

# COUNCIL PLANNING AGENDA



**Council Chambers, City Hall, 1 Carden Street**

**DATE March 9, 2015, 7:00 p.m.**

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

**O Canada  
Silent Prayer  
Disclosure of Pecuniary Interest and General Nature Thereof**

## **PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT**

<b>Application</b>	<b>Staff Presentation</b>	<b>Applicant or Designate</b>	<b>Delegations (maximum of 10 minutes)</b>	<b>Staff Summary</b>
223 Suffolk Street West - Proposed Zoning By-law Amendment (File: ZC1414) Ward 3	Michael Witmer, Development and Urban Design Planner	• Subhash Chugh, Everest Homes	<u>Correspondence:</u> • Eileen Ross	
0 Lee Street – Proposed Zoning By-law Amendment (File: ZC1501) Ward 1	Chris DeVriendt, Senior Development Planner	None (city initiated)		
129 Elmira Road South and 963 to 1045 Paisley Road – Proposed Zoning By-law Amendment (File: ZC1502) Ward 4	Lindsay Sulatycki, Development Planner	• Wendy Nott, Walker, Nott, Dragicevic Associates Ltd.		

## CONSENT AGENDA

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

<b>COUNCIL CONSENT AGENDA</b>			
<b>ITEM</b>	<b>CITY PRESENTATION</b>	<b>DELEGATIONS (maximum of 5 minutes)</b>	<b>TO BE EXTRACTED</b>
CON-2015.9 5 Arthur Street South – Request to Lift the Holding Symbol on Zoning for Phase 1 Lands (File: ZC1503) – Ward 1			
CON-2015.10 18 Kathleen Street – Notice of Intention to Designate Pursuant to Part IV of the <i>Ontario Heritage Act</i> – Ward 3			
CON-2015.11 251 Arthur Street North – Heritage Review Application (Proposed Removal from Municipal Register of Cultural Heritage Properties) and Demolition Permit Application – Ward 2			
CON-2015.12 41, 43 and 45 Wyndham Street South and 53 Surrey Street East – Heritage Review Application (Proposed Removal from Municipal Register of Cultural Heritage Properties) – Ward 1			
CON-2015.13 Proposed Demolition of 27 Clarke Street West – Ward 3			
CON-2015.14 30 Norwich Street East – Heritage Review Application (Proposed Removal of Residential Coach House from Municipal Register of Cultural Heritage Properties) and Demolition Permit Application – Ward 2			

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**SPECIAL RESOLUTIONS**

**BY-LAWS**

Resolution – Adoption of By-laws (*Councillor Gibson*)

**MAYOR'S ANNOUNCEMENTS**

*Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.*

**NOTICE OF MOTION**

**ADJOURNMENT**

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE March 9, 2015

**SUBJECT Statutory Public Meeting Report  
223 Suffolk Street West  
Proposed Zoning By-law Amendment  
(File: ZC1414)  
Ward 3**

REPORT NUMBER 15-21

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit the development of a semi-detached dwelling at 223 Suffolk Street West. 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.

### ACTION REQUIRED

Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 15-21 regarding a proposed Zoning By-law Amendment application (File: ZC1414) by 785412 Ontario Limited and 1773438 Ontario Inc. to permit the development of a semi-detached dwelling on the property municipally known as 223 Suffolk Street West, and legally described as Plan 29, Part Lot 7, City of Guelph, from Infrastructure, Development and Enterprise dated March 9, 2015, be received.



# STAFF REPORT

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## BACKGROUND

An application to amend the Zoning By-law was received for the property municipally known as 223 Suffolk Street West from 785412 Ontario Limited and 1773438 Ontario Inc. on November 10, 2014. The application would permit the development of a semi-detached dwelling on the north side of Suffolk Street West (See Attachment 6). The Zoning By-law Amendment application was deemed to be complete pursuant to Section 34(10.4) of the *Planning Act* on December 9, 2014.

Part Lot 7 of Registered Plan 29 is proposed to be divided for the proposed semi-detached dwelling through a future consent application to sever the subject lands.

## Location

The subject property has a total site area of 0.045 hectares (0.13 acres), and is 15.4 metres in width and 29.4 metres in depth. It is currently occupied by a single detached dwelling. The subject property is bound by London Road West to the north, North Street to the east, Suffolk Street West to the south, and Edinburgh Road North to the west (See Location Map in Attachment 1). Further to the west is Yorkshire Street North. The subject property is within a predominantly residential neighbourhood, and surrounding land uses include:

- To the north: existing cluster townhouses (London Lane Townhomes) and existing semi-detached dwellings along North Street;
- To the east, along Suffolk Street West and North Street: existing single detached dwellings and convenience commercial uses;
- To the south: existing single detached dwellings and institutional (Guelph Collegiate and Vocational Institute); and
- To the west, along Suffolk Street West: existing single detached dwellings.

## Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject property is "General Residential", which permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings. The relevant policies of the "General Residential" land use designation are included in Attachment 2. The Natural Heritage System policy framework within the Official Plan does not identify any natural features on or immediately adjacent to the site.

Official Plan Amendment 48 (currently under appeal), is a comprehensive five-year update to the City's Official Plan, proposes to designate the subject site as Low Density Residential. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations contained in Official Plan Amendment 48 are included in Attachment 3.

## Existing Zoning

The subject property is zoned R.1B (Residential Single Detached) Zone. Details of the existing zoning are included in Attachment 4.

# STAFF REPORT

Details of the existing zoning are included in Attachment 4.

## REPORT

### Description of Proposed Zoning By-law Amendment

The applicant is requesting to rezone the subject property from the R.1B (Residential Single Detached) Zone to the R.2 (Residential Semi-Detached) Zone. The applicant has requested to develop the property in accordance with the permitted uses and regulations of the standard R.2 Zone (See Attachment 5). It is the applicant's intent to construct a semi-detached dwelling on the subject property.

Based on the zoning by-law amendment sketch provided by the applicant (see Attachment 6), following a consent to sever application to be considered by the City's Committee of Adjustment, the applicant is proposing each part lot to be equal in size for the semi-detached dwelling, and have individual frontages of 7.693 metres on Suffolk Street West. To date, a consent to sever application has not been submitted to the City. It is intended that the front yard setbacks will be consistent with the existing dwellings along Suffolk Street West, and maintain the character of the neighbourhood.

Further details of the proposed zoning are provided in Attachment 5.

### Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review of the proposed zoning, including the need for any specialized regulations;
- Review of the proposal's fit within the existing and established residential neighbourhood;
- Confirm support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of the application.

Once the 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.

### CORPORATE STRATEGIC PLAN

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

# STAFF REPORT

## COMMUNICATIONS

The Notice of Complete Application was mailed on December 15, 2014 to local boards and agencies, City service areas and all property owners with 120 metres of the subject site for comments. Notice was also provided by signage on the site, which was posted by the applicant on November 16, 2014 (prior to the application being deemed complete). The Notice of Public Meeting was mailed on February 12, 2015 to local boards and agencies, City service areas and all property owners with 120 metres of the subject site. The Notice of Public Meeting was also advertised in the Guelph Tribune on February 12, 2015.

## FINANCIAL IMPLICATIONS

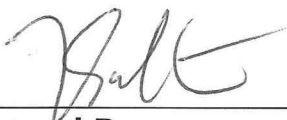
Financial implications will be reported in the future staff recommendation report to Council.

## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
- Attachment 4 – Existing Zoning
- Attachment 5 – Proposed Zoning and Details
- Attachment 6 – Proposed Development Concept

### Report Author

Michael Witmer  
Development Planner II



### Approved By

Todd Salter  
General Manager  
Planning Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

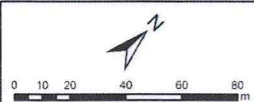
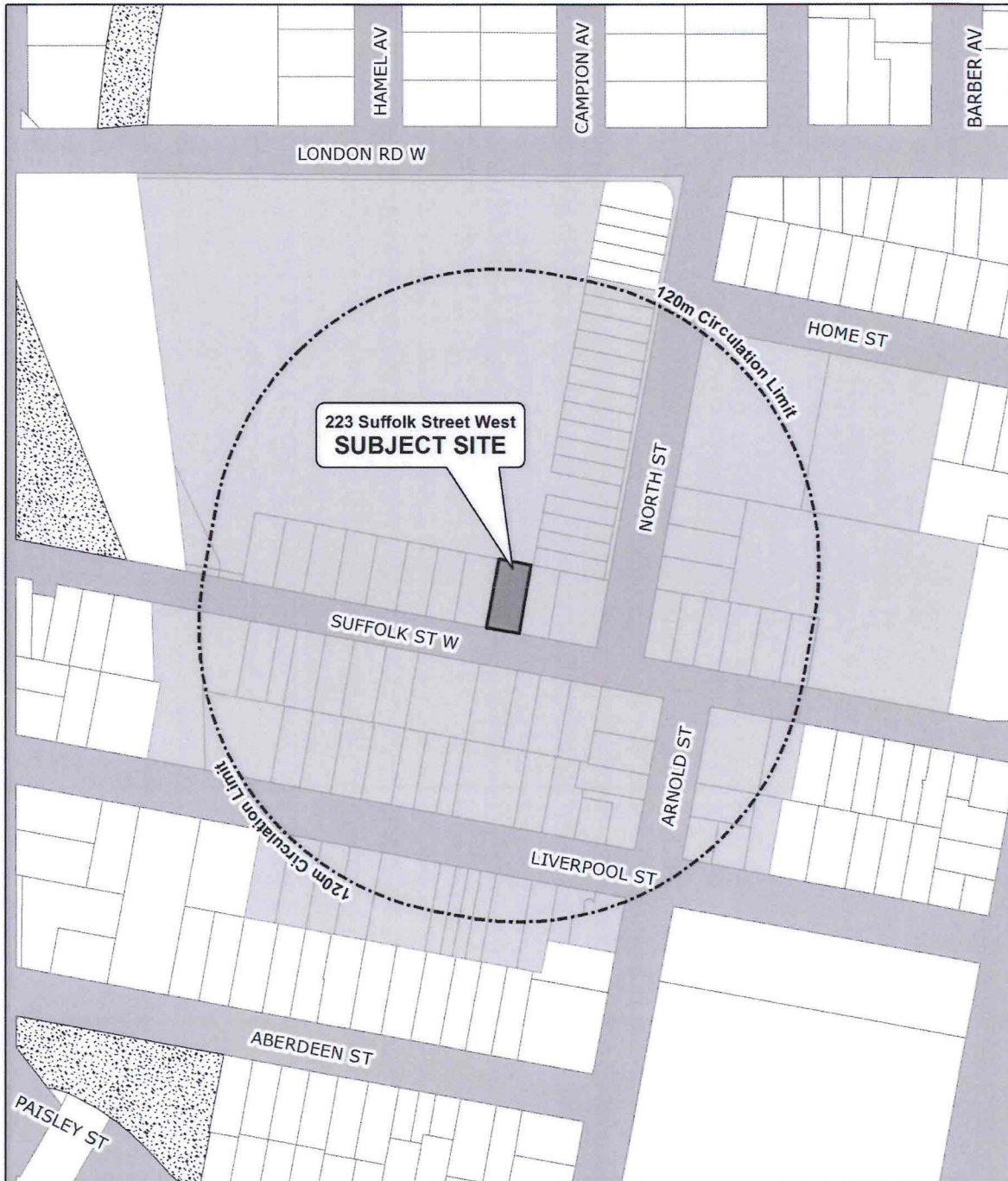
Sylvia Kirkwood  
Manager of Development Planning



### Recommended By

Al Horsman  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
al.horsman@guelph.ca

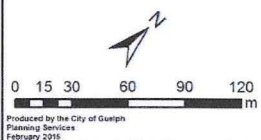
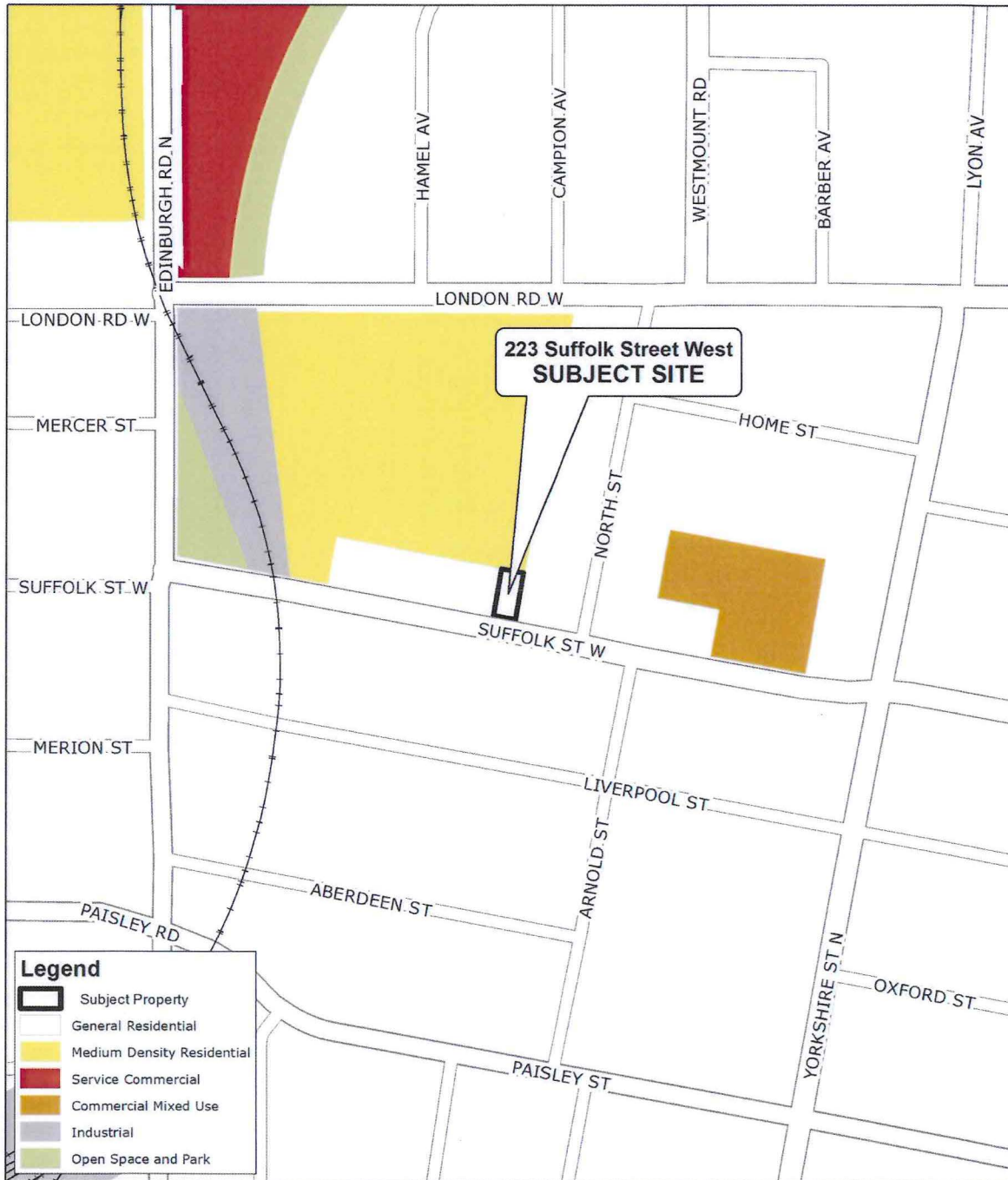
## Attachment 1 Location Map



**LOCATION MAP**  
**223 Suffolk Street West**  
**120m Circulation**



## Attachment 2 Existing Official Plan Land Use Designations and Policies



2001 Official Plan, September 2014 Consolidation  
Land Use Designations  
and OPA 42 Consolidation  
223 Suffolk Street West

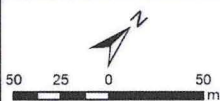
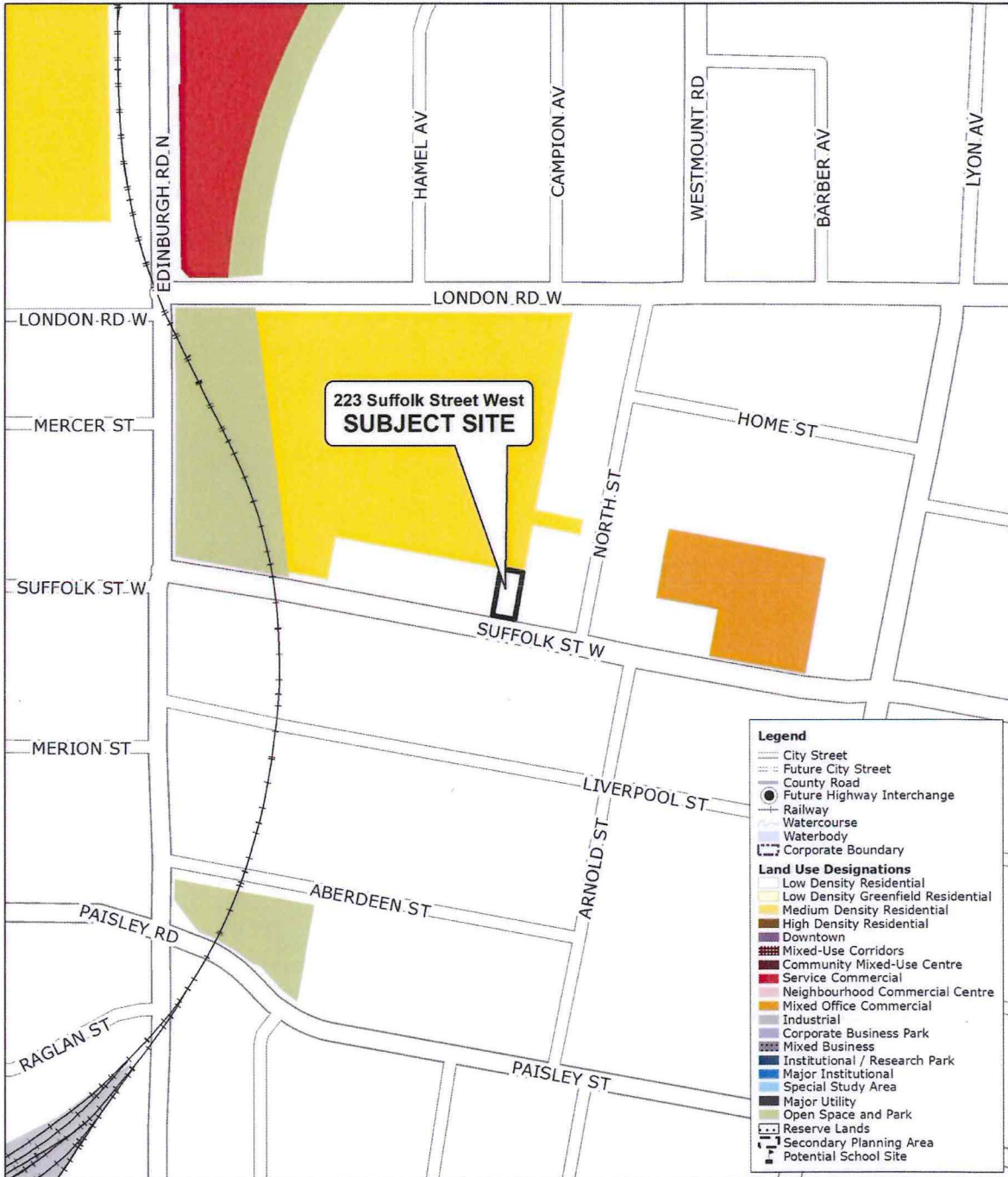
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## Attachment 2 (continued) Existing Official Plan Land Use Designations and Policies

### '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

## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies

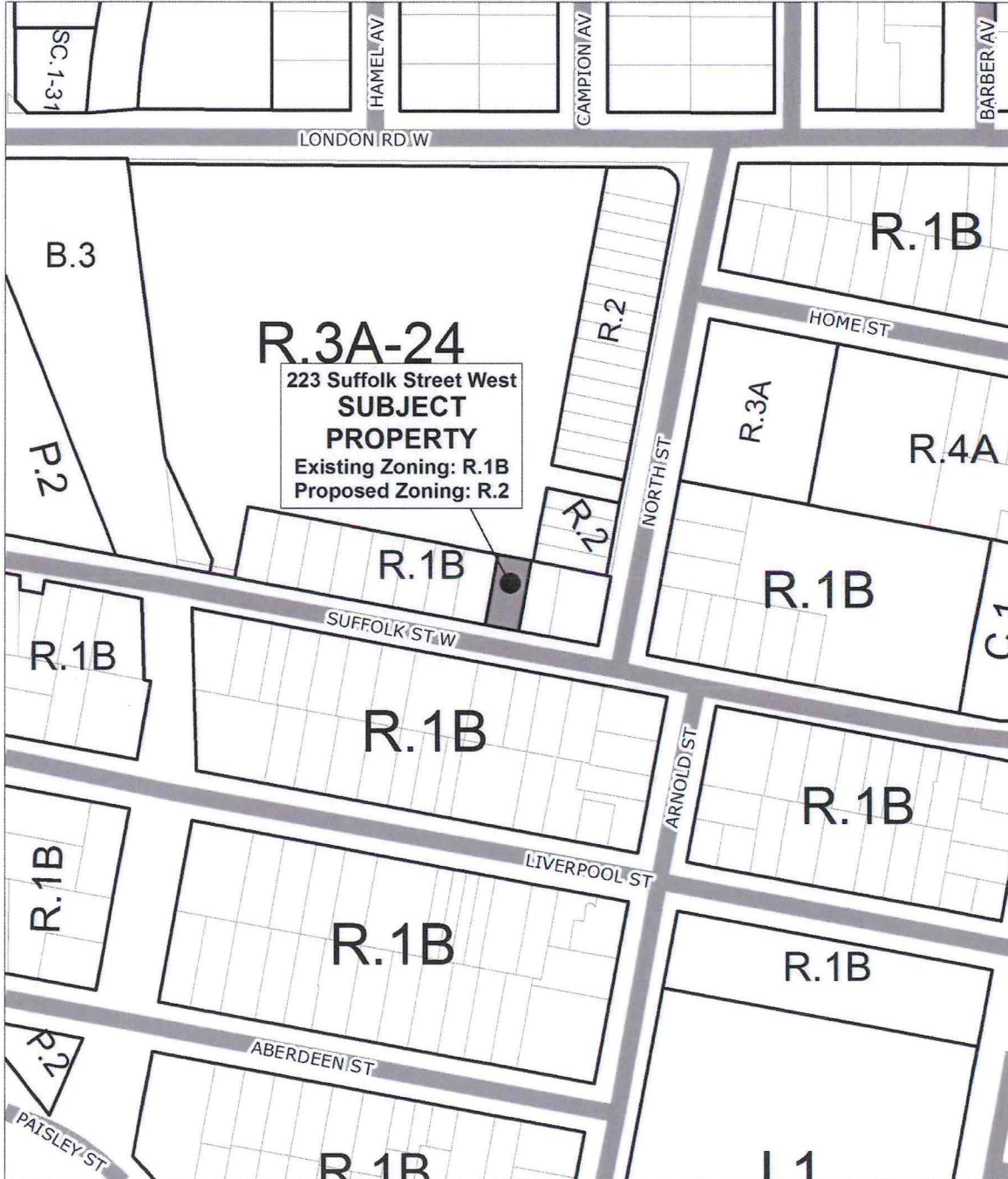


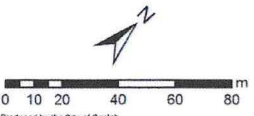
Official Plan Amendment No. 48  
Proposed Land Use Designations  
223 Suffolk Street West



# STAFF REPORT

## Attachment 4 Existing and Proposed Zoning and Details






0 10 20 40 60 80 m

Produced by the City of Guelph  
Infrastructure, Development and Enterprise  
Development Planning

**EXISTING AND PROPOSED ZONING**  
**223 Suffolk Street West**





## Attachment 4 (continued) Existing Zoning

### 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

18116

#### 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:

15378 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.

15006 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.

## Attachment 4 (continued) Existing Zoning

- 15006 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.
- 15006 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:
- 15006 i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6 metres or  
15378 the average of the **Setbacks** of the adjacent properties. Where the off-  
17187 street **Parking Space** is located within a **Garage** or **Carpport**, the  
19691 **Setback** for the **Garage** or **Carpport** shall be a minimum of 6 metres  
from the **Street Line**.
- 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.
- 15006 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 metres.
- 15006 5.1.2.9 Deleted.
- 15692 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.
- 17187 5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage** is  
18116 limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).

# STAFF REPORT

## Attachment 4 (continued) Existing Zoning

15006, 15378, 17187, 18116, 19063, 19691

**TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES**

1	Residential Type	<i>SINGLE-DETACHED DWELLINGS</i>			
2	<i>Zones</i>	R.1A	R.1B	R.1C	R.1D
3	Minimum <i>Lot Area</i>	555 m <sup>2</sup>	460 m <sup>2</sup>	370 m <sup>2</sup>	275 m <sup>2</sup>
4	Minimum <i>Lot Frontage</i>	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 <i>Building Height</i>	3 <i>Storeys</i> and in accordance with Section 4.18.			
6	Minimum <i>Front Yard</i>	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 <i>Exterior Side Yard</i>	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 <i>Side Yard</i> 1 to 2 <i>Storeys</i> Over 2 <i>Storeys</i>	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 <i>Rear Yard</i>	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.			
9	Accessory <i>Buildings</i> or <i>Structures</i>	In accordance with Section 4.5.			
10	<i>Fences</i>	In accordance with Section 4.20.			
11	Off-Street   city.guelph.ca\ServiceAreas01\$PBEE\Planning\DRAFT REPORTS\2014\SECTION 3.doc - Street Parking	In accordance with Section 4.13.			
12	Minimum <i>Landscaped Open Space</i>	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery,			

# STAFF REPORT



		natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	<b>Garages</b>	For those <b>Lots</b> located within the boundaries indicated on Defined Area Map Number 66, attached <b>Garages</b> shall not project beyond the main front wall of the <b>Building</b> . Where a roofed porch is provided, the <b>Garage</b> may be located ahead of the front wall of the dwelling (enclosing <b>Habitable Floor Space</b> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

## Attachment 5 Proposed Zoning

### 5.2 RESIDENTIAL SEMI-DETACHED/DUPLEX (R.2) ZONE

#### 5.2.1 PERMITTED USES

The following are permitted *Uses* within the R.2 *Zone*:

17187  
18116

- **Duplex Dwelling**
- **Semi-Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19

#### REGULATIONS

5.2.2 Within the Residential R.2 *Zone*, 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 set out in Table 5.2.2, and the following:

#### 5.2.2.1 Minimum *Front* or *Exterior Side Yard*

15006

5.2.2.1.1 Despite Row 5 of Table 5.2.2, 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:

15006  
17187  
19691

- 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**.
- ii) In accordance with Sections 4.6 and 5.2.2.1.3; 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**.

# STAFF REPORT

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 Section 5.2.2.1.1, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.

5.2.2.1.2 Despite Row 5 of Table 5.2.2, the **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.

5.2.2.1.3 In the event that there is a transformer easement on a particular **Lot**, portions of the dwelling may be required to be **Setback** further than specified in Row 5 of Table 5.2.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.

15006 5.2.2.2 Deleted.

15692 5.2.2.3 Despite any required **Side Yard** in the R.2 Zone, **Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.

19063 5.2.2.4 Despite Table 4.7 Rows 1-3, for a **Lot** with a dwelling requiring a 0.0 metre interior **Side Yard**, the **Setback** to that interior **Side Lot Line** from a porch or a deck, inclusive of stairs, shall be 0.0 metres.

## Attachment 5 Proposed Zoning (continued)

15006, 15692, 17187 & 18116, 19691 TABLE 5.2.2 - REGULATIONS GOVERNING THE R.2 ZONE

1	Residential Type	<b>DUPLEX DWELLING AND SEMI-DETACHED DWELLING</b>
2	Minimum <b>Lot Area</b>	460 m <sup>2</sup> for every two units 230 m <sup>2</sup> for each unit
3	Minimum <b>Lot Frontage</b>	15 metres for every two units. 7.5 metres for each unit. Despite the above, the <b>Lots</b> located within the boundaries of Defined Area Map Number 66 of Schedule "A" shall have a minimum <b>Lot Frontage</b> of not less than the average <b>Lot Frontage</b> established by existing <b>Lots</b> within the same <b>City Block Face</b> .
4	Minimum <b>Ground Floor Area</b> 1 <b>Storey</b> 1.5 <b>Storeys</b> 2 or more <b>Storeys</b>	80 m <sup>2</sup> 55 m <sup>2</sup> 40 m <sup>2</sup>
5	Minimum <b>Front Yard</b>	6 metres and in accordance with Sections 4.6, 4.24 and 5.2.2.1.
5a	Minimum <b>Exterior Side Yard</b>	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.2.2.1.
6	Minimum <b>Side Yard</b> (each side)	1.2 metres Where a <b>Garage</b> , <b>Carport</b> or off-street <b>Parking Space</b> is not provided for each <b>Dwelling Unit</b> , each <b>Side Yard</b> shall have a minimum width of 3 metres to accommodate off-street parking. Despite the above, no interior <b>Side Yard</b> is required along the common <b>Lot</b> line of <b>Semi-Detached Dwellings</b> .
7	Minimum <b>Rear Yard</b>	7.5 metres or 20% of the <b>Lot Depth</b> , whichever is less.
8	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.
9	<b>Fences</b>	In accordance with Section 4.20.
10	Maximum <b>Building Height</b>	3 <b>Storeys</b> and in accordance with Section 4.18.
11	Maximum <b>Lot Coverage</b>	40% of the <b>Lot Area</b> .
12	Off-Street Parking	In accordance with Section 4.13.
13	<b>Garages</b>	For those <b>Lots</b> located within the boundaries indicated on Defined Area Map Number 66, where a roofed porch is provided, the <b>Garage</b> may be located ahead of the front wall of the dwelling (enclosing <b>Habitable Floor Space</b> on the first floor) equal to the projection of the porch to a maximum of 2 metres.
14	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
15	Minimum <b>Landscaped Open Space</b>	The <b>Front Yard</b> of any <b>Lot</b> , excepting the <b>Driveway (Residential)</b> , shall be landscaped and no parking shall be permitted within this <b>Landscaped Open Space</b> . Despite the definition of the <b>Landscaped Open Space</b> , for <b>Buildings</b> that do not have a shared <b>Driveway (Residential)</b> access, a minimum area of 0.6 metres between the driveway and nearest <b>Lot Line</b> must be maintained as landscaped space in the form of grass,

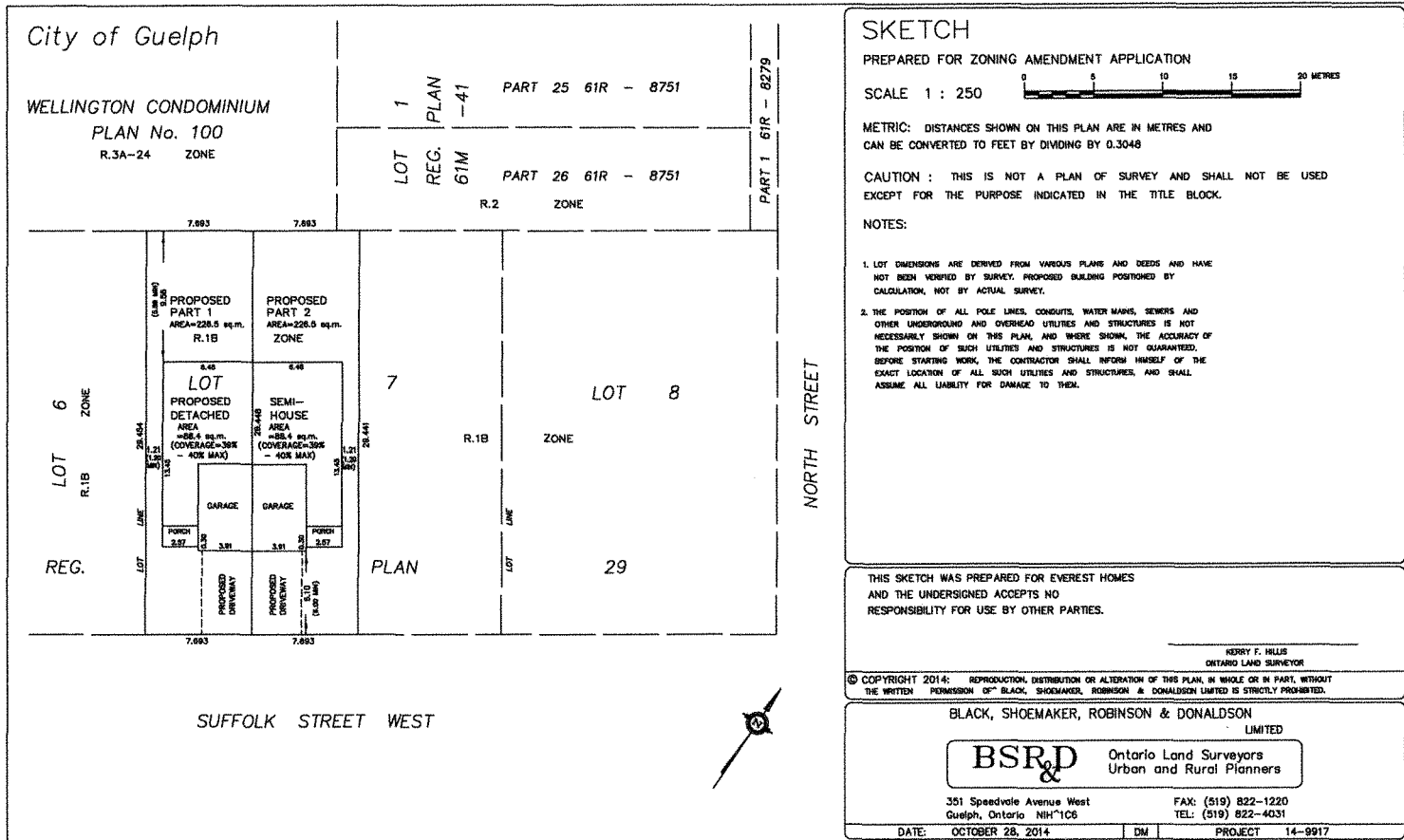
# STAFF REPORT



		flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk in accordance with Section 4.13.7.2.4.
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## Attachment 6 Proposed Development Concept



From: Eileen Ross  
Sent: February 19, 2015 12:12 PM  
To: Clerks  
Subject: File:ZC1414

Good afternoon,

I just received a notice from you regarding a proposed zoning by-law amendment of 223 Suffolk St. to permit the development of a semi-detached dwelling. My address is . I don't have any concerns regarding this proposal.

Thank you, Eileen Ross

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE March 9, 2015

**SUBJECT Statutory Public Meeting Report  
0 Lee Street  
Proposed Zoning By-law Amendment  
(File: ZC1501)  
Ward 1**

REPORT NUMBER 15-20

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide planning information on a City initiated Zoning By-law Amendment to rezone a portion of the former Grange Road alignment to facilitate the completion of three (3) single detached lots. This report has been prepared in conjunction with the statutory public meeting on the 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.

### ACTION REQUIRED

Council will hear public delegations on the application, ask questions for clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 15-20 regarding a City initiated Zoning By-law Amendment to rezone a portion of the former Grange Road alignment to facilitate the creation of three (3) single detached lots for the property municipally referred to as 0 Lee Street, and legally described as Part of Grange Road and Cityview Drive, Registered Plan 53, City of Guelph, from Infrastructure, Development and Enterprise dated March 9, 2015, be received.

# STAFF REPORT



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## BACKGROUND

This report provides information on a City initiated Zoning By-law Amendment for lands owned by the City that comprised a portion of the former Grange Road right-of-way alignment. The purpose of the application is to amend the zoning of the subject lands from the UR (Urban Reserve) Zone to the R.2-6 (Residential Semi-Detached/Duplex) Zone to facilitate the creation of three residential lots at the newly aligned intersection of Lee Street and Cityview Drive. The subject lands would ultimately be consolidated with adjacent Future Development Blocks 20 to 22, Registered Plan 61M-37 that are also currently zoned R.2-6 (see Attachment 5).

The City is initiating this zoning by-law amendment in accordance with a 2013 Ontario Municipal Board (OMB) Settlement Agreement resulting from an appeal by "Guelph Watson" to their draft plan of subdivision application at 11 Starwood Drive. This Settlement Agreement between "Guelph Watson" and the City established terms regarding the City's purchase of parkland within this proposed subdivision due to a recognized previous over-dedication of parkland by "Guelph Watson" for the larger Eastview Community Subdivision (23T-91007). As consideration for the transfer of the Park Block within the subdivision at 11 Starwood Drive, the Settlement Agreement included the condition that the City owned subject lands be transferred to "Guelph Watson".

The transfer of these lands was made conditional upon the City passing a by-law stopping up and closing the subject lands as a highway, and the City passing a by-law to rezone the subject lands to the appropriate residential zoning category in combination with the existing zoning of adjacent Blocks 20 to 22, Plan 61M-37. To satisfy this latter condition, the City is initiating the proposed zoning by-law amendment to rezone the subject lands to the R.2-6 Zone, consistent with the existing zoning of the adjacent Future Development Blocks 20-22 that are owned by "Guelph Watson". The acquisition and consolidation of the subject lands with these future development blocks would facilitate the creation of three single detached lots with street frontage on Lee Street.

## Location

The subject lands are 0.076 hectares in size and comprise a portion of the former Grange Road alignment that are now located at the northwest corner of the newly configured intersection of Lee Street and Cityview Drive North (see Location Map in Attachment 1). The subject lands are bounded by Cityview Drive to the west, Lee Street to the south, Breesegarden Lane to the east and future development blocks 20-22 within Registered Plan 61M-37 to the north that currently contains an existing single detached dwelling.

## Existing Official Plan Land Use Designations and Policies

The Official Plan land use designation that applies to the subject lands is "General Residential" (see Attachment 2). The "General Residential" land use designation permits all forms of residential development to a maximum density of 100 units per

# STAFF REPORT



hectare and the satisfaction of specific development criteria. The Official Plan land use designations and related policies are included in Attachment 2.

Official Plan Amendment 48 (under appeal), a comprehensive update to the City's Official Plan currently designates the subject site 'Low Density Residential'. Staff must have regard for the Council adopted policies and designations of OPA #48 even though it is currently under appeal.

## **Existing Zoning**

The subject property is zoned UR (Urban Reserve) Zone. Details of the existing zoning are included in Attachment 4.

## **REPORT**

### **Description of Proposed Zoning Bylaw Amendment**

This is a City initiated zoning by-law amendment to rezone the subject lands from the current UR (Urban Reserve) Zone to the R.2-6 (Semi-Detached/Duplex) Zone to facilitate the creation of three single detached lots. The R.2-6 Zone permits both single detached dwellings and semi-detached dwellings. Further details of the proposed zoning are provided in Attachment 4.

### **Proposed Development**

The proposed development concept is included in Attachment 5, which illustrates the ultimate lotting pattern of three single detached lots fronting on Lee Street at the northeast corner of the newly aligned Cityview Drive North and Lee Street intersection. It is noted that the existing dwelling would be demolished and the three single detached lots would need to be created through a future consent to sever application at the Committee of Adjustment.

### **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments;
- Review of the proposed zoning;
- Review of servicing;
- Address all comments and issues raised during the review of the application.

Once the proposed amendment 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.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

# STAFF REPORT



## FINANCIAL IMPLICATIONS

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

## COMMUNICATIONS

The Public Meeting Notice was mailed on February 12, 2015 to local boards and agencies, City service areas and property owners with 120 metres of the subject site. The Notice of Public Meeting was advertised in the Guelph Tribune on February 12, 2015. Notice of the application has also been provided by signage on the site.

## ATTACHMENTS

- Attachment 1 - Location Map
- Attachment 2 - Existing Official Plan Land Use Designations and Policies
- Attachment 3 - Official Plan Amendment #48 Land Use Designations
- Attachment 4 - Existing and Proposed Zoning and Details
- Attachment 5 - Proposed Lotting Pattern

### Report Author

Chris DeVriendt  
Senior Development Planner

### Approved By

Todd Salter  
General Manager  
Planning Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

Sylvia Kirkwood  
Manager of Development Planning

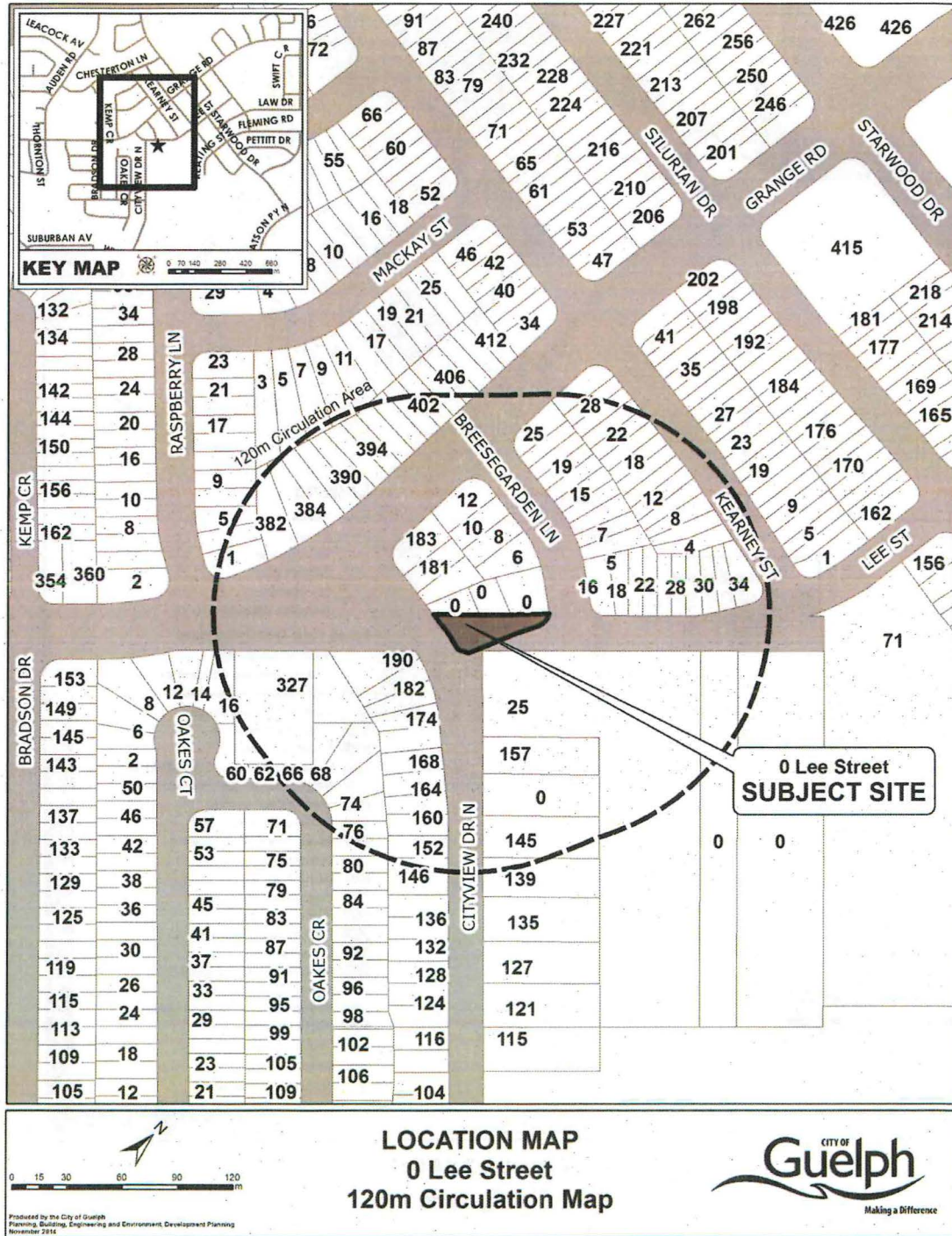
### Recommended By

Al Horsman  
Deputy CAO  
Infrastructure, Development and Enterprise  
519.822.1260, ext. 5606  
al.horsman@guelph.ca



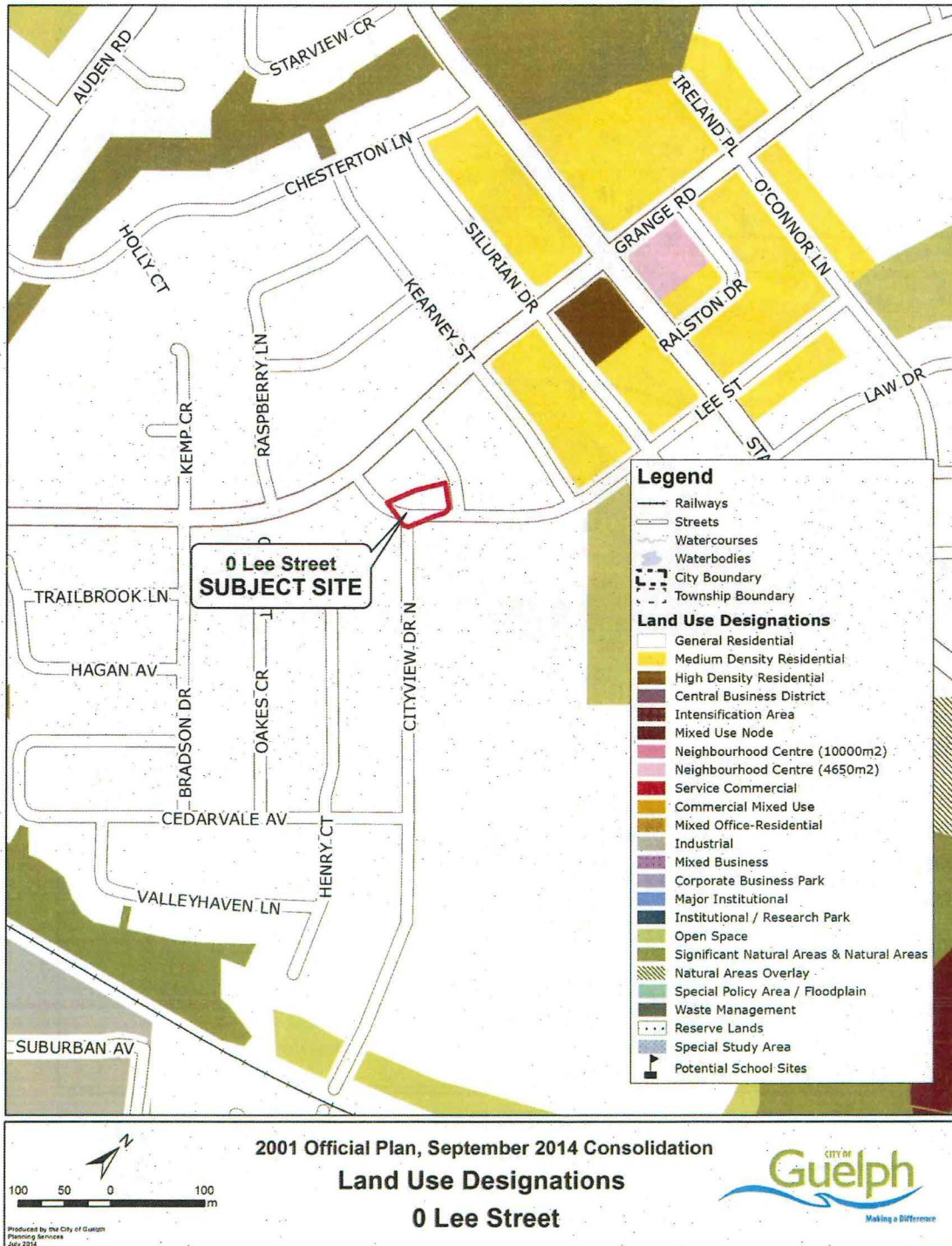
# STAFF REPORT

## Attachment 1 Location Map





## Attachment 2 Existing Official Plan Land Use Designations and Policies





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## Attachment 2 (continued) Existing 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

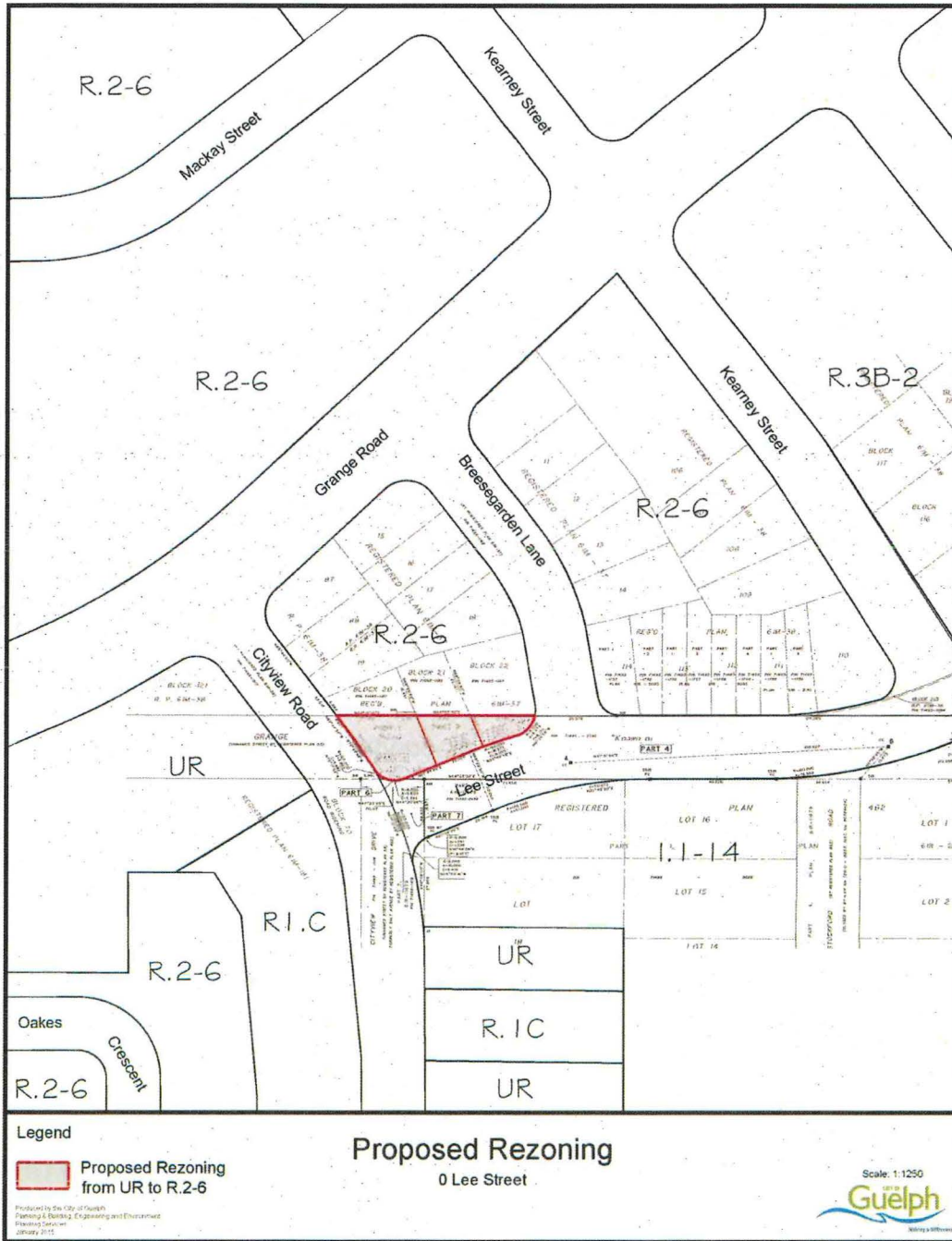
# STAFF REPORT

## Attachment 3 Official Plan Amendment #48 Land Use Designations



# STAFF REPORT

## Attachment 4 Existing and Proposed Zoning and Details





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## Attachment 4 (continued) Existing Zoning Details

### UR (Urban Reserve) Zone

#### Permitted Uses

- Agriculture, Livestock Based
- Agriculture, Vegetation Based (mushroom farms shall not be permitted)
- Conservation Area
- Flood Control Facility
- Outdoor Sportsfield Facilities
- Recreation Trail
- Wildlife Management Area
- Accessory Uses in accordance with Section 4.23

#### Regulations

Within the Urban Reserve (UR) Zone, 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 and the following regulations:

#### Minimum Separation Distances Regulating Livestock Based Agriculture

Minimum separation distances for Livestock Based Agriculture operations shall be based on the Minimum Separation Distance requirements for livestock farms required by the Ontario Ministry of Agriculture and Food.

#### Permitted Building or Structure

In addition to all other provisions of this Section, a permitted Building or Structure shall only be permitted in accordance with all of the following regulations:

#### Minimum Side Yard

Equal to one-half the Building Height but in no case less than 3 metres.

#### Minimum Rear Yard

Equal to one-half the Building Height but in no case less than 7.5 metres.

#### Minimum Front Yard

7.5 metres or as set out in Section 4.24, whichever is greater.

#### Off-Street Parking

No off-Street parking shall be located within 3 metres of any boundary of an UR Zone.

#### Off-Street Loading

No off-Street loading shall be located within 3 metres of any boundary of an UR Zone.

# STAFF REPORT

## Accessory Building or Structure

Despite Section 4.5, an accessory Building or Structure shall be permitted only in accordance with the following regulations:

No accessory Building or Structure shall be used for human habitation.

No accessory Building or Structure shall be located between the Street Line and any Setback line.

No accessory Building or Structure shall be located in any Side Yard.

No accessory Building or Structure shall be located closer to any Lot Line than one-half Building Height or 7.5 metres, whichever is greater.

## Lighting of Outdoor Sportsfield Facilities

Outdoor Sportsfield Facilities shall be permitted to have lighting facilities developed in accordance with Section 4.18.1.

## Attachment 4 (continued) Proposed Zoning Details

### R.2-6 (Residential Semi-Detached/Duplex) Zone

As shown on Defined Area Map Numbers 56, 57, 61 and 62 of Schedule "A" of this *By-law*

#### Permitted Uses

Notwithstanding the Uses permitted by Section 5.2.1 of By-law Number (1995)-14864, as amended, the permitted Uses in the R.2-6 Zone shall be limited to the following:

- Single-Detached Dwelling
- Semi-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
- Building or Structure accessory to the foregoing permitted uses

#### Regulations

Notwithstanding the provisions of Section 5.2.2 of By-law Number (1995)-14864, as amended, the following provisions shall apply:

##### Regulations for Single Detached Dwellings

In accordance with the provisions of Sections 4 and 5.1.2 of By-law (1995)-14864, as amended, with the following additions or exceptions:

Minimum Lot Area – 285 m<sup>2</sup>

Minimum Lot Frontage – 9.5 metres

Maximum Lot Frontage – 14.5 metres for all lots other than a Corner Lot

##### Minimum Front Yard

- i) From Grange Road, Watson Road, and Starwood Drive: 7.5 metres from the Street Line;
- ii) From all other Streets: 6 metres from the Street Line

Minimum Exterior Side Yard – 4.5 metres

##### Location of Legal Off-Street Parking Space

Notwithstanding Sections 4 and 5.1.2 of this By-law, the legal off-street Parking Space shall be located to the rear of the Setback line and a minimum distance of 6 metres from the Street Line

# STAFF REPORT

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## Minimum Side Yard

0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2

## Regulations for Semi-Detached Dwellings

In accordance with the provisions of Sections 4 and 5.2.2 of this By-law (1995)-14864, as amended, with the following additions or exceptions:

### Minimum Lot Area – 485 m<sup>2</sup>

### Minimum Side Yard (Each Side\*)

1 to 2 storeys – 1.2 metres

Over 2 storeys – 2.4 metres

\* Notwithstanding the above, where a garage, carport or off- Street Parking Space is not provided for each Dwelling Unit, each Side Yard shall be a minimum width of 3 metres

### Minimum Front Yard

i) From Grange Road, Watson Road and Starwood Drive: 7.5 metres from the Street Line

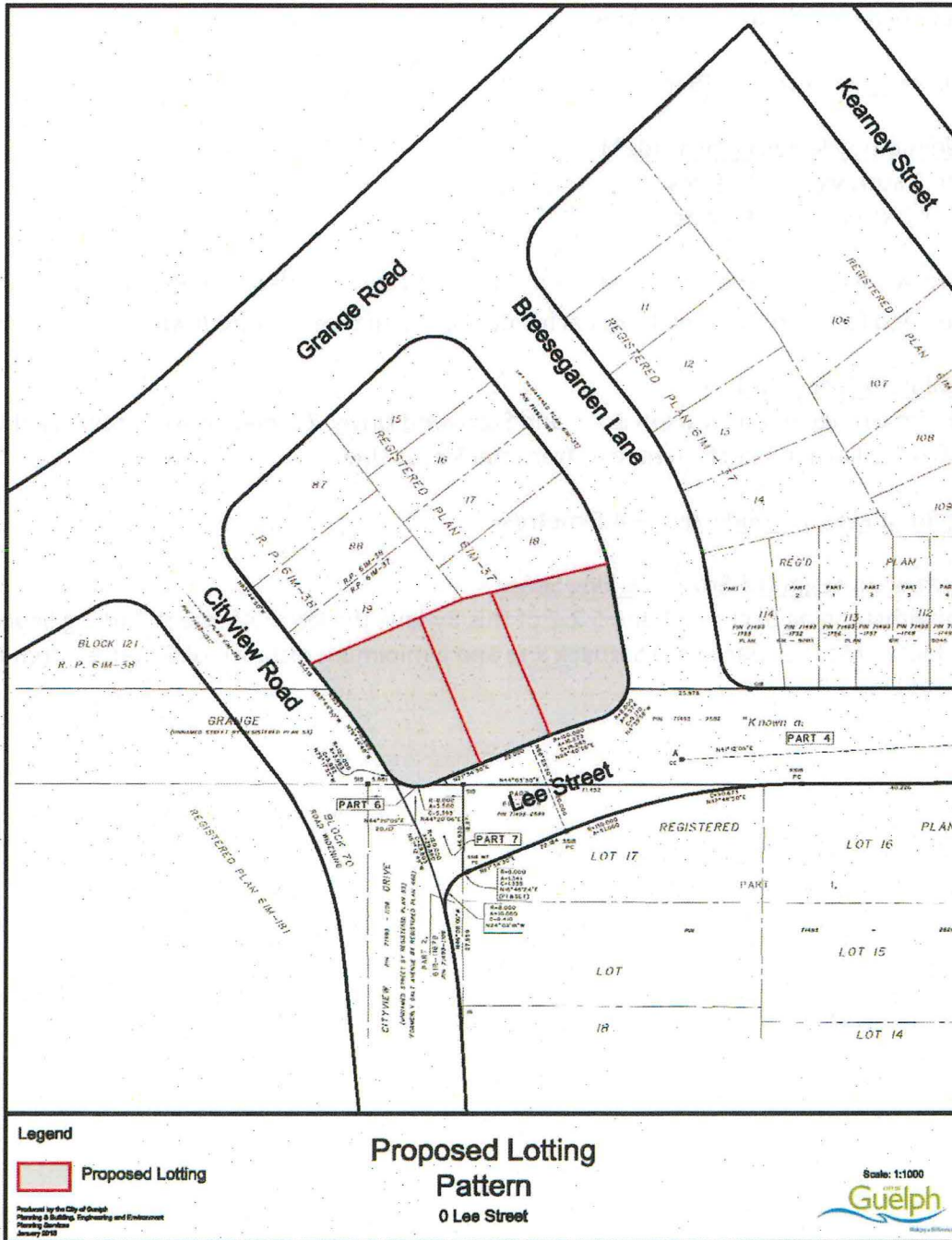
ii) From all other Streets: 6 metres from the Street Line

### Minimum Exterior Side Yard – 4.5 metres

### Location of Legal Off-Street Parking Space

Notwithstanding Sections 4 and 5.2.2 of this By-law, the legal off-street Parking Space shall be located to the rear of the Setback line and a minimum distance of 6 metres from the Street Line

## Attachment 5 Proposed Lotting Pattern





# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE March 9, 2015

**SUBJECT Statutory Public Meeting Report  
129 Elmira Road South and 963 to 1045 Paisley Road  
Proposed Zoning By-law Amendment  
(File: ZC1502)  
Ward 4**

REPORT NUMBER 15-19

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit the development of a home improvement retail warehouse establishment on lands municipally known as 129 Elmira Road South and to reduce the maximum permitted commercial gross floor area (GFA) on lands municipally known as 963 to 1045 Paisley Road. 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.

### ACTION REQUIRED

Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 15-19 regarding a proposed Zoning By-law Amendment application (File: ZC1502) by Walker, Nott, Dragicevic Associates Limited on behalf of Armel Corporation to permit the development of a home improvement retail warehouse establishment on the property municipally known as 129 Elmira Road South, and legally described as Part of Lot 6

# STAFF REPORT



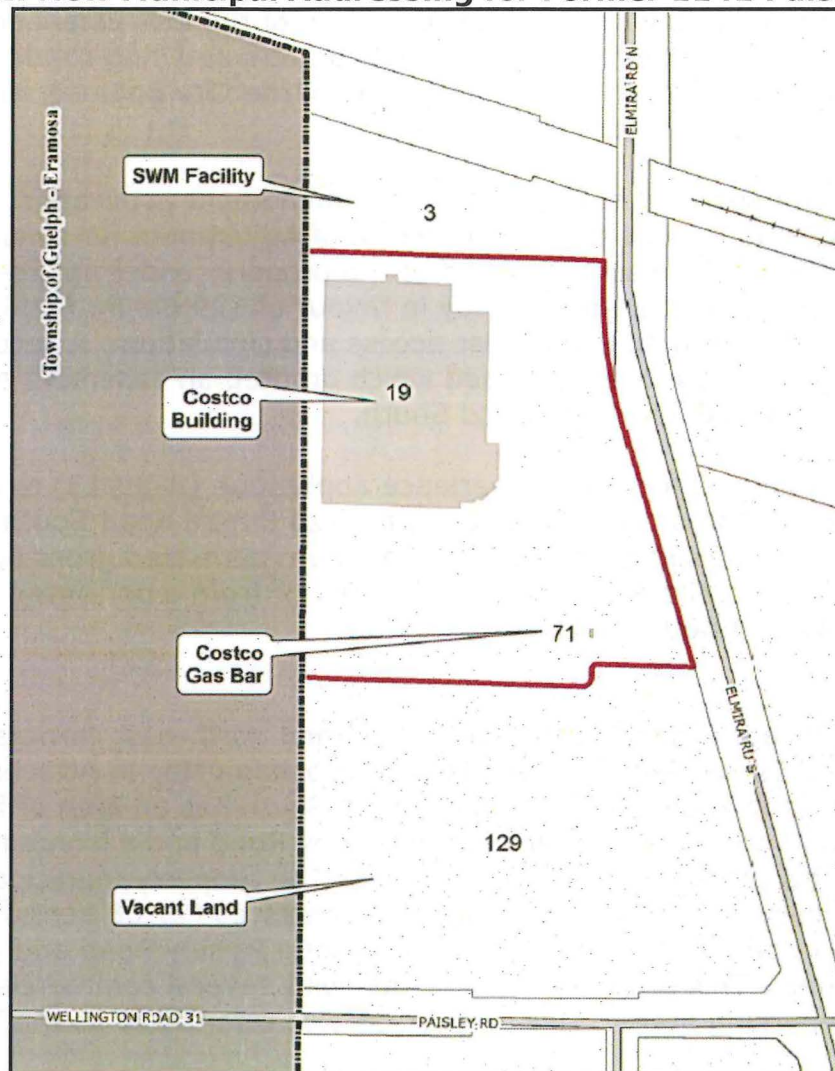
Concession 1 Division 'B', and Part of the Original Allowance Between part of Lot 4 Concession 2 Division 'E' (Geographic Township of Guelph), City of Guelph, more specifically described as Part 23, Part 24 and Part 26 of Plan 61R-20091 and to reduce the maximum permitted commercial gross floor area (GFA) on the property municipally known as 963 to 1045 Paisley, and legally described as Block 1 Plan 61M-53, excluding Part 6 of Reference Plan 61R-10459, from Infrastructure, Development and Enterprise dated March 9, 2015, be received.

## **BACKGROUND**

An application to amend the Zoning By-law has been received for the properties municipally known as 129 Elmira Road South and 963 to 1045 Paisley Road from Walker, Nott, Dragicevic Associates Limited on behalf of Armel Corporation on January 19, 2015. The application would permit the development of a home improvement retail warehouse establishment on the property municipally known as 129 Elmira Road South and would reduce the maximum permitted commercial gross floor area (GFA) on the property municipally known as 963 to 1045 Paisley Road. The application was deemed complete on February 5, 2015.

In November 2012, Report 12-96 from Planning, Building, Engineering and Environment was presented to City Council which recommended approval of an application for a Zoning By-law Amendment to permit a commercial development on the property municipally known as 1141 Paisley Road. The concept plan associated with the proposed development depicted several commercial buildings to be developed in two phases. The northerly half of the property was planned to be developed first and has since been developed with the Costco Warehouse Membership Club (now known municipally as 19 Elmira Road South) and vehicle gas bar (now known municipally as 71 Elmira Road South). The second phase of the proposed development was for the southerly portion of the property (now known municipally as 129 Elmira Road South) which is now the property subject to this Zoning By-law Amendment application (see Figure 1: New Municipal Addressing for Former 1141 Paisley Road).

**Figure 1: New Municipal Addressing for Former 1141 Paisley Road**



City Council approved staff recommendation to change the zoning on the property municipally known as 1141 Paisley Road. The northern half of the property was zoned "Specialized Community Shopping Centre" (CC-23) and the southern half was zoned "Specialized Community Shopping Centre" with a "Holding" provision (CC-24(H26)). The "Holding" provision was put in place to ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City:

Conditions:

1. That the zoning regulations for the lands at 963-1045 Paisley Road (the West Hills Plaza Lands) are revised to further limit the amount of retail space permitted in order to meet the requirements set out in the City of Guelph Official Plan regarding retail space capacity in the West End Node.

# STAFF REPORT



2. That the actual cost of the redesign and reconstruction of Paisley Road west of Elmira Road is secured to the satisfaction of the City Engineer.
3. That a site plan agreement is registered on title outlining conditions required in this zoning approval to the satisfaction of the City Engineer and the General Manager of Planning Services.

Subsequent to the approval of Zoning By-law Amendment application, the owners of 1141 Paisley Road applied to the Committee of Adjustment for consent to sever the northerly half from the southerly half of the property under application B-17/13 along with easements and a right-of-way in favour of 129 Elmira Road South for municipal services and mutual vehicular access and circulation. A second Consent application (B-18/13) was also approved which granted an easement and right-of-way in favour of 19 and 71 Elmira Road South.

The owners also applied for a minor variance application (A-39/13) to decrease the maximum permitted gross floor area (GFA) for 129 Elmira Road South to 11,500 m<sup>2</sup> from 12,000 m<sup>2</sup>, and also to increase the maximum permitted gross floor area (GFA) of 19 and 71 Elmira Road South to 14,500 m<sup>2</sup> from a permitted maximum gross floor area of 14,000 m<sup>2</sup>.

## **Location**

The subject lands are located at the north-west and north-east corners of the Paisley Road and Elmira Road intersection (see Location Map in Attachment 1). The property municipally known as 129 Elmira Road South has an area of 5.9 hectares (14.58 acres) and an exterior lot line along Paisley Road and a frontage along Elmira Road. This property is currently vacant. The property municipally known as 963 to 1045 Paisley Road has an area of 10.96 hectares (27.08 acres) with a frontage along Imperial Road, exterior lot line along Paisley Road and rear lot line along Elmira Road. This property is developed with several commercial buildings and associated parking areas. This property is also referred to as the "West Hills Plaza".

Surrounding land uses include:

- To the north: lands zoned for "Community Shopping Centre" uses and developed with a Costco Warehouse Membership Club and gas bar;
- To the south: Paisley Road, beyond which are lands zoned for "Urban Reserve" and "Residential Apartment" uses;
- To the east: Elmira Road, beyond which is the "West Hills Plaza" - commercial development anchored by the Zehrs grocery store;
- To the west: agricultural lands located within the Township of Guelph Eramosa.

## **Existing Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject lands is "Mixed Use Node". The "Mixed Use Node" land use designation is comprised of one or several individual developments on one or more properties on both sides of an intersection.

# STAFF REPORT

of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. The intent of the 'Mixed Use Node' designation is to create a well-defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location.

The current Official Plan reflects and implements the results of the City's last comprehensive commercial review (2006) which evaluated and revised the policy framework for commercial development throughout the City. Official Plan Amendment 29 (OPA 29) updated the commercial policy framework contained within the City's current Official Plan resulting from a comprehensive commercial policy review process.

The Official Plan currently sets out a maximum of 42,000 square metres of gross floor area (GFA) in this node, which does not include the GFA of 10,600 m<sup>2</sup> that existed in this node prior to the adoption of OPA 29 in 2006. The relevant policies for the applicable land use designation are included in Attachment 2.

Official Plan Amendment 48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to designate the subject lands as "Community Mixed-use Centre". Community Mixed-use Centres are comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a node. These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. The intent of the Community Mixed-use Centre designation is to create a well-defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location.

Policy 9.4.2.16 of OPA 48 reflects the maximum permitted GFA of this node of 52,600 m<sup>2</sup> which includes the 42,000 m<sup>2</sup> identified through OPA 29 and the 10,600 m<sup>2</sup> that existed prior to 2006. Staff must have regard for the Council adopted policies and designations of OPA 48 even though it is currently under appeal.

The relevant policies for the "Community Mixed-use Centre" land use designation are included in Attachment 3.

## **Existing Zoning**

129 Elmira Road South is currently zoned "Specialized Community Shopping Centre with a 'Holding' Provision" (CC-24(H26)) and 963 to 1045 Paisley Road is currently zoned "Specialized Community Shopping Centre" (CC-6).

Details of the existing zoning are included in Attachment 4.

# STAFF REPORT

## REPORT

### Description of Proposed Zoning By-law Amendment

The purpose of the proposed Zoning By-law Amendment is to add a home improvement retail warehouse establishment to the list of commercial uses already permitted at 129 Elmira Road South, lift the 'Holding' (H) from the subject property, modify the parking standard for a home improvement retail warehouse establishment use and other minor administrative adjustments to the zoning for 129 Elmira Road South. In order to lift the 'Holding' (H) provision on the property municipally known as 129 Elmira Road South, the maximum permitted commercial gross floor area (GFA) on the property municipally known as 963 to 1045 Paisley Road must be reduced to ensure that the total GFA of the "Mixed Use Node" does not exceed the 52,600 m<sup>2</sup> as permitted by the Official Plan.

Presently, a maximum of 31,250 m<sup>2</sup> of gross floor area (GFA) is permitted on 963 to 1045 Paisley Road (West Hills Plaza). As part of this application, the applicant is requesting a reduction to the permitted GFA to 20,851m<sup>2</sup> to allow the increase in the permitted GFA on 129 Elmira Road South from 11,500 m<sup>2</sup> to 14,500 m<sup>2</sup>, and also allow the lifting of the 'Holding' provision on 129 Elmira Road South. This re-allocation and reduction will allow the "Mixed Use Node" to remain in conformity with the Official Plan policies which permit a maximum GFA of 52,600 square metres in the Paisley/Imperial Node.

SITE	GFA (square metres)	ZONING
SE Corner – Paisley/Imperial	929	NC
SW Corner – Paisley/Imperial	1,820	NC
West Hills Plaza – Zehrs et al	20,851	CC-6
Elmira West – Costco	14,500	CC-23
Proposed Elmira West	14,500	CC-24 (H26)
<b>TOTAL</b>	<b>52,600</b>	

Further details of the proposed zoning are provided in Attachment 4.

### Proposed Development

The applicant is proposing to develop 129 Elmira Road South with a home improvement retail warehouse establishment. Smaller commercial tenants are proposed along Elmira Road and Paisley Road. No additional development permissions are requested for 963 to 1045 Paisley Road, however, this property has been included in this rezoning application to reduce the maximum permitted GFA on this property in order to lift the 'Holding' provision.

The concept plan illustrates the proposed development will accommodate interconnected site circulation, servicing and parking areas. The main access along

# STAFF REPORT



Elmira Road is proposed to be aligned with the existing West Hills Plaza and is proposed to be signalized. Two secondary accesses are proposed along Elmira Road via the Costco lands.

The applicant's proposed development concept plan is shown in Attachment 5.

## Supporting Documents

The following reports and material have been submitted in support of this application:

- Planning Justification Report, prepared by Walker, Nott, Dragicevic Associates Limited, dated January 2015
- Concept Plan, prepared by BJC Architects Inc., dated January 29, 2015
- Urban Design Brief, prepared by Walker, Nott, Dragicevic Associates Limited, dated January 2015
- Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited, dated January 2015
- Lowe's Parking Standard Letter, prepared by Dillon Consulting, dated January 15, 2015
- Functional Servicing Letter, prepared by GM BluePlan Engineering Limited, dated December 23, 2014
- Environmental Update Letter, prepared by Natural Resource Solutions Inc., dated January 14, 2015

## Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review of the proposed zoning, including the need for any specialized regulations;
- Consideration of the Planning Justification Report;
- Evaluation of the proposal against the Urban Design Concept Plans, Principles and Illustrative Diagrams for the Paisley/Imperial Mixed Use Node;
- Review of servicing and traffic issues;
- Confirm support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of the application.

Once the 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.

## CORPORATE STRATEGIC PLAN

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.



# STAFF REPORT



## FINANCIAL IMPLICATIONS

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

## COMMUNICATIONS

The Complete Application and Public Meeting Notice was mailed on February 12, 2015 to local boards and agencies, City service areas and property owners with 120 metres of the subject lands for comments. The Notice of Public Meeting was advertised in the Guelph Tribune on February 12, 2015. Notice of the application has also been provided by signage on the properties.

## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
- Attachment 4 – Existing and Proposed Zoning and Details
- Attachment 5 – Proposed Development Concept

### Report Author

Lindsay Sulatycki  
Senior Development Planner

### Approved By

Sylvia Kirkwood  
Manager of Development Planning

### Approved By

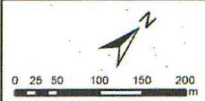
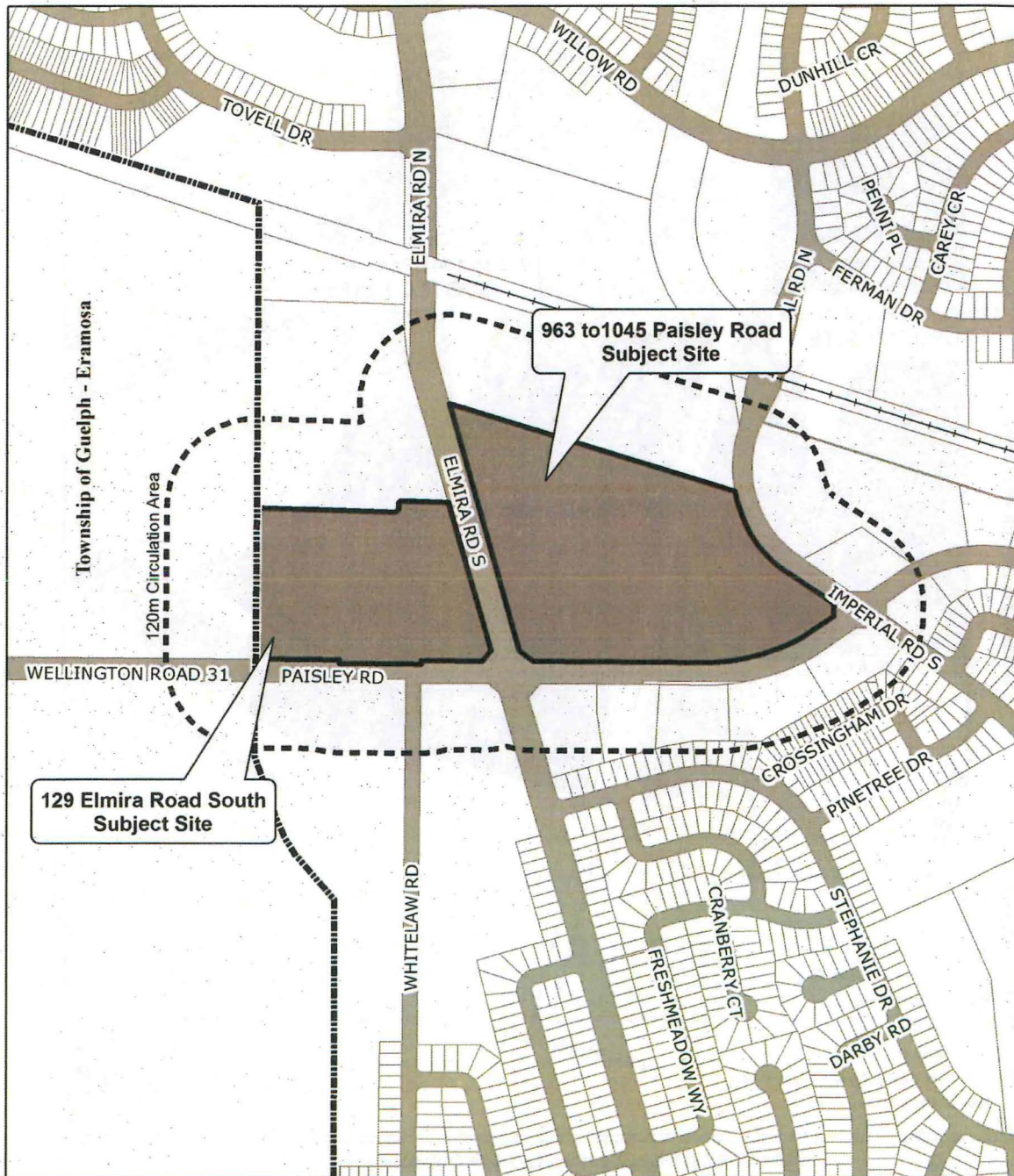
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### Recommended By

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519.822.1260, ext. 5606  
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## Attachment 1 Location Map

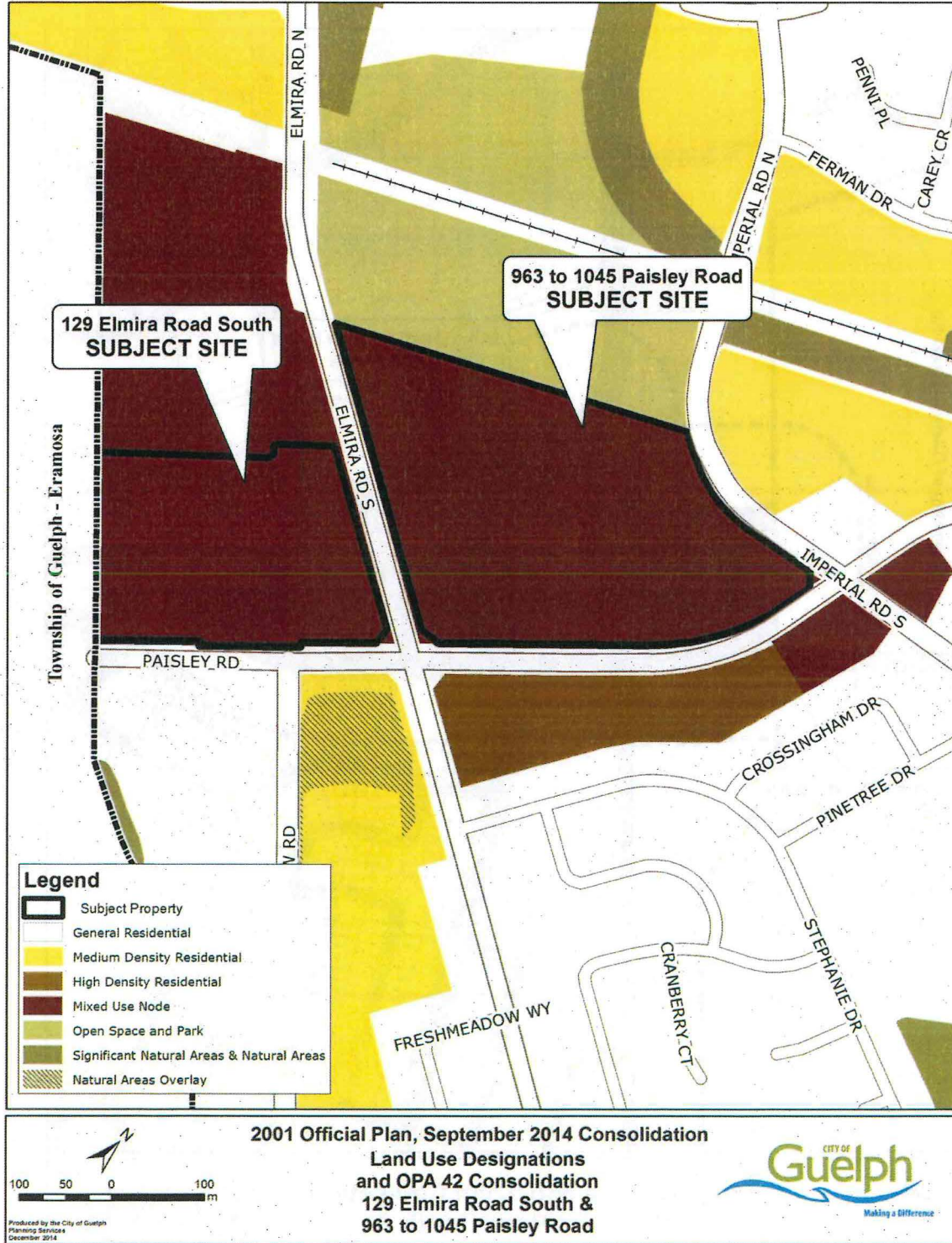


**Location Map and 120m Circulation  
129 Elmira Road South &  
963 to 1045 Paisley Road**

Produced by the City of Guelph  
Infrastructure, Development and Enterprise, Development Planning  
February 2018



## Attachment 2 Existing Official Plan Land Use Designations and Policies



## Attachment 2 (continued)

### Existing Official Plan Land Use Designations and Policies

#### Mixed Use Nodes

- 7.4.5 The 'Mixed Use Nodes' identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.
- 7.4.6 The intent of the 'Mixed Use Node' designation is to create a well-defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base.
- 7.4.7 It is intended that where there are adjacent properties within the node that the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Mixed Use Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.
- 7.4.8 The boundaries of the 'Mixed Use Node' designation are intended to clearly distinguish the node as a distinct entity from adjacent land use designations. Subject to the policies of Section 9.2, proposals to expand a 'Mixed Use Node' beyond these boundaries or to establish a new node shall require an Official Plan Amendment supported by impact studies as outlined in policies 7.4.48 to 7.4.52.
- 7.4.9 The 'Mixed Use Node' is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and livework studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2. Only small scale professional and medically related offices shall be permitted in this designation in order to direct major offices to the CBD, Intensification Area, Corporate Business Park and Institutional designations.

# STAFF REPORT



7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of gross leasable floor area, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total gross leasable floor area within the overall development.

7.4.11 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of Zoning By-laws and site plans used to regulate development within the 'Mixed Use Node' designation to ensure such consistency.

7.4.12 The 'Mixed Use Nodes' incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each 'Mixed Use Node' designation it is the intent of this Plan that new retail development will be limited to the following floor area cumulatively of all buildings within the node:

- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node 28,000 sq. m.
- Gordon / Clair Node 48,500 sq. m.
- Silver Creek Junction: 22,760 sq.m (245,000 square metres) subject to the specific restrictions set out in Section 7.18.5.1.

7.4.13 No individual 'Mixed Use Node' shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of gross leasable floor area.

7.4.14 In accordance with Section 9.2, any proposal to exceed the retail floor area limitations within a 'Mixed Use Node' established in policy 7.4.12 or the number of large retail uses in policy 7.4.13 shall require impact studies as outlined in policies 7.4.48 to 7.4.52.

## **Urban Design Policies for Commercial and Mixed Use Areas:**

7.4.39 In addition to the policies of section 3.6, and any Council approved urban design guidelines; the following urban design policies will be applied to the design and review of commercial and mixed use development proposals to create distinctive, functional and high quality commercial and mixed use areas:

# STAFF REPORT

## 7.4.40 **Intersections:**

- 7.4.40.1 Where a commercial or mixed use area is located at the intersection of major streets the development or redevelopment of each corner property will incorporate gateway features, prominent landscaping and pedestrian amenities with linkages into the site at the intersection.
- 7.4.40.2 Emphasize intersections of major streets by placing buildings in close proximity to the intersection and ensuring that building entrances are visually accessible from that intersection.
- 7.4.40.3 Use corner building placement, massing and roof treatment in combination with landscaping to screen large buildings and parking areas located within the interior of the site from view at the intersection.
- 7.4.40.4 Corner buildings will be designed as 'signature buildings' to take into account exposure to multiple street frontages and high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.40.5 Where a use incorporates functions such as open storage, vehicle repair operations, gas bars, garden centres and drive-throughs, these functions shall not be permitted between the building and the street line or the building and an intersection of streets.
- 7.4.40.6 Surface parking and loading areas shall not be permitted immediately adjacent the four corners of an intersection.

## 7.4.41 **Street Edges:**

- 7.4.41.1 Generously sized landscape strips incorporating combinations of landscaping, berming, and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site and to screen surface parking areas.
- 7.4.41.2 Locate free-standing buildings close to the street edge and avoid, where possible, surface parking between a building and the street.
- 7.4.41.3 Avoid locating outdoor storage areas along or adjacent to street edges.
- 7.4.41.4 Buildings adjacent the street edge will be designed to take into account high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.41.5 Buildings will be designed to screen roof-top mechanical equipment from visibility from the public realm.

# STAFF REPORT



7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges.

## 7.4.42 **Driveways, Internal Roads and Parking Areas:**

7.4.42.1 Main driveway entrances will be defined by landscaping on either side of the driveway and / or by landscaped medians.

7.4.42.2 Internal roads will be physically defined by raised landscaped planters where they intersect with parking area driveways. Internal roads will be used to divide large sites into a grid of blocks and roadways to facilitate safe vehicular movement. Internal roads will be designed to interconnect with adjacent commercial lands to create an overall cohesive and integrated node.

7.4.42.3 Divide large parking areas into smaller and defined sections through the use of landscaping and pedestrian walkways.

7.4.42.4 Provide bicycle parking in close proximity and convenient to building entrances.

## 7.4.43 **Pedestrian Movement and Comfort:**

7.4.43.1 Incorporate decoratively-paved, conveniently located and distinct pedestrian walkways which link to public boulevards, transit stops, trail systems, pedestrian systems in adjacent developments and which provide a continuous walkway along the frontage and between internal commercial uses.

7.4.43.2 Pedestrian systems shall incorporate landscaping and pedestrian scale lighting and shall be defined by distinct materials and / or grade separation from vehicular movement systems.

7.4.43.3 Pedestrian systems and buildings shall be designed to provide barrier-free accessibility and pedestrian movement systems shall be sufficiently wide enough to be functional and provide comfortable pedestrian movement.

7.4.43.4 Well defined pedestrian systems clearly distinctive from vehicular driveways shall be provided immediately adjacent to the main entrances of commercial buildings.

7.4.43.5 Where possible, main building entrances should incorporate weather protection measures such as canopies, awnings, building projections or colonnades.

# STAFF REPORT

7.4.43.6 Large developments will incorporate elements designed for people to rest such as parkettes, gazebos, pergolas, decorative walls that are separate and distinct from vehicular systems and parking areas.

7.4.43.7 Large developments within the nodes identified in the City's 2005 Transportation Study will incorporate a transit transfer terminal facility to the satisfaction of the City. Well defined pedestrian systems shall be provided linking these facilities to pedestrian movement systems internal and external to the site.

#### 7.4.44 **Large Buildings:**

7.4.44.1 Where building facades are visible from a public street and are greater than 30 metres in length the building facades will incorporate recesses, projections, windows or awnings, colonnades and landscaping along at least 20% of the length of the façade to reduce the mass of such facades.

7.4.44.2 Large buildings will incorporate architectural elements which will reduce the visual effects of flat roof lines and which will conceal roof-top equipment.

7.4.44.3 Large buildings will be designed to enhance the visual built form and character of Guelph by incorporating architectural styles and elements and exterior building materials into building facades that reinforce the heritage character of the City of Guelph.

7.4.44.4 Where outdoor display areas are associated with a large building the use of landscape elements such as plantings, decorative fencing, pergolas and / or architectural elements such as façade extensions, and canopies shall be incorporated for effective integration with the overall development.

#### 7.4.45 **Adjacent Development:**

7.4.45.1 Where commercial or mixed use development is located in proximity to residential and institutional uses the following urban design strategies will be employed to ensure compatibility: 7.4.45.1.1 Building massing strategies to reduce the visual effects of flat roof lines and blank facades or building height.

7.4.45.1.2 Where possible, the location of noise-generating activities away from sensitive areas.

7.4.45.1.3 Incorporating screening and noise attenuation for roof-top mechanical equipment and other noise generating activities situated in proximity to sensitive uses.



# STAFF REPORT



7.4.45.1.4 Providing perimeter landscape buffering incorporating a generously planted landscape strip, berming and / or fencing to delineate property boundaries and to screen the commercial use from the adjacent use.

7.4.45.1.5 Design exterior lighting and signage to prevent light spillage into the adjacent property.

7.4.45.1.6 Avoid the location of drive-through lanes adjacent a use that would be negatively affected by noise, light and activity levels associated with these facilities.

## 7.4.46 **Environmental Design:**

7.4.46.1 The design and orientation of the site and building development will support energy efficiency and water conservation through the use of alternative or renewable energy, storm water infiltration systems, 'green' building designs, landscaping and vegetative materials and similar measures. Stormwater management measures shall address both quantity and quality issues in accordance with recognized Best Management Practices.

7.4.46.2 Where possible buildings will be oriented to maintain vistas of natural features on lands adjacent to the site.

## 7.4.47 **Implementation:**

7.4.47.1 To ensure that the aesthetic character of site and building design in commercial and mixed use areas is consistent with the City's urban design objectives and policies, measures shall be incorporated into the Zoning By-law and the approval of site plans used to regulate development.



## Attachment 3

### Official Plan Amendment #48 Land Use Designations and Policies

#### 9.4.2 Community Mixed-use Centre

The following Community Mixed-use Centres are designated on Schedule 2:

- Woodlawn/Woolwich
- Paisley/Imperial
- Watson/Starwood
- Gordon/Clair
- Silvercreek Junction

#### Objectives

- a) To promote Community Mixed-use Centres as areas that support a mix of uses including concentrations of commercial, residential and complementary uses serving the immediate neighbourhood and the wider community.

#### Policies

1. The Community Mixed-use Centres identified on Schedule 2 of this Plan are comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within the designation. These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.
2. The intent of the Community Mixed-use Centre designation is to create a well-defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing Zoning By-laws may include mechanisms, such as minimum height and density requirements and maximum parking standards, to promote the efficient use of the land base.
3. Development will be comprehensively planned and integrated with the overall Community Mixed-use Node and in accordance with any applicable concept plans or urban design studies as per the policies of Section 3.11.
4. Where residential uses are incorporated into Community Mixed-use Centres, they are intended to be developed as mixed-use buildings or multiple-unit residential buildings.

# STAFF REPORT

5. Properties within the Community Mixed-use Centre will be integrated through internal access roads, entrances from public streets, access to common parking areas, open space, grading and stormwater management systems. Furthermore, it is intended that individual developments within the Community Mixed-use Centre will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.
6. Community Mixed-use Centres are strongly encouraged to incorporate Main Street type development in strategic locations. Main street areas, as identified through concept plans as per Section 3.1.1, will be planned and designed to reflect the following:
  - i) multi-storey buildings fronting onto the main street;
  - ii) ground floor retail and service uses are strongly encouraged;
  - iii) office uses at ground floor should be limited;
  - iv) residential uses should be provided primarily above commercial uses in addition to some free-standing residential buildings;
  - v) rhythm and spacing of building entrances and appropriately sized storefronts to encourage pedestrian activity;
  - vi) urban squares, where appropriate; and
  - vii) on-street parking.
7. Large free-standing buildings should be integrated with smaller-scale stores to create a Main Street-type environment or located on peripheral sites within the designation, which are directly linked to the Main Street.
8. The City will require the aesthetic character of site and building design to be consistent with the Urban Design policies of this Plan and any applicable urban design guidelines while recognizing the unique context of individual Community Mixed-use centres. Measures may be incorporated into development approvals to ensure consistency.
9. The boundaries of the Community Mixed-use Centre designation are intended to clearly distinguish the Community Mixed-use Centre as a distinct entity from adjacent land use designations. Proposals to expand a Community Mixed-use Centre beyond these boundaries or to establish a new Community Mixed-use Centre shall require an Official Plan Amendment supported by a Market Impact Study in accordance with the policies of this Plan.
10. Development within the Community Mixed-use Centre designation is subject to the policies of Section 3.11 of this Plan.

# STAFF REPORT

## Permitted Uses

11. The following uses may be permitted in Community Mixed-use Centres, subject to the applicable provisions of this Plan:

- i) commercial, retail and service uses;
- ii) live/work uses;
- iii) small-scale professional and medically related offices;
- iv) entertainment and recreational commercial uses;
- v) community services and facilities;
- vi) cultural, educational and institutional uses;
- vii) hotels;
- viii) multiple unit residential; and
- ix) urban squares and open space.

12. Vehicle repair and vehicle service stations shall only be permitted as accessory uses.

13. The permitted uses can be mixed vertically within a building or horizontally within multiple-unit buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of gross floor area, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total gross floor area within the overall development.

14. No individual Community Mixed-use Centre shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of gross floor area.

## Height and Density

15. The Community Mixed-use Centres incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. To promote a mixture of land uses within each Community Mixed-use Centre, retail development will be limited to the following total gross floor area cumulatively of all buildings within the designation:

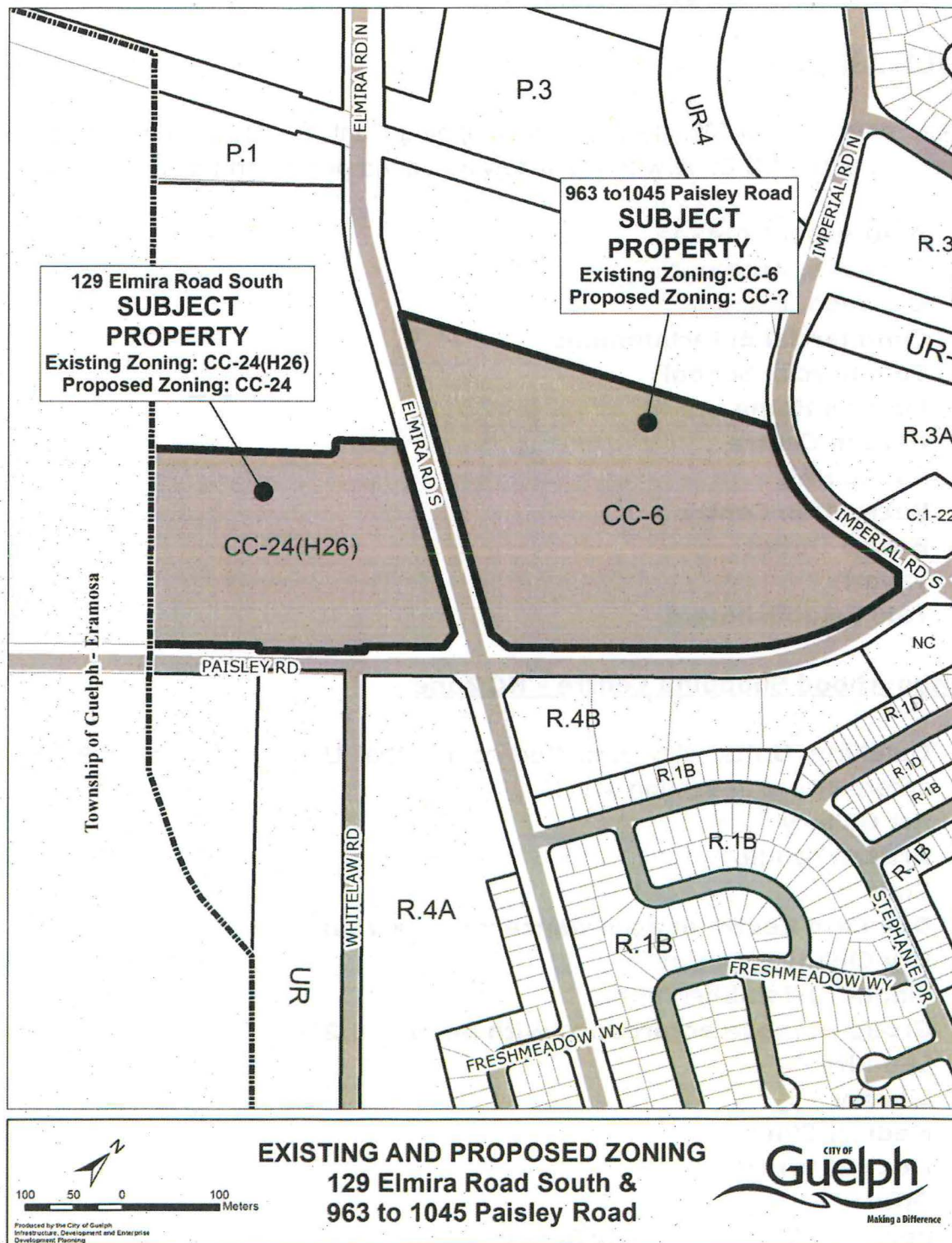
Mixed-use Centre	Total Gross Floor Area
Gordon/Clair	48,500 sq. m
Woodlawn/Woolwich	56,000 sq. m
Paisley/Imperial	52,600 sq. m
Watson Parkway/Starwood	28,000 sq. m
Silvercreek Junction	22,760 sq. m

# STAFF REPORT

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16. The maximum height is ten (10) storeys.
17. For freestanding residential development, the maximum net density is 150 units per hectare and the minimum net density is 100 units per hectare.
18. Additional building height and density may be considered subject to the Height and Density Bonus provisions of this Plan.

## Attachment 4 Existing and Proposed Zoning and Details



# STAFF REPORT

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## Attachment 4 (continued) Existing and Proposed Zoning and Details

### Community Shopping Centre - CC Zone

#### Permitted Uses:

All Uses permitted in "Neighbourhood Shopping Centre – NC" Zone subject to the regulations of the CC Zone with the following added permitted Uses:

- **Amusement Arcade**
- **Carwash, Automatic**
- **Carwash, Manual**
- **Commercial Entertainment**
- **Commercial School**
- **Funeral Home**
- **Garden Centre**
- **Public Hall**
- **Recreation Centre**
- **Rental Outlet**
- **Tavern**
- **Taxi Establishment**

### Neighbourhood Shopping Centre - NC Zone

- **Dwelling Units** with permitted commercial Uses in the same Building in accordance with Section 4.15.2
- **Art Gallery**
- **Artisan Studio**
- **Club**
- **Day Care Centre in accordance with Section 4.26**
- **Dry Cleaning Outlet**
- **Financial Establishment**
- **Group Home in accordance with Section 4.25**
- **Laundry**
- **Library**
- **Medical Clinic**
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **Religious Establishment**

# STAFF REPORT

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- **Restaurant**
- **Restaurant (take-out)**
- **Retail Establishment**
- **Vehicle Gas Bar**
- **Veterinary Service**
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21



# STAFF REPORT

TABLE 6.2.2 – REGULATIONS GOVERNING COMMERCIAL SHOPPING CENTRES

Row 1	Commercial Type	Neighbourhood (NC) Shopping Centre	Community (CC) Shopping Centre	Regional (RC) Shopping Centre
2	Minimum <i>Lot Area</i>	2,000 m <sup>2</sup>	7,500 m <sup>2</sup>	100,000 m <sup>2</sup>
3	Maximum <i>Lot Area</i>	7,500 m <sup>2</sup>	50,000 m <sup>2</sup>	--
4	Minimum <i>Lot Frontage</i>	30 metres	50 metres	100 metres
5	Minimum <i>Front and Exterior Side Yard</i>	3 metres and in accordance with Section 4.24.		
6	Minimum <i>Side Yard</i>	One-half the <i>Building Height</i> but not less than 3 metres.		10 m or twice the <i>Building Height</i> whichever is greater, but not less than 15 metres where a <i>Side Yard</i> abuts a Residential or Urban Reserve <i>Zone</i> .
7	Minimum <i>Rear Yard</i>	One-half the <i>Building Height</i> but not less than 3 metres.		10 m or twice the <i>Building Height</i> whichever is greater, but not less than 15 metres where a <i>Side Yard</i> abuts a Residential or Urban Reserve <i>Zone</i> .
8	Maximum <i>Building Height</i>	2 <i>Storeys</i> to a maximum of 10 metres and in accordance with Sections 4.16 and 4.18.	3 <i>Storeys</i> to a maximum of 15 metres and in accordance with Sections 4.16 and 4.18.	8 <i>Storeys</i> to a maximum of 30 metres and in accordance with Sections 4.16 and 4.18.
9	Minimum <i>Gross Floor Area</i>	--	1,875 m <sup>2</sup>	31,250 m <sup>2</sup>
10	Maximum <i>Gross Floor Area</i>	1,875 m <sup>2</sup> and in accordance with Section 6.2.2.1.	12,500 m <sup>2</sup>	75,000 m <sup>2</sup>
11	Minimum <i>Landscaped Open Space</i>	9% of the <i>Lot Area</i> .		
12	Planting Area	A landscaped strip of land, 3 metres in width shall be maintained adjacent to the <i>Street Line</i> , except for those areas required for entry ramps.		
13	<i>Buffer Strips</i>	Where a NC, CC, or RC <i>Zone</i> abuts any Residential, Institutional, Park, Wetland, or Urban Reserve <i>Zone</i> , a <i>Buffer Strip</i> shall be developed.		
14	Off- <i>Street</i> Parking	In accordance with Section 4.13.		
15	Off- <i>Street</i> Loading	In accordance with Section 4.14.		
16	Enclosed Operations	In accordance with Section 4.22.		
17	Accessory <i>Buildings</i> or <i>Structures</i>	In accordance with Section 4.5.		
18	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.		
19	<i>Fences</i>	In accordance with Section 4.20.		

# STAFF REPORT

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## CC-24(H26) – 129 Elmira Road South (Existing Zoning)

### Permitted Uses

Notwithstanding Section 6.2.1.2 of the Zoning By-law (1995)-14864, as amended, the following Uses are not permitted in this Zone:

- **Carwash, Automatic**
- **Carwash, Manual**
- **Vehicle Gas Bar**

### Regulations

In accordance with Section 6.2.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions and additions:

#### Maximum Lot Area

Despite Table 6.2.2, Row 3, the maximum Lot Area shall be 130,000 square metres.

#### Maximum Front and Exterior Side Yard

Despite Table 6.2.2, Row 5, all Buildings located adjacent to Elmira Road or Paisley Road shall be located a maximum of 6.0 metres from the Street Line. Parking Spaces and parking lot drive aisles shall not be permitted closer to the Street Line than the front face of Buildings along both Elmira Road and Paisley Road.

#### Minimum Building Height Requirement

In addition to Table 6.2.2, Row 8, Buildings that front along Paisley Road and Elmira Road shall have the appearance of two (2) Storey Buildings and shall have a minimum height of 8.5 metres.

#### Minimum Gross Floor Area

Despite Table 6.2.2, Row 10, the maximum commercial Gross Floor Area shall be 12,000 square metres.

#### Maximum Retail Establishment Size

The maximum Gross Floor Area of any individual Retail Establishment in this Zone shall be 3720 square metres.

#### Off-Street Parking

Despite Section 4.13.4.1 of the By-law, the minimum off-street parking required shall be 1 space per 23 square metres of Gross Floor Area.

# STAFF REPORT



## **Uses Prohibited in Specific Locations**

Drive-through Uses shall be prohibited from locating in Buildings along the Paisley Road or Elmira Road frontage of this property with the following exception:

A drive-through Use associated with a Financial Establishment at the corner intersection of Paisley Road and Elmira Road shall be permitted, subject to the vehicular drive-through facility being designed such that it is:

1. Not located between any Building and a public Street.
2. Significantly screened from public view from all public Streets.
3. Safely separated from pedestrian spaces and corridors.
4. Designed in a manner that is compatible with surrounding Uses and activities.
5. Provides a minimum of five (5) vehicular stacking spaces with a maximum of three (3) stacking spaces parallel to the Street Line.

(For purposes of this Zone, a Drive-Through Use shall be defined as: A Use which involves or is designed to encourage a customer to remain in a Vehicle while receiving a service, obtaining a product or completing a business transaction. The Use shall include vehicular stacking spaces, a serving window and may include an order intercom box).

## **Severability Provision**

The provisions of this By-law (City of Guelph (1995)-14864) shall continue to apply collectively to the whole of the lands identified on Schedule "A" as CC-24 (H26), despite any future severance, partition or division for any purpose.

## **(H26)**

### **Purpose**

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

### **Conditions**

1. That the zoning regulations for the lands at 963-1045 Paisley Road (the West Hills Plaza Lands) are revised to further limit the amount of retail space permitted in order to meet the requirements set out in the City of Guelph Official Plan regarding retail space capacity in the West End Node.
2. That the actual cost of the redesign and reconstruction of Paisley Road west of Elmira Road is secured to the satisfaction of the City Engineer.
3. That a site plan agreement is registered on title outlining conditions required in this zoning approval to the satisfaction of the City Engineer and the General Manager of Planning Services.

# STAFF REPORT

## CC-6 – 963 to 1045 Paisley Road (Existing Zoning)

### Regulations

#### Maximum Gross Floor Area

Despite Row 10 of Table 6.2.2, the maximum Gross Floor Area shall be 31,250m<sup>2</sup>.

## CC-24 – 129 Elmira Road South (Proposed Zoning)

Through this application, the 'Holding' provision that currently applies to this property shall be lifted as the three conditions required to lift the 'H' will be accomplished.

The following additional specialized regulations have been requested to facilitate the proposal:

- A "Home Improvement Retail Warehouse Establishment" shall be permitted on the subject property, whereas the Zoning By-law does not permit the use;
- The Front and Exterior side yard setbacks to the home improvement retail warehouse establishment shall be 40 metres, whereas the Zoning By-law permits a maximum Front and Exterior side yard setback of 6.0 metres;
- A parking standard of 1 space per 26.54 square metres of GFA for the home improvement retail warehouse establishment, whereas the Zoning By-law requires a parking standard of 1 space per 23 square metres of GFA;
- The maximum commercial gross floor area (GFA) shall be 14,500 m<sup>2</sup>, whereas the Zoning By-law requires a maximum commercial GFA of 12,000 m<sup>2</sup>, which has been further reduced to 11,500 m<sup>2</sup> by minor variance application A-39/13; and,
- The maximum GFA of any individual retail establishment shall be 10,000 m<sup>2</sup>, whereas the Zoning By-law permits a maximum GFA of any individual retail establishment to be 3,720 m<sup>2</sup>.

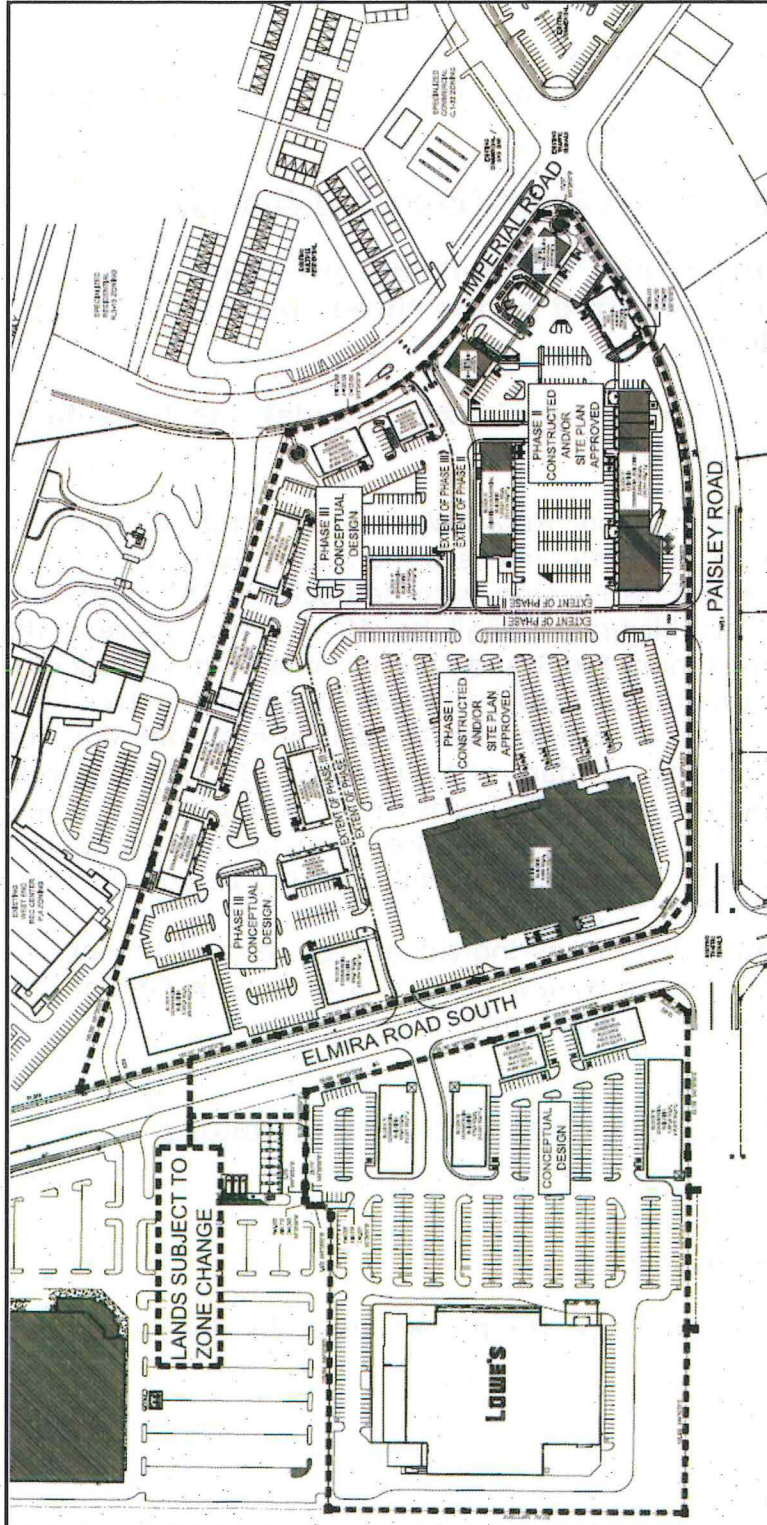
## CC-? - 963 to 1045 Paisley Road (Proposed Zoning)

### Regulations

#### Maximum Gross Floor Area

Despite Row 10 of Table 6.2.2, the maximum Gross Floor Area shall be 20,851m<sup>2</sup>.

## Attachment 5 Proposed Development Concept



## CONSENT AGENDA

March 9, 2015

His Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

### **A REPORTS FROM ADMINISTRATIVE STAFF**

<b>REPORT</b>	<b>DIRECTION</b>
<p><b>CON-2015.9 5 ARTHUR STREET SOUTH – REQUEST TO LIFT THE HOLDING SYMBOL ON ZONING FOR PHASE 1 LANDS (FILE: ZC1593) - WARD 1</b></p> <p>1. That Report 15-22 regarding an application to lift the Holding symbol submitted by 5 Arthur Street Developments, 2278560 Ontario Inc., on the R.4B-15 (H) zoning of the lands municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, from Infrastructure, Development and Enterprise, dated March 9, 2015, be received.</p> <p>2. That City Council authorize the CAO to execute a development agreement between the City of Guelph and 2278560 Ontario Inc., on the terms and conditions described in Staff Report 15-22, with a form and content satisfactory to the Deputy CAO of Public Services.</p> <p>3. That City Council direct that the City Solicitor register, or confirm registration of, the executed development agreement referred to in recommendation 2, above, on title to the property municipally known as 5 Arthur Street South.</p>	Approve



4. That City Council approve the By-law to lift the Holding symbol imposed by Bylaw (2014)-19793, which shall take effect upon confirmation of the registration on title to the property of the development agreement referred to in recommendations 2 and 3, above, by the City Solicitor.

**CON-2015.10 18 KATHLEEN STREET – NOTICE OF INTENTION TO DESIGNATE PURSUANT TO PART IV OF THE ONTARIO HERITAGE ACT - WARD 3**

Approve

1. That the Council Planning Report 15-02, dated March 9, 2015 regarding the notice of intention to designate 18 Kathleen Street pursuant to Part IV of the *Ontario Heritage Act* be received.
2. That the City Clerk be authorized to publish and serve notice of intention to designate 18 Kathleen Street pursuant to the *Ontario Heritage Act* and as recommended by Heritage Guelph.
3. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

**CON-2015.11 251 ARTHUR STREET NORTH – HERITAGE REVIEW APPLICATION (PROPOSED REMOVAL FROM MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES) AND DEMOLITION PERMIT APPLICATION - WARD 2**

Approve

1. That the Council Planning Report 15-04, regarding the recommendation to remove 251 Arthur Street North from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received.
2. That staff be authorized to remove all references to 251 Arthur Street North from the *Municipal Register of Cultural Heritage Properties*.
3. That the proposed demolition of one (1) detached dwelling at 251 Arthur Street North be approved.
4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition.
5. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

**CON-2015.12      41, 43 AND 45 WYNDHAM STREET SOUTH AND  
53 SURREY STREET EAST – HERITAGE REVIEW  
APPLICATION (PROPOSED REMOVAL FROM  
MUNICIPAL REGISTER OF CULTURAL HERITAGE  
PROPERTIES) - WARD 1**

Approve

1. That the Council Planning Report 15-05, regarding the recommendation to remove 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received.
2. That staff be authorized to remove all references to 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties*.

**CON-2015.13      PROPOSED DEMOLITION OF 27 CLARKE STREET  
WEST – WARD 3**

Approve

1. That Report 15-16 regarding the proposed demolition of one (1) single detached dwelling at 27 Clarke Street West, legally described as Plan 205 Part Lot 39 Part Lot 40; City of Guelph, from Infrastructure, Development and Enterprise dated March 9, 2015, be received.
2. That the proposed demolition of one (1) detached dwelling at 27 Clarke Street West be approved.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which may be impacted by demolition and construction activities.
4. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

**CON-2015.14      30 NORWICH STREET EAST – HERITAGE REVIEW  
APPLICATION (PROPOSED REMOVAL OF  
RESIDENTIAL COACH HOUSE FROM MUNICIPAL  
REGISTER OF CULTURAL HERITAGE  
PROPERTIES) AND DEMOLITION PERMIT  
APPLICATION - WARD 2**

Approve

1. That the Council Planning Report 15-18, regarding the recommendation to remove the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received.

2. That staff be authorized to remove all references to the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties*.
3. That the proposed demolition of one (1) detached building (the residential coach house - a former barn/stable) at the rear of 30 Norwich Street East be approved.
4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition.
5. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

attach.

# STAFF REPORT

TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE March 9, 2015

**SUBJECT 5 Arthur Street South  
Request to Lift the Holding Symbol on Zoning for Phase 1  
Lands  
(File: ZC1503)  
Ward 1**

REPORT NUMBER 15-22

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

This report provides a staff recommendation supporting the removal of the holding symbol (H) on the R.4B-15 zoning to permit the development of the first phase of development at 5 Arthur Street South. The report outlines how the conditions of the holding provision have been met.

### KEY FINDINGS

Planning staff support the request to lift the H symbol on the zoning for the 5 Arthur Street South site.

### FINANCIAL IMPLICATIONS

As part of the development agreement established between the City and the applicant pursuant to Condition 3 of the Holding Provision, the City will contribute \$33/m<sup>2</sup> to upgraded features along the publicly accessible lands known as the Riverwalk.

### ACTION REQUIRED

Council is being asked to receive this report and lift the holding symbol on the R.4B-15 zoning for the site through the approval of an associated by-law.

## RECOMMENDATION

1. That Report 15-22 regarding an application to lift the Holding symbol submitted by 5 Arthur Street Developments, 2278560 Ontario Inc., on the R.4B-15 (H) zoning of the lands municipally known as 5 Arthur Street South, and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and

# STAFF REPORT



16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph, from Infrastructure, Development and Enterprise, dated March 9, 2015, be received.

2. That City Council authorize the CAO to execute a development agreement between the City of Guelph and 2278560 Ontario Inc., on the terms and conditions described in Staff Report 15-22, with a form and content satisfactory to the Deputy CAO of Public Services.
3. That City Council direct that the City Solicitor register, or confirm registration of, the executed development agreement referred to in recommendation 2, above, on title to the property municipally known as 5 Arthur Street South.
4. That City Council approve the By-law to lift the Holding symbol imposed by Bylaw (2014)-19793, which shall take effect upon confirmation of the registration on title to the property of the development agreement referred to in recommendations 2 and 3, above, by the City Solicitor.

## BACKGROUND

### Location

The subject site is 3.26 hectares in size and is located on the west side of Arthur Street South, between MacDonnell Street and Cross Street, and bounded by the Speed River to the west (See location map in Attachment 1). The site is vacant, with the exception of two adjoined heritage buildings close to the river on the northern half of the site, together with a remnant wall of another building running along the river. Adjacent uses include a variety of single detached dwellings to the east, a low-rise apartment building and single detached residential to the south, the Speed River to the West and the CN rail line to the North. The Guelph Junction rail line also runs through the northern half of the site. Phase 1 of the site, where an application has been submitted to remove the H symbol, is the phase immediately south of the existing heritage buildings.

### Site Background

The applicant has proposed to build a six phase mixed use, high-density residential development on the site. Phase one of the development is proposed in the middle of the site, immediately south of the existing heritage buildings. The phase one building is proposed to contain a ten storey building with 119 apartment units and 14 townhouse units (See site plan and building elevations in Attachment 2)

The overall site is zoned R.4B-15 (H), with individual sub-zones with site specific regulations for each phase of the development (see Zoning Map in Attachment 3). The holding provision requires the applicant to complete the following conditions to the City's approval (see Attachment 4 for full details):

# STAFF REPORT



1. A structural assessment of the existing retaining wall along the Speed River;
2. An Environmental Implementation Report;
3. A Development Agreement will be entered into between the City and the developer, and registered on title, regarding the publicly accessible portions of the site;
4. A final Urban Design Master Plan;
5. That the developer pay to the City, their share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands.

Staff note that all future phases (Phases 2-6) of the development have phase-specific zoning together with holding provisions that will need to be removed prior to the development of each phase.

## REPORT

The applicant has requested that Council approve the by-law to lift the holding symbol from the existing R.4B-15 (H) zoning to allow Phase 1 of the development to proceed.

The applicant has met the conditions of the Holding provision as follows:

1. *A structural assessment of the existing retaining wall along the Speed River*  
The applicant submitted a structural assessment of the existing retaining wall which was peer reviewed by Engineering consultants AMEC Foster-Wheeler on behalf of the City. Based on their letter to the developer on December 16, 2014, Engineering staff are satisfied with the results of the structural assessment and the recommendations of the assessment, which will be incorporated into the redevelopment work on site.
2. *An Environmental Implementation Report (EIR)*  
The EIR was reviewed by City staff as well as the Grand River Conservation Authority, the City's Environmental Advisory Committee (EAC) and the City's River Systems Advisory Committee (RSAC). Following this review, Staff are satisfied with the EIR in its current form, as of February 20, 2015. Specific outcomes of the EIR will be incorporated as conditions in the final Site Plan Control Agreement, which will be registered on title, to ensure that the recommendations of the EIR are fulfilled.
3. *A Development Agreement will be entered into between the City and the developer, and registered on title, regarding the publicly accessible portions of the site.*  
The Development Agreement allows for the provision of an upscale urban edge adjacent to the river in the downtown, which complements the development while ensuring public access from the Ward to the



downtown. Due to the complexity of the site, the Developer will design and construct the publicly accessible spaces to City standards; while maintaining the integrity of the Certificate of Property Use (CPU). The Agreement was reviewed by a cross-departmental City staff team, and the team are satisfied with the delineation of roles and responsibilities, as of February 20, 2015. The City will contribute \$33/ m<sup>2</sup> towards the upgraded features of the publicly accessible area of the site known as the Riverwalk. Operational impacts for Phase 1 are expected in 2018 and will be reflected in the Parks operating budget.

The Development Agreement includes obligations relating to parkland dedication requirements, responsibility for the design and construction within the lands subject to the easements referred to herein, easements, and further agreements regarding maintenance and liability with respect to the development approval granted for the Lands and in furtherance of Zoning By-law (1995)-14864. More specifically, the agreement covers the following:

- The owner shall grant to the City a surface-only easement over a portion of the property adjacent to the river for the immediate establishment of a publicly accessible temporary trail, to be replaced with a permanent upscale urban edge public riverwalk upon build-out of each phase of the site.
- The owner shall grant to the City further surface-only easements over portions of the property in order to provide public access over the property to the trail/riverwalk.
- The responsibility for the design and construction of the temporary trail, permanent riverwalk and public access along with the associated costs shall be borne by the developer/owner, with a financial contribution by the City in accordance with applicable policies and standards (currently \$33.00/m<sup>2</sup>) towards the upgraded features of the publicly accessible area.
- The City shall assume maintenance obligations for the publicly accessible area and the trail/walkway surface in accordance with applicable City standards for the maintenance of public parks and trails.
- The owner remains liable for private users of the property and any liability arising as a result of construction of private works. The City assumes liability for members of the general public enjoying the publicly accessible space. The agreement also covers mutual indemnities.
- Liability for the maintenance/repair of the retaining wall between the property and the river shall remain solely with the owner, except where required as a result of City works on the riverwalk or where damage or alterations are caused directly by the City or those for whom the City is responsible.

# STAFF REPORT

- The obligation to maintain the property in accordance with the requirements of the CPU remain with the Owner except insofar as they may be subsumed under the City's general maintenance obligations with respect to the surface of the trail/walkway.
- The City accepts the easements granted for the creation of the riverwalk and access over the lands in full satisfaction of any parkland dedication requirements for the site.
- Additional administrative/legal requirements including required notice periods, interpretation, enforcement, registration, and termination of the agreement, assumption of the Owner's obligations under the agreement by successors in title to the property including but not limited to future condominium corporations.

#### 4. *A final Urban Design Master Plan.*

The Urban Design Master Plan (UDMP) was submitted with the rezoning application for the site and has been refined several times during the review of the application. Since the rezoning in August, the UDMP was further refined to illustrate the approved zoning more accurately together with the publicly accessible spaces. As of February 11, 2015, staff are satisfied with the final version of the Urban Design Master Plan.

#### 5. *That the developer pay to the City, their share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands.*

The anticipated costs of construction have been determined by Engineering staff and the Developer has submitted their share as of February 19, 2015.

### **Staff Recommendation**

Staff are satisfied that the conditions of the Holding provision have been met, apart from the development agreement, which has been completed and signed by the Developer/Owner, but needs to be executed by the City and registered on title to fulfill the condition.

Therefore Staff recommend that Council approve the resolutions of this report which will enable the City to sign the agreement and have it registered on title. Staff also recommend that Council approve the associated By-law to lift the Holding symbol from the existing zoning, which shall come into force only upon the certification of the City Solicitor that the Development Agreement is registered on title, to ensure all conditions are fulfilled.

### **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

# STAFF REPORT



## **FINANCIAL IMPLICATIONS:**

The City will contribute \$33/m<sup>2</sup> to upgraded features along the Riverwalk.

## **DEPARTMENTAL CONSULTATION**

Staff from Planning, Engineering, Parks, Legal, and Enterprise were involved in the review and clearance of the conditions of the Holding provision.

## **COMMUNICATIONS**

Staff have informed the local neighbourhood group, The Ward Residents Association (TWRA), about the completion of the Urban Design Master Plan and the status of lifting the Holding provisions on the Phase 1 lands.

A notice regarding the lifting of the Holding provision on the Phase 1 lands was included in the Guelph Tribune on February 26, 2015.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Site Concept Plan and Building Elevation for Phase 1

Attachment 3 – Approved Zoning for the 5 Arthur Site

Attachment 4 – Holding Provision Conditions for the R.4B-15 Zone

### **Report Author**

Katie Nasswetter  
Senior Development Planner

### **Approved By**

Todd Salter  
General Manager  
Planning Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### **Approved By**

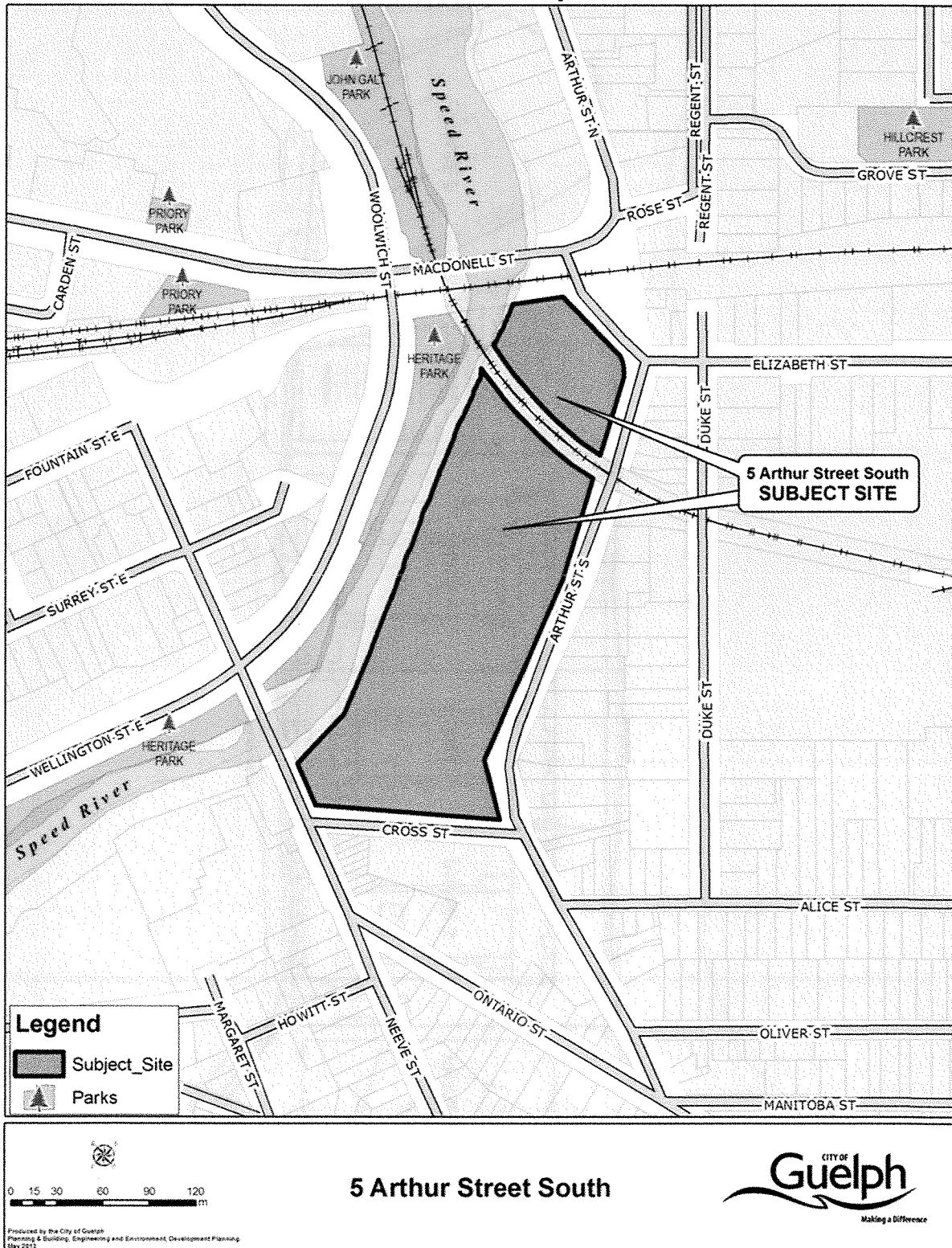
Sylvia Kirkwood  
Manager of Development Planning

### **Recommended By**

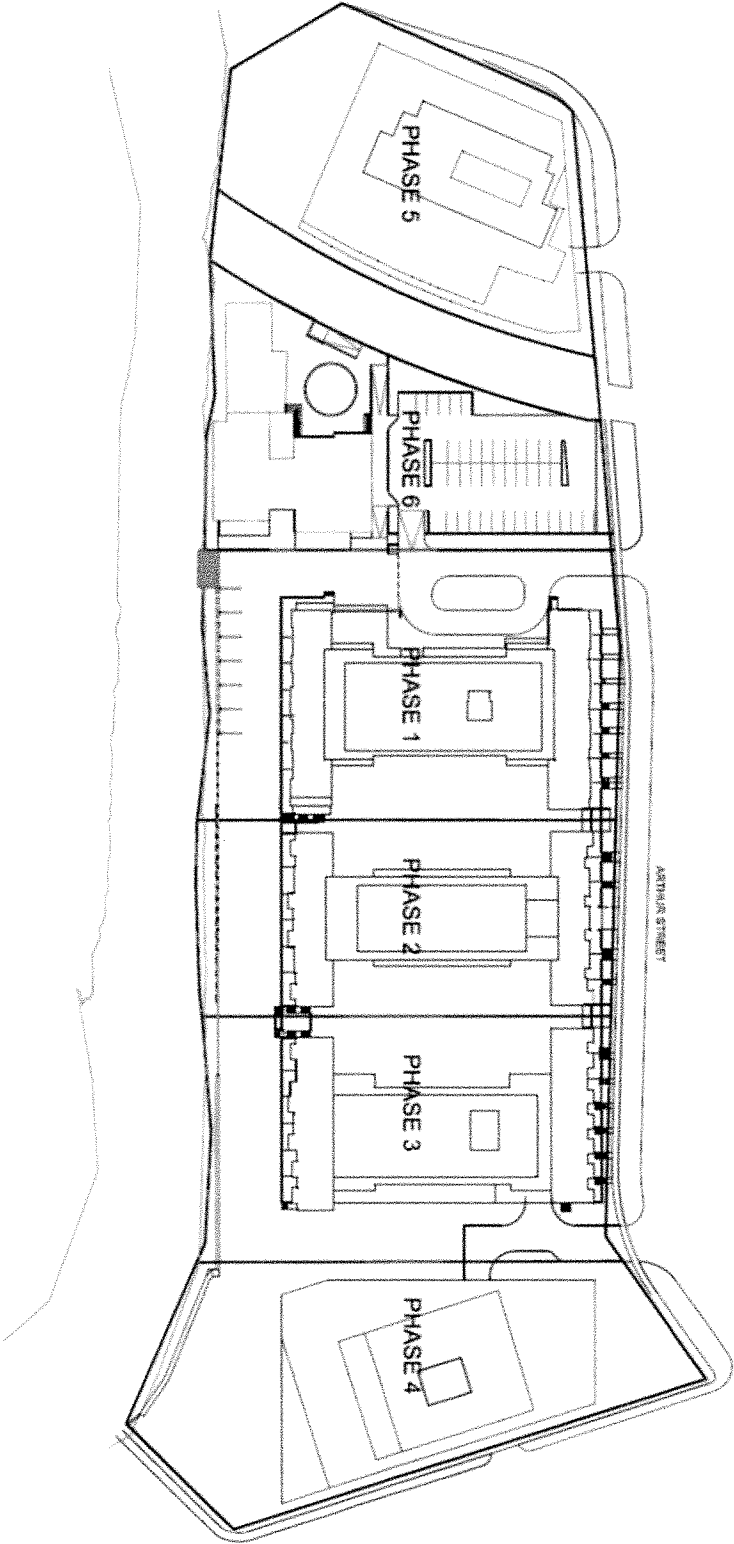
Al Horsman  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
al.horsman@guelph.ca

# STAFF REPORT

## Attachment 1 Location Map

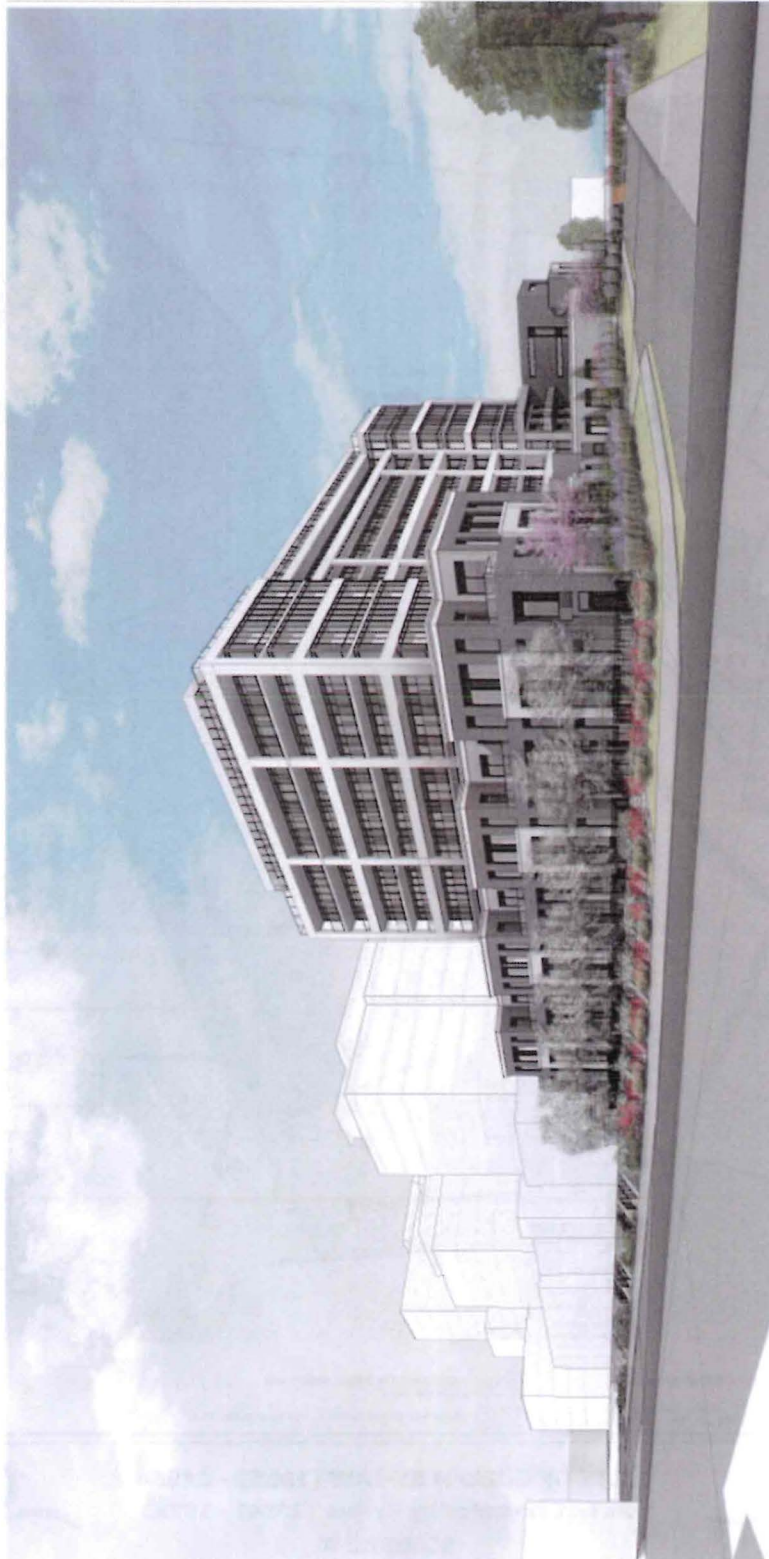


## Attachment 2 Site Concept Plan





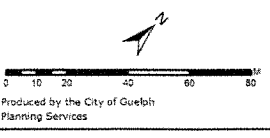
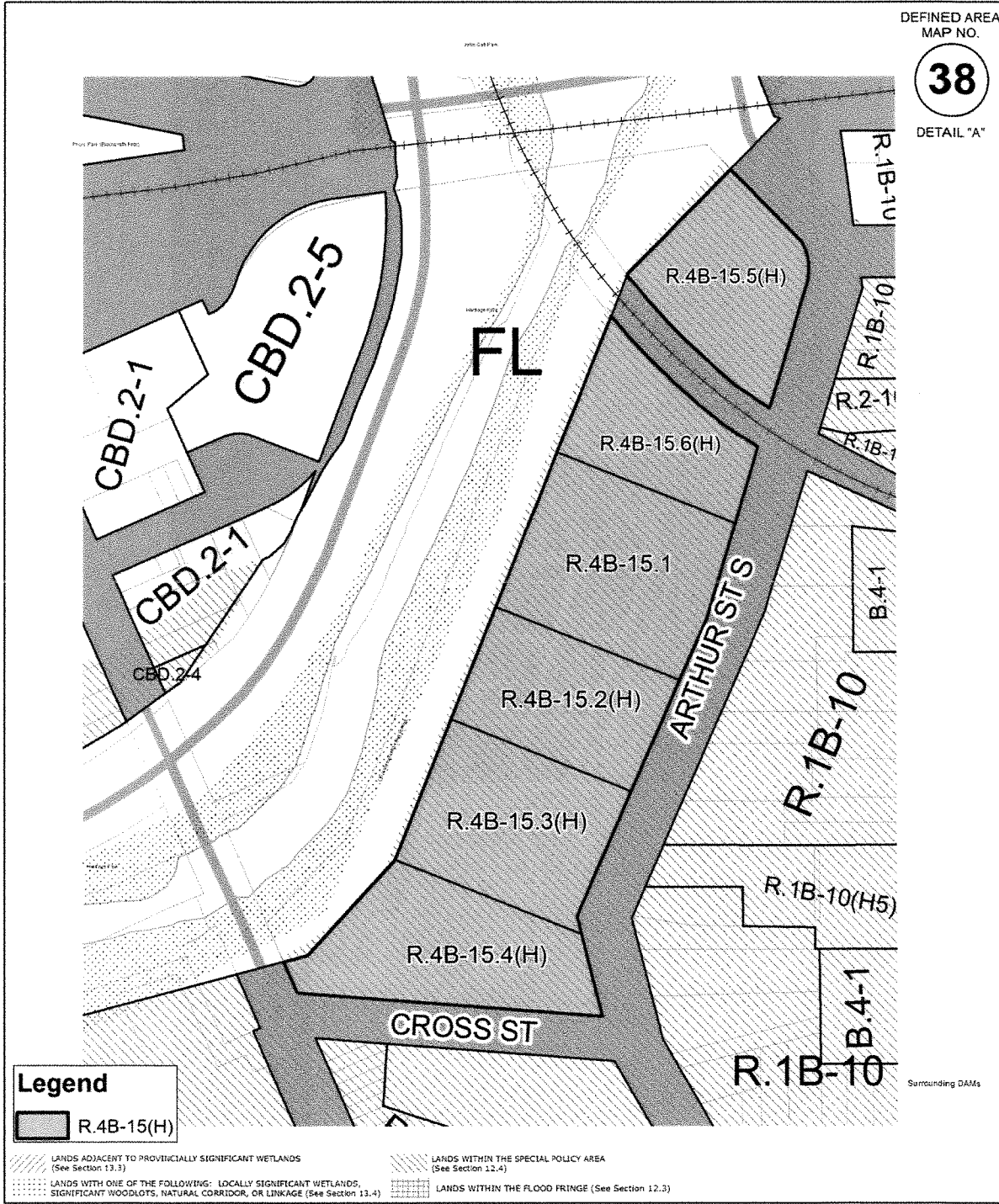
## Attachment 2 continued Phase 1 Building Elevation





# STAFF REPORT

## Attachment 3 Approved Zoning for the 5 Arthur Site



**CITY OF GUELPH BY-LAW (1995) - 14864**  
**As last amended by By-law (2014) - 19793**  
**SCHEDULE 'A'**

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## Attachment 4 Holding Provision Conditions on the R.4B-15 (H) Zone

### 5.4.3.2.15.2.8 Holding Provision

#### Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

#### Conditions:

1. That a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer be completed and approved to the satisfaction of the General Manager/City Engineer.
2. That an Environmental Implementation Report be completed and to approved to the satisfaction of the General Manager of Planning Services, as further outlined in condition #11 of the conditions of site plan approval in Attachment 2 of Council Report 14-38, dated August 25, 2014.
3. A Development Agreement will be entered into and registered on title regarding the proposed Riverwalk and publicly accessible portions of the site. The agreement will include, but not be limited to parkland dedication requirements, responsibility for the design and construction of publicly accessible areas of the site, a temporary trail along the river, easements, and further agreements regarding future maintenance and liability, to the satisfaction of the Executive Director of Community and Social Services.
4. That a final Urban Design Master Plan be completed and approved, to the satisfaction of the General Manager of Planning Services.
5. That the developer pay to the City, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, the developer shall pay to the City their proportionate share of the estimated cost of the municipal services determined by the City Engineer for the frontage associated with the first phase of development prior to the removal of this Holding Provision.

# STAFF REPORT



**TO:** Council Planning

**SERVICE AREA:** Infrastructure, Development and Enterprise

**DATE:** March 9, 2015

**SUBJECT:** **18 KATHLEEN STREET: NOTICE OF INTENTION TO DESIGNATE PURSUANT TO PART IV OF THE ONTARIO HERITAGE ACT**

**REPORT NUMBER:** 15-02

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide a report recommending that notice of intention to designate 18 Kathleen Street be published pursuant to Part IV of the *Ontario Heritage Act*.

### KEY FINDINGS

The property owner has requested that City Council consider protecting the cultural heritage value of 18 Kathleen Street through an individual heritage designation by-law.

A property may be designated under Part IV, Section 29 of the *Ontario Heritage Act* if it meets one or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06.

Planning staff, in consultation with Heritage Guelph, have compiled a statement of significance including the heritage attributes of the property. Staff recommend that with these heritage attributes the property meets all three criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 under the *Ontario Heritage Act*.

### FINANCIAL IMPLICATIONS

Planning Services budget covers the cost of heritage designation plaques.

### ACTION

That the report be received by Council and that Council direct staff to publish a notice of intention to designate 18 Kathleen Street.

## RECOMMENDATIONS

1. That the Council Planning Report 15-02, dated March 9, 2015 regarding the notice of intention to designate 18 Kathleen Street pursuant to Part IV of the *Ontario Heritage Act* be received.
2. That the City Clerk be authorized to publish and serve notice of intention to designate 18 Kathleen Street pursuant to the *Ontario Heritage Act* and as recommended by Heritage Guelph.
3. That the designation by-law be brought before City Council for approval if no objections are received within the thirty (30) day objection period.

## BACKGROUND

The property owner has requested that City Council consider protecting the cultural heritage value of 18 Kathleen Street through an individual heritage designation by-law. Heritage Guelph, the Municipal Heritage Committee, recommends to Guelph City Council that the property at 18 Kathleen Street be designated under Part IV of the *Ontario Heritage Act*.

The legal owner of the property is Patricia Joan McCraw.

The legal description of the subject property is:  
PT LOT 14. PLAN 30 (AMENDED BY PLAN 182) AS IN MS100410. S/T & T/W  
MS100410

## REPORT

The following description of the property's cultural heritage value and the information contained in Attachments 1-5 are the result of research compiled by Heritage Planning staff with assistance from Heritage Guelph.

### Design or Physical Value

Constructed in 1928, 18 Kathleen Street is an excellent example of Colonial Revival architecture, and more specifically, Neo-Georgian architecture. In *Ontario Architecture*, author John Blumenson stated that the popularity for 18<sup>th</sup> century Colonial architecture of the New England and North Atlantic regions began shortly after the 1876 American Centennial Exhibition, held in Philadelphia, when the New York firm of McKim, Meade & White designed 'Colonial' inspired homes for wealthy patrons. This style grew in popularity into the mid-20<sup>th</sup> century.

This 2.5-storey house is rectangular in form with a side-gable roof, and a front façade of three bays with a centre door and symmetrically placed windows. A brick chimney is located at both gable wall peaks. The house was constructed of a variegated, red rug brick laid in a stretcher bond pattern. The brick walls meet a

# STAFF REPORT

denticulated entablature under the soffit. At both ends of the front façade an original rainwater head continues to proclaim the house construction date of 1928.

The front entrance with a broken pediment, flanking columns and a semi-circular transom fanlight clearly identifies the Neo-Georgian architectural style. A secondary entrance is provided on the south wall through a small open porch with treillage.

The front façade has a symmetrical fenestration with double-hung, wood sash windows with 6-over-6 pane arrangement. The two main floor windows flanking the front door have a coursed jack arch in rug brick with rock-faced keystone. The original louvred wooden window shutters, a common feature of Colonial Revival architecture, still function at the sides of many of the original windows with original hinges and dogs (or hold-backs).

A single-storey kitchen addition was made to the 2-storey projecting brick bay on the rear of the house in 1974. It is recommended that any addition to a Colonial Revival house should be designed as a secondary element and should not be larger or wider than the main residence. The rear addition to the house at 18 Kathleen Street conforms to this guidance, leaving the original building form intact when seen from Kathleen Street.

## **Historical or Associative Value**

The house at 18 Kathleen Street has a significant historical association with its original owner William Alexander Cowan, a well-known architect and builder in the Guelph area during the first half of the 20<sup>th</sup> century. William A. Cowan designed and built many houses in Guelph but 18 Kathleen Street he built for himself and his family.

William A. Cowan was a descendant of a pioneer family that came to Canada from Scotland. William A. Cowan's grandfather, Walter Cowan, came to Canada from Scotland in 1831 and was a weaver by trade. He took up a farm about one mile outside of Galt, which he cleared himself. Walter Scott Cowan, son of Walter Cowan, was born in Galt in 1834, which is where he learned the carpenters' trade. In 1858 Cowan moved to the Paisley Block (within the Township of Guelph) where he had a carpenter's shop. Cowan worked there until 1875, when he moved to 19 Lyon Avenue in Guelph to provide his family with better opportunities. At this time, W.S. Cowan established his carpentry and home building business on London Road.

William A. Cowan was born in Guelph on November 18, 1875, the son of Walter S. Cowan and Margaret Watson. William A. Cowan attended art school in Toronto, and also spent several years studying at the Art Student's League in New York City. About 1904/1905, William A. Cowan took over his father's contracting business and worked as an architect. He continued this work until about 1945, after which Cowan was appointed building inspector for the City of Guelph. William A. Cowan was quite involved in civic affairs and for many years he was a member of City Council,

# STAFF REPORT

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as well as an active member of Chalmers United Church and a member of the Masonic Order.

Passionate about the preservation of Guelph's history, William A. Cowan played a critical role in preventing the demolition of Guelph's Old City Hall (now the POA Courts). As well, before the Priory building was demolished in 1926, he made complete notes on its measurements and specifications. The Priory was the first permanent structure built in Guelph in 1827, and was named after Charles Prior, one of the City's founding party members. David L. Cowan, son of William A. Cowan, constructed a scale model (1.5" per foot) of the Priory to celebrate the centennial year of the city in 1927. This miniature replica of the Priory can still be seen at Riverside Park in Guelph today. In addition, David Cowan's younger brother, Walter Cowan, produced a slightly smaller model of the Priory that is currently located at the Guelph Civic Museum.

18 Kathleen Street changed ownership only twice after the house was built in 1928. William A. Cowan passed away in his 86<sup>th</sup> year on June 11, 1960, and his wife, Edith Cowan, remained in the house until it was sold to Robert McCorkindale in 1968. After only two years, McCorkindale sold 18 Kathleen Street to Bruce and Patricia McCraw, and it has remained as the McCraw residence since.

## **Contextual Value**

As seen in the 1922/1929 fire insurance plan of Guelph, the subject property, with 19 Lyon Avenue were connected to a builder's yard established in the early 20th century by the family contracting business of Walter S. Cowan and subsequently William A. Cowan

Interviews were conducted with descendants of William A. Cowan, and those who can remember spending time at 18 Kathleen Street during their childhoods. It has become known that William Cowan built many of the houses west and south of the Exhibition Park area, including some houses on London Road West, and Lyon Avenue. These interviews have begun to shed light on William A. Cowan's vision to create a shared garden area for the houses he had built on Lyon Avenue, London Road, and Kathleen Street.

18 Kathleen Street meets the criteria for designation as defined under Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest as outlined in Attachment 4 of this report. The elements that are proposed to be protected by designation are listed in Attachment 3.

Planning Services and Heritage Guelph recommend that Council proceed with publishing and serving notice of intention to designate. Should Council approve this recommendation, a notice of intention to designate will be published and served. Publication of the notice provides a 30-day period for comments and objections to be filed. Following the 30-day period, if no objections are submitted, Council may choose to pass a by-law and cause the designation of the property to be registered



# STAFF REPORT



on title, or it may decide to withdraw the notice and not proceed with the designation.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable city.

## **FINANCIAL IMPLICATIONS:**

Planning Services budget covers the cost of a heritage designation plaques.

## **DEPARTMENTAL CONSULTATION:**

Legal and Realty Services

## **COMMUNICATIONS**

In accordance with the Ontario Heritage Act (Section 29, Subsection 1), notice of intention to designate shall be:

1. Served on the owner of the property and on the Ontario Heritage Trust; and,
2. Published in a newspaper having general circulation in the municipality.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 - Current Photographs

Attachment 3 – Statement of Reasons for Designation

Attachment 4 – Designation Assessment using Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest

Attachment 5 – Land Records, Historical Maps and Photos

### **Report Author**

Stephen Robinson  
Senior Heritage Planner

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### **Approved By**

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todd.salter@guelph.ca

### **Approved By**

Melissa Aldunate  
Manager, Policy Planning & Urban Design

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### **Recommended By**

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Infrastructure, Development and Enterprise  
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al.horsman@guelph.ca

## ATTACHMENT 1 – LOCATION MAP



Figure 1: Location of 18 Kathleen Street. (Image: City of Guelph, OnPoint)

Figure 2: Aerial photo indicating approximate lot size of 18 Kathleen Street. (Image: City of Guelph, OnPoint)





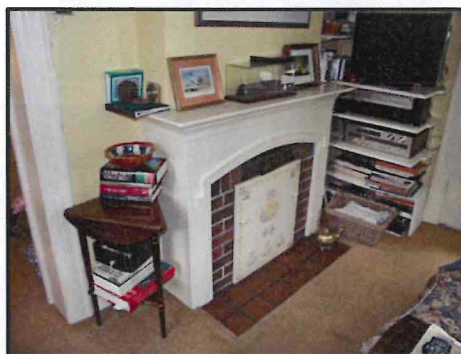
# STAFF REPORT

## ATTACHMENT 2: CURRENT PHOTOGRAPHS





# STAFF REPORT



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## ATTACHMENT 3 - STATEMENT OF REASONS FOR DESIGNATION

### 18 Kathleen Street

#### WHY THE PROPERTY IS BEING DESIGNATED:

The subject property is worthy of designation under Part IV of the *Ontario Heritage Act* as it meets three of the prescribed criteria for determining cultural heritage value or interest according to Ontario Regulation 9/06 made under the *Ontario Heritage Act*. The heritage attributes of 18 Kathleen Street display design/physical, historical/associative and contextual value.

#### WHAT IS TO BE PROTECTED BY DESIGNATION:

The following elements of the property at 18 Kathleen Street should be considered heritage attributes in a designation under Part IV of the *Ontario Heritage Act*:

##### Exterior

- form of the side gable roofline of the original building and the south side extension (including return eaves and denticulated entablature)
- brick chimneys rising from both side gable peaks
- all exterior brick walls of the original building (including stone keystones, stone sills and the south extension)
- original eavestrough and downspout and rainwater heads (dated 1928) on the front façade of the house
- shape and location of all original door and window openings
- original windows (frames, sashes, louvred wooden shutters, hardware and glazing)
- front door surround with broken pediment, flanking columns, original 6-panel door with semi-circular transom fanlight
- stone front steps and flagstone path to sidewalk
- all original features of the open south side porch
- original, detached, brick garage with 3-section folding door
- three original brick fireplaces (two on south wall of main floor; one on north wall of top floor)

# STAFF REPORT



## ATTACHMENT 4 - DESIGNATION ASSESSMENT USING CRITERIA FOR DETERMING CULTURAL HERITAGE VALUE OR INTEREST

Property: 18 Kathleen Street	Date: January 2015
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### CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

This criteria set out below are taken directly from the Ministry of Culture Regulation 9/06 made under the Ontario Heritage Act for the purpose of assessing property for designation under Section 29 of the Act...

CRITERIA	NOTES	SCORE
The property has design value or physical value because it...		
... Is a rare, unique, representative or early example of a style, type, expression, and material or construction method.	... is a representative example of 1920's Colonial Revival architecture with elements of Neo-Georgian style	✓
... Displays a high degree of craftsmanship or artistic merit	... exhibits a high degree of craftsmanship in the brickwork and exterior trim details	✓
... Demonstrates a high degree of technical or scientific achievement		
The property has historical value or associative value because it...		
... Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	... has a significant historical association with William A. Cowan, a well-known architect and builder in the Guelph Area.	✓
... Yields, or has the potential to yield, information that contributes to an understanding of a community or culture		
... demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	... the buildings was designed and built by William A. Cowan, a well-known architect and builder in the Guelph Area.	✓
The property has contextual value because it...		
... Is important in defining, maintaining or supporting the character of an area.	... the front elevation contributes to the visual and historic character of Kathleen Street streetscape as seen from Exhibition Park	✓



# STAFF REPORT

<p>... Is physically, functionally, visually or historically linked to its surroundings</p>	<p>... the property, with 19 Lyon Avenue was connected to builder's yard established in the early 20<sup>th</sup> century by Walter S. Cowan and William A. Cowan ... the Cowan properties all shared abutting rear yards as a common play and amenity space during a period before 1900 until the 1960s.</p>	<p>✓</p>
<p>... Is a landmark</p>		

# STAFF REPORT



## ATTACHMENT 5 – LAND RECORDS, HISTORICAL MAPS AND PHOTOS

Land ownership history for 18 Kathleen Street, described legally as Lot 14 in Plan 30 amended by Plan 182, based on chain of title compiled by City of Guelph Realty Services.

Instrument	Date Registered	Grantor (seller)	Grantee (buyer)	Quantity of Land	Consideration or Amount of Mortgage
Patent	9 July 1829	Crown	Canada Company	All	
Transfer 364	4 Jan 1845	Canada Company	David Matthews	All	
Transfer 5234	16 Apr 1853	Matthews	Charles John Buckland (butcher)	All	
Bargain & Sale 1760	14 Aug 1871	Thomas Gowdy (lumber merchant) and Margaret Dorothy Gowdy (wife)	John Clancy (labourer)	All	\$100
Partition Deed C16	8 Jan 1900	Ann Clancy	May Ann Clancy	All	\$710
Grant 19847	22 Nov 1920	Mary Ann Clancy (spinster)	Walter Ellis Buckingham (barrister)	All	\$900
Grant 19848	25 Nov 1920	Walter Ellis Buckingham, (barrister) and Annie Buckingham (wife)	William A. Cowan (builder and contractor)	All	\$1,800
* Grant 29970	1928	William A. Cowan and wife	Caroline Kearns	Part	\$5,700.00
Grant M-75417	4 July 1968	Edith M. Cowan (widow)	Robert W. McCorkindale	Part	\$32,000
Grant MS100410	1 Dec 1970	Robert William McCorkindale (merchant) and Shirley McCorkindale (wife)	Bruce Maxwell McCraw (professor) and Patricia Joan McCraw (wife)	Part	\$2
Survivorship Application WC299063	15 Dec 2010	Bruce Maxwell McCraw	Patricia Joan McCraw		

\*This transaction was for the property to the north of William A. Cowan (now 22 Kathleen Street)

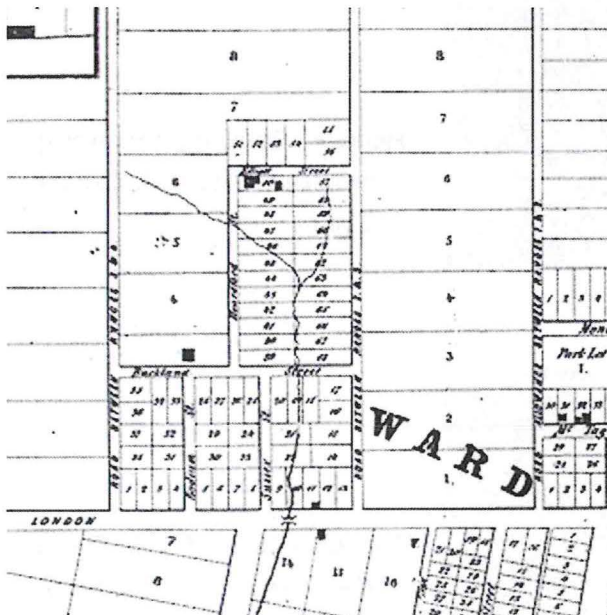
### Creation of the real property and ownership history

In 1853 Charles Buckland, a local butcher, purchased property in Guelph Township (Lots 1 and 2, Range 3, Division A) at the northwest corner of what is now London Road and Kathleen Street. In 1858 Buckland divided these lands into 68 lots as Registered Plan 30. The parcel fabric and proposed streets of Buckland's initial survey are seen on maps of the Town of Guelph from 1858 and 1862 (Figures 1 and 2). Buckland amended the survey when he registered Plan 182 in 1868 (Figure 3). The subject property (18 Kathleen Street) is part of Lot 14 from Buckland's Survey.

A dwelling had been built on Lot 14 by 1872 (Figure 4) and likely the same building footprint is seen in 1877 (Figure 5) and as a wood frame cottage clad in rough cast stucco 1897(1911) Fire Insurance Plan.



**Figure 1** - Detail of Hobson and Chadwick's *Map of the Township of Guelph in the County of Wellington* (1858) showing Buckland's Survey. (Source: Guelph Museums)



**Figure 2** - Registered Plan 30 shown on Thomas W. Cooper's *Map of the Town of Guelph* (1862) with proposed Elliott, Buckland, Bodian and Sussex Streets.

(Source: City of Guelph, 2013)

# STAFF REPORT

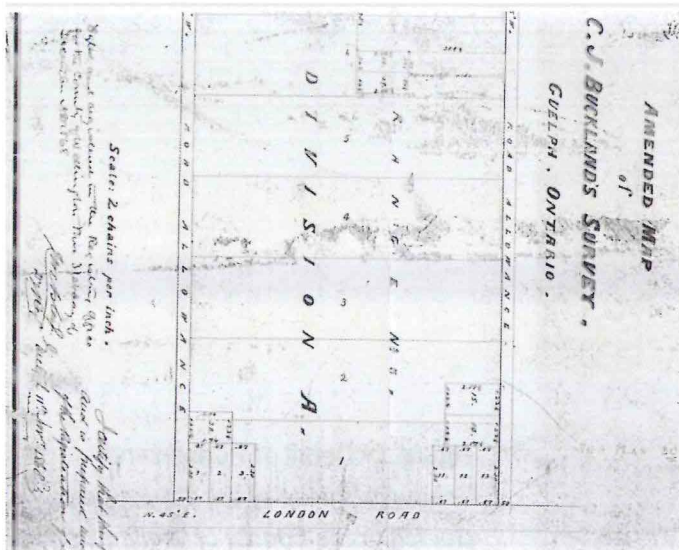


Figure 3 - Plan 182 (Registered in 1868) amending Registered Plan 30. (Source: LRO Guelph)

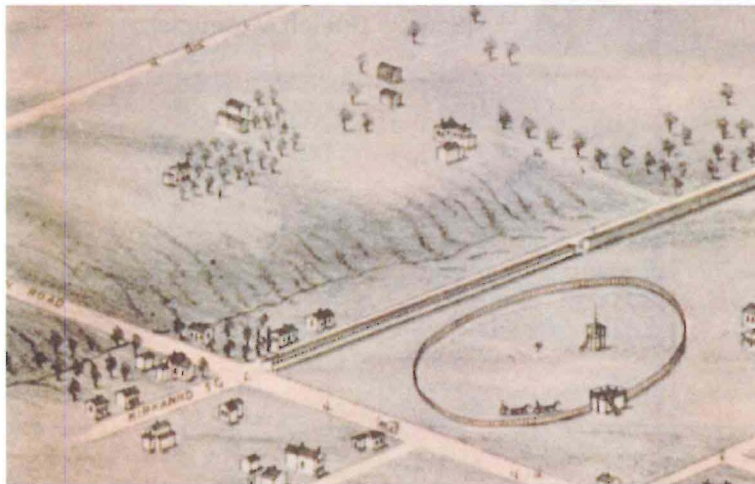


Figure 4 - Detail from H. Brosius' *Bird's Eye View of Guelph* (1872). (Source: City of Guelph)



Figure 5 - Detail of T. W. Cooper's *Map of the Town of Guelph in the County of Wellington* (1877) showing a building on Lot 14 of Buckland's Survey.



# STAFF REPORT

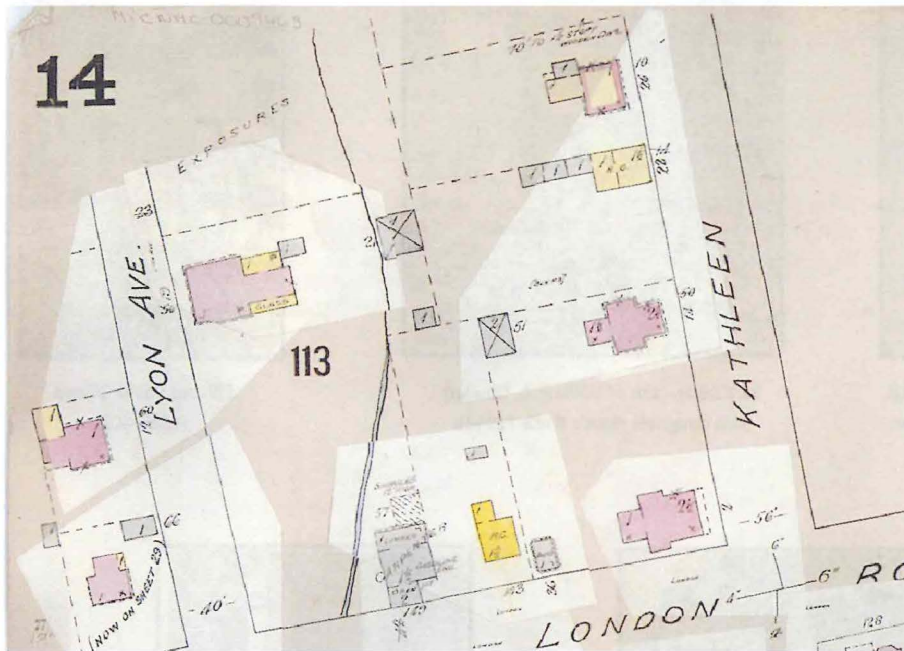


Figure 6 - Fire Insurance Plan for the City of Guelph, 1897 (revised 1911)  
(Source: National Archives of Canada)

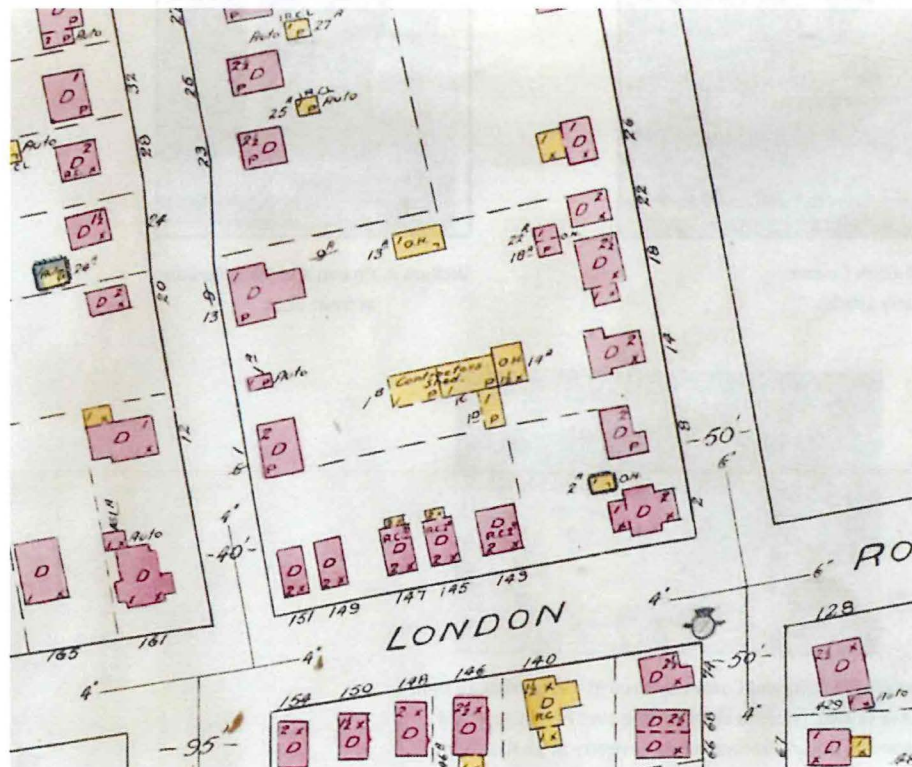


Figure 7 - Fire Insurance Plan for the City of Guelph, 1922 (revised 1929)  
(Source: Guelph Civic Museum, Catalogue No.: 1992.53.1, Sheet 14)

# STAFF REPORT



William A. Cowan in the backyard of 18 Kathleen St (1942) before rear addition.



Bill Cowan (son of William A. Cowan) with daughter Nancy Baele (1942).



Bill and David Cowan (1939-40).



William A. Cowan and Edith Cowan on garden steps (early 1950s).



William A. Cowan and Edith Cowan at front door.



Nancy Baele (left) and Cowan children in backyard of 19 Lyon Ave (1955). View to stone bridge over Pond Creek and beyond to toward backyard and driveway of 18 Kathleen St.



# STAFF REPORT



**TO:** Council Planning

**SERVICE AREA:** Infrastructure, Development and Enterprise

**DATE:** March 9, 2015

**SUBJECT:** **251 ARTHUR STREET NORTH: HERITAGE REVIEW APPLICATION (PROPOSED REMOVAL FROM MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES) AND DEMOLITION PERMIT APPLICATION**

**REPORT NUMBER:** 15-04

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide a report recommending that the property at 251 Arthur Street North be removed from the *Municipal Register of Cultural Heritage Properties* and to provide a recommendation on the request for demolition approval of the detached dwelling.

### KEY FINDINGS

The property owner has submitted a heritage review application requesting that City Council consider the removal of 251 Arthur Street North from the *Municipal Register of Cultural Heritage Properties* so that the structure can be demolished and replaced with a new dwelling.

Having inspected the subject building and reviewed the property's history, Heritage Planning staff are of the opinion that even though this simple, single-storey, wood frame dwelling was built before 1877, the building has not retained enough physical integrity or cultural heritage value to be considered a built heritage resource or to justify being listed on the *Municipal Register of Cultural Heritage Properties*. Heritage Guelph has indicated they have no intention of recommending that Council individually designate the subject property.

The demolition will result in the loss of one residential dwelling unit, however, the unit is proposed to be replaced by a new detached dwelling.

### FINANCIAL IMPLICATIONS

None.

### ACTION

That the report be received by Council and that Council approve the proposed removal of the property at 251 Arthur Street North from the *Municipal Register*

# STAFF REPORT

*of Cultural Heritage Properties* and further that Council to approve the demolition of the detached dwelling at 251 Arthur Street North.

## RECOMMENDATIONS

1. That the Council Planning Report 15-04, regarding the recommendation to remove 251 Arthur Street North from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received;
2. That staff be authorized to remove all references to 251 Arthur Street North from the *Municipal Register of Cultural Heritage Properties*.
3. That the proposed demolition of one (1) detached dwelling at 251 Arthur Street North be approved;
4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition;
5. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

## BACKGROUND

The City of Guelph's *Municipal Register of Cultural Heritage Properties* is the official list of cultural heritage properties that have been identified as having cultural heritage value or interest. The register is an important tool to help a municipality monitor its cultural heritage resources and plan for their conservation.

Every municipality in Ontario, under Section 27 of the *Ontario Heritage Act*, is required to maintain a register that lists all designated heritage properties. A municipal council may expand its register to include "non-designated" properties that it believes to be of cultural heritage value or interest. Regulation 9/06 of the *Ontario Heritage Act* sets out the criteria for determining cultural heritage value or interest. Under the legislation, a property is required to meet one of the criteria to be considered a cultural heritage resource. The decision to include or list a "non-designated" property rests with Council upon consultation with its municipal heritage committee, i.e. Heritage Guelph.

The City of Guelph's *Municipal Register of Cultural Heritage Properties* includes two types of property:

*Designated Properties* - all buildings, structures, cultural heritage landscapes and heritage conservation districts that have been designated under the *Ontario Heritage Act*.

*Non-Designated Properties* - that have not been designated but have cultural heritage value or interest.

# STAFF REPORT



The listing of non-designated properties provides interim protection for sites undergoing change by requiring owners to provide the City with 60 days notice of their intention to demolish or remove a building or structure on the property. This notice period allows the City to make a well informed decision about whether long-term protection of the property should be sought through the formal designation process.

Heritage Guelph reviews all applications that request removal from the Municipal Register, including supporting documentation. Based on the information submitted by the proponent and a recommendation from Heritage Planning staff, Heritage Guelph may:

- a) Recommend to Council that the property remain listed on the Register; or
- b) Recommend to Council that the property be removed from the Register.

Council makes the final decision regarding the listing or removal of properties on the *Municipal Register of Cultural Heritage Properties*.

This heritage review application for a proposed removal from the *Municipal Register of Cultural Heritage Properties* applies to the following property:

Municipal Address: 121 Arthur Street North

Legal Description: PT LOT 34 PLAN 40

Property Owner: Douglas Haines and Caroline Harvey-Smith

Date Purchased: 15 November 2002

Current Use(s): rental

## REPORT

The property owner of 251 Arthur Street North submitted a heritage review application in September 2014 requesting that City Council consider removal from the *Municipal Register of Cultural Heritage Properties*. The owner was preparing to sell the property and wished to give the potential purchaser certainty as to whether the building could be replaced by a new dwelling. The purchaser of the property has since made a building permit application for demolition and a minor variance application to allow the construction of a new dwelling on the property. Before any development or building permit approvals can be granted, applicable law requires that Council first consider the request to remove the property from the *Municipal Register of Cultural Heritage Properties*.

### Heritage Review Application

The subject property, 251 Arthur Street North, is the entire Lot 34 of Plan 40 registered by John Mitchell in 1857. According to historical maps, a dwelling had

# STAFF REPORT



been built on Lot 34 by 1877 as shown on Cooper's *Map of Town of Guelph* and the same building is shown as a wood frame cottage clad in roughcast stucco on the 1897 (1911) *Fire Insurance Plan of Guelph*.

251 Arthur Street North was identified in the *Couling Building Inventory* (1974) as being built before 1875, as contributing to the neighbourhood context and having a fine bay window. The property was listed on the *Municipal Register of Cultural Heritage Properties* in 2009 with other properties identified in the Burcher/Stokes Inventory.

Having inspected the subject building and reviewed the property's history, Heritage Planning staff are of the opinion that even though this simple, single-storey, wood frame dwelling is a part of the early development of the Arthur Street North (formerly Perth Street) streetscape, the building no longer has enough physical integrity or cultural heritage value to be considered a built heritage resource. The building has had many unsympathetic changes made over the years including replacement of windows and doors and the major deterioration of the small bay window on the southeast side.

According to an informal title search confirmed by Heritage Planning staff, the property has not been owned or associated with a person or event that is significant to the community. The house form does have a contextual relationship to its neighbours as they were all likely built as cottages for mill workers in the Goldie Mill area.

All that remains of the cottage's original integrity is its side gable, single-storey form and its placement close to the street right-of-way – no other heritage attributes have been retained. Therefore, the property does not meet the criteria for being listed on the *Municipal Register of Cultural Heritage Properties*. Heritage Guelph carried the following motions at their meeting of December 8, 2014.

"THAT Heritage Guelph receive the Heritage Review Application prepared by the property owners (dated September 2, 2014) for the property located at for 251 Arthur Street North; and

THAT while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph has no intention of recommending that Council designate the existing dwelling at 251 Arthur Street North under the Ontario Heritage Act."

## Demolition Permit Application

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be

# STAFF REPORT



appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The subject property is less than 0.2 hectares in size and, therefore is not regulated by the Private Tree Protection By-law. It is staff's preference to maintain and protect the urban forest and canopy where possible. As such, the owner is encouraged to preserve any trees. If trees are to be retained, a tree protection zone (TPZ) will need to be established where protective tree hoarding would be installed to protect the trees. Staff are recommending that the owner erect protective hoarding around any trees on the property prior to demolition activities and maintain the hoarding throughout the construction of the new dwelling. The approval of the demolition application is recommended as the existing dwelling is not a significant cultural heritage resource and is intended to be replaced by a new residential dwelling.

## **CORPORATE STRATEGIC PLAN:**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable city.

## **FINANCIAL IMPLICATIONS:**

None

## **DEPARTMENTAL CONSULTATION:**

Not required

## **COMMUNICATIONS:**

Not required

## **ATTACHMENTS**

Attachment 1 – Location Map and Current Photos

### **Report Author**

Stephen Robinson  
Senior Heritage Planner

### **Approved By**

Todd Salter  
General Manager  
Planning Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### **Approved By**

Melissa Aldunate  
Manager, Policy Planning & Urban Design

### **Recommended By**

Al Horsman  
Deputy CAO  
Infrastructure, Development and Enterprise  
519.822.1260, ext. 5606  
al.horsman@guelph.ca



## ATTACHMENT 1 – LOCATION MAP AND CURRENT PHOTOS



**Figure 1** - Location of 251 Arthur Street North



**Figure 2** - 251 Arthur Street North – view from south



# STAFF REPORT



**Figure 3** - 251 Arthur Street North – rear



**Figure 4** – Looking east along street (Image: Google Streetview)

# STAFF REPORT



**TO:** Council Planning

**SERVICE AREA:** Infrastructure, Development and Enterprise

**DATE** March 9, 2015

**SUBJECT:** **41, 43 AND 45 WYNDHAM STREET SOUTH AND 53 SURREY STREET EAST: HERITAGE REVIEW APPLICATION (PROPOSED REMOVAL FROM MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES)**

**REPORT NUMBER** 15-05

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide a report recommending that the properties at 41, 43 and 45 Wyndham Street South and 53 Surrey Street East be removed from the *Municipal Register of Cultural Heritage Properties*.

### KEY FINDINGS

The property owner has submitted a heritage review application requesting that Council consider the removal of 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties*. As part of a complete application, the proponent was required to submit a Cultural Heritage Resource Impact Assessment to provide the rationale and support documentation for the proponent's application.

Having inspected the subject building exteriors and reviewed the Cultural Heritage Resource Impact Assessment submitted, Heritage Planning staff are of the opinion that the buildings at 41, 43 and 45 Wyndham Street South and 53 Surrey Street East have not retained enough physical integrity or cultural heritage value to be considered a built heritage resource or to justify being listed on the *Municipal Register of Cultural Heritage Properties*. Heritage Guelph has supported staff's recommendation.

**FINANCIAL IMPLICATIONS** - None.

### ACTION

That the report be received by Council and that Council is asked to approve the proposed removal of 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties*.

## RECOMMENDATIONS

1. That the Council Planning Report 15-05, regarding the recommendation to remove 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received.
2. That staff be authorized to remove all references to 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the *Municipal Register of Cultural Heritage Properties*.

## BACKGROUND

The City of Guelph's *Municipal Register of Cultural Heritage Properties* is the official list of cultural heritage properties that have been identified as having cultural heritage value or interest. The register is an important tool to help a municipality monitor its cultural heritage resources and plan for their conservation.

Every municipality in Ontario, under Section 27 of the *Ontario Heritage Act*, is required to maintain a register that lists all designated heritage properties. A municipal council may expand its register to include "non-designated" properties that it believes to be of cultural heritage value or interest. Regulation 9/06 of the *Ontario Heritage Act* sets out the criteria for determining cultural heritage value or interest. Under the legislation, a property is required to meet one or more of the criteria to be considered a cultural heritage resource.

The City of Guelph's *Municipal Register of Cultural Heritage Properties* includes two types of property:

*Designated Properties* - all buildings, structures, cultural heritage landscapes and heritage conservation districts that have been designated under the *Ontario Heritage Act*.

*Non-Designated Properties* - that have not been designated but have cultural heritage value or interest.

The decision to include or list a "non-designated" property or to removing reference to a listed property in the register rests with Council upon consultation with its municipal heritage committee, i.e. Heritage Guelph. The process followed for removal of listed properties from the register is known as a heritage review application.

Heritage Guelph reviews all heritage review applications that request removal from the *Municipal Register*, including supporting documentation. Based on the information submitted by the proponent and a recommendation from Heritage Planning staff, Heritage Guelph may:

- a) Recommend to Council that the property remain listed on the Register; or
- b) Recommend to Council that the property be removed from the Register.

# STAFF REPORT



Council makes the final decision regarding the listing or removal of properties on the *Municipal Register of Cultural Heritage Properties*.

This heritage review application for a proposed removal from the *Municipal Register of Cultural Heritage Properties* applies to the following properties:

Municipal Addresses and Legal Descriptions:

- 41 Wyndham Street North (PT LOT 144, PLAN 8)
- 43 Wyndham Street North (PT LOT 144, PLAN 8)
- 45 Wyndham Street North (PT LOT 144, PLAN 8)
- 53 Surrey Street East (PT LOT 145, PT LOT 144, PLAN 8)

Property Owner: Arnmauer Limited  
401 – 147 Wyndham Street North  
c/o Guelph City Realty

Agent: John Valeriote, Smith Valeriote Law Firm LLP

Heritage Consultant: Owen Scott, CHC Limited

Date Purchased: 5 July 1983

Current Use(s): single residential units (rental)

## REPORT

The property owner of 41, 43 and 45 Wyndham Street South and 53 Surrey Street East submitted a Heritage Review Application in July 2014 requesting that City Council consider removal of these four properties from the *Municipal Register of Cultural Heritage Properties*. Although the property is not currently subject to a development or building permit application, it is understood from discussions that the owner is preparing the property for future development within the current land use designation and zoning. Before any development or building permit approvals can be granted, applicable law requires that Council first consider the request to remove the properties from the *Municipal Register of Cultural Heritage Properties*.

As part of a complete application, the proponent was required to submit a Cultural Heritage Resource Impact Assessment (CHRIA) to provide a rationale for the properties not displaying cultural heritage value according to criteria specified under Regulation 9/06 and the *Ontario Heritage Act*. Owen Scott of CHC Limited submitted a CHRIA report to Heritage Planning staff on July 21, 2014.

The subject properties (41, 43 and 45 Wyndham Street South and 53 Surrey Street East) together make up the entire Lot 144 and a small part of Lot 145 of Plan 8, one of Guelph earliest registered plans created for the Canada Company in 1855. In early maps Lot 144 was indicated at the corner of Surrey and Huskisson Streets.

# STAFF REPORT



Huskisson Street was named after William Huskisson, Colonial Secretary and was re-named Wyndham Street South in 1911.

There is no evidence of construction on Lot 144 until the 1920s as indicated on the fire insurance plan of Guelph revised in 1929 and an aerial photo from 1931 (see Attachment 1, Figures 4 and 5).

Adjacent land uses currently include two service stations, a large municipal parking lot and 19<sup>th</sup> century row houses (See Attachment 1).

The subject properties were identified in the *Couling Building Inventory* (1974) as being built before 1875, as contributing to the neighbourhood context and having a fine bay window. The property was listed on the *Municipal Register of Cultural Heritage Properties* in 2009 with other properties identified in the Burcher/Stokes Inventory.

Having inspected the subject buildings exteriors and reviewed the Cultural Heritage Resource Impact Assessment submitted, Heritage Planning staff are of the opinion that the buildings at 41, 43 and 45 Wyndham Street South and 53 Surrey Street East have not retained enough physical integrity or cultural heritage value to be considered built heritage resources or to justify being listed on the *Municipal Register of Cultural Heritage Properties*.

According to the title search contained in the Cultural Heritage Resource Impact Assessment, the properties have not had a significant association with a person or event that is significant to the community. Therefore, the property does not meet the criteria for being listed on the *Municipal Register of Cultural Heritage Properties*.

Heritage Guelph considered the Heritage Review Application at their meeting of August 24, 2014 and carried the following motions:

"THAT Heritage Guelph receive the Cultural Heritage Resource Impact Assessment prepared for the proponent by CHC Limited (dated July 15, 2014) for the buildings located at 41, 43 and 45 Wyndham Street South and 53 Surrey Street East;  
AND THAT while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph has no intention of recommending that Council designate the buildings in question and has no objection to the proposed removal of the buildings located at 41, 43 and 45 Wyndham Street South and 53 Surrey Street East from the Municipal Register of Cultural Heritage Properties"

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable city.



# STAFF REPORT



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## FINANCIAL IMPLICATIONS

None

## DEPARTMENTAL CONSULTATION

Not required

## COMMUNICATIONS

Not required

## ATTACHMENTS

Attachment 1 – Location Map and Current Photos

### Report Author

Stephen Robinson  
Senior Heritage Planner

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### Approved By

Todd Salter  
General Manager  
Planning Services  
519.822.1260, ext. 2395  
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### Approved By

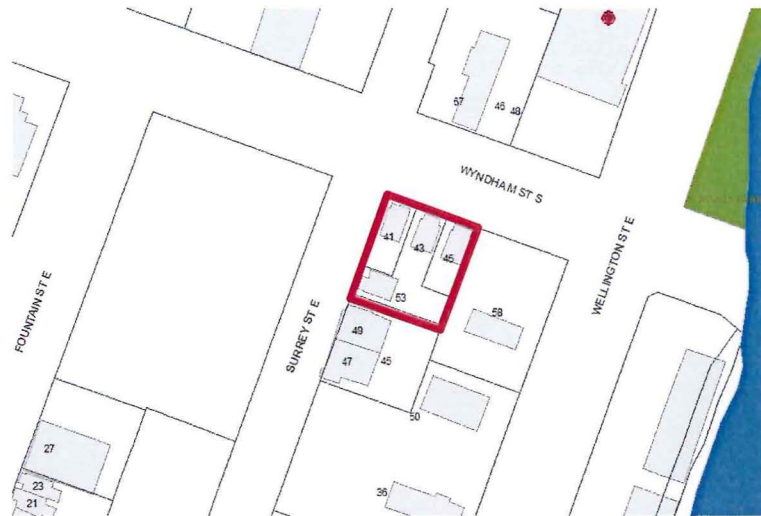
Melissa Aldunate  
Manager, Policy Planning & Urban Design

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### Recommended By

Al Horsman  
Deputy CAO  
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## ATTACHMENT 1 – LOCATION MAP AND CURRENT PHOTOS



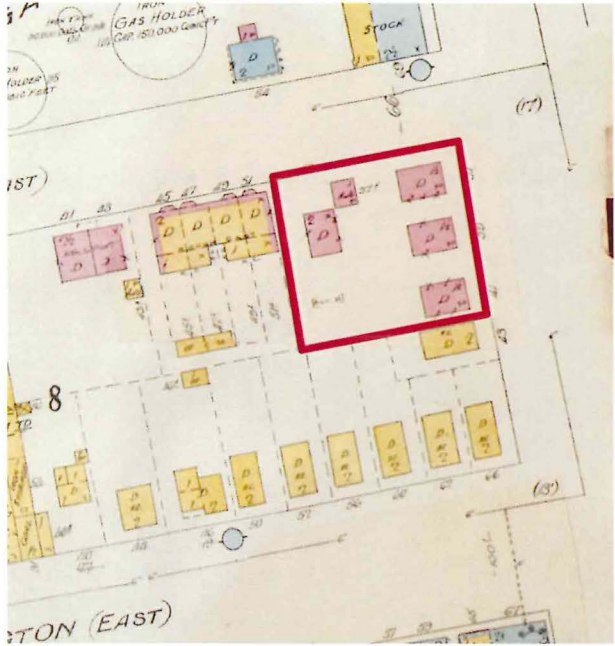
**Figure 1** - Location of 251 Arthur Street North



**Figure 2** – 41, 43 and 45 Wyndham Street South  
(Photo: CHC Ltd.)



**Figure 3** – 53 Surrey Street East (Photos: City of Guelph Heritage Register)



**Figure 4** – Guelph Fire Insurance Plan, 1922 (revised) 1929



**Figure 5** – 1931 Aerial photo of Guelph showing (detail) (Photo: Guelph Civic Museum 979.75.58)

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE March 9, 2015

**SUBJECT Proposed Demolition of 27 Clarke Street West  
Ward 3**

REPORT NUMBER 15-16

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide background and a staff recommendation related to a request for demolition approval of one (1) single detached dwelling.

### KEY FINDINGS

One (1) existing single detached dwelling is proposed to be replaced with one (1) new single detached dwelling, resulting in no net loss of residential dwelling units.

### FINANCIAL IMPLICATIONS

None.

### ACTION REQUIRED

Council is being asked to approve the demolition request.

## RECOMMENDATION

1. That Report 15-16 regarding the proposed demolition of one (1) single detached dwelling at 27 Clarke Street West, legally described as Plan 205 Part Lot 39 Part Lot 40; City of Guelph, from Infrastructure, Development and Enterprise dated March 9, 2015, be received;
2. That the proposed demolition of one (1) detached dwelling at 27 Clarke Street West be approved;
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which may be impacted by demolition and construction activities;
4. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

# STAFF REPORT



## BACKGROUND

An application to demolish one (1) single detached dwelling at 27 Clarke Street West was received on December 24, 2014 by Infrastructure, Development and Enterprise. The existing detached garage is to remain.

The subject property is located to the north side of Clarke Street West and east of Exhibition Street. The subject property is zoned R.1B (Residential Single Detached), which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupations and lodging houses Type 1. The applicant is requesting to demolish the existing dwelling on the subject property and subsequently construct a new detached dwelling (see location map and site photos on Attachments 1 and 2). The proposed front elevation concept drawing for the replacement dwelling is included in Attachment 3 for information.

## REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

### Cultural Heritage Resources

27 Clarke Street West is not designated under the Ontario Heritage Act and it has not been listed (as non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. The property was included in the Couling Inventory and is, therefore, recognized as a built heritage resource according to Guelph's Official Plan.

The City of Guelph's Official Plan Policy 4.8.1 (4) states – the City recognizes that properties within the city that have been identified in the Couling Building Inventory may have cultural heritage value or interest. The properties identified in the Couling Building Inventory may be considered by Council for listing on the *Municipal Register of Cultural Heritage Properties* and designation under the *Ontario Heritage Act*. According to OP Policy 4.8.5 (5) - All properties identified on the Couling Building Inventory that have not been listed on the Municipal Register [...] shall be considered as potential built heritage resources until considered otherwise by Heritage Guelph.

Section 27, Subsection 4 of Part IV of the *Ontario Heritage Act* states that restriction on demolition applies only if a property is listed in the register before any application is made for a permit under the *Building Code Act, 1992* to demolish or remove a building or structure located on the property.

The Senior Heritage Planner has conducted a site visit for photographic documentation and to assess the integrity of the property's potential heritage



# STAFF REPORT



attributes. The building at this location appears to have been built at the end of the First World War as a simple, 1.5-storey, rug brick veneer dwelling. The property as it exists today has limited cultural heritage value when assessed using the three criteria for determining cultural heritage value or interest established by Regulation 9/06 under the *Ontario Heritage Act*. It is staff's opinion that the building does not have significant architectural/design value or historical/associative value and has only limited contextual value as a common residential built form typical of the inter-war era of the historical streetscape of Clarke Street West and the Exhibition Park area.

While the Senior Heritage Planner supports the retention of built heritage resources, staff do not recommend that Council move to protect the subject property by individual designation under the *Ontario Heritage Act*. The Senior Heritage Planner has encouraged the owner's representative to consider a partial demolition that retains the main front footprint and form of the existing house (front gable, side dormers and front porch) and incorporate as much as possible of these heritage attributes into their proposal for new construction.

In order to promote the reuse of salvageable older building materials and divert potential landfill, it is recommended that the owner consult with the Senior Heritage Planner as to how elements of the building could be salvaged for reuse in new construction on the property or off-site.

At their meeting of February 9, 2015, Heritage Guelph passed the following motion:  
"THAT while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph does not recommend that Council move to protect 27 Clarke Street West by individual designation under the *Ontario Heritage Act*."

## Tree Protection

The subject property is less than 0.2 hectares in size and, therefore is not regulated by the Private Tree Protection By-law. It is staff's preference to maintain and protect the urban forest and canopy where possible. As such, the owner is encouraged to preserve any trees. If trees are to be retained, a tree protection zone (TPZ) will need to be established where protective tree hoarding would be installed to protect the trees. Staff are recommending that the owner erect protective hoarding around any trees on the property prior to demolition activities and maintain the hoarding throughout the construction of the new dwelling.

## Recommendation

The approval of the demolition application is recommended as the existing dwelling is not a significant cultural heritage resource, and is proposed to be replaced with a new detached dwelling. Therefore, there will be no overall loss of residential stock proposed as a result of this application.

# STAFF REPORT

## CORPORATE STRATEGIC PLAN

**City Building – Strategic Directions 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## FINANCIAL IMPLICATIONS

None

## DEPARTMENTAL CONSULTATION

The City's Senior Heritage Planner and Environmental Development Planner were consulted regarding the proposed demolition permit.

## COMMUNICATIONS

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

## ATTACHMENTS

Attachment 1 - Location Map

Attachment 2 - Site Photos

Attachment 3 - Proposed Concept for Replacement Dwelling

### Prepared By:

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Administrator of  
Planning Technical Services

### Approved By:

Sylvia Kirkwood  
Manager of Development Planning



### Approved By

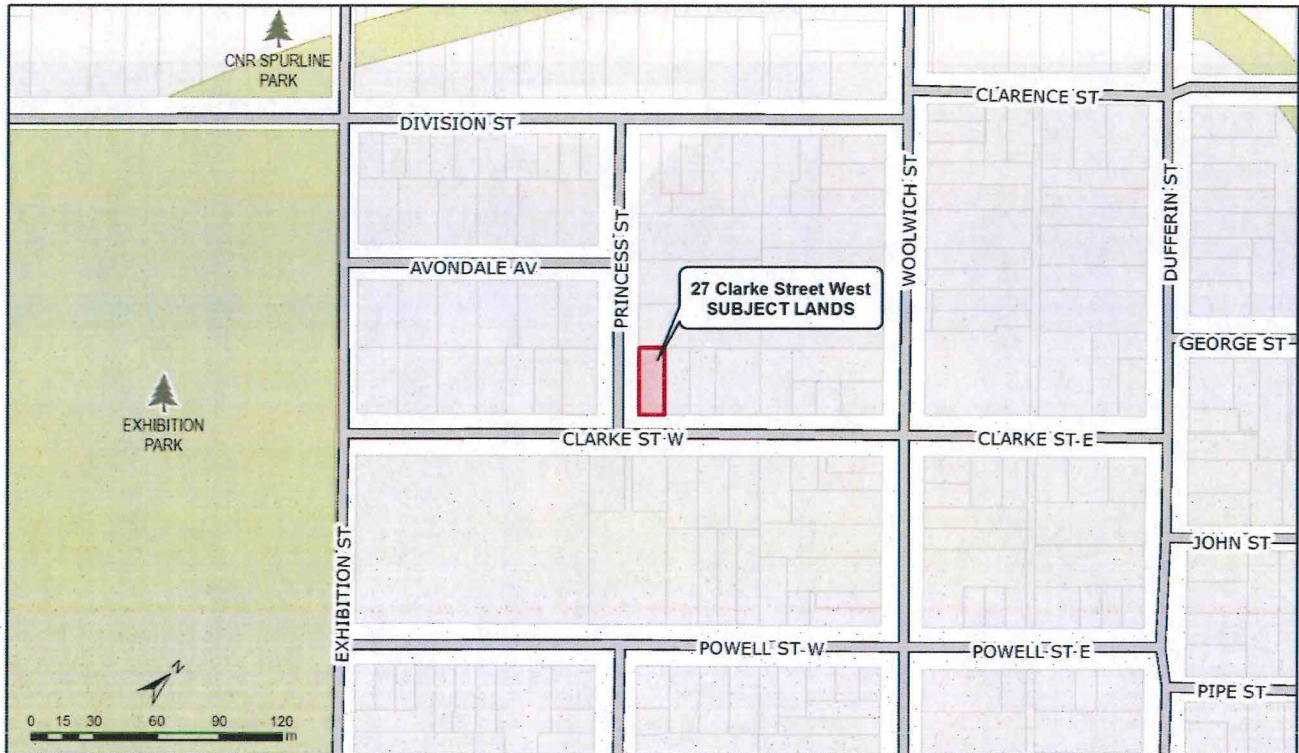
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## ATTACHMENT 1 – Location Map





## ATTACHMENT 2 – Site Photos

### Aerial Photograph



## Photos of 27 Clarke Street West

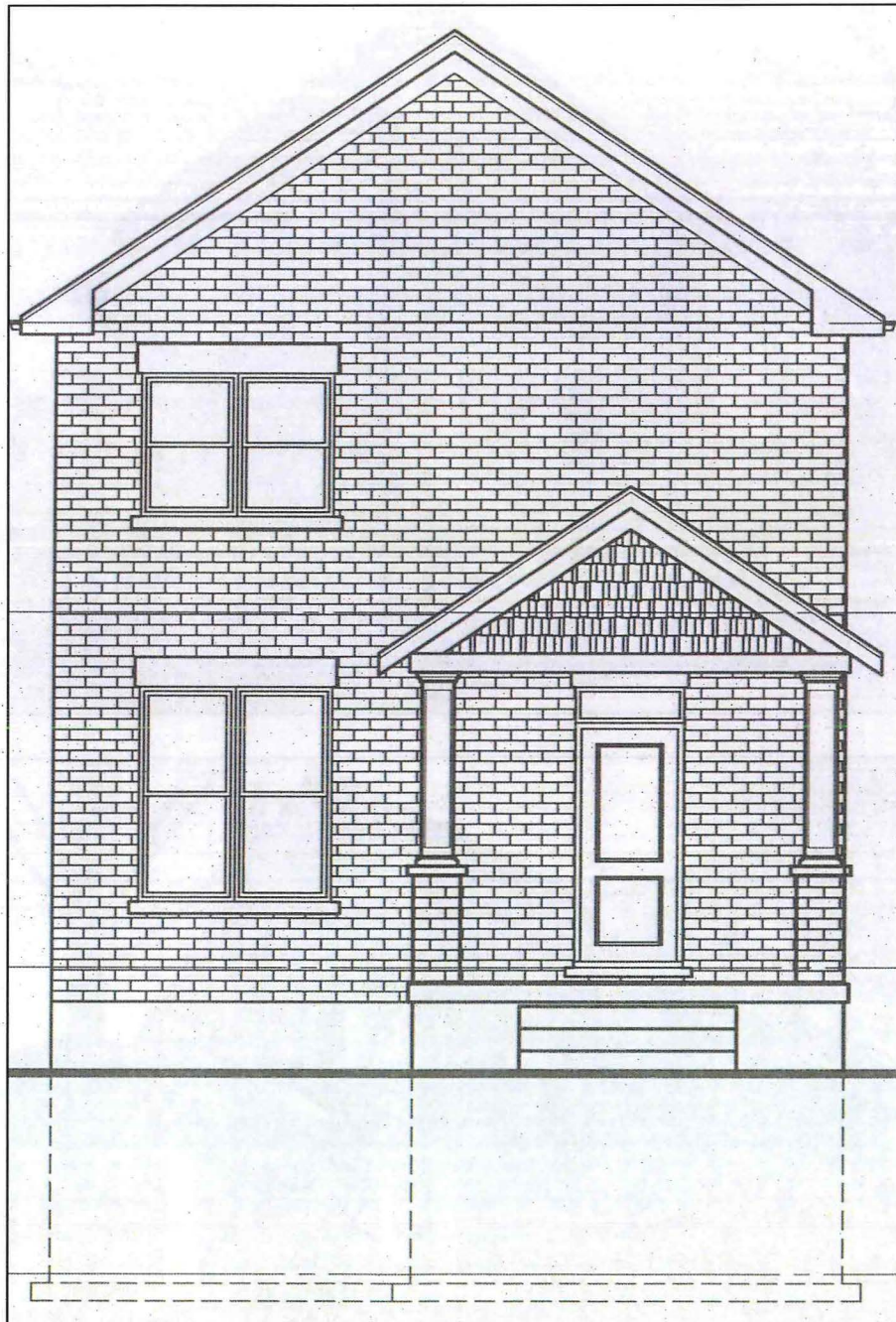


(Photos taken by K. Orsan January 2015)



# STAFF REPORT

## ATTACHMENT 3 – Proposed Concept for Replacement Dwelling



**Proposed Front Elevation**

# STAFF REPORT



**TO:** Council Planning

**SERVICE AREA:** Infrastructure, Development and Enterprise

**DATE:** March 9, 2015

**SUBJECT:** **30 NORWICH STREET EAST: HERITAGE REVIEW APPLICATION (PROPOSED REMOVAL OF RESIDENTIAL COACH HOUSE FROM MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES) AND DEMOLITION PERMIT APPLICATION**

**REPORT NUMBER:** 15-18

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide a report recommending that the residential coach house (a former barn/stable) at 30 Norwich Street East be removed from the *Municipal Register of Cultural Heritage Properties* and to provide a recommendation on the request for demolition approval of the detached coach house.

### KEY FINDINGS

The property owner has submitted a Heritage Review Application requesting that City Council consider the removal of the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties* so that the building can be demolished.

Having inspected the subject building and reviewed the property's history, Heritage Planning staff are of the opinion that the subject building as the former barn/stable for the Stewart residence (the stone house at the front of the property) has not retained enough original physical integrity or cultural heritage value to be considered a built heritage resource or to justify being listed on the *Municipal Register of Cultural Heritage Properties*. Heritage Guelph has indicated they have no intention of including the former barn/stable in any recommendation they may make to Council regarding the property under the Ontario Heritage Act.

The approval of a demolition application is recommended as the loss of the secondary dwelling unit is not a significant concern.

### FINANCIAL IMPLICATIONS

None.

# STAFF REPORT



## **ACTION REQUIRED**

That the report be received by Council and that Council approve the proposed removal of the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties* and further that Council approve the demolition of the residential coach house at 30 Norwich Street East.

## **RECOMMENDATIONS**

1. That the Council Planning Report 15-18, regarding the recommendation to remove the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties* dated March 9, 2015 be received.
2. That staff be authorized to remove all references to the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties*.
3. That the proposed demolition of one (1) detached building (the residential coach house - a former barn/stable) at the rear of 30 Norwich Street East be approved.
4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property or on adjacent properties which can be preserved prior to commencement of demolition and maintain fencing during demolition.
5. That the applicant be requested to contact the General Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

## **BACKGROUND**

The City of Guelph's *Municipal Register of Cultural Heritage Properties* is the official list of cultural heritage properties that have been identified as having cultural heritage value or interest. The register is an important tool to help a municipality monitor its cultural heritage resources and plan for their conservation.

Every municipality in Ontario, under Section 27 of the *Ontario Heritage Act*, is required to maintain a register that lists all designated heritage properties. A municipal council may expand its register to include "non-designated" properties that it believes to be of cultural heritage value or interest. Regulation 9/06 of the *Ontario Heritage Act* sets out the criteria for determining cultural heritage value or interest. Under the legislation, a property is required to meet one of the criteria to be considered a cultural heritage resource. The decision to include or list a "non-designated" property rests with Council upon consultation with its municipal heritage committee, i.e. Heritage Guelph.

# STAFF REPORT



The City of Guelph's *Municipal Register of Cultural Heritage Properties* includes two types of property:

*Designated Properties* - all buildings, structures, cultural heritage landscapes and heritage conservation districts that have been designated under the *Ontario Heritage Act*.

*Non-Designated Properties* - that have not been designated but have cultural heritage value or interest.

The listing of non-designated properties provides interim protection for sites undergoing change by requiring owners to provide the City with 60 days notice of their intention to demolish or remove a building or structure on the property. This notice period allows the City to make a well informed decision about whether long-term protection of the property should be sought through the formal designation process.

Heritage Guelph reviews all applications that request removal from the Municipal Register, including supporting documentation. Based on the information submitted by the proponent and a recommendation from Heritage Planning staff, Heritage Guelph may:

- a) Recommend to Council that the property remain listed on the Register; or
- b) Recommend to Council that the property be removed from the Register.

Council makes the final decision regarding the listing or removal of properties on the *Municipal Register of Cultural Heritage Properties*.

Municipal Address: 30 Norwich Street East

Legal Description: PLAN 144 PT LOT 6 PT LOT 7 PT LOT 8 PLAN 8 PT PARK LOT 92  
RP 61R4367 PART 4 PART 9

Property Owner: Susan Curtis-Villar / Lee Villar

Current Use of Subject Building: rental (vacant)

## REPORT

The property owner of 30 Norwich Street East submitted a Heritage Review Application on 2 February 2015 requesting that City Council consider removal of the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties*. The property owner has also made a building permit application for demolition of the coach house. Approval of a demolition permit would require Council to first remove the property from the *Municipal Register of Cultural Heritage Properties* before considering the demolition through the Demolition Control By-law.

### Heritage Review Application

An independent Cultural Heritage Resource Impact Assessment was not required of the owner by Heritage Planning staff or Heritage Guelph as part of a complete application.

# STAFF REPORT



30 Norwich Street East is listed on the *Municipal Register of Cultural Heritage Properties* in 2009 with other properties identified in the Burcher/Stokes Inventory. The register contains two entries – one for the stone house built c.1855 by the Stewart family. The stone house is not only a built heritage resource in its own right but also has historical and contextual associations with the former Stewart Lumber Mill building, a designated heritage property located at 60 Cardigan Street. The second register entry is a detached residential building at the rear of the property that contains trace elements of former barn/stable buildings shown as wood frame constructions on the 1897(1911) and 1922(1929) *Fire Insurance Plan of Guelph* (See Appendix 3).

Having inspected the subject building and reviewed the property's history, Heritage Planning staff are of the opinion that portions of the subject building's substructure were built between c.1880 and 1929 as a small barn and stable for the stone residence at the front of the property. Heavily renovated in the early 1960s when adapted for residential use, the current 1.5-storey, wood frame residential building has not retained enough original physical integrity or cultural heritage value to be considered a built heritage resource or to justify being listed on the *Municipal Register of Cultural Heritage Properties*. Therefore, the former barn/stable at the rear of the property should not be required to remain listed on the *Municipal Register of Cultural Heritage Properties*.

Heritage Guelph has indicated they have no intention of including the former barn/stable in any recommendation they may make to Council regarding the designation of the property under the Ontario Heritage Act.

Heritage Guelph carried the following motions at their meeting of February 9, 2014.

"THAT while Heritage Guelph supports the retention of built heritage resources, Heritage Guelph has no intention of recommending that Council designate the former barn/stable at 30 Norwich Street East under the Ontario Heritage Act, and THAT Heritage Guelph has no objection to the removal of all references to the residential coach house (a former barn/stable) at 30 Norwich Street East from the *Municipal Register of Cultural Heritage Properties*".

## Demolition Permit Application

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The existing coach house residential unit is vacant and in a state of disrepair and is considered to be structurally unsound by the owner's contractor.



# STAFF REPORT



The subject property is less than 0.2 hectares in size and, therefore is not regulated by the Private Tree Protection By-law. It is staff's preference to maintain and protect the urban forest and canopy where possible. As such, the owner is encouraged to preserve any trees. If trees are to be retained, a tree protection zone (TPZ) will need to be established where protective tree hoarding would be installed to protect the trees. Staff are recommending that the owner erect protective hoarding around any trees on the property prior to demolition activities.

The approval of the demolition application is recommended as the coach house residential unit is not a significant cultural heritage resource and the loss of the secondary dwelling unit is not a significant concern. The primary residential dwelling on the property will remain and the loss of one secondary dwelling unit will not significantly impact the overall availability of housing stock in the city.

## **CORPORATE STRATEGIC PLAN:**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable city.

## **FINANCIAL IMPLICATIONS:**

None

## **DEPARTMENTAL CONSULTATION:**

Not required

## **COMMUNICATIONS:**

Not required

## **ATTACHMENTS**

Attachment 1 – Location Map and Stone House

Attachment 2 – Subject Building Coach House (former barn/stable)

Attachment 3 – Fire Insurance Plans of Guelph

### **Report Author**

Stephen Robinson  
Senior Heritage Planner

### **Approved By**

Melissa Aldunate  
Manager, Policy Planning & Urban Design



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### **Approved By**

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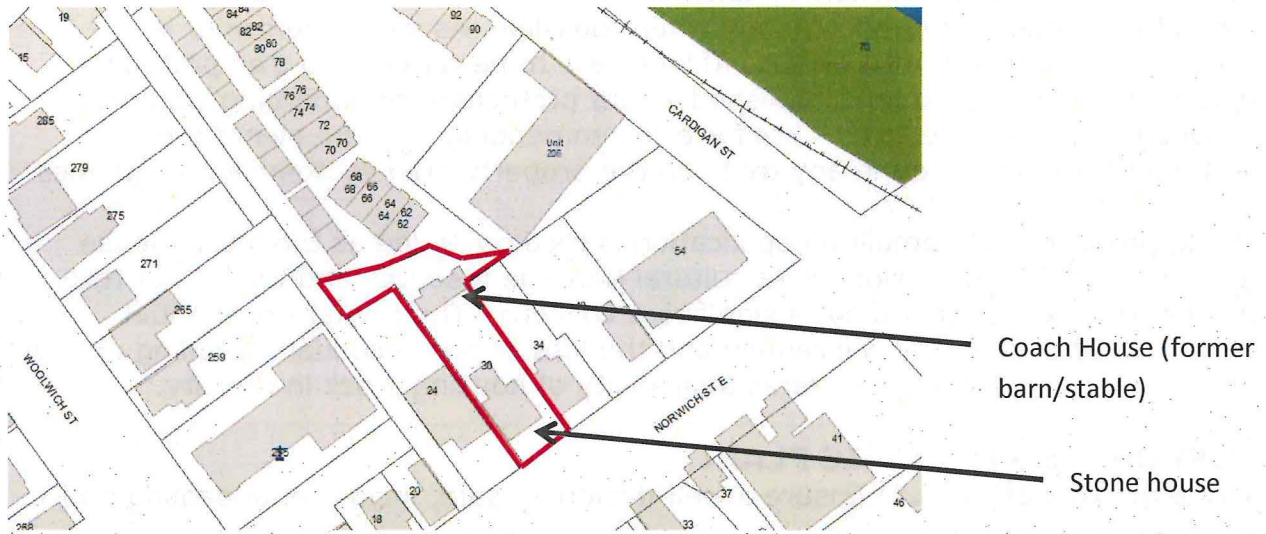


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### **Recommended By**

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## ATTACHMENT 1 – Location Map and Stone House



Stone house at 30 Norwich Street East



# STAFF REPORT

## ATTACHMENT 2 – Subject Building Coach House (Former Barn/Stable)



South elevation (left)



South elevation (right)



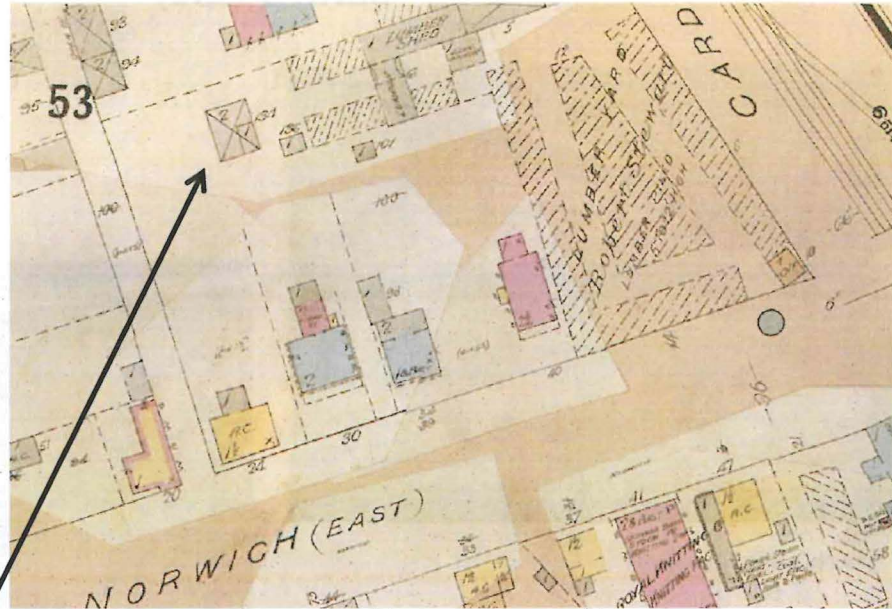
East elevation



North elevation

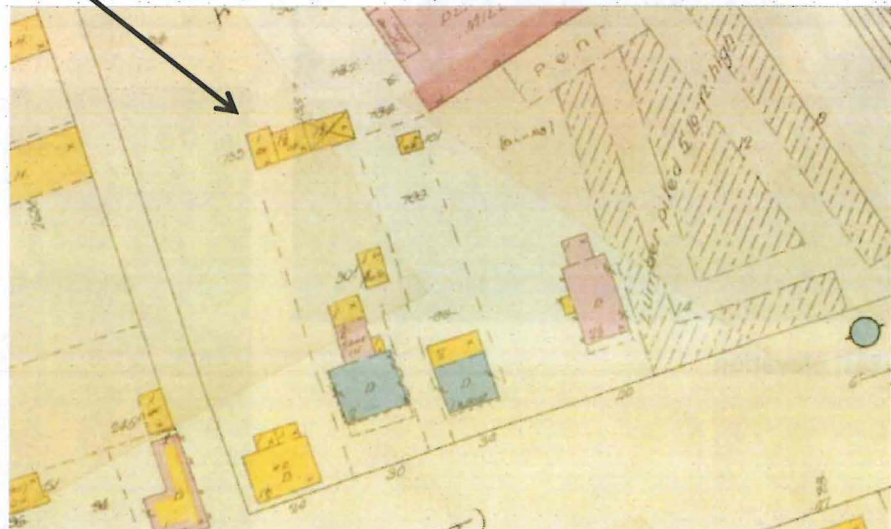
## ATTACHMENT 3 – Fire Insurance Plans of Guelph

1897 (revised 1911)



barn/stable

1922 (revised 1929)





Please recycle!

- **BYLAWS** -

<b>- March 9, 2015 -</b>	
<p>By-law Number (2015)-19869 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 5 Arthur Street South and legally described as as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993; City of Guelph.</p>	<p>To amend the Zoning By-law.</p>
<p>By-law Number (2015)-19870 A by-law to authorize the Mayor and Clerk to execute an agreement between JG Goetz Construction and The Corporation of the City of Guelph for the servicing and road construction of the Dallan Subdivision. (Contract 2-1416)</p>	<p>A by-law to execute an agreement for servicing and road construction. (Dallan Subdivision)</p>
<p>By-law Number (2015)-19871 A By-law to provide for the temporary closure of Dallan Drive, McIntyre Court, Kay Crescent, Poppy Drive East, Lobsinger Lane and Kirvan Crossing within the Dallan Subdivision during servicing and road construction. (Contract 2-1416).</p>	<p>To authorize temporary road closures. (Dallan Subdivision)</p>



<p>By-law Number (2015)-19872 A by-law to authorize the execution of an agreement between EX-L Excavating and Site Services and The Corporation of the City of Guelph. (for servicing and road construction – Pergola Phase 2 Subdivision)</p>	<p>A by-law to execute an agreement for servicing and road construction. (Pergola Phase 2 Subdivision)</p>
<p>By-law Number (2015)-19873 A by-law to provide for the temporary closure of Hawkins Drive during servicing and road construction of the Pergola Phase 2 Subdivision. (Contract 2-1508)</p>	<p>A by-law to authorize temporary road closures. (Pergola Phase 2 Subdivision)</p>