017 Growth Plan. Amendment 1 to the Growth Plan for the Greater Golden Horseshoe 2019 was approved and took effect on August 28, 2020.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. Amendment 1 addressed potential barriers to increasing the supply of housing, creating jobs and attracting investments while maintaining the overarching objective of the continued support of the achievement of complete communities that are healthier, safer, and more equitable. Additionally, the newer Growth Plan (2020) policies prioritize the better use of land and infrastructure by directing growth through a hierarchy of settlement areas and promote infill opportunities and introduce Provincially

Significant Employment Zones as a means to enhance and protect economic opportunities within the region.

The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2020). The following Growth Plan (2020) policies are of particular relevance and importance to the development of the Site.

Section 1.2.1 of the Growth Plan (2020) outlines its Guiding Principles. Ones applicable to the proposed development include:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Section 2.2.1.2 provides policies that manage future growth and development with relevant policies to the proposed development including:

1. the vast majority of growth will be directed to settlement areas that:
 - i) have a delineated built boundary;
 - ii) have existing or planned municipal water and wastewater systems; and
 - iii) can support the achievement of complete communities;
2. within settlement areas, growth will be focused in:
 - i) delineated built-up areas;
 - ii) strategic growth areas;
 - iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
3. development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
4. development will be generally directed away from hazardous lands

Section 2.2.1.4 provides the policies which support the achievement of complete communities. Policies relevant to the proposal include:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and

The proposed development contributes to the achievement of the following Growth Plan (2020) economic development and competitiveness policies within Section 2.2.5.1:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;

- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Section 2.2.5.12 introduces the framework for the identification of provincially significant employment zones and stipulates that the Minister can provide specific direction for planning in those areas to be implemented through appropriate official plan policies and designations and economic development strategies.

The Growth Plan (2020) defines Provincially Significant Employment Zones (“PSEZ”) as “Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. Provincially significant employment zones can consist of employment areas as well as mixed-use areas that contain a significant number of jobs.”

These protected areas were introduced by the Province to ensure important employment areas that cannot be converted prior to the municipal comprehensive review without a more comprehensive assessment approved by the province to ensure that the basis of a regional economic development will continue to drive job growth and prosperity across the region. The subject site falls within the PSEZ as shown in the figure below.

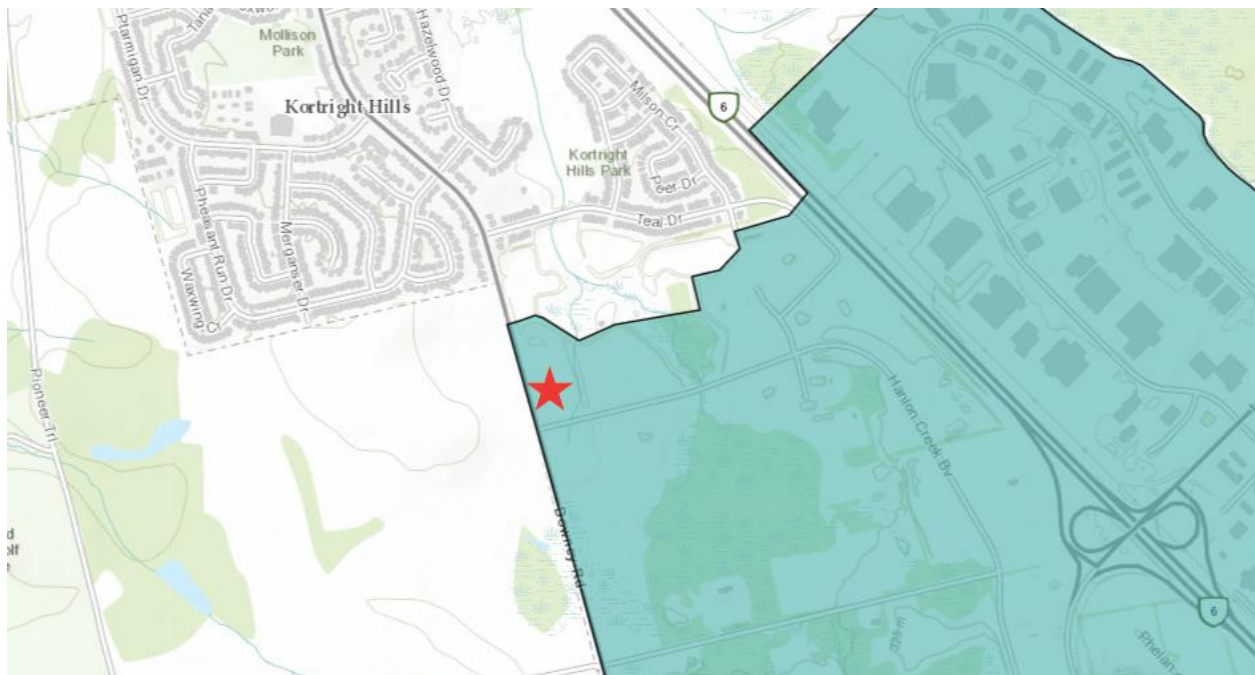


Figure 7 – Subject Site – PSEZ Limits

Analysis:

The Proposed Development implements the Growth Plan's policies and directions by allowing additional economic and employment opportunities within the settlement area and a PSEZ. The introduction of a Golf Simulator use supports the needs of surrounding residents and businesses as it provides on-site complementary uses and supports the achievement of more complete communities via a diversified, resilient local economy.

The proposed recreation facility represents an efficient use of land, utilizing existing municipal servicing connections to expand the economic activity and diversity of uses on this employment site.

The proposed Golf Simulator is consistent with goals and objectives related to climate change, by utilizing a more sustainable approach to the sport.

Lastly, as no site alterations or development is occurring as part of the proposal, the protection of the adjacent natural heritage and hydrologic features is maintained.

3.5 City of Guelph Official Plan (2022 Consolidation)

The Official Plan is the City's primary land use planning document that expresses the goals and objectives for the community. The Official Plan is a future oriented document that sets out a course for the desired development of Guelph to 2031. It recognizes that future objectives can only be achieved through a strategic vision, policies and actions. Ultimately, the Official Plan establishes a framework to retain and improve the quality of life for residents of the City of Guelph.

Section 1 of the Official Plan includes an introduction to the Plan, which includes an outline the purpose of the Official Plan in Section 1.1 which states as follows:

The Official Plan:

- a) Establishes a vision, guiding principles, strategic goals, objectives and policies to manage future land use patterns that have a positive effect on the social, economic, cultural and natural environment of the city.
- b) Promotes long-term community sustainability and embodies policies and actions that aim to simultaneously achieve social well-being, economic vitality, cultural conservation and enhancement, environmental integrity and energy sustainability.
- c) Promotes the public interest in the future *development* of the city and provides a comprehensive land use policy basis which will be implemented through the *Zoning By-law* and other land use controls.
- d) Guides decision making and community building to the year 2031.

Section 2.2 of the Official Plan outlines the strategic goals of the Plan, which include the following:

1. Planning a Complete and Healthy Community

- a) Utilize an interdisciplinary approach to planning whereby decisions are made with an understanding of the ecological, social, cultural and economic interrelationships and implications for any particular course of action.
- b) Ensure an appropriate range and mix of employment opportunities, local services, community infrastructure, housing including affordable housing and other land uses are provided to meet current and projected needs to the year 2031.
- c) Provide for urban growth and land use patterns that ensures efficient use of public expenditures and municipal financial sustainability over the long term.
- d) Ensure that development is planned to meet the goals, objectives and policies of this Plan.
- e) Encourage steady and diverse economic growth while striving to achieve a balanced tax assessment ratio and a wide range of employment opportunities.
- f) Promote opportunities for employment in the emerging high-tech "knowledge based" sectors including environmental management and technology and agri-food technology.
- g) Foster sustainable local food systems.
- h) Preserve and enhance a safe, liveable and healthy community.

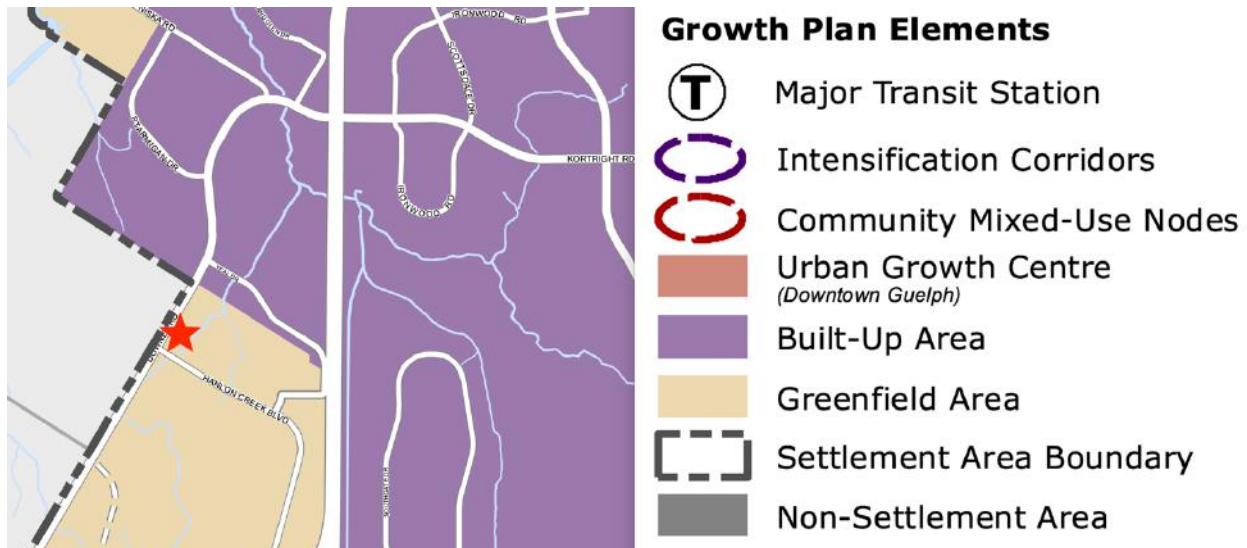


Figure 8 – City of Guelph Official Plan – Schedule 1: Growth Plan Elements

2. Protecting what is Valuable

- a) Ensure that land use planning provides for a diverse and inclusive city.
- b) Protect, maintain, enhance and restore *natural heritage features* and functions and biodiversity of the City's Natural Heritage System to the greatest extent possible and support linkages between and among such systems and features within the city and beyond.

4. Municipal Services

- a) Direct *development* to those areas where full municipal services and related *infrastructure* are existing or can be made available, while considering existing land uses, natural heritage systems, *development* constraints, fiscal sustainability, *development* costs and related factors.

- b) Protect, maintain, enhance and sustainably manage the finite *groundwater* and surface water resources that are needed to support the City's existing and planned growth and natural systems.
- c) Promote the effective management of waste to ensure protection of the natural and built environment.

Section 3 of the Official Plan speaks to planning for a complete and healthy community, and includes the following objectives that are noteworthy for the proposed use:

- d) To maintain a healthy mix of residential and employment land uses at approximately 57 jobs per 100 residents;
- e) To maintain a strong and competitive economy by preserving existing employment areas and identifying areas for future employment uses.

Section 3.1.1 speaks to planning for a complete and healthy community with the focus on the achievement of a well-designed, compact, vibrant city that provides convenient access to:

- i) An appropriate mix of employment opportunities
- iii) local services and community infrastructure including affordable housing, schools, recreation and open space.

Section 3.12 speaks to employment lands within the City, and states as follows:

As part of fostering a complete and healthy community, the City shall promote economic development and competitiveness and ensure that there is an adequate supply of land for a variety of employment uses to accommodate the forecasted growth of this Plan by:

- ii) providing for an appropriate mix and range of employment uses including industrial commercial, and institutional uses to meet long term needs
- iii) providing opportunities for diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses;
- iv) planning for, protecting, and preserving employment areas for current and future uses.

Section 9 of the Official Plan establishes the objectives, policies and permitted uses for each of the land use designations noted in the Official Plan.

Section 9.5 provides the employment designations and land use polices, with the following objectives that apply to all employment designations:

- a) To ensure that necessary *infrastructure* is provided to meet current and future employment needs when required.
- b) To ensure all *employment areas* are accessible and well served by transit, trails and sidewalks.
- c) To require high urban design standards in accordance with the Urban Design policies of the Plan, particularly adjacent to arterial and collector roads and provincial highways.

- d) To encourage renewable and alternative energy, *district energy* and to achieve conservation or efficiencies of energy and water within and between employment uses and, where possible, surrounding land uses.
- e) To increase the overall density of jobs and promote efficient use of land through compact built form, increased height and reduced building footprints.
- f) To support a range and mix of employment uses that will contribute to higher employment densities and the achievement of the minimum overall *density target* of 50 persons and jobs per hectare in the *greenfield area*.

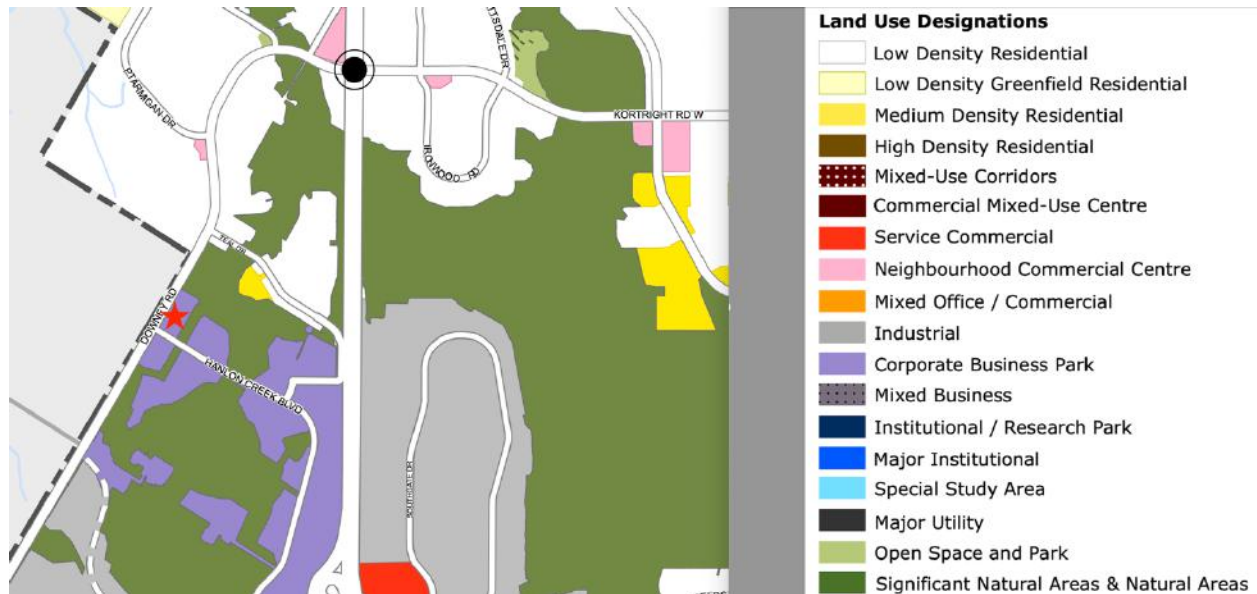


Figure 9 – City of Guelph Official Plan – Schedule 2: Land Use Plan

As noted on Schedule 2 of the Official Plan, the subject site is designated as Corporate Business Park. Section 9.5.3 of the Official Plan states the following which pertains to the Corporate Business Park land use:

Objectives

- a) To provide lands which can be used for office, administrative and/or research and development facilities.
- b) To permit a limited range of commercial uses that serve employment uses.
- c) To outline *development* criteria that will promote the sensitive integration of corporate business uses at the gateways to Guelph.
- d) To ensure that *development* is sensitive to adjacent Natural Heritage System and designated residential areas.
- e) To require high urban design standards to ensure attractive and consistent built form.
- f) To encourage the use of renewable and alternative energy within Corporate Business Parks.

Policies

1. The Corporate Business Park designation on Schedule 2 of this Plan is intended to provide areas where employment opportunities can be provided in the “knowledge- based” technology field.

2. High standards of urban design and built form will be required for *development* proposals within the Corporate Business Park designation, which shall recognize and address:
 - i) The prominent of the Corporate Business Park in association with the southern gateway locations to Guelph;
 - ii) The environmental sensitivity of natural heritage features that are found in proximity to the Corporate Business Park lands; and
 - iii) The need to promote compatibility in land use and design between the Corporate Business Park lands and residential uses in the south end of Guelph.
3. *Development* proposals within the Corporate Business Park designation will be subject to the Urban Design policies of this Plan including gateway policies.
4. Buildings should have a consistent setback from the public right-of-way to create an attractive and consistent streetscape. The implementation of this provision is particularly applicable along arterial and collector roads.
5. Building elements and/or landscaping should be used to screen views to parking and loading areas facing a public street.
6. Where Corporate Business Park and residential uses are in proximity to one another, the City shall require appropriate planning/land use controls to enhance *compatibility* between these land use types in accordance with the Ministry of the Environment guidelines. Measures that can assist in enhancing *compatibility* include but are not limited to minimum separation distances, sound proofing, odour and particulate control, landscaping and berming. Such measures will be implemented through means of the *Zoning By-law*, Site Plan Control, and/or the use of urban design guidelines.

Permitted Uses

9. The following uses may be permitted in the Corporate Business Park designation subject to the applicable provisions of this Plan:
- I) Office and administrative facilities;
 - II) Manufacturing
 - III) Warehousing;
 - IV) Hotel and convention facilities;
 - V) Research and development facilities;
 - VI) Associated ancillary retail uses that are an integral component of the primary uses; and
 - VII) Complementary or accessory uses may be permitted. Such uses may include restaurants, financial institutions, medical services, fitness centres, open space and recreation facilities and child care centres.

Although the Corporate Business Park designation includes urban design policies, it is the opinion of Batory Management that the proposal is exempt from this section as it does not propose any external modifications to the existing building or site which is currently under construction and recently received site plan approval.

The subject site is not part of an identified secondary plan area, nor is it subject to any site-specific special provisions found within the Official Plan.

The Subject Site is adjacent to a Natural Heritage System as illustrated on Schedules 3 and 4. Downey Road is also identified as Arterial Road while Hanlon Creek Boulevard is identified as a Collector Road on Schedule 5.

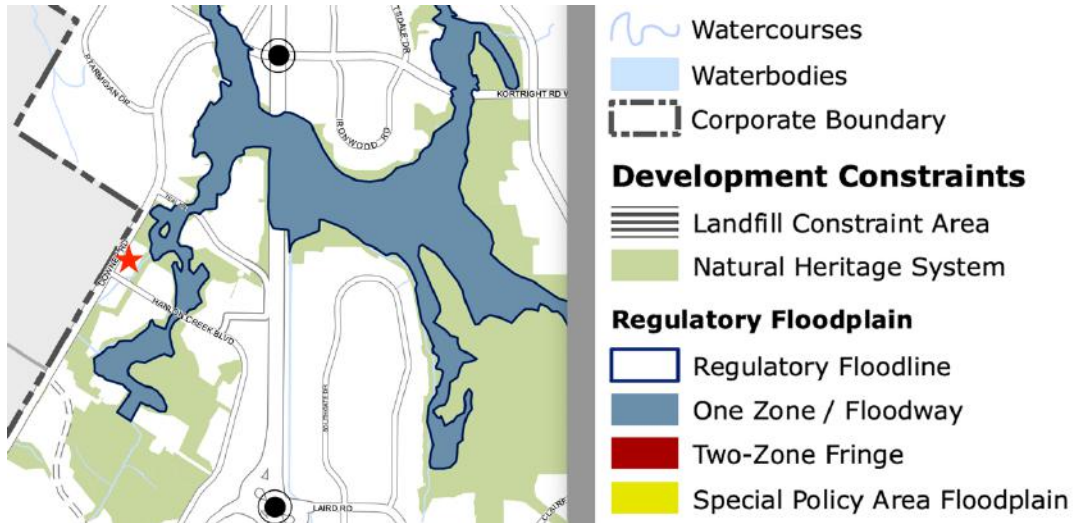


Figure 10 – City of Guelph Official Plan – Schedule 3: Development Constraints

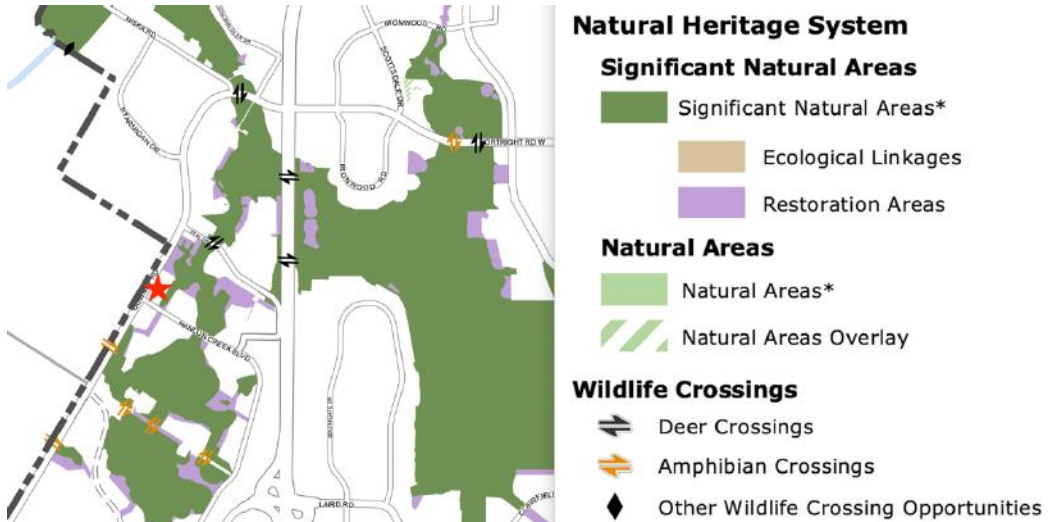


Figure 11 – City of Guelph Official Plan – Schedule 4: Natural Heritage System



Figure 12 – City of Guelph Official Plan – Schedule 5: Road and Rail Network

Analysis:

The Proposed Development will help achieve the City's vision for community that balances the needs economic vitality and social well-being, while providing for a mix of employment opportunities as the recreation use will service both existing residents in the City and complement existing employment within the Corporate Business Park. The proposed use on the subject site will further provide for diverse economic growth and a wider range of employment opportunities, consistent with the policies of the Plan.

The proposed additional uses on the site are within an existing multi-unit building under construction on the site, which protects and maintains existing adjacent natural heritage features and functions of the City's Natural Heritage System to the greatest extent possible. The proposed development is also located on a site which provides for full municipal services.

Consistent with Section 3 of the Plan, the proposed development provides for a healthy mix of employment land uses, and further preserves the existing employment area, while also providing convenient access to local services and recreation uses.

As per the policies under section 9.5 of the Plan, the proposed development is well served by existing infrastructure, transit, trails and sidewalks. The proposed development is located on a site which was recently approved through a site plan application to the City, and the site incorporates high urban design standards, notwithstanding that no exterior changes are proposed to the building as part of the subject application. Further, the proposed development supports a range and mix of employment uses that will contribute to higher employment densities and the achievement of the minimum overall *density target* of 50 persons and jobs per hectare in the *greenfield area*.

The proposed Golf Simulator Use will be located within the Corporate Business Park designation which is intended to permit a limited range of commercial uses that serve the employment uses, consistent with Policy 9.5.3.b). The proposed development is limited to occupying units 36 and 37 on the site, which allows for the sensitive integration of the use to the site, at a gateway to the City.

Consistent with Section 9.5.3.9 of the Official Plan which outlines the permitted uses of the Corporate Business Park land use designation, the proposed Golf Simulator (Recreation Facility) use is a complementary use to the primary permitted land uses in noted in the Plan.

Of note, Policy 4.7.3.1.2 allows for areas adjacent to arterial road such as this Site to have the inclusion of Prestige Industrial uses, without amendment to the Official Plan.

As the proposed development does not include any site or building alterations, no impacts to the adjacent natural heritage system and other areas of natural and scientific interest are expected. Further, the urban design requirements of the official plan are also not applicable.

3.6 City of Guelph Zoning By-laws

On April 18, 2023, City Council approved the new Zoning By-law (2023)-20790. Zoning By-law (2023)-20790 is currently under appeal, and as such applications made during the appeal period must amend both Zoning By-laws, (1995)-14864 and (2023)-20790.

Zoning By-law (1995)-14864

The subject site is zoned *B.5-3 – Hanlon Creek Business Park Zone*, under Zoning By-law (1995)-14864. This zone is part of the Specialized B.5 Zones within the Zoning By-law.

The zoning on the subject site does not permit a Recreation Facility (Golf Simulator) use, but does allow a range of other employment uses including: Commercial School, Computer Establishment, Laboratory, Mall, Manufacturing (entirely within a Building), Medical Clinic, Medical Office, Office, Post Secondary School, Print Shop, Research Establishment, Warehouse. The Zoning By-law for the Hanlon Business Park zone also includes a number of prohibited uses, none of which list a recreation use.



Figure 15 – Zoning By-law (1995)-14864 Map

While Accessory uses such as a recreation facility is not currently permitted in the B.5.3 Zone, it is noteworthy that accessory uses in the parent ‘B’ Zone are typically limited to ‘not more than 25% of the Building floor area shall be Used for any Accessory Use permitted in a B Zone.’

Section 4.23.1 states: Every Accessory Use shall be located in the same Building or Structure as the permitted Use to which it is devoted and shall not occupy more than 25% of the Gross Floor Area of the said Building or Structure. The By-law further defines "Accessory Use" as follows: means a Use that is subordinate, incidental and exclusively devoted to a Use permitted under this By-law for any specific Place and Zone.

Zoning By-law (2023)-20790

The subject site is zoned *BP-3 – Site-Specific Corporate Business Park Zone*, under Zoning By-law (2023)-20790.

The zoning on the subject site does not permit a Recreation Facility (Golf Simulator) use, but does allow a range of other employment uses including: Accessory use, Computer establishment, Manufacturing (entirely within a building), Medical clinic, Office, Print or publishing establishment, Research and development establishment, School, commercial, School; post-secondary, Warehouse (entirely within a building).

The Zoning By-law for the Corporate Business Park zone also includes a number of prohibited uses, none of which list a recreation use.

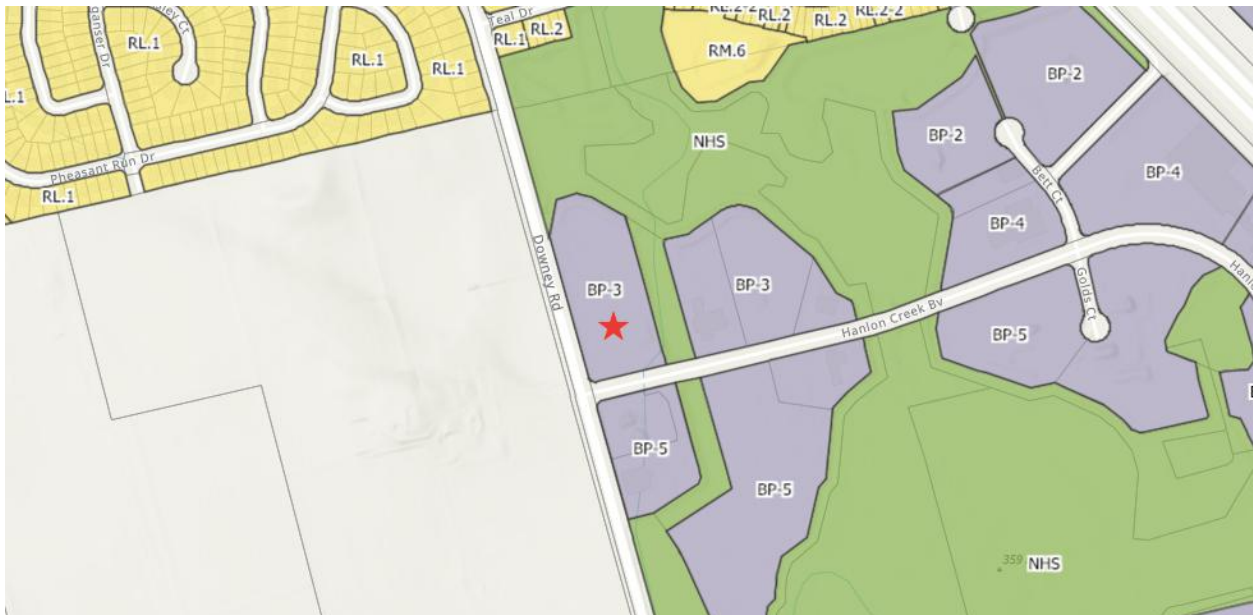


Figure 16 – Zoning By-law (2023)-20790 Map

Section 4.21(b) of the Zoning By-law states:

(b) Every accessory use shall be located in the same building or structure as the permitted use to which it is devoted and shall not occupy more than 25% of the net floor area of the said building or structure.

Further Section 10.3.3(d) states: (d) Accessory uses must be contained within the building of the primary use or, unit of the primary use when in a multi-unit building.

The By-law defines an Accessory use as: means a use that is subordinate, incidental and exclusively devoted to a permitted use.

Further, Multi-unit building: means a building or group of buildings which are planned, developed, managed and operated as a unit in which each building contains two or more units or spaces for lease or occupancy.

Analysis:

The new proposed permitted use of a Recreation Facility (Golf Simulator), which is limited to units 36 and 37 of the existing multi-unit building, assist in implementing the permitted complementary uses that are noted in the Official Plan Corporate Business Park polices.

While the proposed additional uses are not explicitly accessory uses as defined in the applicable Zoning By-laws, the intent is maintained as a complementary use within an existing multi-unit building which is permitted by the Official Plan policies. In this instance, the proposed development would be permitting a complimentary use within a multi-unit building with less than 25% of the total area within the multi-unit building being occupied for the use, as intended by the accessory use polices of the By-law.

The proposed Recreation Facility (Golf Simulator) Use occupies a total of 4,536 square feet in units 36 and 37 of Block 3, which is a total 12.5% of the floor area of this multi-unit building. Further, the proposed use occupies a total of 3.8% of the total floor area of all buildings on the subject site.

It is further noted that the balance of users and tenants on the site include medical uses, offices, technology and research uses, among others. As such, the proposed recreation use proposed through this application is intended to complement the greater corporate business park uses and will not negatively impact the intent of the business park. The proposed recreation facility use is subordinate to the primary uses intended for the corporate business park as well as the uses that are planned for the subject site.

The proposed use does not conflict with any permitted use within the business park zone, and as such, the intent and purpose of the Business Park Zones are maintained through the addition of this new permitted use.

3.7 Grand River Conservation Authority

The Subject Site falls within the regulated area of the Grand River Conservation Authority (“GRCA”), which is the Conservation Authority responsible for managing watershed resources on behalf of 38 municipalities and close to one million residents of the Grand River watershed.



Figure 17 – GRCA Regulated Area Mapping

As part of the review for the proposed Zoning By-law Amendment, GRCA will assess the consistency of the inclusion of recreation facility as a new permitted use against all applicable natural heritage and hazard planning policy.

As the subject site is adjacent to the regulatory limits, however the natural heritage features are predominantly outside of the boundaries of the Site. Since the development proposal does not consider any future site alteration, no further natural heritage analyses are required at this time.

Based on their analysis of the information provided, and that no redevelopment of the site is required to accommodate this use, no impact to the adjacent natural heritage features are contemplated through the proposed zoning by-law amendment.

4.0 Evaluation of the Proposed Zoning By-law Amendment Application

4.1 The Application is Consistent with Provincial Policy

When considering applications under the Planning Act, municipal authorities must consider matters of Provincial Interest. The proposed Zoning By-law Amendment is consistent with the purpose of the Planning Act as it supports the efficient use of land and infrastructure; the orderly development of safe and healthy communities; and provides for growth and development to appropriate locations.

The Proposal supports the vision of the PPS for “*strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy*” for the following reasons:

- The proposal is located on a serviced site which is planned for employment growth, within the existing urban area making efficient use of land and existing infrastructure;
- The proposal contributes to efficient development and supporting the existing land use pattern of the subject site through the introduction of a new employment use which will further sustain the financial well-being of the Province over the long term by contributing to the economic vitality of the subject site, the surrounding business park area and the City of Guelph.

The proposal has been reviewed and evaluated against A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (the “Growth Plan”). It is my opinion that the additional new permitted use is consistent with the Growth Plan as it contributes to:

- the appropriate location of employment development and growth by capitalizing on new economic and employment opportunities within an established PSEZ
- achievement of Complete Communities by further expanding the range and mix of employment uses
- more resilient communities by adapting new technology to a recreation use that reduces greenhouse gas emissions

It is my opinion that the proposed development is consistent with the Planning Act (2022), Provincial Policy Statement (2020) and the Growth Plan (2020) and represents good planning.

4.2 The Application is Consistent with the City of Guelph Official Plan

The proposed new permitted use further expands the existing employment related uses on the subject site helping the City of Guelph achieve the policies set out in the Official Plan through:

- facilitating growth within the Urban Area
- the contribution of a more diverse set of uses that balances the needs of growth in population and employment.
- maximizing the employment potential of the site by attracting new businesses within an existing corporate business park area within the City of Guelph
- the promotion of new more sustainable technology
- reutilization of an existing approved built form with no site development therefore limiting impact on the adjacent Key Natural Heritage Features.

4.3 The Application Meets the Intent of the City of Guelph Zoning By-laws (1995)-14864 and (2023)-20790

Overall, the new proposed permitted use, Recreation Facility (Golf Simulator), is complementary use to other permitted uses within the Business Park Zones and will support the primary intended uses within the business park, and further implements the policies of the Official Plan. The addition of the recreation use is subordinate to the balance of uses that are planned for the site, and the use occupies a total of 3.8% of the total floor area of all buildings on the subject site.

A Recreation facility is an appropriate use for an existing business park zone category, and it is Batory Management’s opinion that the intent and purpose of the *BP-3 – Site-Specific Corporate Business Park Zone*, as well as the *B.5-3 – Hanlon Creek Business Park Zone* is maintained through the addition of this new permitted use.

5.0 Planning Conclusion

It is my opinion that the proposed Zoning By-law Amendment is consistent with and conforms to the applicable provincial and municipal land use planning policies and represents good land use planning.

The proposal is within an existing Provincially Significant Employment Area and is well located for the expansion of new employment uses and will contribute to the longevity of the employment area and the City as a whole. The proposed new use of Recreation Facility is compatible with the surrounding land uses and will provide the City’s residents and employment users with access to more recreation services. As no site construction or exterior building alterations are being proposed as part of the development, the protection of the environmental features abutting the site are maintained. The proposed recreation facility expands the diversity of employment uses within the City of Guelph, supporting economic activity and diversity while increasing the City’s overall economic resilience.

It is my opinion that the proposed Zoning By-law Amendment is consistent with the relevant planning policy framework at the provincial, regional, and local levels, is in the public interest, and represents good planning.

Respectfully submitted by,



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