

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-44/17
LOCATION: 190 Hanlon Creek Boulevard
DATE AND TIME OF HEARING: June 22, 2017 at 4:00pm
OWNER: 1651807 Ontario Inc.
AGENT: Adrienne McBride, The Guelph Humane Society
OFFICIAL PLAN DESIGNATION: Corporate Business Park
ZONING: Corporate Business Park (B.5)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit the Guelph Humane Society to operate at 190 Hanlon Creek Boulevard.
BY-LAW REQUIREMENTS:	The By-law permits a variety of uses in the B.5 zone, but does not permit a use specifically related to the Guelph Humane Society, such as animal control, animal rescue and adoption of animals.
STAFF RECOMMENDATION:	Approval with conditions
CONDITIONS RECOMMENDED:	
<u>PLANNING SERVICES</u>	
1. That the Guelph Humane Society be defined as: "an establishment owned and operated by a registered charitable organization which is used for the keeping, adoption or disposal of stray, abandoned or wild animals, education programming related to animal welfare, and may also provide animal control services to agencies. The establishment may also include its offices, accessory retail, employees and agents."	
<u>GUELPH HYDRO</u>	
2. That prior to issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the underground servicing of the proposed new building. The servicing costs would be at the applicant's expense.	

COMMENTS

PLANNING SERVICES:

The subject property is designated "Corporate Business Park" in the Official Plan. The "Corporate Business Park" designation is intended to provide lands which can be used for office, administrative and/or research and development facilities. Uses permitted within the "Corporate Business Park" designation include office, administrative, manufacturing and warehousing within enclosed buildings including multi-tenant buildings or malls, hotel and convention facilities, research and development facilities, with associated ancillary retailing functions that are an

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

integral component of these primary activities. The proposed building for the Guelph Humane Society will be used for office and administrative facilities, animal care/shelter and adoption and other complementary uses such as education programs for children and associated retail. The requested variance conforms to the general purpose and intent of the Official Plan.

The subject property is zoned, "Corporate Business Park" (B.5) according to Zoning By-law (1995) – 14864, as amended. The Guelph Humane Society is a use that is not defined in the Zoning By-law and not specifically permitted in any zone in the City. The Guelph Humane Society is a social service agency and the proposed use on the subject property will allow for the administrative head office of this agency to operate. In addition to being an administrative office, the proposed building will be used for the housing, care (including medical) and adoption of stray or abandoned animals, education programs for children and other ancillary uses. The B.5 zone permits a number of uses that are similar in nature and function to the Guelph Humane Society such as 'Veterinary Service', 'Commercial School' and an 'Office'. Since the use is not defined in the Zoning By-law, staff are recommending a definition for the purposes of this application for the Guelph Humane Society. The requested variance conforms to the general purpose and intent of the Zoning By-law.

The Guelph Humane Society is currently located on municipal land shared with the City's wastewater treatment plant. The space that is occupied by the Guelph Humane Society is required by the City for infrastructure expansion in 2018. The proposed use on the subject property is desirable for the appropriate development of the lands as the property is located away from residential properties and close to trails. The proposed use is similar and compatible with other uses in the business park.

The requested variance is also considered to be minor in nature as the use is similar in function to other permitted uses in the B.5 zone.

The requested variance meets the general intent and purpose of the Official Plan and Zoning By-law, is considered to be desirable for the appropriate development of the land and is considered to be minor in nature. Staff therefore recommend approval of the application, subject to the above noted condition.

ENGINEERING SERVICES:

Development Engineering has no concerns with the applicant's request of seeking relief from the By-law requirement to permit the Guelph Humane Society to operate at 190 Hanlon Creek Blvd.

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 Corporate Business Park (B.5) Zone. The applicant is proposing to construct a 1,200 square metre building on the property for the Guelph Humane Society. The By-law permits a variety of uses in the B.5 zone, but does not permit a use specifically related to the Guelph Humane Society, such as animal control, animal rescue and adoption of animals. A variance from Section 7.4.1 of Zoning By-law (1995)-14864, as amended, is being requested.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

Building Services does not object to this application to permit the Guelph Humane Society to operate at 190 Hanlon Creek Boulevard.

A building permit may be required, please contact Building Services.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: A-37/17
LOCATION: 144 Watson Road North
DATE AND TIME OF HEARING: June 22, 2017 at 4:00pm
OWNER: HIP Watson Inc.
AGENT: Hugh Handy & Sarah Code, GSP Group Inc.
OFFICIAL PLAN DESIGNATION: Mixed Use Node
ZONING: Specialized High-Density Apartment (R.4B-17)

REQUEST:	The applicant is seeking relief from the By-law requirements to permit: <ul style="list-style-type: none"> a) an angular plane to Watson Parkway North of 49 degrees; b) an interior side yard setback of 9.6 metres; c) a maximum floor space index of 1.55; and d) 1.16 parking spaces per dwelling unit [total of 155 spaces provided].
BY-LAW REQUIREMENTS:	The By-law requires: <ul style="list-style-type: none"> a) a minimum angular plane of 45 degrees; b) a minimum side yard setback equal to one-half of the building height but not less than 3 metres, being 14.15 metres; c) a maximum floor space index of 1.5; and d) a minimum of 1.2 parking spaces per dwelling unit [total of 160 spaces required].
STAFF RECOMMENDATION:	Approval with condition
CONDITIONS RECOMMENDED:	
<u>GUELPH HYDRO</u>	
	1. That prior to issuance of a building permit, the applicant makes satisfactory arrangements with the Technical Services Department of Guelph Hydro Electric Systems Inc. for the underground servicing of the proposed new building. The servicing costs would be at the applicant's expense.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

COMMENTS

PLANNING SERVICES:

The subject application was deferred at the May 11 Hearing at the applicant's request to allow time for discussions with the adjacent property owner. Staff comments remain unchanged and are provided below for Committee's consideration. There is a concurrent site plan application before the City's Site Plan Review Committee (SPRC). There are still outstanding comments from the SPRC and ideally the variance application would have been submitted after these issues were resolved, however, staff acknowledge that the requested variances are technical in nature and the applicant wishes to proceed with the variance application. Additional variances may be required if any changes to the building location/parking/site layout are required to address outstanding comments.

The subject property is designated "Mixed Use Node" in the Official Plan. Medium and high density multiple residential and apartments are permitted within the Mixed Use Node designation to a maximum density of 150 units per hectare. The development of an apartment with a reduced interior side yard setback and angular plane, increased floor space index and parking space reduction meets the general intent and purpose of the Official Plan.

The subject property is zoned "Specialized High Density Apartment" (R.4B-17) according to Zoning By-law (1995)-14864, as amended. The R.4B-17 permits apartment buildings to a maximum density of 150 units per hectare and to a maximum height of ten (10) stories. The Zoning By-law requires that apartment buildings have a minimum angular plane to the centreline of a roadway of 45 degrees, have a minimum side yard setback equal to one half of the building height, or not less than 3 metres, have a maximum floor space index of 1.5, and specific to the site, provide a minimum of 1.2 off-street parking spaces per dwelling unit.

The applicant is proposing to develop a 133 unit, eight (8) storey apartment building on the subject property. A Zoning By-law Amendment was approved by Council to permit an apartment in December 2014 (File ZC1313). Staff are also currently reviewing a site plan application (File SP16A055) from the applicant for the apartment building. Through the detailed design and review of the site plan, four (4) variances were identified. An evaluation of each of the variances is provided below:

Angular Plane

The angular plane is defined in the Zoning By-law as "an imaginary inclined plane, rising over a lot, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the centre line of the street and which together with other building regulations and lot size requirements, delineates the maximum bulk and building height,". The angular plane from the centreline of Watson Parkway North is limited to 45 degrees in the Zoning By-law. The applicant is proposing an angular plane of 49 degrees. The proposed exterior side yard setback for the apartment building to the Watson Parkway North right-of-way is proposed to be 15.4 metres, whereas the Zoning By-law requires a minimum setback of 6 metres. Further the proposed apartment building is to be eight (8) stories in height, whereas a maximum of ten (10) stories are permitted. Planning staff are satisfied that given the greater than required exterior side yard setback in addition to the height of the proposed apartment building being lower than the

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

maximum ten (10) stores, an additional four (4) degrees added to the angular plane is minor in nature, desirable and meets the general intent and purpose of the Official Plan.

Interior Side Yard Setback

The reduced interior side yard setback from the required 14.15 metres to the proposed 9.6 metres is minor in nature and desirable for the appropriate development of the land. The adjacent property to the interior side yard is zoned "Specialized Community Shopping Centre" (CC-15(H)). It is expected that a future commercial mall will be developed on these lands, which will take into account the proposed apartment building, including the interior side yard setback appropriately. The reduced setback on this side of the apartment building allows for a more generous setback on the opposing side to existing low rise residential uses. Further, the interior side yard setback is greater than the minimum threshold of 3 metres required in the Zoning By-law. The applicant has indicated that a fence will be constructed along this lot line as part of the apartment development.

Floor Space Index

Floor Space Index (FSI) is defined in the Zoning By-law as "an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on such lot, excluding an underground or covered parking structure and floor space located in the cellar or basement,". The general intent of having a maximum FSI ratio is to ensure an appropriate building size in relation to the lot area. The number of dwelling units within the apartment building is remaining consistent and is within the density range permitted by both the Official Plan and Zoning By-law. Further, the height of the building is below the maximum of ten (10) storeys permitted. The applicant has indicated that the minor increase to FSI is required to incorporate the rooftop mechanical penthouse as well as to recognize ground and second floor building projections to add more architectural interest.

Increasing the FSI by 0.05 will not be noticeable from a streetscape perspective. The projections made to the base of the building will assist in breaking up the façade and improve the overall interface of the building at ground level. The requested FSI variance is minor in nature, desirable for the appropriate development of the lands, and meets the general intent and purpose of the Zoning By-law.

Parking Spaces

The reduction in the off-street parking rate from 1.2 parking spaces per dwelling unit to 1.16 parking spaces per dwelling unit is requested to accommodate comments from the SPRC.

The five (5) parking space reduction will allow for flexibility in the site design of the apartment building to accommodate other aspects such as stormwater drainage, increase to grading, accessibility requirements and landscaping. Reducing the off-street parking from 160 spaces to 155 spaces for the proposed 133 unit apartment building is minor in nature, desirable and meets the general intent and purpose of the Zoning By-law.

The requested variances are considered to meet the general purpose and intent of the Official Plan and Zoning By-law, are considered to be desirable for the appropriate development of the land and are considered to be minor in nature. Staff recommend approval of the variances.

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

HERITAGE PLANNING SERVICES:

Policy 2.6.2 of the Provincial Policy Statement (2014) states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Heritage Planning advises the Committee of Adjustment that according to Provincial criteria, the subject lands (144 Watson Road North) is considered to have potential for archaeological resources as it is within 300 metres of a known archaeological find spot. Any future development of the subject lands involving site alteration or excavation shall not commence until an Archaeological Assessment by a consultant archaeologist licensed under the Ontario Heritage Act, to the satisfaction of the Province and the City, has been completed that:

- i) identifies the affected areas of archaeological potential and archaeological resources;
- ii) assesses the archaeological significance of the subject land;
- iii) recommends conservation and/or preservation measures required to retain the heritage value, attributes and integrity of the resource; and
- iv) meets the Provincial Standards and Guidelines for Consultant Archaeologists, as amended, as well as the Ontario Heritage Act and its regulations.

The applicant/owner should be encouraged to contact Stephen Robinson, Senior Heritage Planner, (519) 837-5616 ext. 2496 for discussion and advice on how cultural heritage resources may be conserved.

ENGINEERING SERVICES:

Development Engineering has no concerns with the applicant's request of seeking relief from the By-law requirements to permit an angular plane to Watson Parkway North of 49 degrees; an interior side yard setback of 9.6 metres; a maximum floor space index of 1.55; and 1.16 parking spaces per dwelling unit [total of 155 spaces provided] from an engineering perspective.

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 Specialized High-Density Apartment (R.4B-17) Zone. The applicant is proposing to construct an 8 storey, 133 unit apartment building on the subject property. The property is currently subject to an application for site plan approval (File SP16A055). Variances from Section 4.16.1, Table 5.4.2 Rows 8 and 18, and Section 5.4.3.2.17.1.1 of Zoning By-law (1995)-14864, as amended, are being requested.

Building Services agrees with Planning Services comments relating to this application.

GUELPH HYDRO:

See above noted condition.

REPORT COMPILED BY: L. Cline, Council Committee Assistant