

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-8/17
LOCATION: 1229 Victoria Road South
DATE AND TIME OF HEARING: August 24, 2017 at 4:00pm
OWNER: Westminister Woods Ltd.
AGENT: N/A
OFFICIAL PLAN DESIGNATION: General Residential & Neighbourhood Centre
ZONING: Agriculture (A)

REQUEST: The applicant proposes to sever a parcel of land with frontage along Victoria Road South of 72.68 metres and an area of 9.870 square metres. The retained parcel will have frontage along Clair Road East of 27.05 metres and an area of 3,494 square metres.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

PLANNING SERVICES

1. That the R.4A-51 zoning and NC zoning, as approved by Council on July 19, 2016 under By-law (2016)-20079 be in effect and certified to be final by the City Clerk for the subject lands, prior to issuance of the Certificate of Official.
2. That the City's Program Manager of Zoning confirm in writing that any Holding symbols attached to the R.4A-51 zoning and NC zoning are removed and/or not in effect, prior to issuance of the Certificate of Official.

COMMITTEE OF ADJUSTMENT ADMINISTRATION:

3. 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.
4. 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.
5. 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)

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which can be forwarded by email (cofa@guelph.ca).

6. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures 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.

COMMENTS

PLANNING SERVICES:

The subject lands are partially designated "General Residential" (approximately eastern 2/3), and partially "Neighbourhood Centre (4650m²)" (approximately western 1/3) in the City's Official Plan. The proposed lot line between the severed and retained portions will roughly follow the division between these two land use designations.

The subject property is currently zoned "Agricultural" in the Township of Puslinch Zoning By-law 19/85, as last amended by Township of Puslinch By-law 24/92. A Zoning By-law Amendment (File: ZC1507) to rezone the subject lands from the "Agricultural" Zoning to a "Specialized General Apartment Zone" (R.4A-51(H)) with a Holding symbol and "Neighbourhood Commercial" (NC(H-31)) with a Holding symbol was approved by Council on July 19, 2016. This Zoning By-law Amendment was subsequently appealed to the Ontario Municipal Board (OMB), particularly in relation to the Holding (H) symbols. The H symbols were placed on the zoning by Council to ensure that required infrastructure, particularly required road improvements were secured and committed to the satisfaction of Engineering staff, prior to the development of the subject lands. The appeal (Case No. PL160859) is still before the OMB and as such, the zoning remains "Agricultural".

The City and the applicant have advised the OMB that they are close to a settlement of the Appeal.

Policy 9.9.2 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 applications:

a) That all of the criteria reviewed as a component of subdivision control, as noted in subsection 9.8 are given due consideration;

Staff have reviewed subsection 9.8 of the Official Plan and are satisfied that the applications conform to the policies, provided the final Zoning as approved by Council on July 19, 2016 is in place and the conditions contained in Attachment 4 to Report 16-36, as adopted by Council, are implemented through a site plan control agreement or a development agreement.

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 lands. Both the "severed" and "retained" parcels have frontage on public streets.

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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 will support the eventual development of a multiple residential apartment building and a neighbourhood commercial mall on separate properties and will be in line with the approved Official Plan designations for the subject lands. Final approval of the Zoning By-law Amendment (2016)-20079, currently before the OMB, and the removal of the Holding (H) symbol would still be required before the proposed development can occur.

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

The proposed severance is considered to be appropriate and supportable.

In Planning staff's opinion, the proposed severance meets the subdivision criteria outlined in 51(24) of the *Planning Act* and Consent criteria of the Official Plan. The proposed severance represents an orderly division of land. Staff recommend approval of the consent application, subject to the above noted conditions.

ENGINEERING SERVICES:

The subject property is currently zoned "Agricultural" in the Township of Puslinch Zoning By-law 19/85. A Zoning By-law Amendment (File: ZC1507) to rezone the subject lands from the "Agricultural" Zoning to a "Specialized General Apartment Zone" (R.4A-51(H)) with a Holding symbol and "Neighbourhood Commercial" (NC(H-31)) with a Holding symbol was approved by Council on July 19, 2016. This Zoning By-law Amendment was subsequently appealed to the Ontario Municipal Board (OMB), particularly in relation to the Holding (H) symbols. The H symbols were placed on the zoning by Council to ensure that required infrastructure, particularly required road improvements were secured and committed to the satisfaction of Engineering staff, prior to the development of the subject lands. The appeal (Case No. PL160859) is still before the OMB and as such, the zoning remains "Agricultural".

The applicant is proposing to sever the vacant property to create a new residential lot. The severed parcel is proposed to contain a 100 unit apartment building subject to site plan approval. The applicant proposes to sever a parcel of land with frontage along Victoria Rd South of 72.68 metres and an area of 9870 square metres. The retained parcel will have frontage along Clair Road East of 27.05 metres and an area of 3494 square metres. Engineering has no concerns with the consent application subject to the conditions imposed by Planning Services.

Accordingly, upon examining Planning staff's comments and recommendations and Zoning staff's comments and recommendations, Engineering staff can support their comments and recommendations for approval.

PERMIT AND ZONING ADMINISTRATOR:

This property is located in the Agriculture (A) Zone under the Township of Puslinch Zoning By-law No. 19/85. The applicant is proposing to sever a parcel of land with frontage along Victoria Road South of 72.68 metres and an area of 9,870 square metres. The retained parcel will have frontage along Clair Road East of 27.05 metres and an area of 3,494 square metres.

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Building Services agrees with Planning Services recommendation and their requested conditions.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMENTS FROM THE PUBLIC RECEIVED: None