

COUNCIL PLANNING AGENDA



DATE APRIL 6, 2009

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**

PLANNING CONSENT DECISIONS

"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."

- 1) **1820 Gordon Street:** Residential and Commercial Draft Plan of Subdivision (File: 3T-03507) – Request for an Extension of Draft Approval (Ward 6)

DELEGATIONS

(limited to a maximum of five minutes)

- a) Nancy Shoemaker, Black Shoemaker, Robinson & Donaldson
 - b) Staff summary by Al Hearne, Senior Development Planner
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- 2) **1467 Gordon Street:** Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP0501/ZC0502) (Ward 6)

DELEGATIONS

(limited to a maximum of five minutes)

- a) Astrid Clos, on behalf of Reid's Heritage Homes
- b) Staff summary by Chris DeVriendt

BY-LAWS

Resolution - That By-law (2009)-18760 is hereby passed. (Councillor Salisbury)

Note:

When all by-laws have been considered, a member of Council should move **"THAT the Committee rise and report the by-laws passed in Committee without amendment (or as amended)."**

OTHER

ADJOURNMENT

PLANNING CONSENT AGENDA

April 6, 2009

Her 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 can be approved in one resolution.

A Planning Consent Decisions

REPORT	DIRECTION
<p>1. 1820 GORDON STREET SOUTH – RESIDENTIAL AND COMMERCIAL DRAFT PLAN OF SUBDIVISION (FILE 23T-03507) – REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL (WARD 6)</p> <p>"THAT Report 09-30 regarding a request for the extension of the Draft Plan Approval for the First Capital Holdings Trust (formerly Pergola) Subdivision (23T-03507) from Community Design and Development Services, dated April 6, 2009, be received;</p> <p>AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of FCHT Holdings (Ontario) Corporation for a five (5) year extension to the Draft Plan Approval of the First Capital (formerly Pergola) Subdivision (23T-03507) applying to lands legally described as Part of the Southwest Part of Lot 11, Concession 8, and Part 1, Plan 61R-3599, formerly Township of Puslinch, municipally known as 1820 Gordon Street South, City of Guelph, BE APPROVED AS AMENDED for a three (3) year period to an extended lapsing date of May 26, 2012, subject to the conditions outlined in Schedule 2 of the Community Design and Development Services Report 09-30 dated April 6, 2009."</p>	<p>Approve</p>

2. **1467 GORDON STREET – PROPOSED OFFICIAL PLAN
AMENDMENT AND ZONING BY-LAW AMENDMENT (FILE
OP0501/ZC0502) (WARD 6)**

Approve

"THAT Report 09-28 regarding a proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a mixed use building permitting commercial, office and residential uses applying to property municipally known as 1467 Gordon Street, and legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 7, Concession 7, City of Guelph, from Community Design and Development Services dated April 6, 2009, be received;

AND THAT the application (OP0501/ZC0502) by Astrid J. Clos Planning Consultants on behalf of Reid's Heritage Homes Limited for a site specific policy amendment to the current "Medium Density Residential" Official Plan designation of the Official Plan affecting the property at 1467 Gordon Street, legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 17, Concession 7, City of Guelph, be approved in the form outlined in Schedule 2 of Community Design and Development Services report dated April 6, 2009;

AND THAT the application (OP0501/ZC0502) by Astrid J. Clos Planning Consultants on behalf of Reid's Heritage Homes Limited for approval of a Zoning By-law Amendment from the current R.1B (Residential Single Detached) Zone to a new Specialized C.1 (Convenience Commercial) Zone affecting the property municipally known as 1467 Gordon Street and legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 17, Concession 7, City of Guelph, be approved in accordance with the permitted uses, regulations and conditions provided in Schedule 3 of Community Design and Development Services report dated April 6, 2009.

Planning Application Reports

Attached are the Planning Application Reports for which Guelph City Council will hold the statutory public meeting on **Monday April 6, 2009** at 7:00 p.m.

ITEMS FOR DECISION:

- 1) 1820 GORDON STREET SOUTH – Residential and Commercial Draft Plan of Subdivision (File 23T-03507) – Request for an Extension of Draft Plan Approval, Ward 6**
- 2) 1467 GORDON STREET: Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP0501 / ZC0502) – Ward 6**

As per the direction of Council, all reports for matters requiring a public meeting under the Planning Act are to be distributed one week prior to the meeting.

Please retain this copy of the report and bring it to the April 6, 2009 Council Planning meeting.

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE April 6, 2009

SUBJECT 1820 GORDON STREET SOUTH - Residential and Commercial Draft Plan of Subdivision (File 23T-03507) - Request for an Extension of Draft Plan Approval - Ward 6.

REPORT NUMBER 09-30

RECOMMENDATION

"THAT Report 09-30 regarding a request for the extension of the Draft Plan Approval for the First Capital Holdings Trust (formerly Pergola) Subdivision (23T-03507) from Community Design and Development Services, dated April 6, 2009, BE RECEIVED;

AND

THAT the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of FCHT Holdings (Ontario) Corporation for a five (5) year extension to the Draft Plan Approval of the First Capital (formerly Pergola) Subdivision (23T-03507) applying to lands legally described as Part of the Southwest Part of Lot 11, Concession 8, and Part 1, Plan 61R-3599, formerly Township of Puslinch, municipally known as 1820 Gordon Street South, City of Guelph, BE APPROVED AS AMENDED for a three (3) year period to an extended lapsing date of May 26, 2012, subject to the conditions outlined in Schedule 2 of the Community Design and Development Services Report 09-30 dated April 6, 2009."

BACKGROUND

The draft plan extension application applies to lands located at the southeast corner of Gordon Street South and Clair Road East, formerly occupied by the buildings associated with the former Pergola Drive-In private outdoor recreation establishment (See **Schedule 1**). The subject lands have 447.58 metres (1,468 feet) of frontage on Clair Road, 182 metres (597 feet) of frontage on Gordon Street and a total site area of 11.238 hectares (27.76 acres).

Land uses surrounding the subject site include:

- An existing Community Commercial Shopping Centre known as 'Clairfields Common' in the Clairfields Subdivision at the northwest corner of the intersection of Gordon Street and Clair Road;

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- Vacant but zoned Community Commercial 'Westminister Market' lands in the Westminister Woods Subdivision at the northeast corner of the intersection of Gordon Street and Clair Road;
 - Primarily single detached rural residential estate properties and the Brock Road Nursery establishment located east and south of the subject site along Clair Road and Gordon Street. A subdivision and rezoning application for lands located directly to the east of the site is currently being reviewed (Victoria Wood File 23T-08503/ZC0803) by the City.
 - Environmentally sensitive lands including wetlands further to the east and south of the site.

The approved draft plan of subdivision contains several blocks that will accommodate a mix of commercial, residential and institutional uses on Blocks 1 and 2, on-street townhouses on Blocks 3, 4, 5 and 6 that will accommodate approximately 26 dwelling units, cluster townhouses or apartment dwellings on Block 7 with a potential yield ranging from 23 to 77 dwelling units, parkland on Block 8, storm water management facilities on Blocks 9, 12, 13 and 14, open space linkage on Blocks 10 and 11, a road widening on Block 15 along the Clair Road frontage, and 0.3 metre reserves on Blocks 16, 17 and 18 (See **Schedule 3**).

First Capital Holdings has purchased the subject lands and has been actively pursuing the registration and ultimate development of the approved draft plan in phases. The owner rezoned the large commercial block in the plan in 2008 to a Specialized CC (Community Commercial) Zone to implement the Mixed Use Node land use designation in the Official Plan and achieve compliance with Places to Grow legislation.

The total estimated minimal dwelling unit yield for the mixed use subdivision is between 49 to 103 units, depending on whether Block 7 is developed for townhouses or apartments. This estimate does not include the potential for residential units on the commercial Block 1. Based on the estimated unit count range, the expected population range for the subdivision is 119 to 194 persons. With respect to Places to Grow, the plan will yield a range of 56 to 63 persons and jobs per hectare combined, which satisfies the Places to Grow legislation even though the subdivision was approved prior to the passing of the Places to Grow Act.

The proposed first phase of the subdivision (**Schedule 4**) is comprised of the large commercial Block 1 including Blocks 13 and 14 located at the south east corner of the Gordon Street/Clair Road intersection. Blocks 13 and 14 are no longer planned for open stormwater infiltration ponds as an underground stormwater management component has replaced the need for the open ponds. Phase 1 also includes the stormwater management facility on Block 12 which has been expanded to include Block 2 (See **Schedule 4**).

The first phase of the plan was expected to be registered during 2008 in keeping with the approved 2008 Development Priorities Plan however this registration may be delayed due to the economic uncertainty of the market. The owner has pursued site plan approval on the commercial Block 1 lands that are 5.38 hectares (13.3 acres) in size and the owner is also currently reviewing the draft Subdivision

Agreement for this phase. Phase 2 of the subdivision is planned to apply to the residential portion of the subdivision being the balance of the draft plan. The subdivision was draft plan approved on May 26, 2006 with a three year lapsing date until May 26, 2009. The draft plan approval of the subdivision will lapse on May 26, 2009, unless a further extension is granted.

REPORT

Section 51 (33) of the Ontario Planning Act allows a municipality to grant an extension of draft plan approval for a period of time acceptable to the municipality. The plan of subdivision is not yet registered and even the first phase of the plan will not be registered before the draft plan approval lapses on May 26, 2009. Based on the current economic conditions, the owner has requested a five (5) year extension of the draft approval to provide more time for the entire plan to be registered. The owner's request is attached in **Schedule 5**.

If the draft plan extension for the subdivision is not approved and the subdivision lapses, the owners would have no planning approvals in place for the subdivision. This will force the owners to re-apply for draft plan approval of the subdivision.

Planning Staff Recommendation

Staff is recommending approval of a three (3) year extension to the draft approval, subject to the conditions outlined in **Schedule 2**. While the requested five year extension is considered too lengthy to commit allocation of sewage treatment and water capacity to such a small plan of subdivision, the recommended three year extension provides adequate time for the subdivision to become fully registered.

The conditions of draft plan approval shown in **Schedule 2** remain relevant and include all the conditions previously endorsed by City Council, with some revisions made to update standard wording and new departmental names and titles. To update the conditions to meet current residential subdivision standards, Staff has added conditions 15 and 61 that address maximum retaining wall height and the use of clotheslines, respectively. To support the City's Community Energy Plan requirements, Staff has also added condition 63 that commits the residential construction in the plan to meet Energy Star certification, or an equivalent. A condition has already been approved through the recent rezoning of the commercial block to require the commercial component of the plan to meet LEED standards.

These revisions are considered minor and therefore no further notice under the Planning Act is required. The Subdivision Agreement will contain all of the conditions of draft approval and the Agreement will be registered on title to the Phase 1 lands.

The requested draft plan extension is supported because the land uses and design of the subdivision are still appropriate and in keeping with current City and provincial policy. This subdivision is identified in the Draft 2009 Development Priorities Plan for part registration in 2009.

The extension of the draft plan approval will provide the time for Staff and the

owner to investigate possible changes to further improve the subdivision plan. Staff will report back to Council with any recommended changes during the course of the proposed three year draft approval.

CORPORATE STRATEGIC PLAN

- Supports Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.
- Supports Economic Opportunity Goal #3: A diverse and prosperous local economy.

DEPARTMENTAL CONSULTATION & COMMUNICATIONS

The request for the proposed extension of Draft Plan Approval was circulated to City departments and no objections to the extension were received.

ATTACHMENTS

- Schedule 1 – Location Map
- Schedule 2 – Conditions of Draft Plan Approval (23T-03507)
- Schedule 3 – The Approved Draft Plan of Subdivision (23T-03507)
- Schedule 4 – Proposed Phasing of the Approved Draft Plan
- Schedule 5 – Owner’s Request for Extension of Draft Plan Approval

“original signed by Allan Hearne”

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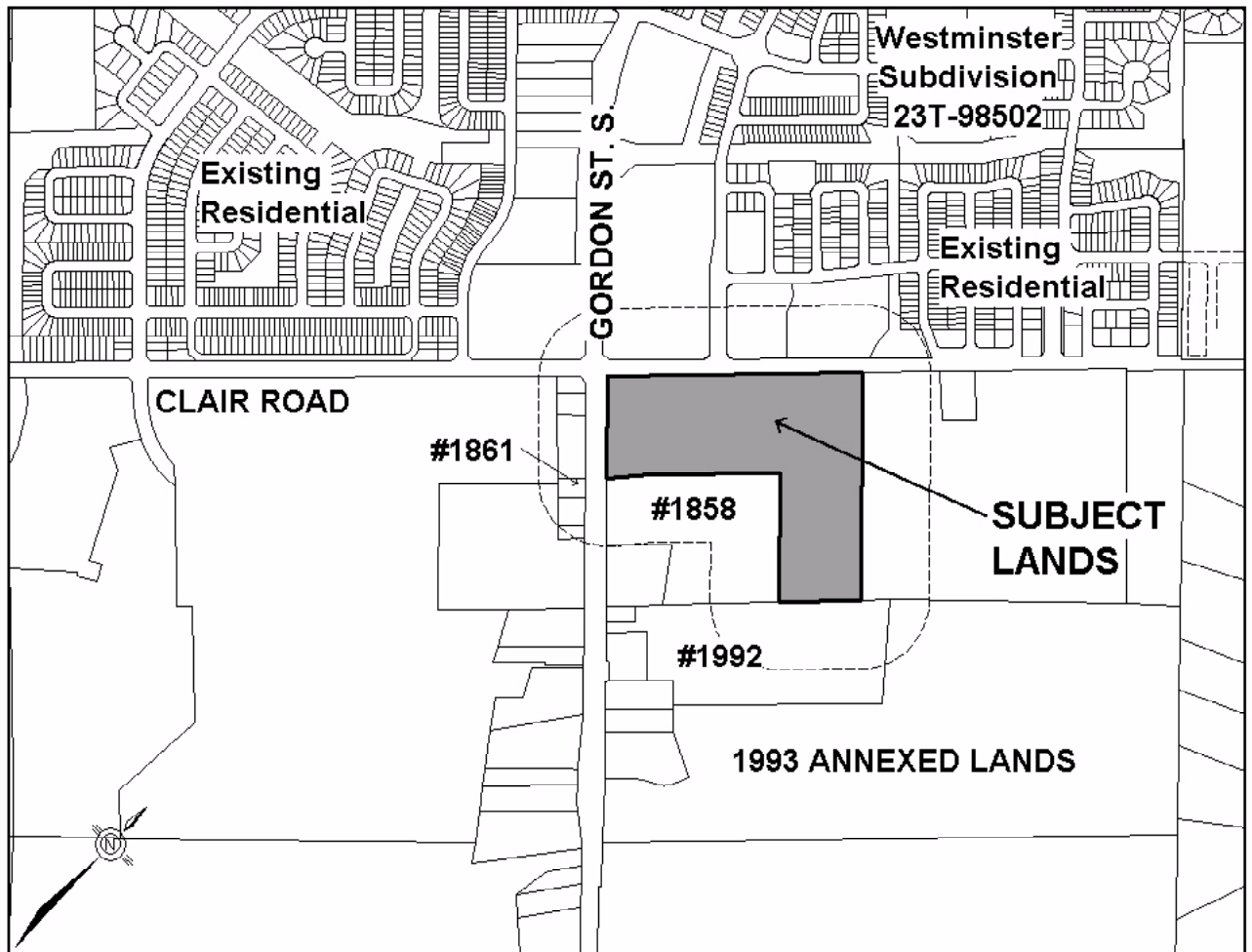
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**Schedule 1
Location Map**



Schedule 2
Original Conditions approved by Council on May 1, 2006, as amended by
the City in March 2009

Recommended Subdivision Conditions

City Conditions

1. That this approval applies only to the draft plan of subdivision for Pergola Drive-In Limited Subdivision, prepared by BSRD, Project No. 96-0299-15, dated August 17, 2004, including the red-line amendments outlined in the Community Design and Development Services planning application report dated February 13, 2006, including but not limited to the following:
 - Road geometric changes and widening dedications.
 - Intersection improvement turning lane dedications.
 - Reserves to be dedicated including along Gordon St. and Clair Rd. frontages of Block 1.
 - Further red-line amendments requested by the City Engineer.

Conditions to be met prior to grading and site alteration

2. That prior to any grading or construction on the site, the developer enters into an agreement with the City or obtains a **Site Alteration Permit**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph.
3. That the developer shall prepare a **site drainage and grading plan** for the entire subdivision, satisfactory to the City Engineer. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
4. That the developer submits a detailed **stormwater management report and plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quality in accordance with recognized Best Management Practices and Provincial Guidelines. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City's Public Works Department.
5. That the developer completes a **tree inventory and conservation plan** in accordance with the City of Guelph Tree By-law (1986)-12229, satisfactory to the Director of Planning and Development Services and City Engineer, prior to any grading or construction on the site. This report shall outline the

protection and preservation of hedgerows and treatment of all woodlands.

6. That the developer agrees to **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
7. That the developer constructs, installs and maintains **erosion and sediment control facilities**, satisfactory to the City, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer.
8. The developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The Environmental Inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environmental Impact Study and the Environment Implementation Report on a weekly or more frequent basis if required. The Environmental Inspector shall report on their findings to the City on a monthly or more frequent basis.
9. That the developer shall prepare an **Environmental Implementation Report** (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). Such report will include a monitoring program to assess the performance of the storm water management facilities and a public education program for residents. The report shall address the Environmental Advisory Committee's comments dated February 9, 2005 and the former City Environmental Planner's comments dated January 15 and 30, 2004, and shall consider the Guelph Field Naturalist's comments dated November 17, 2004. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
10. That the developer agrees to prepare a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City. Any costs related to the implementation of such a plan shall be borne by the Developer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the developers cost.
11. That the developer agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the developer has obtained **written permission** from the City Engineer or has entered into a Subdivision Agreement with the City.
12. That any **domestic wells and boreholes** drilled for hydrogeological or geotechnical investigations be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the

satisfaction of the City Engineer.

13. Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular **dust suppression** will be accomplished during the construction phase of the subdivision.
14. That the developer shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
15. The Developer shall ensure that the height of any proposed **retaining wall** does not exceed 1.0 metre to the satisfaction of the City Engineer.

Conditions to be met prior to execution of subdivision agreement

16. The developer agrees that, in the event that development of the property is to be phased, a **phasing plan** must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate consistency with the approved Development Priorities Plan, the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph.
17. The developer is responsible for the **cost of the design and construction of all municipal services** required to service the lands within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of the City's Development Charges Bylaw (2004)-17361, as amended, the Local service Bylaw (1994)-14553, as amended, or a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses. Municipal services external to the plan for which the Developer will be required to pay a share of the cost include, but are not limited to:
 - reconstruction of Gordon Street within the limits of the Lands to full urban standards.
 - reconstruction of Clair Road within the limits of the Lands to full urban standards.
 - a share in the actual cost of traffic signals at the Farley Drive/Clair Road

intersection and a share of the costs of the future traffic signals at Street #1 and Gordon Street.

All costs for the design and construction of the northbound right turn lane at the Gordon/Clair intersection will be borne by the Developer.

18. The developer shall pay a share of the **cost of all existing municipal services** within and abutting the proposed subdivision including, but not limited to, the existing watermain on Clair Road, as determined by the City Engineer.
19. The developer agrees that no development will be permitted on Blocks 1 to 7 inclusive unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the block to be developed is less than 344 metres or until the City Engineer confirms that **adequate water pressure** is available to service Blocks 1 to 7.
20. That the developer makes arrangements, satisfactory to the City Engineer, concerning the **scheduling of the development** and the developer's payment of costs for services within the subdivision.
21. The developer shall have **engineering servicing drawings** and final reports prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the developer.
22. That the developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
23. That the developer agrees to provide two second order, second level **Geodetic Benchmarks** in locations within the proposed subdivision to the satisfaction of the City Engineer.

Conditions to be met prior to registration

24. That the developer shall pay any outstanding **debts** owed to the City, prior to the registration of the proposed Plan of Subdivision.
25. That the registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan.
26. That any dead ends and open sides of road allowances created by this Draft Plan, or the phasing thereof, be terminated in **0.3 metre reserves** which shall be conveyed to the City.

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27. That the **road allowances** included in the Draft Plan be dedicated as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with any exceptions.
 28. That any lots or blocks to be identified by the City, shall be deeded to the City and held until **specific roads** in the plan can be constructed and extended beyond the terminus of the road as shown on the Draft Plan, or it is demonstrated that the lots can be graded to final elevations to the satisfaction of the City Engineer.
 29. The developer shall notify all prospective purchasers and homeowners of any lots in the subdivision with frontage or flankage along roads proposed as **transit routes**, that these streets may be used as part of a transit route to provide public transit service through the subdivision.
 30. The developer shall pay to the City the cost of installing **bus stop pads** and transfer facilities in the subdivision, if required, at the locations to be determined by Guelph Transit, prior to the registration of the plan.
 31. The developer shall build all streets proposed as a transit route with a roadway having a **minimum pavement width of 10 metres** and sidewalks on both sides of these streets to the satisfaction of the City.
 32. That the developer makes all necessary arrangements to have all lands required by the City for **stormwater management facilities** deeded to the City including Blocks 9, 12, 13 and 14, including any lands outside of the plan of subdivision. Further, to achieve the South Guelph District Centre Urban Design guidelines, the location and shape of storm water infiltration Blocks 13 and 14 are considered preliminary and subject to further refinement. Furthermore, the developer shall demarcate and fence (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City.
 33. That the developer shall **erect signs** at all entrances to the subdivision advising that the storm sewer system has been designed and constructed using the principles of storm water detention. The exact wording and size of the sign and lettering is to be provided by the City.
 34. The developer shall notify all purchasers that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, the developer shall ensure that all sump pumps are discharged to the rear yard and the developer shall notify all purchasers that the discharge shall be to the rear yard.

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35. That the developer pays the cost of erecting **street name and traffic control signs and traffic signals** in the subdivision, to the satisfaction of the City.
36. That the developer is responsible for the total cost of preparing a **tree planting plan for the roadways** shown on the plan of subdivision and implementing such plan to the satisfaction of the City Engineer.
37. That all **easements, blocks, reserves and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
38. That **street lighting and underground wiring** shall be provided throughout the subdivision at the developer's expense and in accordance with the policies of the City and Guelph Hydro Electric Systems Inc.
39. That the developer shall notify all prospective purchasers and homeowners that **on-street parking measures** will be implemented in the subdivision. Further, the developer shall provide an on-street parking plan to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
40. That the developer shall pay **development charges** to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto, prior to the issuance of a building permit, at the rates in effect at the time of the issuance of a building permit.
41. The developer shall, if required, **obtain written approval** from the owner of the abutting lands to the south for the construction of a portion of Street 1 and the removal of an existing fence and hedgerow on the abutting lands.
42. The developer shall construct **Street 1** as a right-in, right-out only access to Gordon Street until such time as Gordon Street is constructed to an urban standard.
43. The developer shall deed to the City a **5 metre widening** abutting Clair Road across the entire frontage of the lands in which the Developer has an interest prior to the registration of the first phase of development within the lands.
44. The developer shall deed to the City a **0.3 metre wide reserves** across the frontages of Block 1 abutting Gordon Street and abutting Clair Road.

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45. The developer shall deed to the City a block with a maximum width of 4 metres and a maximum length of 60 metres abutting Gordon Street for the purposes of **intersection improvements**.
46. That the developer shall at its expense implement and address all recommendations contained in the latest **Environmental Impact Study** that has been approved by the City and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.
47. That the developer shall **erect signs at the entrances to the subdivision** showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to the Planning Division, Planning and Development Services, City Hall".
48. That the developer shall dedicate to the City Block 8 for **park** purposes, in accordance with the provisions of City of Guelph By-law (1989)-13410 as amended by By-law (1990)-13545, or any successor thereof, and shall further dedicate Blocks 10 and 11 for open space. These lands shall be ultimately dedicated to the City and be free of any encumbrance and in a form that is satisfactory to the City Solicitor and the developer shall pay the cost of all demarcation and fencing of these lands, as required by the City. Furthermore, the developer shall demarcate, grade, drain, landscape and fence (living and or chain link) the boundaries of all lands conveyed to the City in accordance with the policies of the City.
49. The developer shall **demarcate** the boundary of the Park Block in accordance with the "City of Guelph Property Demarcation Policy". This shall include submitting drawings for approval, identifying the concrete markers and living fences, to the satisfaction of the Director of Planning and Development Services. The developer shall be responsible for the cost of design and development of the living fence and property demarcation for the Park Block.
50. The developer shall be responsible for the cost and development of the "**Basic Park Development**" as per the City's "Specifications for Parkland Development", which includes clearing, grubbing, top-soiling, grading and sodding to the satisfaction of the Director of Planning and Development Services. The developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the 'basic' parkland improvements and works for the Park Block to the satisfaction of the Director of Planning and Development Services.
51. The developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space

Blocks. This shall include submitting drawings for approval, identifying the trail system, phasing, interpretative signage and trail design details, to the satisfaction of the Director of Planning and Development Services.

52. The developer shall provide the Director of Planning and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks.
53. The developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the "Design Principles for Storm Water Management Facilities" to the satisfaction of the Director of Planning and Development Services and the City Engineer.
54. The developer shall meet all conditions and recommendations of the **Traffic Impact Study** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision. Further, the developer shall submit a Traffic Calming Management Plan to the City for approval and shall incorporate the recommendations into the final subdivision design and shall implement all conditions and recommendations to the satisfaction of the City.
55. Prior to the registration of the subdivision plan or any part thereof, the developer shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.
56. That the developer agrees to locate and construct all **driveways** accessing municipal streets to the satisfaction of the City Engineer.
57. That all existing roads to be closed and all roads to be used for **emergency access** be constructed to a standard acceptable to the City Engineer at the expense of the developer.
58. That the developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The developer shall retain a properly qualified consultant to prepare a Phase 1 **Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.

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59. That the developer agrees to **erect signage** at all entrances to the subdivision prior to the sale of any lots and prior to commencement of subdivision construction which provides notification of the proposed land use within and surrounding the subdivision, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities and stormwater management facilities, and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism.
60. That the developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or units and in the City's subdivision agreement to be registered on title:

-“Purchasers and/or tenants of lots or units adjacent to or near the Stormwater Management Block are advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails.”

-“Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on Cityboulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling.”

-“Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on streets within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”

-“Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris and construction traffic”.

-“Purchasers and/or tenants of lots or units in the area of ‘stub roads’ are advised that these roads are to be extended at some future date when the adjacent lands are developed”.

61. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the Director of Community Design and Development Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to Site Plan Approval

62. Prior to the approval of any site plan for the subject lands, the developer shall satisfy all goals and objectives of the **urban design policies** outlined in Section 7.4.34 of the Guelph Official Plan, the SGDC urban design concepts and guidelines and the proposed urban design requirements of the Commercial Policy Review implementing documentation, as approved by Council, to the satisfaction of the Director of Planning and Development Services.

63. The Owner acknowledges and agrees that the dwelling units in the subdivision will be constructed to the **ENERGY STAR** standard or an equivalent that promotes energy efficiency to comply with the Community Energy Plan, to the satisfaction of the City.

Conditions to be met prior to issuance of a building permit

64. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

65. The developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

Agency Conditions

66. The developer agrees to meet all requirements of **Guelph Hydro Electric Systems Inc.** including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan.

67. That all **telephone service and cable TV service** in the plan shall be underground and the developer shall enter into a Servicing Agreement with Bell Canada providing for the installation of underground telephone service prior to registration of the Plan of Subdivision.

68. That the developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.

69. That the developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.

70. That the developer and the **Wellington Catholic District School Board** reach an agreement regarding the supply and erection of signage, at the developer's expense and according to the Board's specifications, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should school in the area be at capacity.

71. That the developer provides the **Wellington Catholic District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network.

72. The developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/sub divider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.

73. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:

- A detailed storm water management report and plans in accordance with the Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual, 2003. This report should include geotechnical information addressing the infiltration potential of the site. In addition, a storm servicing plan for the site should be included.

- A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades including a Tree Conservation Plan.

- An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and

Sediment Control for construction sites, indicating the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan.

74. That the subdivision agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports, to the satisfaction of the **GRCA**.
75. The developer shall provide the City with evidence that the proposed commercial development will be LEED certified, to the satisfaction of the Director of Community Design and Development Services.
76. That the developer enters into a **Subdivision Agreement** with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval.
77. Draft Plan Approval of the Pergola Drive-In Limited Subdivision, shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval.
78. That prior to the registration of all, or any portion of, the plan, Guelph Hydro Electric Systems Inc. shall advise the City in writing, how conditions 38 and 66 have been satisfied.
79. That prior to the registration of all, or any portion of, the plan, Bell Canada shall advise the City in writing, how condition 67 has been satisfied.
80. That prior to the registration of all, or any portion of, the plan, the Upper Grand District School Board shall advise the City in writing, how conditions 68 and 69 have been satisfied.
81. That prior to the registration of all, or any portion of, the plan, the Wellington Catholic District School Board shall advise the City in writing, how conditions 70 and 71 have been satisfied.
82. That prior to the registration of all, or any portion of, the plan, the Canada Post shall advise the City in writing, how condition 72 has been satisfied.
83. That prior to the registration of all, or any portion of, the plan, the Grand River Conservation Authority shall advise the City in writing, how conditions 73 and 74 have been satisfied.
84. That prior to the registration of all or any portion of the plan, the Ministry of Citizenship, Culture and Recreation shall advise the City in writing how

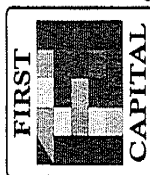
condition 14 has been satisfied.”

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Schedule 3
Approved Draft Plan of Subdivision

DESCRIPTION	NO. OF LOTS/UNITS	PROPOSED ZONING	AREA
On Street Townhouses Blocks 3-6	26+	R.3B	.763 ha.
Cluster Townhouse/ Apartments Block 7	23-29 towns or 77 apartments	Flex R.3A & R.4A	.765 ha.
Service Commercial Blocks 1&2		SC.1**	5.188 ha.
Park/Open Space Blocks 8, 10 & 11		P.2/P.1	.785 ha.
Roads			1.69 ha.
Road Widening & Reserves Blocks 15, 16, 17, 18			0.236 ha.
Stormwater Management Block 9, 12, 13 and 14		P.1 &WL on Blk. 12. SC.1 on Blks.13&14	1.802 ha.
TOTAL	49-55-103		11.238 Ha.



FCHT HOLDINGS (ONTARIO) CORPORATION

85 HANNA AVENUE, SUITE 400, TORONTO, ON M6K 3S3
TEL: 416-504-4114 FAX: 416-941-1655

February 24, 2009

Mr. Al Hearne
Senior Development Planner
Community Design and Development Services
City of Guelph
59 Carden Street
GUELPH, Ontario
N1H 3A1

Dear Mr. Hearne:

Re: Extension of Draft Plan Approval - Pergola Commons
City File 23T-03507
Owner: FCHT Holdings (Ontario) Corporation

On December 11th, 2008 our representative wrote to the City requesting an extension to the draft plan approval of this subdivision which will lapse in May of 2009.

As you are aware, we have been working closely with staff to obtain Site Plan approval for the development of the commercial block located on the southeast corner of Clair Road and Gordon Street. The current economic conditions represent a challenge to the ultimate development of this site and therefore it is important that the draft plan approval is extended for another 5 years.

We also recognize that the City is working with the developer on the lands to the east and as a result, minor modifications may be required on our property focused around the future need for a park block. In addition, by centralizing the stormwater management requirements for our property, there may be an opportunity to eliminate the second facility on our lands and increase the overall residential density on our property. We are committed to working with staff over the period of the draft plan extension to ensure that the final development of this site fits with the future plans for the lands to the east and meets the residential intensification set out in the Growth Plan.

Should you have any questions, please call me.

Yours truly,
FCHT Holdings (Ontario) Corporation

Jodi Shpigel
Manager, Acquisitions & Development

Schedule 5 Owner's Request for Extension of Draft Plan Approval

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE April 6, 2009

**SUBJECT 1467 Gordon Street: Proposed Official Plan
Amendment and Zoning By-law Amendment (File:
OP0501/ZC0502) – Ward 6**

REPORT NUMBER 09-28

RECOMMENDATION

“THAT Report 09-28 regarding a proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a mixed use building permitting commercial, office and residential uses applying to property municipally known as 1467 Gordon Street, and legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 17, Concession 7, City of Guelph, from Community Design and Development Services dated April 6, 2009, BE RECEIVED”.

THAT the application (OP0501/ZC0502) by Astrid J. Clos Planning Consultants on behalf of Reid’s Heritage Homes Limited for a site specific policy amendment to the current “Medium Density Residential” Official Plan designation of the Official Plan affecting the property at 1467 Gordon Street, legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 17, Concession 7, City of Guelph, BE APPROVED, in the form outlined in SCHEDULE 2 of Community Design and Development Services report dated April 6, 2009; and

THAT the application (OP0501/ZC0502) by Astrid J. Clos Planning Consultants on behalf of Reid’s Heritage Homes Limited for approval of a Zoning By-law Amendment from the current R.1B (Residential Single Detached) Zone to a new Specialized C.1 (Convenience Commercial) Zone affecting the property municipally known as 1467 Gordon Street and legally described as Part of Lot 1, Registered Plan 74 and Part of Lot 17, Concession 7, City of Guelph, BE APPROVED in accordance with the permitted uses, regulations and conditions provided in SCHEDULE 3 of Community Design and Development Services report dated April 6, 2009.

BACKGROUND

An application for an Official Plan and Zoning By-law amendment has been received for the property at 1467 Gordon Street to allow the development of a two storey building permitting commercial, office and residential uses. The statutory Public Meeting was held by City Council on January 12, 2009. At this meeting, Council

received staff information Report 09-03 that provided background information on this application.

This application represents a revised proposal from a larger commercial and office development application previously circulated May 10, 2005 that involved additional properties to the south at 1475, 1483 and 1499 Gordon Street (see **Schedule 1**). The owner of the subject lands at 1467 Gordon Street has requested that this current proposal be brought forward separately from these other properties that were included in this initial application.

Location

The subject site is a 0.22 hectare parcel located at the southwest corner of the intersection of Gordon Street and Heritage Drive (see Location Map on **Schedule 1**). Adjacent land uses consist of residential development to the west, a mixed use office and residential site to the north at 1453 Gordon Street, and office, commercial and residential development on the east side of Gordon Street. The adjacent properties to the south fronting onto Gordon Street that were part of the original application include two single detached dwellings and the existing vehicle service station (Brock Road Garage) at 1483 Gordon Street.

Official Plan Designation

The subject lands are designated "Medium Density Residential" in the Official Plan. The Official Plan designations and relevant policies are included in **Schedule 4**.

Non-residential uses that are compatible with surrounding residential properties and preserve the amenities of the residential neighbourhood are allowed in all designations that permit residential uses (see **Schedule 4**). This includes convenience commercial uses to serve the daily household or grocery needs of neighbourhood consumers, such as a variety store or pharmacy, which is permitted within the subject's site's current "Medium Density Residential" Official Plan designation. These convenience commercial uses are limited in size to a maximum gross floor area of 300 square metres (3,200 square feet).

Existing Zoning

The subject site is currently zoned R.1B (Residential Single Detached) Zone. The following uses are permitted within the R.1B Zone:

- 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

REPORT

Description of Official Plan Amendment

The applicant is proposing a two storey building on the site that would permit

convenience commercial, office and residential uses, either combined or separately. The reason for the Official Plan Amendment is because the applicant is requesting permission for an “office” use as an additional non-residential use within the Medium Density Residential designation, since this use is not considered to be a convenience commercial use. The site specific Official Plan Amendment also includes the request to permit convenience commercial uses to a maximum gross floor area of 488 square metres, where the Official Plan restricts to 300 square metres. The proposed Official Plan Amendment is shown on **Schedule 2**.

Description of Proposed Zoning Bylaw Amendment

The applicant wishes to rezone the subject lands from the existing Residential Single Detached R.1B Zone to a new Specialized Convenience Commercial C.1-? Zone to permit the development of a two storey building that permits convenience commercial, office and residential uses, either combined or separately.

The proposed Specialized C.1-? Zone includes the following permitted uses and specialized zoning regulations:

- dwelling units with permitted office and commercial uses in the same building developed in accordance with Section 4.15.2 of the Zoning By-law (Dwelling units with Commercial units)
- convenience commercial uses to a maximum of 488 square metres provided that permitted office and/or residential uses are in the same building;
- the addition of an “office” as a permitted use;
- Live-Work Units
- a drive-through use shall not be permitted;
- a maximum gross floor area of 975 square metres for all non-residential uses and a maximum gross floor area of 488 square metres for the convenience commercial component of the development (note: the standard C.1 Zone permits a maximum of 400 square metres for convenience commercial uses);
- minimum building height of two storeys;
- a requirement to locate the principal entrance of the building facing either Heritage Drive or Gordon Street;
- a minimum 0 metre and maximum 3 metre building setback from the street.

The proposed Specialized C.1-? Zone has been designed to ensure that a minimum two storey building is ultimately developed, which can accommodate a mix of uses in various forms. This includes:

- permitting convenience commercial uses on the main floor to a maximum of 488 square metres with any combination of office, residential and/or live/work units on the second floor;
- permitting any combination of convenience commercial, office, residential apartment units and/or live/work units on the first or second floors,

provided that the convenience commercial uses are limited to 488 square metres and the total gross floor area of all non-residential uses are limited to 975 square metres;

- permitting the development of the entire building for office use to a maximum gross floor area of 975 square metres; and
- permitting the development of the entire building for residential use, which could include live/work units.

The details of the proposed C.1-? Zone are provided in **Schedule 3**.

Proposed Development Concept

The current development concept shown on **Schedule 5** includes a two storey, 974 square metre building oriented towards the intersection of Gordon Street and Heritage Drive. The concept includes a total of 44 parking spaces, with access to the site provided from Heritage Drive. A 3 metre buffer strip is provided along the western property line adjacent to existing residential properties.

Staff Review

The issues that were raised at the January 12, 2009 Public Meeting and through the circulation of the application were:

- Evaluation of the proposal against the relevant policies of the Official Plan, including the merits of the Official Plan Amendment outlined in Section 9.3.
- Review of the proposed zoning.
- Site design and compatibility with the adjoining residential neighbourhood.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Restricting drive-through facilities on the subject site.
- Community Energy Plan conformity.

The following Planning Analysis section of this report provides Planning staff's response to these identified issues.

Planning Analysis

Section 9.3 of the Official Plan provides criteria for Council to consider in evaluating proposed amendments to the Official Plan (see **Schedule 4**). This proposed Official Plan amendment satisfies the criteria of Section 9.3, as outlined below:

a) The conformity of the proposal to the goals and objectives of the Official Plan

Staff Comment: The subject property's current Medium Density Residential designation currently permits convenience commercial uses in accordance with Section 7.2.26 (non-residential uses in residential areas). The proposed site specific Official Plan Amendment to increase the maximum allowable gross floor area for the commercial use to 488 square metres from 300 square metres is appropriate for this site and maintains the intent of the Official Plan for providing

commercial goods and services primarily to the residents in the surrounding neighbourhood. The proposed development containing a two storey building is compatible with surrounding residential, commercial and office uses and will be confined to an arterial road location that will help reduce automobile dependency and meet the needs of the surrounding neighbourhood. It is noted that the standard C.1 (Convenience Commercial) Zone within the zoning by-law currently permits a maximum of 400 square metres of gross floor area for convenience commercial uses.

In addition, Section 7.2.27 of the Official Plan outlines development criteria to assess the merits of a rezoning application for new non-residential uses on properties presently not zoned to permit these activities. The proposed development satisfies these criteria, as follows:

- a) the subject site is located on an arterial road;
- b) the proposed development can be accommodated on the property with sufficient buffering to minimize the impact of traffic, noise, signs and lighting on surrounding residential properties;
- c) the proposal can implement adequate landscaping and screening to promote compatibility with adjacent residential land uses;
- d) sufficient off-street parking, circulation and access can be provided; and
- e) adequate municipal services are available.

b) Suitability of the site for the proposed use

Staff Comment: The site is suitable to accommodate the proposed building with good orientation to Gordon Street. Sufficient off-street parking is provided to accommodate the commercial, office and/or residential uses proposed for the subject site. The site is situated on an arterial road and a transit route and is in a good location to serve surrounding new residential development occurring on the west side of Gordon Street. The proposal would be well integrated with the surrounding residential neighbourhood, which includes the recently approved Conservation Estates Subdivision to the west, with excellent accessibility at the corner of Gordon Street and Heritage Drive. The site is within easy walking distance to serve existing and new residents in the area.

c) Compatibility of the proposed use with adjacent land use designations

Staff Comment: The proposed development in this location is compatible with the residential, commercial and office uses in the vicinity. A minimum 3 metre wide buffer strip with appropriate landscaping and fencing will be provided along the west property line to mitigate any impacts from the proposed development to abutting residential properties. The site plan approval process will also ensure that the site is developed appropriately and meets the urban design and compatibility criteria outlined in the Official Plan. Landscape improvements along the Gordon Street frontage will be requested during the Site Plan Approval

process in order to screen parking areas and to provide appropriate streetscaping to form an attractive urban corridor. This application will not limit opportunities for potential redevelopment of adjacent properties along Gordon Street or destabilize the functioning of these lands.

d) The need for and market feasibility of the proposed use

Staff Comment: The proposed Specialized C.1-? Zone would permit convenience commercial, office, residential and live-work units, which represents a flexible zoning category to respond effectively to market demand. The scale and nature of the permitted convenience commercial development is considered to be an appropriate and viable use, as it is intended to serve the immediate needs of the surrounding residential neighbourhood.

e) The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.

Staff Comment: While existing commercial services are located opposite the subject site on the east side of Gordon Street, the proposed use would also serve the residential development on the west side of Gordon Street in a more direct and accessible location. The amount of commercial and office space permitted through this proposal is not expected to have an impact on the existing sites designated for commercial and office uses, including the mixed use commercial node at Clair Road and Gordon Street.

The proposal also supports a guiding principle of the South Gordon Community Plan to “provide a balanced and integrated mixture of complementary land uses in convenient locations to meet the daily needs of community residents”. The South Gordon Community Plan also includes a policy to allow additional office locations to be considered along the Gordon Street corridor in appropriate locations (Policy 11.6.4.). The subject site is suitable to accommodate this additional use, as it is located along a major arterial road with excellent accessibility to transit and within walking distance of the surrounding residential neighbourhood.

f) The impact of the proposed use on services and financial implications to the City.

Staff Comment: The evaluation of this proposal did not identify any negative servicing or financial impacts to the City.

The permitted commercial uses within the proposed Specialized C.1-? Zone are limited to a maximum of 488 square metres. This would allow additional residential and/or office uses to be accommodated within a mixed use building. Residential dwelling units with the permitted commercial and office uses would also be permitted in conformity with the site’s Medium Density Residential Official Plan designation. For additional flexibility, live-work units have also been added to the list of permitted uses, which would allow part of the dwelling unit to be used as a permitted business use.

The proposed zoning also includes a specialized regulation prohibiting the development of a drive-through facility on the property. A previous development proposal for this property did include a drive-through facility that was not supported by Planning staff, as it was considered incompatible with adjacent residential land uses and inappropriate for the site.

The application supports the Provincial Policy Statement and the Places to Grow Growth Plan legislation. These policies encourage employment opportunities supporting a wide range of economic activities in close proximity to residential neighbourhoods, using existing infrastructure and providing mixed-use development to support the concept of complete communities. Places to Grow legislation also promotes the provision of a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods. This proposal satisfies Places to Grow policies based on the mix of land uses proposed in close proximity to a residential neighbourhood, which will provide a new opportunity to meet resident needs by providing convenient access to services. The density calculation as per Places to Grow is estimated at 26 persons and jobs per hectare for a mixed use commercial and office development and approximately 44 persons and jobs per hectare for a mixed use commercial/office and residential development, based on a total of four residential apartment units.

Planning Staff Recommendation

The proposed Official Plan Amendment and Zoning By-law Amendment is supported subject to the recommended permitted uses, regulations and conditions outlined in **Schedule 3**. The proposal provides the opportunity to integrate a mixed commercial, office and/or residential development as a compatible extension of the surrounding development. The application meets the criteria established in Section 9.3 of the Official Plan for the consideration of Official Plan amendments.

The concept plan presented in **Schedule 5** and the specialized zoning regulations outlined in **Schedule 3** have been developed to ensure that specific site design elements are implemented. This includes establishing the principal entrance of the building along Heritage Drive or Gordon Street to achieve good pedestrian access and building street presence. Site plan approval will also be required to provide a detailed review of various development components, including access, parking, landscaping and general site design. A specialized zoning regulation is also recommended to ensure the building is setback a maximum of 3 metres from the street to provide good street presence. Further urban design objectives will also be implemented through the site plan approval process.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

COMMUNITY ENERGY PLAN (CEP)

The proposed development will contribute towards implementing the Community Energy Plan in recognition that it satisfies many of the objectives and policies outlined in Section 3.8 of the Official Plan that promote energy conservation. The

application supports Official Plan policy that encourages the distribution of convenience food stores and personal services within walking/cycling distance of residential areas. In addition, the proposed development supports Official Plan policy that encourages combined forms of commercial development and policy that promotes mixed use commercial-residential development in appropriate locations.

The applicant has also submitted a letter outlining some additional energy efficiency initiatives that are proposed in association with the construction of the building (see **Schedule 6**. Condition 18 has been included in **Schedule 2** to ensure that the owner does submit written confirmation that the building is constructed to a standard that implements energy efficiency in support of the Community Energy Plan.

FINANCIAL IMPLICATIONS

Based on a total of 975 square metres of gross floor area for commercial and office use:

Projected Taxation

- \$8,600

Development Charges

- \$78,283

Based on 4 residential apartment units and 488 square metres of GFA for commercial or office use:

Population Projections

- 6 persons (“Places to Grow” density calculation based on the development of 4 apartment units)

Projected Taxation

- \$10,400 per year for residential (estimated at \$2,600 per unit)
- \$4,300 for commercial and or office use (based on 488 square metres GFA)
- Total: \$14,700

Development Charges

- \$22,388 (Residential)
- \$39,181 (commercial and office)
- Total: \$61,569

DEPARTMENTAL CONSULTATION

The public and agency comments received during the review of the application are included on **Schedule 7**.

ATTACHMENTS

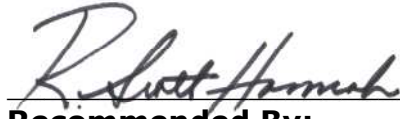
Schedule 1 – Location Map
Schedule 2 – Official Plan Amendment
Schedule 3 – Regulations and Conditions
Schedule 4 – Existing Official Plan Designations and Relevant Policies
Schedule 5 – Proposed Development Concept
Schedule 6 – Owner’s Letter of Energy Efficiency Measures
Schedule 7 – Circulation Comments

Schedule 8 – Public Notification Summary

“original signed by Chris DeVriendt”

Prepared By:

Chris DeVriendt
Senior Development Planner



Recommended By:

R. Scott Hannah
Manager of Parks and Development
Planning



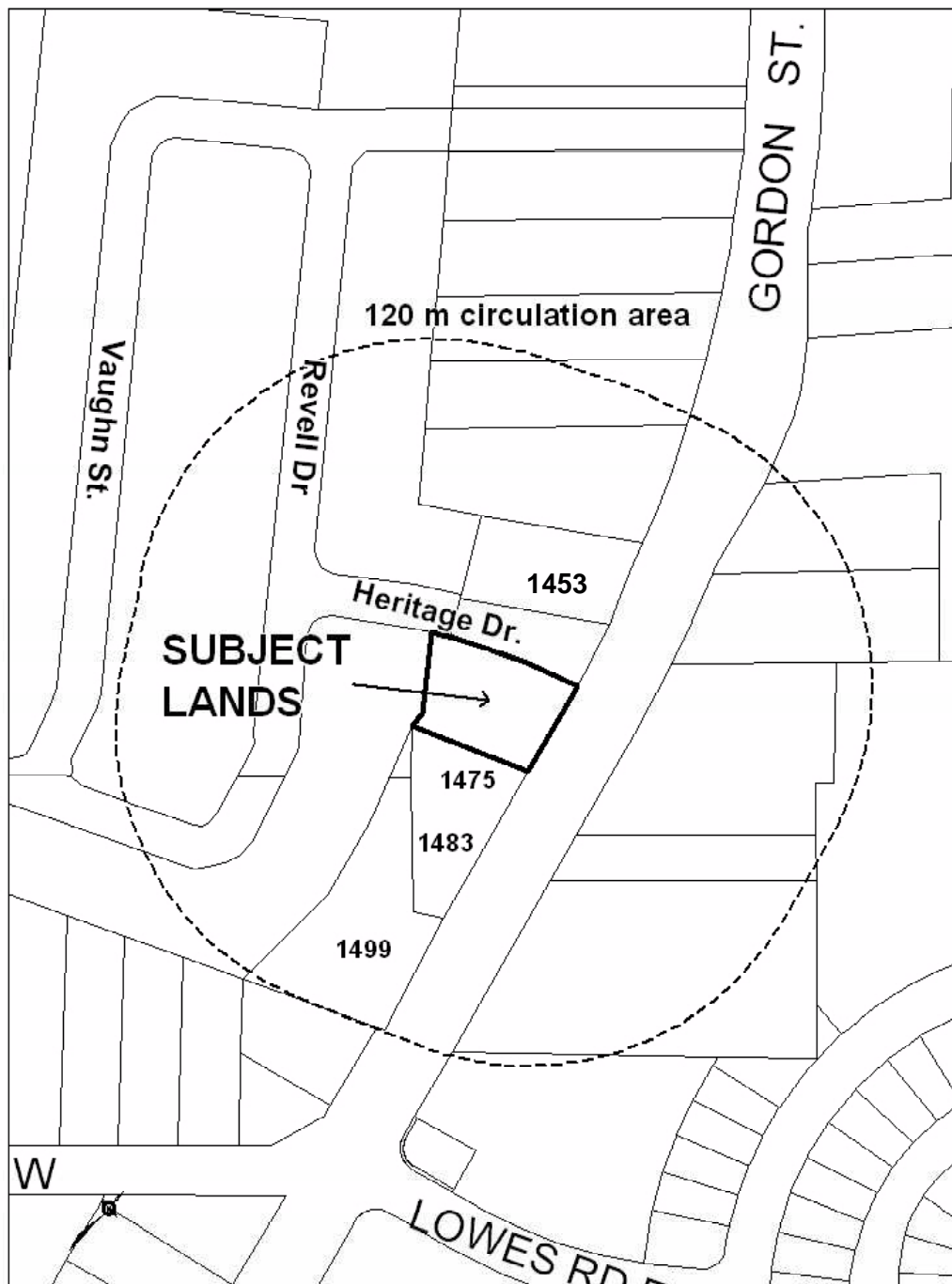
Recommended By:

Jim Riddell
Director of Community Design and
Development Services

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SCHEDULE 1

Location Map



SCHEDULE 2

Proposed Official Plan Amendment

Amend the Official Plan text by the addition of a new site specific sub-policy. Amend Official Plan Policy 7.2.30, Non-Residential Uses in Residential Areas, by adding the following clause:

- 7.2.30.17. In addition to the provisions of policy 7.2.26 (Non-residential uses in residential areas), convenience commercial and office uses shall be permitted on property known municipally as 1467 Gordon Street, with commercial uses limited to a maximum gross floor area of 488 square metres.

SCHEDULE 3

Regulations and Conditions

Specialized C.1-? Zone

Permitted Uses

In addition to the permitted uses listed in Section 6.1.1., the following additional uses shall be permitted:

- Convenience commercial uses to a maximum of 488 square metres shall be permitted in conjunction with permitted office and/or residential uses in the same building
- Office uses
- Dwelling units with permitted office and commercial uses in the same building developed in accordance with Section 4.15.2 of the Zoning By-law
- Live-Work Units

The following definitions shall apply in the Specialized C.1-? Zone:

A “Live-Work Unit” shall mean a dwelling unit, part of which may be used as a business establishment and the dwelling unit is the principal residence of the business operator.

A “Street Entrance” shall mean the principal entrance to a business which shall be located in a part of the building facing a public street or public square which is at or within 0.2 metres above or below grade.

Regulations

In accordance with Section 4 (General Provisions) and Sections 6.1.2 (Convenience Commercial C.1 Zone) of By-law (1995)-14864, as amended, with the following additions and exceptions:

Maximum gross Floor Area for Non-Residential Uses
975 square metres

Minimum Building Height
The minimum building height shall be 2 storeys

Minimum Building Setback to a Public Street
0 metres

Maximum Building Setback to a Public Street
3 metres

Building Entrances
The street entrance shall be located facing Heritage Drive or Gordon Street

Off-Street Parking
Despite Section 4.13.4 of By-law (1995)-14864, as amended, the following off-street parking ratios shall apply:

-
- Dwelling units with permitted office and commercial units in same building – 1 space per dwelling unit
 - Office – 1 space per 35 square metres of G.F.A.
 - All other permitted uses – 1 space per 16.5 square metres of G.F.A

Prohibited Uses

Drive-through facilities shall not be permitted

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 and a serving window, and may include an intercom order box.

Buffer Strips

A 3.0 metre landscaped buffer strip abutting existing residential uses shall be maintained along the westerly property line.

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be generally in accordance with and conform to the Owner's concept plans attached to the April 6, 2009 Planning Staff Report Number 09-28 (Site Plan, prepared by Astrid J. Clos Planning Consultants, Project 0576). This includes the implementation of a 3.0 metre landscaped buffer strip with privacy fencing along the western property line abutting the adjacent R.1D Zone.
2. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which shows how stormwater including from the lands will be controlled and conveyed.
3. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
4. Prior to any development of the lands, the developer shall secure private storm water easements necessary to accommodate the storm pipes from the subject lands to the existing storm water outlet, to the satisfaction of the City Engineer and the City Solicitor.
5. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
6. The developer shall pay to the City the actual cost of constructing and installing any

service laterals required and furthermore, prior to issuance of a building permit, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.

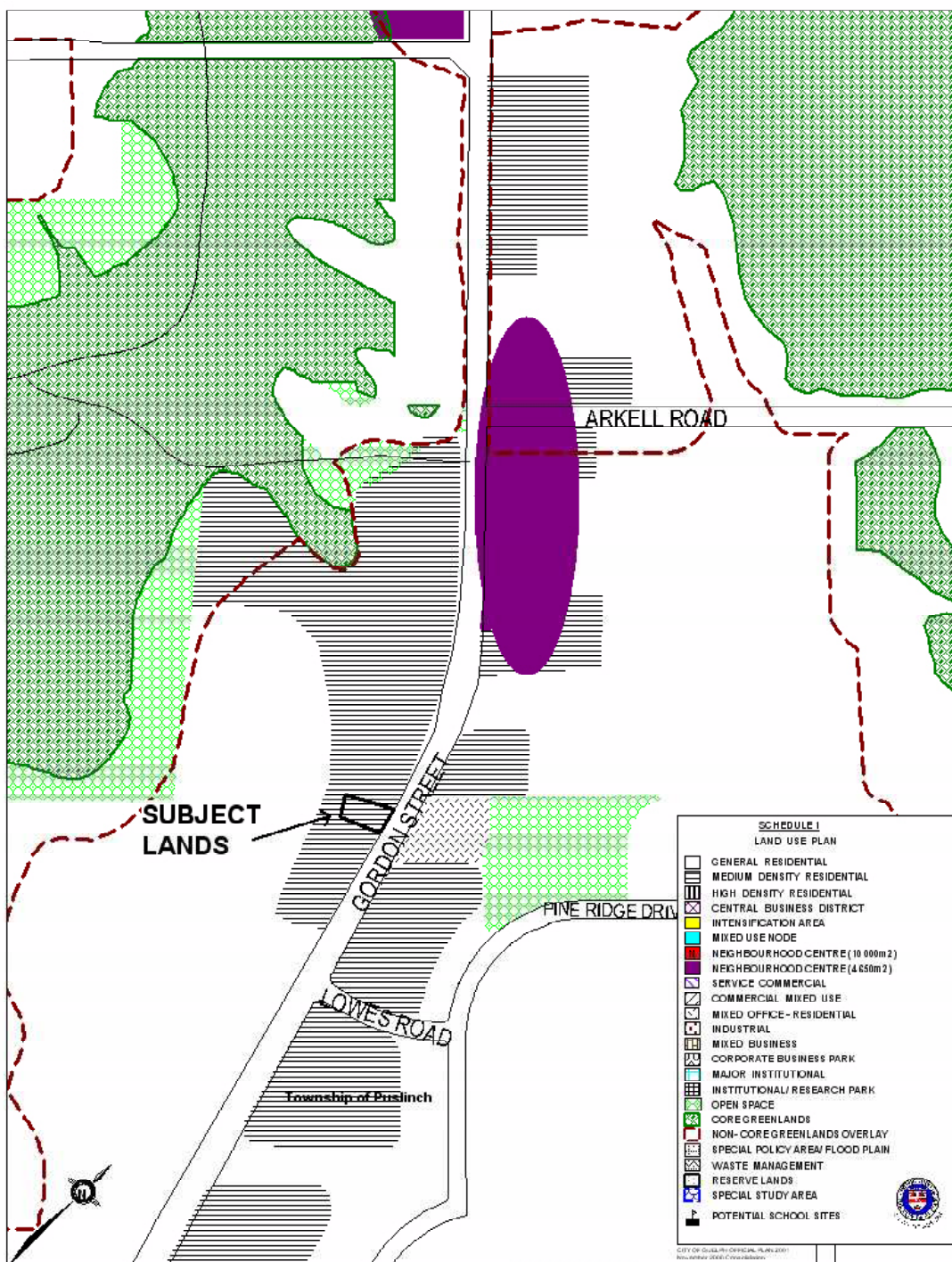
7. The developer shall pay to the City the actual cost of completely removing any redundant existing service laterals on Gordon Street and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the removal of the redundant service laterals, as determined by the City Engineer.
8. The developer shall pay to the City the actual cost of the construction of the new driveway entrance and the required curb cut, prior to any development of the lands and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
9. Prior to site plan approval the developer shall pay to the City the portion of the cost of installing future traffic lights at the intersection of Heritage Drive and Gordon Street based on estimates of traffic generated by the proposed development, as determined by the City Engineer.
10. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
11. That the developer constructs all the buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
12. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
14. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
15. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
16. That the developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
17. That the applicant shall pay to the City cash-in-lieu of park land dedication in

accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.

18. Prior to issuance of a building permit, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Plan to the satisfaction of the Director of Community Design and Development Services.
19. That the owner enters into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

SCHEDULE 4

Existing Official Plan Designations and Relevant Policies



SCHEDULE 4 (continued)

Relevant Official Plan Policies

'Medium Density Residential' Land Use Designation

7.2.36 The predominant use of land within areas designated as 'Medium Density Residential' on Schedule 1 shall be for *multiple unit residential buildings*, such as townhouses, row dwellings and walk-up apartments. It is not intended that housing forms such as *single detached* or *semi-detached* units shall be permitted. Residential care facilities and *lodging houses* may be permitted by the provisions of this Plan.

a) Within the Medium Density Residential designation at the northeast side of the intersection of York Road and Wyndham Street South, detached and semi-detached housing forms are permitted with frontage onto York Road, Wyndham Street South and Richardson Street provided that the overall density of development within the Medium Density Residential designation in this location complies with Section 7.2.38.

7.2.37 The 'Medium Density Residential' designation has been outlined on Schedule 1 in instances where there is a clear planning intent to provide for the following:

- a) Medium density housing forms in new growth areas to assist in providing opportunities for *affordable housing*;
- b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;
- c) A variety of housing types and forms to be situated throughout all areas of the community; and
- d) Supportive of urban form objectives and policies to establishing or maintaining mixed-use nodes.

7.2.38 The *net density of development* shall be a minimum of 20 units per hectare (8 units/acre) and a maximum of 100 units per hectare (40 units/acre), except as provided for in policy 7.2.10.

7.2.39 Medium density residential *development* proposals shall generally comply with criteria established for *multiple unit residential buildings* in policy 7.2.7 of this Plan, and shall be regulated by the *Zoning By-law*.

7.2.40 In addition to being permitted on land designated 'Medium Density Residential', *multiple unit residential buildings* may be permitted without an amendment to this Plan on land designated 'General Residential' where such proposals generally comply with the criteria in policy 7.2.7.

SCHEDULE 4 (continued)

Non-Residential Uses in Residential Areas

7.2.26 Within designations of this Plan permitting residential uses, a variety of small scale institutional uses may be permitted that are complementary to, and serve the needs of residential neighbourhoods. Such non-residential uses include: schools, churches, *day care centres*, municipal parklands and recreational facilities. In addition, *convenience commercial* uses that provide goods and services primarily to the residents in the surrounding neighbourhood may also be permitted. These convenience uses will be limited by the Plan to a maximum *gross leasable floor area* of 300 square metres (3,200 square feet) on a property.

7.2.27 Non-residential uses shall be developed in a manner that is compatible with adjoining residential properties and which preserves the amenities of the residential neighbourhood.

1. In addition to implementing the objectives and policies of subsection 3.6, Urban Design, non-residential uses shall:

- a) Be located on an arterial or collector road;
- b) Be located on the property in a manner which minimizes the impact of traffic, noise, signs and lighting on adjoining residential properties;
- c) Have adequate landscaping and screening to promote compatibility with adjacent activities;
- d) Have sufficient off-street parking, circulation and access points; and
- e) Have adequate municipal services.

2. Non-residential uses will be encouraged to concentrate at neighbourhood "nodes".

3. Despite the criteria identified in subsection 7.2.27.1 (a), several properties located on local roads within the St. Patrick's Ward neighbourhood (area 2 on Schedule 5) will continue to support a variety of business land uses in addition to any permitted residential land uses. The intent of this policy is to provide for a range of compatible business land uses where adjacent to residential areas. The specific range of permitted land uses will be defined in the implementing Zoning By-Law. This policy applies to the following properties known municipally as 199 Alice Street, 59 Duke Street, 66 Duke Street, 91 Duke Street, 37 Empire Street, 92 Ferguson Street, 23 Garibaldi Street and 60 Ontario Street.

7.2.28 The development criteria of policy 7.2.27 will be used to assess the merits of a rezoning application for new non-residential uses on properties presently not zoned to permit these activities.

7.2.29 The provision of *home day care* shall be permitted in areas designated for residential land use. *Day care centres* may be permitted by site-specific amendment to the *Zoning By-law*.

SCHEDULE 4 (continued)

Official Plan Review Criteria

9.3 Official Plan Amendments

9.3.1 It is the policy of Council that any provision of this Plan may be amended pursuant to the requirements of the Planning Act.

9.3.2 When considering an application to amend the Official Plan, Council shall consider the following matters:

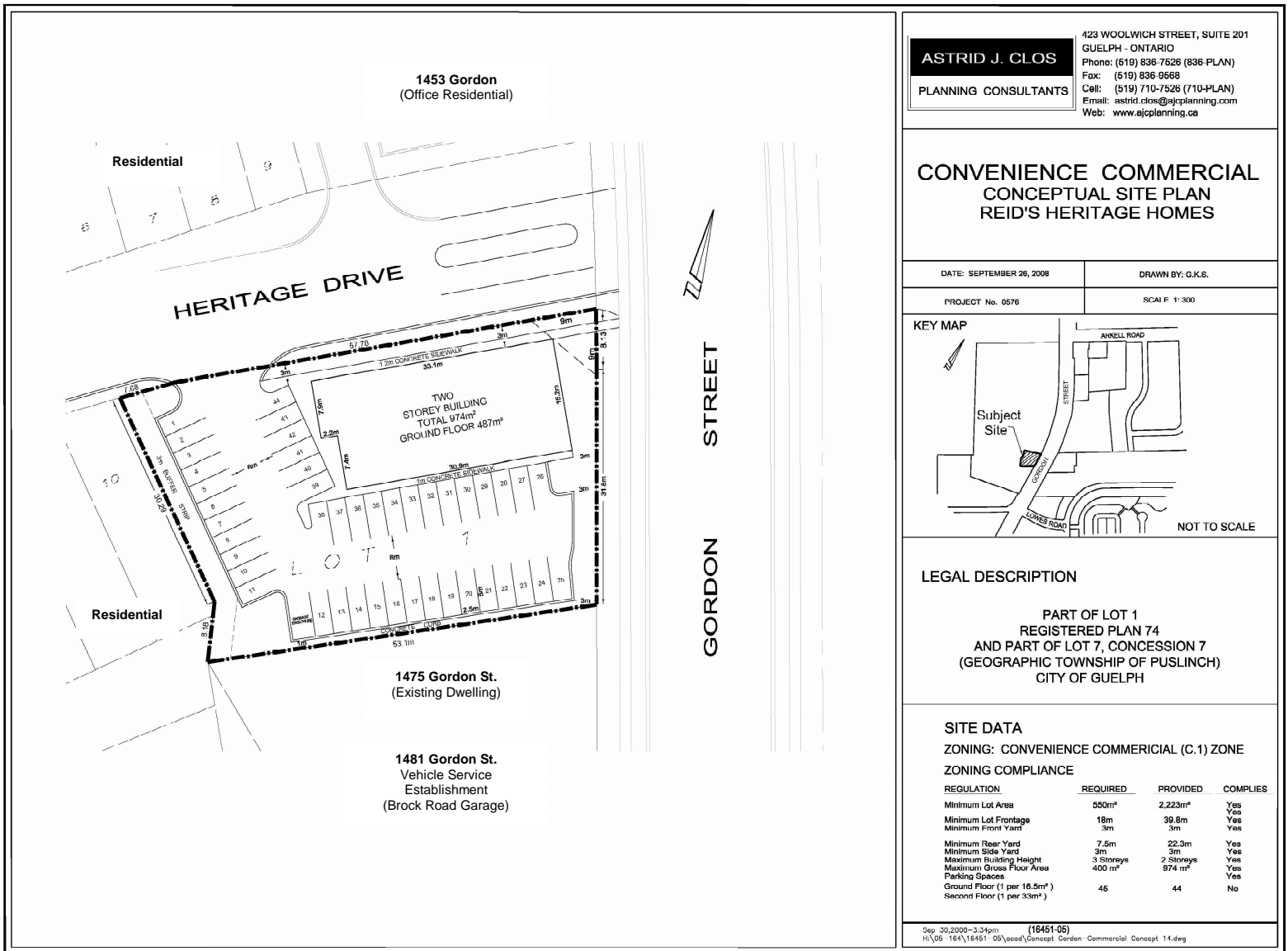
- a) The conformity of the proposal to the goals and objectives of this Plan;
- b) Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City;
- c) Compatibility of the proposed use with adjacent land use designations;
- d) The need for the proposed use, in light of projected population and employment targets;
- e) The market feasibility of the proposed use;
- f) The extent to which the existing areas of the City designated for the proposed use are developed or are available for development;
- g) The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment; and
- h) The financial implications of the proposed development.

9.3.3 Council shall provide information regarding a proposed amendment to the Official Plan to such boards, commissions, agencies and the public that may have an interest in it. Prior to approving a proposed amendment, Council shall afford such organizations and the public an opportunity to submit comments.

9.3.4 Council shall, prior to approving an amendment to this Plan, provide information and hold a public meeting for the purposes of obtaining public input concerning the proposal, subject to the provisions of the Planning Act.

SCHEDULE 5

Proposed Development Concept



SCHEDULE 6

Owner's Letter of Commitment to Support the Guelph Community Energy Plan

Mar-Cot Developments Inc.
56 Kirkby Court
Guelph, Ontario N1G 5E1

March 5, 2009

City of Guelph
59 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mr. Chris DeVriendt, Senior Development Planner

Dear Mr. DeVriendt:

**Re: Official Plan and Zone Change Application
1467 Gordon Street, Guelph, ON (File ZCO502 OPO501)**

Further to our meeting and discussion regarding the above mentioned application, this letter will confirm my intention to continue to support the City of Guelph Community Energy Plan Compliance by incorporating the following special provisions in the proposed development of the above noted site:


1. Use local building material suppliers and sub-trades.
2. Incorporate native plants in the landscaping.
3. Direct roof water to a bioswale implemented in accordance with City and MOE stormwater management criteria.
4. The exterior walls of the proposed building will be constructed by using the Insulating Concrete Forms (ICF) System which has been proven to reduce the building's heating and cooling demands up to fifty (50%) percent. This system also provides superior sound reduction. The ICF System uses recycled materials and is mould resistant.

I am very familiar with this system as I utilized it in the recent construction of my office building located at 806 Gordon Street, Guelph.

5. A MOLOK inground garbage handling system will be installed.
6. A bicycle rack will be provided on site.

I trust that this letter will support my application.

Sincerely,
Mar-Cot Developments Inc.



Mario Cotroneo,
President

Phone: (519) 780-0835 * Fax: (519) 780-0941

SCHEDULE 7

Circulation Comments

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning Services		✓	• Subject to Schedule 2
Engineering Services		✓	• Subject to Schedule 2
Parks		✓	• Cash-in-lieu of parkland
Finance		✓	• Development Charges
Emergency Services / Fire	✓		
Guelph Police Service	✓		
Wellington Dufferin Guelph Public Health	✓		
Heritage Guelph	✓		
Guelph and Wellington Development Association	✓		• Support application
Guelph Hydro		✓	• Easements for hydro facilities
Wellington Catholic District School Board	✓		
Economic Development	✓		

SCHEDULE 8

Public Notification Summary

October 17, 2008	Revised Application for 1467 Gordon Street submitted to the City of Guelph.
December 12, 2008	Notice of Public Meeting advertised in the City News pages of the Guelph Tribune.
December 18, 2008	Notice of Application and Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres.
January 12, 2009	Public Meeting of City Council.
March 23, 2009	Notification provided to persons providing comments or signed attendees at the Public Meeting that the matter will be on the Council meeting for a decision.
April 6, 2009	City Council Meeting to consider staff recommendation