

Staff Report

To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, July 10, 2017
Subject	Statutory Public Meeting Report (2nd Public Meeting for Revised Application) 19-59 Lowes Road West Proposed Zoning By-law Amendment and Vacant Land Condominium Files: ZC1705 and 23CDM-17504 Ward 6
Report Number	IDE 17-89

Recommendation

That Report IDE 17-89 regarding a proposed Zoning By-law Amendment and Vacant Land Condominium application (ZC1615 and 23CDM-17504) from Reid's Heritage Homes on behalf of Parry Schnick and Catriona Forbes to permit a 36 unit single detached residential development subdivision on the properties municipally known as 19, 29, 35, 41, 51 and 59 Lowes Road West, and legally described as All of Lots 3, 4, 5 and 6, Registered Plan 508 and Part of Lots 15 and 16, Registered Plan 467, Geographic Township of Puslinch, City of Guelph from Infrastructure, Development and Enterprise dated July 10, 2017, be received.

Executive Summary

Purpose of Report

To provide planning information on applications requesting approval of a Zoning By-law Amendment and draft plan approval of a Vacant Land Condominium subdivision to permit a 36 unit single detached dwelling development. This report has been prepared in conjunction with the statutory public meeting for this application.

Key Findings

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

Financial Implications

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

Report

Background

An application to amend the Zoning By-law was initially received for the properties municipally known as 19, 29, 35, 41, 51 and 59 Lowes Road West from Reid's Heritage Homes on behalf of Parry Schnick and Catriona Forbes on September 1, 2016. This application was deemed to be complete on September 20, 2016. The intent of this application was to change the zoning from the current "R.1B" (Residential Single Detached) Zone to an "R.3A-?" (Specialized Residential Cluster Townhouse) Zone to permit a sixty (60) unit cluster townhouse development.

A statutory public meeting to discuss this Zoning By-law Amendment was held before Council on November 14, 2016. At this public meeting, several members of the public addressed Council, raising concerns primarily related to the area's high water table, drainage, tree loss and compatibility of the proposed townhouses to adjacent single detached residential dwellings. Since the public meeting, the applicant has revised their proposal from sixty (60) cluster townhouses to thirty-six (36) single detached dwellings within a vacant land condominium subdivision.

On May 31, 2017, the applicant formally submitted a revised Zoning By-law Amendment application to the City to change the zoning from the current "R.1B" (Residential Single Detached) Zone to a "R.1D-?" (Specialized Residential Single Detached) Zone to permit thirty-six (36) single detached dwellings, with twenty-nine (29) units fronting onto a private condominium road. The revised submission of the Zoning By-law Amendment application included amended and updated background technical reports to reflect the requested changes. An associated thirty-six unit vacant land condominium application was also submitted on May 31, 2017 (File '23CDM-17504'). Each of the thirty-six (36) proposed single detached dwellings will be built in a land unit (similar to a lot) within the vacant land condominium.

The six (6) existing single detached dwellings and associated accessory structures on the subject land are all proposed to be demolished to accommodate the proposed development.

Location

The subject lands are located on the north side of Lowes Road West, between Gordon Street to the east and Dawn Avenue to the west (see Location Map and Orthophoto in ATT-1 and ATT-2). The six (6) subject properties collectively have an area of 1.65 hectares (4.08 acres) and a combined frontage (width) of 178.66 metres (586.15 feet) along Lowes Road West.

Surrounding land uses include:

- To the north: lands zoned for residential uses; in particular single detached dwellings on Revell Drive and Zess Court;
- To the south: lands zoned for residential uses; in particular single detached dwellings on the south side of Lowes Road West;

- To the east: vacant lands zoned for commercial-residential uses at the northwest corner of Gordon Street and Lowes Road West;
- To the west: lands zoned for residential uses; in particular single detached dwellings on Dawn Avenue.

Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is "General Residential". Within the "General Residential" land use designation, all forms of residential development are permitted up to a maximum density of 100 units per hectare, and include single detached, semi-detached, townhouses and multiple unit residential buildings. The general character of development within land designated as "General Residential" shall be low-rise, ground oriented housing forms. The relevant policies and further details for the "General Residential" land use designation are included in ATT-3.

The Natural Heritage System policy framework within the Official Plan does not identify any natural features on or immediately adjacent to the subject lands.

Official Plan Amendment #48 Land Use Designations and Policies

Official Plan Amendment 48 (OPA 48) (currently under appeal), a comprehensive, five-year update to the City's Official Plan, proposes to designate the subject lands as "Low Density Residential". A portion of the subject lands are also proposed to be designated "Mixed Office Commercial". This land use designation applies to residential areas within the built-up area of the City which are currently predominantly low-density in character. The predominant land use in the "Low Density Residential" designation is residential at a net density range of 15-35 units per hectare, including single and semi-detached dwellings as well as townhouses. Although the application is being processed under the 2001 Official Plan (September 2014 Consolidation), Staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations and relevant policies contained in OPA 48 are included in ATT-4.

Existing Zoning

The subject lands are currently zoned "R.1B" (Residential Single Detached), in the City of Guelph's Zoning By-Law (1995)-14864, as amended. Details of the existing zoning are included in ATT-5 and ATT-7.

Description of Proposed Zoning By-law Amendment

The applicant is requesting to rezone the subject lands from the "R.1B" (Residential Single Detached) Zone to an "R.1D-?" (Specialized Residential Single Detached) Zone to permit thirty-six (36) single detached dwellings. Details of the proposed zoning can also be found in ATT-6 and ATT-7. In addition to the standard provisions for lands zoned "R.1D", the applicant is requesting a specialized, site specific provision in the zoning to permit the dwelling units to front onto a private street within a plan of condominium in addition to a public road.

Description of the Proposed Vacant Land Condominium

The applicant is requesting to subdivide the lands into a thirty-six (36) unit vacant land condominium. Each of the proposed single detached dwellings would be located within one of the condominium units. The internal roadway, sidewalks, and private stormwater management facility are proposed to be common element areas of the condominium. The condominium includes several proposed easements in favour of the City for stormwater drainage.

As per Section (7) of Ontario Regulation (O. Reg.) 544/06 (Regulation to the *Planning Act*), for vacant land condominiums, the City as the approval authority is required to hold a Public Meeting at least 14 days before a decision is made on draft plan approval. By-law (2003)-17128 delegates Council's approval authority for all plans of condominium to the General Manager of Planning, Urban Design and Building Services.

The proposed draft plan of vacant land condominium is shown in ATT-8.

Proposed Development

The proposed development consists of thirty-six (36) single detached dwellings fronting onto a private crescent shaped road. The net density of the proposed development is 21.8 units per hectare. Each of the single detached dwellings will be built within a unit (i.e. a 'lot') within a vacant land condominium. The frontage (width) of each unit will be approximately 9 metres for internal units, and 12 metres for corner units. Seven (7) of the single detached dwellings will front directly onto Lowes Road West. The remaining dwellings will front onto the private road. The private road, sidewalks and stormwater management area will be the common elements within the condominium.

Supporting Documents

The following information was resubmitted in support of the applications:

- Draft Plan of Vacant Land Condominium, prepared by Astrid J. Clos Planning Consultants, dated May 24, 2017;
- Revised Planning Justification Report, prepared by Astrid J. Clos Planning Consultants, dated May 31, 2017;
- Revised Functional Servicing Report (including a stormwater management brief in Appendix E), prepared by Stantec Consulting Ltd., dated May 30, 2017;
- Revised Tree Preservation Plan, prepared by Aboud & Associates Inc., dated May 31, 2017;
- Scoped Environmental Impact Study, prepared by prepared by Aboud & Associates Inc., dated May 31, 2017;
- Geotechnical Investigation Report, prepared by Englobe Corporation, dated May 24, 2017; and
- Scoped Hydrogeology Study, prepared by Englobe Corporation, dated May 30, 2017.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement (PPS) and *Places to Grow: Growth Plan for the Greater Golden Horseshoe* (2017);
- Evaluation of how the application conforms to the applicable Official Plan "General Residential" land use designation and all associated policies, including compatibility of new development within existing and established residential neighbourhoods, as well as any related amendments;
- Evaluation of the proposal against OPA 48, including the "Low Density Residential" and "Mixed Office Commercial" land use designations that apply to the subject lands, as well as any associated policies;
- Review of the proposed zoning, including the requested provisions and the need for any further specialized provisions;
- Review of the proposed tree removals in the applicant's Tree Preservation Plan and associated tree compensation in accordance with the City's Private Tree By-law;
- Review of proposed layout of the condominium subdivision;
- Review of scoped Environmental Impact Study, including any negative impacts on drainage outlet locations and the nearby Hanlon Creek Provincially Significant Wetland (PSW);
- Review of proposed municipal servicing, including on-site stormwater management;
- Confirm support for the City's Community Energy Initiative (CEI); and
- Address all comments and issues raised during the public review of this application.

Once the Zoning By-law Amendment application is reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise with a recommendation will be considered at a future meeting of Council.

Financial Implications

Financial implications will be reported in the future staff recommendation report to Council.

Consultations

Notice of the Revised Zoning By-law Amendment Application, Complete Vacant Land Condominium Application and Public Meeting was mailed on June 9, 2017 to local boards and agencies, City service areas and property owners within 120 metres of the subject lands. The Notice of Public Meeting was advertised in the *Guelph Tribune* on June 15, 2017. Notice of the revised Zoning By-law Amendment application and the new Vacant Land Condominium application has also been provided by updated signage on the lands.

Corporate Administrative Plan

This report supports the following goals and work plans of the Corporate Administrative Plan (2016-2018):

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our People- Building a great community together

Attachments

ATT-1	Location Map and 120 m Circulation
ATT-2	Orthophoto
ATT-3	Official Plan Land Use Designations and Policies
ATT-4	Official Plan Amendment #48 Land Use Designations and Policies
ATT-5	Existing Zoning Map
ATT-6	Proposed Zoning Map
ATT-7	Existing and Proposed Zoning Details
ATT-8	Draft Plan of Vacant Land Condominium

Departmental Approval

Not applicable.

Report Author

Michael Witmer
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Approved By

Sylvia Kirkwood
Manager of Development Planning



Approved By

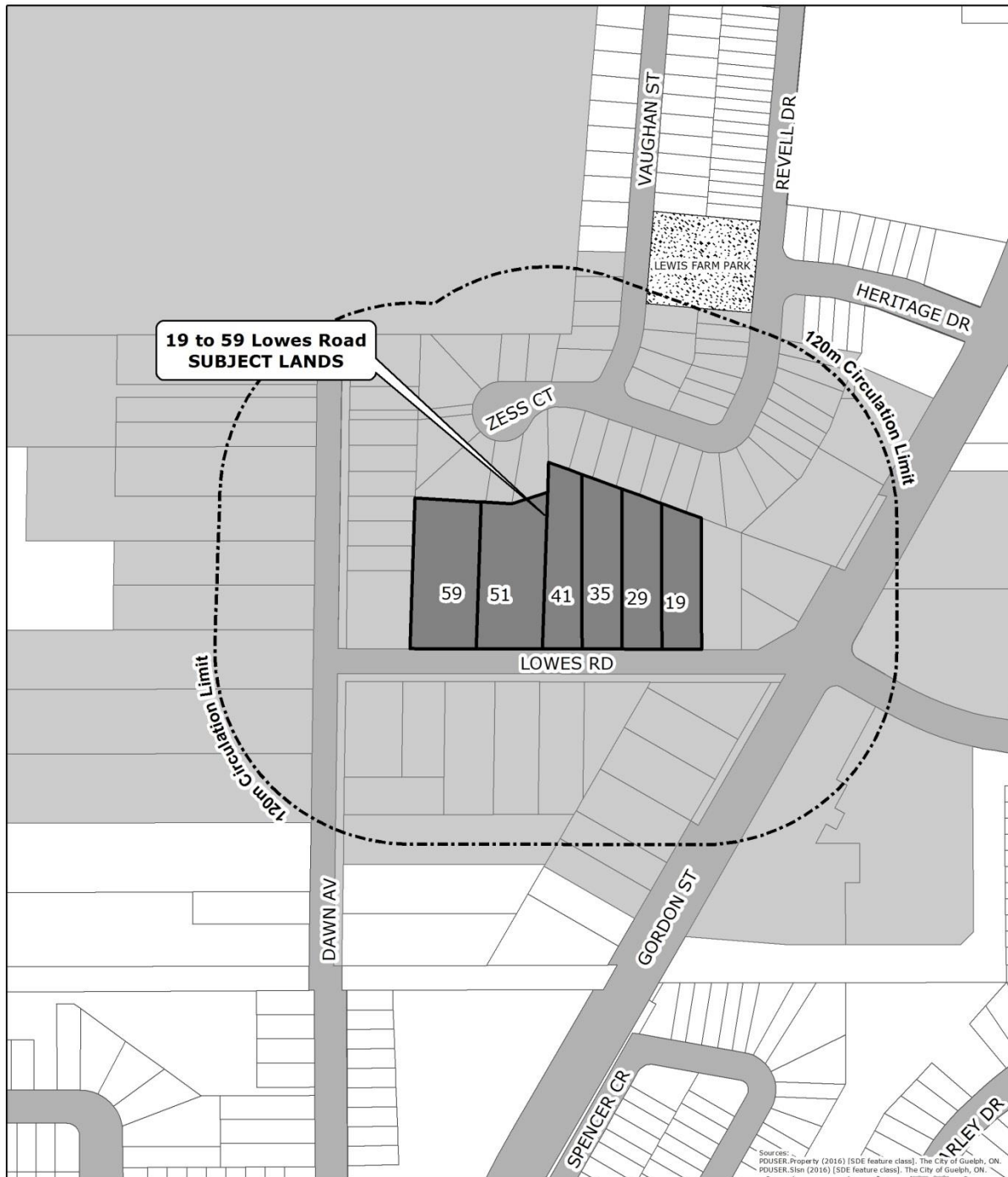
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ATT-1 **Location Map and 120 m Circulation**






0 10 20 40 60 80 100 m

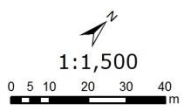
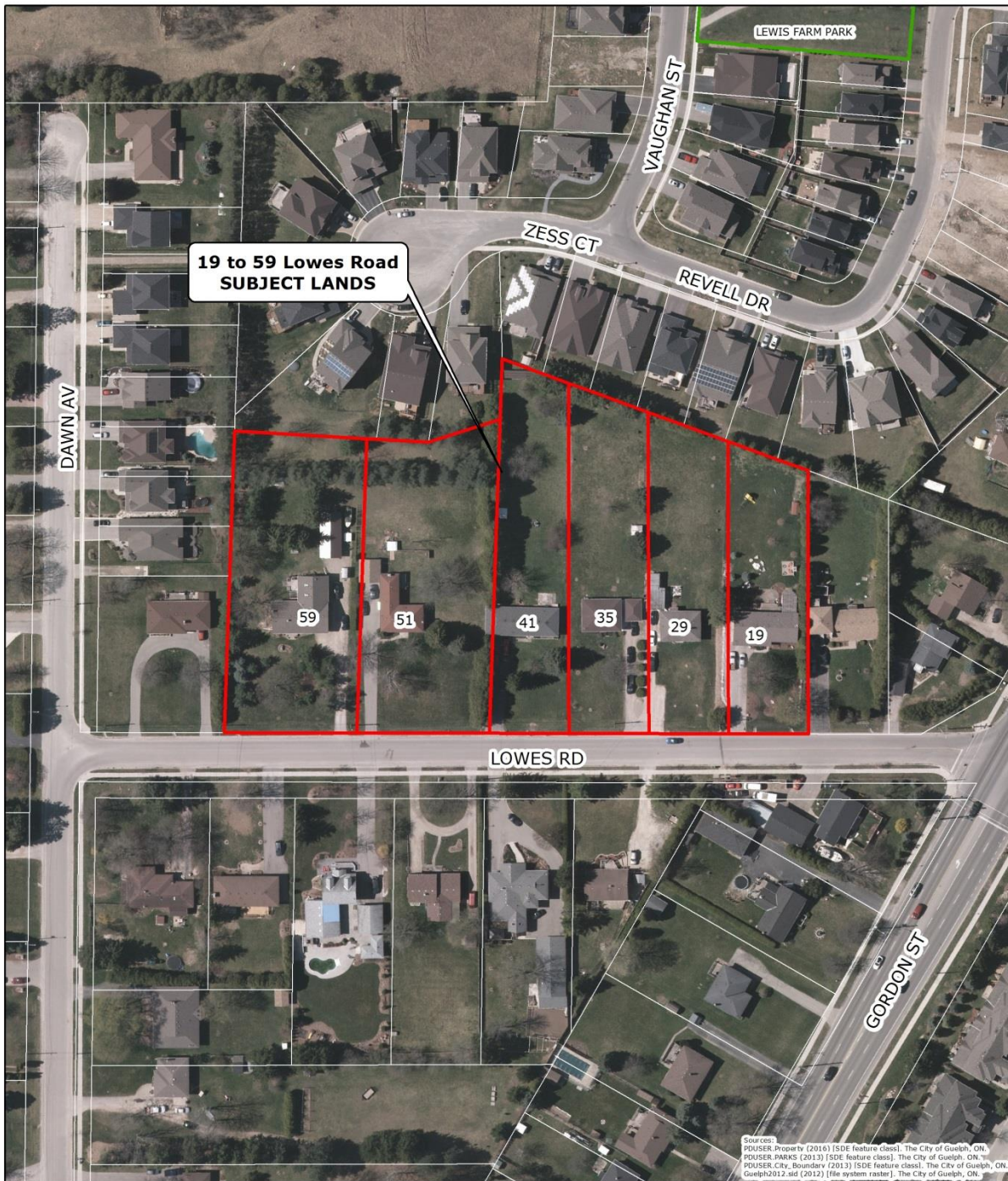
Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
September 2016

LOCATION MAP & 120m CIRCULATION
19 to 59 Lowes Road



CITY OF Guelph
Making a Difference

ATT-2 Orthophoto

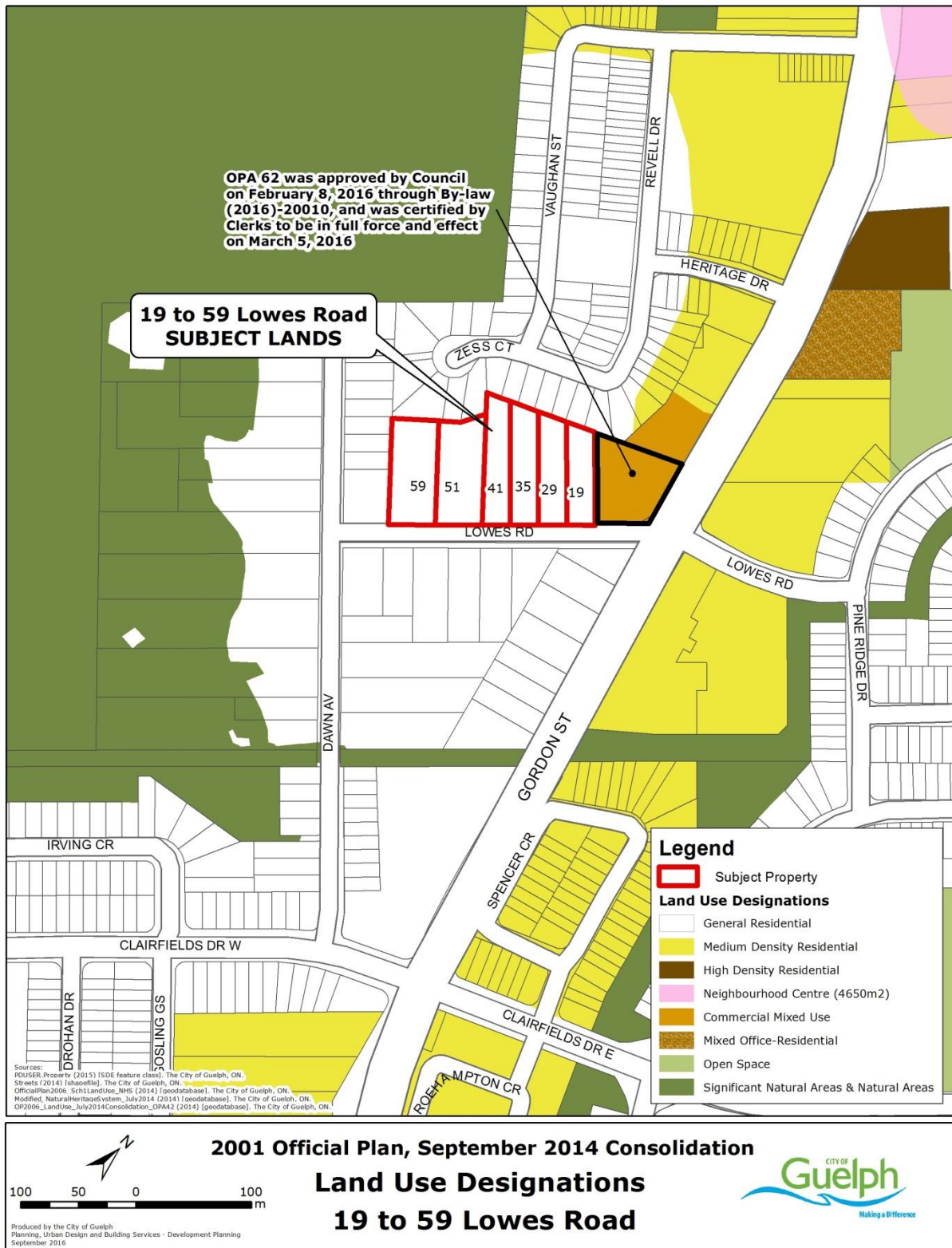


Produced by the City of Guelph
Planning, Urban Design and Building Services - Development Planning
September 2016

2012 Orthophoto 19 to 59 Lowes Road



ATT-3 **Official Plan Land Use Designations and Policies**

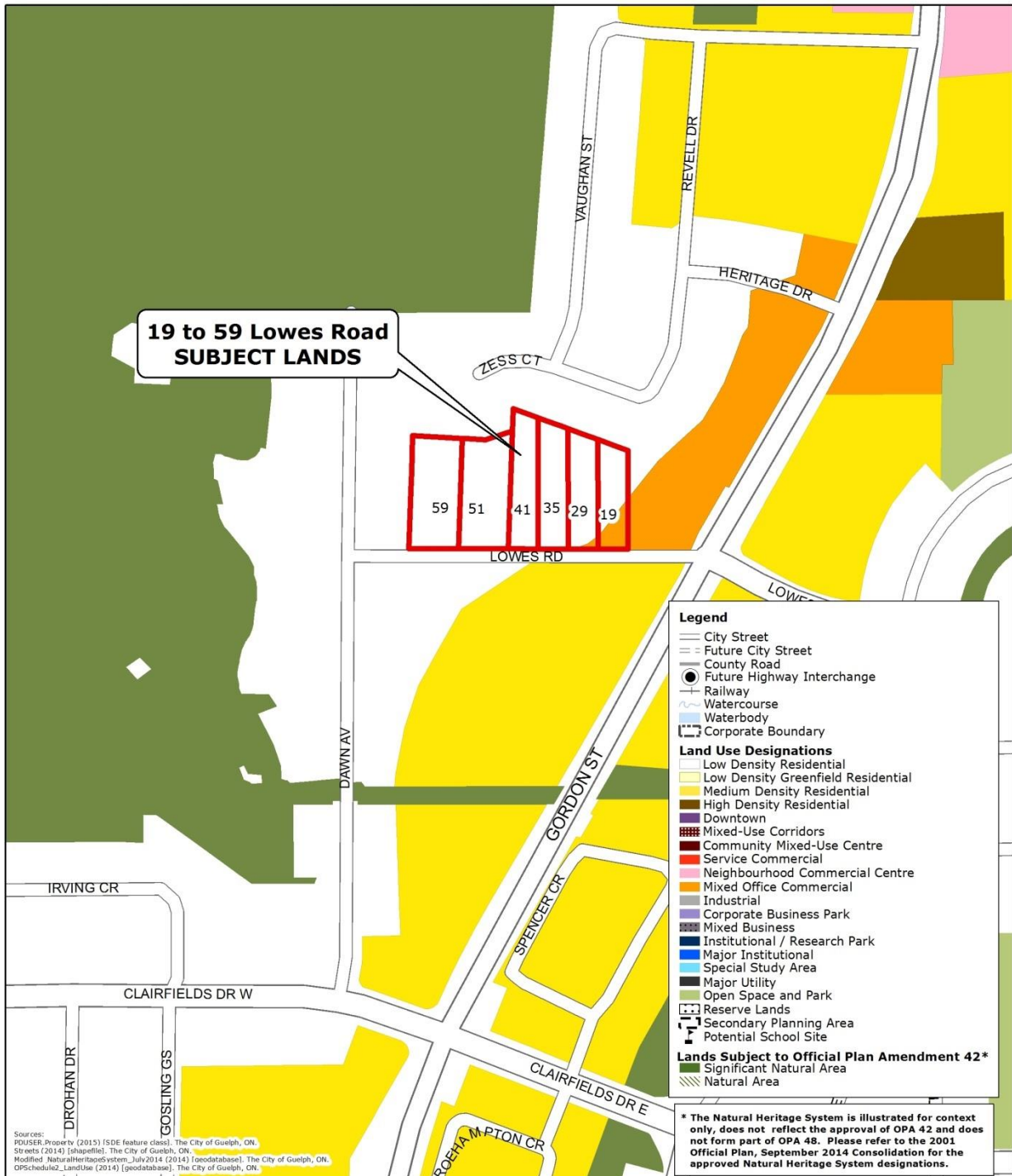


ATT-3 (continued)
Official Plan Land Use Designations and Policies

'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
 - b) Existing building design and height;
 - c) Setbacks;
 - d) Landscaping and amenity areas;
 - e) Vehicular access, circulation and parking; and
 - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

ATT-4 **Official Plan Amendment #48 Land Use Designations and Policies**



ATT-4 (continued)
Official Plan Amendment #48 Land Use Designations and Policies

9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

Permitted Uses

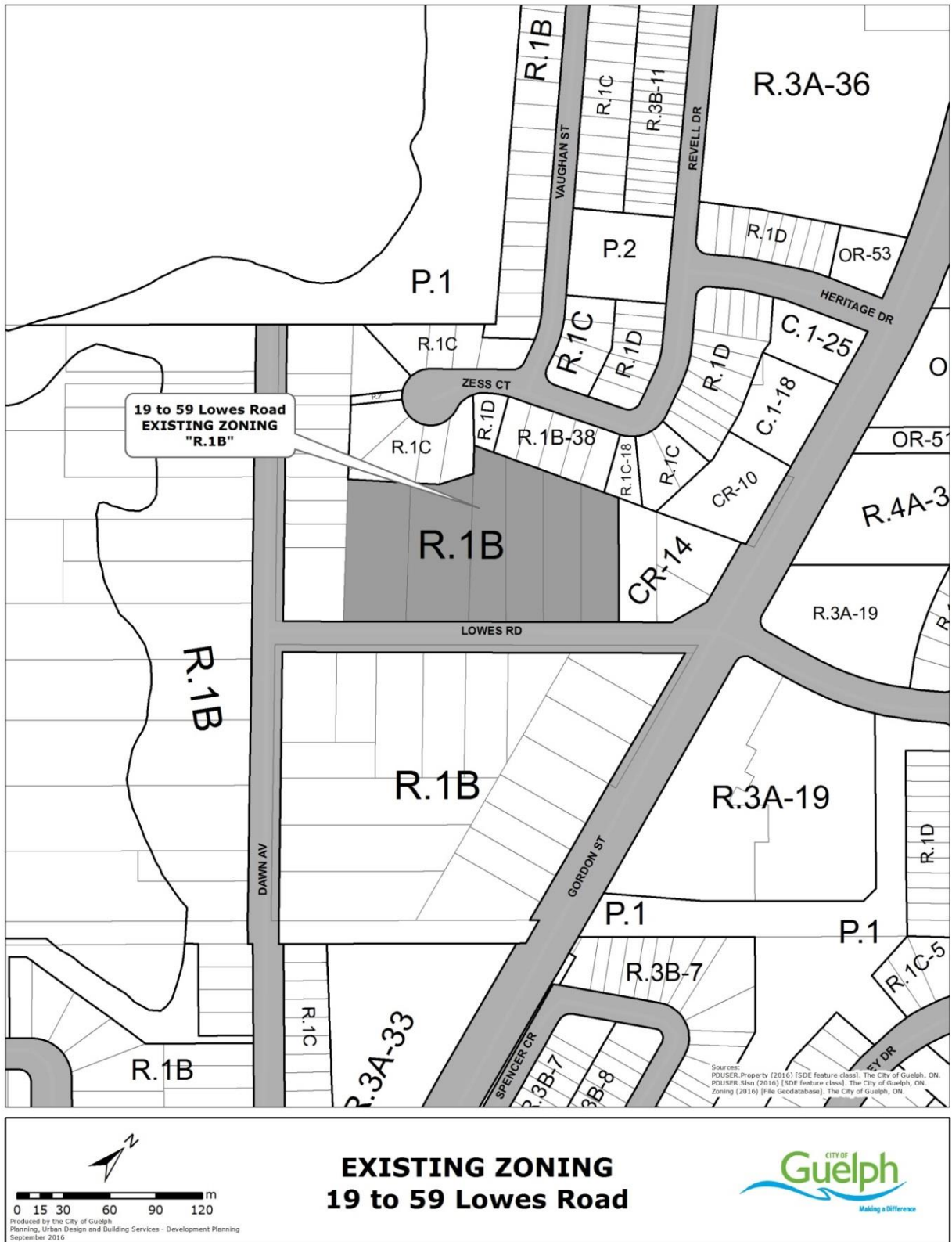
1. The following uses may be permitted subject to the applicable provisions of this Plan:
 - i) detached, semi-detached and duplex dwellings; and
 - ii) multiple unit residential buildings, such as townhouses and apartments.

Height and Density

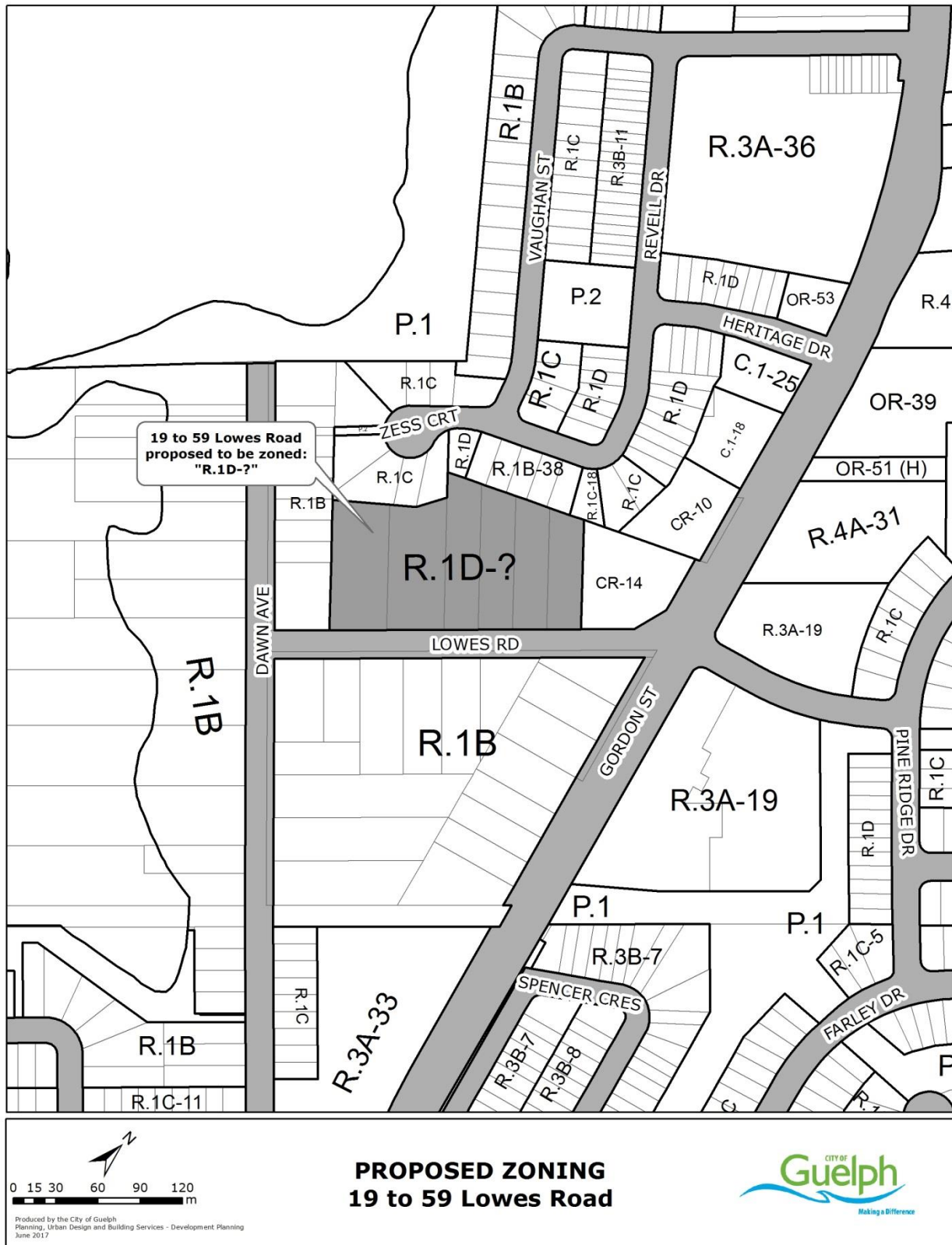
The *built-up area* is intended to provide for *development* that is *compatible* with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3. The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan.

ATT-5 **Existing Zoning Map**



ATT-6 Proposed Zoning Map



ATT-7 (continued)
Existing and Proposed Zoning Details

Proposed Zoning: Specialized Residential Single Detached (R.1D-?)

In addition to the regulations set out in Section 5.1 – Residential Single Detached (R.1) Zone of Zoning By-law (1995)-14864, as amended, the following additional specialized regulation has been requested to facilitate this proposal:

- Despite Section 4.1 of this By-law, Development in this Zone may occur on a common element street within a condominium

Aside from the above noted site specific provision to permit single detached dwellings to front onto a private road, the proposed “R.1D-?” Zoning would retain the Zoning provisions below in the existing “R.1B” Zoning. For the proposed development, in Table 5.1.2 (shown on page 18 of ATT-7), the provisions applicable to the “R.1D” zoning would apply.

Existing Zoning: Residential Single Detached (R.1B)

5.1 RESIDENTIAL SINGLE DETACHED (R.1) **ZONES**

5.1.1 PERMITTED **USES**

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19
- **Lodging House Type 1** in accordance with Section 4.25

5.1.2 REGULATIONS

Within the Residential 1 (R.1) **Zones**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Table 5.1.2, and the following:

- 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.

ATT-7 (continued)
Existing and Proposed Zoning Details

- 5.1.2.2 Despite any required **Side Yard** on a residential **Lot**, **Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.
- 5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.
- 5.1.2.6 Despite Row 4 of Table 5.1.2, the **Lots** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Lot Frontage** of the average **Lot Frontage** established by the existing **Lots** within the same **City Block Face**, but in no case less than 9 metres. Nothing in this section shall require the minimum **Lot Frontage** to be greater than the minimum **Lot Frontage** established in Table 5.1.2. Where the average **Lot Frontage** of the existing **Lots** on the **Block Face** cannot be determined, the minimum **Lot Frontage** shall be as indicated in Table 5.1.2.
- 5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum **Front** or **Exterior Side Yard** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this **By-law**, shall be:
- i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6 metres or the average of the **Setbacks** of the adjacent properties. Where the off-street **Parking Space** is located within a **Garage** or **Carport**, the **Setback** for the **Garage** or **Carport** shall be a minimum of 6 metres from the **Street Line**.

ATT-7 (continued)
Existing and Proposed Zoning Details

- ii) In accordance with Section 4.6 and 5.1.2.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to **Buildings**.

Where a road widening is required in accordance with Section 4.24, the calculation of the required **Front** or **Exterior Side Yard** shall be as set out in Section 5.1.2.7, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.

- 5.1.2.8 Despite Row 7 of Table 5.1.2, properties **Zoned** R.1B or R.1C with **Buildings** over 2 **Storeys** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Side Yard** requirement of 1.5
- 5.1.2.9 Deleted.
- 5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.
- 5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage** is limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).

ATT-7 (continued)
Existing and Proposed Zoning Details

15006, 15378, 17187, 18116, 19063, 19691

TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

1	Residential Type	SINGLE-DETACHED DWELLINGS			
2	Zones	R.1A	R.1B	R.1C	R.1D
3	Minimum Lot Area	555 m ²	460 m ²	370 m ²	275 m ²
4	Minimum Lot Frontage	18 metres and in accordance with Section 5.1.2.6.	15 metres and in accordance with Section 5.1.2.6.	12 metres and in accordance with Section 5.1.2.6.	9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.			
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	1.2 metres 1.2 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the Lot Depth , whichever is less and in accordance with Section 5.1.2.4.			
9	Accessory Buildings or Structures	In accordance with Section 4.5.			
10	Fences	In accordance with Section 4.20.			
11	Off-Street Parking	In accordance with Section 4.13.			
12	Minimum Landscaped Open Space	The Front Yard on any Lot , excepting the Driveway (Residential) shall be landscaped and no parking shall be permitted within this Landscaped Open Space . Despite the definition of Landscaped Open Space , a minimum area of 0.5 metres between the Driveway (Residential) and nearest Lot Line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.			
13	Garbage, Refuse and Storage	In accordance with Section 4.9.			
14	Garages	For those Lots located within the boundaries indicated on Defined Area Map Number 66, attached Garages shall not project beyond the main front wall of the Building . Where a roofed porch is provided, the Garage may be located ahead of the front wall of the dwelling (enclosing Habitable Floor Space on the first floor) equal to the projection of the porch to a maximum of 2 metres.			

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