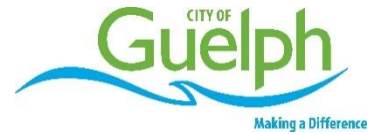


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-87/19
Location: 147 Wyndham Street North
Hearing Date: September 26, 2019
Owner: Green Forest Wellington Ltd
Agent: Duncan Baird, Piatto Neapolitan Pizza (Guelph) Inc.
Official Plan Designation: Mixed Use 1 – Downtown Secondary Plan
Zoning: Downtown 1 Zone (D.1-1)

Request: The applicant is seeking relief from the By-Law requirements to permit a licensed establishment in the existing commercial building to a maximum floor area of 270 square metres.

By-Law Requirements: The property is located in the Special Downtown (D.1-1) Zone. A variance from Section 6.3.2.6.2 of the Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that the floor area of a licensed establishment shall not exceed 230 square metres.

Staff Recommendation

Approval with Conditions

Recommended Conditions

Planning Services

1. That liquor sales cease as of 12:01 a.m. for the licensed establishment.
-

Comments:

Planning Services

The subject property is designated "Mixed Use 1" in the Downtown Secondary Plan, which forms part of the City's Official Plan. Lands within the "Mixed Use 1" designation are intended to accommodate a broad range of uses in a mix of highly compact development forms. Development within this designation should contribute to the urban character of the area and should include active uses that enliven the street. The applicant is proposing a restaurant within the existing commercial building, which is a permitted use in this land use designation. The requested

variance is therefore considered to meet the general intent and purpose of the Official Plan.

The subject property is zoned "Downtown 1" (D.1-1) according to Zoning By-law (1995)-14864, as amended. The D.1-1 zone permits a number of uses including a restaurant. The applicant is proposing a restaurant with a capacity of 100 to 132 people and a maximum floor area of 270 square metres. Section 6.3.2.6.2 of the Zoning By-law limits restaurants that are considered licensed establishment (serves liquor) to a maximum size of 230 square metres.

The intent of this regulation is to limit the size of licensed night clubs within the downtown. The proposed licensed restaurant will primarily be used as a restaurant use with a focus on serving food and beverages (alcoholic and non-alcoholic), and is therefore considered to meet the general intent and purpose of the Zoning By-law. As shown on the submitted plan, a portion of the proposed 270 square metres will be used as the kitchen. The total capacity of the licensed restaurant is proposed to be between 100 and 132 people which is less than the maximum total capacity of 190 persons required by the Zoning By-law.

The requested variance is considered desirable for the appropriate development of land as it will assist in reducing vacancy of units and activate the downtown streetscape.

The requested variance is considered to meet 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.

Planning staff recommend approval of the application, subject to above noted condition.

Engineering Services

Engineering has no concerns with request of seeking relief from the By-law requirements to permit a licensed establishment in the existing commercial building to a maximum floor area of 270 square metres.

We agree with recommendations made by Planning and Building staff.

Building Services

The subject property is zoned D.1-1 Specialized Downtown. The applicant is seeking relief to allow a proposed licensed establishment to have a maximum floor area of 270 square metres in lieu of the required 230 square metres.

Building Services notes that the licensed establishment regulations were created to discourage the creation of large taverns in the downtown. These situations for larger floor areas are reviewed on an individual basis. Building supports the proposed use of a restaurant and agrees with the condition recommended by Planning. The proposed internal capacity will not exceed the By-law requirement of 190 persons.

Building permits have been applied for and their approval are contingent upon this variance for overall size.

Comments from the Public

None

Contact Information

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

519-822-1260 Extension 2524

cofa@guelph.ca

TTY: 519-826-9771

guelph.ca/cofa

Facsimile: 519-763-1269