

# COUNCIL PLANNING AGENDA



**DATE JUNE 3, 2008**

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**

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

### **1) VICTORIA NORTH SUBDIVISION**

Proposed Draft Plan of Subdivision and Associated Zoning By-law  
Amendment (23T-08502/ZC0802)- Ward 2

- a) Staff presentation by Chris DeVriendt
- b) Delegations (*limited to a maximum of ten minutes*)
  - i) Astrid Clos
  - ii) Hussein Ghaddar
  - iii) Chris Sims
- c) Staff summary

### **2) DALLAN SUBDIVISION**

Proposed Draft Plan of Subdivision and Associated Zoning By-law  
Amendment (23T-08503/ZC0803)- Ward 6

- a) Staff presentation by Katie Nasswetter
- b) Delegations (*limited to a maximum of ten minutes*)
  - i) Carol Koenig on behalf of Guelph Field Naturalists  
Correspondence
  - ii) Charles Cecile on behalf of Guelph Field Naturalists
- c) Staff Summary

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## **PLANNING CONSENT DECISIONS**

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

- 1) **35 and 40 SILVERCREEK PARKWAY SOUTH**  
Proposed Official Plan and Associated Zoning By-law Amendments  
(OP0506/ZC0516) (Wards 3 & 4)
  - a) Staff presentation by Scott Hannah
  - b) Delegations
    - i) Gordon Petch on behalf of Armel
    - ii) Laura New
  - c) Correspondence

## **ADJOURNMENT**

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services  
DATE June 3, 2008

**SUBJECT Victoria North Subdivision – Proposed Draft Plan of  
Subdivision and Associated Zoning By-law Amendment  
(File: 23T-08502/ZC0802) – Ward 2**

REPORT NUMBER 08-61

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## RECOMMENDATION

"THAT Report 08-61 regarding a Proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Victoria North Subdivision applying to property municipally known as 671 Victoria Road North, and legally described as Part of Lot 1, Concession 7, Division 'C', City of Guelph, from Community Design and Development Services dated June 3, 2008, BE RECEIVED."

## SUMMARY

This report provides information on an application requesting approval of a draft plan of subdivision and associated zoning by-law amendment application (23T-08502 / ZC0802) from Astrid J. Clos Planning Consultants on behalf of 1592930 Ontario Inc.

## BACKGROUND

An application for a draft plan of subdivision and associated zoning by-law amendment has been received for the property municipally known as 671 Victoria Road North. The proposal is a request to develop the property for commercial and residential use. The application was deemed to be a complete application on April 24, 2008.

## Location

The subject site is a 3.92 hectare parcel located northeast of the intersection of Victoria Road North and Wideman Boulevard. The site is bounded by the existing Grand River Conservation (GRCA) lands to the north and the east, future residential development to the south (Northview Estates Phase 2) and Victoria Road to the west (see Location Map on **Schedule 1**).

## Official Plan Designation

The existing Official Plan land use designations that apply to the subject lands are "General Residential" and "Neighbourhood Centre (4650 m<sup>2</sup>)". The relevant Official Plan Land Use Map and policies are included in **Schedule 2**.

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## **Existing Zoning**

The subdivision lands are zoned "Rural" in the Township of Guelph-Eramosa Zoning By-law (see **Schedule 3**).

## **REPORT**

### **Description of Proposed Plan of Subdivision**

The application is a request to subdivide the subject property in accordance with the draft plan of subdivision attached in **Schedule 4**.

The proposed draft plan of subdivision contains a 1.24 hectare neighbourhood commercial block (Block 5) at the northeast corner of the intersection of Victoria Road North and Wideman Boulevard. A total of 83 on-street townhouse units are also proposed with frontage along a new Road 'A' that would provide a connection between Wideman Boulevard and Victoria Road North. A storm water management block (Block 6) is situated at the northeast portion of the proposed draft plan.

Details of the proposed subdivision are included in **Schedule 6**.

The density of the proposed subdivision, as calculated under "Places to Grow", is approximately 75 persons and jobs per hectare.

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

To implement the proposed draft plan of subdivision, the owner wishes to rezone the subject property from the "Rural" Zone, as referred to in the Township of Guelph-Eramosa Zoning By-law, to the NC (Neighbourhood Commercial) Zone, the R.3B (On-Street Townhouse) Zone and the P.1 (Conservation Land) Zone.

The proposed zoning concept is provided in **Schedule 5**.

### **Supporting Documents**

1. Preliminary Servicing and Stormwater Management Report. Victoria North Subdivision 1592930 Ontario Inc. Prepared by Gamsby and Mannerow Limited. April 2008.

### **Staff Review**

The review of this application will address the following issues:

- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control).
- Evaluation of the proposal against the General Residential and Neighbourhood Centre policies of the Official Plan.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Review of the site design for the proposed commercial block.
- Review of the proposed zoning.
- Community Energy Plan conformity.

- Review timing in relation to the Development Priorities Plan and phasing policy.

Once the application is reviewed and all issues are addressed, a report from Community Design and Development Services with a recommendation will be considered at a future meeting of Council.

### **CORPORATE STRATEGIC PLAN**

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

### **FINANCIAL IMPLICATIONS**

Financial implications will be reported on in the future Community Design and Development Services recommendation report to Council.

### **COMMUNICATIONS**

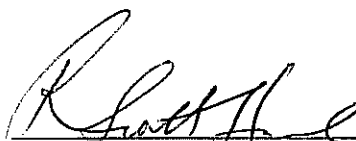
The Notice of Application and Notice of Public Meeting was circulated on May 12, 2008.

### **ATTACHMENTS**

- Schedule 1 – Location Map
- Schedule 2 – Relevant Official Plan Designations and Policies
- Schedule 3 – Existing Zoning
- Schedule 4 – Proposed Draft Plan of Subdivision
- Schedule 5 – Proposed Zoning
- Schedule 6 – Details of Proposed Draft Plan of Subdivision



**Prepared By:**  
Chris DeVriendt  
Senior Development Planner



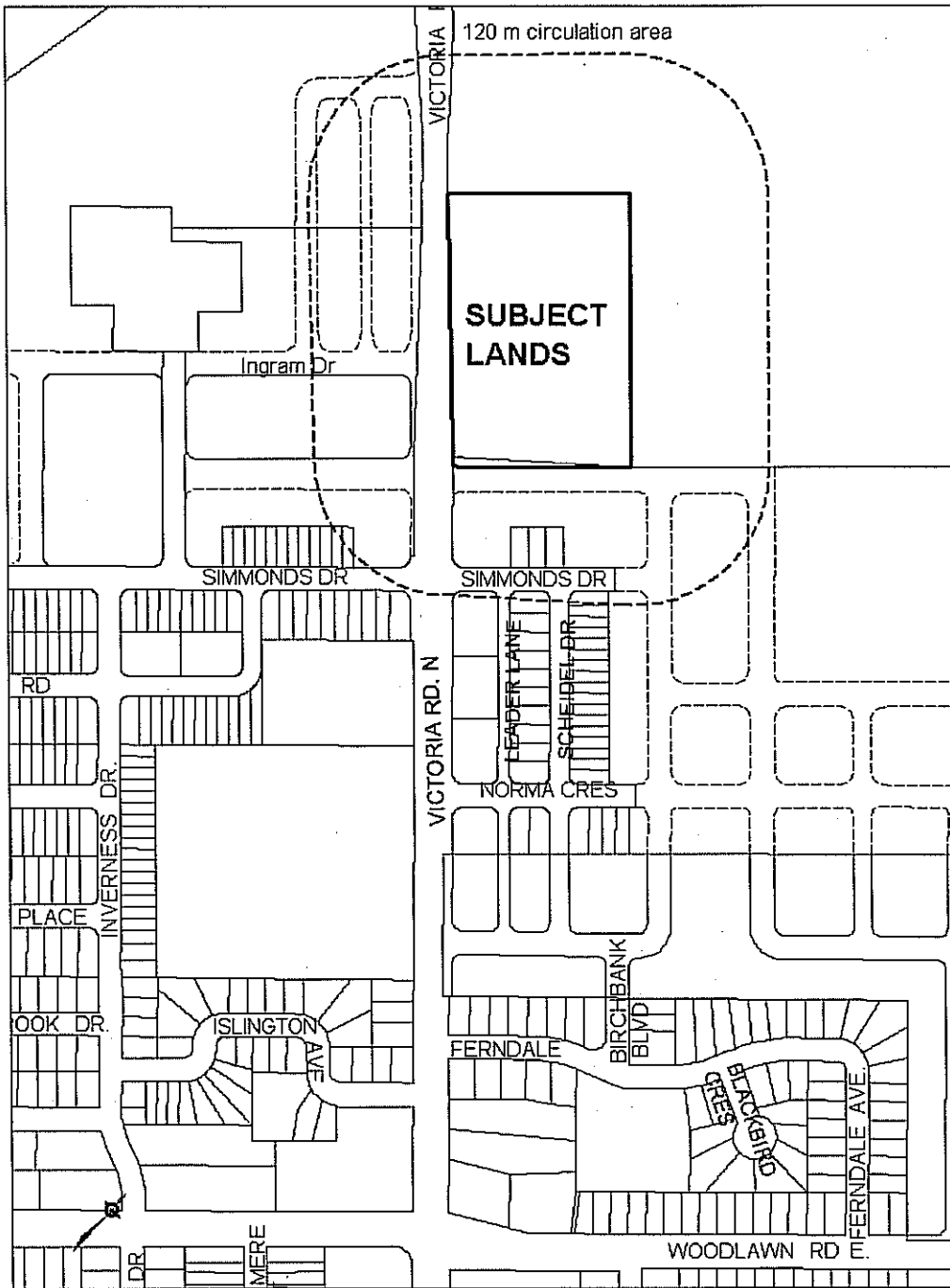
**Recommended By:**  
R. Scott Hannah  
Manager of Parks and Development  
Planning



**Recommended By:**  
Jim Riddell  
Director of Community Design and  
Development Services

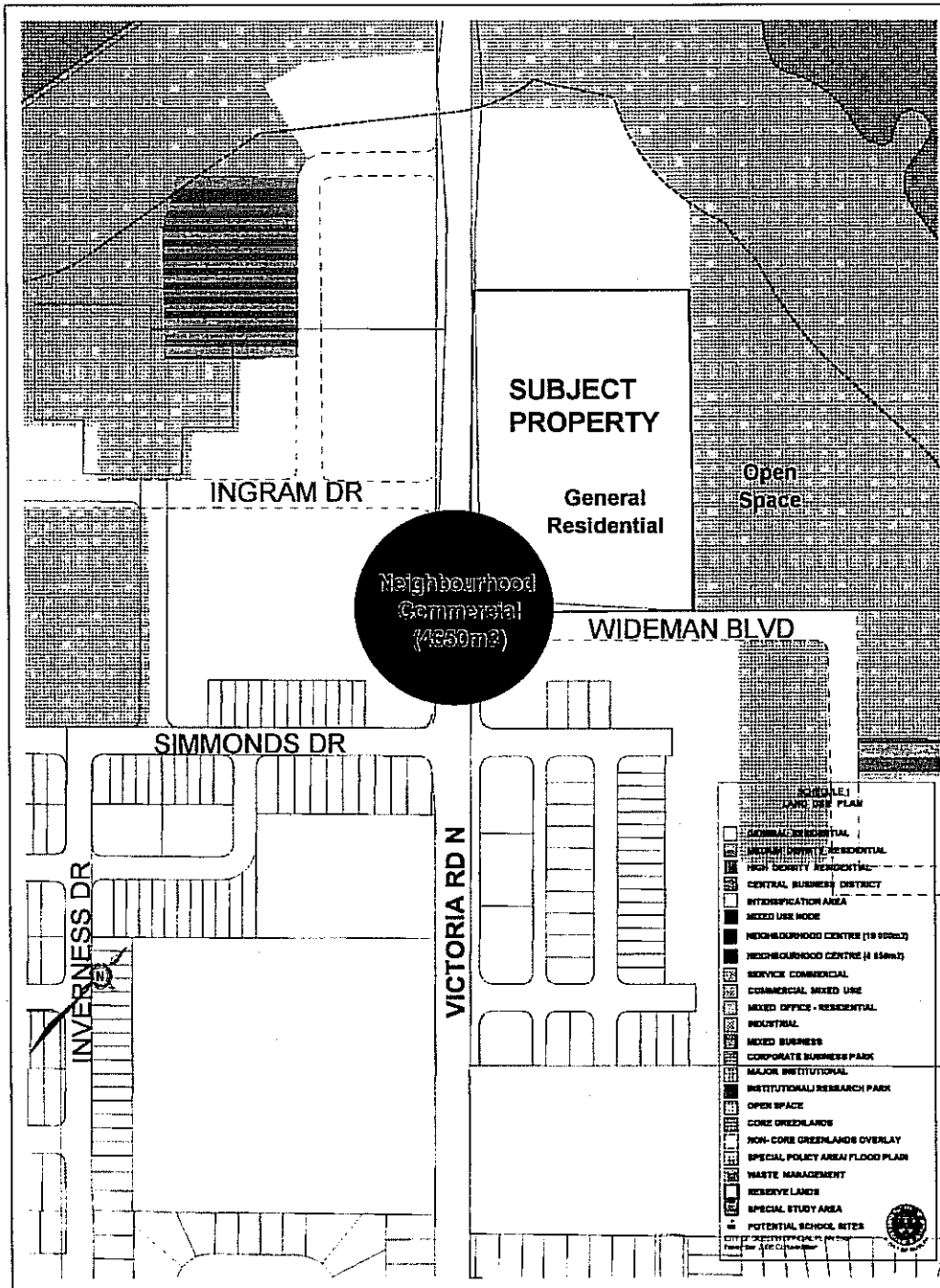
# SCHEDULE 1

## Location Map



# SCHEDULE 2

## Relevant Official Plan Designations and Policies



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## **SCHEDULE 2 (continued)**

### **Relevant Official Plan Designations and Policies**

#### **Neighbourhood Commercial Centre**

- 7.4.22 A 'Neighbourhood Commercial Centre', comprised of one or several commercial buildings on one or more properties within a compact "node", is intended to primarily serve the shopping needs of residents living and working in nearby neighbourhoods and employment districts. In addition, institutional and small scale office uses may also be permitted where these uses are compatible with the particular surroundings. Medium density multiple unit residential buildings and apartments in accordance with Section 7.2 may also be permitted provided the principle commercial function is maintained.
- 7.4.23 The 'Neighbourhood Commercial Centre' designations on Schedule 1 recognize the existing centres within the City and identify the general location of new 'Neighbourhood Commercial Centres'.
- 7.4.24 Proposals to designate new 'Neighbourhood Commercial Centres' or to expand an existing designation beyond the area indicated on Schedule 1 shall require an amendment to this Plan and the implementing *Zoning By-law*.
- 7.4.25 In order to prevent the creation of "strip commercial" development comprising a series of 'Neighbourhood Commercial Centres' located adjacent to one another along a major traffic street, it is a general requirement of this Plan that designated nodes have a minimum distance separation from one another of 0.5 kilometres.
- 7.4.26 Applications for the purpose of establishing or expanding a 'Neighbourhood Commercial Centre' designation will satisfy the following criteria:
- a) Located with direct access to an arterial or collector road, preferably at an arterial or collector road intersection;
  - b) The location will contribute to the creation of a compact, well-defined node oriented to a major intersection and does not promote the creation of 'strip commercial' development along a major street;
  - c) Designed in a manner that is compatible with the building design and use of surrounding properties;
  - d) The location shall minimize the impact of traffic, noise, signs and lighting on adjacent residential areas;
  - e) Adequate site area will be provided for parking, loading and all other required facilities;
  - f) Adequate landscaping, screening and buffering will be provided to preserve the amenities and appearance of surrounding properties;
- 7.4.27 This Plan intends that a 'Neighbourhood Commercial Centre' shall not be extended or enlarged to provide more than 4,650 square metres (50,000 square feet) of gross leasable floor area.
- 7.4.27.1 Notwithstanding policy 7.4.27, the existing 'Neighbourhood Commercial Centres' listed below shall be permitted to provide a maximum of 10,000 square metres (108,000 square feet) of gross leasable floor area:
- Speedvale Avenue at Stevenson Street
  - Victoria Road at Grange Avenue
  - Victoria Road at York Street
  - Kortright Road at Edinburgh Road



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- Harvard Road at Gordon Street
  - Kortright Road at Gordon Street
  - Wellington Road at Imperial Drive.
- 7.4.28 A 'Neighbourhood Commercial Centre' as listed in 7.4.27.1 shall only be extended or enlarged to provide more than 10,000 square metres (108,000 square feet) of gross leasable floor area by amendment to this Plan and shall require an impact study.
- 7.4.29 The maximum *gross leasable floor area* of an individual retail use within the node shall be 3,250 square metres (35,000 square feet).
- 7.4.29.1 Notwithstanding policy 7.5.29, the existing 'Neighbourhood Commercial Centre' located at Kortright Road and Edinburgh Road shall be permitted to provide an individual retail use of a maximum of 5,200 square metres (55,000 square feet).
- 7.4.30 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within the 'Neighbourhood Commercial Centre' designation to ensure such consistency.
- 7.4.31 It is intended that where there are adjacent properties within the node that as new development occurs the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Neighbourhood Commercial Centre designation will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of buildings in close proximity to the street line near transit facilities.

### **'General Residential' Land Use Designation**

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess

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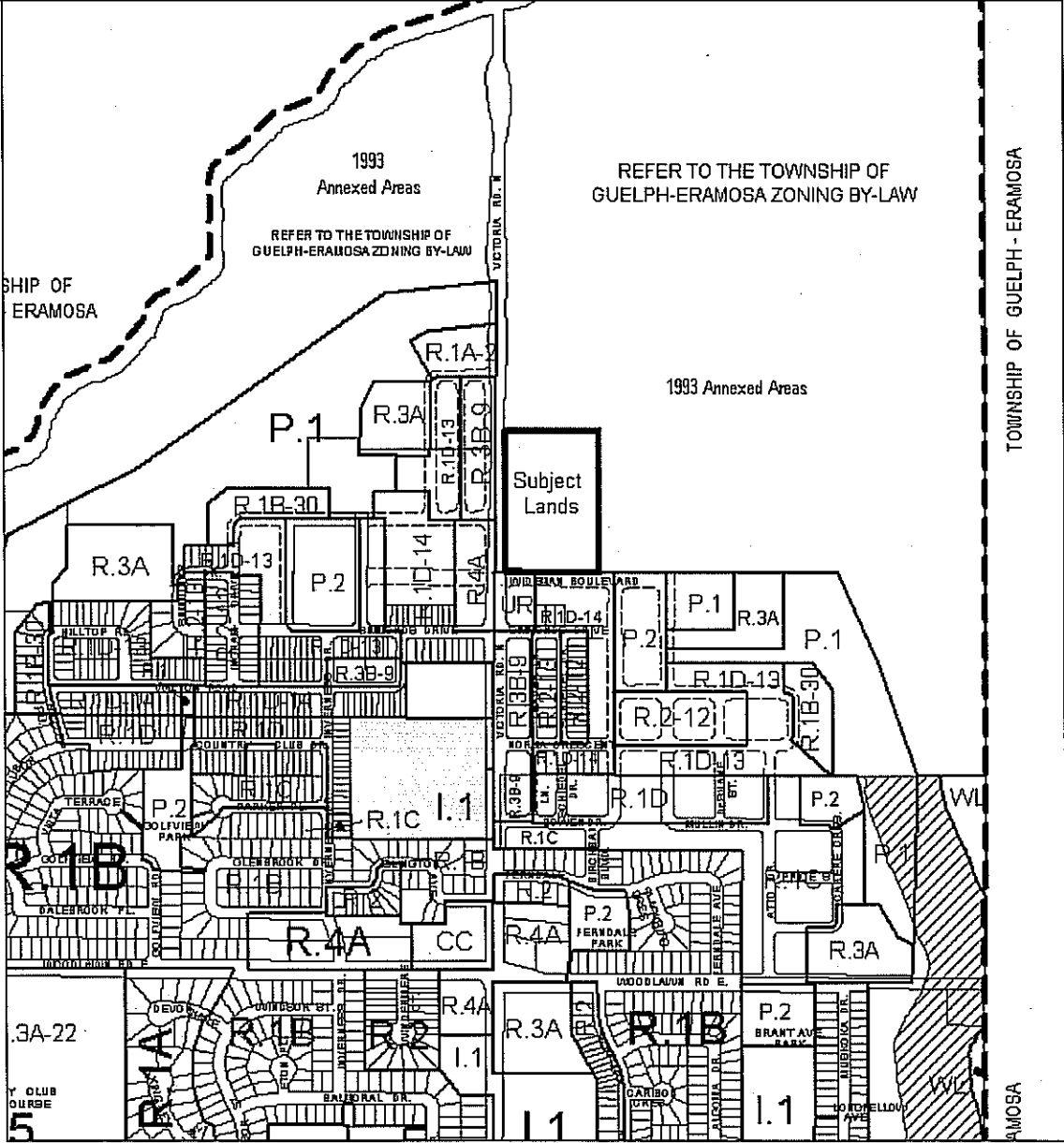
compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.

7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.

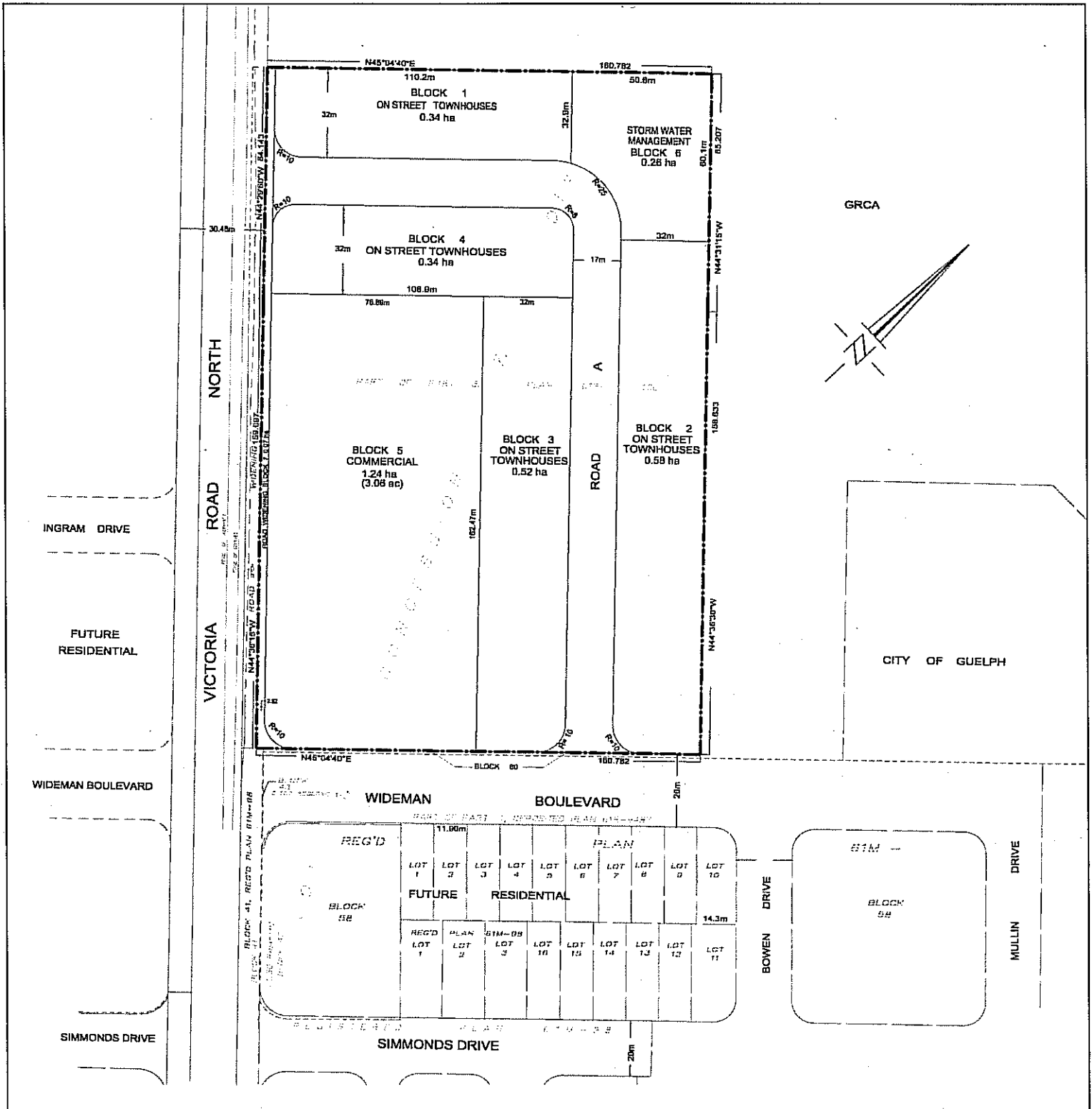
# SCHEDULE 3

## Existing Zoning

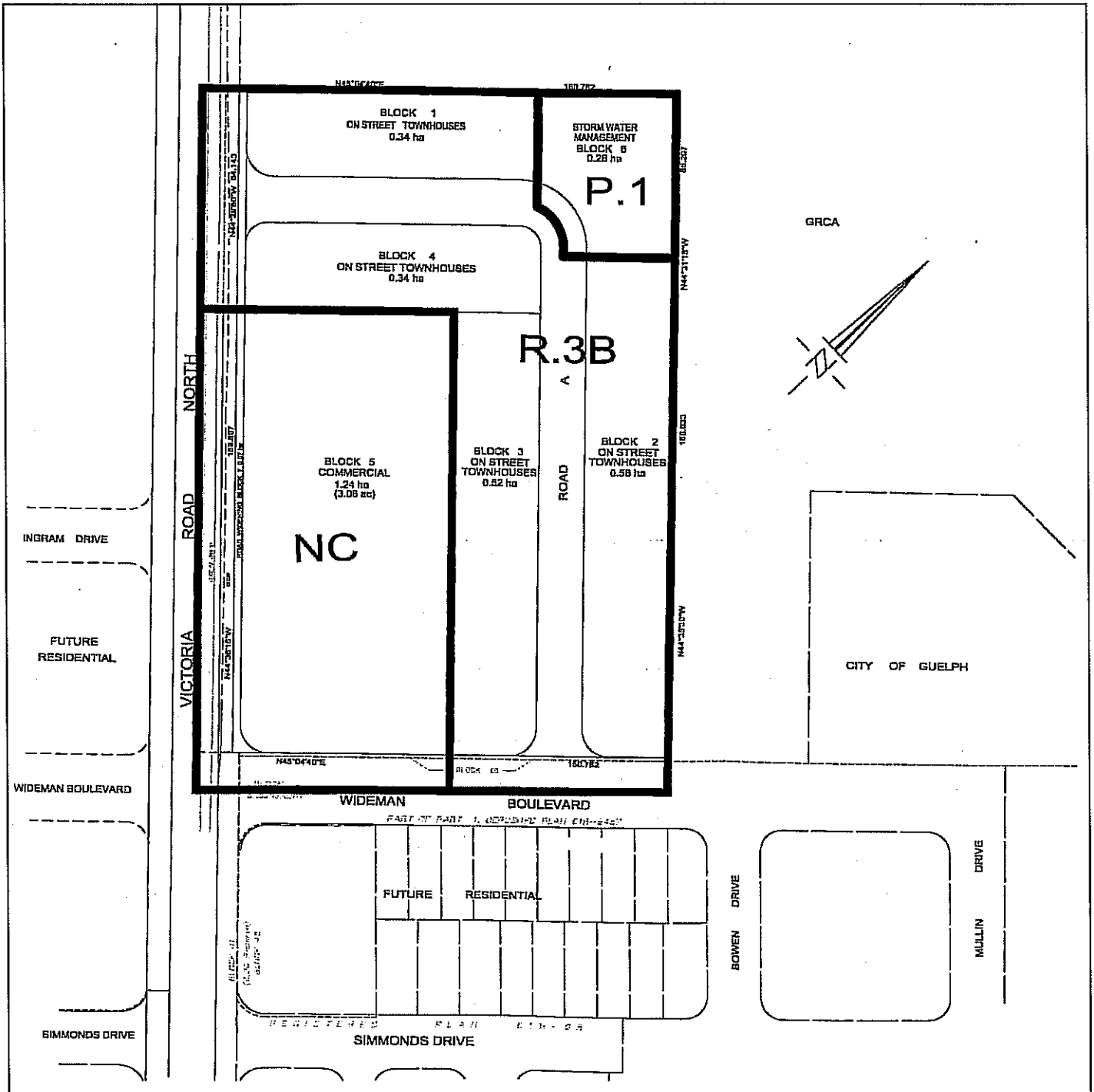


# SCHEDULE 4

## Proposed Draft Plan of Subdivision



# SCHEDULE 5 Proposed Zoning



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## SCHEDULE 6

### Details of Proposed Draft Plan of Subdivision

#### LAND USE SCHEDULE

<b>LOTS/BLOCKS</b>	<b>LAND USE</b>	<b>AREA</b>
Blocks 1-4	83 On-street townhouses	1.79 hectares
Block 5	Neighbourhood Commercial	1.24 hectares
Block 6	Stormwater Management	0.26 hectares
Block 7	Road Widening	0.07 hectares
Road 'A'	Road	0.54 hectares
<b>TOTAL AREA</b>		<b>3.9 hectares</b>



## **GUELPH FIELD NATURALISTS**

**P.O. Box 1401, Guelph, Ontario N1H 6N8**

[www.guelphfieldnaturalists.org](http://www.guelphfieldnaturalists.org)

### **SUBMISSION TO CITY COUNCIL, June 3, 2008**

#### **Re: Proposed Draft Plan of Subdivision & Zoning Bylaw Amendment for 161, 205 and 253 Clair Road East (Dallan Lands)**

Mayor, Councillors and City Staff

I'm writing today on behalf of the Guelph Field Naturalists.

This group has been active in Guelph in its current form for 40 years and has about 150 members. In our Constitution, 2 objectives are:

- a) to promote wise use and conservation of our natural resources
- b) to protect and preserve our natural flora and fauna

1) I want to begin by writing about the Paris Moraine, "the Big Picture". I think most people understand the importance of the Moraine for groundwater recharge. Other moraines that have been recognized for their ecological importance include the Oak Ridges Moraine and the Waterloo Moraine. But for Guelph, the Paris Moraine is a unique landform and requires extra sensitivity when considering any land use change there.

The above proposed residential development currently being considered is located on the Paris Moraine. The Hydrogeological Assessment report authored by Stantec in 2007 states that this site is situated within the physiographic region classified by Chapman & Putnam (The Physiography of Southern Ontario, 1984) as the Horseshoe Moraines, represented in this region by the Paris and Galt Moraines. Figure 3 of the Stantec report indicates that the site is located totally within the Paris Moraine feature. The report also states that, in general, irregular topography and ice-contact sand to sand till deposits of the Paris Moraine are understood to provide a significant source of recharge to the regional groundwater system.

The Environmental Impact Statement report (Stantec 2007, pg. 3.1) states that the subject lands lie on the Paris-Galt Moraine and is a recharge area.

The Ontario Ministry of Natural Resources is currently considering the designation of an Area of Natural and Scientific Interest (ANSI) for the Paris Moraine immediately

northeast of the site, across Victoria Road in Puslinch Township on similar moraine lands.

From the above, we believe that this proposed development is definitely on the Paris Moraine within the City.

In our opinion, consideration of this proposed development is premature and should not proceed at this time. We feel it represents another piece-meal development on the Moraine being put forward without a regional secondary plan in place or other larger scale plan for the Moraine lands in the City. As well, the Hall's Pond Provincially Significant Wetland (PSW) Complex is not being considered in its entirety in a larger, regional context by this development proposal which we feel is required to ensure the sustainability of this sensitive wetland/recharge area and to prevent long term ecological impacts that piece-meal development might inflict.

The City has requested that the provincial Greenbelt be extended to the Guelph/Puslinch area in the vicinity of the Paris and Galt Moraines. The Province is now considering the criteria to be used to do this. We feel that this development should not be considered until such time as the issue of the Greenbelt extension is settled and decided.

The lands being proposed for development are currently being considered and evaluated for potential inclusion in the City's Natural Heritage Strategy as a Locally Significant Natural Area. The subject lands may prove to be more ecologically significant from a city-wide perspective than the Environmental Impact Statement report (Stantec 2007) for this site indicates. We feel this is another reason why this proposed development should not be considered at this time.

The Hydrogeological Assessment report (Stantec 2007) for the proposed development states that under post-development conditions, construction of impervious surfaces (eg. roofs, roads, driveways, sidewalks) is projected to cover approximately 45% of the total site area. Infiltration storm water management ponds and infiltration galleries have been proposed as a way to mimic pre-development recharge conditions once development is complete. In the process of development, the site will be extensively graded (cut & fill) and levelled to accommodate servicing infrastructure. We feel this cannot be considered "sensitive" development on the Moraine.

2) The Hanlon Creek Watershed Plan (HCWP), written in 1993, examined the entire Hanlon Creek watershed. It can be said that it looked at the "Big Picture" with respect to the ecological health and sustainability of Hanlon Creek and associated wetlands, woodlands and wildlife. The report was authored by experts in the various ecological disciplines including the University of Guelph, Ontario Ministry of Natural Resources, the Grand River Conservation Authority and several environmental consultants.

Figure 4.1.1 of the HCWP indicates that most of the study site (Dallan Lands) is included as Natural Core Areas, Buffers and Linkages (Constraint Types 1 & 2). Several of the small wet pockets of the study site which are to be removed by the proposed development, are identified as Natural Core Areas in the HCWP. The HCWP states that "the boundaries of Constraint Types 1 & 2 are to be considered fixed with only minor



adjustments to reflect existing land uses and approved site plan boundaries being permitted”.

The Hanlon Creek State of the Watershed report (HCSOW) done 11 years later in 2004, found that in most cases, the Environmental Impact Study (EIS) process resulted in recommendations for buffer widths narrower than or equivalent to minimum recommended in the adopted Natural Heritage System. The City developed EIS Guidelines for the Hanlon Creek watershed in 1995 and generally, EISs over the last decade comply. However, despite this, close to 75% of EISs have contributed to incremental loss of buffers, corridors and linkages in contravention of the overall intention of the adopted Natural Heritage System. The HCSOW report further states that designation and protection of Core Greenlands (Prov. Significant Wetlands) and Non-core Greenlands (buffers, corridors and linkages) in the Hanlon Creek watershed is a critical step in ensuring the watershed’s health but is only as effective as the City’s will and ability to enforce these designations.

We believe that the proposed development does not conform to the HCWP recommendations, in that the majority of the site will be developed except for several wetlands, some buffer lands around the outer edge of the site and the wooded lands along the northeastern edge. In our opinion, development should not occur in much of this site if the long-term ecological health and sustainability of the Hanlon Creek Watershed is to be realized.

3) There are several issues with the Environmental Impact Statement (EIS) (Stantec 2007) that we wish to bring to your attention.

- The EIS states that amphibian breeding activity on-site is not expected to be altered as a result of proposed development and that wet depressions on-site to be removed by the development contain no amphibian breeding activity with the exception of Station E that contained one Wood Frog in an April survey.

However, according to Table 4 of the EIS, Amphibian Call Survey Results 2006, Station E had no amphibians calling while Station D had one Wood Frog. This may be significant since Station D is connected directly to the groundwater table (Hydrogeological Assessment, Stantec 2007) whereas Station E is not.

The Marsh Monitoring Program Instructions manual (2003) describes Wood Frogs as “Explosive” breeders. “In this species, most males are apt to migrate all on one night to breeding ponds as soon as conditions are right; males may call for only a few nights and most breeding is done in one evening”. Therefore, it is possible that more Wood Frogs may use Station D wetland than were noted in the EIS.

The Station D wetland, as previously noted, appears to be identified as a Natural Core Area in the HCWP. This wetland was found to be hydrologically connected to the Hall’s Pond PSW Complex by the Hydrogeological Assessment (Stantec 2007).

We feel that Station D & E wetland pockets should be protected and preserved as part of the Hall's Pond PSW Complex for the reasons noted above.

- The EIS states that, overall, amphibian breeding habitat will be increased by construction of stormwater management facilities at the north, east and southern boundaries. However, we feel that SWM ponds do not provide amphibian habitat.

An EIS report prepared for the Grange Hill Phase 7 proposed development on Eastview Road (Dougan & Assoc. 2007) states that “when functional, the stormwater management facility may act as a decoy wetland, intercepting amphibians that breed in adjacent wetland areas; if amphibians deposit their eggs in these artificial wetlands, they rarely survive due to sediment and pollution loads, as well as fluctuations in water quality, quantity and temperature (Calhoun and Klemens, Best development practices: Conserving pool-breeding amphibians in residential & commercial developments in the northeastern US. MCA Tech. Paper No.5, New York, 2002)”.

With the above in mind, we feel that amphibian habitat will not be created by SWM ponds and will likely be reduced by the proposed development. We believe that SWM ponds could actually cause a reduction of the existing amphibian populations at these sites.

- The EIS states that “migration of amphibians from natural areas to south of the property to the wetland at Clair Road will be assisted through implementation of a wildlife corridor”. This corridor is proposed to be located along the western boundary of the study site and will be only 10 metres in width. An additional 12.5 metres will be located adjacent to this on the Pergola property to the west. The wildlife corridor will therefore be a maximum of 22.5 metres in width, not much wider than many suburban residential lots.

The wetland at Clair Road, Station F on Figure 3 of the EIS, was found to contain a large population of Spring Peepers and Gray Tree Frogs. An estimate was made during surveys of up to 200 Spring Peepers and 100 Gray Tree Frogs (Table 4 of the EIS). The EIS seems to suggest that this large population of frogs will somehow be able to follow a relatively narrow corridor through dense residential development to larger natural areas of Hall's Pond PSW complex to the south. We feel this is unrealistic to expect and likely would not occur. More likely is that much of the large frog population will be lost to various mishaps and barriers encountered in an urban setting, from car impacts to home owner/pet impacts, roadways, fences and buildings.

In addition, we feel that the proposed narrow wildlife corridor will act as a magnet for predators and result in an increase in predator success as raccoons, skunks, opossums, dogs and cats will soon discover the few amphibians that end up in the corridor as well as other small animals.

We do not support this proposed narrow wildlife corridor. We do support the more substantial linkages recommended by the Hanlon Creek Watershed Plan.

- The EIS states that the loss of habitat for several open-country bird species as a result of the proposed development is not expected to significantly impact regional or provincial populations. We disagree.

As part of the City's Natural Heritage Strategy, a "List of Significant Wildlife in Wellington County" was developed through a rigorous, peer-reviewed process using all available background studies and reports. Four bird species on this List (Yellow-billed Cuckoo, Eastern Kingbird, Field Sparrow and Savannah Sparrow) are documented as occurring on the study site by the EIS. These, like other open-country, grassland bird species, are known to be declining in Ontario (see the Ontario Breeding Bird Atlas, 2007).

The adjacent Pergola property to the west was found to support Bobolink, another grassland bird species which is on the Significant Species List, in the meadow habitat adjacent to the study site (Scoped EIS, Stantec, 2003). It was stated in the Scoped EIS report that the Bobolink is considered an area-sensitive grassland species, requiring a minimum of approximately 20 ha of suitable habitat for breeding. The report went on to state that the Pergola property supplied 4 ha and is contiguous with substantial amounts of similar habitat on adjacent lands (current study site), thereby implying that the study site (Dallan Lands) would continue to supply the necessary habitat. Now the EIS for the study site states that the loss of this habitat is not expected to be a significant impact.

We feel that the continued, incremental loss of habitat for these bird species will significantly impact their populations, both regionally and provincially. The above example of narrowly-focused environmental reports, is reason why much of our natural heritage is imperilled and fast disappearing as the larger, "Big Picture" is ignored.

- The EIS lists other species of wildlife documented on the study site which are on the List of Significant Wildlife in Wellington County. These are Giant Swallowtail butterfly, the Monarch butterfly and the Western Chorus Frog. The impacts of the proposed development on these species are not discussed in the EIS.

The Giant Swallowtail is listed as "S2" by the Natural Heritage Information Centre of the Ontario Ministry of Natural Resources. "S2" is considered very rare in Ontario. The Western Chorus Frog has recently been listed as "Threatened" by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in the Great Lakes/St. Lawrence-Canadian Shield population. "Threatened" is defined as a wildlife species likely to become endangered if limiting factors are not reversed. COSEWIC is a committee operating under the Government of Canada which determines the national status of wild Canadian species, subspecies, varieties or other designatable units that are suspected of being at risk of extinction or extirpation. The reason given for designation of this species is: "ongoing losses of habitat and breeding sites for this small frog due to suburban expansion and alteration in farming practices have resulted in losses of populations and isolation of remaining habitat patches."

We feel that further consideration of the impacts of the proposed development on these species is required.

- The EIS provides no discussion or information on the impacts of free-roaming cats and off-leash dogs on wildlife located both on-site and on adjacent lands. The main Hall's Pond PSW Complex and associated woodlands are located just to the south of the study site and a significant wildlife population has been documented there. We feel that the potential impacts on nearby wildlife populations need to be considered when evaluating this proposed development.

If the proposed development were to be approved, we would expect many nuisance wildlife encounters with homeowners due to the proximity of homes to the Hall's Pond PSW Complex and woodlands to the south and east. Raccoons, skunks, bats, mice and other small animals would be examples of these. As a result, homeowners would likely demand control measures which would further impact wildlife in the area. In addition, insects such as mosquitoes emerging from nearby wetlands may create further conflicts with residents.

We feel that for the above reasons, residential development at this location may not be appropriate.

The Paris Moraine lands are a unique landform in the City. We believe that good planning for these lands requires special consideration and extra sensitivity for any proposed development in order to protect the ecological integrity of this area. Guelph is dependent on groundwater for its drinking water supply. We need to protect areas that are significant in maintaining the health of our groundwater supply.

The Hanlon Creek Watershed and associated woodlands and wetlands are a special natural heritage feature of this City. Much time and effort has been spent over many years protecting it while the City grows around it. We support the Hanlon Creek Watershed Plan and believe that development within its boundaries should conform to its recommendations to achieve long-term sustainability and protection.

We respectfully request that consideration of this proposed Plan of Subdivision and Zoning By-law Amendment be delayed until such time that the Greenbelt extension is settled and decided, that the City's Natural Heritage Strategy is completed, and that a larger-scale secondary plan is completed for the area bounded by Clair Road, Gordon Street, Maltby Road and Victoria Road.

Thank you for the opportunity to comment.

Charles Cecile  
Environment Committee  
Guelph Field Naturalists

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services  
DATE June 3, 2008

**SUBJECT Dallan Subdivision– Proposed Draft Plan of Subdivision  
and Associated Zoning By-law Amendment (File: 23T-  
08503/ZC0803) – Ward 6**

REPORT NUMBER 08-62

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## **RECOMMENDATION**

"THAT Report 08-62 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Dallan Subdivision applying to property municipally known as 161, 205 and 253 Clair Road East, and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, from Community Design and Development Services dated June 3, 2008, BE RECEIVED."

## **BACKGROUND**

This report provides information on an application requesting approval of a Draft Plan of Subdivision and associated Zoning By-law amendment application (23T-08503/ZC0803) from Black, Shoemaker, Robinson and Donaldson Ltd., on behalf of Victoria Wood (Dallan) GP Inc., for the property municipally known as 161, 205 and 253 Clair Road East. The proposal is a request to develop the property for residential use. The application was deemed to be a complete application on May 1, 2008.

### **Location**

The subject site is a 23.114 hectare parcel located on the south side of Clair Road East, east of the intersection of Gordon Street and Clair Road East.

The area surrounding the subject site consists of a residential subdivision (Westminister Woods) to the north, rural residential estate lots to the east, agricultural and environmentally sensitive lands to the south and a draft approved subdivision to the west of the site (Pergola, 23T-03507). (See Location Map on **Schedule 1**).

### **Official Plan Designation**

The existing Official Plan land use designations that apply to the subject lands are "General Residential," "Core Greenlands" and "Non-Core Greenlands Overlay". The relevant Official Plan Land Use Map and policies are included in **Schedule 2**.

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## Existing Zoning

The subject lands are currently zoned UR (Urban Reserve) and WL (Wetlands) in Guelph's Zoning By-law (1995)-14864 and zoned A (Agriculture) and H (Hazard) in the Township of Puslinch Zoning By-law (see **Schedule 3**).

## REPORT

### Description of Proposed Zoning Bylaw Amendment

To implement the proposed Draft Plan of Subdivision, the owner wishes to rezone the subject property from the UR (Urban Reserve), WL (Wetlands), A (Agriculture) and H (Hazard) zones to the following zones:

Zone	Land Use	Lot/Block #
R.1B	Single Detached Residential (12m frontage)	1-131
R.1D	Single Detached Residential (9m frontage)	132-148
R.3A	Cluster Townhouse	153
R.3B	On-Street Townhouse	149, 150, 151
R.4A	Apartment	152
P.2	Neighbourhood Park	154
P.1	Stormwater Management	155, 156, 157
P.1	Conservation Lands	158, 159, 160

The proposed zoning concept is provided in **Schedule 4**. The corresponding lot or block number is shown in the proposed Draft Plan of Subdivision in **Schedule 5**.

### Description of Proposed Plan of Subdivision

The application is a request to subdivide the subject property in accordance with the draft plan of subdivision attached in **Schedule 5**.

The proposed draft plan of subdivision contains a mix of residential housing units, a park, and lands dedicated to storm water management and open space. A total of 148 single detached, 24 on-street townhouse, 34 cluster townhouse, and 97 apartment units are proposed. Approximately 7.6 hectares of the site are proposed to remain as conservation lands, located around the east, south, and western edges of the site.

Details of the proposed subdivision are included in **Schedule 6**.

The density of the proposed subdivision, as calculated under "Places to Grow", is approximately 50 persons and jobs per hectare.

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## **Supporting Documents**

1. Preliminary Servicing and Stormwater Management Report. Prepared by K.J. Behm & Associates. September 2007.
2. Environmental Impact Statement. Prepared by Stantec Consulting Ltd. October 2007.
3. Hydrogeological Assessment. Prepared by Stantec Consulting Ltd. October 2007.
4. Traffic Impact Study. Prepared by Paradigm Transportation Solutions. February 2008.

## **Staff Review**

The review of this application will address the following issues:

- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control).
- Evaluation of the proposal against the General Residential, Core Greenlands and Non-Core Greenlands policies of the Official Plan.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Review of the proposed zoning.
- Review timing in relation to the Development Priorities Plan and phasing policy (Currently considered for Draft Plan Approval post-2008, and for development post-2009 in the 2008 DPP).
- Review of proposed site layout in relation to the Community Energy Plan.

Once the application is reviewed and all issues are addressed, a report from Community Design and Development Services with a recommendation will be considered at a future meeting of Council.

## **CORPORATE STRATEGIC PLAN**

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

## **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future Community Design and Development Services recommendation report to Council.

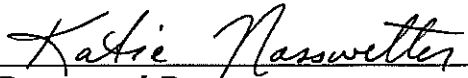
## **COMMUNICATIONS**

The Notice of Public Meeting was circulated on May 12, 2008.

## **ATTACHMENTS**

- Schedule 1 – Location Map
- Schedule 2 – Relevant Official Plan Designations and Policies
- Schedule 3 – Existing Zoning
- Schedule 4 – Proposed Zoning
- Schedule 5 – Proposed Draft Plan of Subdivision
- Schedule 6 – Details of Proposed Draft Plan of Subdivision

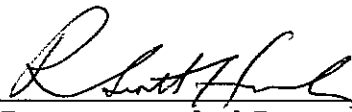
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**Prepared By:**

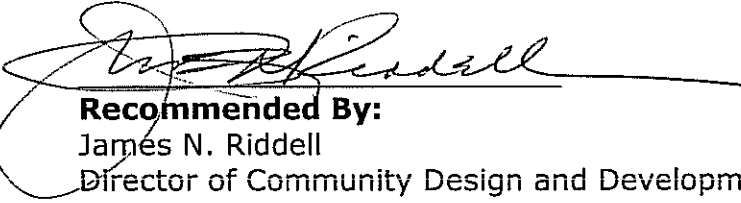
Katie Nasswetter  
Senior Development Planner

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**Recommended By:**

R. Scott Hannah  
Manager of Development and Parks  
Planning



**Recommended By:**

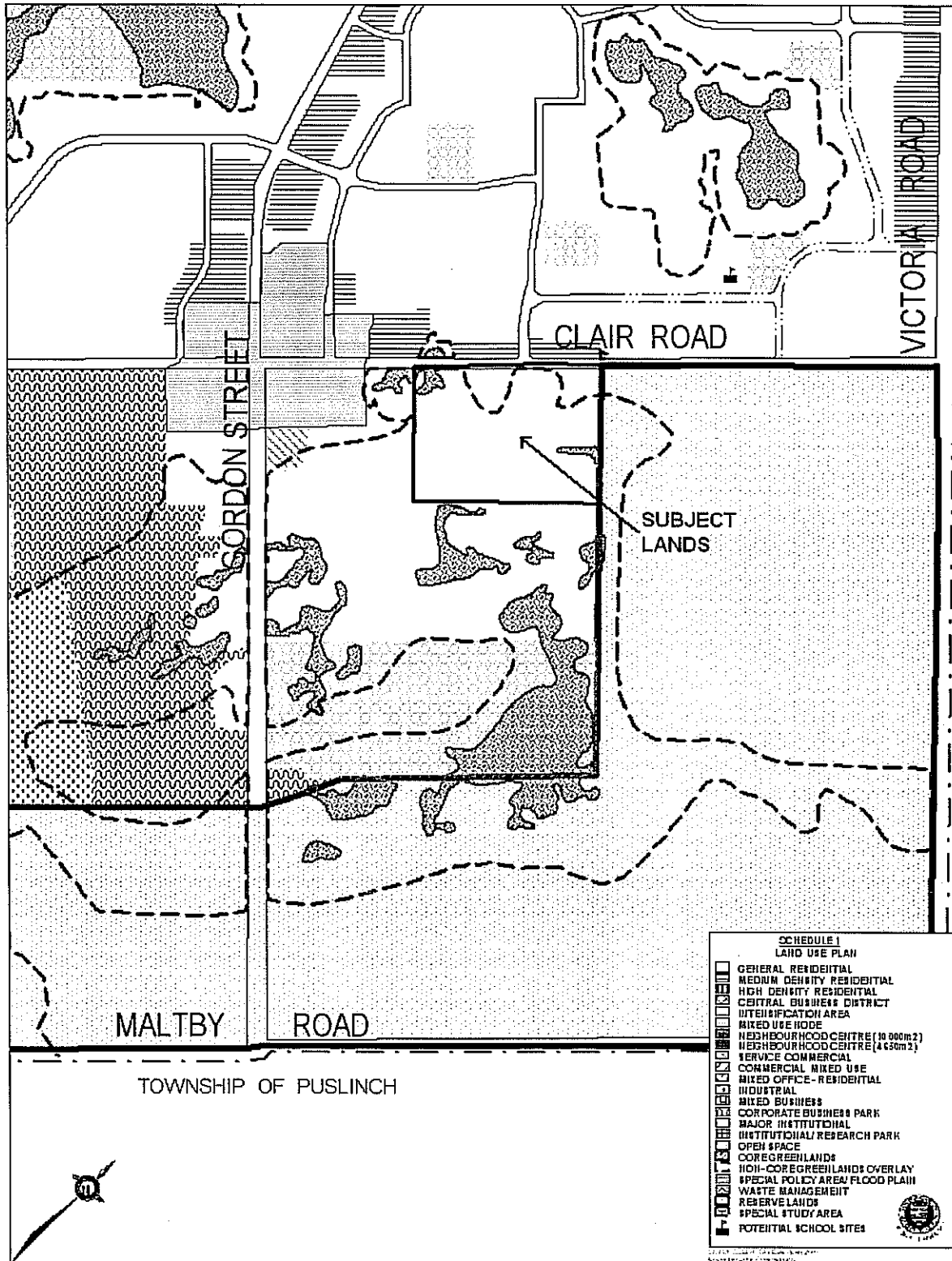
James N. Riddell  
Director of Community Design and Development Services





# SCHEDULE 2

## Relevant Official Plan Designations and Policies



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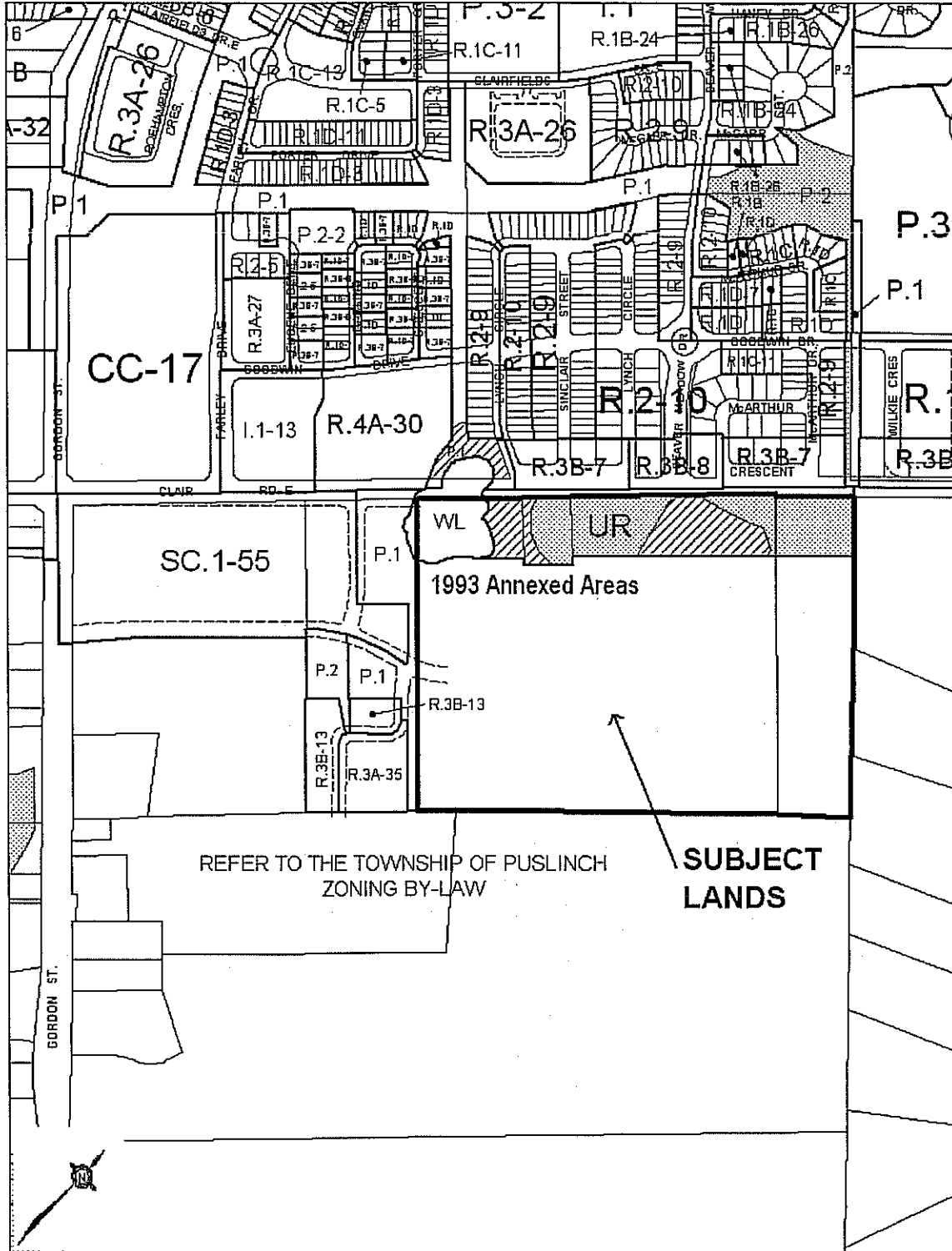
## SCHEDULE 2 (continued)

### Relevant Official Plan Designations and Policies

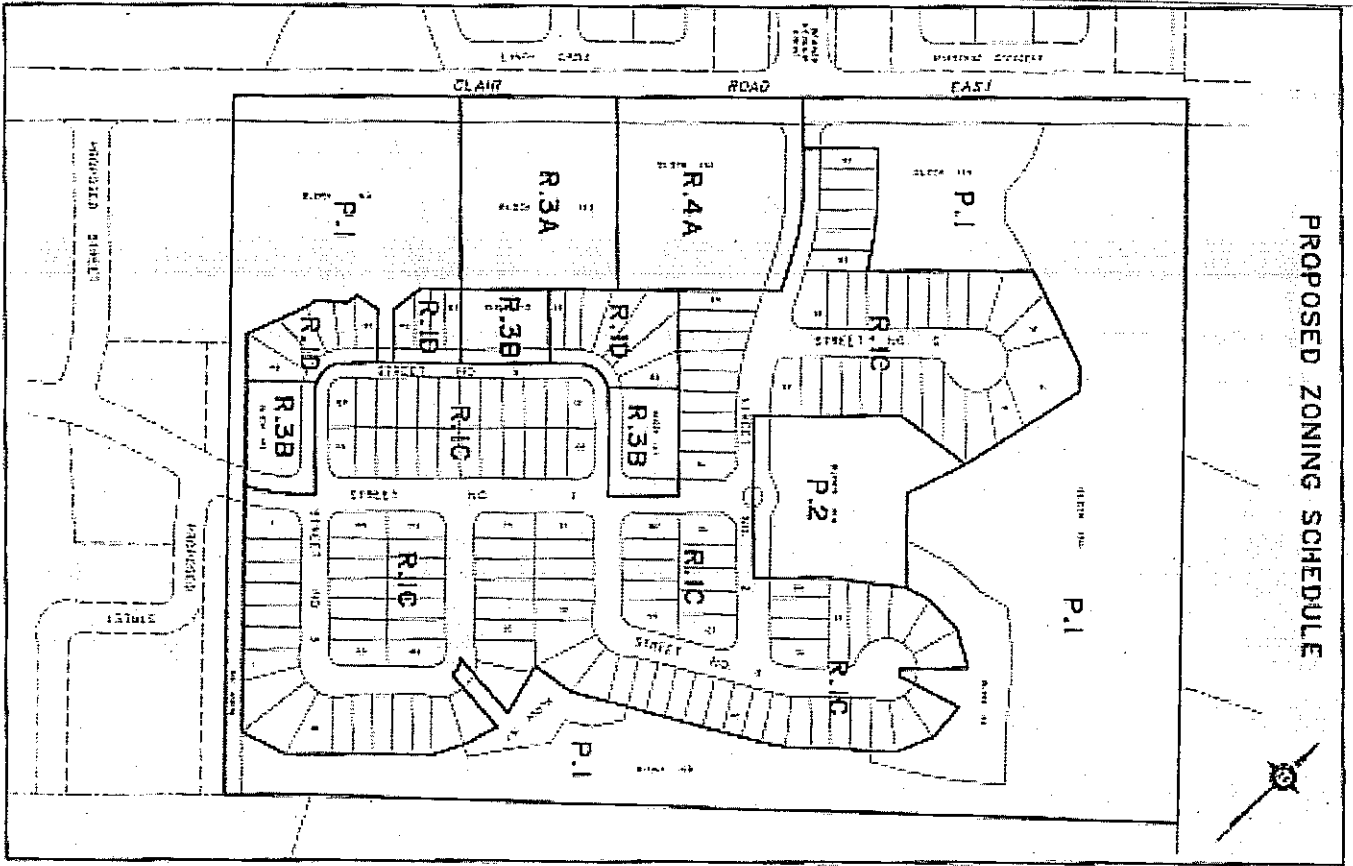
#### 'General Residential' Land Use Designation

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

# SCHEDULE 3 Existing Zoning

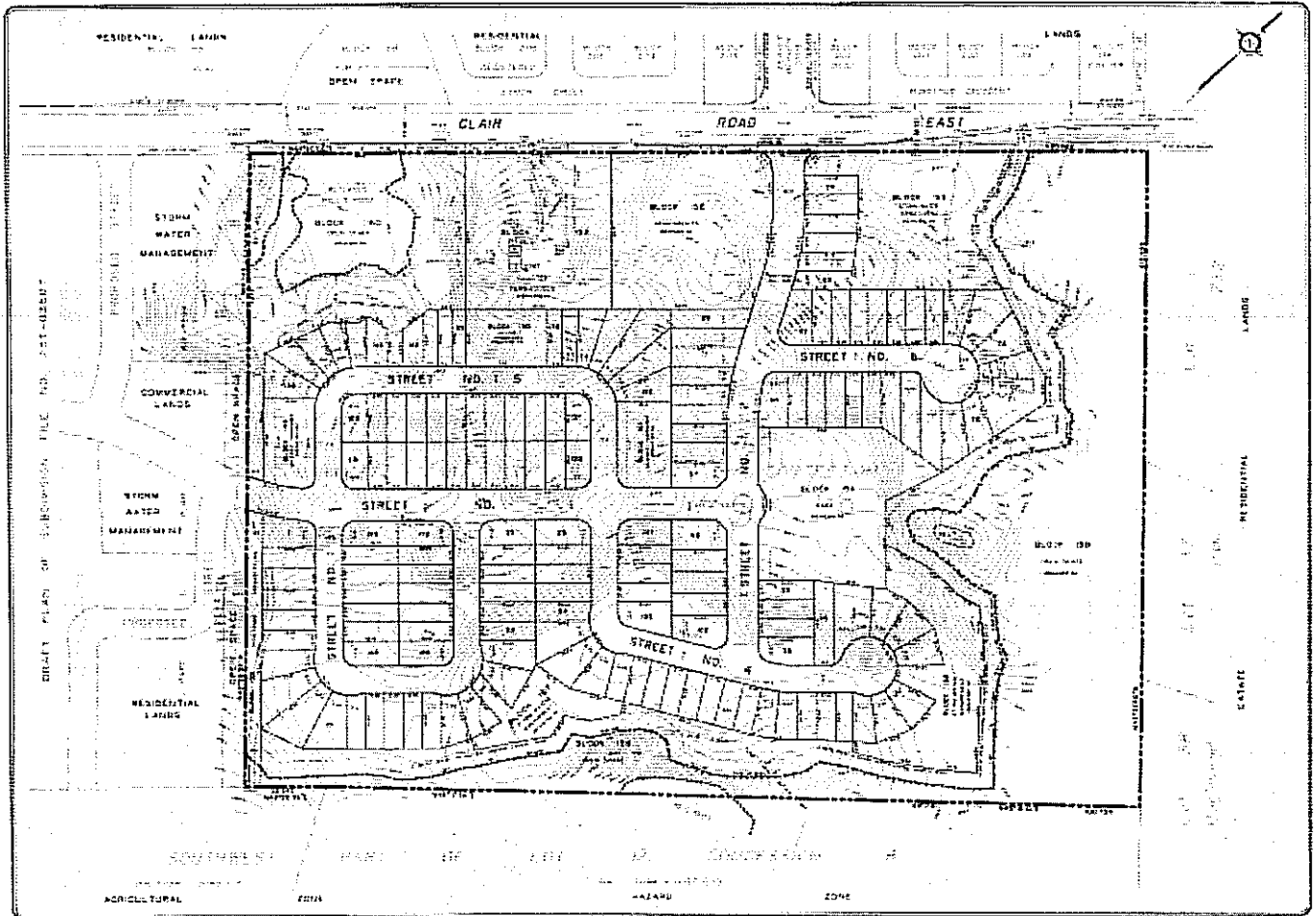


# SCHEDULE 4 Proposed Zoning



# SCHEDULE 5

## Proposed Draft Plan of Subdivision



## SCHEDULE 6

### Details of Proposed Draft Plan of Subdivision

LOTS/BLOCKS	LAND USE	AREA
Blocks 1-148	Single Detached Residential	7.512 hectares
Blocks 149, 150 & 151	On-street Townhouses	0.566 hectares
Block 152	High Density Residential	0.980 hectares
Block 153	Medium Density Residential	0.908 hectares
Block 154	Park Site	0.868 hectares
Blocks 155, 156 & 157	Storm Water Management	1.594 hectares
Blocks 158, 159 & 160	Conservation Lands	7.632 hectares
Streets		3.054 hectares
<b>TOTAL AREA</b>		<b>23.114 hectares</b>

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TO **Guelph City Council**

SERVICE AREA Community Design and Development Services  
DATE June 3, 2008

**SUBJECT 35 and 40 Silvercreek Parkway South: Proposed  
Official Plan and Zoning By-law amendments  
(OP0506/ZC0516) Wards 3 and 4**

REPORT NUMBER 08-63

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## **RECOMMENDATION**

"That Report 08-63 dated June 3, 2008 regarding an application for an Official Plan amendment and Zoning By-law amendment for 35 and 40 Silvercreek Parkway South from Community Design and Development Services BE RECEIVED, and

That staff be authorized to advise the Ontario Municipal Board that City Council does not support the amendments to the Official Plan and Zoning By-law on the basis that the Official Plan amendment has not properly addressed the specific tests set out in the Official Plan for an amendment to establish a new mixed use node or the general tests for an Official Plan amendment; and

That Council also advise the Ontario Municipal Board that there are several technical issues as outlined in the Staff report which should be resolved before consideration of the amendments are made; and

That should the Ontario Municipal Board find that the amendments should be supported, the City wishes to advise the OMB that conditions of approval should be imposed to ensure that the development is appropriately serviced and developed and the City will not in a position to generate these conditions until the technical issues have been resolved."

## **BACKGROUND**

This report provides a staff recommendation on an Official Plan and Zoning By-law amendment application from Black, Shoemaker, Robinson and Donaldson Ltd. on behalf of Silvercreek Developments Limited for property municipally known as 35 and 40 Silvercreek Parkway South. This application has been appealed to the Ontario Municipal Board and Council is expected to establish a position on the application prior to a pre-hearing conference scheduled for June 12, 2008.

**Location:** The subject site is a vacant parcel of land located both east and west of Silvercreek Parkway South and bounded to the north by the Canadian National



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Railway main line, to the south by the Canadian National Railway secondary line, and to the west by the Hanlon Parkway (See **Schedule 1**).

**Current Official Plan Designation:** The property is designated 'Industrial' in the City of Guelph Official Plan. This designation permits a range of industrial and employment land uses including manufacturing, warehousing, research facilities, transportation terminals, and other complementary uses. A full range of uses is shown in the relevant Official Plan policies listed in **Schedule 3**.

**Existing Zoning:** The site is zoned B.4 (Industrial). **Schedule 4** lists the permitted uses in the B.4 Zone.

**Application History:** The application was originally submitted November 9, 2005. The applicants originally requested to change the Official Plan land use designation from 'Industrial' to 'Community Commercial' and 'Open Space' (See **Schedule 5** for proposed Official Plan designations) and the Zoning from the B.4 (Industrial) Zone to a Specialized Community Shopping Centre with a portion of the site in the FL (Floodway) and P.3 (Community Park) zones (See **Schedule 6** for proposed Zoning). The size of the commercial node was requested to be up to 450,000 square feet (41,800 square metres). The original application also contemplated direct access to the Hanlon Expressway and the closure and conveyance of Silvercreek Parkway South and other lands owned by the City to support the development. The applicant was unable to achieve support from the Ministry of Transportation and the application was not presented to City Council for consideration, as City staff were awaiting updated information (e.g updated Traffic Impact Study) to support a modified concept plan.

The application was appealed by the applicant to the Ontario Municipal Board (OMB) on July 9, 2007 on the grounds that the City had neglected to make a decision on the application within the time period specified in the Planning Act (120 days). An OMB pre-hearing meeting was held on December 18, 2007 where the parties and participants involved in the hearing were identified. Also a second pre-hearing meeting was scheduled for June 12, 2008. This meeting was delayed until June to allow sufficient time for:

- City staff to circulate and review the revised application and supporting materials;
- Appropriate public input opportunities to occur;
- City Council to take a position on the application.

In late November 2007, materials associated with the modified application were submitted to the City for review.

- Revised Concept plan (see **Schedule 7**);
- "Environmental Impact Study for the Lafarge Property - Addendum II: Impacts of Revised Design and Tree Conservation Plan", (November 2007) prepared by North-South Environmental Inc;
- "Traffic Impact Study for Proposed Retail Development at Silvercreek Junction", (Revised October 2007) prepared by BA Consulting Group Ltd.;

- 
- "Feasibility Study for Public Park Lands and Trails", (November 7, 2007) prepared by Landplan Collaborative Ltd:
  - "Urban Design Guidelines", (November 2007) prepared by Brook McIlroy Planning + Urban Design and Michael Spaziani Architect Inc:
  - "Sustainable Design Brief for Silvercreek Junction (addressing LEED Green Building Rating System) prepared by Enermodal Engineering Limited.
  - "Preliminary Design Brief - Silvercreek Parkway Underpass Drainage" prepared by Totten Sims Hubicki Associates.

With the original application, a "Planning Study" in support of the requested amendments prepared by Black, Shoemaker, Robinson and Donaldson Limited dated September 2005 and a "Retail Market Demand and Impact Analysis" by Tate Economic Research Inc. dated September 27, 2005 were also submitted.

Notice of the revised application was circulated in early January 2008 and a public information meeting was held on January 31, 2008 at the River Run Centre, where approximately 120 people attended. The revised application proposed access via Silvercreek Parkway South, with an underpass under the main CN rail line. This proposal replaced the request for direct access to the Hanlon Parkway and outlined other changes in site design, and a reduction in the amount of proposed commercial space to a total of 400,000 square feet (37,162 metres squared). The revised concept plan displaying a potential design of the site is shown in **Schedule 7**.

On March 3, 2008 Council held a public meeting on this application. Report 08-08 from Community Design and Development Services dated March 3, 2008 provided background information related to this application.

Numerous issues and concerns were raised prior to and at the public meeting. These issues are outlined on **Schedule 2** along with a staff comment.

## **REPORT**

**Description of the Proposed Official Plan Amendment:** The applicant proposes to amend the Official Plan designation on the property from "Industrial" to "Community Commercial" and "Open Space". The "Community Commercial" designation is proposed for the site area west of Howitt Creek and the "Open Space" designation is proposed for the site area east of Howitt Creek. An Official Plan amendment is required because commercial and park uses are not permitted in the 'Industrial' land use designation. A map showing the locations of the proposed Official Plan designations on the site is shown in **Schedule 5**.

The applicant is proposing a Community Commercial Centre with a maximum of 37,162 square metres (400,000 square feet) of gross leasable floor space. Current Official Planning policies no longer include the Community Commercial designation because of changes that came from the Commercial Policy Review which was approved by Council in 2006. Relevant commercial policies in the current Official Plan are attached in **Schedule 8**.

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**Description of the Proposed Zoning By-law Amendment:** The applicant proposes to amend the zoning of the subject site from the B.4 (Industrial) zone to a specialized CC (Community Shopping Centre) Zone, P.3 (Community Park) Zone and the FL (Floodway) Zone. The uses permitted in the CC (Community Shopping Centre) Zone are attached in **Schedule 6**.

The application seeks to permit a Community Shopping Centre with a maximum gross floor area of 37,162 square metres (400,000 square feet). A specialized CC zone would be required because Community Shopping Centres are limited to 12,500 square metres in the generic CC zone. The applicant proposes to amend the zoning in lands around Howitt Creek on site to the FL (Floodway) zone and the area east of Howitt Creek to the P.3 (Community Park) zone to create a public park.

**Public Consultation:** In 2005 and 2006, several focus group meetings on the application were held with interested public and members of the Howitt Park Neighbourhood Residents Association.

Following the appeal of this application to the Ontario Municipal Board in July 2007, a two-part, facilitated public planning exercise was held for interested participants on August 27, 2007 and September 6, 2007 to consider alternative land use scenarios on the property. Four (4) land use scenarios (Industrial, Commercial, Mixed use and Employment) were considered to reflect the current official plan designation (Industrial) the proposed development (Commercial) and several other land uses that were considered plausible alternatives (Mixed Use and Employment) Under each of the scenarios several questions were asked including:

1. What types of uses are appropriate?
2. Any limitations on types of uses?
3. Is there are need for parkland dedication? Where? Thoughts on size and function of park?
4. Is there a need for buffering for adjacent properties?
5. Is there a need for additional municipal roads on site?
6. Thoughts on design and layout of buildings
7. Where and how do pedestrians and vehicles access the site?

Several themes emerged from the exercise including:

- Heavy industry, big box commercial, gas stations and vehicles sales are not supported.
- Some form of parkland dedication is required and the preferred location is east of the creek with improved/formal pedestrian crossings and access.
- Additional buffering is suggested for commercial and employment uses.
- A municipal road is encouraged between Silvercreek Parkway and the creek.

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- Urban design preferences included taller buildings between Silvercreek and the Hanlon, a special treatment along Silvercreek Parkway (a mainstreet look with buildings oriented to the street), an abundance of landscaping and greenery and a commitment to other forms of transportation (transit and the pedestrian).
  - Public transit needs to be provided and the Silvercreek Parkway underpass would not be needed except for the commercial and employment scenarios.

The entire results of the September 6, 2007 facilitated Lafarge Land Use Planning Exercise is reported in **Schedule 10**.

After the proposal was revised, a public information meeting was held on January 31, 2008 at the River Run Centre for members of the public to ask questions of the applicants and City planning staff on this revised application.

## **STAFF SUMMARY AND RECOMMENDATIONS**

The subject application is before the Ontario Municipal Board (OMB) for a decision and the next OMB prehearing has been set for June 12<sup>th</sup>, 2008. At the previous OMB prehearing on December 18<sup>th</sup>, 2007 the OMB provided time for staff to circulate and review the revised materials, allow appropriate public input opportunities to occur and Council to establish a position on the applications

In deciding on a position, staff would offer the follow key summary statements, which have been derived from the details staff comments outlined on Schedule 2.

### **Should the conversion of employment land be an issue?**

Both the Places to Grow legislation and Provincial Policy Statement (PPS) contain policies regarding the conversion of employment lands. Both only allow conversions to non-employment uses only following a comprehensive review. The Growth Plan is clear that major retail uses are non-employment uses and the PPS includes industrial, commercial and institutional uses under the definition of employment. The Growth Plan does not apply to this requested Official Plan and Zoning By-law amendment, since the regulations are very clear that applications which commenced prior to the adoption of the Growth Plan are exempt from the legislation. Therefore Council should not rely upon Growth Plan to require comprehensive review of its employment lands to delay or deny this application. Under the PPS, the change in land use from industrial to retail commercial is not a conversion of employment lands under the PPS. Under the PPS, the definition of employment includes **industrial, commercial and institutional** uses. This change in land use should only be an issue if the lands were needed for future industrial land uses.

### **Should other land use scenarios be considered (i.e. pure residential or mixed use residential neighbourhood with supporting neighbourhood scale services (commercial and institutional))?**

This land use scenario would be considered a conversion of employment lands and not permitted until a comprehensive review is undertaken. In this regard, the City

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has commenced with a comprehensive review of its employment lands. The first phase of this study, which will examine the long term employment land needs for the City of Guelph, is set to be released shortly. Until this review is completed, other alternative non employment uses should not be considered. On the issue of alternative uses or designs, staff would recommend that the current application be reviewed on its own merits. The application has been appealed to the Ontario Municipal Board (OMB) and the OMB is expecting to understand the City's position on the current application

**Does the application satisfy the tests under the Official Plan for the establishment of a new mixed use node?**

It is the conclusion of staff that the proposed amendment to the Official Plan does not properly satisfy the specific tests set out in the Official Plan for an amendment requesting to establish a new mixed use node (Sections 7.4.48 to 7.4.51) or the general tests set out in Section 9.3. There is considerable concern that the ability of the existing designated commercial or mixed use lands to achieve their planned function will be compromised. The submitted Market impact study did not properly address any adverse affects of the economic viability of the existing or planned designated commercial or mixed use lands provided for in this plan, nor has it looked at the implications of the proposal relative to the City's CPR and the commercial objectives and policies of the OP.

The Clayton peer review noted that the Silvercreek proposal is likely to have undesirable consequences for the future retailing function of the development/rejuvenation of the West Hills (mixed use node) and Willow West Mall and area (intensification area).

**Is the site suitable for the proposed use?**

Staff do not question the suitability of the subject site for the proposed commercial centre from the perspective of location or land use compatibility. The site has good location characteristics in that it is highly visible from the Hanlon Expressway and is in close proximity to a major interchange (Wellington Street at the Hanlon). The site clearly requires a second means of access to make it viable and to provide appropriate emergency services.

**Are there issues that are still outstanding?**

City Engineering staff are not at a point yet to fully endorse the modifications to the existing road system identified in the Traffic Impact Study (TIS) submitted by the B.A. Group in support of the application. Road improvements contemplated include the Silvercreek Parkway underpass at the CN line and intersection improvements at Silvercreek Parkway and Paisley Road, Silvercreek Parkway and Waterloo Avenue, Waterloo Avenue and Edinburgh Road and Wellington Street at the Hanlon East Ramp Terminal. Technical comments have provided to the consultants and discussions are ongoing.

The City has received a functional design for the underpass along with a design brief for the roadway drainage. The underpass would appear to be technically feasible but there are several unresolved issues which are currently being discussed including road grades, access issues for some properties and the need for sidewalks

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and bike lanes. Staff views the underpass connection as a requirement for this development. This connection forms part of the traffic impact assessment and recommended improvements needed for the development to proceed.

Staff has not received updated comments from the Ministry of Transportation of Ontario (MTO). It is important that we understand whether this Ministry will support the development, underpass and other intersection improvements and what, if any, conditions should be recommended or imposed to deal with any issues that they may have. It is premature to support a development that will require permits from the MTO, if these permits will not be issued.

At the time of writing this report there are still outstanding issues holding up the full support for the Environmental impact study.

An addendum to the EIR is expected. This addendum will:

- provide further evaluation of the downstream impacts
- Look at the impacts of constructing the inlet and outlet facilities to the proposed SWM ponds.
- Provide details as to the limit of construction in proximity to the creek.

### **Should the City accept the Parkland dedication?**

City staff has concerns with accepting the parkland dedication. These concerns centre generally on access and liability issues. Staff have reached the conclusion that the lands should remain in private ownership as they generally act as part of the storm water management solution for the development. Once developed for storm water management purposes the lands should be appropriately fenced from the north and east to discourage residents from crossing the tracks. Should Council support the dedication of the lands for parks purposes, appropriate conditions should be imposed that require the site preparation work (e.g. grading landscaping and fencing) to be at the expense of the applicant.

### **Are there conditions of approval that should be imposed should the City or OMB decide to support the amendments?**

Should Council or the Ontario Municipal conclude that the application be supported there are several conditions of approval that should be imposed to protect the City's interests and ensure that the site is appropriately serviced and developed.

The cost of all of the road/intersection improvements and underpass are expected to be the responsibility of the developer.

A Schedule B, Environmental Assessment will be required prior to construction of the underpass. Should the application be approved, staff would recommend that the zoning for the lands be supported in the form of a Holding (H) zone. The triggers for the removal of the H would be:

1. The approval of the Environmental Assessment (EA)
2. The awarding of the contract to commence construction of the underpass.

- 
3. The execution of a site plan control agreement registered on title containing the relevant conditions of approval.

The GRCA has confirmed that permits will be required for the construction of the inlet and outlets along the creek and that they must approve the SWM solution for the site.

There is general consensus that the storm water pond to the east of the creek must be in place before development as currently overland flows during larger storm events are currently occurring to the west.

The costs to service the lands (sanitary sewer, storm water management and water) should be at the expense of the developer.

Should Council support the dedication of the lands for parks purposes, appropriate conditions should be imposed that require the site preparation work (e.g. grading landscaping and fencing) to be at the expense of the applicant.

Due to the technical issues, final comments have not been provided by Engineering Services, the GRCA and staff have not heard from other important agencies such as the MTO. These are expected to generate conditions of approval. Staff are therefore not in a position to compile a comprehensive list of conditions should the application be supported either by Council or the OMB.

Given the above, staff has recommended a four part resolution for the consideration of Council.

### **CORPORATE STRATEGIC PLAN**

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

### **FINANCIAL IMPLICATIONS**

Based on 400,000 square feet (37161.216 square metres) of commercial space:

**Projected Taxation** (based on averaged 2005 values):

\$724,765.48 (based on 16.2 ha of commercial land)

**Development Charges:**

\$2,983,674.03

### **DEPARTMENTAL CONSULTATION**

The comments received in the review of the application are included on **Schedule 11**

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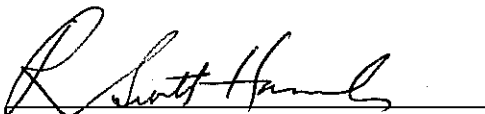
## COMMUNICATIONS

Notice of Public meeting for both the public information night on January 31, 2008 at the River Run and the March 3, 2008 Council Planning Public meeting was circulated on January 11, 2008 and advertised in the Guelph Tribune.

Persons who sent in comments on the application or who attended the Public information meeting on March 3, 2008 and indicated a desire to be notified of when the matter would be further considered by City Council were sent a notice on May \*\*, 2008.

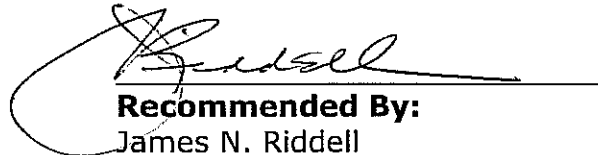
## ATTACHMENTS

- Schedule 1 – Location Map
- Schedule 2 – Staff response to issues
- Schedule 3 – Official Plan “Industrial” Designation Policies
- Schedule 4 – Permitted Uses for Existing Zoning
- Schedule 5 – Proposed Official Plan Designations
- Schedule 6 – Proposed Zoning Amendments
- Schedule 7 – Preliminary Site Concept Plan
- Schedule 8 – Relevant Official Plan Policies
- Schedule 9 – Proposed CC (Community Shopping Centre) Zone Permitted Uses
- Schedule 10 – Results from Lafarge Land Use Planning Exercise
- Schedule 11 – Circulation Comments



**Prepared By:**

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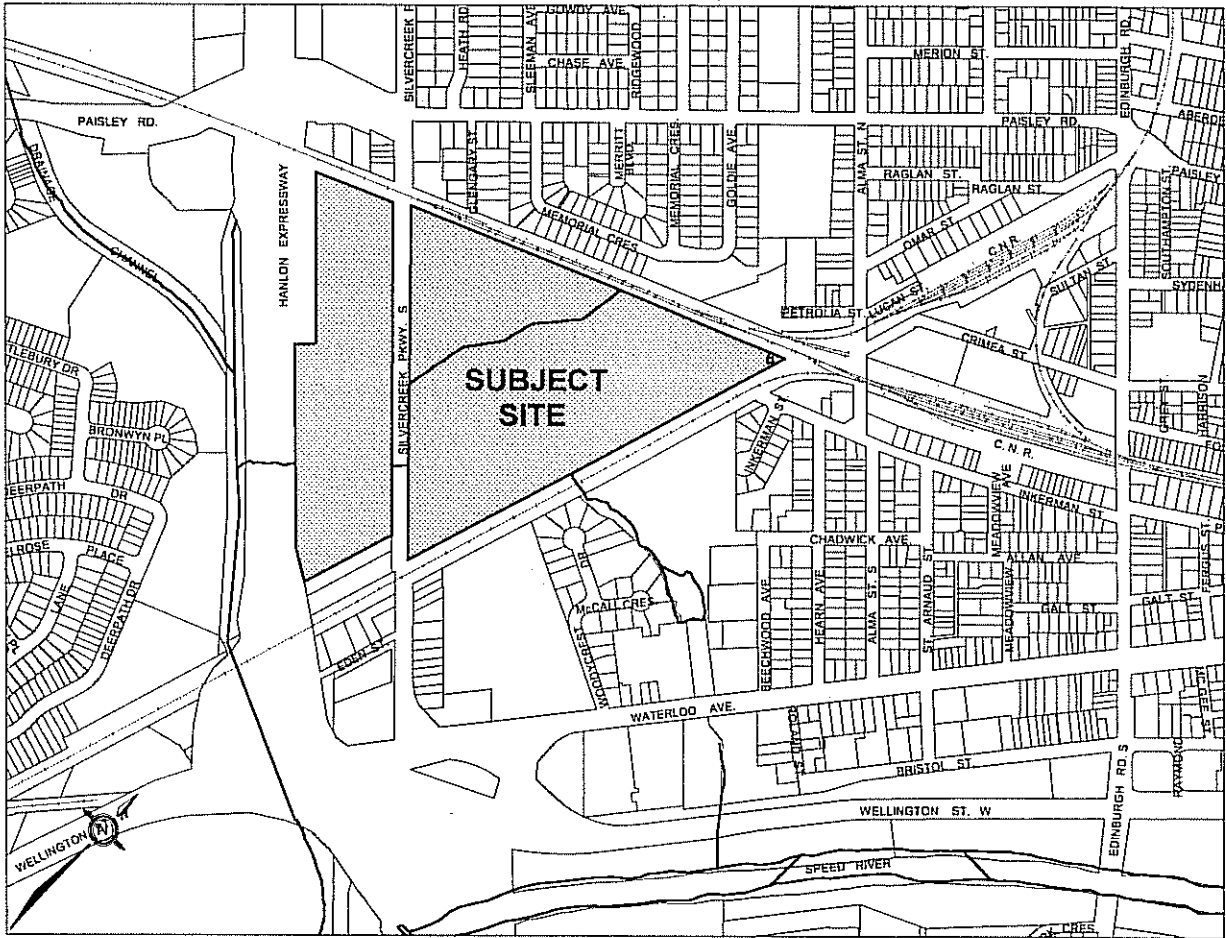
**Recommended By:**

James N. Riddell  
Director of Community Design and  
Development Services  
837-5616 Ext, 2361  
jim.riddell@guelph.ca



# SCHEDULE 1

## Location Map



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## SCHEDULE 2

### Staff response to Issues

- **Conformity with various Policy documents (OP, PPS, Places to Grow and CPR):**
  - **Does Places to Grow apply and if not, why?**
  - **Do the employment conversion provisions apply?**
  - **Do the density and intensification targets apply?**
  - **How does the proposal fit within the CPR?**
  - **Is the type of commercial space and scale acceptable?**

General summary of concerns: Concern has been raised by number of individuals that the Places to Grow Act should apply to the review of this application. It has been noted that the Growth Plan for the Greater Golden Horseshoe indicates that major retail uses are considered non-employment uses and the conversion of lands within employment areas to non-employment uses is only permitted through a municipal comprehensive review, where certain tests need to be met.

Staff comment: The Places to Grow legislation does not apply to this requested Official Plan and Zoning By-law amendment. By virtue of its date of commencement and subsections 2(a) and (d) of Ontario Regulation 311/06 under the places to Grow Act, 2005, the application is exempt from being reviewed against the Places to Grow legislation. The application was received by the City on November 9, 2005, whereas the Growth Plan for the Greater Golden Horseshoe, 2006, prepared and approved under the Places to Grow Act, took effect on June 16, 2006. The regulation is very clear that applications which commenced prior to the adoption of the Growth Plan are exempt from the legislation.

The Provincial Policy Statement (PPS) does apply to the application, but the issue of conversion of an employment area to non employment uses, for the purpose of this application, has been satisfied for the application, as the PPS takes a more liberal approach to the definition of employment lands. At present, the subject lands are designated and zoned for industrial purposes. If approved, the requested Official Plan and zoning amendments would change the land use to commercial. It is therefore important to note that the PPS specifically directs planning authorities to provide for a mix and range of "employment" and that the definition of employment includes **industrial, commercial and institutional** uses (See Section 1.3.1a) of the PPS). The PPS does contain a similar policy permitting the conversion of employment areas to non employment uses only following a comprehensive review, where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

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The Province is clearly concerned that certain types of employment lands are being converted from their intended uses, but the question is whether the change from Industrial to commercial represents a conversion of employment areas to non employment uses under the policies of the PPS. There have already been several Ontario Municipal Board (OMB) decisions that have concluded that retail and service commercial uses are employment uses for the purpose of the PPS. In all of these cases, it has been found that since retail and service commercial uses are employment generating-uses, it is reasonable and appropriate to reference commercial as an employment use within the 2005 PPS. Therefore, the change in land use from industrial to retail commercial is not a conversion of employment lands under the PPS. This change in land use should only be an issue if the lands were needed for future industrial land uses.

There has been the suggestion that the subject lands would be better used for residential purposes or as part of a new mixed use residential neighbourhood with supporting neighbourhood scale services (i.e. commercial and institutional). This land use scenario would be considered a conversion of employment lands as the lands are currently designated "Industrial" and not permitted until a comprehensive review is undertaken. In this regard, the City has commenced with a comprehensive review of its employment lands. The first phase of this study, which will examine the long term employment land needs for the City of Guelph, is set to be released shortly. Until this review is completed, other alternative non employment uses should not be considered.

With respect to the question of whether the density and intensification targets under the Places to Grow legislation will apply, staff would acknowledge that the subject site is located with the "Built boundary". The intensification targets for the built boundary, however, apply to residential development and redevelopment which is not the primary focus of the requested applications. The density targets, which include a residents and jobs per hectare calculation, are applicable to the "Urban Growth Centre" and the "Designated Greenfield areas" and the subject site is not included in either of these areas.

From a staff perspective, the most relevant tests for this application is whether the lands are required and suitable for a large scale retail commercial centre and whether the change in use from industrial to commercial is in keeping with the intent of the Commercial Policy Review and the policies of the Official Plan, the latter which include several tests for introducing new large scale commercial developments.

The Commercial Policy Review (CPR) was adopted as Amendment Number 29 to the Official Plan for the City of Guelph on September 26, 2006. This amendment introduced a new policy framework for the commercial structure within the City of Guelph. The general approach was to designate new commercial nodes as well as reserve space for intensification and redevelopment so that there would be a balanced amount of commercial space in all areas of the City. The Market analysis by Robin Dee and Associates, that formed that basis of

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the CPR commercial space allocation, indicated a need for 2.2 million square feet of retail commercial space to the year 2021. The subject site was not included within either the designated "mixed use nodes" or "intensification areas" created through the adoption of OPA #29. For the most part, these new mixed use nodes and intensification areas were allocated the majority of the 2.2 million square feet of space. The CPR did, however, set aside 500,000 square feet of warranted space for intensification and redevelopment.

Prior to adopting OPA #29, representatives for the applicants had requested that the subject property be identified as a "Special study area" that would permit the designation of the site for a Mixed Use Commercial Node without a formal amendment to the Official Plan. This request was considered by the Council of the day, but was not supported. The current application was under review at the time of the request to modify OPA #29 and the fact that Council did not support the request did not, in any way, prevent the applicants from continuing to pursue an amendment to the Official Plan.

The current application is a request for an amendment to the Official Plan to add a new Community Commercial centre containing up to 400,000 square feet of retail commercial floor space. Such an application must satisfy various sections of the Official Plan. These include, the preparation of appropriate market impact, planning and infrastructure studies (Sections 7.4.48 to 7.4.52) to support the proposal. Further, Section 9.3 of the Official Plan outlines various matters that must be considered when reviewing an amendment to the Official Plan. These matters include:

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

The application has included the required market impact, planning and infrastructure studies required by the Official Plan. A Retail Centre Market Demand and Impact Analysis was prepared by Tate Economic Research Inc. (TER Report). This study concludes that the proposed development is warranted based on market demand and that there is sufficient demand over the study period to not only support the proposed centre but also additional retail space. The study also concluded that the proposed retail centre will not preclude the

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opportunities for other retail locations including the Downtown, that the site's central location will widely disperse any potential impacts.

The City retained the services of Clayton Research Associates Limited to undertake a peer review of the TER report. In the peer review, Clayton questions the conclusion that all of the proposed space is warranted based on market demand and to succeed the proposed centre would have to attract comparable sales from existing and other proposed stores. On the issue of impact the Clayton report also finds the TER impact assessment too optimistic. Clayton points out that the TER analyses do not consider impact of the proposed centre on individual existing or planned Commercial Centres as required by the Official Plan or on the planned functions of existing designated commercial or mixed use lands pursuant to OPA 29. The Clayton peer review noted that the Silvercreek proposal is likely to have undesirable consequences for the future retailing function of the development/rejuvenation of the West Hills (mixed use node) and Willow West Mall and area (intensification area).

With respect to the tests under Section 9.3 of the Official Plan staff would offer the following:

- a. Conformity of the proposal to the goals and objectives of the plan.

The subject site is one of the last remaining large scale properties within the central part of the City (the built boundary). One of the City's general development objectives is to guide the location, scale and timing of growth in order to ensure compact, orderly and sustainable development and to minimize the cost of municipal services and related infrastructure. The overall development of this site in the near future for any use would support this goal as it will delay the need to extent services into Greenfield areas and provide an additional base to support the need to maintain and expand City services. The intensification and reuse of a former industrial aggregate operation and brownfield site does support the urban form policy promoting the reuse, revitalization and redevelopment of commercial or industrial sites that are under utilized or no longer in use. The question remains, therefore, what form of development should occur on this property?

- b. Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City.

Staff do not question the suitability of the subject site for the proposed commercial centre from a locational and land use compatibility perspective. The site has good location characteristics in that it is highly visible from the Hanlon Expressway and is in close proximity to a major interchange (Wellington Street at the Hanlon). The site clearly requires a second means of access to make it viable and to provide appropriate emergency services. Assuming the proposed underpass under the CNR

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line is feasible, this would connect this site to the arterial road network serving the northerly part of the City. From a geographical perspective, however, this area of the City is already well served by existing and future commercial facilities offered in the CBD, Willow West Mall intensification area and the West Hills mixed use node. The need for another commercial centre of the proposed scale in this area of the City is questionable.

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

Staff are satisfied that the proposed redevelopment of the site is compatible with the adjacent lands (see future discussion under heading "Concerns with overall commercial component").

d. The need for the use, in light of projected population and employment targets.

This question is a significant issue. The City recently completed a Commercial Policy Review (CPR) that quite clearly identified that the City required additional commercial opportunities. It is for this reason that the CPR recommended the allocation of over 2 million square feet of new retail commercial space. OPA 29 implemented this direction by distributing the warranted commercial floor space throughout the City at appropriate locations (Official Plan Objective 7.4 a)). The warranted space has already been allocated to the newly developing nodes (Woolwich and Woodlawn, West Hills, Eastview and the South Guelph District Centre). Some additional warranted space (500,000) was reserved for intensification in the Downtown, intensification nodes and other neighbourhood and convenience centres. The overall effect of this development would be to allocate almost all of this reserve to one development. This is fundamentally opposed to the commercial objective to disperse and distribute commercial uses throughout the City at appropriate locations.

The original CPR was completed on the basis of a population projection forecast of approximately 157,000 to the year 2027. Staff recently recommended a Growth Management strategy that provides a population projection of 165,000 people to the year 2031. This projection has never been specifically tested to determine the need for additional warranted commercial floor space beyond the 2.2 million included in the background work for the Commercial Policy review. There may therefore be additional warranted space that could be required within the City to the year 2031. If additional space is warranted the question still remains whether the subject property should take all or a large proportion of this future growth or whether there are other areas of the City that should be considered first for any additional space (e.g. the Reserve lands between Clair and Maltby)

e. The market feasibility of the proposed use.

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Staff does not question the feasibility of the proposed development but there are concerns with the Market impact of the proposed development on other planned and existing commercial centres within the city. As noted earlier in the report, the Market Impact study completed by TER does not consider impact of the proposed centre on individual existing or planned Commercial Centres as required by the Official Plan or on the planned functions of existing designated commercial or mixed use lands pursuant to OPA 29. The Clayton peer review noted that the Silvercreek proposal is likely to have undesirable consequences for the future retailing function of the development/rejuvenation of the West Hills (mixed use node) and Willow West Mall and area (intensification area).

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

This is a critical issue for staff. The City has only recently approved a new commercial structure that has allocated warranted commercial space into several new and existing nodes. Looking at the request from a geographic perspective the residents in close proximity to the site are already well serviced by the existing commercial opportunities in the Central Business District (CBD), Willow Road/Silvercreek Parkway intensification node and the site is also in proximity to the Stone Road existing intensification area and the newly developing West Hill Mixed Use node. The development of the West Hills node is just beginning to lease out phase two of what is expected to be a three or more phase development and preliminary site plans have just been received for the redevelopment of the Willow West Mall within the Willow Road/Silvercreek Parkway intensification node. Other nodes within the City including Eastview, Woolwich/Woodlawn and Clair/Gordon are currently vacant and seeking development approvals to proceed. In keeping with the recently approved CPR, it is the opinion of staff that these areas should be allowed to proceed in advance of any new centre.

- g. The impact of the proposed use on sewage, water solid waste management, transportation, community facilities and the natural environment.

Staff is satisfied that capacity is available within the water and wastewater systems to accommodate the development. Staff is still working out several technical issues related to the impact on the transportation system and natural environment. More specific details are provided later in this report under the heading of "Transportation Issues" and "Environmental Issues"

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h. The financial implications of the proposed development.

The site currently is an abandoned extraction operation that is providing limited financial assessment to the City or employment opportunities to the City. If fully developed as proposed, the site will generate development charge revenues of \$2,983,674.03 and annual taxes of \$724,765.48 (based on 16.2 ha of commercial land).

The site has remained in its present condition since the mid 1990's and due to its present site condition it is a very difficult parcel to develop. It will require any developer to outlay significant dollars to prepare and service the site. Over the past few years, City staff has become involved in several attempts of other purchasers to buy and develop the site and, until the current application, all previous inquiries have walked away from the offers to purchase.

The proposed amendment to the Official Plan does not properly satisfy the specific tests set out in the Official Plan for an amendment requesting to establish a new mixed use node (Sections 7.4.48 to 7.4.51) or the general tests set out in Section 9.3. There is significant concern that the ability of the existing designated commercial or mixed use lands to achieve their planned function will be compromised. The submitted Market impact study did not properly address any adverse affects of the economic viability of the existing or planned designated commercial or mixed use lands provided for in this plan, nor has it looked at the implications of the proposal relative to the City's CPR and the commercial objectives and policies of the OP.

Should this application be approved, the land use designation in the Official Plan should be reflective of the current "Mixed Use Node" designation. The requested "Community Commercial" designation is reflective of the former Official Plan. This designation was removed following approval of OPA #29 which implemented the Commercial Policy Review.

- **Concerns about proposed commercial component, including:**
  - **Compatibility with surrounding residential neighbourhoods (noise, light, air pollution, property values)**
  - **What will be the impact of deliveries, trucks?**
  - **Amount of parking. Is it acceptable?**

General summary of concerns: There is considerable concern regarding how the site will function as a commercial development and whether this is a compatible use with the surrounding land uses.



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Staff comment: The subject site is uniquely separated from any adjacent sensitive land use (e.g. residential) by the Harlon Expressway to the west and by the main line CNR track to the north and GEXR to the south. The topography of the site is also lower than the surrounding rail lines and, as a result, the rail lines function as berms providing additional opportunities for buffering and separation from the nearby residential neighbourhoods.

It should be noted that the lands are currently zoned and designated for industrial purposes. Should the lands be developed for industrial purposes in keeping with current B.4 zoning, site plan approval (Section 41 of the Planning Act) would deal with any compatibility issues such as noise and light pollution. We are confident that these same issues could be addressed in a satisfactory manner should the lands be developed for commercial purposes through appropriate site design techniques or conditions of approval. The provision of and location and orientation of loading bays, setbacks, landscaping, and other noise reduction mechanisms (e.g. walls and berms) would be required to reduce or eliminate any impacts from noise. Similarly lighting studies are a normal requirement of site plan approval to ensure that lighting is contained within the site and will not impact adjacent lands. These should be conditions of any approval.

With respect to the proposed parking, the current application does not propose to alter the current parking ratio within the CC (Community Commercial) Zone which is 1 parking space per 18 square metres of gross floor area. This ratio has been utilized as the current standard throughout the City for commercial developments of this scale. More recently, City staff has been encouraging reduced parking ratios (e.g. 1 space per 20 square metres of gross floor area or less) for newer commercial projects as a mean encouraging additional landscaping and supporting alternative modes of transportation to and from the development (e.g. public transit, walking and cycling). Staff would suggest that a reduced parking standard be considered for this development if it is supported.

- **Design of Site issues:**
  - **Should alternative designs or uses (mixed use, residential, location of big box component, go transit station) be considered?**
  - **Does the proposal provide an attractive urban design?**
  - **Does the proposal contemplate energy efficient “green” design options?**
  - **Is the site layout, location of buildings etc. satisfactory?**

Staff Comment: On the issue of alternative uses or designs, the current application should be reviewed on its own merits. The application has been appealed to the Ontario Municipal Board (OMB) and the OMB is expecting to understand the City’s position on the current application. If the applicant were prepared to modify the current proposal to reduce or eliminate the commercial component in favour a mixed use (residential/commercial) or purely residential development, the conversion of employment lands issue would need to be addressed. In other words, the City would need to complete its comprehensive review and determine that these lands are not

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required for employment purposes over the long term and that there is a need for the conversion. The City is not in a position to do so at this time.

With respect to the review of the urban design of the application, it would appear that the concept plan for the development (Silvercreek Junction) has attempted to respond to the City's current urban design policies for Commercial and mixed use areas. The concept contemplates a Village Centre (Silvercreek Market Place) at the main access point to the development along Silvercreek Parkway. Signature buildings and a public square are featured at this intersection with other buildings placed along the westerly side of Silvercreek to reinforce the street edge with parking areas located to side or rear of these buildings. At a conceptual level, the proposal generally supports the policies found in Section 7.4.40 and 7.4.41 of the Official Plan. Similarly, the concept plan has articulated the main driveway entrances and internal roads with an enhanced landscape treatment, broken the proposed parking areas into smaller parking courts and provided well defined pedestrian treatments throughout the development. These efforts are consistent with Sections 7.4.42 and 7.4.43 of the Official Plan.

The concept plan also includes 2 large format buildings. Large format buildings are contemplated within the mixed use nodes in the Official Plan and the policies in the Official Plan (Section 7.4.44) primarily deal with the architectural elements that are needed to provide interest to the buildings and reinforce and enhance the built form and character of Guelph. The concept plan does not provide any details related to the design or construction of these larger format building and therefore the ultimate assessment of how the development responds to the City's policies is not available at this time. In the Site Plan provided, the large-format buildings are set close against the rail corridors presumably to take advantage of the grade differences as a screening mechanism. Rooftop design and screening of mechanical units will be made more important as the roofs would likely be level with the railway corridors.

The applicant's Urban Design Guideline document, dated 'Revised November 2007', meets or exceeds the City's policies for commercial sites and buildings in the Official Plan.

The applicant has provided a LEEDs scorecard which indicates they are pursuing having the site reach a 'Certified' level under the programme (this is the entry level below Silver). The site can achieve this to a large measure through the remediation of the Brownfield conditions and overall site design characteristics. This performance level is similar to the commitment of the Pergola site at South East corner of Clair and Gordon.

- **Traffic Impact issues:**

- **Is the City satisfied that the adjacent roads are adequate to handle the increased traffic (congestion/safety)?**
- **Will road/intersection improvements be required and who pays?**
- **Is site access acceptable?**

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- **Does the design accommodate alternative forms of transportation (pedestrian, cyclists, transit)**
  - **Will road widening be required?**
  - **Will there be cut through traffic on local roads? Is this a concern?**
  - **What is position of Guelph-Exeter Railway on the increase traffic relative to the at-grade crossing?**

Staff Comment: City Engineering staff are not at a point yet to fully endorse the modifications to the existing road system identified in the Traffic Impact Study (TIS) submitted by the B.A. Group in support of the application. Road improvements contemplated include the Silvercreek Parkway underpass at the CN line and intersection improvements at Silvercreek Parkway and Paisley Road, Silvercreek Parkway and Waterloo Avenue, Waterloo Avenue and Edinburgh Road and Wellington Street at the Hanlon East Ramp Terminal. Technical comments have provided to the consultants and discussions are ongoing.

Silvercreek Parkway, which provides access to the development, is identified in the Official Plan as a 2-lane collector road between Wellington Street at the south and Paisley Road at the north, including a grade separated crossing at the northerly CN line and an at-grade crossing at the southern CN line. The Official Plan requires a road widening of 5 metres along both sides of Silvercreek Parkway from Wellington Street to Woodlawn Road to establish a consistent right-of-way of 30 metres. Should the application be supported this widening would be acquired at the time of site plan approval.

The cost of all of the road/intersection improvements are expected to be the responsibility of the developer. These should be included as conditions of approval and included in a site plan control agreement registered on title, should Council support the application.

Staff is satisfied that the site design provides for all forms of transportation. Most notably the proposed underpass will allow convenient access for transit services and Silvercreek Parkway will be upgraded to provide sidewalks and bike lanes.

- **Underpass issues:**

- **Is it feasible?**
- **Is the connection required for the development?**
- **What is the position of CN and MTO?**
- **What will it cost (estimate) and who should pay? Also status of DC funding?**
- **How should the timing for the project and required EA be handled?**

Staff comment: As noted by the Engineering comments, the grade separated crossing of Silvercreek Parkway at the CN line is contemplated by the Official Plan. The City has received a functional design for the underpass along with a design brief for the roadway drainage. The underpass would appear to be technically feasible but there are several unresolved issues which are currently being discussed including

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road grades, access issues for some properties and the need for sidewalks and bike lanes. Staff views the underpass connection as a requirement for this development. This connection forms part of the traffic impact assessment and recommended improvements needed for the development to proceed.

Staff have recently received comments from CN that indicates that they are not opposed to the underpass of the northerly mainline or the at-grade crossing of the southerly branch line provided there is no cost to CN. As the crossing proposals proceed through the design stage, CN and GEXR must be contacted to ensure specific engineering and safety requirements of the railway and Transport Canada are met.

Updated comments from the Ministry of Transportation of Ontario (MTO) have not been received. It is important that we understand whether this Ministry will support the development, underpass and other intersection improvements and what, if any, conditions should be recommended or imposed to deal with any issues that they may have. It is premature to support a development that will require permits from the MTO, if these permits will not be issued.

Although initial estimates have not been made as to the cost of the project, a similar underpass (Elmira Road under the CN line) recently cost in the order of 2-3 million dollars. The current Development Charges (DC) By-law does not include this underpass as an eligible DC item. Given the current DC by-law, it is the expectation of staff that the developer would pay for the planning, approvals and implementation of the underpass. The applicant has requested that consideration be given to including this underpass project as a Development charge item when the DC by-law is updated. Staff support this request as the primary issues holding up the development of this site in the past seem to be providing appropriate access in addition to the costs to prepare and service the site for development. The PPS encourages planning authorities to identify and promote opportunities for intensification and redevelopment and plan for infrastructure and public service facilities required to accommodate these opportunities. Whether the subject lands are developed for commercial, industrial or other uses it is the recommendation of staff that the underpass be included in the DC by-law update so that the City can assist in providing appropriate access to the ultimate development of the area. The connection of Silvercreek Parkway is an important transportation link which will support the goal of developing a safe, efficient and convenient transportation system that provide for all modes of travel and supports the land use patterns of the City. It is important that we connect this site with the balance of the City.

A Schedule B, Environmental Assessment will be required prior to construction of the underpass. Staff note that the underpass is an essential element of the proposed development and should be approved and in place prior to the development of the lands for commercial purposes. Therefore, should the application be approved, staff would recommend that the zoning for the lands be supported in the form of a Holding (H) zone. The triggers for the removal of the H would be:

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4. The approval of the Environmental Assessment (EA)
  5. The awarding of the contract to commence construction of the underpass.
  6. The execution of a site plan control agreement registered on title containing the relevant conditions of approval.

- **Economic Impact issues, including:**
  - **Amount of industrial/employment lands available. Is loss of industrial land an issue?**
  - **Market impact of proposed amount of commercial space. Is this an issue?**

Staff Comment: Staff acknowledge that the loss of industrial land could be an issue for this application, if a comprehensive review of our Employment lands identifies a need to retain these lands for industrial development. With the recent Growth Management recommendation to grow to a population of 165,000 persons, without a boundary adjustment, it is imperative that the City accommodate an appropriate mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet its long term needs. The subject site currently forms part of the City's inventory of industrial land. As noted earlier in this discussion, the City is currently embarking on an Employment land needs strategy. Phase one of this strategy will examine the long term employment land needs for the City of Guelph and this phase is set to be released shortly. As noted earlier, the current application does not represent a loss of employment land as both commercial and industrial uses are considered to be employment under the PPS. Should, however, the study show a shortage of industrial land supply in the long term, the loss of these lands could represent an issue.

The Market impact of the proposed amount of commercial space was reviewed earlier in the report and is a significant concern to staff.

- **Environmental issues:**
  - **What is the impact on creek, wildlife corridors, and existing vegetation?**
  - **Do the City/agencies accept the EIS?**
  - **Site grading, storm water management, flood line, groundwater recharge/discharge on site, infrastructure costs**

Staff Comments: Howitt Creek traverses the site from north to south and the creek and valley land are recognized in the Official Plan as features that should be protected and enhanced. Schedule 1 – "Land Use Plan" shows the creek within a "Non-Core Greenlands Overlay" while Schedule 2 – "Natural Heritage Features and Development Constraints" identifies the regulatory flood line along the creek and includes the lands immediately adjacent to the creek in an "Other Natural Heritage Features" designation. It is the policy of the Official Plan that where a development proposal may impact a natural heritage feature or its ecological function the proponent will be required to prepare an environmental impact study. This study has been completed and is currently being reviewed by the Environmental Advisory

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Committee (EAC), the Grand River Conservation Authority and the City's Environmental Planner. At the time of writing this report, there are still outstanding issues holding up the full support for the impact study.

An addendum to the EIR is expected. This addendum will:

- provide further evaluation of the downstream impacts.
- Look at the impacts of constructing the inlet and outlet facilities to the proposed SWM ponds.
- Provide details as to the limit of construction in proximity to the creek.

With respect to Storm Water Management, there is still issue with how the upstream flows entering Howitt Creek from the Alma relief sewer have been calculated. At this point, Engineering Services has requested that the applicant provide a peer review to confirm the peak flow and ensure that the attenuation pond is sized appropriately. Engineering Services has also asked the applicant to provide a technical rationale for not proceeding with the storm water diversion from the Alma relief sewer to the Northwest Drainage Channel together with references to appropriate studies and reports. There is general consensus that the storm water pond to the east of the creek must be in place before development as currently overland flows during larger storm events are currently occurring to the west, through the proposed commercial site.

Staff recognize that there will be considerable cut and fill required on this site to prepare it for development. As a result, tree retention, for the most part, will be limited to the area next to the creek and potentially along the existing railway embankments. This scenario is likely for whatever land use scenario is ultimately developed on the site. As the Official Plan does not identify the lands as a significant Natural Heritage feature, with the exception of the lands immediately adjacent to the creek, this is not a concern for staff.

The GRCA has confirmed that permits will be required for the construction of the inlet and outlets along the creek and that they must approve the SWM solution for the site.

Updated comments from both Engineering, GRCA and EAC are expected once the additional information is received.

- **Park issues:**
  - **Does the City accept the park dedication?**
  - **What is the City's position on the feasibility study? Is the park usable for the intended purpose?**
  - **Is site contamination or use of site for flood control an issue?**
  - **Is access to the park acceptable?**
  - **How do the trail connections work?**
  - **Who pays for construction and maintenance of the park?**
  - **Loss of lands as unofficial park, dog-walking, and recreation lands**

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Staff comment: City staff has concerns with accepting the area east of Howitt Creek as the parkland dedication. We respect that the applicants have tried to respond to a neighbourhood desire that a portion of the property be a public park (either active or passive), but staff continue to have concerns with development of the area east of Howitt Creek as a public park. These concerns centre generally on access and liability issues. Public parks are expected to front on a public street so that the residents have convenient and safe access and the park can be appropriately maintained by City staff. The proposed park is effectively landlocked as it is bounded by two railway lines and a creek. Access is contemplated to the park via a public right of way from Silvercreek Parkway through the commercial development and by way of public access across, over or under the rail lines. Though these crossings are contemplated it is not clear on how these crossings would occur, how much they would cost, who will pay and whether the railway companies are supportive. The updated comments from the CNR have not dealt specifically with pedestrian crossing issue although there is a significant concern about a trespassing problem. Earlier comments indicated the railway would not support public access across the tracks under any circumstances.

Staff have noted that approximately 2/3 of the area contemplated as parkland is intended to be part of an engineered storm water pond which is being designed to accommodate upstream flows during larger storm events. This will also limit the use of the park for certain activities. Without a safe and approved access from the east, accepting the lands as a public park creates unacceptable liability for the City should anyone be hurt or killed trying to access the park from the east. Staff have reached the conclusion that the lands should remain in private ownership as they generally act as part of the storm water management solution for the development. Once developed for storm water management purposes the lands should be appropriately fenced from the north and east to discourage residents from crossing the tracks.

We recognize that there is a strong desire by the neighbourhood to maintain a portion of the lands as open space for passive or active recreational opportunities. The public currently uses the lands as an unofficial park/trails/dog walking area, but this activity is considered to be trespassing on private property. As such, discussions should continue regarding access to the proposed park from Silvercreek Parkway. At this time the applicant is proposing a right of way from Silvercreek Parkway to provide for public access to the lands. This is not ideal and a new public street with appropriate area set aside for frontage to the park and public parking exclusively devoted to park activities is preferred. Even under this scenario, any future public park may have to be fenced off from the north and east due to liability issues, if access cannot be obtained from the railways. Should Council support the dedication of the lands for parks purposes, appropriate conditions should be imposed that require site preparation work (e.g. grading landscaping and fencing) to be at the expense of the applicant.

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With respect to the issue of possible site contamination, the applicant has provided a Record of Site Condition (RSC) which indicates that the area east of the creek has been decommissioned in keeping with current MOE Guidelines.

- **Implications for potential changes to the application**

Staff comment: Since the applicant has not modified the application, it is expected that the Ontario Municipal Board will review the application as it has been presented to Council. The Ontario Municipal Board, however, does have the ability to deal with modifications to applications. It has been the experience of staff that if substantive changes are proposed to an application before the OMB, the OMB may send the application back to Council for further input. Staff would also remind Council that the City is a party to the hearing and that the City's representatives will keep Council updated on the status of the hearing.