

# COUNCIL PLANNING AGENDA



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

**DATE Monday, May 11, 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**

## 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-2015.18 Request for Frozen Water Infrastructure Disaster Declaration under the Ontario Disaster Relief Assistance Program (ODRAP)			
CON-2015.19 265 Edinburgh Road North Proposed Zoning By-law Amendment (file: ZC1411) – Ward 3			
CON-2015.20 40 Margaret Street: Notice of Intention to Designate Pursuant to Party IV of the <i>Ontario Heritage Act</i>			
CON-2015.21 Proposed Demolition of 1274 and 1288 Gordon St. – Ward 6			

## SPECIAL RESOLUTIONS

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**BY-LAWS**

Resolution – Adoption of By-laws (*Councillor Van Hellemond*)

**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**

# CONSENT AGENDA

May 11, 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 data-bbox="126 968 1221 1115"><b>CON-2015.18      REQUEST FOR FROZEN WATER INFRASTRUCTURE DISASTER DECLARATION UNDER THE ONTARIO DISASTER RELIEF ASSISTANCE PROGRAM (ODRAP)</b></p> <p data-bbox="126 1148 1214 1287">Whereas the City of Guelph, having experienced severe winter conditions including extreme cold temperature through the months of February to March 2015, has suffered substantial damage to municipal infrastructure including water distribution infrastructure and related roadways;</p> <p data-bbox="126 1325 1122 1430">And whereas the municipality continues to experience the negative impacts of these extreme winter conditions, including frozen water services and split and broken watermains;</p> <p data-bbox="126 1467 1198 1606">And whereas the costs of response, mitigation, and recovery from these extreme conditions leading to the restoration of water service has stressed the City's financial resources with significant unbudgeted expenditures;</p> <p data-bbox="167 1644 1198 1820">1. That the Council of the City of Guelph hereby requests the Minister of Municipal Affairs and Housing to declare the City of Guelph a "disaster area" for the purposes of the public component of the Ontario Disaster Relief Assistance Program (ODRAP)" and grant assistance under the program.</p>	<p data-bbox="1252 968 1382 1003">Approve</p>

2. That a copy of this resolution be sent to Kathleen Wynne, Premier; Ted McMeekin, Minister of Municipal Affairs and Housing; Frank Valeriote, MP for Guelph and Liz Sandals, MPP for Guelph.

**CON-2015.19     265 EDINBURGH ROAD NORTH PROPOSED ZONING BY-LAW AMENDMENT (FILE: ZC1411) - WARD 3**

Approve

1. That the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of the Wellington Catholic District School Board for approval of a Zoning By-law Amendment to change the zoning from "Specialized Institutional" (I.1-7), "Institutional" (I.1) and "Specialized Service Commercial" (SC.1-29) to the standard "Service Commercial" (SC.1) Zone to permit the development of service commercial uses on the property municipally known as 265 Edinburgh Road North, legally described as Part of Lots 4, 5, 6 and 7, Range '4', Division 'A', City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Infrastructure, Development and Enterprise Report 15-32, dated May 11, 2015.

**CON-2015.20     40 MARGARET STREET: NOTICE OF INTENTION TO DESIGNATE PURSUANT TO PART IV OF THE ONTARIO HERITAGE ACT**

Approve

1. That the Council Planning Report 15-38, dated May 11, 2015 regarding the notice of intention to designate 40 Margaret 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 40 Margaret 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-2015.21     PROPOSED DEMOLITION OF 1274 AND 1288 GORDON STREET – Ward 6**

Approve

1. That Report 15-42 regarding the proposed demolition of two (2) single detached dwellings at 1274 and 1288 Gordon Street, legally described as Concession 8 Part Lot 6, RP 61R9757; Concession 8 Part Lot 6; City of Guelph, from Infrastructure, Development and Enterprise dated May 11, 2015, be received.
2. That the proposed demolition of two (2) detached dwellings at 1274 and 1288 Gordon Street be approved.

3. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to undertaking activities which may injure or destroy regulated trees.
4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and construction activities.
5. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. 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 Council Planning

SERVICE AREA Infrastructure, Development and Enterprise

DATE May 11, 2015

**SUBJECT Request for Frozen Water Infrastructure Disaster Declaration under the Ontario Disaster Relief Assistance Program (ODRAP)**

REPORT NUMBER

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

That Council requests the Minister of Municipal Affairs and Housing to declare the City of Guelph a "disaster area" for the City's response to frozen water infrastructure for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP).

### KEY FINDINGS

2015's ongoing frozen services emergency was an extraordinary event that contributed a record number of frozen City-owned and customer-owned pipes. In 2014, 85 customers experienced frozen services, the largest impact since 1993. In 2015, the City prevented those and other customers with a history of frozen services (over 140 in total) from freezing through proactive communications and outreach. Then unprecedented and consistently cold temperatures left a record 376 customers without potable running water for up to nine weeks.

From the first reports of frozen water services, numbers escalated quickly. Staff recognized that its typical process of investigating frozen services before offering support was not going to serve the needs of City of Guelph customers. Staff therefore adjusted the approach to offer support first, and created a prioritization model for the installation of temporary water lines. This approach allowed Water Services to restore running water to as many people as possible as quickly as possible.

Additionally, Guelph experienced approximately double the normal occurrence of watermain breaks in the first quarter of 2015 (as compared to the average of the past five years) and expect to find more damaged watermains as thawing continues. To date staff have repaired and/or replaced over one hundred metres of watermain due to cold weather impacts.

# STAFF REPORT

This report focuses on municipal property damage and emergency response costs incurred to date and estimates final response costs.

## **FINANCIAL IMPLICATIONS**

Response costs of \$275,000 to date have been funded through the approved Water Services operating budget; as a portion of these expenses were unbudgeted, 2015 work programs are being adjusted to reduce any year-end negative operating variance.

## **ACTION REQUIRED**

That Council adopt the resolution described in the "Recommendation" section of this report, and amend as it may deem appropriate.

## **RECOMMENDATION**

Whereas the City of Guelph, having experienced severe winter conditions including extreme cold temperature through the months of February to March 2015, has suffered substantial damage to municipal infrastructure including water distribution infrastructure and related roadways;

And whereas the municipality continues to experience the negative impacts of these extreme winter conditions, including frozen water services and split and broken watermains;

And whereas the costs of response, mitigation, and recovery from these extreme conditions leading to the restoration of water service has stressed the City's financial resources with significant unbudgeted expenditures;

1. That the Council of the City of Guelph hereby requests the Minister of Municipal Affairs and Housing to declare the City of Guelph a "disaster area" for the purposes of the public component of the Ontario Disaster Relief Assistance Program (ODRAP) and grant assistance under the program.
2. That a copy of this resolution be sent to Kathleen Wynne, Premier; Ted McMeekin, Minister of Municipal Affairs and Housing; Frank Valeriote, MP for Guelph, and Liz Sandals, MPP for Guelph.

## **BACKGROUND**

Over the winter of 2015, a record number of frozen City and customer owned pipes, including watermains, individual water services and home plumbing, resulted in 376 homes and businesses confirmed as having no running tap water at the peak of the issue, and more than 275 temporary water lines being installed throughout this emergency event.

The following is a brief summary of Water Services' Emergency Operations Centre activation and incident response:

# STAFF REPORT

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## Overview:

- In January, 2015, the City advised 148 properties with history of frozen pipes to run a small amount of water to prevent pipes from freezing this year;
- First reports of frozen services began February 13, 2015 and quickly escalated;
- Watermains as well as services have frozen with the extremely cold weather;
- In most cases it was difficult to determine if pipes were frozen on City or private property or both;
- Due to the volume of incoming reports, and recognizing the difficulty of assessing where the pipes were frozen, Water Services initiated an emergency incident response on February 27, 2015 and implemented the Frozen Water Assistance Program (FWAP) and the Temporary Water Service Line Installation Program;
- Upon receiving a report of a frozen water service, the City first enrolled people in FWAP to address immediate, short-term needs for water (see below for details on this program);
- The City prioritized the installation of temporary water lines putting our most vulnerable customers first, then businesses to ensure the protection of livelihoods and jobs, and residential properties based on who was without running water the longest, as well as residential clusters where many houses could be addressed at once;
- Incident response will continue until the majority of affected customers have returned to normal water service;
- Water Services staff are grateful for incident response support from Emergency Services, Solid Waste Services, Wastewater Services, Service Guelph, Operations, Engineering, By-law, Legal, Purchasing, Corporate Communications, Human Resources, Building Services, and Finance;
- CUPE 241 union executive have been supportive of the limited use of contractors to assist overworked staff;
- Additional resources have been provided by the private sector including plumbers, local suppliers, retailers, and construction companies;
- City staff have had regular discussions with our regulators (Wellington-Dufferin-Guelph Public Health and the Ministry of Environment, Energy and Climate Change) and will continue to do so.

## Frozen Water Assistance Program (FWAP):

- FWAP was implemented on February 27, 2015 to assist affected customers;
- Provides grocery vouchers for the purchase of bottled water for drinking and cooking, and access to shower and laundry facilities. Approximately 100 customers (households and businesses) are still enrolled in the program;
- Incident response will continue until the majority of affected customers have returned to normal water service.

## Freeze Prevention Program:

- The Freeze Prevention Program of proactive communications in the fall of 2014 helped prevent more than 140 frozen water service issues this year;



# STAFF REPORT



- These customers were asked to stop running water on Thursday, April 9, 2015.

## **Related Frozen Watermain Repairs:**

- Unlike other years, a number of watermains froze and have been damaged as a result;
- City staff have also experienced approximately double the normal occurrence of watermain breaks in the first quarter of 2015 (as compared to the average of the past five years);
- A large and complicated watermain break on James Street on March 18, 2015 resulted in 60 customers having their water service disrupted for up to eight days while repairs were completed (100 metres of watermain replaced);
- These customers were supported by the Frozen Water Assistance Program;
- Staff expect to find more damaged watermains as thawing continues.

## **Communications:**

- Corporate Communications staff is providing communications and issues management support;
- Without this support staff believe customers would have been less satisfied with the City's response. These customer engagement efforts will continue as the City returns to providing normal service.

## **Temporary Water Service Line Removals:**

- On Thursday, April 9, 2015 staff initiated communications to customers about self-checks for thawing and a return to normal service via phone, email and hand delivery, as well as through the media. Staff expect all temporary line removals will be completed by mid-May.

## **Future Program Management:**

- Standing down of the incident response team is now planned for the end of April with staff anticipating a return to normal servicing and business as usual from May 1;
- A formal debrief will be conducted with all parties involved in incident response. Opportunities for improvement and new action items will be incorporated into a comprehensive plan to reduce and prevent the occurrence of frozen pipe issues moving forward;
- A summary of this event and the plan will be presented to Council during the 2016 budget process;
- The plan will identify short-term infrastructure improvements that need to be implemented as soon as possible. Water Services will work with Engineering to look at implementing short-term actions within the current budget during the 2015 construction season;
- Due to lost time and accumulating unbudgeted costs associated with this issue, Water Services staff is reprioritizing 2015 overall capital work plans and operational programs accordingly; and

# STAFF REPORT

- Response costs of approximately \$275,000 to date have been funded through the approved Water Services operating budget. As a portion of these expenses were unbudgeted, work programs for the remainder of 2015 are being reduced to help fund any year end negative operating variance.

## REPORT

Having incurred significant emergency response costs, both budgeted and unbudgeted, that staff anticipate will approach \$650,000 (see Table A below), and recognizing the need for future costly replacement and/or repair of damage to municipal property and infrastructure, Water Services has prepared this report to begin the process of seeking financial aid from the Province under ODRAP.

**Table A: Frozen Services Response Expenditures Feb 13, 2015 to Current**

Costs Category	Response Costs Paid Feb 13 - April 17, 2015	Estimated Response Cost After April 17, 2015	Total Estimated Costs*
Labour	\$167,575	\$40,000	\$207,575
Equipment	\$11,440	\$3,000	\$14,440
Goods & Services	\$96,000	\$323,000	\$419,000
Total	<b>\$275,014</b>	<b>\$366,000</b>	<b>\$641,014</b>

\* - a portion of total costs is budgeted for in the approved 2015 Water Operating Budget

To apply for ODRAP, the Council of the City of Guelph must request that the Minister of Municipal Affairs and Housing declare the City of Guelph a "disaster area" for the purposes of the public component of the ODRAP. Ministry staff have communicated that they will receive applications from municipalities without penalty to the municipality if the application is later not approved by the Ministry.

Included in the public component's definition of areas damaged by the disaster are the publically owned portions of the water distribution system including watermain, valves, hydrants and water services. Ontario Disaster Relief Assistance Program Guidelines are included in Attachment 1.

In order to qualify for ODRAP funding, a Council resolution along with the Municipal Disaster Information Report (included in Attachment 2) must be submitted to the Municipal Services Offices – Municipal Programs and Education Branch – Ministry of Municipal Affairs and Housing (MMAH) within fourteen working days of the end of the event. Staff anticipate that by April 24, 2015 incident response will cease for this event.

## CORPORATE STRATEGIC PLAN:

- 1.2 Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.
- 2.2 Deliver public services better.
- 2.3 Ensure accountability, transparency and engagement.
- 3.1 Ensure a well-designed, safe, inclusive, appealing and sustainable City.

# STAFF REPORT

## FINANCIAL IMPLICATIONS:

Response costs of \$275,000 to date have been funded through the approved Water Services operating budget. A portion of these expenses are unbudgeted and staff anticipate that costs will approach \$650,000 and work programs for the remainder of 2015 are being reduced to help mitigate a year end negative operating variance. Recognizing the need for future costly replacement and/or repair of damage to municipal property and infrastructure, Water Services has prepared this report to begin the process of seeking financial aid from the Province under ODRAP. Staff anticipates that not all City unbudgeted expenses will be eligible for ODRAP funding.

## DEPARTMENTAL CONSULTATION:

Staff from the following areas was consulted in the development of this report: Executive Team, Intergovernmental Relations, Finance, Emergency Services, Water Services.

## COMMUNICATIONS:

Corporate Communications staff is providing communications and issues management support. Staff will continue these efforts as we return to providing normal service.

## ATTACHMENTS

- ATT-1 Ontario Disaster Relief Assistance Program (ODRAP) details
- ATT-2 Municipal Disaster Information Report

### Report Author

Brigitte Roth  
Quality Assurance Coordinator



### Approved By

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### Recommended By

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Deputy CAO  
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## Attachment 1 Ontario Disaster Relief Assistance Program (ODRAP) Guidelines

The following information is taken directly from "Ontario Disaster Relief Assistance Program Guidelines" accessed online at: <http://www.mah.gov.on.ca/Page1579.aspx>

The ODRAP is intended to assist those whose essential property has been extensively damaged as a result of a sudden, unexpected natural disaster. Financial assistance may be provided by the province to affected municipalities for disaster response and recovery.

The program provides financial assistance within the declared disaster area to restore damaged public infrastructure and/or private property to pre-disaster condition, when the cost of restoration exceeds the financial capacity of the affected individuals, municipality and community at large.

In order to qualify for ODRAP funding, a Council resolution along with the Municipal Disaster Information Report (included in Attachment 2) must be submitted to the Municipal Services Offices – Municipal Programs and Education Branch – Ministry of Municipal Affairs and Housing (MMAH).

The Municipal Disaster Information Report contains a preliminary estimate of public damage losses. Additional updates to the Municipal Disaster Information Report will be submitted to the regional Municipal Services Office as more accurate damage assessment information becomes available.

The following information is required as part of the Municipal Disaster Information Report:

- Extent of municipal damage suffered, including expenses incurred by other municipalities which support response operations or act as a Host Community;
- Preliminary cost estimate to restore, replace and/or repair damage to municipal property and infrastructure to pre-disaster condition;
- Other information Council believes is pertinent (e.g. Conservation Authority reports, Environment Canada reports, etc.);
- The package should include newspaper clippings, photographs and other documentary evidence where available.

The Minister may also consider:

- Severity of impact based on scientific evidence;
  - Current financial capacity, debt ratio and capital commitments of the affected municipality;
  - Local economic impact, e.g. tourism and ability to recover without provincial assistance; and
  - Future financial pressures resulting from response and recovery costs.
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# STAFF REPORT

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Examples of eligible public losses and costs under ODRAP include incremental, extraordinary municipal costs, over and above normal municipal expenditures, which are related to response and recovery from the disaster, such as:

- Food/water for volunteers and disaster relief workers;
- Emergency response supplies;
- Municipal owned equipment costs (at 50 per cent of MTO rate) or equipment rental costs (prorated);
- Activation of the municipal emergency operations centre;
- Clearing and removal of debris and wreckage, including removal of buildings and removal of trees and limbs if public safety is endangered;
- Overtime for employees and those hired for disaster response/relief effort, or to backfill for regular employees deployed for disaster response/relief efforts;
- Incremental administrative costs related to disaster relief committee;
- Emergency communications;
- Additional security costs;
- Repair and restoration to pre-disaster condition of uninsured public facilities (e.g. buildings, libraries, recreational facilities including parks, roads and drains, infrastructure); and
- Evacuation and shelter of people and animals, including incremental operating expenses.

Examples of ineligible public losses and costs under ODRAP:

- Regular salary;
  - Insurance deductibles;
  - Municipal equipment costs (other than described above);
  - Additional costs to repair or improve structures of infrastructure beyond pre-disaster condition (e.g. in a situation where a single-lane bridge is destroyed, its replacement cost can be established and used to contribute to the cost of replacing it with a two-lane bridge);
  - Lost revenues (e.g. community centres or waste tipping fees).
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# STAFF REPORT



## Attachment 2 Municipal Disaster Information Report

Below is a description of sample information required for the Municipal Disaster Information Report:

Date of the disaster event	February 13 – April 30, 2015
Date of emergency declared under the Emergency Management and Civil Protection Act	Water Services' Emergency Operations Centre was activated February 27, 2015.
Date of municipal resolution requesting a declaration of a disaster area by the Minister of Municipal Affairs and Housing for the purpose of the Ontario Disaster Relief Assistance Program	April 27, 2015
Municipal contact information	Peter L. Busatto Plant Manager -Water Services Infrastructure, Development and Enterprise 519-837-5627 extension 2165 peter.busatto@guelph.ca
Description of disaster and characteristics of the area impacts	Summary to be provided similar to content of Council Report
Information about personal injury and losses	Not applicable
Estimated costs of evacuation and shelter	These costs are included in summary Table A and will be detailed further for the application.
Description and cost estimate of public property damage	These costs are included in summary Table A and will be detailed further for the application.
Description and cost estimate of private damage	Not applicable
Information about the need for early financial assistance	To be determined by staff as part of the application submission.

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE May 11, 2015

**SUBJECT Decision Report  
265 Edinburgh Road North  
Proposed Zoning By-law Amendment  
(File: ZC1411)  
Ward 3**

REPORT NUMBER 15-32

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

This report provides a staff recommendation to approve an application to amend the Zoning By-law to permit the development of service commercial uses on the property municipally known as 265 Edinburgh Road North.

### KEY FINDINGS

Planning staff support the proposed zone change subject to the regulations and conditions in Attachment 2.

### FINANCIAL IMPLICATIONS

Estimated Development Charges: \$99.24 per square metre of gross floor area (2015 DC Rates).

Estimated Annual Tax Levy: Based on assumptions and information available at this time approximately \$200,000 - \$300,000 (this number may differ significantly from the final assessment and taxation based on the ultimate development of the property).

### ACTION REQUIRED

Council is being asked to approve the Zoning By-law Amendment for the subject property.

## RECOMMENDATION

1. That the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of the Wellington Catholic District School Board for approval of a Zoning By-law Amendment to change the zoning from "Specialized Institutional" (I.1-7), "Institutional" (I.1) and "Specialized Service Commercial" (SC.1-29) to the standard "Service Commercial" (SC.1) Zone to permit the development of service commercial uses on the property

# STAFF REPORT



municipally known as 265 Edinburgh Road North, legally described as Part of Lots 4, 5, 6 and 7, Range '4', Division 'A', City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Infrastructure, Development and Enterprise Report 15-32, dated May 11, 2015.

## **BACKGROUND**

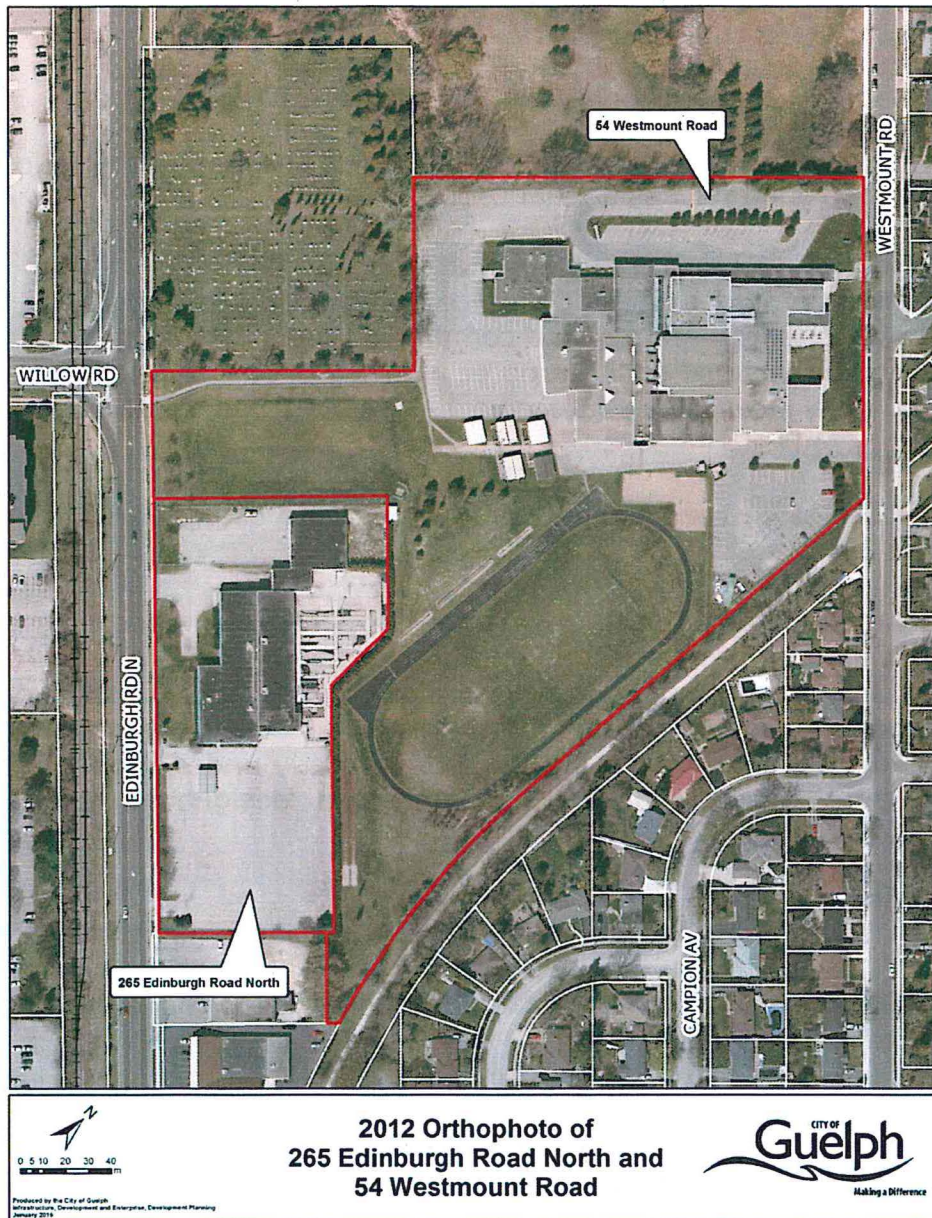
An application to amend the Zoning By-law has been received for the property municipally known as 265 Edinburgh Road North from Black, Shoemaker, Robinson and Donaldson Limited on behalf of the Wellington Catholic District School Board on August 13, 2014, and was deemed to be incomplete. After receiving a Planning Justification Report and copies of a concept plan on December 2, 2014, the application was deemed to be complete on December 8, 2014. The purpose of the application is to place the property into a single standard service commercial zone (SC.1). Three zones ("Specialized Institutional" (I.1-7), "Institutional" (I.1) and "Specialized Service Commercial" (SC.1-29)) currently cover the subject property.

In 1992 the subject property was acquired by the Wellington Catholic District School Board. Since the property was acquired in the same ownership name as the abutting Our Lady of Lourdes Catholic High School property (municipally known as 54 Westmount Road), the two properties have merged on title. Both properties have been functioning independently since 1992, however, in order to facilitate the sale of the subject property, the owner applied to the Committee of Adjustment for Consent. Provisional Consent has been granted by the Committee of Adjustment to sever the subject property from the abutting property (54 Westmount Road), along with storm sewer easements under file number: B-23/14. One of the conditions imposed by the Committee of Adjustment is that prior to the endorsement of deeds for the Consent application, this Zoning By-law Amendment application must be approved and in full force and effect. The Decision of the Committee of Adjustment is included as Attachment 10. An aerial photo showing the "retained" (54 Westmount Road) and "severed" (265 Edinburgh Road North) lots is shown as Figure 1 below.



# STAFF REPORT

**Figure 1: Aerial Photo: 54 Westmount Road and 265 Edinburgh Road North**



## Location

The subject property has an area of approximately 1.614 hectares (3.988 acres) with a frontage of 188.79 metres (619.4 feet) along Edinburgh Road. The subject property is located on the east side of Edinburgh Road North, north of London Road and south of Willow Road (see Location Map in Attachment 1). The subject property is developed with a one-storey concrete block and metal siding building and associated parking area. The majority of the existing building and associated parking area are vacant. A small portion of the building is used by the current owner for storage of maintenance and surplus school equipment.

# STAFF REPORT

Surrounding land uses include:

- To the north: lands zoned for Institutional uses, beyond which is a cemetery;
- To the south: lands zoned for Service Commercial uses;
- To the east: lands zoned for Institutional uses, and developed with Our Lady of Lourdes Catholic High School, associated sports fields, walkways and parking areas;
- To the west: Edinburgh Road, beyond which is the Canadian National Railway line and lands zoned for Residential uses.

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

The subject property is designated "Service Commercial" in the Official Plan, which permits highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.

The relevant policies for the "Service Commercial" land use designation are included in Attachment 3.

Official Plan Amendment 48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to maintain the subject property's current "Service Commercial" land use designation. This designation permits highway-oriented and service commercial uses. Staff must have regard to the Council adopted policies and designations of OPA 48 even though it is currently under appeal. The relevant policies for the "Service Commercial" land use designation are included in Attachment 4.

## **Existing Zoning**

Currently, a small portion of the subject property is zoned "Specialized Institutional" (I.1-7), "Institutional" (I.1) and the majority of the property is zoned "Specialized Service Commercial" (SC.1-29). Details of the existing zoning are included in Attachment 5.

## **REPORT**

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

The applicant is requesting to change the zoning on the subject property to the standard "Service Commercial" (SC.1) Zone. The subject property will be developed in accordance with the permitted uses and regulations of the standard SC.1 Zone. Further details of the proposed zoning are provided in Attachment 5.

### **Proposed Development**

The applicant's existing site development plan is shown in Attachment 6. A conceptual development plan has not been provided as the future uses and layout of the building(s) and property are not known at this time. The current owner has submitted this zone change application to facilitate the sale of the property. A future owner would develop the site in accordance with the standard "Service Commercial" (SC.1) Zone uses and/or regulations if approved.

# STAFF REPORT



## Supporting Documents

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

1. **Planning Justification Report**, prepared by Black, Shoemaker, Robinson & Donaldson Limited, dated December 2014
2. **Existing Site Development Plan**, prepared by Black, Shoemaker, Robinson & Donaldson Limited, dated December 2014

## Staff Review and Planning Analysis

The staff review and planning analysis for this application is provided in Attachment 7. The analysis addresses all relevant planning considerations, including the issues that were raised by Council at the Statutory Public Meeting held on February 9, 2015. The analysis includes:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and the 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;
- Confirm Support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of the application.

## CORPORATE STRATEGIC PLAN

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

**Strategic Direction 3.2:** Be economically viable, resilient, diverse and attractive for business.

## Planning Staff Recommendation

Planning staff are satisfied that the Zoning By-law Amendment application is consistent with the 2014 *Provincial Policy Statement* and conforms to *Places to Grow: Growth Plan for the Greater Golden Horseshoe*. The application to change the zoning from the "Specialized Institutional" (I.1-7), "Institutional" (I.1) and "Specialized Service Commercial" (SC.1-29) Zone to the standard "Service Commercial" (SC.1) Zone conforms to the objectives and policies of the Official Plan. Planning staff are recommending that Council approve the Zoning By-law Amendment application subject to the conditions and regulations outlined in Attachment 2.

## FINANCIAL IMPLICATIONS

Estimated Development Charges: \$99.24 per square metre of gross floor area (2015 DC Rates).

# STAFF REPORT



The property was previously used for industrial uses between 1952 and 1992. The property was acquired by the Wellington Catholic District School Board in 1992. In 1993 the School Board applied for an Official Plan Amendment and Zone Change to allow the majority of the site to be used for specialized service commercial type uses and a portion for institutional uses. A site plan agreement dated December 6, 1993 was registered on title January 6, 1994. An amending site plan agreement dated June 23, 1994 was registered on title June 27, 1994.

When the property was converted from the industrial use to the service commercial use in 1994, it was owned by the School Board and therefore exempt from Development Charges. At that time and for a number of years to follow, a portion of the building was used for School Board purposes and the remainder was rented/leased out for service commercial uses. Therefore, when this property is redeveloped by a new owner, even if redevelopment only includes the existing building, a reduction in Development Charges for redevelopment will not be applied because under its previous use the Development Charge rate applied per square metre of gross floor area was \$0.00. The current Development Charges By-law would consider this change to be a conversion from exempt Development Charges to commercial Development Charges. A condition has been included in Attachment 2 regarding the payment of Development Charges prior to the issuance of a building permit.

Estimated Annual Tax Levy: Based on assumptions and information available at this time approximately \$200,000 - \$300,000 (this number may differ significantly from the final assessment and taxation based on the ultimate development of the property).

## **DEPARTMENTAL CONSULTATION**

Comments received from Agencies and City Departments during the review of the application are summarized in Attachment 8.

## **COMMUNICATIONS**

The Notice of Complete Application was mailed on December 22, 2014 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. Notice was also provided by signage on the property. The Notice of Public Meeting was mailed on January 19, 2015 and advertised in the Guelph Tribune on January 15, 2015. Key dates for the public process regarding this planning application are included in Attachment 9. No members of the public attended the Public Meeting or sent in written requests to be notified of future activity on this application.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Recommended Zoning Regulations and Conditions

Attachment 3 – Existing Official Plan Land Use Designations and Policies

Attachment 4 – Official Plan Amendment #48 Land Use Designations and Policies

# STAFF REPORT



- Attachment 5 – Existing and Proposed Zoning and Details
- Attachment 6 – Existing Site Development Plan
- Attachment 7 – Staff Review and Planning Analysis
- Attachment 8 – Agency and City Department Comments
- Attachment 9 – Public Notification Summary
- Attachment 10 – Committee of Adjustment Decision File: B-23/14

**Report Author**

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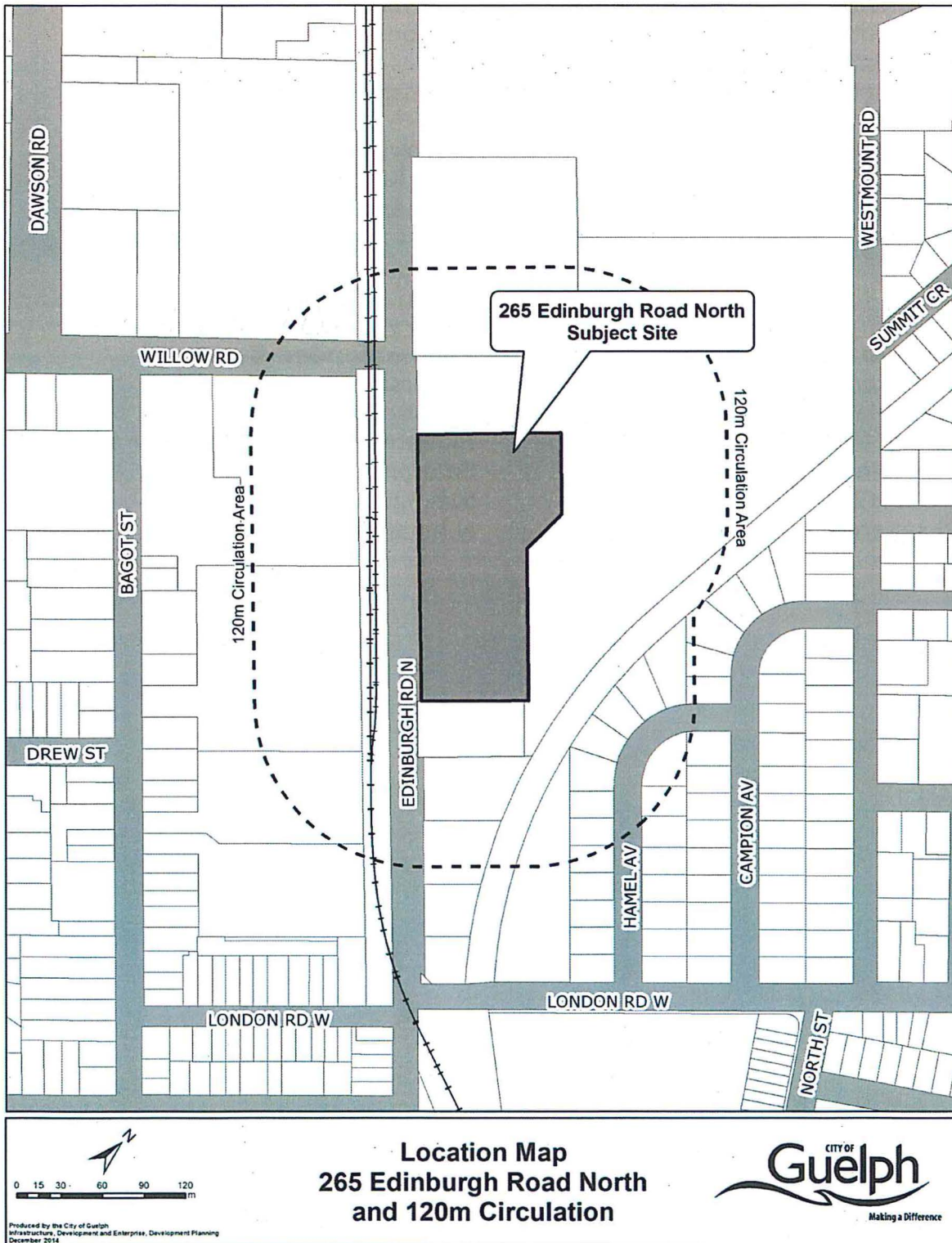
**Approved By**

Sylvia Kirkwood  
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**Recommended By**

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Deputy CAO  
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## Attachment 1 Location Map



## Attachment 2 Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 265 Edinburgh Road North and legally described as Part of Lots 4, 5, 6 and 7, Range '4', Division 'A', City of Guelph.

### **PROPOSED ZONING – SC.1**

The following zoning is proposed for 265 Edinburgh Road North:

#### **SC.1(Service Commercial) Zone**

In accordance with Section 6.4 of Zoning By-law (1995)-14864, as amended.

#### Permitted Uses

In accordance with Section 6.4.1 of Zoning By-law (1995)-14864, as amended.

#### Regulations

In accordance with Section 6.4.2 of Zoning By-law (1995)-14864, as amended.

### **PROPOSED CONDITIONS**

The following conditions are provided as information to Council and will be imposed through site plan approval and a site plan agreement with the City registered on title for the subject property:

1. That 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 the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. The Owner will ensure that all domestic wells, monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
3. That the Owner hereby confirms that all of the terms of Site Plan Control Agreement dated December 6, 1993 and the Amending Site Plan Control Agreement dated June 23, 1994 shall remain in full force and effect.

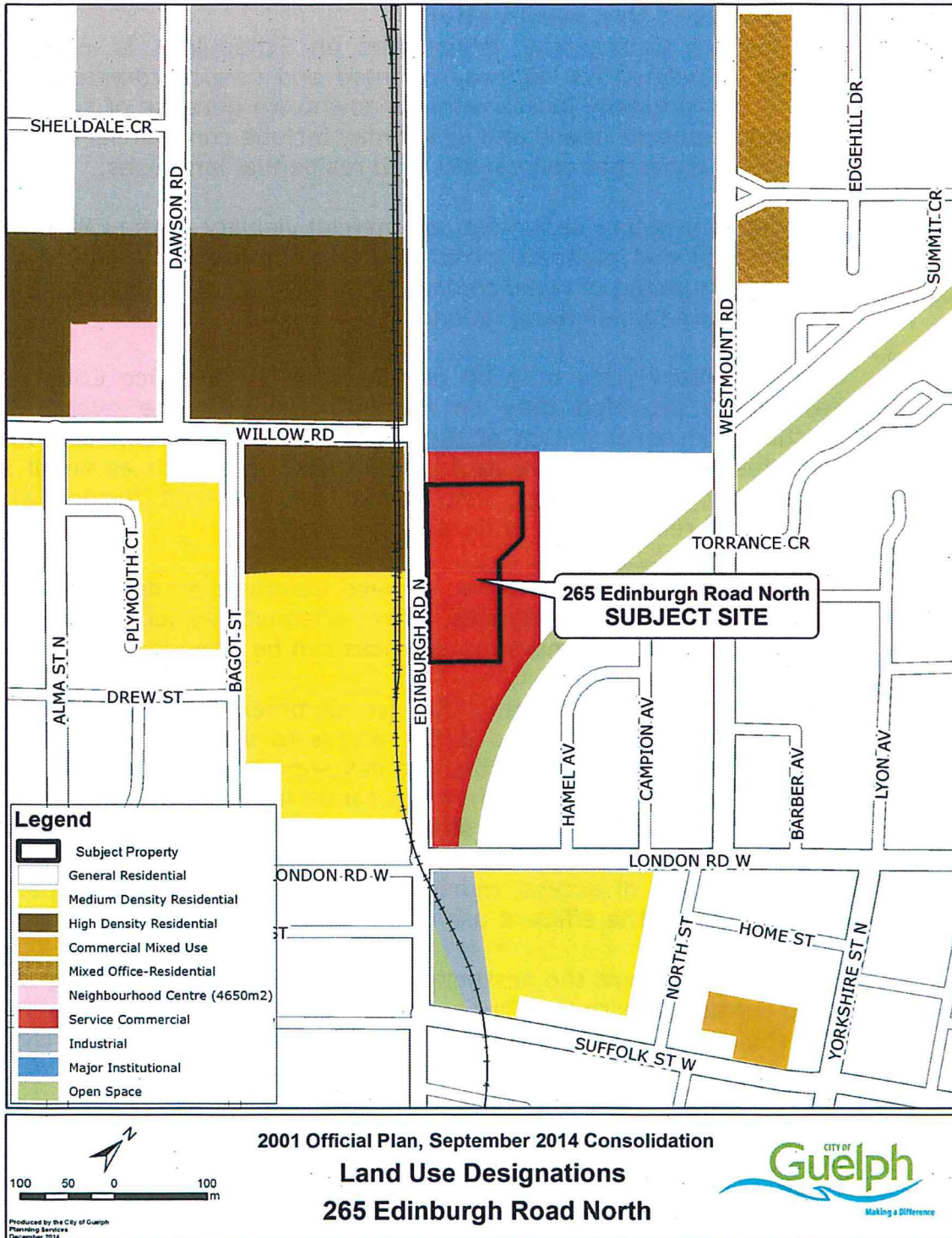
# STAFF REPORT

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4. That prior to the issuance of a Building Permit, the Developer shall pay to the City cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended, by By-law (1990)-13545, By-law (2007)-18225, or any successor thereof.
5. That prior to Site Plan Approval, the Developer shall submit a detailed list of energy efficiency measures to be incorporated into the site development and buildings proposed to be constructed, to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
6. That the Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, Development Charges in accordance with the City of Guelph Development Charges By-law (2014)-19692, as amended from time to time, or any successor thereof, prior to the issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.



## Attachment 3 Existing Official Plan Land Use Designations and Policies



## Attachment 3 (continued) Existing Official Plan Land Use Designations and Policies

### Service Commercial Land Use Designation

- 7.4.32 The 'Service Commercial' designation on Schedule 1 is intended to provide a location for *highway-oriented* and *service commercial* uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
- 7.4.33 In order to promote continued commercial viability of the City's C.B.D. (Downtown) and planned mixed use and commercial areas, the City will limit the range of *retail commercial* uses that may locate within the 'Service Commercial' designation.
- 7.4.34 Complementary uses may be permitted in the 'Service Commercial' designation provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes. Complementary activities include uses such as small scale offices, *convenience* uses, institutional, multiple-unit residential and commercial recreation or entertainment uses.
- 7.4.35 *Development* proposals within 'Service Commercial' designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
- Specific *developments* within 'Service Commercial' designations may not necessarily be provided direct access to arterial roads. The City shall encourage, where feasible, the development of integrated centres between adjacent *service commercial* uses in terms of internal access roads, entrances from public streets, common parking areas, grading, open space and storm water management systems in order to minimize points of access, municipal *infrastructure* provision, parking, and to promote the efficient use of the land base.
- 7.4.36 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 designated 'Service Commercial' areas to ensure such consistency.
- 7.4.37 Where *service commercial uses* are adjacent to designated 'Residential' areas, adequate design mechanisms shall be used to reduce potential incompatibilities. These design mechanisms will be specified in the implementing *Zoning By-law* and *site plans* and may

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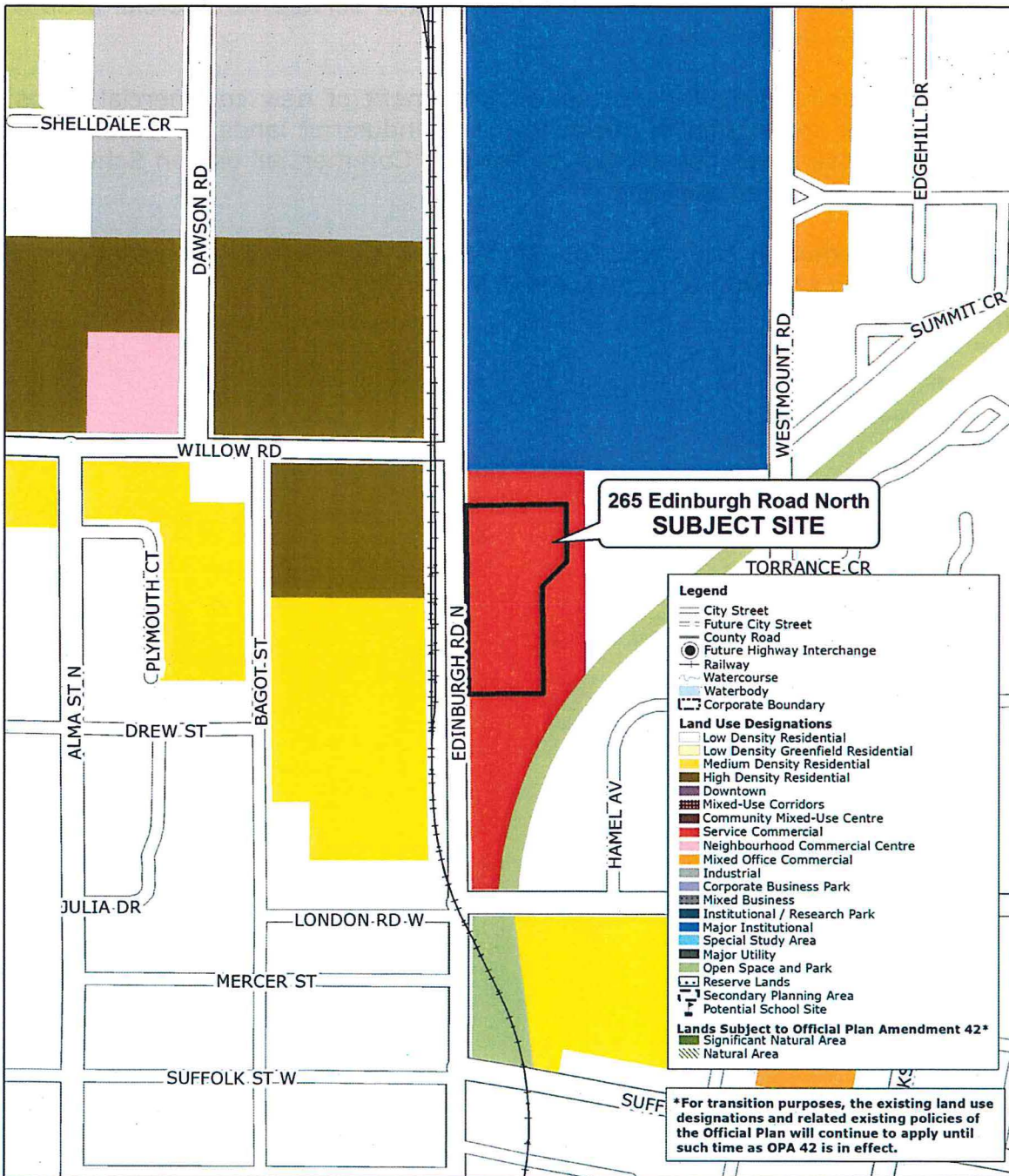
include building location, buffering, screening and landscaping requirements.

7.4.38 This Plan will promote the retention of *service commercial uses* within well-defined areas by:

7.4.38.1 Discouraging the further establishment of new commercial strips and the conversion of residential and industrial lands, located outside of those areas designated for 'Service Commercial' use on Schedule 1, to commercial use; and

7.4.38.2 Promoting the retention of 'Service Commercial' designations along only one side of arterial roads in the City.

## Attachment 4 Official Plan Amendment #48 Land Use Designations and Policies



Official Plan Amendment No. 48  
**Proposed Land Use Designations**  
265 Edinburgh Road North

Produced by the City of Guelph  
Planning Services  
December 2014

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**Attachment 4 (continued)**  
**Official Plan Amendment #48 Land Use Designations and Policies**

## **9.4.5 Service Commercial**

### **Objectives**

- a) To ensure an adequate supply of service commercial uses throughout the City at appropriate locations.
- b) To concentrate highway-oriented and service commercial uses within well-defined designated areas, generally along arterial roads.
- c) To discourage the creation of new strip service commercial development.
- d) To promote a high standard of building and landscape design for service commercial uses and to ensure that pedestrian and vehicular circulation do no conflict.

### **Policies**

1. The 'Service Commercial' designation on Schedule 2 of this Plan is intended to provide a location for highway-oriented and *service commercial* uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
2. To promote continued commercial viability of Downtown and planned Mixed-use and Commercial areas, the City will limit the range of *retail commercial* uses that may locate within the Service Commercial designation.
3. *Development* proposals within Service Commercial designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
4. In some circumstances *development* may not necessarily be provided with direct access to arterial roads. The City shall encourage integration between adjacent *service commercial* uses in terms of entrances to public streets, internal access roads, common parking areas, grading, open space, stormwater management systems and municipal *infrastructure* provision where feasible.
5. The City will require the aesthetic character of site and building design to conform to the Urban Design policies of this Plan and applicable guidelines and will incorporate measures into the approval of *Zoning By-laws* and Site Plans to ensure conformity.

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6. This Plan will promote the retention of *service commercial* uses within the well-defined areas as identified on Schedule 2 by:
  - i) discouraging the further establishment of new commercial strips and the conversion of lands, located outside of those areas designated Service Commercial on Schedule 2 to commercial use; and
  - ii) promoting the retention of Service Commercial designations along only one side of arterial roads in the City.
  
7. Where *service commercial* uses are adjacent to designated residential areas, design mechanisms, including those outlined in the Urban Design policies of this Plan shall be applied to reduce potential incompatibilities. These design mechanisms may be specified in the implementing *Zoning By-law* and Site Plans and may include building location, buffering, screening and landscaping requirements.

## **Permitted Uses**

8. The following uses may be permitted within the Service Commercial designation subject to the applicable provisions of this Plan:
  - i) *service commercial* uses;
  - ii) complementary uses such as small-scale offices, convenience uses, institutional and commercial recreation or entertainment uses.
  
9. Complementary uses may be permitted provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes.

## Attachment 5 Existing and Proposed Zoning and Details

### Existing Zoning: I.1, I.1-7 and SC.1-29

#### **Institutional (I.1) Zone**

#### 8.1 PERMITTED USES

##### 8.1.1 Educational, Spiritual, and Other Services – I.1 Zone

- **Art Gallery**
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Library**
- **Museum**
- **Outdoor Sportsfield Facilities**
- **Religious Establishment**
- **School**
- **Occasional Uses** in accordance with Section 4.21.

8.1.1.1 Administrative **Office, Nursing Home**, activity room, **Recreation Centre**, nursing station, **Research Establishment**, chapel, residence and other **Accessory Uses** are permitted provided that such **Use** is subordinate, incidental and exclusively devoted to a permitted use listed in Section 8.1.1 and provided that such **Use** complies with Section 4.23.

#### REGULATIONS

Within the Institutional (I) **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 set out in Table 8.2.

**TABLE 8.2 – REGULATIONS GOVERNING INSTITUTIONAL (I) ZONES**

	Educational, Spiritual and Other Services (I.1) Zone
Minimum Lot Area	700 m <sup>2</sup>
Minimum Front and Exterior Side Yard	6 metres and in accordance with Sections 4.16 and 4.24.
Maximum Front and Exterior Side Yard	20 metres
Minimum Side Yard	6 metres or one-half the Building Height, whichever is greater.
Minimum Rear Yard	7.5 metres or one-half the Building Height, whichever is greater.
Minimum Lot Frontage	30 metres

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Off-Street Parking	In accordance with Section 4.13.
Off-Street Loading	In accordance with Section 4.14.
Accessory Buildings and Structures	In accordance with Section 4.5.
Fences	In accordance with Section 4.20.
Maximum Building Height	4 Storeys and in accordance with Sections 4.16 and 4.18.
Buffer Strips	Where an institutional Zone abuts any Residential, Park, Wetland or Urban Reserve Zone, a Buffer Strip shall be developed.
Garbage, Refuse Storage and Composters	In accordance with Section 4.9.

## Specialized Institutional (I.1-7)

### 8.3.1.7.1 Regulations

#### 8.3.1.7.1.1 ***Buffer Strips***

Where the I.1-7 Zone abuts the SC.1-41 Zone, a 2.74 metre buffer strip shall be provided. The buffer shall consist of a 1.8 metre high fence and landscaping.

## Specialized Service Commercial (SC.1-29)

### 6.4.3.1.29.1 Permitted Uses

- ***Commercial School***
- ***Day Care Centre*** in accordance with Section 4.26
- ***Financial Establishment***
- ***Funeral Home***
- ***Garden Centre***
- ***Hardware Store***
- ***Office***
- ***Office Supply***
- ***Print Shop***
- ***Public Hall***
- ***Religious Establishment***
- ***Research Establishment***
- ***Retail sales, service and rental of:*** electrical/lighting supplies, furniture and appliances, and electronic and audio-visual equipment
- ***School***
- ***Veterinary Service***



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## 6.4.3.1.29.2 Regulations

### 6.4.3.1.29.2.1 Off-Street Parking

#### **Group 1 – Low Traffic Generators**

An **Office, Print Shop, Research Establishment, Funeral Home, Veterinary Service, Office Supply**, Retail sales/service/rental of electrical/lighting supplies, furniture and appliances.

**Parking Ratio:** 3 spaces per 100 m<sup>2</sup> G.F.A.

#### **Group 2 – Medium Traffic Generators:**

**Financial Establishment**, electronic and audio-visual equipment, **Garden Centre, Hardware Store**.

**Parking Ratio:** 6 spaces per 100 m<sup>2</sup> G.F.A.

#### **Group 3 – Mall Ratio:**

To be applied to the entire **Building** if one or more medium traffic generating **Uses** are established.

**Parking Ratio:** 6 spaces per 100 m<sup>2</sup> G.F.A.

#### **Group 4 – Use Parking Ratios**

**Public Hall or Religious Establishment:** 1 per 23 m<sup>2</sup> G.F.A.

**Commercial School:** 3.6 spaces per 100 m<sup>2</sup> G.F.A plus 1 per 2 staff

**Day Care Centre:** 1 per 10 children

### 6.4.3.1.29.2.2 Parking Space Size

**Parking Spaces** shall have minimum dimensions of 2.75 metres by 5.5 metres.

### 6.4.3.1.29.2.3 Buffer Strips

A **Buffer Strip** shall not be required where the subject property abuts lands which are **Zoned** institutional.

## **Proposed Zoning: SC.1**

### 6.4.1.1 Service Commercial – SC.1 Zone:

- **Auto-oriented Department Store**
- **Car wash, Automatic**
- **Car wash, Manual**
- **Catalogue Sales Outlet**
- **Club**
- **Commercial School**
- **Commercial Entertainment**

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- **Day Care Centre** in accordance with Section 4.26
- **Financial Establishment**
- **Funeral Home**
- **Group Home** in accordance with Section 4.25
- **Hardware Store**
- **Hotel**
- **Liquor Store**
- **Medical Clinic**
- **Office Supply**
- **Parking Facility**
- **Print Shop**
- **Public Hall**
- **Recreation Centre**
- **Religious Establishment**
- **Research Establishment**
- **Restaurant**
- **Restaurant (take-out)**
- **Retail sales, service and rental of:** electrical/lighting supplies, electronic and audio-visual equipment. furniture and appliances
- **Tavern**
- **Tourist Home**
- **Vehicle Specialty Repair Shop**
- **Vehicle Service Station**
- **Vehicle Gas Bar**
- **Veterinary Service**

Within a **Mall**:

All **Uses** listed above and the following:

- **Artisan Studio**
- **Bake Shop**
- **Cleaning Establishment**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Florist**
- **Laundry**
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **Pharmacy**
- **Photofinishing Place**
- **Postal Service**
- **Rental Outlet**
- **Repair Service**
- **Taxi Establishment**
- **Vehicle Parts Establishment**
- **Video Rental Outlet**

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## 6.4.2 REGULATIONS

Within the Service Commercial (SC) **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 set out in Table 6.4.2, and the following:

### 6.4.2.1 Regulations Governing **Car washes, Automatic** and **Car washes, Manual**

#### 6.4.2.1.1 Entry Ramps

There shall be no more than one entry ramp for each 15 metres of **Street** frontage and the width of any entry ramp shall not exceed 9 metres at the **Street Line**.

#### 6.4.2.1.2 Number of **Vehicle** Standing Spaces

In accordance with Section 4.13.4.2.

#### 6.4.2.1.3 Surfaces

The surfaces of all ramps, **Driveways**, service areas, and off-**Street** loading areas shall be surfaced with a capped, hard top substance such as asphalt, or other stable surface treated to prevent the raising of dust and/or loose particles.

#### 6.4.2.1.4 Enclosed Operations

Despite Section 4.22, the following shall apply to car wash establishments in the SC **Zones**:

6.4.2.1.4.1 All of the operations of a **Car wash, Automatic** or **Car wash, Manual** shall be conducted within an enclosed **Building** except for the moving and storage of **Vehicles**.

6.4.2.1.4.2 Despite Section 6.4.2.1.4.1, on-site vacuuming devices, and wiping or drying areas, where provided may be located outside the **Main Building**.

#### 6.4.2.1.5 **Vehicle** Storage Space

A minimum of 2 **Vehicle** storage spaces per bay shall be provided.

#### 6.4.2.1.6 **Vehicle** Standing Space Dimensions

Each **Vehicle** standing space shall have minimum dimensions of not less than 6 metres by 2.4 metres.

#### 6.4.2.1.7 Location of **Vehicle** Area

6.4.2.1.7.1 Despite the provisions of Section 4.13.2.3, required **Vehicle** standing spaces and **Vehicle** storage spaces may be located ahead of the **Setback** line.

- 6.4.2.1.7.2 **Vehicle** standing spaces shall be arranged in a continuous line or lines leading into the washing bay or bays in such a way so as not to interfere with the movement of traffic on public **Streets** and the normal functioning of the site.
- 6.4.2.1.7.3 **Vehicle** storage, standing, loading and wiping areas shall not be permitted within 3 metres of any public **Street**.
- 6.4.2.1.7.4 Public **Streets**, lanes and other public places shall not be **Used** for the storage, standing, wiping and maneuvering of motor **Vehicles** in any manner as if they were part of the car wash premises.
- 6.4.2.2 Special Regulations for **Vehicle Gas Bars** and **Vehicle Service Stations** - All SC Zones  
**Vehicle Gas Bars** and **Vehicle Service Stations** shall be developed in accordance with the following:
- 6.4.2.2.1 Minimum **Setback** of Pump Islands - 7.5 metres from the curbing of the pump islands to the **Street** Line or the designated **Street Line** as set out in Section 4.24.  
Despite the above, canopies over pump islands and underground storage tanks are allowed to project up to 1.5 metres from the **Street Line**.
- 6.4.2.2.2 Entry Ramps  
In accordance with Section 6.4.2.1.1.
- 6.4.2.2.3 Minimum **Front** or **Exterior Side Yard**  
Despite Row 4 of Table 6.4.2, the minimum **Front** or **Exterior Side Yard** for a **Vehicle Gas Bar** or **Vehicle Service Station** shall be 15 metres and as set out in Section 4.24
- 6.4.2.2.4 Minimum **Rear Yard**  
Despite Row 6 of Table 6.4.2, the minimum **Rear Yard** for a **Vehicle Gas Bar** or **Vehicle Service Station** shall be 1.5 metres.
- 6.4.2.2.5 Surfacing  
In accordance with Section 6.4.2.1.3.

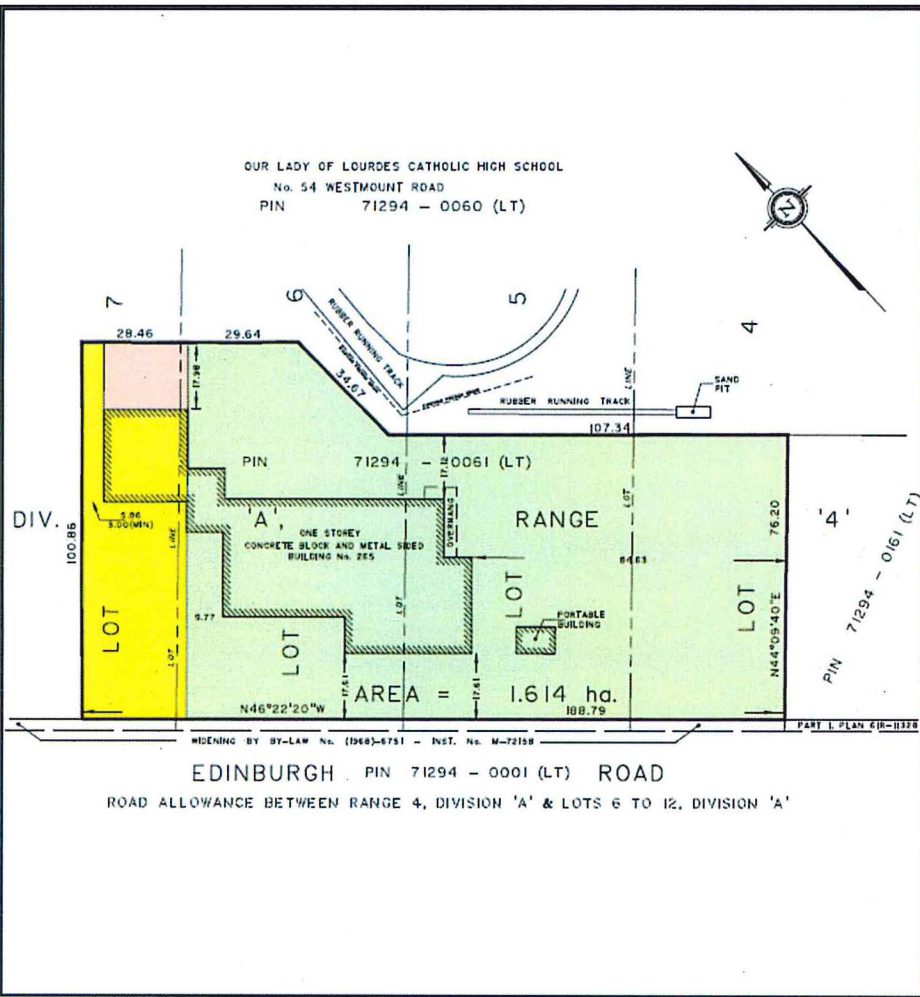
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**TABLE 6.4.2 – REGULATIONS GOVERNING SERVICE COMMERCIAL (SC) ZONES**

	<b>Service Commercial (SC.1)</b>
Minimum Lot Frontage	30 metres
Minimum Front and Exterior Side Yard	6 metres and in accordance with Section 4.24.
Minimum Side Yard	3 metres except where adjacent to any residential zones in which case the minimum side yard shall be no less than 6 metres or one half the building height, whichever is greater.
Minimum Rear Yard	One-half the building height but not less than 6 metres.
Maximum Building Height	3 storeys and in accordance with Sections 4.16 and 4.18.
Buffer Strips	Where a SC zone abuts any residential, institutional, park, wetland, or urban reserve zone, a buffer strip shall be developed.
Off-Street Parking	In accordance with Section 4.13.
Off-Street Loading	In accordance with Section 4.14.
Minimum Landscaped Open Space	10% of the Lot Area.
Outdoor Storage	In accordance with Section with Section 4.12.
Fences	In accordance with Section 4.20.
Accessory Buildings or Structures	In accordance with Section 4.5.
Enclosed Operations	In accordance with Section 4.22.
Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
Planting Area	A landscaped strip of land, 3 metres in width shall be maintained adjacent to the Street Line, except for those areas required for entry ramps.

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## Attachment 6 Existing Site Development Plan

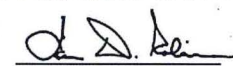


**SKETCH**  
 PREPARED FOR A ZONE CHANGE APPLICATION  
 ON PART OF  
**LOTS 4, 5, 6 & 7**  
**RANGE '4', DIVISION 'A'**  
**CITY OF GUELPH**  
**COUNTY OF WELLINGTON**  
 IAN D. ROBINSON O.L.S.  
 2014  
 SCALE 1 : 1000

DENOTES I1-7 ZONE  
 DENOTES I.I ZONE  
 DENOTES SC.I-29 ZONE

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048  
 THE FIELD WORK REPRESENTED ON THIS SKETCH WAS COMPLETED ON JANUARY 10, 2013  
 CAUTION : THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.  
 BOUNDARY INFORMATION AND AREA FOR "OUR LADY OF LOURDES" PROPERTY HAS BEEN COMPILED FROM INFORMATION OF RECORD AND IS SUBJECT TO VERIFICATION BY AN UP-TO-DATE LEGAL SURVEY.

THIS SKETCH WAS PREPARED FOR WELLINGTON CATHOLIC DISTRICT SCHOOL BOARD AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

  
 IAN D. ROBINSON  
 ONTARIO LAND SURVEYOR

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**BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED**

**BSR&D** Ontario Land Surveyors  
 Urban and Rural Planners

351 Speedvale Avenue West Guelph, Ontario N1H 1C6 FAX: (519) 822-1220 TEL: (519) 822-4031

DATE: DECEMBER 10, 2014 KS PROJECT 12-9374-8

## Attachment 7 Staff Review and Planning Analysis

### **2014 Provincial Policy Statement and Places to Grow**

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and is issued under the authority of Section 3 of the *Planning Act*. All planning decisions shall be consistent with the PPS. Policy 1.0 – Building Strong Healthy Communities speaks to efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1(b) speaks to accommodating an appropriate range and mix of residential, employment (including industrial and commercial) institutional, recreation, park and open space, and other uses to meet long term needs.

Policy 1.1.3.1 speaks to settlement areas being the focus of growth and development.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) Densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion

To summarize the above, PPS policies aim at focusing growth within settlement areas with densities and a mix of land uses which efficiently use land and resources. The PPS indicates that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. The proposed amendment allows for redevelopment within the City's settlement area, provides commercial uses that will meet the long term needs of residents and uses existing infrastructure.

The proposed Zoning By-law Amendment is consistent with the policies of the 2014 Provincial Policy Statement.

### **Places to Grow: Growth Plan for the Greater Golden Horseshoe**

The Growth Plan aims to create complete communities that offer more options for living, working, learning, shopping and playing. It also aims to curb sprawl and protect green spaces.

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Guiding principles are set out to build compact, vibrant and complete communities; plan and manage growth to support a strong and competitive economy and optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The subject application will allow for redevelopment of an under-used site within a "built-up" area of the City, while using existing infrastructure. Redevelopment of the site will offer more shopping options for residents. The application conforms to the Growth Plan.

## **Official Plan**

The proposed Zoning By-law Amendment conforms to the "Service Commercial" land use designation of the Official Plan. Policy 7.4.32 of the Official Plan states,

The 'Service Commercial' designation on Schedule 1 is intended to provide a location for highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.

Policy 7.4.38 of the Official Plan states, this Plan will promote the retention of *service commercial uses* within well-defined areas by:

- 7.4.38.1 Discouraging the further establishment of new commercial strips and the conversion of residential and industrial lands, located outside of those areas designated for 'Service Commercial' use on Schedule 1, to commercial use; and
- 7.4.38.2 Promoting the retention of 'Service Commercial' designations along only one side of arterial roads in the City.

This application is not proposing to convert residential or industrial lands, but rather allow a property designated as "Service Commercial" to be developed with the full range of service commercial uses.

Official Plan Amendment 48 (OPA 48) (under appeal), a comprehensive update to the City's Official Plan, proposes to maintain the subject property's current "Service Commercial" land use designation. This designation permits highway-oriented and service commercial uses. This application is requesting the standard "Service Commercial" (SC.1) uses which are in conformity with the "Service Commercial" land use designation. Staff must have regard to the Council adopted policies and designations of OPA 48 even though it is currently under appeal. The proposed Zoning By-law Amendment conforms to the "Service Commercial" land use designation of OPA 48.



# STAFF REPORT



## **Proposed Zoning and Specialized Regulations**

The applicant has requested that the zoning on the subject property be changed to the standard SC.1 Zone. Staff are recommending all of the uses permitted in the standard SC.1 Zone. The ultimate development of the lands is not known at this time. A future owner will develop the site within the standard uses and regulations of the SC.1 Zone. Allowing the standard SC.1 zone on the entire property will enable greater flexibility in the overall development of the property. The property is currently under-used and for the most part vacant.

## **Statutory Public Meeting Comments**

No members of the public spoke or signed in at the Statutory Public Meeting held on February 9, 2015. There was no written correspondence received from any member of the public. Comments from Council were received at the Statutory Public Meeting. The following is a summary of the comments and a response to each item.

### ***Compatibility of Permitted Use (Liquor Store) with Surrounding Land Uses***

The standard "Service Commercial" (SC.1) Zone permits a wide range of uses, a Liquor Store being one of them. There was a concern expressed regarding the compatibility of this use being adjacent to the existing high school (Our Lady of Lourdes Catholic High School located at 54 Westmount Road). Staff evaluated this use and do not feel the use should be prohibited at this location. The ultimate development of this site is not known at this time. A liquor store use may never be developed at this site. Liquor stores are regulated by the Provincial Government and are prohibited from selling to anyone under the age of 19. The sale of beer, wine or spirits, is not regulated by land use planning. In terms of other locations where liquor stores have been prohibited, staff evaluate each application on its own merits and do not feel a liquor store should be prohibited at this location.

### ***Small Grocery Store Use on this Property***

A comment was made regarding Policies 7.4.32 and 7.4.33 of the Official Plan and how this site would lend itself to a small grocery store.

Policy 7.4.32 states, "The 'Service Commercial' designation on Schedule 1 is intended to provide a location for highway-oriented and service commercial uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses."

Policy 7.4.33 of states, "In order to promote continued commercial viability of the City's C.B.D. (Downtown) and planned mixed use and commercial areas, the City will limit the range of retail commercial uses that may locate within the 'Service Commercial' designation."

Although this site may be able to physically accommodate a small grocery store, a grocery store is not a permitted use in the standard "Service Commercial" (SC.1)

# STAFF REPORT



Zone and the applicant has not asked to add a grocery store as a permitted use through this application.

### ***Cash-in-lieu of Parkland***

The applicant raised concern that cash-in-lieu of parkland should not be required as a condition of this application as the site has been developed with buildings and parking areas for decades. This application in itself does not propose any redevelopment or new development of the property. If a new owner wishes to redevelop the property or add buildings in the future, cash-in-lieu of parkland may be required at that time in accordance with the applicable By-laws. A condition has been included in Attachment 2 requiring cash-in-lieu of parkland prior to the issuance of a Building Permit.

### **Community Energy Initiative Considerations**

Since this property will be redeveloped by a future property owner, a condition has been included in Attachment 2 requiring the future owner to develop the site with energy efficient measures.

# STAFF REPORT



## Attachment 8 Agency and City Department Comments

Respondent	No Objection or Comment	Conditional Support	Issues /Concerns
Planning		√	Subject to conditions in Attachment 2
Engineering*		√	Subject to conditions in Attachment 2
Parks Planning*		√	Subject to conditions in Attachment 2
Zoning	√		
Operations, Transit & Emergency Services	√		
Guelph Police Service	√		
Guelph Hydro	√		
CN Railway	√		
Grand River Conservation Authority	√		
GWDA	√		

\* letters attached

## Attachment 8 (continued) Agency and City Department Comments

# MEMO



FILE: 16.131.001

**TO:** Lindsay Sulatycki, Senior Development Planner  
**FROM:** Development Engineering  
**DEPARTMENT:** Engineering Services  
**DATE:** March 19, 2015  
**SUBJECT:** 265 Edinburgh Road -- Zoning By-law Amendment – ZC1411

The application is for a Zoning By-law Amendment that would redesignate the subject lands from an I.1-7 (Specialized Institutional) Zone, an I.1 (Institutional) Zone and an SC.1-29 (Specialized Service Commercial) Zone to an SC.1 (Service Commercial) Zone as described in the City of Guelph Zoning Bylaw.

The subject land consists of an existing one-storey concrete block and metal siding building and associated parking area with a total site area of 1.614 hectares (3.988 acres) located on the east side of Edinburgh Road. The property is bounded to the north by a cemetery and east by Our Lady of Lourdes High school, associated sports field, walkways and parking areas and to the south by lands with service commercial uses and to the west by the Canadian National Railway line, and by lands with residential uses.

The purpose of the proposed Zoning By-law Amendment is to permit the standard Service Commercial uses on the entire property. The proposed Zoning By-law Amendment will also place the property into one zone to provide flexibility for a future owner to develop the site for a variety of service commercial uses.

In addition to the Zone Change, the Owner has made application to the Committee of Adjustment under Number B-23/14 for a severance along with storm sewer easements to facilitate the sale of 265 Edinburgh Road. Provisional Consent has been granted by the Committee of Adjustment under Committee of Adjustment Decision dated November 25, 2014 File Number B-23/14 to sever the subject property into one (1) severed lot and one (1) retained lot along with storm sewer easements. A site plan and a site servicing, grading and SWM plan was prepared and approved in 1995 under what is now Section 41 of the Planning Act. The approved site plan included a storm water management system.

Engineering Services provides the following comments:

### 1. Road Infrastructure/Transportation:

According to the City of Guelph Official Plan 2001 (September 2014 Consolidation), Edinburgh Road is designated as a four (4) lane arterial road with asphalt pavement, curb and gutter on both sides of the street with concrete sidewalk on the north side of the street and no sidewalk on the south side of the street; however, this section of Edinburgh Road presently has three (3) lanes with two (2) through lanes along with a center turn lane and two (2) bicycle lanes. The ultimate right-of-way width of Edinburgh Road abutting the property is 30.048-metres with road widenings of 2-5-metres being required from both side of the road; however, due to the presence of a Canadian National Railway right-of-way on the west side of the subject property, the requirement was reduced to 23.165-metres. The existing right-of-way width of Edinburgh Road fronting the site is approximately 23.165-metres;

**Engineering Services**  
Infrastructure, Development & Enterprise

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F 519-822-6194  
engineering@guelph.ca

## MEMO



therefore, no road widening will be required from the subject property.

Under contract 2-1017, Edinburgh Road was improved which included roadworks, grassed boulevards, concrete sidewalks and curb and gutter and the installation of sanitary and storm sewers, and water mains and new service laterals to connect to existing services on the property.

A Traffic Impact Study is not required if the land use type and Gross Floor Area stays the same due to the following reasons.

- Edinburgh Road North has recently been reconstructed to include bike lanes and a center turning lane. The center turning lane will facilitate future inbound/outbound turning movements.
- The impact is expected to be minimal at the two intersections along Edinburgh Road (i.e., at Willow Road and at London Road) as the center turning lane will provide sufficient storage for the left turning movements.

However if the Gross Floor Area increases and/or the site changes to accommodate other types of development, the City will ask for a Traffic Impact Study if it is warranted.

### 2. Municipal Services

The following services are available on Edinburgh Road abutting the subject lands:

- 200mm sanitary sewer approximately 1.20 m to 1.60 m in depth;
- 525mm and 600mm storm sewer approximately 1.50 m in depth, 675mm storm sewer approximately 1.50 m to 1.80 m in depth;
- 200mm diameter watermain approximately 2.00 m in depth.

An existing 400mm and 200mm storm sewer approximately 1.10 m to 1.90 m in depth bisects the subject lands which drains a catchment area to the north, west and the parking lot on the site. Appropriate storm sewer casements are required over the existing 400mm and 200mm diameter storm sewers as described in the Committee of Adjustment Decision dated November 25, 2014 File Number B-23/14.

According to our service records, the existing building is serviced by two 150mm sanitary sewer laterals and a 150mm water service lateral in December 1952 and November 1977.

### 3. Storm Water Management

On September 22, 1994 a Stormwater Management Report was submitted by MTE Consultants Inc. which addressed the stormwater management design requirements for the site. The Stormwater Management Report was reviewed by staff and approved on September 23, 1994 for construction. On January 4, 1996 the Professional Engineer who designed the Stormwater Management submitted a letter certifying that the grading and stormwater management facility have been completed and are in general compliance with the approved stormwater management report. The existing stormwater management facility will be utilized for any future development of the property.

### 4. Recommended conditions of Approval

**Engineering Services**  
Infrastructure, Development & Enterprise

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engineering@guelph.ca

# STAFF REPORT



## MEMO

We recommend the following conditions for approval of this proposed Zoning By-law Amendment:

1. That 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 the building, building design, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. The Owner will ensure that all domestic wells, monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
3. That the Owner hereby confirms that all of the terms of Site Plan Control Agreement dated December 6, 1993 and the Amending Site Plan Control Agreement dated June 23, 1994 shall remain in full force and effect.

Terry Gayman, P. Eng.  
Manager, Development and Environmental  
Engineering

Julius J. Bodai, C.E.T.  
Engineering Technologist III

Engineering Services  
Infrastructure, Development & Enterprise

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## Attachment 8 (continued) Agency and City Department Comments

### INTERNAL MEMO



DATE March 30, 2015  
TO Lindsay Sulatycki  
FROM Helen White  
DIVISION Parks and Recreation  
DEPARTMENT Public Services  
SUBJECT **265 Edinburgh Road N. - Proposed Zoning By-Law Amendment (ZC1411)**

Park Planning and Development has reviewed the Notice of Complete Application (December 22, 2014), Planning Justification Report (December 2014), and Sketch (December 2014) for the above noted Zoning By-Law Amendment and offers the following comments:

#### Zoning Bylaw Amendment:

Park Planning and Development has no objection to the proposed Zoning By-Law amendment to rezone the property from I.1-7, I.1 and SC.1-29 Zones to a 'Service Commercial' (SC.1) Zone provided that the following item is addressed in the development conditions:

Prior to Site Plan approval:

The Developer shall pay cash-in-lieu of parkland for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.

It is anticipated that a future owner will develop the site in accordance with the standard 'Service Commercial' (SC.1) Zone uses and/or regulations. In this case, in accordance with the current Parkland Dedication By-law, the cash in lieu calculation would be based on 2% per cent of the land involved.

#### Summary:

The above comments represent Park Planning's review of the proposed development. Based on the current information provided, I would support the proposed development subject to the condition outlined above.

Regards,

Helen White  
Park Planner  
Parks and Recreation  
Public Services  
Location: City Hall

T 519-822-1260 x 2298  
F 519-763-9240  
E Helen.white@guelph.ca

C Heather Flaherty, Sylvia Kirkwood

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## Attachment 9 Public Notification Summary

August 13, 2014	Application received by the City of Guelph
September 8, 2014	Application deemed "incomplete"
December 2, 2014	Planning Justification Report and additional copies of concept plan received
December 8, 2014	Application deemed "complete"
December 22, 2014	Notice of Complete Application mailed to prescribed Agencies and surrounding property owners within 120 metres
January 19, 2015	Public Meeting Notice mailed to prescribed Agencies and surrounding property owners within 120 metres
January 15, 2015	Public Meeting Notice advertised in the Guelph Tribune
February 9, 2015	Statutory Public Meeting of City Council
May 11, 2015	City Council Meeting to consider staff recommendation



## Attachment 10 Committee of Adjustment Decision File: B-23/14

AMENDED

### DECISION

COMMITTEE OF ADJUSTMENT  
APPLICATION NUMBER B-23/14



The Committee, having had regard to the matters under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for severance of Range 4, Division 'A', Part Lots 3, 4, 5, 6, 7, 8 & 9, 265 Edinburgh Road North/54 Westmount Road, a parcel with a frontage along Edinburgh Road North of 188.79 metres (619.34 feet) and an area of 1.614 hectares (3.988 acres),

- a) subject to a site specific storm sewer easement, labelled as 'A' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the retained parcel in favour of the severed parcel,
- b) subject to a blanket storm sewer easement, labelled as 'B' on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Limited, Project No. 12-9374-7, dated November 17, 2014, over the severed parcel in favour of the retained parcel,

be approved, subject to the following conditions:

1. That the servient tenement (54 Westmount Road) owner of the proposed retained parcel (Part 2), Part of lots 3, 4, 5, 6, 7, 8, and 9, Range "4", Division "A" grants an easement approximately 3.0-metres (9.84 feet) wide by approximately 43.0-metres (141.08 feet) long, registered on title, in favour of the dominant tenement (265 Edinburgh Road) owner of the proposed severed lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A", for the protection of an existing 200mm storm sewer serving the dominant tenement (265 Edinburgh Road, Part 1), prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.
2. That the servient tenement (265 Edinburgh Road) owner of the proposed severed lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" grants an blanket storm sewer easement (B) over the said lands, registered on title, in favour of the dominant tenement (54 Westmount Road) owner of the proposed retained lands (Part 2), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", for the protection of the existing storm sewer serving the dominant tenement (54 Westmount Road, Part 2), prior to endorsonation of the deeds or within one (1) year of the consent, whichever occurs first.
3. That prior to endorsonation of the deeds, the owner shall have an Ontario Land Surveyor prepare a reference plan identifying the required easements.
4. That prior to endorsonation of the deeds, the owner's solicitor certifies that the easements, in favour of the dominant tenements (265 Edinburgh Road) owner of the proposed severed lands (Part 1), Part of lots 4, 5, 6 and 7, Range "4", Division "A" and (54 Westmount Road) owner of the proposed retained parcel (Part 2), Part of lots 3, 4, 5, 6, 7, 8 and 9, Range "4", Division "A", have been granted and registered on title.

# STAFF REPORT

AMENDED

## DECISION

COMMITTEE OF ADJUSTMENT  
APPLICATION NUMBER B-23/14



The Committee, having had regard to the matters that are to be had regard to under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

5. That the Zoning By-law Amendment application submitted to change the zoning on the subject "retained" parcel be approved and in full force and effect, prior to the endorsement of deeds.
6. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 25, 2015.
7. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
8. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
9. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Members of Committee  
Concurring in this Decision

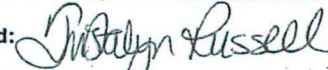




I, Tristalyn Russell, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on November 20, 2014.

Dated: November 25, 2014

Signed:



The last day on which a Notice  
of Appeal to the Ontario  
Municipal Board may be filed  
is December 16, 2014.

Committee of Adjustment

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E cofa@guelph.ca

# STAFF REPORT



**TO:** Council Planning

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

**DATE:** May 11, 2015

**SUBJECT:** **40 MARGARET STREET: NOTICE OF INTENTION TO DESIGNATE PURSUANT TO PART IV OF THE ONTARIO HERITAGE ACT**

**REPORT NUMBER:** 15-38

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

To provide a report recommending that notice of intention to designate 40 Margaret Street be published pursuant to Part IV of the *Ontario Heritage Act*.

### KEY FINDINGS

This recommendation follows a request by the Trustees of the Paisley Memorial United Church for Council to consider the protection of the cultural heritage value and identified heritage attributes of the church building at 40 Margaret 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.

Heritage Planning staff, in consultation with Heritage Guelph, have compiled a statement of significance including the heritage attributes of the property. Staff recommends 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 40 Margaret Street.

## RECOMMENDATIONS

1. That the Council Planning Report 15-38, dated May 11, 2015 regarding the notice of intention to designate 40 Margaret 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 40 Margaret 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, River of Life International Fellowship, is supportive of a request made in 2011 by the former property owners (Trustees of the Paisley Memorial United Church) that City Council consider protecting the cultural heritage value of 40 Margaret Street through an individual heritage designation by-law. An understanding was reached between both congregations (the seller and the purchaser) that the recommendation to initiate the heritage designation process would not be made to Council until the River of Life congregation had completed their plans to alter the church interior to suit their style of worship.

At the November 28, 2011 meeting Heritage Guelph endorsed staff taking the Notice of Intention to Designate to Council for consideration by passing the following motion:

"THAT Heritage Guelph supports the heritage designation of the property at 40 Margaret Street (Paisley Memorial United Church) and recommends that Council publish an intention to designate the property at 40 Margaret Street pursuant to Part IV of the *Ontario Heritage Act*."

Heritage Guelph has recommended that the goal of the heritage designation should be to protect the extant form and fixtures of the original 1907 church building and that the chattels following the list of heritage attributes should be allowed to be re-oriented, re-purposed or removed by the property owner in such a way that is acceptable to Heritage Guelph.

The legal owner of the property is the River of Life International Fellowship.

The legal description of the property to be designated is Plan 113 Lot 104 Pt Lot 100 Pt Lot 102. The property has frontage on Howitt Street and Margaret Street. Howitt Street was created in 1905 through the subdivision of Plan 113 by Registered Plan 304. The dimensions of the property parcel to be designated are 50.292m x 40.502m x 20.117m x 13.200m x 30.175 x 27.302 m with a lot area of 1,638 m<sup>2</sup>(<sup>+-</sup>) (0.1638 hectares).

# STAFF REPORT



The lot that is now 57 Howitt Street, containing the former Paisley Memorial United Church manse (Attachment 2), was severed from the church property through a Committee of Adjustment Consent Application decision in September 1999. The Reference Plan (61R-8147) that resulted from that severance is provided (see Attachment 2) and is used for lot dimensions.

The Paisley Memorial United Church at 40 Margaret Street was recognized in the Couling Inventory in the 1970s and in the Burcher/Stokes Inventory by 1996 and has been listed as a non-designated property in the *Municipal Register of Cultural Heritage Properties* since 2009.

In preparation to sell the church property, the Trustees of the Paisley Memorial United Church, approached Heritage Planning staff in 2011 with a request to have the church property designated in order to protect the exterior and interior heritage attributes of the original 1907 building, and in particular the building's stained glass windows. The property was subsequently sold to the River of Life International Fellowship in 2012. The new owners have now completed their renovations to the apse area of the church's interior to accommodate their style of worship (Attachment 7). These alterations were determined by Heritage Planning staff and Heritage Guelph to have no negative effect on the proposed heritage attributes of the proposed designation of the original church building.

## **REPORT**

40 Margaret Street meets the criteria for designation as defined under Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest as outlined in Attachments 4, 5 and 6 of this report. The elements that are proposed to be protected by designation are listed in Attachment 4.

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 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 heritage designation plaques.

# STAFF REPORT



## 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 Maps and Principle View

Attachment 2 – Survey Sketch and Reference Plan

Attachment 3 – Floor Plan and Key to Window Locations

Attachment 4 – Reasons for Designation of 40 Margaret Street

Attachment 5 – Heritage Character Statement

Attachment 6 – Assessment using Criteria for Determining Cultural Heritage Value or Interest

Attachment 7 – Current Photographs

Attachment 8 – Chain of Title, Historical Plans and images

### Report Author

Stephen Robinson  
Senior Heritage Planner

### Approved By

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

### Approved By

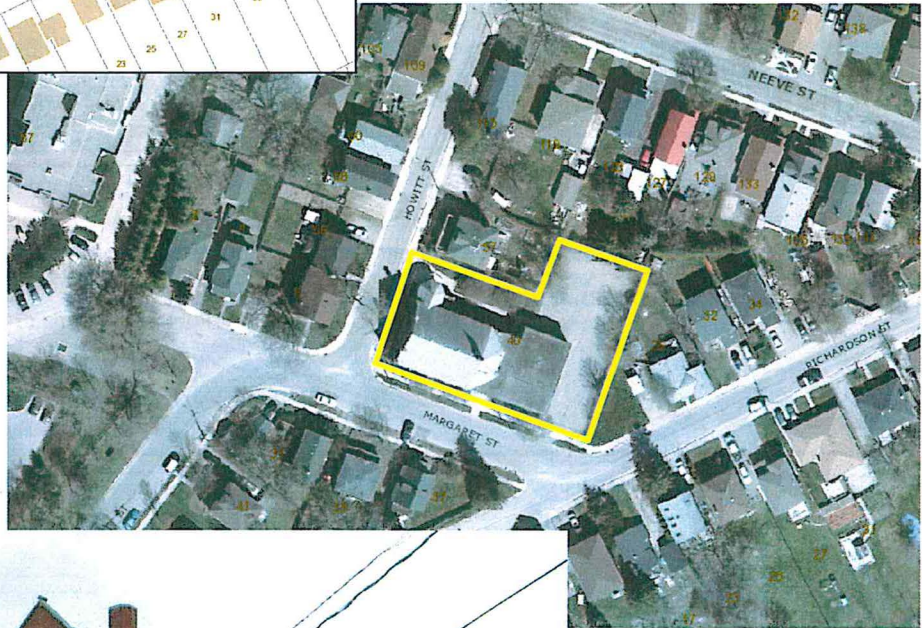
Melissa Aldunate  
Manager, Policy Planning & Urban Design

### Recommended By

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

# STAFF REPORT

## Attachment 1 – Location Maps and Principle View

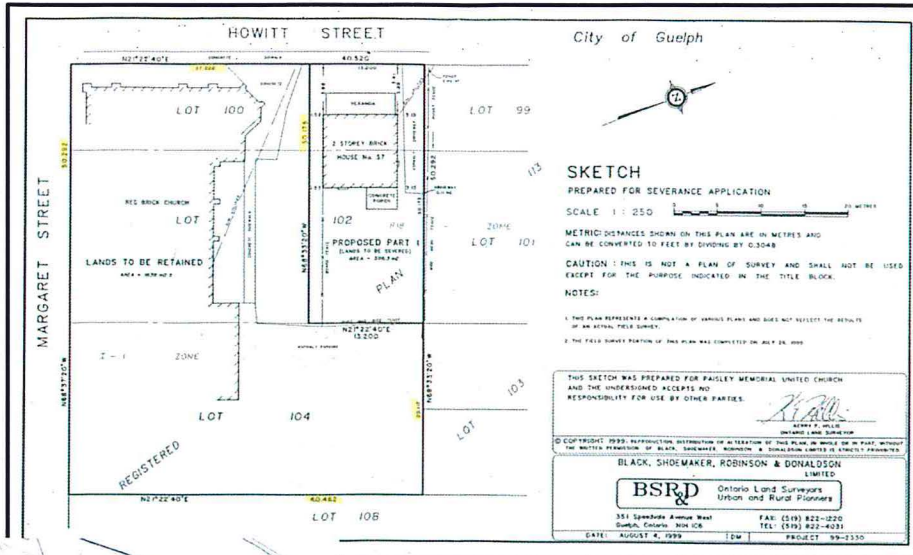


(Images: City of Guelph,  
OnPoint)



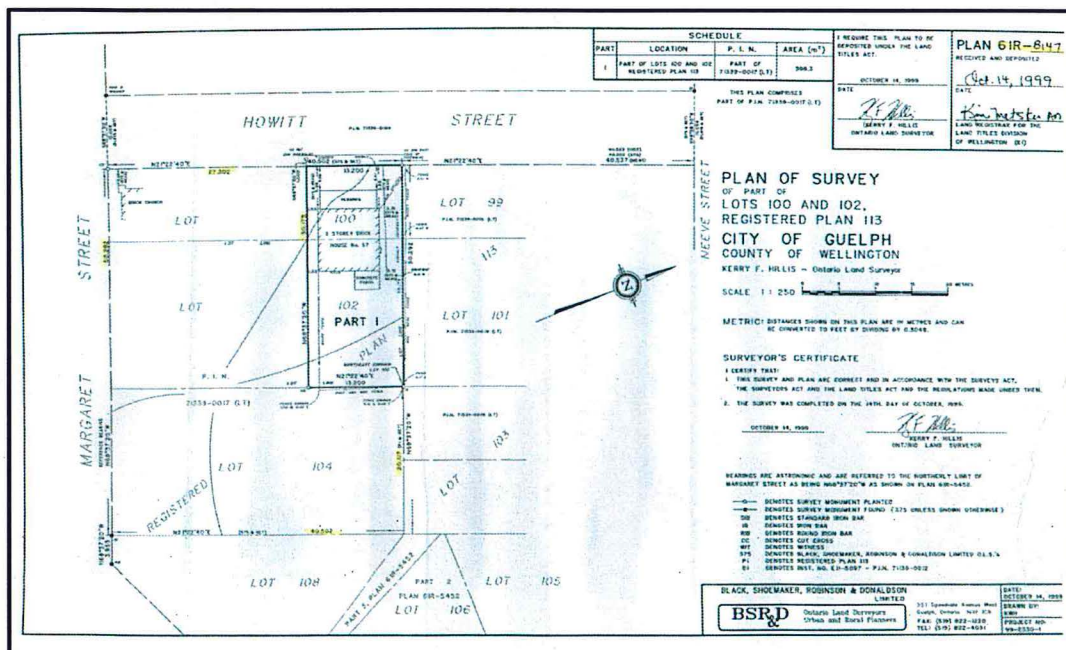
40 Margaret Street

## Attachment 2 – Survey Sketch and Reference Plan



(Above) Sketch prepared for Committee of Adjustment Consent Application for the severance of a lot containing the former church manse. (Below) Reference Plan 61R-8147 (Black, Shoemaker, Robinson & Donaldson Limited)

57 Howitt Street – former church manse

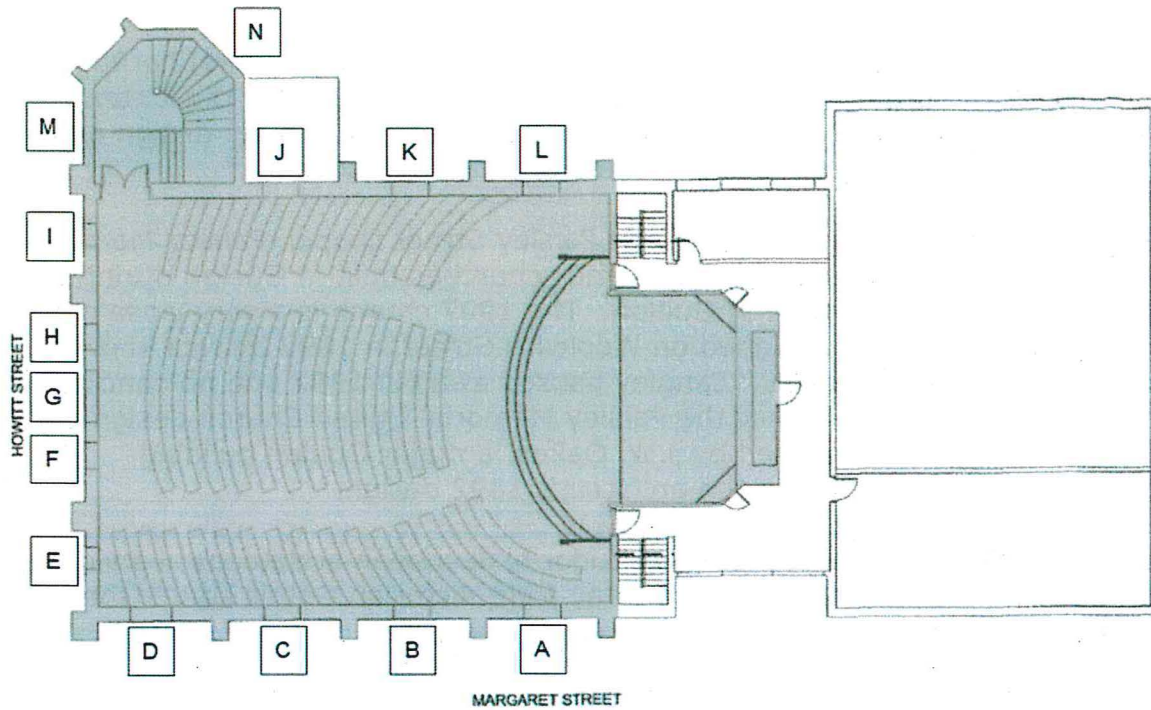




# STAFF REPORT

## Attachment 3 – Floor Plan and Key to Window Locations

Grey area represents the portion of the building to be protected by the designation.  
(Floor Plan: J. David McAuley Architect Inc.)



## **Attachment 4 – Reasons for Designation of 40 Margaret Street (Paisley Memorial United Church)**

### ***Why the property is being designated:***

40 Margaret Street 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 40 Margaret Street display: design or physical value, historical or associative value and contextual value.

Built in 1907, after the loss by fire of their Paisley Street chapel, Paisley Memorial United Church represents one of the few brick churches built in Guelph during the later 19<sup>th</sup> and early 20<sup>th</sup> century in Guelph. The 1907 church is a very close copy of the Second Baptist Church designed on Woolwich Street in 1892 by well known Toronto architect Henry Langley. Langley passed away in 1907 and no conclusive evidence has been found whether the Paisley Memorial United Church design was from his pen or simply re-created by J.W. Oakes, a major Guelph building contractor at the time, based on the architect's 1892 design.

Both churches have been noted for their Tudor or Jacobean architectural style and as examples of congregations swinging away from Victorian Gothic style - the most popular style in Guelph's 19<sup>th</sup> century church architecture. The use of red brick in very solid massing with rounded window and door arches reflect the late Victorian Romanesque Revival style that continued in popularity into the Edwardian period.

The church at 40 Margaret Street was the third structure built by the Primitive Methodists - a congregation of early colonists in the Guelph area, demonstrating the church's historic roots in the community. The 1907 church congregation was a cohesive group of citizens that included important community figures such as Samuel Carter and, in later years, Gordon Couling. Samuel Carter was a successful local businessman, prominent local and provincial politician, pioneer of the Canadian co-operative movement, and was very involved with the local Methodist community. Gordon Couling was a long-time member of the congregation who designed and hand crafted stained glass windows for the church during 1960-1984 (see Attachment 7). Couling was a driving force behind the heritage conservation movement in Guelph.

The church at 40 Margaret Street contributes to the visual and historic character of Margaret Street and Howitt Street. Additionally, the building remains an important visual landmark for the St. Patrick's Ward.

# STAFF REPORT

## ***What is to be protected by the designation:***

The following heritage attributes to be protected by the heritage designation by-law:

### Exterior

- Gable and hip rooflines of the original 1907 church building (including the Howitt Street entrance porch, the two brick columns above the main roof verge on the front façade and the octagonal ventilator at the rear of the main roof)
- Brick and stone trim exterior of the original (1907) church building (including walls, lintels, sills, copings, string courses, trims etc.)
- Shape and location of all original (1907) window and door openings
- All original (1907) windows and subsequent commemorative windows (frame, sash, hardware and glazing)
- All stained glass windows designed by Gordon Couling
- Carved name/date stone at the Howitt Street entrance
- Exterior light fixtures (e.g. Howitt Street entrance and brick addition on northeast side)
- Two-leaf, wooden doors of Howitt Street entrance

### Interior

- Large, open interior space of the original 1907 church building sanctuary and apse area
- Arched moulding at opening to apse area and crown moulding within apse area
- Ceiling of the sanctuary, supported by arched timber trusses, springing from brackets designed in the form of hammer beams
- Ceiling decoration program designed by Gordon Couling
- Eight hanging light fixtures in ceiling of sanctuary and one in entrance stairway
- All woodwork and finishes of the original (1907) church building interior in the Howitt Street entrance porch and sanctuary (e.g. stairway, interior doors, trim, wainscoting) - excluding the woodwork of the organ, organ screen, organ consol and the apse and sanctuary pews

### Elements considered as chattels

- Organ and its mechanics, organ screen (woodwork/pipes), organ consol and the apse and sanctuary pews

## Attachment 5 – Heritage Character Statement

### Design or Physical Value

Paisley Memorial United Church is located at the southeast corner of Margaret Street and Howitt Street in Guelph. After the congregation's former chapel (built on Paisley Street in 1864 – see Attachment 8) burned down in 1907, the construction of a replacement church on the subject property commenced in 1907 and was completed in 1908. Paisley Memorial United Church represents one of the few major churches built in Guelph using red brick during the early 20<sup>th</sup> century. The church interior is largely in its original condition. The subject building is noted for its Romanesque Revival architectural style and is closely modeled on the Second Baptist Church (200 Woolwich Street, Guelph) designed by Toronto's well known architect Henry Langley (Attachment 8).

Paisley Memorial United Church represents one of the few new churches built during this time. Rather than rebuild the church in the same location in the downtown area, the congregation chose to construct the new church in St. Patrick's Ward, the fastest growing part of the City of Guelph at the time. J.W. Oakes, a prominent contractor, was in charge of construction.

In 1941, the church sanctuary was re-decorated and a new lighting system was installed under the direction and design of Gordon Couling. Couling was an active and long-time member of Paisley Memorial United Church and served the congregation in numerous capacities. Couling was trained in ecclesiastical art, and his artistic contributions to the church are still extant. Couling's knowledge of the Paisley Memorial United Church's roots influenced his artistic style and approach to the architecture of the sanctuary, which expressed the heritage of the congregation.

Artistic merit and high quality craftsmanship are further represented at Paisley Memorial United Church by the stained glass windows designed and hand crafted by Gordon Couling. These stained glass windows represent a rarity in terms of locally made stained glass in Guelph. Between 1960 and 1982, Couling produced seven windows for side and rear walls, conforming to the teaching function of traditional stained glass windows of medieval churches. Couling painted and fired the glass himself, and Guelph Glass assembled and installed the windows in the Church. The last windows were completed after Couling's death in 1984 by the Joseph Bullas Company, Kitchener.

In 1986 and 1987, two windows designed by Mae Potton were installed in the Howitt Street entrance. Mae Potton is a lifelong member of the church, and former Sunday School teacher who grew up in the Ward. Mae Potton was listed in the 1946 church officials as a Sunday School teacher in the Primary Department.

# STAFF REPORT



By the late 1950s and early 1960s, it was evident that the church needed more space in which to conduct their activities. At that time, the congregation had a very large Sunday school that met in various rooms under the sanctuary. As well, every night of the week the building was busy with children's and adult activities. The congregation raised enough money to construct the Christian Education Building that opened in 1964. This addition was designed by noted Guelph architect Richard Pagani, but is not a heritage attribute to be protected by the designation.

## Historical or Associative Value

Paisley Memorial United Church has several elements of cultural value and historical association. The building was the third structure built by the Primitive Methodist congregation who were early colonists in the Guelph area. Their first building was located on the north side of Surrey Street East. Founded by Matthew Nichols in March 1846, their congregation follows the development of colonial worship in Guelph. The congregation's history also traces the coming together of Primitive Methodists with other Methodists in 1884, and again through the inauguration of the United Church of Canada in 1925. The Paisley Memorial United Church congregation represents a cohesive group of citizens, including important figures such as Samuel Carter and Gordon Couling. Their history reflects the working class roots of St. Patrick's Ward, numerous outreach and community development programs in industry, theatre, and sports, as well as international mission work.

Samuel Carter arrived in Guelph in 1882/83, when he was 21 years old. Carter was a successful local businessman, prominent local and provincial politician, pioneer of the Canadian co-operative movement, and was very involved in the local Methodist community. Carter was an influential member of the Paisley Street Primitive Methodist Church in Guelph; he became a local preacher, church trustee, and superintendent of the Sunday School. After a fire destroyed the church in April 1907, Carter led the contributions to a fund to build a new church. Samuel Carter is remembered at the church by the dedication of the New Testament Window, designed by Gordon Couling.

Gordon Couling and his wife were long-time members of the congregation at the Paisley Memorial United Church. In 1941 the Church was redecorated by Gordon Couling, a church member trained in ecclesiastical art. Couling also designed for the church some of the most original stained glass windows that can be found in the City of Guelph. Couling was born and raised in Guelph and was trained in Art at the Ontario College of Art before World War II. Couling became the founding chair of the Fine Art Department when the new University of Guelph was created in 1964. In addition to his artistic endeavours, Couling was the main force behind the architectural heritage movement in Guelph.

# STAFF REPORT

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## Contextual Value

Built of red brick, the church's material construction bears resemblance to numerous family homes nearby. Upon the church's construction, its view from the west would have offered a strong visual presence, as well as marking a kind of entrance to St. Patrick's Ward to those travelling from downtown Guelph. It has close associations with a number of St. Patrick Ward factories, notably the Armstrong carpet factory on Neeve Street.

40 Margaret Street remains an important visual landmark for the St. Patrick's Ward. The building contributes to the visual and historic character of Margaret Street and Howitt Street. Furthermore, the building demonstrates the development pattern of the area, and at the time the church was built, St. Patrick's Ward was the fastest growing part of the City.

# STAFF REPORT

## Attachment 6 – Assessment of 40 Margaret Street using the Criteria for Determining Cultural Heritage Value or Interest

The 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, material or construction method	...is a rare and unique example of locally designed and crafted stained glass windows.	✓
...displays a high degree of craftsmanship or artistic merit	...exhibits high degree of craftsmanship in the stained glass windows.	✓
...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 the Primitive Methodist congregation as the Church was the third structure built by the congregation. ...has a direct association with Gordon Couling and Samuel Carter, both prominent members of the congregation who were well known in the community.	✓
...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	...reflects the work and ideas of Gordon Couling in the 1941 redesign of the sanctuary and lighting system, and the design and crafting of stained glass windows during 1960-1982.	✓
The property has contextual value because it...		
...is important in defining, maintaining or supporting the character of an area	...contributes to the visual and historic character of Margaret Street and Howitt Street area.	✓
...is physically, functionally, visually or historically linked to its surroundings	... built of red brick, the church's material construction bears resemblance to numerous family homes nearby.	✓
...is a landmark	...40 Margaret Street is an important visual landmark for the St. Patrick's Ward.	✓

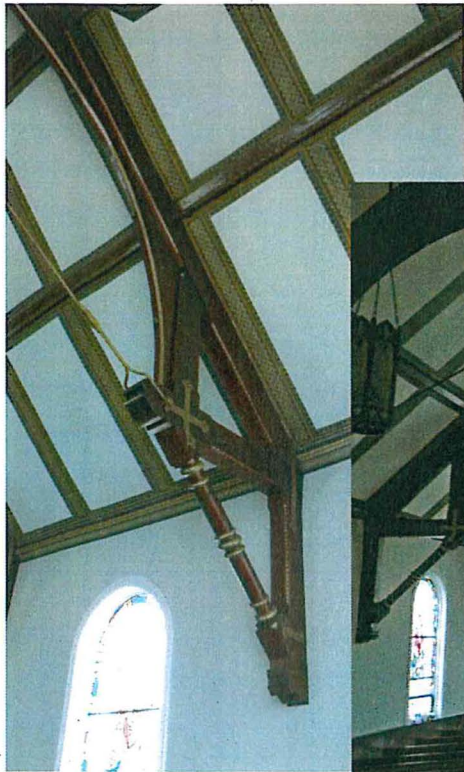
# STAFF REPORT

## Attachment 7 – Current Photographs





# STAFF REPORT



# STAFF REPORT

## Stained Glass Windows, Paisley Memorial United Church - 40 Margaret St



A



B



C



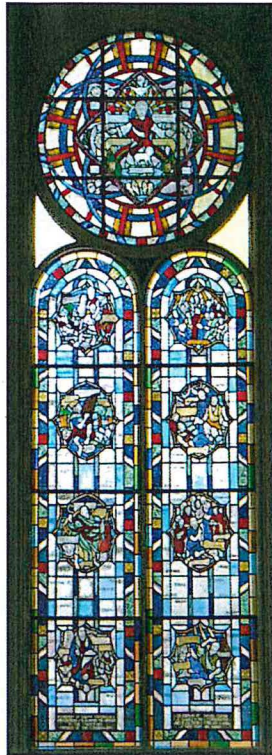
D



E



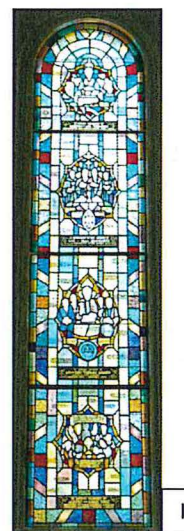
F



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H



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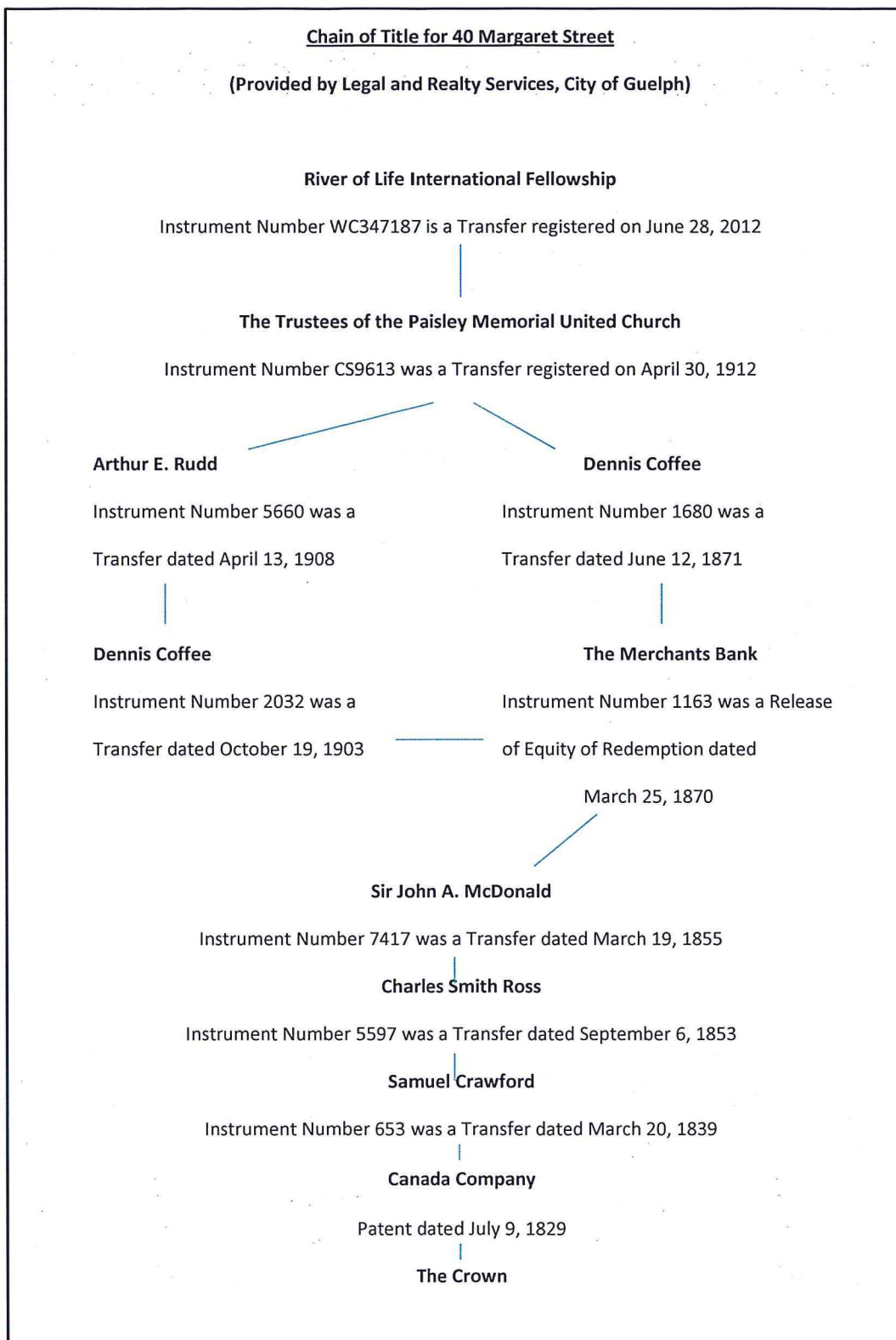
# STAFF REPORT



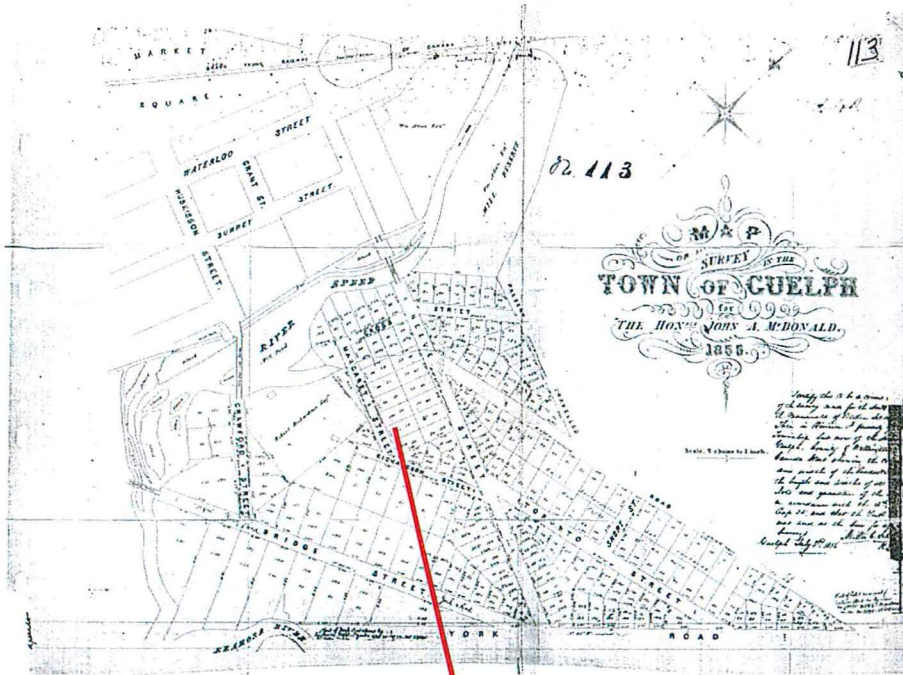
## Stained Glass Windows, Paisley Memorial United Church - 40 Margaret St

A	<i>The Christ Child</i>	1960	(Gift of Mr. and Mrs. Charles Young)
B	<i>The Baptism of Jesus</i>	1979	(In memory of Daniel Quillman by his family)
C	<i>The Calling of the Disciples</i>	1980	(In memory of Harry and Myrtle Card, by their daughters Vida Stone and Hazel Ecott)
D	<i>In the Garden</i>		(In memory of Irene B. Ross, from her husband, Burt)
E	FOUR PANELS OF 'OUR OWN CHURCH HISTORY'		
	<i>Mow Cop</i>		(In memory of "our children, our family the lord made them all" by Edith and Leighton Rumble.)
	<i>Saddle-bag Preacher</i>		(In memory of Kay and Frank Anneveld by their son Ted, his wife Jane and their family Sandy, Heather and Debbie.)
	<i>Matthew Nichols comes to Guelph</i>		(A gift of Olive and Edward Israel for their 40 <sup>th</sup> wedding anniversary (1943-1983)).
	<i>The Paisley Methodist Church Fire</i>		(In memory of Sidney Robert Ecott, by his wife Hilda and his brother Bert.)
F	<b>Reformation Window</b>		(In memory of Lula Calvert.)
G (upper)	<b>The Church Triumphant</b>		(A gift in appreciation of the Christian love and work of Judge Roy and Willa Austin, by their family.)
G (left)	<b>Old Testament Window</b>		(In memory of Gordon Couling.)
G (right)	<b>New Testament Window</b>		(In memory of Samuel Carter.)
H	<b>Missionary Window</b>		(In memory of Erna and Ernest V. Tidswell by her sister Dorothy K. Cabeldu.)
I	FOUR PANELS OF 'THE UNITY WINDOW'		
	<i>The Last Supper</i>		(In memory of Gordon and Ada Ferguson by John and Kathleen, and Bonnie and Bruce Chihrin.)
	<i>Inaugural Communion of the United Church of Canada</i>		(In memory of Lou and Olga Grosskurth by son Harold.)
	<i>World Council of Churches</i>		(In memory of Mr. and Mrs. Thomas Lillico by granddaughters Marianne Auld and Margaret Cook)
	<i>"In Christ there is no east or west."</i>		(In memory of Albert and Annie Cook, by daughters and family, Margaret, Marianne, Gordon, and Susan.)
J	<i>The Good Samaritan</i>	1967	(Victoria and Laura Tilk)
K	<i>The Road to Emmaus</i>		(Gift of Fred Scott in memory of wife, Lena. In honour of Rev. and Mrs. A. W. Osborne.)
L	<i>The Good Shepherd</i>	1960	(Rev. George Van Loon)
M	<i>Called to Respond</i>	1987	(Designed by Mae Potten for the 25 <sup>th</sup> Anniversary of the United Church Women)
N	<i>Called to Worship</i>	1986	(Designed by Mae Potten for Ernest and Jennie Potten, Margaret Atkinson, and James Potten.)

## ATTACHMENT 8 – Chain of Title, Historical Plans and Images

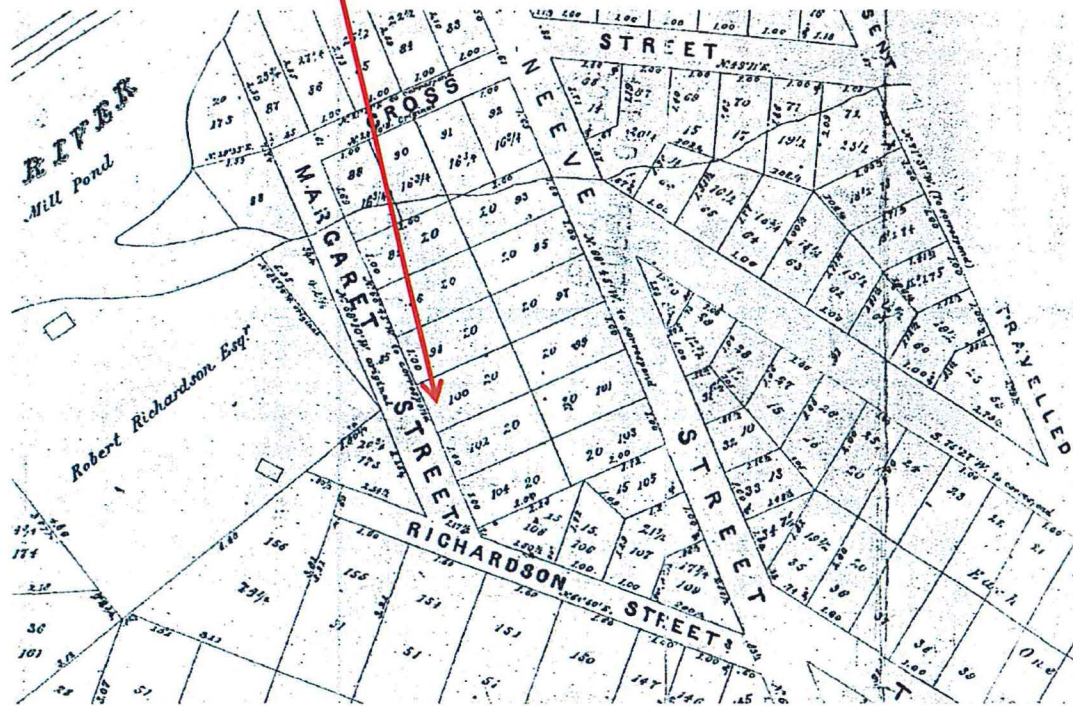


# STAFF REPORT

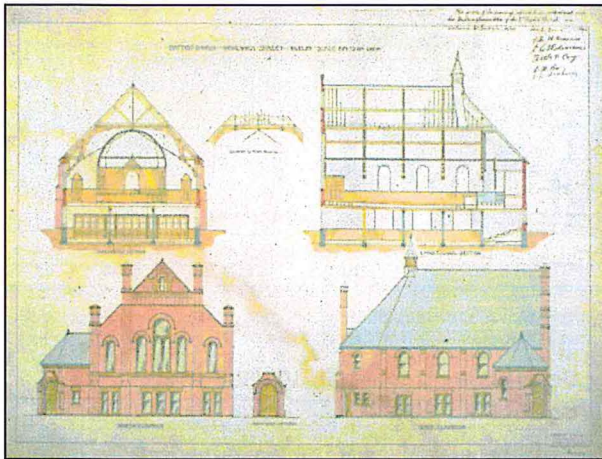


Registered Plan 113  
(dated 1855)

Detail showing Lots 100, 102 and 104 on  
Registered Plan 113



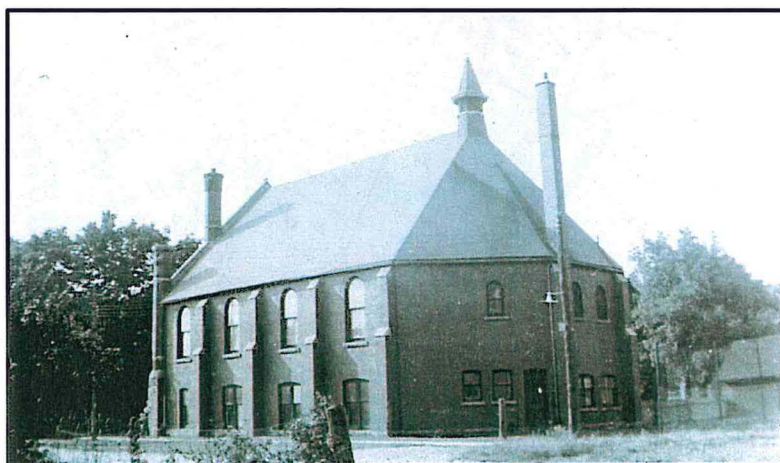
# STAFF REPORT



Elevations for Second Baptist Church (Source: Archives of Ontario)



200 Woolwich Street, Guelph



South view of Paisley Memorial United Church c. 1946  
(Source: Paisley Memorial United Church).

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE May 11, 2015

**SUBJECT Proposed Demolition of 1274 and 1288 Gordon Street  
Ward 6**

REPORT NUMBER 15-42

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide background and a staff recommendation related to a request for demolition approval of two (2) single detached dwellings.

### KEY FINDINGS

Two (2) existing single detached dwellings are proposed to be demolished and replaced with a proposed mixed use development consisting of two (2) apartment buildings with a total of one hundred and ninety nine (199) new residential units and three hundred and eighty seven (387) square metres of commercial space, resulting in a net gain of residential dwelling units.

### FINANCIAL IMPLICATIONS

None.

### ACTION REQUIRED

Council is being asked to approve the demolition request.

## RECOMMENDATION

1. That Report 15-42 regarding the proposed demolition of two (2) single detached dwellings at 1274 and 1288 Gordon Street, legally described as Concession 8 Part Lot 6, RP 61R9757; Concession 8 Part Lot 6; City of Guelph, from Infrastructure, Development and Enterprise dated May 11, 2015, be received.
2. That the proposed demolition of two (2) detached dwellings at 1274 and 1288 Gordon Street be approved.
3. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to undertaking activities which may injure or destroy regulated trees.

# STAFF REPORT



4. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and construction activities.
5. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. 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**

An application to demolish two (2) single detached dwellings at 1274 and 1288 Gordon Street was received on April 10<sup>th</sup>, 2015 by Planning, Urban Design and Building Services.

The subject properties are located on the east side of Gordon Street and north of Arkell Road. The subject properties are zoned R.4A-44 (Specialized Residential Apartment Zone) which permits Apartment Buildings, Accessory Uses in accordance with Section 4.23 and Home Occupations in accordance with Section 4.19 and P.1 (Conservation Land), which permits Conservation Areas, Flood Control Facilities, Recreation Trails and Wildlife Management Areas.

The applicant is requesting to demolish the existing dwellings on the subject properties. It is the intention of the applicant to redevelop these lands, along with lands known as 1280 Gordon Street, for two (2) apartment buildings with 199 units that will subsequently be constructed in two phases. The site was rezoned in 2012 to permit the development.

There is currently an active Site Plan application (file number SP13A041) which was submitted on September 25, 2013 which proposes seventy five (75) residential units with three hundred and eighty seven (387) square metres of commercial space in phase 1 (building 'A') and one hundred and twenty four (124) residential units in phase 2 (building 'B') resulting in a total of one hundred and ninety nine (199) new residential units and three hundred and eighty seven (387) square metres of commercial space (see location map and site photos on Attachments 1 and 2). The proposed site plan and front elevation concept drawings for the replacement building proposed for phase 1 is included in Attachment 3 for information and was submitted as part of the site plan application.



# STAFF REPORT



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## 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

The structures at 1274 and 1288 Gordon Street are not designated under the Ontario Heritage Act and have 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.

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. It is staff's opinion that the buildings do not have significant architectural/design value, historical/associative or contextual value. Heritage Planning staff have no objection to the proposed demolition of the buildings on the subject properties.

### Tree Protection

The subject properties once consolidated is more than 0.2 hectares in size and, therefore is regulated by the Private Tree Protection By-law. Therefore, both the properties 1274 & 1288 Gordon Street are subject to Tree Protection Bylaw (2010-19058), and hence trees on-site and off-site should be protected and retained during demolition.

A Tree Preservation Plan will be required prior to undertaking activities which may injure or destroy regulated trees. A Tree Protection Zone (TPZ) will need to be established where protective tree hoarding would be installed. The owner will also be requested to erect protective hoarding around any trees outside the TPZ on the property prior to demolition activities and maintain the hoarding throughout the demolition process. There should be no equipment within or materials stored within the TPZ or the tree's root zone.

More than 470 new trees and shrubs will be installed on site to compensate for the loss of 170 existing trees. These compensation plantings will be installed along the rear of the properties providing enhancements for the Torrence Creek Provincially Significant Wetland as well as the wildlife corridor along the southern limit of the properties.

It should be noted that if the demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search must be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA).

# STAFF REPORT



## Recommendation

The approval of the demolition application is recommended as the existing dwellings are not a significant cultural heritage resource, and are proposed to be replaced with two apartment buildings providing a total of one hundred and ninety nine (199) apartment units and three hundred and eighty seven (387) square metres of commercial space. Therefore, there will be a net gain of residential stock proposed as a result of this application.

## **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 and Policy Planners 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 Site Plan for Mixed Use Development
- Attachment 4 - Proposed Front Elevation for Mixed Use Development

### **Prepared By:**

Randy Harris  
Administrator of  
Planning Technical Services

### **Approved By**

Todd Salter  
General Manager  
Planning, Urban Design and Building  
Services  
519-822-1260, ext.2395  
todd.salter@guelph.ca

### **Approved By:**

Sylvia Kirkwood  
Manager of Development Planning

### **Recommended By**

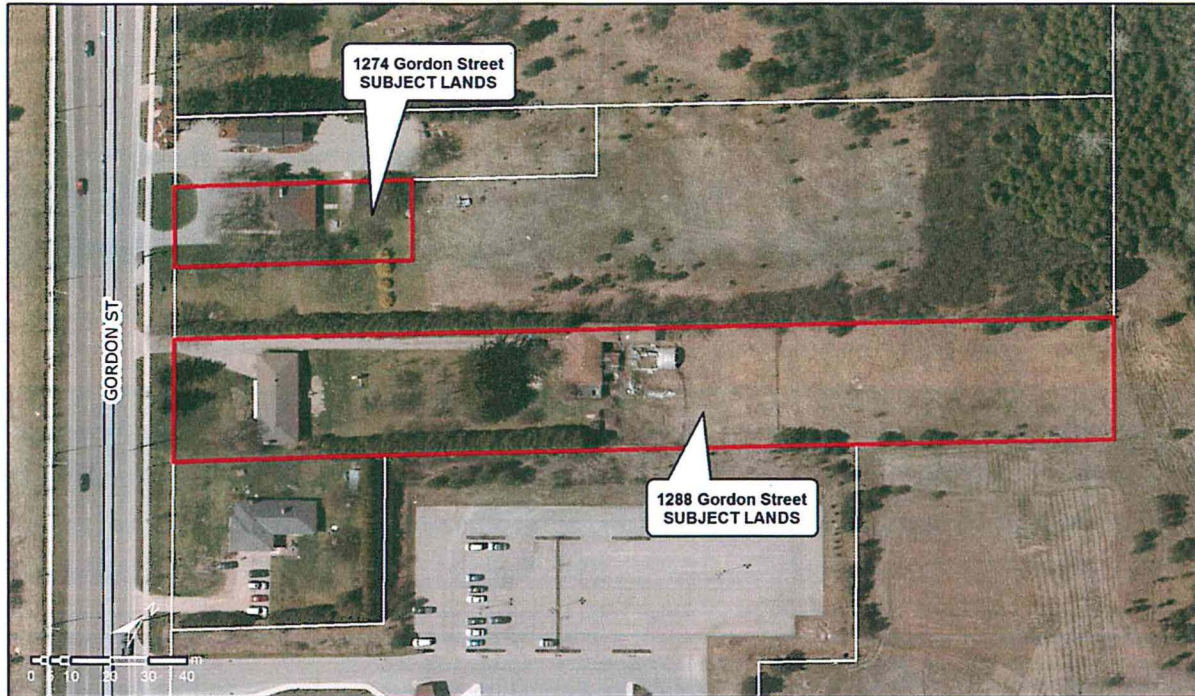
Al Horsman  
Deputy CAO  
Infrastructure, Development  
and Enterprise  
519-822-1260, ext. 5606  
al.horsman@guelph.ca

## ATTACHMENT 1 – Location Map



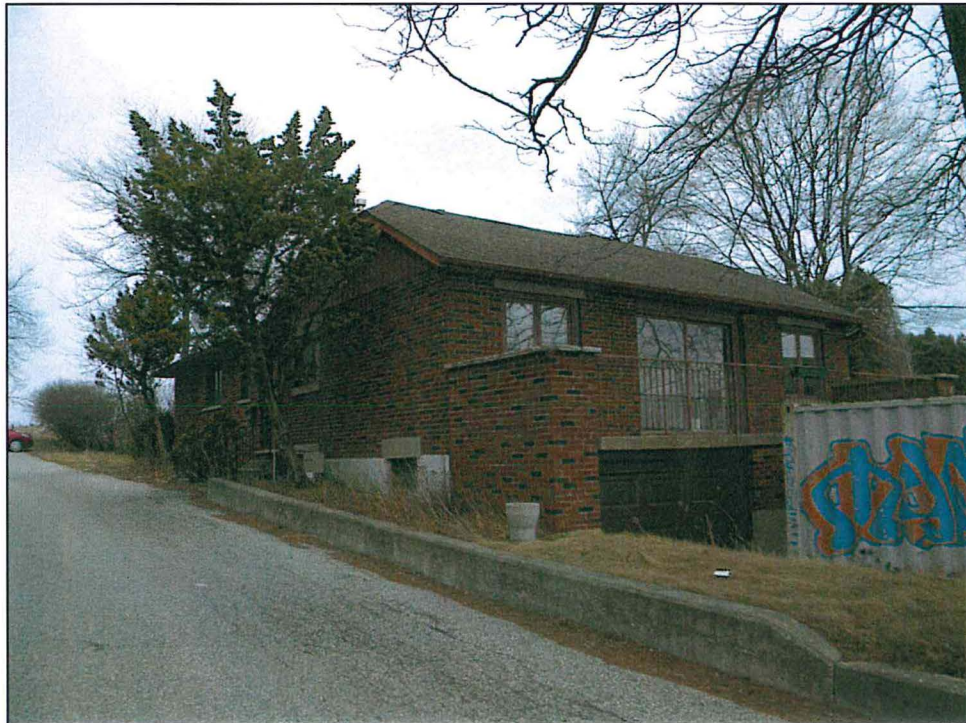
## ATTACHMENT 2 – Site Photos

### Aerial Photograph



## Photos of 1274 and 1288 Gordon Street

### 1274 Gordon Street



# STAFF REPORT

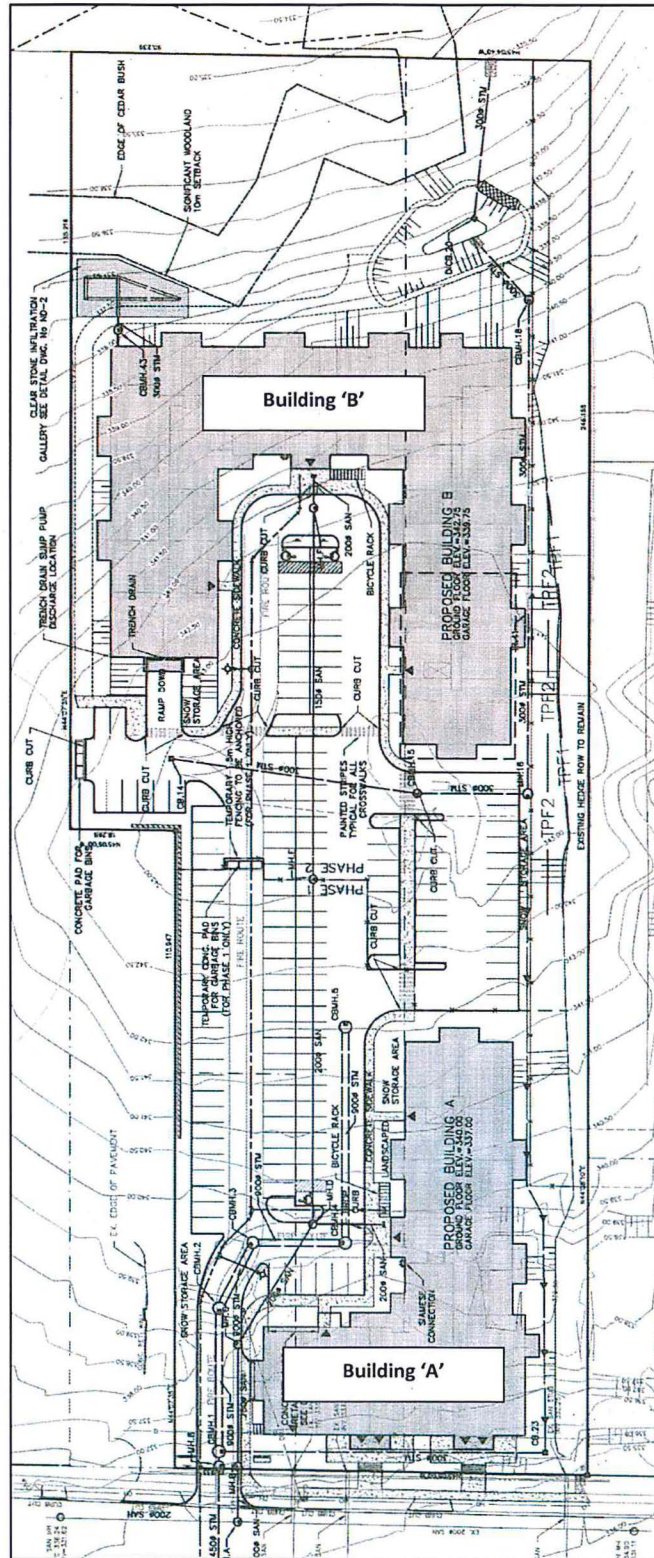
1288 Gordon Street



(Photos taken by Randy Harris April 2015)

# STAFF REPORT

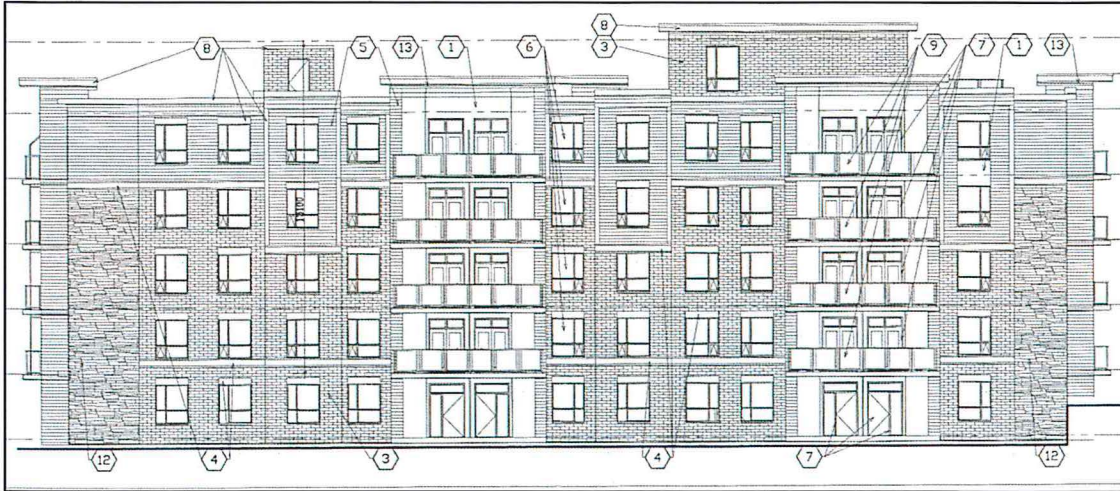
## ATTACHMENT 3 – Proposed Site Plan for Mixed Use Development



# STAFF REPORT

## ATTACHMENT 4 – Proposed Front Elevation for Mixed Use Development

### Phase 1 - Building 'A'





Please recycle!

- **BYLAWS** -

- **May 11, 2015** -

<p>By-law Number (2015)-19899 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 265 Edinburgh Road North and legally described as Part of Lots 4, 5, 6 and 7, Range 4, Division `A', City of Guelph (ZC1310).</p>	<p>To amend the Zoning By-law as approved by Council, May 11, 2015. (265 Edinburgh Road North)</p>
<p>By-law Number (2015) – 19900 A by-law to to cancel municipal and education taxes for a period of up to 3 years for the property known municipally as 180 Gordon Street and described as: PIN 71237-0023, Part Lot A, Plan 302, As in RO743914; T/W RO743914 Guelph.</p>	<p>To cancel municipal and education taxes for a period up to three years. (180 Gordon Street, as permitted under the Brownfield Redevelopment Community Improvement Plan)</p>