

COUNCIL PLANNING AGENDA



DATE September 6, 2011 7:00 p.m.

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

- O Canada**
- Silent Prayer**
- Disclosure of Pecuniary Interest**

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

Application	Staff Presentation	Applicant or Designate	Delegations (maximum of 10 minutes)	Staff Summary
a) 1274, 1280 & 1288 Gordon Street: Proposed Zoning By-law Amendment (File ZC1109) – Ward 6	Al Hearne	<ul style="list-style-type: none"> • Nancy Shoemaker 	<u>Correspondence:</u> <ul style="list-style-type: none"> • Hugh Handy – GSP Group 	
b) 1077 Gordon Street: Proposed Official Plan Amendment and Associated Zoning By-law Amendment (File OP1101/ZC1011) – Ward 6	Chris DeVriendt	<ul style="list-style-type: none"> • Helmuth Strobel 	<u>Correspondence:</u> <ul style="list-style-type: none"> • Jeff & Jacqueline Armishaw 	

COUNCIL AS COMMITTEE OF THE WHOLE			
ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
COW-1 Citizen Appointment To The Board Of Directors For The Guelph Municipal Holding Company			

Adoption of balance of the Council as Committee of the Whole Consent Report –

CONSENT AGENDA

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the

item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

COUNCIL CONSENT AGENDA			
ITEM	CITY PRESENTATION	DELEGATIONS (maximum of 5 minutes)	TO BE EXTRACTED
A-1) Official Plan Amendment 47: Updating Policies Regarding Community Improvement And Renewal			
A-2) Guelph Municipal Holdings Inc. (GMHI) – Administrative Matters			
A-3) 2011 Market Square Business Promotion Program			
A-4) Sale of City Owned Land – Hanlon Creek Business Park Phase 1			

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Kovach)

By-law Number (2011)-19248 A by-law to authorize the conveyance to 2257524 Ontario Inc. of the lands described as Part of Block 5, Plan 61M169, designated as Part 1, Reference Plan 61R11641, City of Guelph.	A by-law to authorize the conveyance of land.
By-law Number (2011)-19249 A by-law to authorize the conveyance to 2291908 Ontario Inc. of the lands described as Part of Block 36, Plan 61M169, designated as Part 1, Reference Plan 61R11671, City of Guelph.	A by-law to authorize the conveyance of land.

ANNOUNCEMENTS

ADJOURNMENT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE September 6, 2011

**SUBJECT 1274, 1280 & 1288 Gordon Street – Proposed Zoning
By-law Amendment (File ZC1109) Ward 6**

REPORT NUMBER 11-78

SUMMARY

Purpose of Report

To provide planning information on an application requesting approval of a Zoning By-law Amendment affecting property at 1274, 1280 and 1288 Gordon Street to allow a 200 unit apartment development. This report has been prepared in conjunction with the statutory public meeting on the application.

Council Action

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

RECOMMENDATION

“THAT Report 11-78 regarding a Zoning By-law Amendment application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of MRL Developments Inc., MTCM Developments Inc. and 2182805 Ontario Inc. to allow a proposed apartment development (ZC1109) on lands legally described as Part Lot 6, Concession 8, formerly Township of Puslinch and Parts 1 and 2, Plan 61R9757 municipally known as 1274, 1280 and 1288 Gordon Street, City of Guelph, from Planning & Building, Engineering and Environment dated September 6, 2011, be received.”

BACKGROUND

The applicant and owners have been consulting with Staff since September of 2008 concerning details of the proposal and application. This rezoning application was received on April 15, 2011 and deemed to be complete on April 16, 2011.

The application applies to a land assembly of three separately owned properties (See Schedule 1). Two detached dwellings occupy the property at 1274 and 1288 Gordon Street and are proposed to be demolished. Property at 1280 Gordon Street is vacant. There is substantial vegetation on the subject property. The proposal is a request to change the zoning from the R.1B (Residential Single-Detached) Zone and the WL (Wetland) Zone to a Specialized R.4A (General Apartment) Zone to allow three buildings containing a total of 200 apartment units.

Location

The subject site is located on the east side of Gordon Street between Edinburgh Road South and Arkell Road (See Schedule 1). The site has 71.93 metres of frontage on Gordon Street, a lot depth of 246 metres and a total site area of approximately 2.02 hectares.

Land uses in the vicinity of the subject site include:

- Single-detached dwellings in the R.1B (Residential Single-Detached) Zone occupying large properties along the east side of Gordon Street (from #1228 to #1260 Gordon Street) to the north of the subject site. The property at 1270 Gordon Street immediately north of the site is occupied by a mixed residential and commercial use.
- A single-detached dwelling (#1300 Gordon St.) and the Salvation Army (#1320 Gordon St.) immediately to the south of the subject site, with mixed residential uses further to the south along the north side of Arkell Road. Vacant developable lands in the UR (Urban Reserve) Zone are also located south-east of the site.
- Provincially Significant Wetlands associated with the Torrance Creek Sub-watershed east of the site.
- Vacant lands (#1291 Gordon St.) in the Specialized R.4A-37(H) Zone permitting apartments and seniors uses across Gordon Street west of the site.
- Lands zoned for neighbourhood commercial uses are located near the intersections of Edinburgh Road South at Gordon Street and Arkell Road at Gordon Street.

Existing Official Plan Land Use Designations and Policy

Schedule 1 of the Official Plan designates the subject site 'Medium Density Residential' along the Gordon Street frontage of the site and 'General Residential' on the east part of the site (See Schedule 2 of this report). The predominant use of land in the Medium Density Residential designation is multiple unit residential buildings between a minimum net density of 20 units per hectare and a maximum net density of 100 units per hectare. The General Residential designation allows a full range of housing forms at a maximum net density of 100 units per hectare. A very small sliver of land at the east end of the site is designated 'Core Greenlands' and the 'Non-Core Greenlands Overlay' applies to most of the site. Gordon Street is identified as a four-lane arterial road in the Official Plan.

Schedule 2 of the Official Plan identifies the frontage of the site as 'Other Natural Heritage Features' (lands primarily comprising environmental corridors, ecological linkages and buffers to Natural Heritage Features) and the east part of the property is affected by an identified 'Provincially Significant Wetlands' associated with the

Torrance Creek sub-watershed basin which is implemented by a WL (Wetland) Zone (See Existing Zoning below). The site is also included in the 'Arkell Springs Water Resource Protection Area'. Excerpts of some of the Official Plan policies applicable to the application are highlighted in Schedule 2 of this report.

Official Plan Amendment (OPA) 39 (in effect) identifies the site within an 'Intensification Corridor' and within the 'Built-Up Area' of the City. This corridor is intended to provide for higher density mixed use development along major roads or higher transit corridors. As shown in Schedule 2 of this report, Official Plan Amendment 42 which is under appeal designates the southern and eastern portions of the site as 'Significant Natural Areas' with the southern portion identified as 'Ecological Linkages'.

Under existing Official Plan policies, the proponent of a development proposal is required to prepare an environmental impact study to determine if development may negatively impact a natural heritage feature or its ecological function. Under OPA 42 policies, an environmental impact study is required to determine if development or site alteration may negatively impact the Natural Heritage System, surface water and groundwater features or related ecological or hydrological functions or the linkages between these features.

Existing Zoning

The site is mainly in the R.1B (Residential Single-Detached) Zone and a small sliver of land at the east end of the site is in the WL (Wetland) Zone (See Schedule 3 which includes R.1B Zone permitted uses and standard regulations). The lands are also identified with two zoning overlays. The first overlay 'Lands with one of the following: Locally Significant Wetlands, Significant Woodlots, Natural Corridor, or Linkage' applies to the westerly half of the site. The second overlay 'Lands Adjacent to Provincially Significant Wetlands' applies to the easterly half of the site.

REPORT

Description of Proposed Zoning Bylaw Amendment

The owner has asked to rezone the subject property to a Specialized R.4A (General Apartment) Zone to permit the construction of 200 apartment units located within three separate apartment buildings (See Schedule 4). The standard zoning regulations of the R.4A Zone are also highlighted in Schedule 4. Two specialized regulations to the standard R.4A Zone are requested in the application and include:

- A request for a Minimum Sideyard of 7.5 metres along the north property line and 10 metres along the south property line instead of the standard R.4A regulation that requires 'one half the Building Height but not less than 3 metres and in accordance with Section 5.4.2.1.' One-half the Building Height in this case, based on the information provided, would be 10.66 metres).
- A request for a Building Floor Space Index of 1.22 instead of the standard R.4A regulation that requires a Floor Space Index of 1.

The owner's Preliminary Site Plan is attached in Schedule 5. This site plan illustrates a private road ingress and egress at Gordon Street connecting to the internal

surface and underground parking areas and terminating at the north end of the site. The private stub road at the north property line is shown to connect to a conceptual future public road cul-de-sac that could act as an extension of Edinburgh Road South. The central surface parking area is supplemented by two separate underground parking structures also shown in Schedule 5. Stormwater management ponds are proposed at the east end of the site to service part of the proposed development.

Building A is proposed adjacent to Gordon Street with a height of 6 storeys containing 30 apartment units. A Proposed Building Perspective of Building A adjacent to Gordon Street is attached in Schedule 6. Building B is shown adjacent to the north property line with a height of 7 storeys containing 78 apartment units. Building C is proposed along the south property line with a height of 7 storeys containing 92 units.

The proposal for 200 residential units would yield a site density of 99 dwelling units per hectare. With an expected occupancy of approximately 340 residents, the Places to Grow density is calculated at 168 persons per hectare.

The following reports have been submitted in support of the rezoning application:

- Preliminary Site Servicing and Stormwater Management Report by Braun Consulting Engineers Ltd. dated March 2011.
- Environmental Impact Statement by North-South Environmental Inc. dated April 2011.
- Traffic Impact Study by Paradigm Transportation Solutions Ltd. dated March 2011.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan.
- Evaluation of the proposal against the land use designations and policies of the Official Plan including Official Plan Amendment 39.
- Evaluation of the Site Servicing and Stormwater Management Report, the Environmental Impact Statement including tree preservation, and the Traffic Impact Study.
- Refine the design of the proposed extension of Edinburgh Road South easterly from Gordon Street.
- Evaluation of the urban design of the proposal.
- Consideration of the Community Energy Initiative (CEI).
- Review of the proposed zoning including the specialized regulations.
- Review of the proposed demolition of the two existing houses on site.

Once the application is reviewed and all issues are addressed, a report from Planning & Building, Engineering and Environment 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 Planning & Building, Engineering and Environment recommendation report to Council.

COMMUNICATIONS

The Notice of Application and Public Meeting was mailed and advertised in the Guelph Tribune on August 12, 2011. This Notice was sent to local boards and agencies, City service areas and property owners within 120 metres of the site for comments.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Land Use Designations and Policies (includes Official Plan Amendment 42 Land Use Designations)

Schedule 3 – Existing Zoning

Schedule 4 – Proposed Zoning

Schedule 5 – Preliminary Site Plan

Schedule 6 – Proposed Building Perspective

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Recommended By:

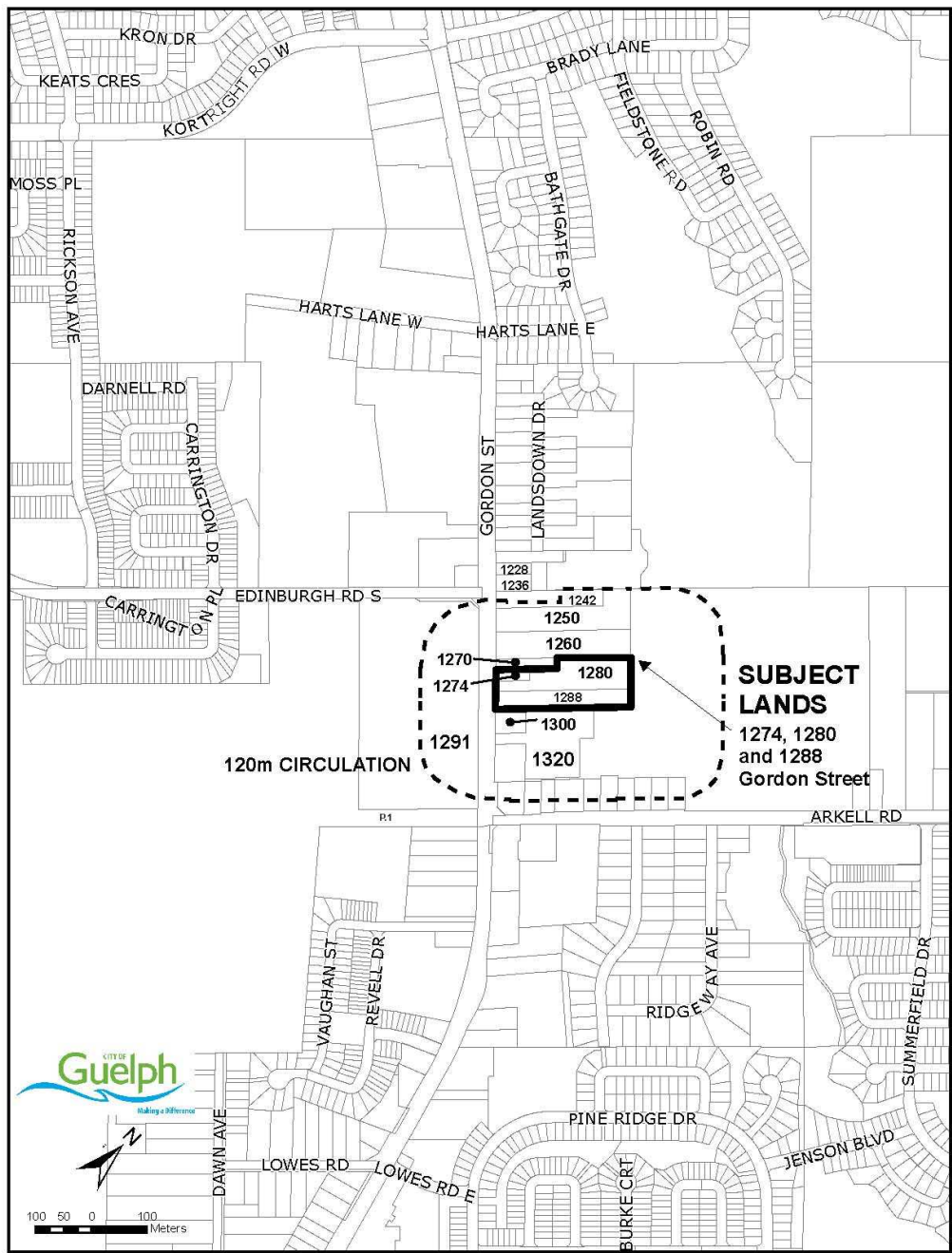
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“original signed by Jim Riddell”

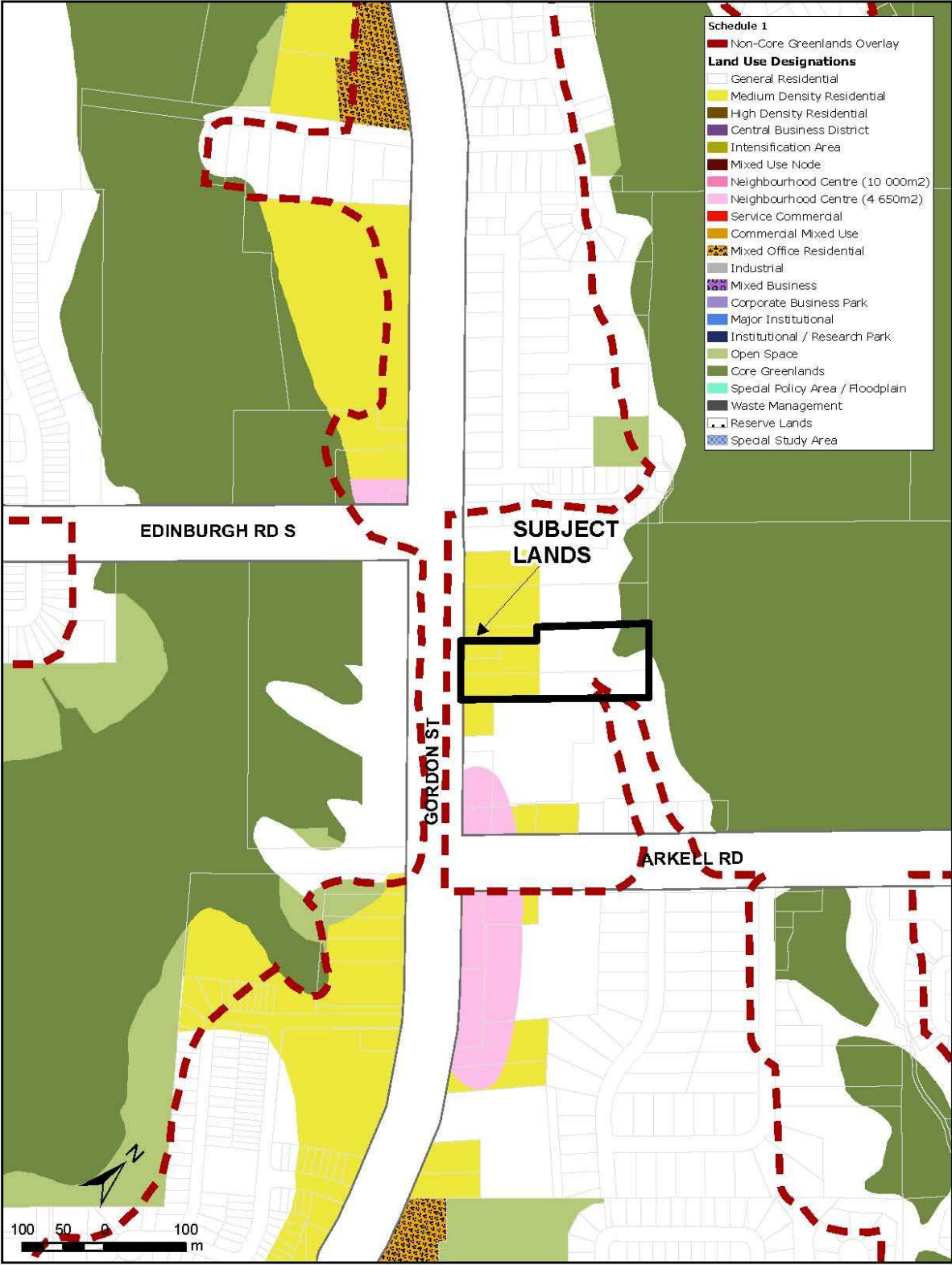
Recommended By:

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Schedule 1 Location Map



Schedule 2 Existing Official Plan Land Use Designations and Policies



Schedule 2 Existing Official Plan Land Use Designations and Policies (Excerpts Only)

5.7 Arkell Springs Water Resource Protection Area

5.7.1 The City is reliant on the majority of its water supply coming from the Arkell Springs located to the southeast of the City. A portion of the recharge area associated with these spring grounds is located within the City of Guelph, and is identified as such on Schedule 2. Policies respecting the protection of these spring grounds are outlined in subsection 4.3, Water Resources.

SECTION 6: NATURAL HERITAGE FEATURES

6.1 Introduction

This section of the Plan provides policy for the protection of features and ecological functions of Guelph's natural environment. The policies of this section are intended to identify and provide a level of protection for lands representing the full spectrum of Guelph's natural heritage features and ecosystems.

6.4 Wetlands

The Ministry of Natural Resources has evaluated and classified *wetlands* in the City of Guelph. These *wetlands* consist of *provincially significant wetlands* and *locally significant wetlands*. All *wetlands* currently evaluated are delineated on Schedule 2.

Objectives

- a) To recognize the important role of *wetlands* of all sizes in the natural environment;
- b) To plan for the optimization of the hydrological, social, ecological and economic benefits associated with various wetland resource areas;
- c) To work with community partners and various government agencies, (i.e. the Grand River Conservation Authority and the Ontario Ministry of Natural Resources) to protect *wetlands* through accepted land use planning and resource management practices.

6.9 Environmental Corridors and Ecological Linkages

Environmental corridors are linear biophysical features usually associated with river, stream and creek valleylands that provide essential links for plant and animal species and often serve as buffers to the riverine ecosystem. *Ecological linkages* are landscape areas that connect remnant *natural areas*. It is the City's intention to promote the retention, maintenance and enhancement of both of these types of *features*.

Objectives

- a) To promote the retention, maintenance and enhancement of linear biophysical features as well as natural landscaped connections that provide essential links between *natural heritage features*.

7.2 Residential

7.2.7 *Multiple unit residential buildings*, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:

- a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;

b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;

c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and

d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.

7.2.8 The development criteria of policy 7.2.7 will be used to assess the merits of a rezoning application to permit new *multiple unit residential buildings* on sites that are presently not zoned to permit these particular housing forms.

'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).

7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

'Medium Density Residential' Land Use Designation

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

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

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

a) Medium density housing forms in new growth areas to assist in providing opportunities for *affordable housing*;

b) Greater housing densities that are supportive of transit usage adjacent to major roads forming the existing and future transit network;

c) A variety of housing types and forms to be situated throughout all areas of the community; and

d) Supportive of urban form objectives and policies to establishing or maintaining mixed-use nodes.

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

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

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

7.13 Greenlands System

The Greenlands System represents a planning framework which recognizes that *natural heritage features* and their associated landscapes need to be considered in a holistic manner in order to provide a comprehensive and integrated approach for conservation and enhancement.

The Greenlands System is intended to include those *features* and areas which are part of the City's *natural heritage* as well as areas in which *natural hazards* may pose a threat to public safety. These often inter-related areas include:

- wetlands;
- forestry resources;
- streams and valleys;
- ponds;
- areas of natural and scientific interest;
- fish, wildlife and plant habitats;
- flood plains and hazard lands;
- habitat areas for endangered and threatened species.

Core Greenlands

7.13.1 The 'Core Greenlands' land use designation recognizes areas of the Greenlands System which have greater sensitivity or *significance*. The following *natural heritage feature* areas have been included in the 'Core Greenlands' designation of Schedule 1: *provincially significant wetlands*, the *significant* portion of habitat of *threatened and endangered species*, and the *significant areas of natural and scientific interest (ANSI)*. *Natural hazard lands* including steep slopes, erosion hazard lands and unstable soils may also be associated with the 'Core Greenlands' areas. In addition, the *floodways* of rivers, streams and creeks are found within the 'Core Greenlands' designation.

Non-Core Greenlands Overlay

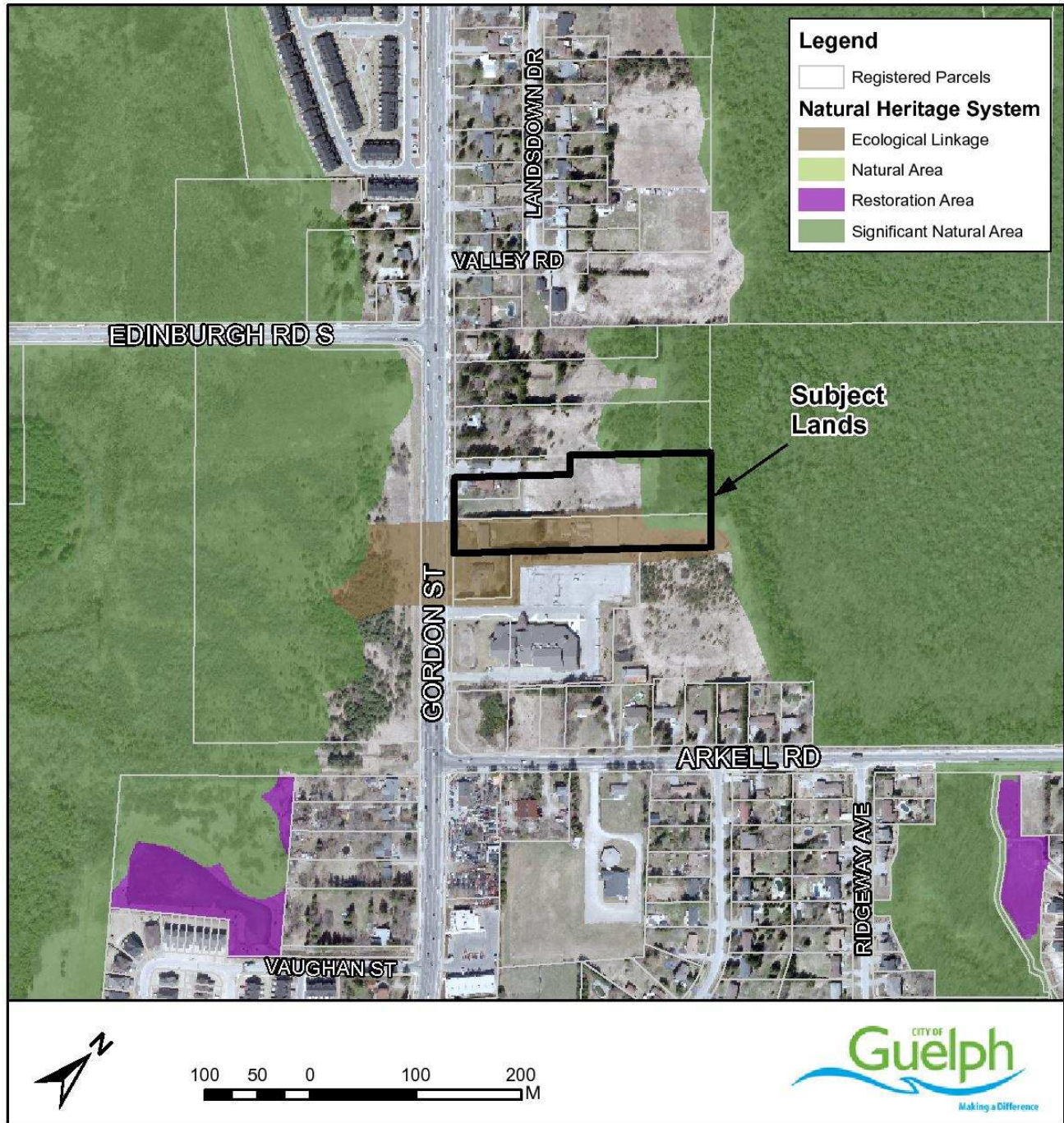
7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain *natural heritage features*, *natural feature adjacent lands* and *natural hazard lands* that should be afforded protection from *development*. The following *natural features* and their associated *adjacent lands* are found within the Non-Core Greenlands area: *fish habitat*, *locally significant wetlands*, *significant woodlands*, *significant environmental corridors and ecological linkages*, *significant wildlife habitat*. In many instances these *natural features* also have *hazards* associated with them which serve as development constraints.

1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

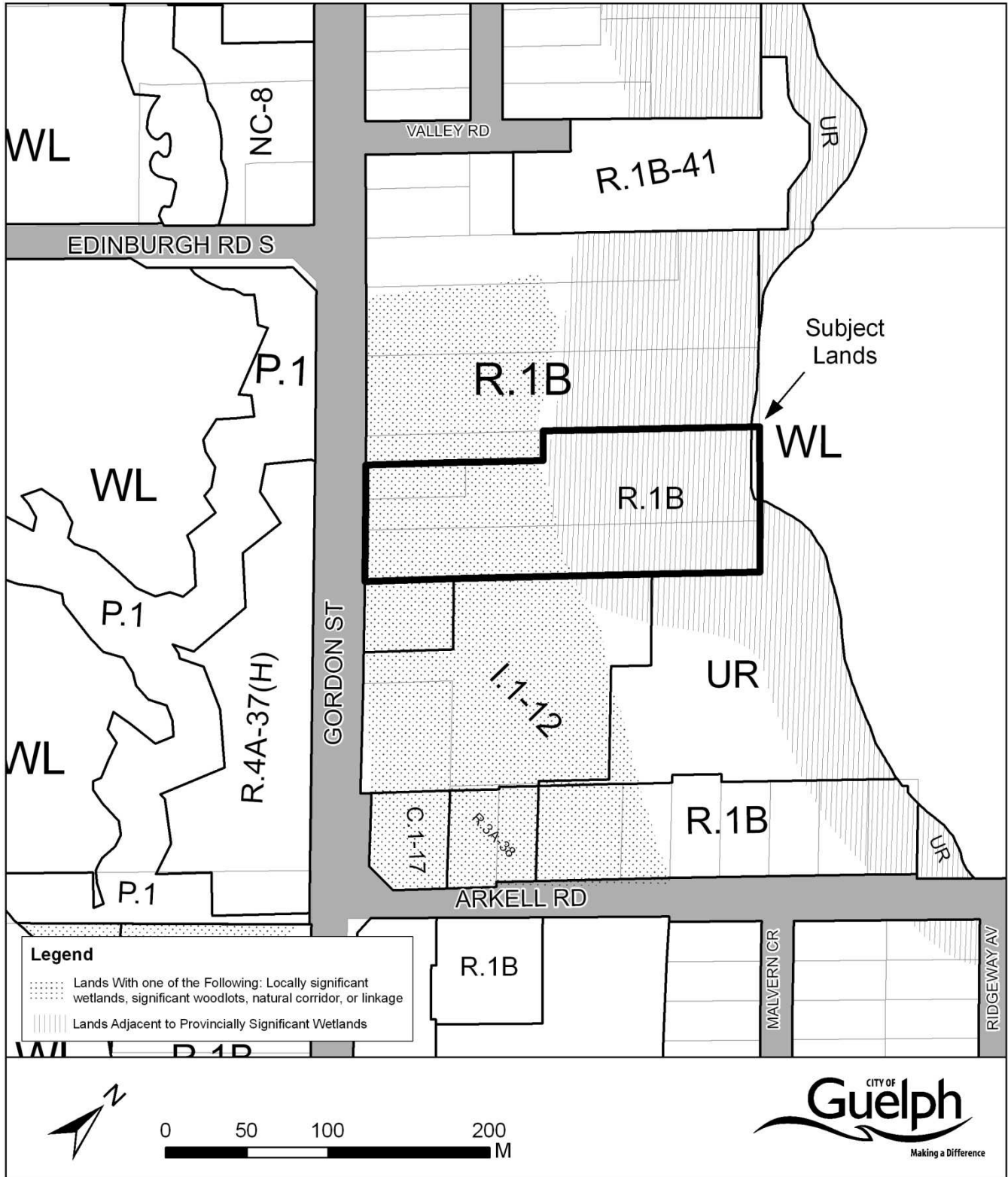
7.13.6 *Development* may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no *negative impacts* will occur on the *natural features* or the *ecological functions* which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified *natural heritage feature* as part of such environmental impact study.

7.13.7 It is intended that the *natural heritage features* associated with the Non-Core Greenlands overlay are to be protected for their *ecological value* and *function*. The implementing *Zoning By-law* will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.

**Schedule 2
Official Plan Amendment 42 Land Use Designations
(Under Appeal)**



Schedule 3 Existing Zoning



Schedule 3 Existing Zoning

5.1.1

PERMITTED **USES**

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

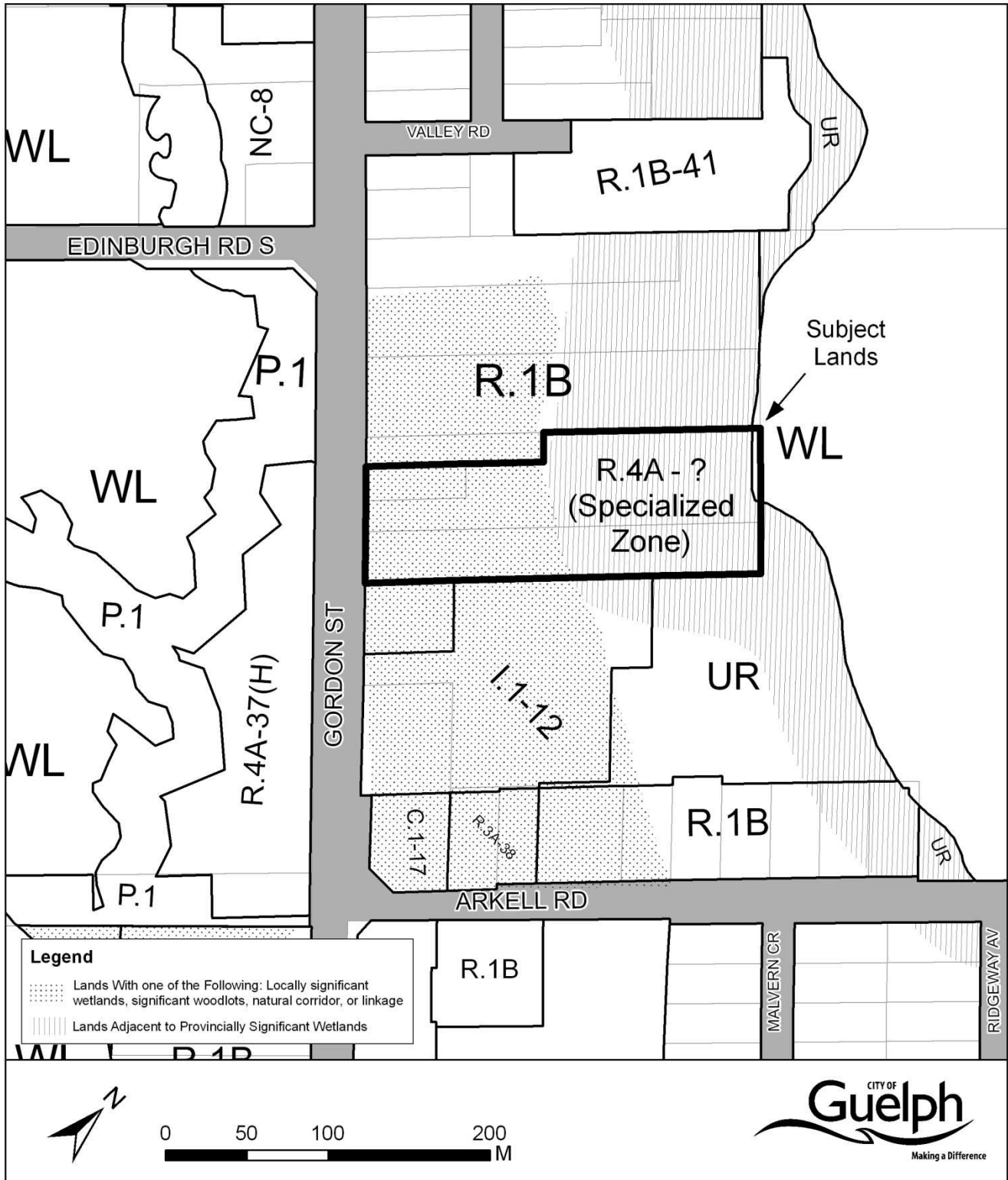
- **Single Detached Dwelling**
- **Accessory Apartment** in accordance with Section 4.15.1
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with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

**Schedule 3
Existing Zoning**

TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES

1	Residential Type	SINGLE-DETACHED DWELLINGS
2	Zones	R.1B
3	Minimum Lot Area	460 m ²
4	Minimum Lot Frontage	15 metres and in accordance with Section 5.1.2.6.
5	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
6	Minimum Front Yard	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
6a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.
7	Minimum Side Yard 1 to 2 Storeys Over 2 Storeys	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.
8	Minimum Rear Yard	7.5 metres or 20% of the Lot Depth , whichever is less and in accordance with Section 5.1.2.4.
9	Accessory Buildings or Structures	In accordance with Section 4.5.
10	Fences	In accordance with Section 4.20.
11	Off- Street Parking	In accordance with Section 4.13.
12	Minimum Landscaped Open Space	The Front Yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this Landscaped Open Space . The driveway shall not constitute more than 40% of the Front Yard in the R.1A and R.1B Zones and not more than 50% of the Front Yard in the R.1C Zone and not more than 56% of the Front Yard in an R.1D Zone to a maximum Driveway width as specified in Section 4.13.7.2ii, whichever is the lesser and in accordance with Section 5.1.2.11. Despite the definition of Landscaped Open Space , a minimum area of 0.5 metres between the driveway and the nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.
13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	Garages	For those Lots located within the boundaries indicated on Defined Area Map Number 66, where a roofed porch is provided, the Garage may be located ahead of the front wall of the dwelling (enclosing Habitable Floor Space on the first floor) equal to the projection of the porch to a maximum of 2 metres.

Schedule 4 Proposed Zoning

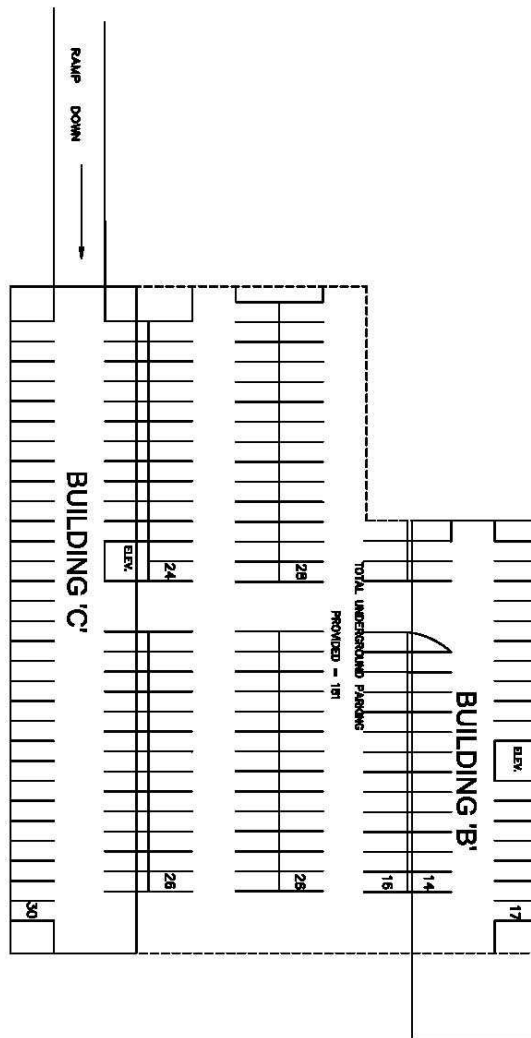
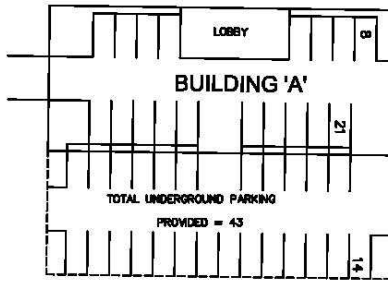


**Schedule 4
Proposed Zoning**

TABLE 5.4.2 - REGULATIONS GOVERNING R.4 ZONES

Row 1	Residential Type	General <i>Apartment</i>
2	Zones	R.4A
3	Minimum Lot Area	650 m ²
4	Minimum Lot Frontage	15 metres
5	Maximum Density (units/ha)	100
6	Minimum Front and Exterior Side Yard	6 metres and as set out in Section 4.24.
7	Maximum Front and Exterior Side Yard	-----
8	Minimum Side Yard	Equal to one-half the Building Height but not less than 3 metres and in accordance with Section 5.4.2.1.
9	Minimum Rear Yard	Equal to 20% of the Lot Depth or one-half the Building Height , whichever is greater, but in no case less than 7.5 metres.
10	Maximum Building Height	8 Storeys and in accordance with Sections 4.16, 4.18 and Defined Area Map No. 68.
11	Minimum Distance Between Buildings	See Section 5.4.2.2.
12	Minimum Common Amenity Area	See Section 5.4.2.4.
13	Minimum Landscaped Open Space	20% of the Lot Area for Building Heights from 1 - 4 Storeys and 40% of the Lot Area for Buildings from 5 - 10 Storeys .
14	Off- Street Parking	In accordance with Section 4.13.
15	Buffer Strips	Where an R.4 Zone abuts any other Residential Zone or any Institutional, Park, Wetland, or Urban Reserve Zone , a Buffer Strip shall be developed.
16	Accessory Buildings or Structures	In accordance with Section 4.5.
17	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
18	Floor Space Index (F.S.I.)	1
19	Fences	In accordance with Section 4.20.

**Schedule 5
Preliminary Site Plan
(illustrating underground parking level)**



**Schedule 6
Proposed Building Perspective**



Gordon Street Apartments
Building A Perspective





SHAPING GREAT COMMUNITIES

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

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HAMILTON OFFICE

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29 Rebecca Street, Suite 200
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www.gspgroup.ca

August 30, 2011

Project No. 10008

Ms. Tina Agnello
Acting City Clerk
City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

**Re: Public Meeting Notice – File ZC1109
Proposed Zoning By-law Amendment
MRL Developments Inc., MTCM Developments Inc. and
2182805 Ontario Inc.
1274, 1280 and 1288 Gordon Street, City of Guelph**

Thank you for recently circulating the Notice of Public Meeting for the above-noted zoning by-law amendment. GSP Group represents the owners of land in the vicinity of this proposed amendment at 1242 and 1250 Gordon Street and 9 Valley Road.

Based on the details contained Public Meeting Notice and Proposed Site Concept Plan attached, we note a proposed public street to the north of the subject properties. Our clients have not proceeded to the point of formal planning applications for their properties. In absence of an overall approved development plan for the area east of Gordon Street between Arkell Road and Valley Road, we are concerned about this future road connection and the impact on our client's properties.

We would appreciate further dialogue with City staff and the applicants, if appropriate, to discuss this road connection, along with other plans for the area including a future park.

We would appreciate being notified of the formal decision related to this application. Should you have any questions in the meantime, please do not hesitate to contact me in our Kitchener office.

Yours very truly,
GSP Group Inc.

Hugh Handy, MCIP, RPP
Associate

cc Clients
John Valeriote, SmithValeriote LLP

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE September 6, 2011

**SUBJECT 1077 Gordon Street: Proposed Official Plan and Zoning
By-law Amendments (File: OP1101/ZC1011) – Ward 6**

REPORT NUMBER 11-79

SUMMARY

Purpose of Report: To provide planning information on revised applications by Coletara Development on behalf of 2180040 Ontario Ltd. requesting approval of an Official Plan Amendment and Zoning By-law Amendment for the lands at 1077 Gordon Street to permit a residential apartment project with live/work units along the Gordon Street frontage. This report has been prepared in conjunction with the second public meeting on the application.

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

RECOMMENDATION

“THAT Report 11-79 regarding an Official Plan Amendment and Zoning By-law Amendment to permit the development of a residential apartment project and live/work units applying to property municipally known as 1077 Gordon Street, and legally described as Concession 7, Part Lot 4, Plan 61R9349, City of Guelph, from Planning & Building, Engineering and Environment dated September 6, 2011, be received.”

BACKGROUND

Revised applications for an Official Plan Amendment and Zoning By-law Amendment (OP1101/ZC1011) have been received for the property municipally known as 1077 Gordon Street from Coletara Development on behalf of 2180040 Ontario Ltd. The initial applications were deemed to be complete applications on December 10, 2010. The initial concept plan, shown on Schedule 4, was circulated to area residents and agencies on January 13, 2011 for review and comment and was presented to Council at a statutory Public Meeting held February 7, 2011.

The applicant’s revised concept plan, shown on Schedule 5, was received in June 2011 and represents the subject proposal being presented to Council for

information. This proposal is for the development of three apartment buildings, consisting of a maximum of 184 residential units, including the live portion of approximately 6 live/work units proposed for the ground floor of the apartment building facing Gordon Street.

Location

The subject property is a vacant 1.22 hectare parcel located on the west side of Gordon Street and north of Harts Lane West. Adjacent land uses consist of a funeral home (Gilbert MacIntyre & Son Funeral Home) to the south, townhouses to the north at 1055 Gordon Street, a stormwater management facility and the Hanlon Creek Provincially Significant Wetland to the west, and detached dwellings on Balfour Court and Lyle Place to the east across Gordon Street (see Location Map on Schedule 1).

Official Plan Designation

The easterly 0.43 hectare portion of the subject property is designated "Mixed Office-Residential" in the Official Plan, with a site specific Official Plan Policy to permit office or professional uses to a maximum gross floor area of 1900 square metres. This site specific Official Plan Policy was implemented through previous Official Plan and Zoning By-law Amendment applications approved by Council on August 28, 2006 to permit a mixed use office and residential development on the easterly 0.43 hectare portion of the property and a cluster townhouse development on the remaining 0.79 hectare westerly portion of the property.

The remaining westerly 0.79 hectare portion of the property is designated "Medium Density Residential". This portion of the site is also identified with a "Non-Core Greenlands Overlay", which does not contain any environmental features and is buffered from the Hanlon Creek wetland to the west by an existing stormwater management facility.

The maximum residential density permitted within the current "Mixed Office-Residential" and "Median Density Residential" land use designations is 100 units per hectare. The relevant Official Plan policies are included in Schedule 2.

Official Plan Amendment 39 (in effect) identifies the site within an "Intensification Corridor" and within the "Built Up Area of the City". This corridor is intended to provide for higher density mixed-use development along major roads or higher order transit corridors. Under OPA 42, which is under appeal, lands to the rear of the site and a small sliver on the rear of the site are designated "Significant Natural Areas". A separate schedule in OPA 42 includes a "Restoration Areas" designation applying to the stormwater management facility. OPA 42 land use designations are also included in Schedule 2 of this report.

Existing Zoning

The easterly 0.43 hectare portion of the subject property is zoned Specialized Office-Residential (OR-54) Zone and the remaining westerly 0.79 hectare portion of the property is zoned Cluster Townhouse (R.3A) Zone. The westerly portion of the site is also identified with a "Lands Adjacent to Provincially Significant Wetlands"

overlay. The details of these existing zoning categories that apply to the subject lands are provided in Schedule 3.

Details of Revised Site Design

The revised concept plan is shown on Schedule 5. This development concept shifts the driveway access and surface parking to the northerly portion of the site and relocates the middle apartment building to the southern portion of the property away from the neighbouring townhouse development to the north. The applicant has made these modifications to the site design in response to the issues raised at the statutory Public Meeting on February 7, 2011 and in response to comments received through the circulation of the initial applications.

The maximum number of residential units proposed within all three apartment buildings has also been increased from 150 units to 184 units. This increase is proposed to be accommodated through smaller unit sizes and by incorporating a larger percentage of one bedroom apartment units. It should be noted that the overall building coverage and building heights will remain consistent with the original proposal that was presented on February 7, 2011, being a building coverage of approximately 25% and a 4 storey height limit.

The proposal includes associated surface and underground parking to accommodate 235 parking spaces along with landscaped and common amenity areas. The density of the entire proposal, as calculated under "Places to Grow" is approximately 257 persons and jobs per hectare.

Informal Public Consultation Process

The modifications to the proposal were made in consultation with a small group of neighbouring residents at the townhouse development to the north (1055 Gordon Street) who raised issues at the February 7, 2011 Public Meeting. These issues included:

- privacy and noise impacts;
- concerns regarding the height of buildings and shadowing impacts;
- increased traffic impacts;
- impact of development on adjacent wetland;
- lack of open space; and
- potential odours from commercial use garbage.

At the February 7, 2011 Public Meeting, Council directed staff to:

- meet with the developer and the residents of 1055 Gordon Street to help resolve issues;
- review the Community Energy Plan with particular attention to transportation issues;
- give consideration to the issuance of universal bus passes for condominium owners;
- address parking and overflow issues;
- compare the proposal with other live/work developments of similar density and associated parking issues;
- investigate the public notice issues raised;

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- provide shadowing studies; and
 - address streetscape development.

In an effort to address these issues and the direction provided by Council at the February 7, 2011 Public Meeting, two informal public consultation meetings with the northerly residents were held by the owner with planning staff participation.

The first meeting was held April 20, 2011 and provided an opportunity for the neighbouring residents to express and clarify the details of their issues/concerns that were presented at the February 7th Public Meeting. This was followed by a discussion of specific site design alternatives that could be explored through a revised development concept to address identified issues.

At the second meeting with the residents held on July 21, 2011, the revised concept plan shown on Schedule 5 was presented for input. The applicant also presented Shadow Impact Studies that were prepared in association with this revised plan (see Schedule 6). The revised design has the driveway access shifted to the north and the relocation of the middle apartment building to the southerly portion of the site. Residents accepted this revised proposal as an improved site design to address the previous concerns with the initial concept plan that located the massing of this four storey apartment building along the northerly property line in proximity to the adjacent townhouse development. In addition, the Shadow Impact Study relating to this revised concept demonstrates no significant shadowing impacts from these four storey apartment buildings on the adjacent townhouse development to the north.

At the February 7, 2011 Public Meeting, a resident at 1055 Gordon Street also raised the issue that a number of owners at 1055 Gordon Street did not receive notification of the application. This issue was investigated by staff and it was confirmed that public meeting notices were mailed to all of the individual townhouse units at 1055 Gordon Street. However, there were certain instances identified where notices were sent to units under previous owner names due to outdated ownership information. Efforts have been taken to rectify this situation. The circulation of the notices to the units of 1055 Gordon Street for the second Public Meeting on September 6, 2011 will be addressed to the "current owner".

Staff's future Recommendation Report on the applications will address the remaining issues which Council directed staff to address at the February 7, 2011 Public Meeting.

REPORT

Description of Proposed Official Plan Amendment

The applicant is requesting an Official Plan Amendment to redesignate the westerly 0.79 hectare portion of the subject property from the "Medium Density Residential" designation to the "High Density Residential" land use designation. The "High Density Residential" designation permits a minimum residential density of 100 units per hectare and a maximum residential density of 150 units per hectare (see Schedule 2).

A site specific Official Plan Amendment is also being requested for the remaining 0.43 hectare easterly portion of the property that is designated "Mixed Office-Residential". This proposed text amendment to the Official Plan, also shown in Schedule 2, would allow a maximum residential density of 150 units per hectare. The maximum residential density currently permitted within this designation is 100 units per hectare.

The effect of the requested Official Plan Amendments would be to implement a maximum residential density of 150 units per hectare for the entire subject property, which would accommodate the revised concept plan.

Description of Proposed Zoning Bylaw Amendment

The applicant is requesting to rezone the subject property from the Cluster Townhouse (R.3A) Zone and the Specialized Office-Residential (OR-54) Zone to a Specialized High Density Apartment (R.4B-?) Zone as shown in Schedule 3 to permit the development of the revised concept.

The specialized zoning regulations proposed include permitting ground oriented live/work units along the frontage of Gordon Street, permitting a reduced off-street parking requirement of 1.25 spaces per unit in lieu of the standard 1.5 spaces for the first 20 units and 1.25 spaces for each unit in excess of 20 units, and limiting the maximum building height to 4 storeys in lieu of the standard 10 storeys permitted. The details of the proposed R.4B-? Zone, including the standard R.4B Zone provisions are included in Schedule 3.

Supporting Documents

The initial applications were supported by the following study:

- Preliminary Servicing and Stormwater Management Design Brief, Proposed Residential Complex (1077 Gordon Street). Prepared by Gamsby and Mannerow Limited, November 2010.

The applicant is also currently in the process of submitting a Scoped Environmental Impact Study (EIS) to address any potential impacts of the proposed development on the wetland complex to the west. The EIS will be reviewed for approval by the City's Environmental Advisory Committee and staff.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal's conformity with the Official Plan including Official Plan Amendment 39
- Consideration of the merits of the Official Plan Amendment
- Review of the proposed zoning and proposed specialized regulations, including parking provisions for live/work units
- Review of the proposed residential density

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- Review of proposed site design, including building heights, setbacks, access, massing and siting, and shadow impacts, with respect to compatibility with adjacent land uses
 - Urban design review of the built form and streetscape
 - Community Energy Initiative considerations
 - Council direction of February 7, 2011

Once the revised applications are reviewed and all issues are addressed, a report from Planning & Building, Engineering and Environment 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 staff recommendation report to Council.

COMMUNICATIONS

Notice of the second Public Meeting was advertized in the Guelph Tribune on August 11, 2011, and circulated to current owners within 120 metres of the site on August 15, 2011.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Existing Official Plan Designations and Policies, Amendment Review Criteria, Proposed Official Plan Amendment, and Official Plan Amendment 42 Designations

Schedule 3 – Existing and Proposed Zoning and Details

Schedule 4 – Initial Concept Plan

Schedule 5 – Proposed Concept Plan

Schedule 6 – Shadow Impact Studies

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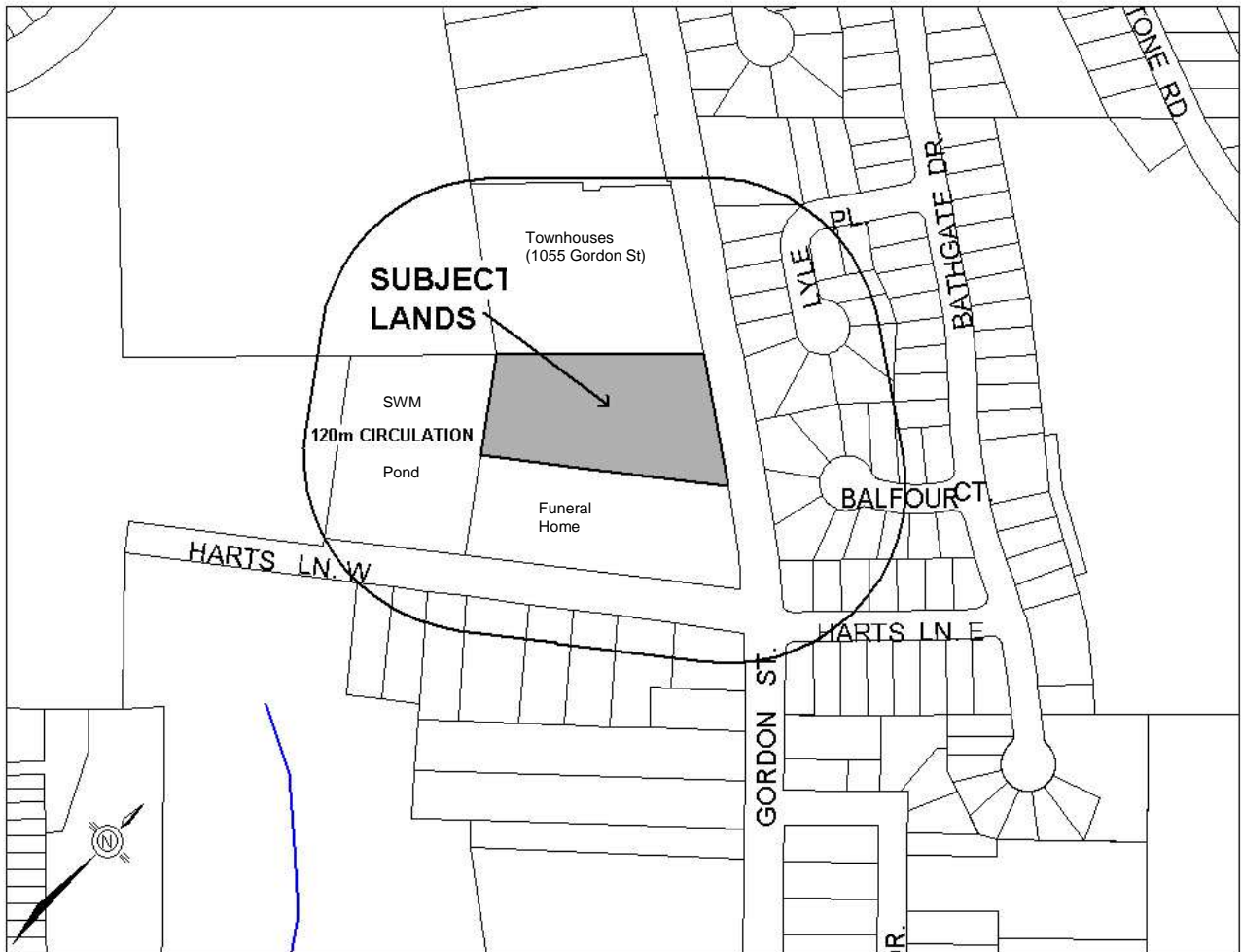
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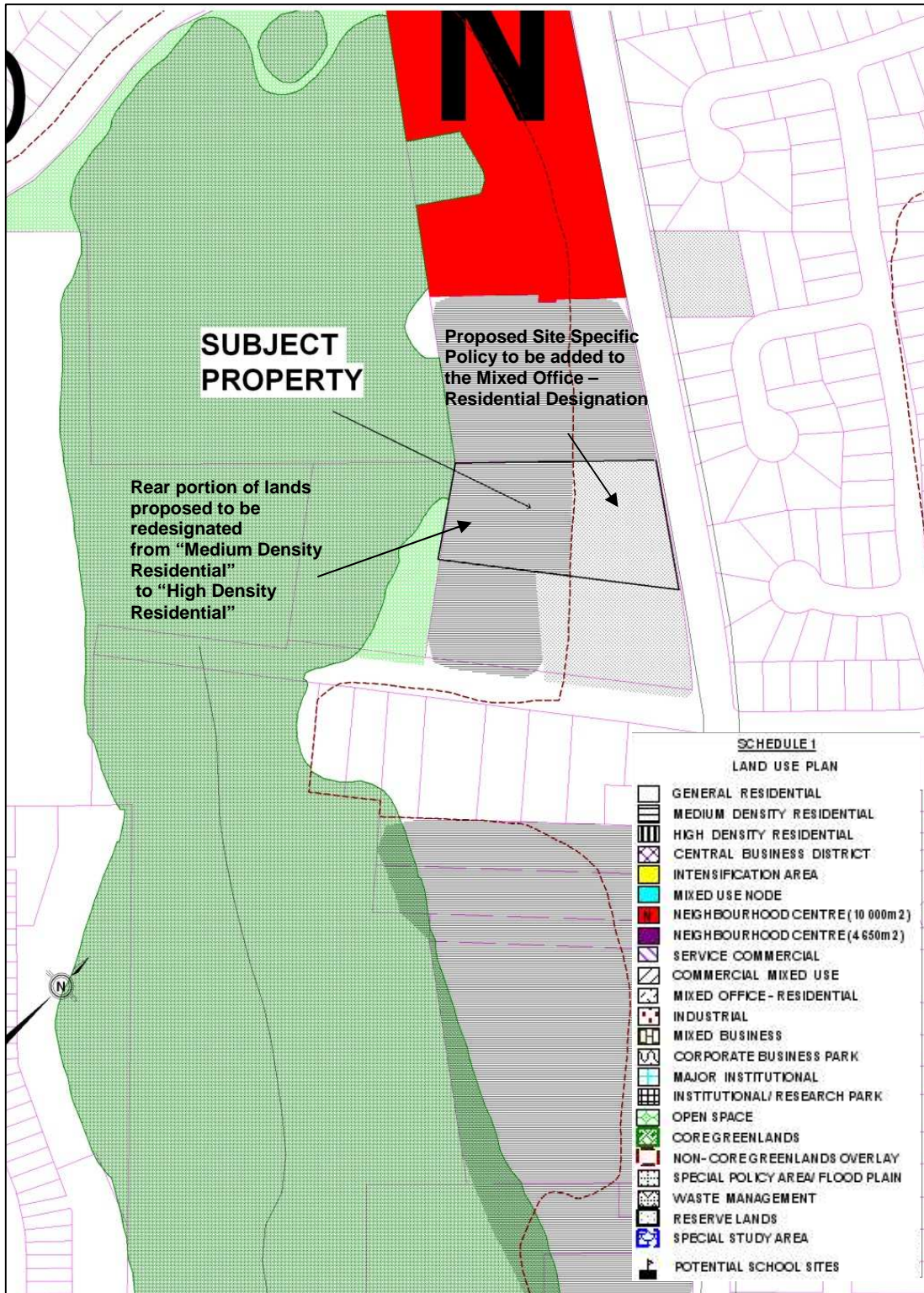
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**SCHEDULE 1
Location Map**



SCHEDULE 2 Existing Official Plan Designations



SCHEDULE 2 (continued) **Existing Official Plan Policies**

General Residential / Housing Policies

7.2.7 Multiple unit residential buildings, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a development proposal for multiple unit housing:

- a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
- b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
- c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
- d) That adequate municipal infrastructure, services and amenity areas for the residents can be provided.

'Medium Density Residential' Land Use Designation

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

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

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

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

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

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

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

'High Density Residential' Land Use Designation

7.2.41 The predominant use of land within areas designated as 'High Density Residential' on Schedule 1 shall be for *multiple unit residential buildings*, generally in the form of apartments.

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

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

7.2.43 The *net density of development* shall not occur at less than 100 units per hectare (40 units/acre) and shall not exceed 150 units per hectare (61 units/acre), except as provided for in policy 7.2.10.

7.2.44 High density residential *development* proposals shall comply with the development criteria established for *multiple unit residential buildings* as outlined in policies 7.2.7 and 7.2.45 and shall be regulated by the *Zoning By-law*.

7.2.45 The establishment of a new high density residential use, not within a 'High Density Residential' designation on Schedule 1, will require an amendment to this Plan. When considering such amendments to this Plan, the criteria of policy 7.2.7 will be considered, as well as the following:

- a) That the proposal is located in proximity to major employment, commercial and institutional activities; and
- b) That the proposal is located on an arterial or collector road.

7.6 Mixed Office-Residential Objectives

- a) To outline areas where concentrations of office uses may locate in the low density residential areas of the City.

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- b) To encourage intensification of these well-defined areas, primarily for small scale office and residential activities.
 - c) To promote the continued use and intensification of defined business land use areas within the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5).

General Policies

7.6.1 This Plan promotes the concentration of small scale office uses, personal service uses and residential activities within the 'Mixed Office-Residential' designation of Schedule 1. These uses may be found in the same building or be free standing.

7.6.2 The retention and *intensification* of existing residential buildings within this designation will be encouraged in a manner that is compatible with the existing character of the streetscape.

7.6.3 The maximum *net density* for residential development within this designation shall be 100 units per hectare. *Multiple unit residential developments* will be required to meet the criteria of policy 7.2.7 to promote compatibility and design sensitivity to the existing built character of the mixed use area.

7.6.4 The implementing *Zoning By-law* will recognize existing uses. New mixed use or single use office/personal service activities may be permitted, subject to an amendment to the *Zoning By-law*. The following criteria will be used to assess the merits of a *development proposal*:

- a) Building, property and ancillary structure design to be compatible with surrounding properties in terms of form, massing, appearance and orientation;
- b) Adequate parking, loading and access are provided, and
- c) Adequate municipal services are available.

7.6.5 Complementary uses, as outlined in policy 7.2.26 of this Plan, may be permitted to locate within a 'Mixed Office-Residential' designation provided that:

- a) The proposed complementary use does not interfere with the overall form, function and development of the specific 'Mixed Use' area; and
- b) The criteria for the complementary use as specified in policy 7.2.27 can be met.

7.6.9 Notwithstanding Policy 7.6.1, office or professional uses to a maximum size of 1900 square metres gross floor area shall be permitted on the property known municipally as 1077 Gordon Street.

SCHEDULE 2 (continued)
Official Plan Amendment Review Criteria

9.3 Official Plan Amendments

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

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

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

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

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

SCHEDULE 2 (continued)
Proposed Official Plan Amendment

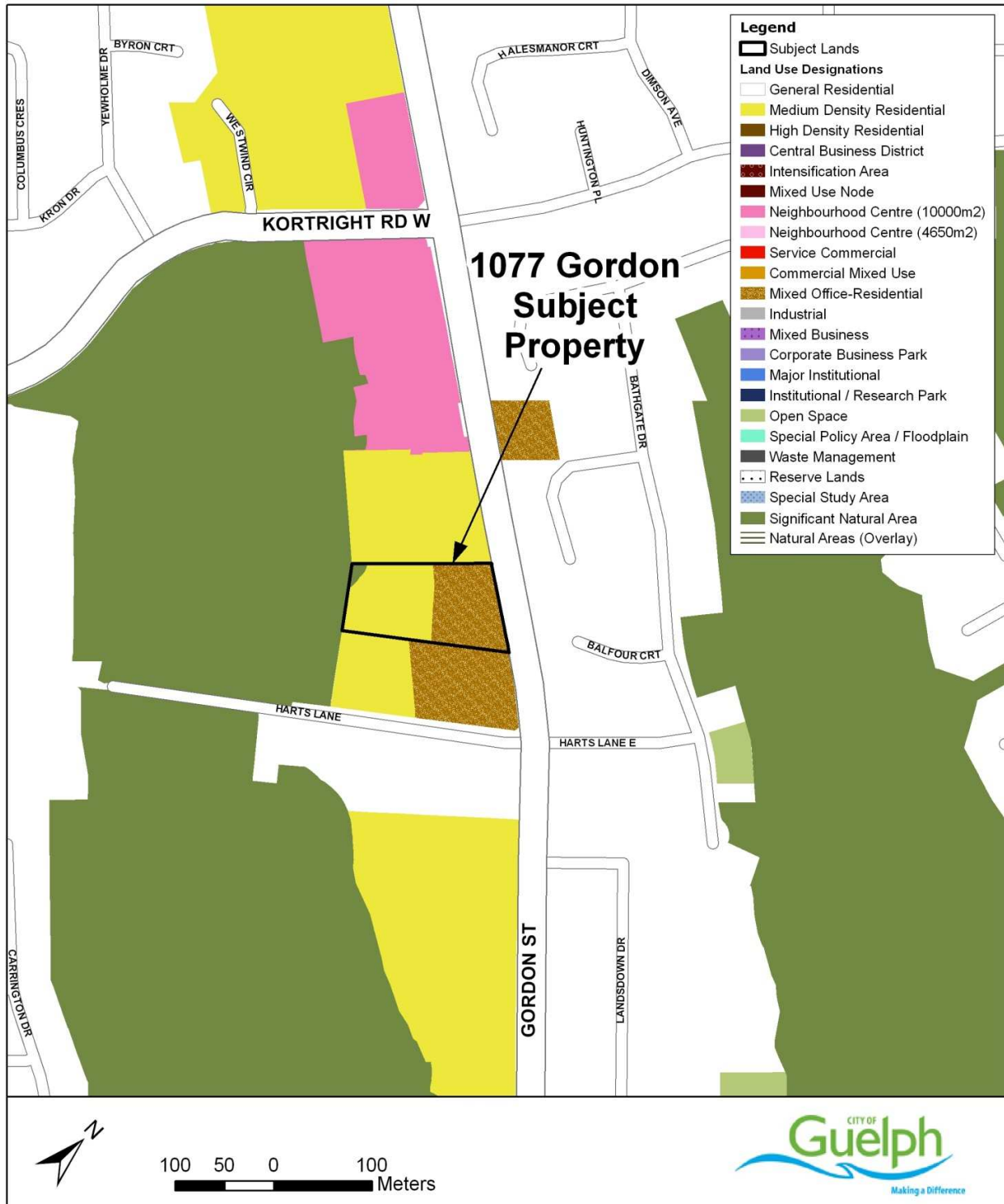
Amend Schedule 1, Land Use Plan of the Official Plan by changing the land use designation on the rear 0.79 hectare portion of the property municipally known as 1077 Gordon Street, from the current “Medium Density Residential” designation to the “High Density Residential” designation.

Amend the Official Plan text by the addition of a new site specific sub-policy.

Amend Section 7.6 of the Official Plan, “Mixed Office-Residential Land Use Designation”, by adding Official Plan Policy 7.6.10 with the following clause:

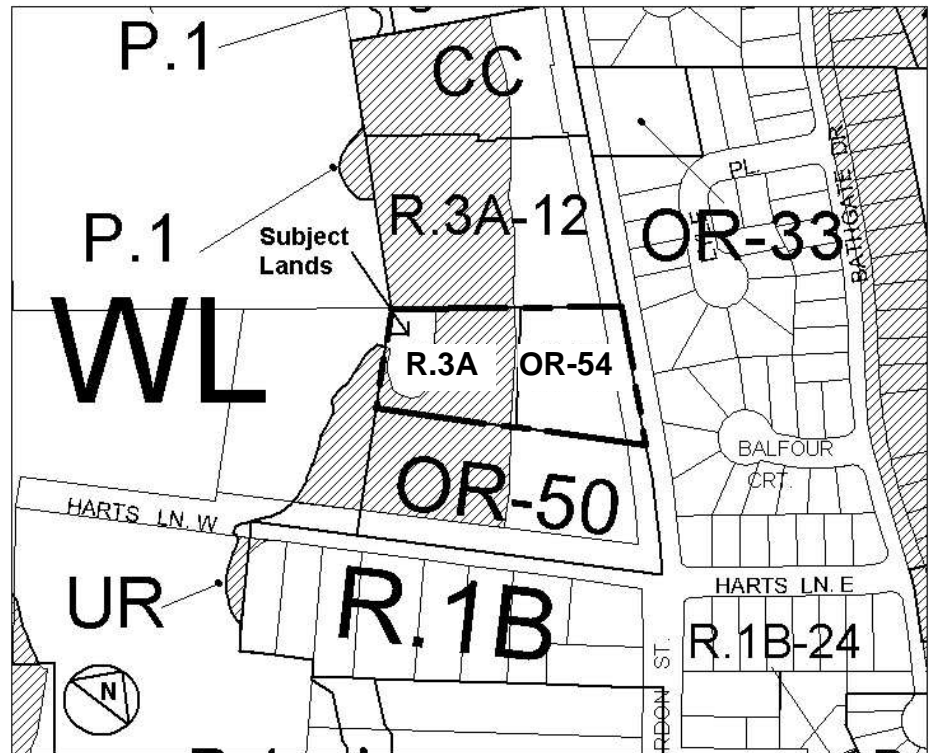
7.6.10 Notwithstanding Policy 7.6.3, the maximum net density for residential development within this designation for the property known municipally as 1077 Gordon Street shall be 150 units per hectare.

**SCHEDULE 2 (continued)
 Official Plan Amendment 42 Designations
 (Under Appeal)**

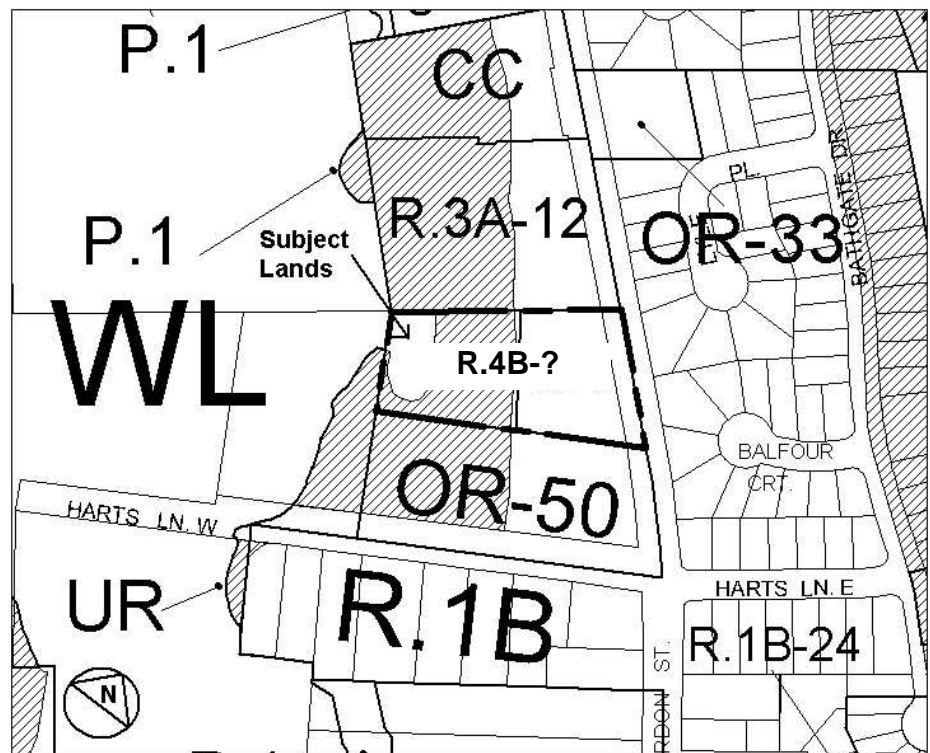


**SCHEDULE 3
Existing and Proposed Zoning and Details**

EXISTING ZONING



PROPOSED ZONING



SCHEDULE 3 (continued) **Existing Zoning Details**

Specialized OR-54 (Office-Residential) Zone

Permitted Uses

- Accessory Apartment in accordance with Section 4.15.1
- Artisan Studio
- Bed and Breakfast establishment in accordance with Section 4.27
- Day Care Centre in accordance with Section 4.26
- Accessory Uses in accordance with Section 4.23
- Dwelling Units with permitted commercial Uses in the same Building in accordance with Section 4.15.2
- Duplex Dwelling
- Group Home in accordance with Section 4.25
- Home for the Aged or rest home developed in accordance with R.4D Zone Regulations
- Home Occupations in accordance with Section 4.19
- Occasional Uses in accordance with Section 4.21
- Medical Office
- Office
- Personal Service Establishment
- School
- Semi-Detached Dwelling
- Single Detached Dwelling
- Tourist Home

Regulations

In accordance with Section 6.5.2 of Zoning By-law (1995) – 14864, as amended, with the following exception:

- Maximum Gross Floor Area for Office Use 1900 square metres.

R.3A – Cluster Townhouse Zone (Permitted Uses)

- Maisonette dwelling
- Stacked Townhouse
- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

SCHEDULE 3 (continued)
Existing Zoning Details

TABLE 6.5.2 - REGULATIONS GOVERNING THE OR ZONE

Row 1	Commercial Type	Office-Residential
2	Minimum Lot Area	370 m ²
3	Minimum Lot Frontage	12 metres
4	Minimum Front or Exterior Side Yard	3 metres and in accordance with Sections 4.24 and 4.6.
5	Maximum Front or Exterior Side Yard	7.5 metres and in accordance with Sections 4.24 and 4.6.
6	Minimum Side Yard	1.5 metres and in accordance with Section 6.5.2.1.
7	Minimum Rear Yard	10 metres
8	Access to Rear Yard	Vehicular access to the Rear Yard from a public Street shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres.
9	Accessory Buildings or Structures	In accordance with Section 4.5.
10	Fences	In accordance with Section 4.20.
11	Maximum Building Height	3 Storeys and in accordance with Sections 4.18.
12	Off- Street Parking	In accordance with Section 4.13 and 6.5.2.2.
13	Enclosed Operations	In accordance with Section 4.22.
14	Off- Street Loading	In accordance with Section 4.14.
15	Outdoor Storage	In accordance with Section 4.12.
16	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
17	Buffer Strips	Where an OR Zone abuts any Residential, Institutional, Park or Urban Reserve Zone , a buffer strip shall be developed.

SCHEDULE 3 (continued)
Existing Zoning Details

TABLE 5.3.2 - REGULATIONS GOVERNING R.3 ZONES

Row 1	Residential Type	R.3A <i>Zone Cluster Townhouse</i>
2	Minimum Lot Area	800 m ²
3	Minimum Lot Area Per Dwelling Unit	270 m ²
4	Minimum Lot Frontage	18 metres
5	Minimum Front Yard	6 metres and as set out in Section 4.24 and 5.3.2.7.
5a	Minimum Exterior Side Yard	4.5 metres and in accordance with Sections 4.24, 4.28 and 5.3.2.7
6	Minimum Side Yard	See Section 5.3.2.2
7	Minimum Rear Yard	See Section 5.3.2.2.
8	Maximum Building Coverage (% of Lot Area)	30
9	Maximum Building Height	3 Storeys and in accordance with Sections 4.16 and 4.18.
10	Minimum Distance Between Buildings	See Section 5.3.2.3
11	Minimum Common Amenity Area	See Section 5.3.2.4
12	Minimum Private Amenity Area	See Section 5.3.2.5
13	Minimum Landscaped Open Space (% of Lot Area)	40
14	Buffer Strip	Where an R.3 Zone abuts any other Residential Zone or any Institutional, Park, Wetland, or Urban Reserve Zone a Buffer Strip shall be provided. Buffer strips may be located in a required Side or Rear Yard .
15	Fences	In accordance with Section 4.20.
16	Off- Street Parking	In accordance with Section 4.13.
17	Accessory Buildings or Structures	In accordance with Section 4.5.
18	Maximum Number of Dwelling Units in a Row	12. Despite the preceding, where units are adjacent to a public Street , the maximum number of Dwelling Units in a row shall be 8.
19	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
20	Maximum Density of Site	See Section 5.3.2.6

SCHEDULE 3 (continued)
Proposed Zoning Details

Specialized R.4B-? (High Density Apartment) Zone

Permitted Uses

In addition to the permitted uses listed in Section 5.4.1.2., the following additional uses shall be permitted:

- Live/Work Units

The following definition shall apply:

A “Live/Work Unit” shall mean a dwelling unit, part of which may be used as a ground floor business establishment and the dwelling unit is the principal residence of the business operator. Commercial uses in a “Live/Work Unit” shall be limited to a professional office, artist studio and a personal service establishment.

Regulations

In accordance with Section 5.4.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Off-Street Parking

- 1.25 spaces per apartment unit (in lieu of the required 1.5 spaces for the first 20 units and 1.25 spaces for each unit in excess of 20 units)

Maximum Building Height

- 4 storeys

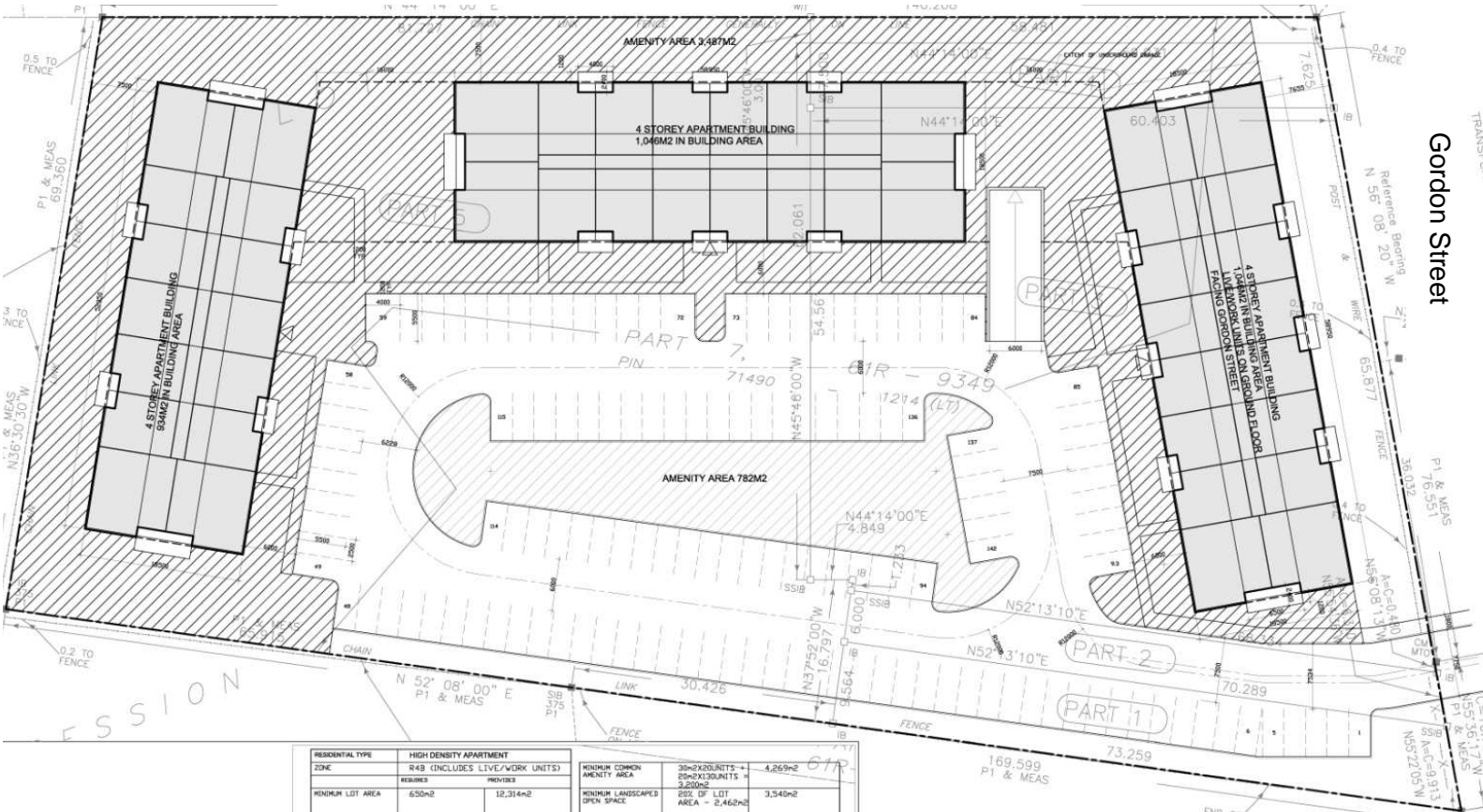
SCHEDULE 3 (continued)
Standard R.4B Zoning Regulations

TABLE 5.4.2 - REGULATIONS GOVERNING R.4 ZONES

Row 1	Residential Type	High Density <i>Apartment</i>
2	Zones	R.4B
3	Minimum Lot Area	650 m ²
4	Minimum Lot Frontage	15 metres
5	Maximum Density (units/ha)	150
6	Minimum Front and Exterior Side Yard	6 metres and as set out in Section 4.24.
7	Maximum Front and Exterior Side Yard	-----
8	Minimum Side Yard	Equal to one-half the Building Height but not less than 3 metres and in accordance with Section 5.4.2.1.
9	Minimum Rear Yard	Equal to 20% of the Lot Depth or one-half the Building Height , whichever is greater, but in no case less than 7.5 metres.
10	Maximum Building Height	10 Storeys and in accordance with Sections 4.16, 4.18, 5.4.2.5 and Defined Area Map No. 68.
11	Minimum Distance Between Buildings	See Section 5.4.2.2.
12	Minimum Common Amenity Area	See Section 5.4.2.4.
13	Minimum Landscaped Open Space	20% of the Lot Area for Building Heights from 1 - 4 Storeys and 40% of the Lot Area for Buildings from 5 - 10 Storeys .
14	Off- Street Parking	In accordance with Section 4.13.
15	Buffer Strips	Where an R.4 Zone abuts any other Residential Zone or any Institutional, Park, Wetland, or Urban Reserve Zone , a Buffer Strip shall be developed.
16	Accessory Buildings or Structures	In accordance with Section 4.5.
17	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
18	Floor Space Index (F.S.I.)	1.5
19	Fences	In accordance with Section 4.20.

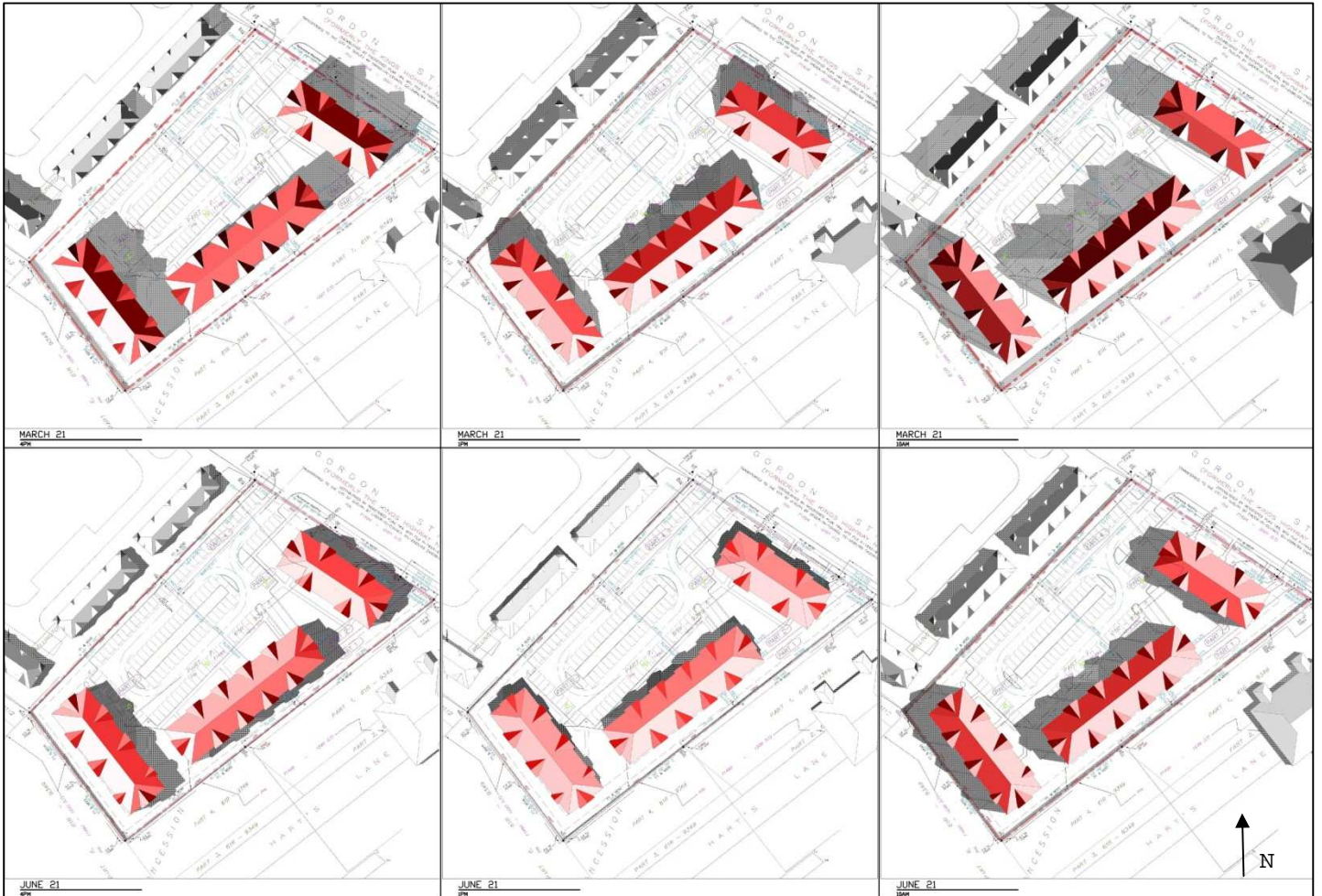
SCHEDULE 4

Initial Concept Plan presented at February 7, 2011 Public Meeting

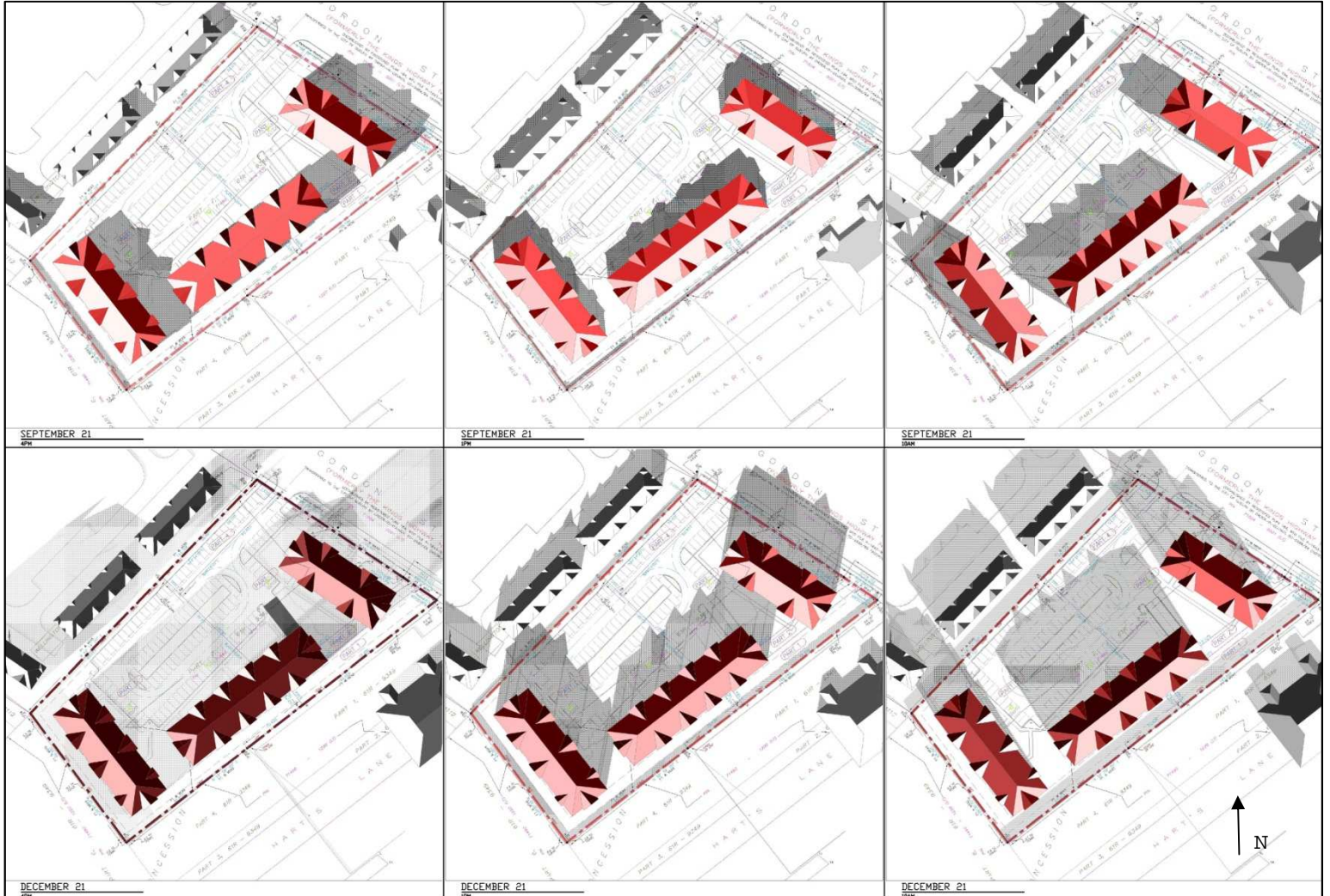


RESIDENTIAL TYPE	HIGH DENSITY APARTMENT		MINIMUM COMMON AMENITY AREA	30=2X20 UNITS + 20=2X15 UNITS + 3,200m ²	4,269m ²
ZONE	R4B (INCLUDES LIVE/WORK UNITS)		MINIMUM LANDSCAPED OPEN SPACE	25% OF LOT AREA = 2,462m ²	3,540m ²
MINIMUM LOT AREA	650m ²	12,314m ²			

**SCHEDULE 6
Shadow Impact Studies (March and June)**



SCHEDULE 6 (continued)
Shadow Impact Studies (September and December)



We are writing our opposition of the proposed by-law zoning change of 1077 Gordon Street from a medium density housing to a high density housing four storey apartment buildings.

It will be 20 years ago this September that we purchased our lot and built our family home on Balfour Court. This is directly across Gordon Street from the lands in question. At the time we chose our lot, this was a very desirable area of Guelph to live in. It was to be a neighbourhood of executive, family homes of over 2000 square feet each. We even signed contracts with the developer saying that no part of the home could be rented out, how much of the home had to be covered in brick and that no clothes lines were allowed. This was to ensure that the neighbourhood remained well maintained and that our home values would not deteriorate. Well with the increased taxes and the desire of people to make a buck, the neighbourhood has slowly deteriorated from a family to a student housing neighbourhood. Just on our cul de sac alone, over 70% of the homes are renting out basements to students. This becomes very noticeable on a cul de sac when you cannot send your children out to play on the front lawn anymore for fear that they will be hit by a speedy driver, cut themselves on a broken beer bottle or hear some language they should not hear. Just this month, a male student was on the street playing basketball in his boxers at 7 in the evening.

I was once a student at Guelph University. I understand they need a place to live and not all students are bad (I have even befriended a few of my neighbours tenants) but lately they are taking over this once beautiful neighbourhood. The number of students is beginning to out number the home owners! Basement apartments, at least, are supervised by the homeowner living above them. The house beside me was bought last year and turned into a rooming house with 7 male students living there. You can imagine the garbage, noise and disrespect for the neighbouring properties. When they have loud parties with probably over 70 students till 5 am, How Do You Think We Feel? The police don't seem to care, we called 3 times in one morning and they said they were too busy. We pay the taxes, yet get no respect from the city services we pay for!!!! If my home caught on fire, good luck getting the firetruck in the street due to all the cars parked on the road from the tenants. The rental house is falling apart and is not maintained, yet the landlord doesn't care because it is not us who pays the rent. Garbage is left on the curb for days and the backyard is full of garbage. This is attracting an abundance of racoons and skunks to the area. I am sure you get where I'm going with this, **my property value is declining** no matter how much time and money I put into maintaining my home and lawn. Nobody would want to live next door to a student rooming house and it will only be lowered by building apartment buildings looking over into my beautiful backyard which will no longer be private with a 4 storey building across the road. I bought this property knowing that I was looking across the street at the Hart Farm and all the greenery.

In the months of September, October, April and May (these are the worst) I cannot sleep with the windows open because of all the rude students who are walking down Gordon at 2 in the morning when the bars close making loud screaming noises. Screams so bad you don't know if you should call police because someone might be hurt but why bother because the police don't come. Noise that will only be louder once the large green field is turned into concrete. Many of these nights, the students feel it necessary to take out some aggression on our fence. We are constantly repairing our fence at our own expense because we have a pool and we would be fined if our fence were not intact. If this apartment complex goes up, it will be filled mostly with students because of its proximity to the University. The last thing we need is more students walking down Gordon with no respect to the time of day or noise they are making for us **tax paying citizens** who need to get up for work and school in the morning. I am sorry to be a downer on the students, but I am finding as the years go by, that they have very little respect for my family or the property that we have worked hard for.

Finally, has anyone thought of the traffic congestion this will cause? You are taking an already extremely busy street and adding possibly 200 cars that need to get into the flow of traffic! What are you going to do after the first accident, put up yet another street light? That will really help the flow of traffic, won't it?

We really hope council sees our point of view on this matter as we have watched the changes over the last 20 years to the neighbourhood. It truly was once a beautiful neighbourhood and can be again if the rooming houses are cracked down on and even limiting the amount of basement apartments which are allowed in a neighbourhood. We would like to stay in our home we have worked so hard to afford, but we will move on as many of our other neighbours have if this complex goes up. Of course, we will probably have to sell below value to someone who wants to turn it into rentals. I wonder if the City would consider a big rebate on our taxes if this goes ahead because our home will be worth next to nothing!?!?

Jeff and Jacqueline Armishaw (almost lifelong citizens of Guelph)

**CONSENT REPORT OF THE
COUNCIL IN CLOSED SESSION**

September 6, 2011

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Council as Committee of the Whole beg leave to present their THIRD
CONSENT REPORT as recommended at its meeting of July 25, 2011.

*If Council wishes to address a specific report in isolation please identify
the item. The item will be extracted and dealt with immediately. The
balance of the Consent Report of the Council as Committee of the
Whole will be approved in one resolution.*

**1) CITIZEN APPOINTMENT TO THE BOARD OF DIRECTORS FOR THE
GUELPH MUNICIPAL HOLDING COMPANY**

THAT Robert Aumell be appointed to the Board of Directors of the Guelph Municipal
Holding Company (GMHC) as the independent community member for a term
ending November 30, 2014.

All of which is respectfully submitted.

CONSENT AGENDA

September 6, 2011

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

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

A Reports from Administrative Staff

REPORT	DIRECTION
<p>A-1) OFFICIAL PLAN AMENDMENT 47: UPDATING POLICIES REGARDING COMMUNITY IMPROVEMENT AND RENEWAL</p> <p>THAT Report 11-82 dated September 6, 2011 from Planning & Building, Engineering and Environment regarding Official Plan Amendment 47: Updating Policies Regarding Community Improvement and Renewal be received;</p> <p>AND THAT Official Plan Amendment 47, initiated by the City of Guelph, to update the City's Official Plan policies regarding Community Improvement and Renewal be adopted in accordance with Attachment 1 – Official Plan Amendment 47.</p>	Approve
<p>A-2) GUELPH MUNICIPAL HOLDINGS INC. (GMHI) – ADMINISTRATIVE MATTERS</p> <p>THAT the Mayor and Clerk be authorized to sign and seal the following documents in a form satisfactory to the Chief Administrative Officer (CAO):</p> <ul style="list-style-type: none">a) the forms related to the transfer of shares in Guelph Hydro Inc. from the City to GMHI;b) the Council-approved Shareholder Declaration with GMHI, Guelph Hydro Inc., Guelph Hydro Electric Systems Inc. and Ecotricity Guelph Inc; andc) the Support Services Agreement with GMHI;	Approve

AND THAT Council approve the Acknowledgement, Consent and Agreement Regarding Legal Services, provided by the City Solicitor.

A-3) 2011 MARKET SQUARE BUSINESS PROMOTION PROGRAM

Approve

THAT the report dated September 6, 2011, prepared by Downtown Renewal, regarding the 2011 Market Square Business Promotion be received;

AND THAT Council approve the staff recommended program and the funding be assigned to the Downtown Guelph Business Association for administration;

AND THAT the Downtown Guelph Business Association report back to Council on the program uptake and success measurement following the conclusion of the program.

A-4) SALE OF CITY-OWNED LAND – HANLON CREEK BUSINESS PARK PHASE 1

Approve

THAT the Mayor and Clerk be authorized to execute an Amending Agreement to an Offer to Purchase/Agreement of Purchase and Sale with 2257524 Ontario Inc. regarding the sale of City-owned land in Hanlon Creek Business Park Phase 1, as described in the report of September 6, 2011, which has been prepared by Economic Development and Tourism Services, subject to the Amending Agreement of Purchase and Sale's format and content being satisfactory to the General Manager of Economic Development and Tourism as well as the General Manager of Legal Services/City Solicitor.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE September 6, 2011

**SUBJECT Official Plan Amendment 47: Updating Policies
Regarding Community Improvement and Renewal**

REPORT NUMBER 11-82

SUMMARY

Purpose of Report

To outline proposed revisions to the Official Plan policies relating to Community Improvement and Renewal contained in Official Plan Amendment 47*; to summarize the consultation process; and to recommend adoption of Official Plan Amendment 47.

*Note: this proposed Official Plan Amendment was previously numbered OPA 45. For administrative reasons it has been renumbered to OPA 47.

Council Action

To consider adoption of Official Plan Amendment 47: Updating Policies Regarding Community Improvement and Renewal.

RECOMMENDATION

"THAT Report 11-82 dated September 6, 2011 from Planning & Building, Engineering and Environment regarding Official Plan Amendment 47: Updating Policies Regarding Community Improvement and Renewal be received;

AND THAT Official Plan Amendment 47, initiated by the City of Guelph, to update the City's Official Plan policies regarding Community Improvement and Renewal, BE ADOPTED in accordance with Attachment 1 – Official Plan Amendment 47.

BACKGROUND

The Community Improvement provisions of the *Planning Act* allow municipalities to include community improvement policies in their Official Plans. Once such policies have been incorporated into the Official Plan, municipalities are then enabled to designate community improvement project areas by by-law and prepare and adopt Community Improvement Plans (CIP's) for designated community improvement project areas. Once a CIP has been adopted by the City and has come into effect, the City may undertake a wide range of actions for the purpose of carrying out the CIP, including but not limited to, the acquisition and development of land and/or

buildings and the provision of grants and loans to owners and tenants of land and their assignees.

Section 4.7 of the Official Plan contains Community Renewal and Improvement policies and the City has enacted three CIP's under the provisions of these policies: the St. Patrick's Ward Community Reinvestment Strategy (approved 2003); the Brownfield Redevelopment Community Improvement Plan (approved 2004, updated 2008); and the Downtown Guelph Community Improvement Plan (approved 2010). The Old University and Centennial CIP was received by Council in August 2006.

The Brownfield Redevelopment and Downtown Guelph CIP's are currently being reviewed and updated. Through this ongoing work it has been determined that the current Official Plan Community Improvement and Renewal policies need to be revised to modernize terminology, reflect current best practices in Ontario, provide greater flexibility to revise existing community improvement project areas and establish new community improvement project areas, and better support the Brownfield Redevelopment and Downtown Guelph CIPs.

The City initiated the preparation of revised community improvement policies in the spring of 2011, and the statutory Public Meeting was held by City Council on July 25, 2011. At that meeting, Council received Report 11-52 that provided background information on this amendment. No public submissions were made at or following the meeting. Only one comment has been received from a circulated agency (the Grand River Conservation Authority) and it expressed no concerns with the proposal.

REPORT

The current Official Plan Community Improvement and Renewal policies have not been substantially updated since the 2001 Official Plan Review. As a result, the policies need to be updated to reflect current terminology and best practices. The consultant that is working for the City on the Brownfield Redevelopment CIP update has extensive experience working on CIPs throughout Ontario, and has recommended the policy updates that are contained in proposed draft Official Plan Amendment 47 (refer to Attachment 1 to this report).

In addition to generally updating the policies, it has been determined that the policies should be revised to increase the flexibility for the City to modify existing community improvement project areas and to establish new community improvement project areas. Currently, Sections 4.7.2.1 and 4.7.3 and Schedule 5 of the Official Plan list completed CIPs and indicate, in text and map form specific "priority areas" for future community improvement. With this level of policy specificity, a by-law designating a community improvement project area must conform to Schedule 5 and any deviation from the specific mapped areas would require an amendment to the Official Plan to revise Schedule 5.

Although the existing policies have provided a solid foundation for the City's historic community improvement program, they have more recently resulted in some difficulties regarding the Brownfield Redevelopment and Downtown Guelph CIP updates, as described below. To address these difficulties, draft Official Plan

Amendment 47 proposes to delete Sections 4.7.2.1 and 4.7.3 and Schedule 5. This will provide the City with maximum flexibility to modify existing community improvement project areas and to designate new community improvement project areas by by-law without the added step of an Official Plan Amendment.

By way of example, the current review of the Downtown Guelph CIP is considering expanding the community improvement project area to encompass all lands within the larger Downtown Urban Growth Centre as set out by the City's Growth Plan Conformity Amendment Official Plan Amendment 39. This would allow landowners within the expanded area to benefit from the CIP financial incentive programs. However, because Schedule 5 identifies the smaller Central Business District Area as the community improvement project area, an expansion cannot occur without a corresponding Official Plan Amendment. The proposed deletion of the above-noted policies will eliminate this requirement and streamline the CIP amendment process.

Another example of the need for flexibility is the Brownfield Redevelopment CIP update that was approved in 2008. The update sought to expand the community improvement project area to encompass the entire City, however, because there were not corresponding changes made to the Official Plan, the community improvement project area could only be expanded to include the "older, established areas of Guelph as outlined on Schedule 5" (policy 4.7.3). As a result, Brownfield landowners in the rest of the City have not been able to take advantage of the CIP programs. The proposed deletion of the above-noted policies will allow the City to consider passing a by-law designating the entire City as a Brownfield community improvement project area, which would then allow the related CIP programs to be implemented on a City-wide basis.

The preparation and approval of CIPs is an open and transparent process which fully engages stakeholders and the public and the additional step of requiring an Official Plan Amendment for each project is not seen as adding value to the process. Deleting Sections 4.7.2.1, 4.7.3 and Schedule 5 provides maximum flexibility and simplifies and streamlines the CIP approval and update process. The remainder of the proposed revisions will update the policies to reflect current terminology and best practices while maintaining the general intent and effect of the Official Plan. In order to keep the proposed Official Plan Amendment as simple as possible, Sections 4.7 is deleted in its entirety and replaced with the updated policies contained in OPA 47.

The Notice of Public Meeting was advertised in the City News pages of the Guelph Tribune draft on June 30, 2011 and the draft Official Plan Amendment was released to the public and circulated to relevant City Departments, local stakeholders and prescribed parties on the same date. No comments expressing concerns have been received. There have been no requests for notice of the meeting date when Council will be considering adoption of the Official Plan Amendment.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city

-
- 1.2 Municipal sustainability practices that become the benchmark against which other cities are measured
 - 1.5 The downtown as a place of community focus and destination of national interest
- Goal 3: A diverse and prosperous local economy*
- 3.1 Thriving and sustainable local employment opportunities
- Goal 4: A vibrant and valued arts, culture and heritage identity*
- 4.4 Intact and well managed heritage resources
- Goal 5: A community-focused, responsive and accountable government*
- 5.4 Partnerships to achieve strategic goals and objectives
- Goal 6: A leader in conservation and resource protection/enhancement*
- 6.3 A safe and reliable local water supply

FINANCIAL IMPLICATIONS

There are no financial implications associated with this proposed Official Plan Amendment. The financial implications of specific Community Improvement Plans are addressed when the Community Improvement Plans and associated programs are being considered by Council.

DEPARTMENTAL CONSULTATION

The draft Official Plan Amendment was released to the public on June 30, 2011 and circulated to relevant City Departments, local stakeholders and prescribed parties on the same date. The Statutory Public Meeting was held by City Council on July 25, 2011.

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1: Official Plan Amendment 47

Prepared By:

Todd Salter
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“original signed by James Riddell”

Recommended By:

James N. Riddell
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“original signed by James Riddell”

Recommended By:

Janet L. Laird, Ph.D.
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PART A – THE PREAMBLE

TITLE AND COMPONENTS

This document is entitled “Updating Policies Regarding Community Improvement and Renewal” and shall be referred to as “Amendment 47”. Part A – “The Preamble” provides an explanation of the amendment including the purpose, background, location, basis and public participation, but does not form part of this amendment. Part B – “The Amendment” forms Amendment 47 to the City of Guelph Official Plan and identifies text to be deleted and added to the Official Plan and an Official Plan Schedule to be deleted.

PURPOSE

The purpose of this amendment is to revise and update the Community Improvement and Renewal policies of the Official Plan in order to modernize the policies to reflect current best practices and terminology and to provide maximum flexibility to modify existing Community Improvement Plan Project Areas and to establish new Community Improvement Plan Project Areas by eliminating the need for future Official Plan Amendments.

BACKGROUND

The City of Guelph Official Plan contains policies regarding Community Improvement and Renewal which have not been substantially updated since the 2001 Official Plan Review. The initiation of this amendment was triggered by discussions relating to the ongoing review of the City’s Brownfield Redevelopment and Downtown Guelph Community Improvement Plans. Through this ongoing work it has been determined that the current Official Plan Community Improvement and Renewal policies need to be revised to modernize terminology, reflect current best practices in Ontario, provide greater flexibility to revise existing community improvement project areas and establish new community improvement project areas, and better support the Brownfield Redevelopment and Downtown Guelph CIP’s.

LOCATION

This amendment applies to all lands within the municipal boundaries of the City of Guelph.

BASIS OF THE AMENDMENT

The basis for this amendment is contained in Planning & Building, Engineering and Environment Report No. 11-82.

PUBLIC PARTICIPATION

The statutory public meeting for this amendment was held on July 25, 2011. The Notice of Public Meeting was advertised in the City News pages of the Guelph Tribune draft on June 30, 2011 and the draft Official Plan Amendment was released to the public and circulated to local stakeholders and prescribed parties on the same date. No comments were received from the public or stakeholders, and one comment was received from a circulated agency expressing no concerns with the proposal.

PART B – THE AMENDMENT

FORMAT OF THE AMENDMENT

This section (Part B) sets out the specific revisions to the text and Schedules that will result from Amendment 47.

IMPLEMENTATION AND INTERPRETATION

The implementation of this amendment shall be in accordance with the provisions of the *Planning Act*. The further implementation and associated interpretation of this amendment shall be in accordance with the relevant provisions of the existing Official Plan of the City of Guelph and applicable legislation.

Amendment 47 should be read in conjunction with the current Official Plan consolidation (November 2006) and any subsequent Amendments that have come into effect and have not yet been consolidated.

DETAILS OF THE AMENDMENT

ITEM 1: The purpose of “ITEM 1” is to delete Section 4.7 Community Improvement and Renewal in its entirety and replace it with a new section 4.7 Community Improvement. The new policies will reflect current best practices, update terminology and references, and will simplify the process for establishing new Community Improvement Plan Project Areas and revising existing Community Improvement Plan Project Areas.

Section 4.7 Community Improvement and Renewal is hereby deleted in its entirety and replaced as follows:

4.7 Community Improvement

The Community Improvement provisions of the Planning Act allow municipalities to prepare and adopt community improvement plans for designated community improvement project areas. Once a community improvement plan has been adopted by the City and has come into effect, the City may undertake a wide range of actions for the purpose of carrying out the community improvement plan, including but not limited to, the acquisition and development of land and/or buildings and the provision of grants and loans to owners and tenants of land and their assignees.

Objectives

- a) To maintain and improve the quality, safety and stability of the built environment within the community.

ATTACHMENT 1
Official Plan Amendment 47

- b) To encourage the renewal, rehabilitation, redevelopment or other improvement of private and public lands and/or buildings.
- c) To maintain and upgrade municipal physical and community facility infrastructure.
- d) To maintain and upgrade the transportation network to ensure adequate traffic flow, pedestrian circulation, and parking facilities.
- e) To maintain and upgrade public recreational, park and open space facilities.
- f) To encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings.
- g) To encourage maximum use of existing municipal services through the infilling, intensification and redevelopment of lands and buildings which are already serviced with municipal services.
- h) To improve and maintain the physical and aesthetic qualities and amenities of streetscapes.
- i) To encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, to encourage physical improvements to minimize the incompatibility.
- j) To improve environmental conditions.
- k) To improve social conditions.
- l) To promote cultural development and the development of cultural facilities.
- m) To encourage and support environmentally sustainable development.
- n) To guide and prioritize the expenditure of public funds on community improvements.
- o) To encourage community partners to maintain, upgrade and/or add community facilities and services.

Community Improvement Project Areas

- 4.7.1 The City may from time to time pass by-laws to designate one or more "Community Improvement Project Areas" as provided for by the Planning Act. The entire City of Guelph, or any part of the City, may be designated by by-law as a Community Improvement Project Area.
- 4.7.2 Council will consider the following criteria in the designation of Community Improvement Project Areas:

ATTACHMENT 1
Official Plan Amendment 47

- a) A significant portion of the building stock, building facades and/or properties in an area are in need of maintenance, preservation, restoration, repair, rehabilitation, redevelopment, energy efficiency or renewable energy improvements;
- b) Deterioration or deficiencies in physical infrastructure including but not limited to sanitary sewer, storm sewer and/or water supply systems, roads, sidewalks, curbs, gutters, streetscapes and/or street lighting, and municipal parking facilities;
- c) Deterioration or deficiencies in the level of community and social services such as public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
- d) Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;
- e) Presence of buildings and/or lands of architectural or heritage significance;
- f) An inappropriate range of housing types and densities including insufficient affordable housing;
- g) Non-conforming, conflicting, encroaching or incompatible land uses or activities;
- h) A shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
- i) Within commercial areas, there are high vacancy rates, deterioration in the appearance of building facades, business signage, streetscapes, public amenity areas and urban design, inadequate parking facilities or inadequate pedestrian accessibility;
- j) Within industrial areas, there are obsolete industrial buildings/sites, poor accessibility, inadequate parking, loading and outside storage areas;
- k) Known or suspected environmental contamination;
- l) There is an opportunity to implement the goals of the Community Energy Plan;
- m) Other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,
- n) Other significant environmental, social or community economic development reasons for community improvement.

ATTACHMENT 1
Official Plan Amendment 47

4.7.3 Priority for the designation of community improvement project areas and the preparation and adoption of community improvement plans shall be given to:

- a) Those areas where the greatest number of criteria for designation of Community Improvement Project Areas are present; and/or,
- b) Those areas where one or more of the criteria for designation of Community Improvement Project Areas is particularly acute; and/or,
- c) Those areas where one or more of the criteria for designation of Community Improvement Project Areas exists across the entire municipality or a large part of the municipality.

Phasing

4.7.4 The phasing of community improvements shall be prioritized to:

- a) Implement those improvements that will most substantially improve the aesthetic, environmental and service qualities of a community improvement project area;
- b) Reflect the financial capability of the City to fund community improvement projects;
- c) Take advantage of available senior government programs that offer financial assistance for community improvement efforts; and,
- d) Coordinate the timing of related capital expenditures from various municipal departments with departmental priorities.

Implementation

4.7.5 In order to implement a Community Improvement Plan that has come into effect, the City may make full use of the municipal authority granted it under the Planning Act and other Provincial and Federal legislation, and more specifically, the City may undertake a range of actions, including:

- a) The municipal acquisition of land and/or buildings and the subsequent:
 - i) Clearance, grading, or environmental remediation of these properties;
 - ii) Repair, rehabilitation, construction or improvement of these properties;
 - iii) Sale, lease, or other disposition of these properties to any person or governmental authority;
 - iv) Other preparation of land or buildings for community improvement.
- b) Provision of public funds such as grants and loans to owners and tenants of land and their assignees;

ATTACHMENT 1
Official Plan Amendment 47

- c) Coordination of public and private redevelopment and rehabilitation by providing administrative and liaison assistance;
 - d) Application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;
 - e) Programs and measures to promote energy efficient development, redevelopment and retrofit projects;
 - f) Encouraging the preservation, rehabilitation, renewal and reuse of cultural heritage resources and support of heritage conservation through means available under the Ontario Heritage Act;
 - g) Continued enforcement of the Property Standards By-law, the Zoning By-law, the Sign By-law and any other related by-laws and policies;
 - h) Continuing to support the Downtown Guelph Business Association (the Business Improvement Area administration pursuant to the Municipal Act) in its efforts to maintain a strong and viable downtown;
 - i) Co-operating with private individuals and corporations, service clubs and other public agencies to maintain, upgrade and/or provide new facilities, services and projects, which contribute to the enhancement of the community.
- 4.7.6 Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.

ITEM 2: The purpose of "ITEM 2" is to delete Schedule 5 Community Improvement Area in order to allow the City to establish new Community Improvement Project Areas and revise existing ones by By-law and not require a corresponding Official Plan Amendment.

Schedule 5 Community Improvement Area is hereby deleted and all references to Schedule 5 in the text of the Official Plan are also deleted. In addition, Sections 7.5.c), 7.6 c), 7.6.6, 7.6.7 and 7.6.8 are amended by replacing the text "(Area 2 on Schedule 5)" with the text "as identified on Schedule A to the St. Patrick's Ward Community Improvement Project Area Designation By-law (2002)-16870)".

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Corporate Administration
DATE September 6th, 2011

**SUBJECT Guelph Municipal Holdings Inc. (GMHI) –
Administrative Matters**

REPORT NUMBER

SUMMARY

Purpose of Report: To finalize administrative matters related to inception of the Council approved municipal holding company, GMHI.

Council Action: To receive, review and consider for approval, remaining administrative items in order to operationalize GMHI, consistent with Council direction.

RECOMMENDATION

THAT, the Mayor and Clerk be authorized to sign and seal the following documents in form satisfactory to the Chief Administrative Officer (CAO):

- a) the forms related to the transfer of shares in Guelph Hydro Inc. from the City to GMHI;
- b) the Council approved Shareholder Declaration with GMHI, Guelph Hydro Inc., Guelph Hydro Electric Systems Inc. and Ecotricity Guelph Inc.; and
- c) the Support Services Agreement with GMHI.

THAT the City approve the Acknowledgment, Consent and Agreement Regarding Legal Services, provided by the City Solicitor.

BACKGROUND

On April 26th, 2011 Council approved the implementation strategy for a new municipal holding company designed to further excellence in corporate asset management. Consistent with that strategy as well as related legal requirements detailed in the Municipal Act and OBCA, administrative approvals should be met which are included in the recommendations of this report.

REPORT

GMHI has been officially incorporated and initial administrative matters must now be addressed. Consideration and approval is therefore being sought on action to complete the following:

- *Share Transfer Forms:* under the new holding company model, all existing shares in Guelph Hydro Inc. will be transferred from the City as the current sole Shareholder. In return, shares of GMHI will be issued back to the City, again as sole Shareholder. This transfer of assets is consistent with April 26, 2011 approved policy directions as well as relevant governing legislation.
- *Shareholder Declaration:* on April 26, 2011 Council approved the Shareholder Declaration with GMHI, Guelph Hydro Inc., Guelph Hydro Electric Systems Inc. and Ecotricity Guelph Inc., which sets out the relationship among the entities.
- *Support Services Agreement:* the Support Services Agreement explicitly defines the support that specific staff functions will provide to ensure successful operation of the new holding company.
- *Acknowledgment, Consent and Agreement Regarding Legal Services:* Attachment #1 acknowledges the role that the City Solicitor plays in acting for both the holding company and the City and enables the Solicitor to continue to advise the City should a conflict arise in that role.

CORPORATE STRATEGIC PLAN

5.6 – Organizational excellence in planning, management, human resources and people practices

FINANCIAL IMPLICATIONS

n/a

DEPARTMENTAL CONSULTATION

Financial Services, Office of the Clerks, Legal Services and Corporate Administration functional areas were consulted in the development of this report.

COMMUNICATIONS

n/a

ATTACHMENTS

Attachment #1 – Acknowledgment, Consent and Agreement Regarding Legal Services

Original Signed by:

Prepared By:

Brenda Boisvert
Manager, Strategic Planning and
Corporate Initiatives

Original Signed by:

Recommended By:

Hans Loewig, CAO

Original Signed by:

Recommended By:

Bruce Banting
Associate Solicitor

**ACKNOWLEDGEMENT, CONSENT AND AGREEMENT REGARDING
LEGAL SERVICES**

1. The Corporation of the City of Guelph (the City) acknowledges that the City Solicitor advises that:
 - a. She has been asked to act for both the City and Guelph Municipal Holdings Inc. (GMHI), two distinct corporations;
 - b. No information received by her in connection with the matter from one of the corporations can be treated as confidential so far as the other is concerned; and
 - c. If a conflict develops that cannot be resolved, she cannot continue to act for both of them and may have to withdraw from her retainer by GMHI.
2. The City consents to have the City Solicitor act for both corporations.
3. The City agrees that if a contentious issue arises between the two corporations, the City Solicitor may continue to advise the City.

COUNCIL REPORT

TO Guelph City Council

SERVICE AREA Downtown Renewal, CAO's Office
DATE September 6, 2011

SUBJECT 2011 Market Square Business Promotion Program
REPORT NUMBER 11-06

SUMMARY

Purpose of Report:

This report is the Staff response to the July 4, 2011 direction from Council regarding the potential expansion of the Market Square opening promotion to include the neighbouring businesses.

Council Action:

Council is being asked to approve the program and the proposed funding sources.

RECOMMENDATION

THAT the report dated September 6, 2011, prepared by Downtown Renewal, regarding the 2011 Market Square Business Promotion Program BE RECEIVED;

AND THAT Guelph City Council approves the staff recommended program and that the funding be assigned to the Downtown Guelph Business Association for administration;

AND THAT the Downtown Guelph Business Association report back to Council on the program uptake and success measurement following the conclusion of the program.

BACKGROUND

On July 4, 2011, Council directed staff to develop and report back to Council on promotional and marketing options that would recognize, engage and thank the businesses neighbouring Market Square as it neared completion, (See Attachment 1).

This direction from Council was based on the extraordinary circumstances surrounding Market Square, which includes the completion of major civic capital projects within the same precinct over the course of five years:

1. New City Hall
2. POA Courts adaptive re-use of Old City Hall
3. Replacement of the Wyndham Street rail overpass
4. New Transit Terminal (Guelph Central Station)
5. Market Square
6. Reconstruction of Carden Street and part of Wyndham Street infrastructure

Continuous closure of direct access to the Market Square area was limited to a three month period in 2010 and a four month period in 2011 during the five year period of construction within the precinct.

Since July 4th, Staff have met internally on financial and program options as well as soliciting and receiving feedback from the local businesses. In addition, an open meeting with local businesses was held on August 9, 2011 and a second meeting on August 24th, 2011.

There are approximately 34 businesses in the Wilson Street, Carden Street and Wyndham Street North (between Carden and MacDonnell) area.

REPORT

GOALS

Staff developed several key goals for the recommended program:

- That the program be designed to get people down to the area, and help drive sales, most importantly during the time leading up to the major civic events planned for the opening of the Square;
- That the program helps in rebuilding relationships where possible.

Discussions with the local businesses highlighted the following:

- That the program(s) be activated as soon as possible;
- That the diversity of the local retail and business environment would make any blanket program hard to develop;
- That each shop needs to be able to tailor their promotion to their unique condition;
- That there is value in organizing the effort to assist in larger collective promotion
- That creating different program levels between merchants seemed unworkable.

While there are physical improvement programs available within the Downtown Community Improvement Plan (façade and feasibility study grants), these programs are cost-share arrangements and require design approvals as well as partnership dollars up-front. There is an interest amongst the local community in making these types of improvements; however the general sense of the merchants in the Market Square area is that the immediate needs are to get sales back up following the extended construction period.

Direct monetary gifts towards each business are not possible under the Municipal Act.

RECOMMENDED PROGRAM: MARKET SQUARE VOUCHERS

Staff are recommending that the recognition program be based on a voucher/gift certificate format. This enables each merchant to determine the best and most effective details for their business and provides a method for the City to incorporate these vouchers into larger community events.

Staff are further recommending that the Downtown Guelph Business Association (DGBA) administer the program and undertake the general promotion efforts. It is noted that the DGBA already has an established 'Downtown Dollars' system in place and can tailor their protocols to suit this effort. Given the number of retailers involved, there is a significant administrative and organizational challenge which needs dedicated resources. The DGBA has the flexibility to respond more effectively and the work fits the BIA's mandate of promoting Downtown Guelph.

Program Details:

- City funding flows to the voucher purchase as soon as possible;
- The vouchers are to be designed to leverage additional business activity beyond their face value;
- Vouchers are purchased and distributed by the City (through Community & Social Services) and the DGBA based on direction from the individual merchant. This is required to maintain municipal accountability for the purchased goods and services.

Program Funding:

The anticipated breakdown of the program budget is anticipated as:

General promotion and program administration:	\$10,000-\$20,000
<u>Voucher funding</u>	<u>\$155,000-\$165,000</u>
Total	\$175,000

The exact breakdown to be determined through discussions with the DGBA and businesses. There is the potential for additional partnership with the DGBA to increase the promotional investments beyond the current funding.

Program Duration:

The program is meant to be a short duration to launch the reopening of Carden Street during the completion of Market Square. The program is meant to have immediate effect during the fall of 2011 leading up to the opening of the Square in January 2012. Vouchers are to have a maximum 1 year time limit.

CORPORATE STRATEGIC PLAN

- Goal 1: An attractive, well-functioning and sustainable city
Goal 5: A community-focused, responsive and accountable government

FINANCIAL IMPLICATIONS

Program Budget:

2011 Market Square Operations (reduce from 5 to 2 months)	\$100,000
<u>Corporate 2011 Contingency Account</u>	<u>\$75,000</u>
TOTAL	\$175,000

The 2011 budget for Market Square Operations assumed 5 months of expenses starting from August 1st, in order to accommodate a September 1st opening of the square. With the extended completion of the construction project, the budget has been revised to cover 2 months of expenses starting from November 1st to accommodate a December opening of the square. This savings of \$100,000 is from cost centre 770-1200.

The Corporate Contingency account is an Operating Budget fund available to be used at the discretion of the CAO.

Market Square Events Budget:

The above funding arrangement maintains the Community & Social Services 2011 budget of \$25,000 for civic events for Market Square and allows this local business program to take advantage of and coordinate with programming and events hosted by the City in the coming months.

DEPARTMENTAL CONSULTATION

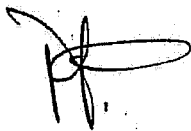
Community & Social Services
Planning & Building, Engineering Services
Finance & Risk Management
Legal Services
Communications

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment 1 July 4, 2011 Council Resolution on Market Square



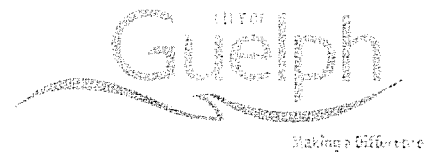
Prepared By:

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Recommended By:

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CAO
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July 11, 2011

Mr. Ian Panabaker
Corporate Manager
Downtown Renewal

Dear Mr. Panabaker:

At a meeting of Guelph City Council held July 4, 2011, the following resolution was adopted:

“WHEREAS Market Square is nearing completion and the area is starting to look ahead at promotional and marketing opportunities;

AND WHEREAS City Hall would like to recognise and thank our neighbours on Carden, Wilson and Wyndham (between Carden and MacDonnell) for their patience through this unprecedented period of construction;

BE IT RESOLVED THAT Staff develop and provide options to Council for promoting the Market Square area, the options to include potential programs, initiatives and partnerships with our neighbours, and that the program use \$175,000 as a guideline budget limit.

AND THAT this request be referred to the CAFES Committee with a direction that Staff bring these options back for review by Council in September 2011 taking into consideration:

- differentiation and weighting of businesses
- if the funding can be found in the current budget
- highlighting if any of the delays were beyond the City’s control.”

Yours truly,

Tina Agnello
Acting City Clerk

*js
c. Ms. S. Aram

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To Guelph City Council,

I'd like to respectfully submit my comments on the proposed Market Square Business Promotion Program.

As an avid downtown supporter and frequent customer of downtown shops and restaurants, I'm looking forward to the completion of the improvements. Meanwhile, I sympathize with the business owners who have endured extraordinary construction-related frustrations and hardships.

The proposed program is certainly a positive gesture, and it could be effective at increasing short-term revenue for downtown businesses, and attracting new customers.

However, I do have some concerns with this approach. Please consider the following during your deliberations:

1. Although the circumstances of the downtown construction are unique, an ad-hoc approach (in the absence of a supporting policy) could be seen by many as

- unfair to other businesses affected by construction, and
- setting a risky precedent for similar scenarios in the future.

2. Some downtown business owners have behaved inappropriately, by publicly insulting City staff. These behaviours violate the City's corporate Harassment and Discrimination Policy: "The City will not tolerate, ignore or condone workplace harassment, discrimination or any pattern of inappropriate, disrespectful behaviour that a reasonable person would consider to be humiliating, demeaning, offensive or intimidating. The City considers such actions to be a serious offence, which may result in disciplinary action up to and including termination of employment."

I have also seen and documented what I consider to be a threatening window display in a downtown business, which may violate the City's Workplace Violence Policy, according to which:

"Workplace Violence includes:

- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace."

I've attached photos of this display, for your reference. The pictures are a bit unclear, but one shows a note attached to a toy gun that reads: "Which way to Council Chambers?"

There is absolutely no excuse for this conduct. It is hurtful, distressing, and contrary to the spirit of our community. I oppose rewarding any business owner who has contributed to City staff harassment or workplace violence.

I suggest establishing a City-wide policy to support programs like the one proposed, based on sound rationale and good value. It should include criteria for program beneficiaries such as respectful conduct, consistent with City policies. Development of such a policy should also include consideration of other approaches.

Thank you for considering my comments,

Kind regards,
Jen Turnbull

TO **Guelph City Council**

SERVICE AREA Economic Development & Tourism Services
DATE September 6, 2011

**SUBJECT Sale of City Owned Land – Hanlon Creek Business Park
Phase 1.**

REPORT NUMBER

RECOMMENDATION

"THAT the Mayor and Clerk BE AUTHORIZED to execute an Amending Agreement to an Offer to Purchase/Agreement of Purchase and Sale with 2257524 Ontario Inc regarding the sale of City-owned land in the Hanlon Creek Business Park Phase 1, as described in the report of September 6th 2011, which has been prepared by Economic Development and Tourism Services, subject to the Amending Agreement of Purchase and Sale's format and content being satisfactory to the General Manager of Economic Development and Tourism as well as the General Manager of Legal Services/City Solicitor.

BACKGROUND

At the May 3, 2011 meeting of Guelph City Council the following resolution was passed:

"THAT the Mayor and Clerk BE AUTHORIZED to execute an Agreement of Purchase and Sale regarding the sale of City-owned land in the Hanlon Creek Business Park Phase 1, in the amount of \$530,000.00, as described in the report of May 3rd 2011 which has been prepared by Economic Development and Tourism Services, subject to the Agreement of Purchase and Sale's format and content being satisfactory to the General Manager of Economic Development and Tourism as well as the General Manager of Legal Services/City Solicitor"; and

The above resolution contemplated a sale of 2.0 acres of land. The final agreement of purchase and sale, which was based on a more accurate survey, was executed in June of this year and represents a sale of 2.083 acres for a land purchase price of \$551,995.00.

REPORT

The purchaser, 2257524 Ontario Inc. recently submitted its site plan application to the City of Guelph for approval. The review of this application has identified the need for additional land. The purchaser therefore wishes to amend the current Offer to Purchase/Agreement of Purchase and Sale to reflect the additional amount of land required as a result of its site plan application. The amending agreement would address the following:

- An increase in the amount of land to be purchased of 0.0939 acres
- An increase of \$24,883.50 to the purchase price and the amount owing on closing.

Attachment 1 of this report provides a draft survey plan identifying the additional land to be purchased which is described as Part 2.

All other terms and conditions contained in the original Offer to Purchase/Agreement of Purchase and Sale and all schedules attached thereto are to remain in full force and effect.

It is therefore staff's recommendation that an Amending Agreement, as described in this report, be executed.

CORPORATE STRATEGIC PLAN

Goal 1 – An attractive, well functioning and sustainable City

- Strategic Objective 1.6 – A balanced tax assessment ratio

Goal 3 – A diverse and prosperous local economy

- Strategic Objective 3.1 – Thriving and sustainable local employment opportunities
- Strategic Objective 3.2 – One of Ontario's top five and Canada's top ten places to invest
- Strategic Objective 3.3 – The highest ratio of any southern Ontario city of people who work and live in the same community

FINANCIAL IMPLICATIONS

- Adjusted Land Sale Revenue from \$551,995.00 to \$576,878.50; Development Charges; Site Plan and Building Permit Fees and Annual Property Tax.

-
- Adjusted Payment of Real Estate Commissions from \$27,599.75 to \$28,843.93 + HST.

DEPARTMENTAL CONSULTATION

- Legal Services

COMMUNICATIONS

- N/A

ATTACHMENTS

- Attachment "A" – Site Location Map

Original Signed by:

Prepared By:

Peter Cartwright

General Manager

Economic Development & Tourism Services

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Attachment "A" – Site Location Map

