

COUNCIL PLANNING AGENDA



DATE October 3, 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) 39-47 Arkell Road and 1408 Gordon Street: Proposed Zoning By-law Amendment (File ZC1006) – Ward 6	Stacey Laughlin	• Astrid Clos Available to <u>answer questions:</u> • Jordan Zukowski • Chris Sims		
b) 180 Gordon Street: Proposed Zoning By-law Amendment (File ZC1107) – Ward 5	Stacey Laughlin	• Glenn Wellings • Bernard Luttmer • Oskar Johansson	• Karen Balcom • Dennis Jamieson <u>Correspondence:</u> • Karen Balcom • Brenda Aasman & Rick McNabb • Rick Jamieson • Cathy Aldersley • Belinda Leach • Christine Bold • Ric Knowles • Jean Simpson • Teresa McKeeman	

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) Hanlon Creek Business Park Subdivision (File 23T-03501): Request For An Extension Of Draft Plan Approval – Ward 6			
A-2) 1820 Gordon Street South: Proposed Zoning By-law Amendment (File ZC1108) – Ward 6			
A-3) 781-783 Wellington Street West: Proposed Zoning By-law Amendment (File: ZC1106) – Ward 4		<u>Correspondence:</u> • Brenda Roth	
A-4) 340 Eastview Road – Morning Crest Subdivison, Remainder of Phase 2 (File: 23T-04501): Request for an Extension of Draft Plan Approval – Ward 2			

BY-LAWS

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

By-law Number (2011)-19275 A by-law to amend By-law Number (2009)-18855, as amended, being a by-law respecting the licensing of Businesses operating within the City of Guelph, and to adopt Municipal Code Amendment #453, which amends Chapter 176, "Business Licences", of The Corporation of the City of Guelph's Municipal Code.	A by-law to amend the "Business Licence By-law".
By-law Number (2011)-19276 A by-law to authorize the execution of	A by-law to authorize the execution of an agreement.

an agreement between Terracon Underground Ltd. and The Corporation of the City of Guelph, (Contract No. 2-11404 for Eastview Road Reconstruction, Starwood Drive to Summit Ridge Drive.	
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ANNOUNCEMENTS

ADJOURNMENT

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

**SUBJECT 39-47 Arkell Road and 1408 Gordon Street
Proposed Zoning By-law Amendment (File: ZC1006)
Ward 6**

REPORT NUMBER 11-86

SUMMARY

Purpose of Report: To provide planning information on a revised application requesting approval of a Zoning By-law Amendment for the lands at 39-47 Arkell Road and 1408 Gordon Street to permit a townhouse development. This report has been prepared in conjunction with the second public meeting on this 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 11-86 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, and legally described as Part of Lot 7, Concession 8, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received."

BACKGROUND

A revised application for a Zoning By-law Amendment (ZC1006) has been received for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street from Astrid J. Clos Planning Consultants. The initial application was deemed to be complete on August 30, 2010. The initial concept plan, shown on Schedule 4, was circulated to area residents and agencies on September 9, 2010 for review and comment and was presented to Council at a statutory Public Meeting held October 4, 2010.

Location

The affected lands are 1.55 hectares in size and are located on the south side of Arkell Road, and the east side of Gordon Street. The property at 39-47 Arkell Road contains a single detached dwelling, a church and some vacant lands on the

westerly and southerly sides of the property. The proposed Zoning By-law Amendment affects only the vacant lands. The church and dwelling are proposed to remain in the I.1 (Institutional) Zone. The second property, 1408 Gordon Street, is occupied by a single detached dwelling which is proposed to be demolished (see Schedule 1 – Location Map).

The land uses surrounding the subject site consist of a detached dwelling at 33 Arkell Road to the north and west, detached residential dwellings to the east fronting on Malvern Crescent, an existing daycare to the south on Gordon Street, an existing neighbourhood commercial plaza to the west on Gordon Street and a garage and car lot located immediately southeast of the intersection of Arkell Road and Gordon Street.

Informal Public Consultation Process

At the October 4, 2010 statutory Public Meeting, Council directed staff to engage the neighbourhood and the developer in discussions in order to attempt to resolve the issues raised at the Public Meeting. These issues included:

- Evaluation of the proposal's conformity with the Local Growth Management Strategy and Official Plan Amendment #39
- Clarification of the current Official Plan designations, particularly the Neighbourhood Commercial designation
- Retention of some of the vacant lands for institutional use
- Proximity of the apartment building to existing residential uses
- Density
- Existing and proposed site grading
- Size and location of amenity area
- Building height
- Vehicular access to Arkell Road
- Traffic
- Tree retention
- Opportunities for pedestrian connectivity
- Compatibility with existing residential uses
- Provision of adequate parking
- Conformity with the South Gordon Community Plan
- Environmental impacts (e.g. existing private wells)
- Buffering and setbacks

In response to the issues raised at the Public Meeting, the applicant revised the concept plan for the subject site (see Schedule 5 – Revised Concept Plan). This proposal is for the development of a portion of 39-47 Arkell Road and all of 1408 Gordon Street in a comprehensive manner for a medium density residential development containing 71 townhouse units. Access is proposed to both Arkell Road (right-in, right-out only) and Gordon Street (full movement). The portion of the lands behind the existing church (the eastern leg) are no longer proposed to be developed and will remain as part of the Institutional Zone. The applicant is requesting to change the zoning from the I.1 (Institutional) Zone and the R.1B (Residential Single Detached) Zone to a Specialized R.3A (Townhouse) Zone.

On March 3, 2011 an informal public meeting was held with the residents that raised concerns at the statutory Public Meeting. The revised concept plan was

presented to the residents and questions similar to those raised at the Public Meeting were asked regarding the following issues:

- Provision of adequate parking
- Buffering
- Location of vehicular accesses
- Existing and proposed site grading
- Building form and height (stacked townhouses)
- Density
- Traffic and a Traffic Impact Study
- Size of units

At the meeting, answers to these questions were provided by the developer and are discussed in "Details of Revised Concept Plan" on page 4 of this report. The residents gave staff and the developer the understanding that they are generally satisfied with the revised concept plan subject to it being supported by an acceptable Traffic Impact Study (TIS). A TIS has been submitted by the applicant and is currently being reviewed by staff. The TIS was also circulated to the residents for information purposes in August 2011.

Existing Official Plan Designations and Related Policies

The existing Official Plan land use designations that apply to the subject lands are "General Residential" and "Medium Density Residential". The "General Residential" designation permits all forms of residential uses, including townhouses, to a maximum net density of 100 units per hectare. The "Medium Density Residential" designation permits multiple unit residential buildings, such as townhouses, and requires that the net density of development be a minimum of 20 units per hectare and a maximum of 100 units per hectare. The Official Plan Land Use Designations map shows a portion of the west side of the property in the "Neighbourhood Centre" designation, however that designation is intended for the properties to the west of the subject site along Gordon Street. These lands are also subject to the policies in the South Gordon Community Plan which identifies these lands as a combination of "Institutional" and "Medium Density Residential" and further identifies that the subject lands are "Lands Adjacent to Stable Residential Areas".

Official Plan Amendment #39 (in effect) identifies the site within the "Built-Up Area" of the City. The "Built-Up Area" is intended to accommodate a significant portion of new residential and employment growth through intensification. A small portion of the site which fronts on to Gordon Street is within an "Intensification Corridor", which is intended to provide for higher density mixed-use development along major roads or higher order transit corridors. Official Plan Amendment #42 (subject of appeals), the City's Natural Heritage Strategy, does not designate any of this site "Significant Natural Areas".

The Official Plan Land Use Designations and Related Policies are included in Schedule 2.

Existing Zoning

The subject site is zoned I.1 (Institutional) Zone and R.1B (Residential Single Detached) Zone. Current zoning regulations are included as part of Schedule 3 to this report.

REPORT

Description of the Proposed Zoning By-law Amendment

The applicant proposes to rezone the subject site from the I.1 (Institutional) Zone and the R.1B (Residential Single Detached) Zone to a Specialized R.3A (Townhouse) Zone, to permit the development of a 71 unit townhouse development consisting of both stacked townhouses and cluster townhouses. Specialized zoning regulations are proposed for minimum lot frontage, minimum side and rear yard setbacks, maximum permitted building height and maximum density. See Schedule 3 for proposed zoning map, as well as proposed specialized and standard regulations.

Details of Revised Concept Plan

The initial concept plan is shown on Schedule 4 and the revised concept plan is shown on Schedule 5. The revised concept plan no longer proposes to include an apartment building and the area of land being developed is reduced from 1.76 ha to 1.55 ha by removal of the eastern leg. The initial concept plan proposed a total of 83 residential units consisting of 19 apartment units, 42 stacked townhouses and 22 cluster townhouses. The revised concept plan proposes a total of 71 residential units consisting of 60 stacked townhouses and 11 cluster townhouses. The revised concept plan retains two vehicular access points, however, the access proposed to Arkell Road has been modified from a 'full movement' access to a 'right-in, right-out only' access. The access to Gordon Street remains a 'full-movement' access. The revised concept plan also complies with the Zoning By-law requirement for number of required parking spaces.

The density of the revised concept plan under the Places to Grow Plan is 46 units per hectare or 112 persons per hectare. The initial concept plan proposed 47 units per hectare or 108 persons per hectare on a larger site.

The revised concept plan assists in addressing previous issues raised (see chart below).

Issue	Modification to Concept Plan for the Site
Retention of some of the vacant lands for institutional use	The eastern leg of the development which includes the vacant land behind the existing church is now proposed to remain in the Institutional Zone and will not form part of the development.
Proximity of the apartment building to existing residential uses	The apartment building has been removed from the proposal.
Building Height	The apartment building has been removed from the proposal and the townhouses that are closest to the adjacent residential uses are proposed to be limited to 2 storeys in height.

Issue	Modification to Concept Plan for the Site
Size and location of amenity area	The common amenity area has been consolidated into one location and meets the Zoning By-law requirement for the proposed units.
Vehicular access to Arkell Road	Based on the Traffic Impact Study, this access has been modified so that it is a 'right-in, right-out only' access.
Traffic	Based on the Traffic Impact Study, the traffic generated by the site can be accommodated.
Pedestrian Connectivity throughout the site	Pedestrian sidewalks have been incorporated into the revised concept plan to ensure that pedestrians have a safe route through and around the site.
Compatibility with existing residential uses	The apartment building has been removed; the eastern leg of the site is no longer proposed to be developed and the units closest to the eastern property boundary are proposed to be limited to 2 storeys in height.
Provision of adequate parking	The number of proposed parking spaces now complies with the Zoning By-law requirement for the proposed units.
Buffering and setbacks	The setback to the easterly property boundary has been increased and larger landscaped buffer strips are proposed to provide additional buffer.

Any previous issues remaining will be addressed in the Staff Recommendation Report.

Supporting Documents

The following documents have been submitted by the applicant in support of their application:

1. Preliminary Servicing and Stormwater Management Report, prepared by Gamsby and Mannerow, August 2010
2. Traffic Impact Study, prepared by Paradigm Transportation Solutions Ltd., June 2011

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal's conformity with the Official Plan, including General Residential and Medium Density Residential, and South Gordon Community Plan policies.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan.
- Review of the proposed zoning and need for specialized regulations.
- Integration of the proposed development with the surrounding lands.

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- Review of proposed site layout in relation to the Community Energy Initiative
 - Servicing Capacity.
 - The issues listed on page 2 of this report

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

Notice of the second Public Meeting was advertized in the Guelph Tribune on September 8, 2011, and circulated to current owners within 120 metres of the site on September 9, 2011.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Official Plan Land Use Designations and Related Policies
Schedule 3 – Existing and Proposed Zoning and Regulations
Schedule 4 – Initial Concept Plan
Schedule 5 – Revised Concept Plan

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Original Signed by:

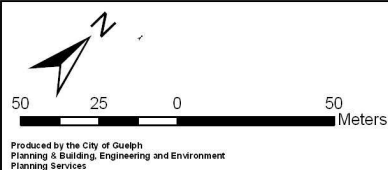
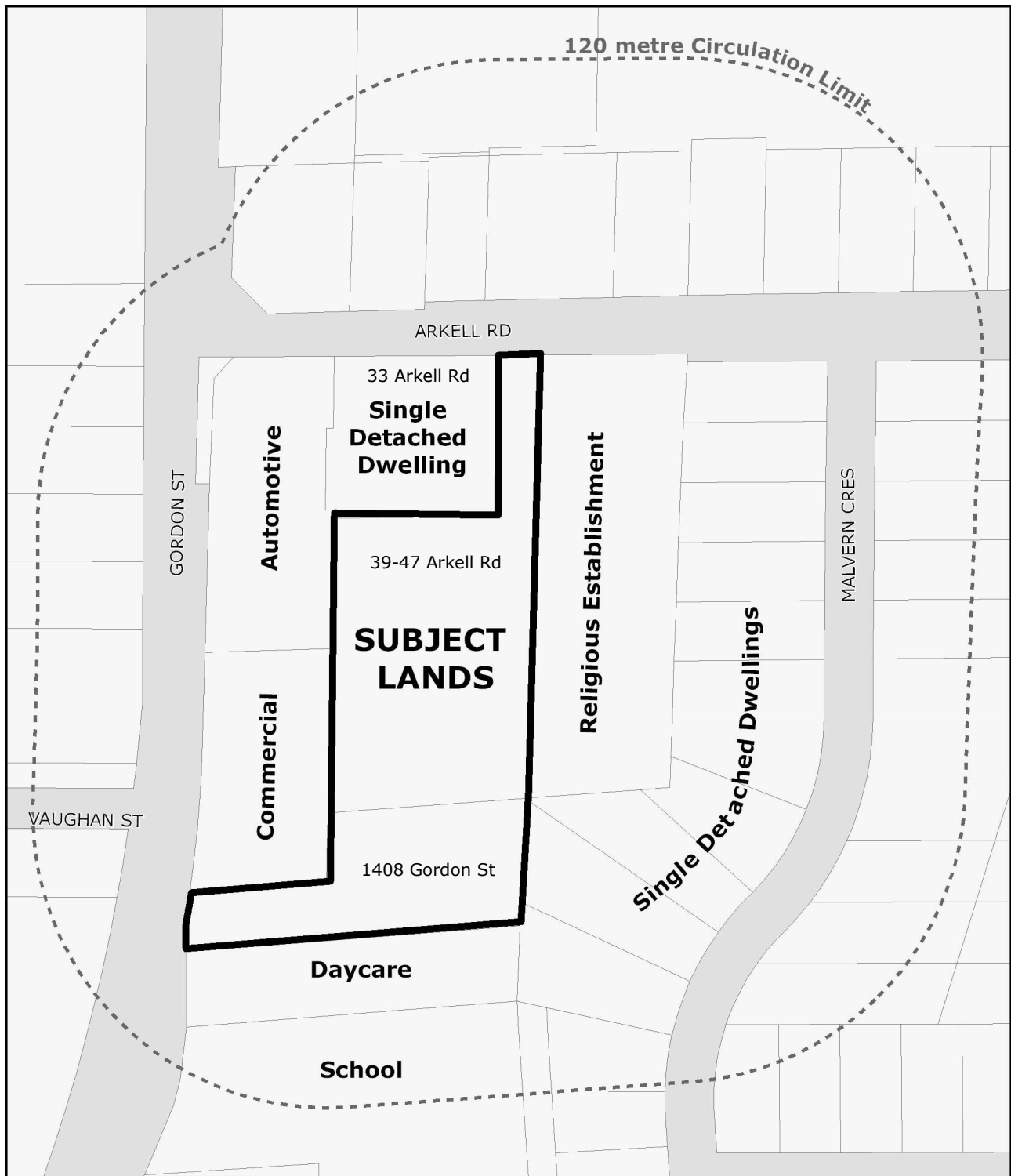
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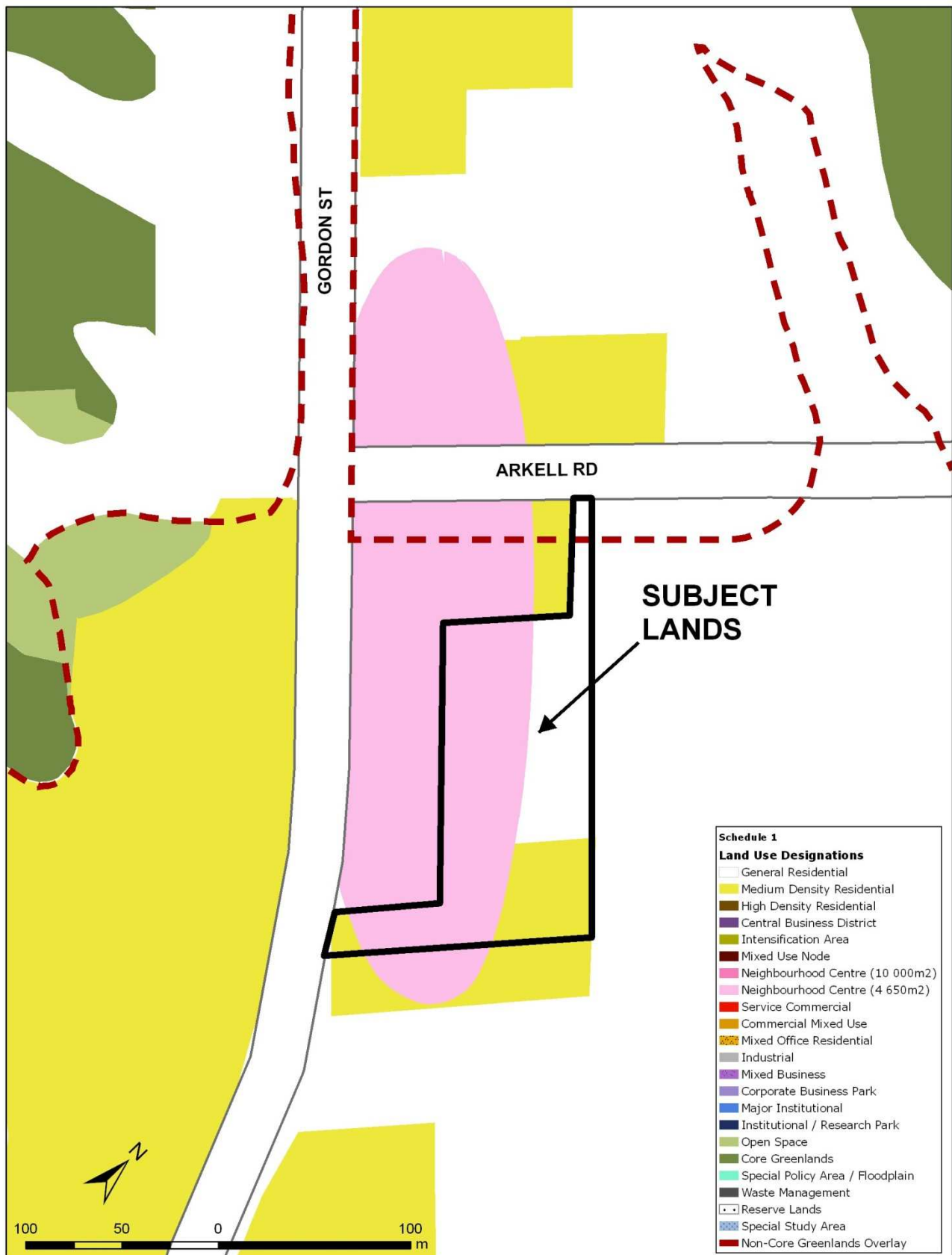
Schedule 1 – Location Map



Location Map
39-47 Arkell Road and
1408 Gordon Street



Schedule 2 – Official Plan Land Use Designations and Related Policies



Schedule 2 continued

Related Official Plan Policies

'General Residential' Land Use Designation

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.

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).

1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

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

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;

-
- d) Landscaping and amenity areas;
 - e) Vehicular access, circulation and parking; and
 - f) Heritage considerations.

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

'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.

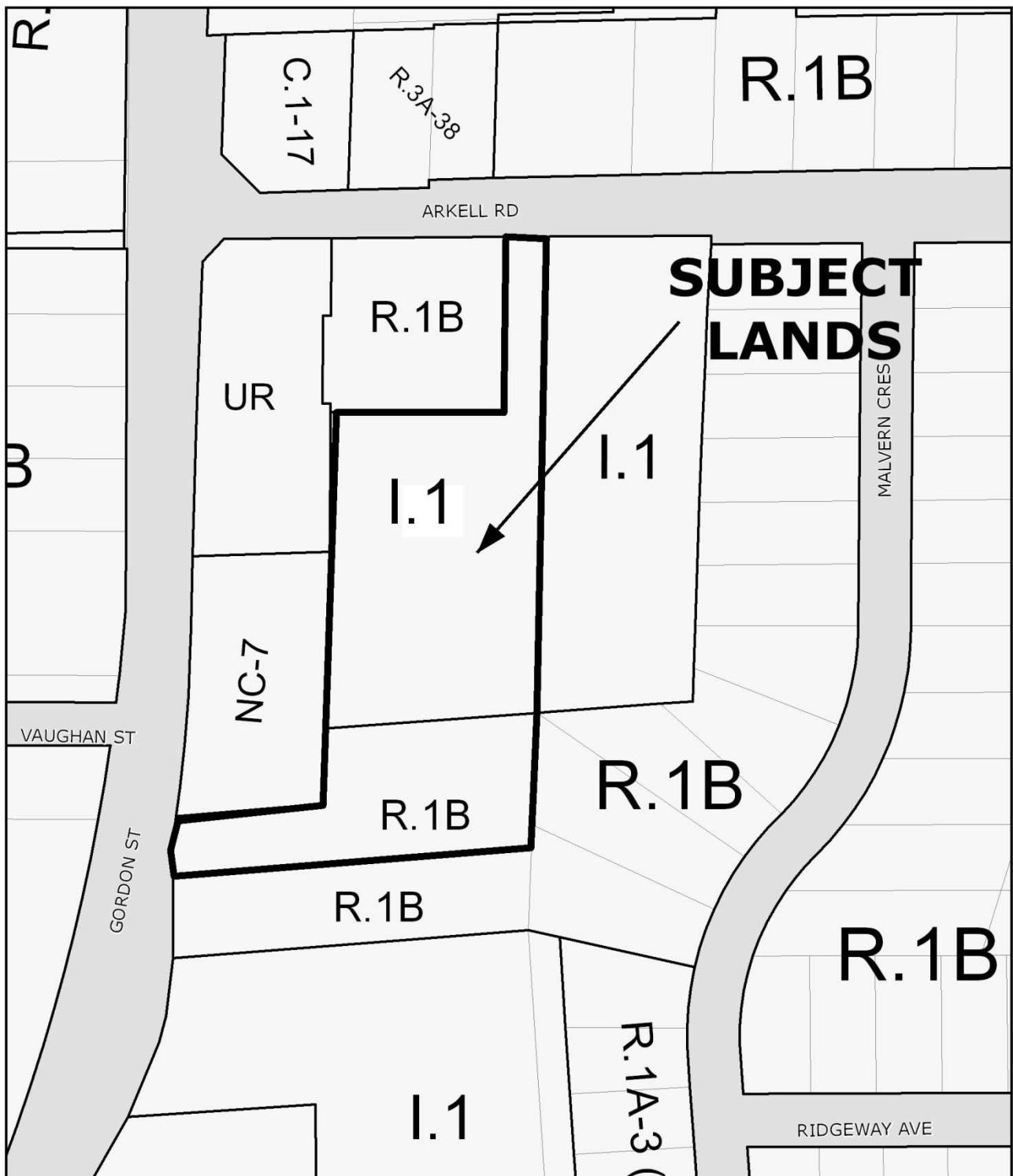
7.2.39 Medium density residential *development* proposals shall generally comply with criteria established for *multiple unit residential buildings* in policy 7.2.7 of this Plan, and shall be regulated by the *Zoning By-law*.

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.

Secondary Plan Policies

9.5.6 In addition to the Secondary Plan work in the South Guelph Area, a "community plan" has been prepared to give guidance to *development* plans for land within the South Gordon Community Plan area. The preparation of this Plan is in accordance with the provisions of the South Guelph Secondary Plan, Urban Form and Design Considerations (see policy 3.6.31). This Community Plan supplements the policies of the Official Plan.

Schedule 3 – Existing Zoning





Produced by the City of Guelph
Planning & Building, Engineering and Environment
Planning Services

CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2010) - 19070

**39-47 Arkell Road and
 1408 Gordon Street**

Existing Zoning



CITY OF Guelph
 Making a Difference

Schedule 3 – Existing Zoning

I.1 Institutional Zone

Permitted Uses

Art Gallery
Day Care Centre
Group Home
Library

Museum
Outdoor Sportsfield Facilities
Religious Establishment
School

Regulation	Required in the Standard I.1 Zone
Minimum Lot Area	700m ²
Minimum Front and Exterior Side Yard	6m
Maximum Front and Exterior Side Yard	20m
Minimum Side Yard	6m or ½ the building height
Minimum Rear Yard	7.5m or ½ the building height
Minimum Lot Frontage	30m
Off-Street Parking	Section 4.13
Off-Street Loading	Section 4.14
Accessory Buildings and Structures	Section 4.5
Fences	Section 4.20
Maximum Building Height	4 storeys
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones
Garbage, Refuse Storage & Composters	Section 4.9

R.1B Detached Residential Zone

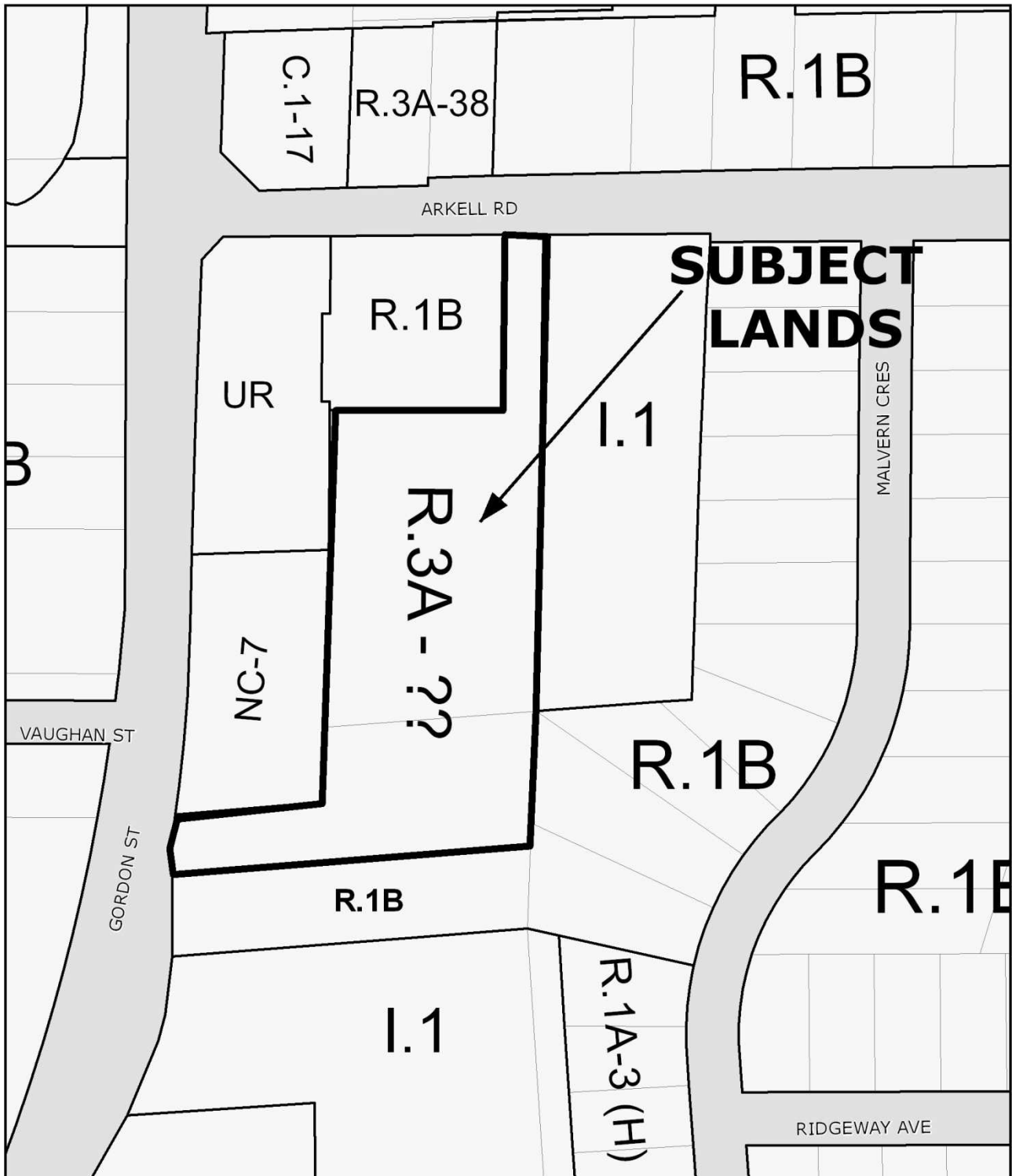
Permitted Uses


Single Detached Dwelling
Accessory Apartment
Bed and Breakfast Establishment
Day Care Centre

Group Home
Home Occupations
Lodging House Type 1

Regulation	Required in the Standard R.1B Zone
Minimum Lot Area	460m ²
Minimum Lot Frontage	15m
Maximum Building Height	3 storeys
Minimum Front Yard	6m
Minimum Exterior Side Yard	4.5m
Minimum Side Yard	
1 to 2 storeys	1.5m
Over 2 storeys	2.4m
Minimum Rear Yard	7.5m or 20% of the lot depth
Accessory Buildings or Structures	Section 4.5
Fences	Section 4.20
Off-Street Parking	Section 4.13
Minimum Landscaped Open Space	The front yard of 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. A minimum area of 0.5m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species
Garbage, Refuse Storage & Composters	See Section 4.9

Schedule 3 – Proposed Zoning






50 25 0 50 Meters

Produced by the City of Guelph
Planning & Building, Engineering and Environment
Planning Services

CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2010) - 19070

**39-47 Arkell Road and
 1408 Gordon Street**

Proposed Zoning



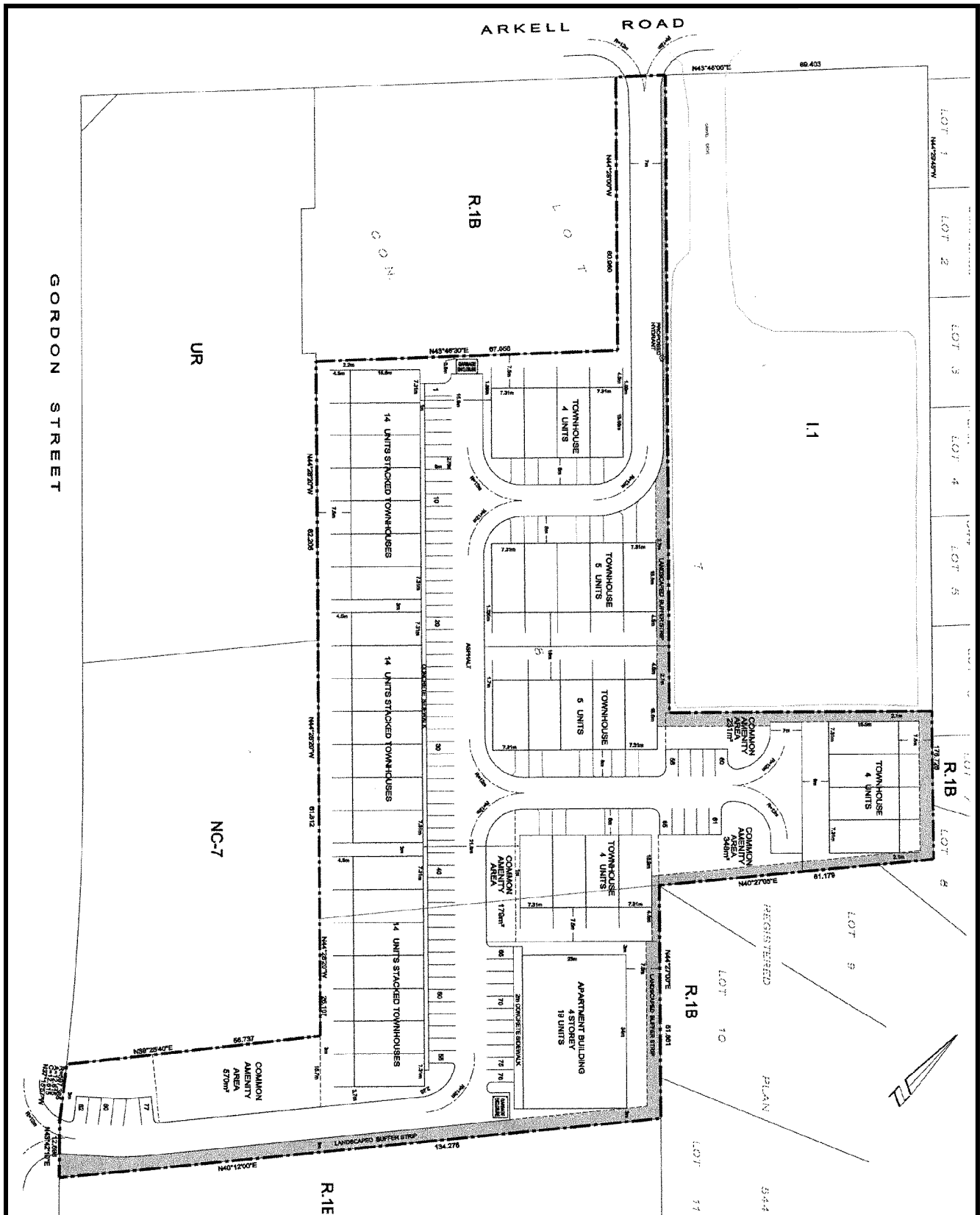
Proposed Specialized Zoning Regulations for the Specialized R3A-?? (Townhouse) Zone

Regulation	Required in the Standard R.3A Zone	Requested in the Specialized R.3A Zone
Minimum Lot Area	800m ²	--
Minimum Lot Area per Dwelling Unit	270 m ²	--
Minimum Lot Frontage	18m	11m
Minimum Front Yard	6m	--
Minimum Exterior Side Yard	4.5m	--
Minimum Side Yard	3m or ½ the building height	3m
Minimum Rear Yard	3m or ½ the building height	3m
Maximum Building Coverage	30%	--
Maximum Building Height	3 storeys	4 storeys for Stacked Townhouses Only (and see notes below)
Minimum Distance Between Buildings	3m	--
Minimum Common Amenity Area	5m ² per cluster unit 10m ² per stacked unit	--
Minimum Private Amenity Area	Section 5.3.2.5.1 a)-i)	--
Minimum Landscaped Open Space	40%	--
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones	--
Fences	See Section 4.20	--
Off-Street Parking	86 spaces	--
Maximum # of Dwelling Units in a Row	12	--
Garbage, Refuse Storage & Composters	See Section 4.9	--
Maximum Density of Site	Cluster: 37.5 units per ha Stacked: 60 units per ha	50 units per ha *The revised concept plan complies with this regulation. Specialized regulation is proposed to recognize the density proposed in revised concept plan for clarity purposes

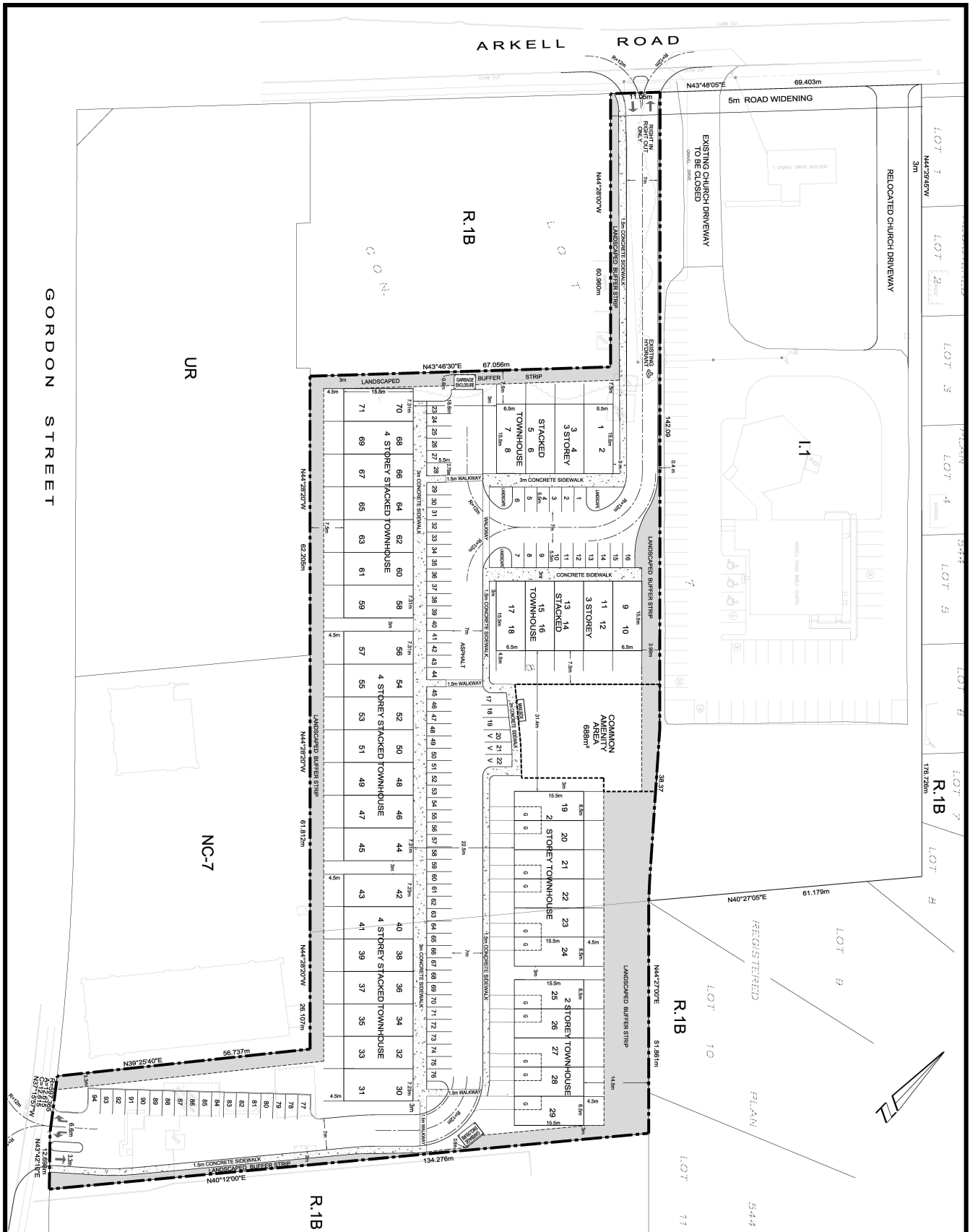
Proposed Specialized Regulations

- A minimum lot frontage of 11m where 18m is required
- A minimum rear yard setback of 3m where 7.5m is required
- A minimum side yard setback of 3m where 4.5m is required
- A maximum building height of 4 storeys where 3 storeys is permitted with the following exception:
 - That any building proposed within 30m of the northeast property line abutting an R.1B Zone shall have a maximum building height of 2 storeys
- A maximum density of 50 units per hectare for a combination of cluster and stacked townhouses where a maximum density of 37.5 units per hectare is permitted for cluster townhouses and 60 units per hectare is permitted for stacked townhouses

Schedule 4 – Initial Concept Plan



Schedule 5 – Revised Concept Plan



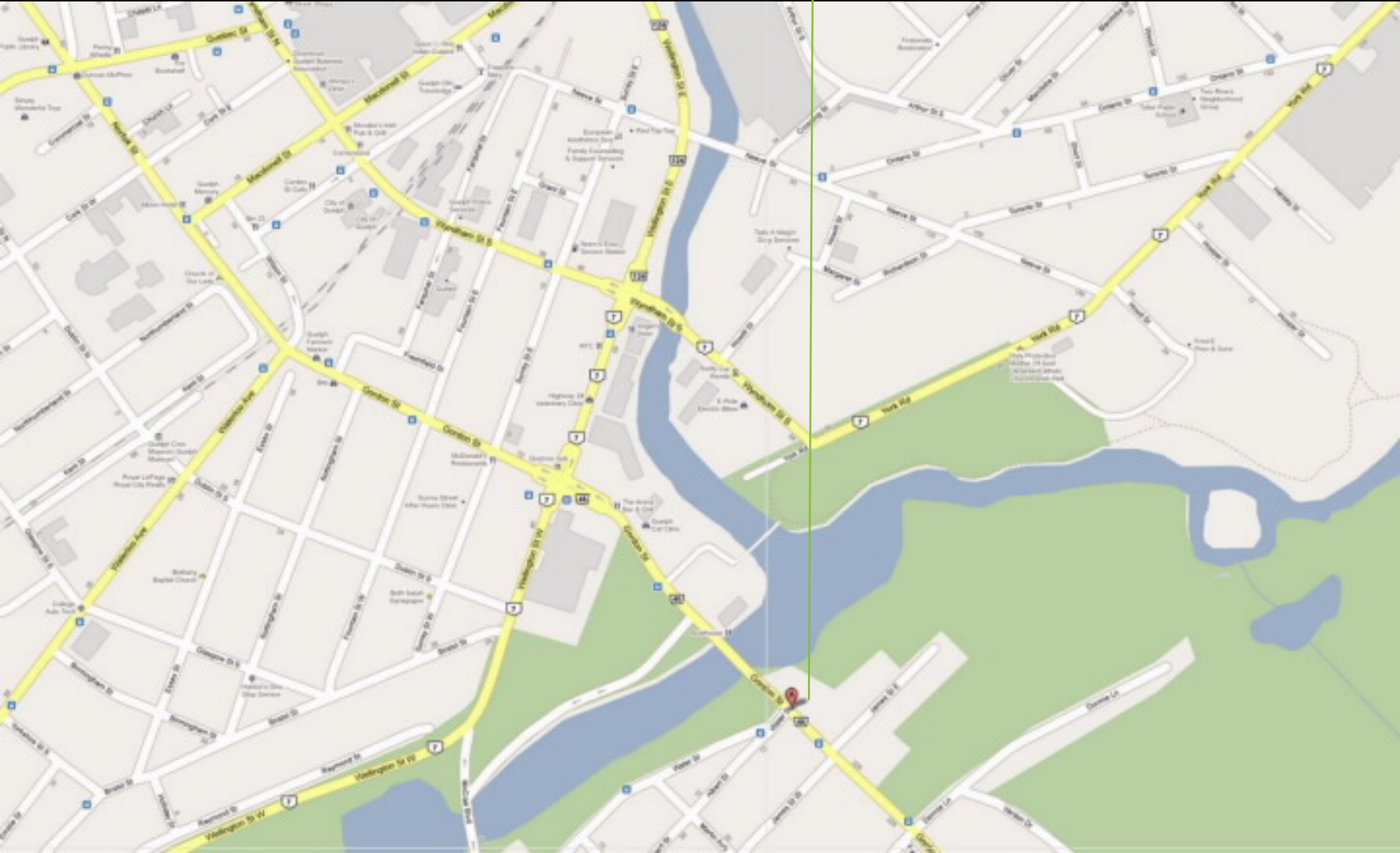
Application for Zoning By-Law Amendment

180 Gordon Street
Waterfront Condominium



Location

180 Gordon Street



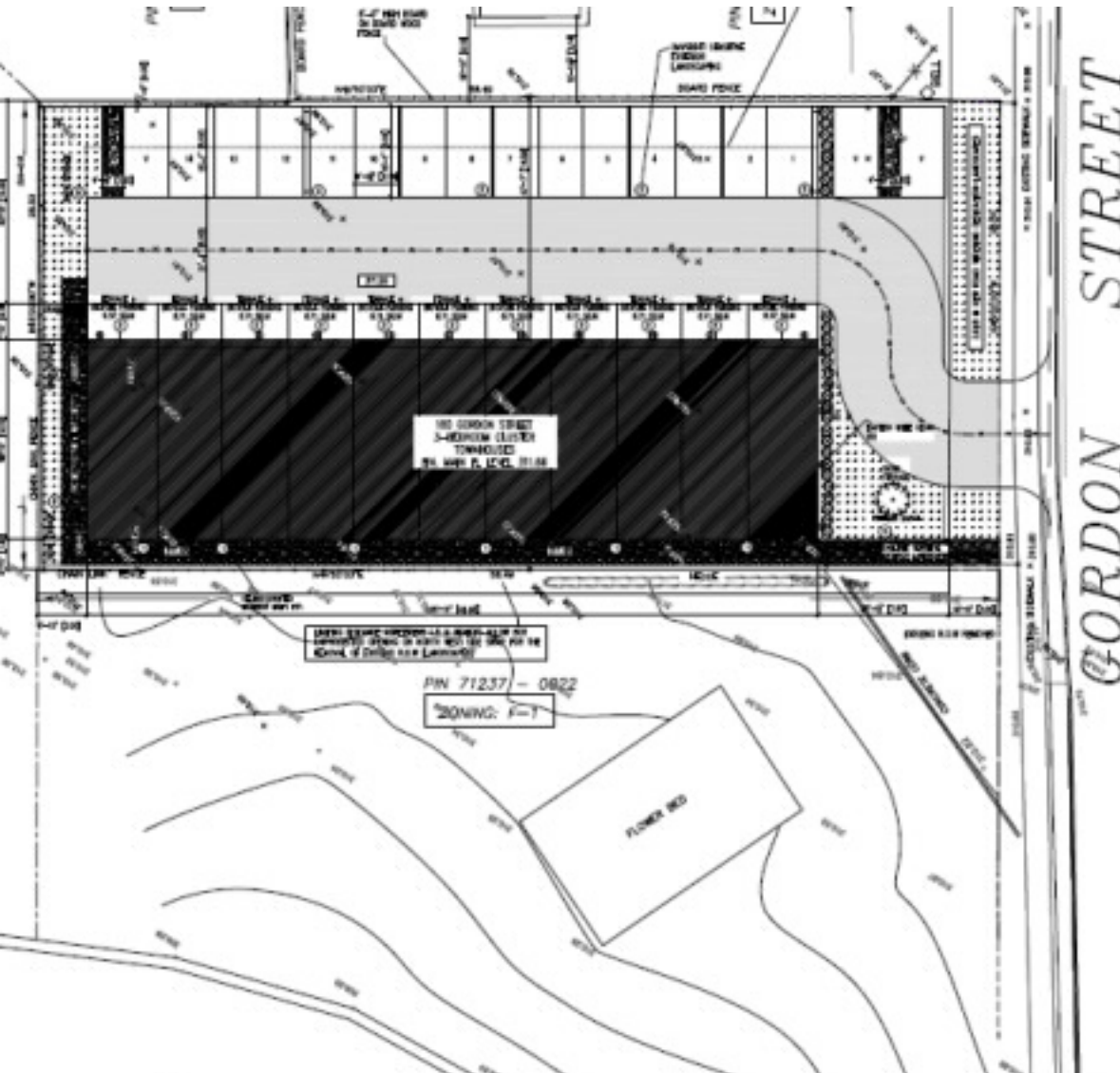
Proposed Development

- 11 x 3-bedroom condo units
- 11 covered parking spaces
- 6 uncovered parking spaces
- 2 parking barrier free
- 11 bicycle parking spaces

- Land dedication to city
- Expansion of Marianne's Park.
- Private rear terraces
- Private roof top amenity areas



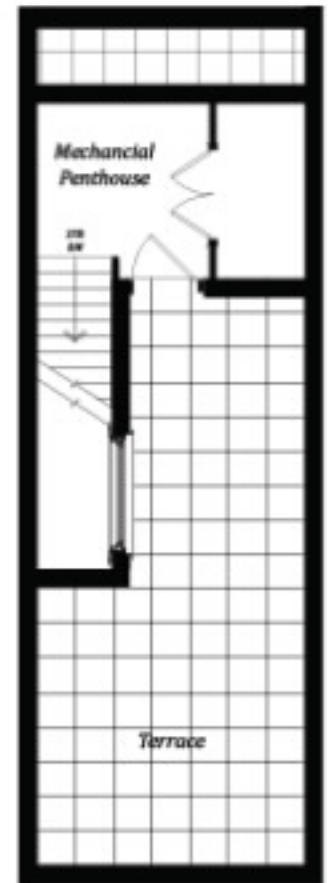
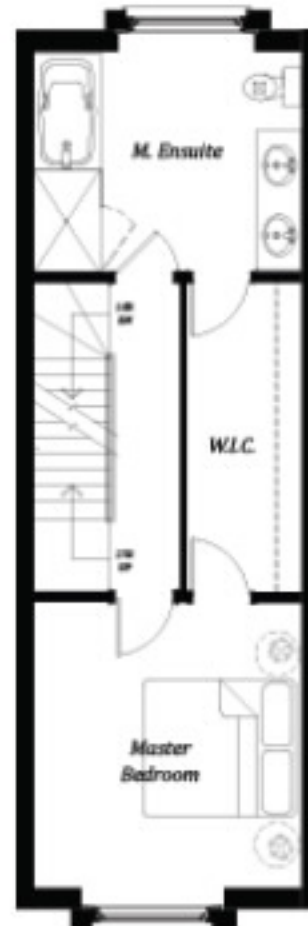
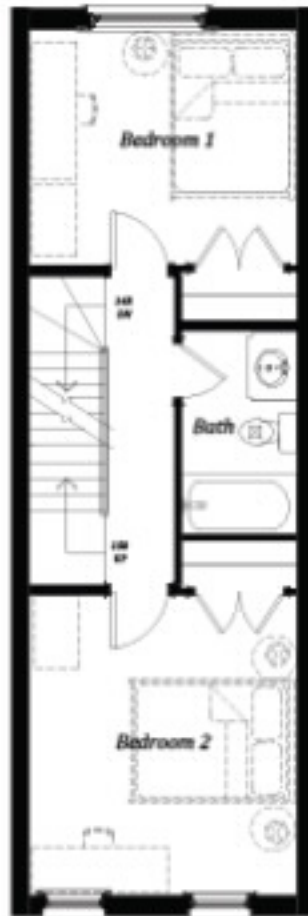
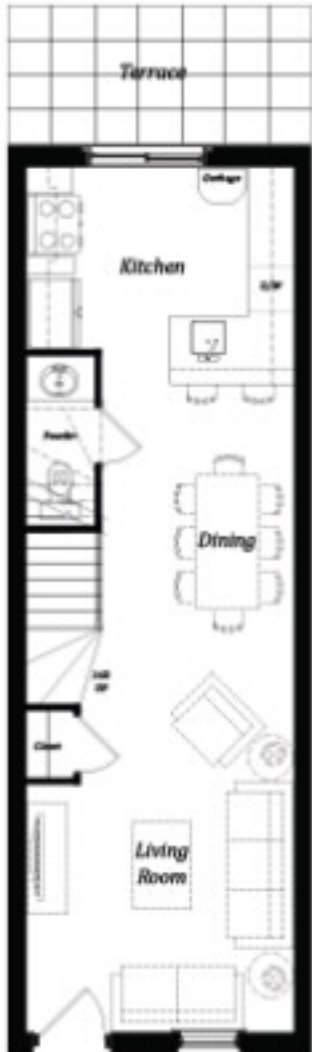
The Improved Site Plan



- Increased landscaped space
- Increased rear setback
- Larger and wider units
- Increased parking maneuverability
- Increased snow storage
- Increased privacy for neighbours
- Parking maintained out of view from river and park

Luxury Townhomes (no basements)

180 Gordon St. - 3 Bed 2.5 Bath
Typical Floor Plan



Architectural Design and Style

Material Selection coordinated by Peter Higgins Architect

Natural Stone Base

Molded Clay Brick

Architectural Shingles

Elegant Canopies & Fascia

Quality Windows and Doors



Density & Minimum Lot Area/Unit

APPROPRIATE DENSITY BASED ON THE O.P. AND P.P.S. FOR SUSTAINABLE INFILL DEVELOPMENT. (70 UNITS / HA)

“Within the 'General Residential' designation, the net density of development shall not exceed 100 units per hectare.

Guelph Official Plan

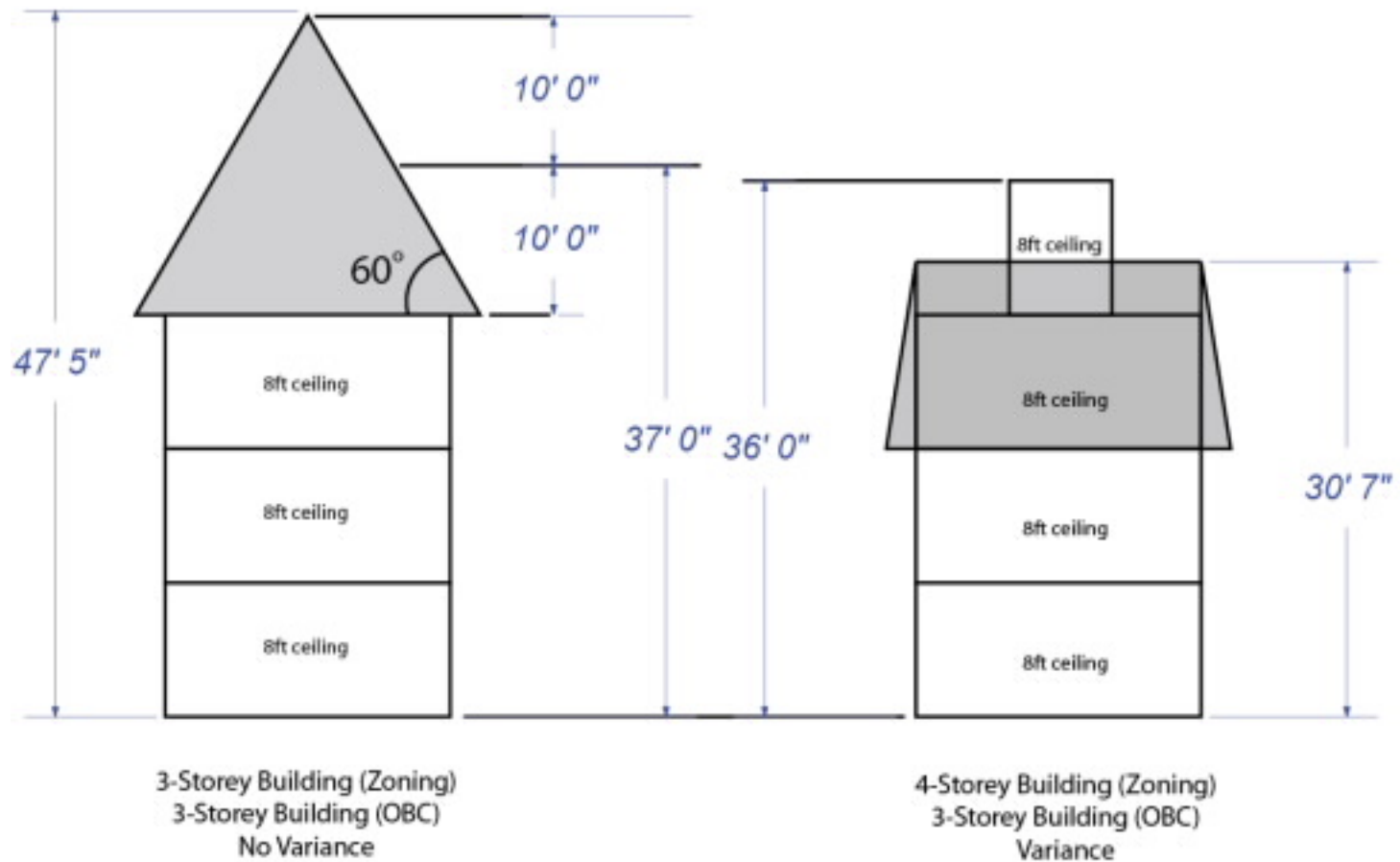
“Intensification of (built up) areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas”

Places to Grow Official Plan Amendment.

“Vacant or underutilized lots, Greyfield, and Brownfield sites will be revitalized through the promotion of infill development”

Places to Grow Official Plan Amendment.

Building Height



Landscape Open Space

17% increases to 44 % including the following

Land dedication to
the City – 4%

Removal of a R.O.W.
over Marianne's
Park – 5%

Private roof top
balconies – 18%



Parking

17 PARKING SPACES = 3 MORE THAN REQUIRED (NO VARIANCE)
COVERED IN AN ELEGANT STRUCTURE TO HIDE FROM STREET VIEW
(MINOR VARIANCES)



Angular Plane

Building placement chosen to respect our neighbours and the views from the park and river.

Optimizing the privacy for existing residential neighbours
Eliminating the sight of any cars and/or trucks from Marianne's Park



Sustainability

Project will meet Natural Resource Canada's Energy Star standards for new residential construction by improvements in the following categories:

SITE SUSTAINIBILITY

ENERGY & WATER EFFICIENCY

INDOOR ENVIRONMENT QUALITY

RESPONSIBLY SOURCED MATERIALS

Supporting Reports & Plans

Serviceability Report

Environmental Impact Assessment

Urban Design Brief

Revised Site Plan

Revised Elevation Plans

Revised Floor Plans

Revised 3 Dimensional Renderings

Shadow impact study

Environmental Assessments

Summary

The Zoning Proposed allows for the sensitive and appropriate redevelopment of a Brownfield site within the built up area of the city.

The project will greatly benefit both the community and future residents.

Thank you. Questions?



COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

SUBJECT **180 Gordon Street**
Proposed Zoning By-law Amendment (File: ZC1107)
Ward 5

REPORT NUMBER 11-85

SUMMARY

Purpose of Report: To provide planning information on a revised application by Podium Developments on behalf of 180 Gordon Street Ltd., requesting approval of a Zoning By-law Amendment for the lands at 180 Gordon Street to permit a townhouse development. This report has been prepared in conjunction with the second public meeting on this 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 11-85 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the property municipally known as 180 Gordon Street, and legally described as Part of Lot A, Plan 302, City of Guelph, from Planning & Building, Engineering and Environment, dated October 3, 2011, be received."

BACKGROUND

A revised application for a Zoning By-law Amendment (ZC1107) has been received for the property municipally known as 180 Gordon Street from Podium Developments on behalf of 180 Gordon Street Ltd. The initial application was deemed to be complete on March 24, 2011. The initial concept plan, shown on Schedule 4, was circulated to area residents and agencies on April 6, 2011 for review and comment and was presented to Council at a statutory Public Meeting held May 3, 2011.

The applicant's revised concept plan, shown on Schedule 5, was received in August 2011 and represents the subject proposal being presented to Council for information. This proposal is for the development of 11 townhouse units fronting

on to Marianne's Park and the Speed River. The applicant is requesting to change the zoning from the Specialized C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone.

The subject property is identified on the City's Inventory of potential brownfield sites. Financial Incentive Program Applications have been submitted and approved by Council through the City's Brownfield Redevelopment Community Improvement Plan.

Location

The subject site is located east of the intersection of Gordon Street and Water Street (see Schedule 1 – Location Map). The site is currently vacant and is approximately 0.16 hectares in size. Surrounding uses include:

- Marianne's Park and the Speed River to the north
- A woodlot to the east
- Low density residential use to the south
- Low density residential use and parklands across Gordon Street to the west.

Existing Official Plan Land Use Designations and Policies

The subject lands are mainly designated as "General Residential" in the Official Plan which permits all forms of residential uses, including townhouses, to a maximum density of 100 units per hectare. A portion of the lands in the northeast corner of the site are designated "Core Greenlands" as they potentially fall within the floodway. See Schedule 2 for the current Official Plan land use designations and policies.

Official Plan Amendment (OPA) #42 (subject of appeals), does not designate any of the site "Significant Natural Areas" because it is considered to be a disturbed site that has been graded and altered. A map showing the "Significant Natural Areas" in proximity to the subject site is included in Schedule 2.

The Grand River Conservation Authority (GRCA) has reviewed the site as to where the floodplain actually falls on the property and determined that only small portions of both the northeast and northwest corners of the site fall in the floodplain area. The site is partially excavated at this time because of ongoing work to remediate the site and the GRCA has recommended that it be filled to meet the regulatory floodline when the cleanup is finalized. Permits from the GRCA will be required for this work.

Due to the small size of the floodway on the site and the resulting grades upon completion of the site remediation as reviewed by GRCA, and because the site is now partially excavated because of the cleanup, staff have determined that an OPA is not required for the requested rezoning. An Environmental Impact Study is still required, because of the site's proximity to the river and to the adjacent woodlot to the east.

Official Plan Amendment #39 (in effect) identifies the site as being within the 'Built-Up Area' of the City. The 'Built-Up Area' is intended to accommodate a significant portion of new residential and employment growth through intensification.

Existing Zoning

The subject site is zoned Specialized C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone in the northeast corner. The Specialized Convenience Commercial Zone limits the use of the site to a vehicle service station (see Schedule 3).

REPORT

Description of the Proposed Zoning By-law Amendment

The applicant proposes to rezone the property from the Specialized C.1-19 (Convenience Commercial) Zone and the FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit the development of an 11 unit townhouse development. Specialized zoning regulations have been requested for building height, density, lot area per dwelling unit, building coverage, landscaped open space, angular plane requirements, building setbacks from the rear and side property lines, location and size of the accessory structure, and setback to the private amenity area. See Schedule 3 for proposed zone mapping, as well as specialized and standard regulations.

Details of Revised Concept Plan

The initial concept plan is shown on Schedule 4 and the revised concept plan is shown on Schedule 5. The revised concept plan reduces the number of units from 12 units to 11 units which results in the proposed density and building coverage being decreased, as well as the rear yard setback, landscaped open space and lot area per dwelling unit being increased (see table below). Specialized regulations relating to building height, setback to private amenity area, location of and setback to parking, angular plane requirements, and size of and setback to accessory structure are required to accommodate both concept plans.

180 Gordon Street	Initial Concept Plan	Revised Concept Plan
Density	76 units per hectare	70 units per hectare
Building Coverage	52% of the lot area	46% of the lot area
Rear yard setback	0.84m	3m
Landscaped Open Space	9.8% of the lot area	17% of the lot area
Lot Area per Dwelling Unit	132m ²	143m ²
Building Height	4 storeys	4 storeys
Side yard Setback to Private Amenity Area	1.8m	1.8m
Location of Parking	In the required front yard	In the required front yard
Side yard setback to Parking	0.3m	0.3m
Angular Plane	82 degrees	82 degrees
Size of Accessory Structure	252m ²	173m ²
Side yard setback to Accessory Structure	0.3m	0.3m

The revised concept plan continues to propose that the townhouse units will face north towards Marianne's Park and the Speed River. The vehicular access location lines up with the intersection of Gordon Street and Water Street and the parking is proposed along the southerly lot line with the carport structure assisting in providing a visual buffer between the dwelling units and the lands zoned R.1B to the south. The size of the carport structure has also been reduced to assist in

reducing the overall building coverage on the lot. This results in one covered parking space per unit being provided and additional parking spaces are uncovered. Roof top patio areas are proposed as the required private amenity areas for these units. The density of the revised proposal under the Places to Grow Plan is approximately 170 persons per hectare and 70 units per hectare.

The applicant has made changes to the concept plan for the site in response to some of the issues raised at the statutory Public Meeting on May 3, 2011. The revised concept plan assists in addressing issues related to the proposed density of the development and the amount of landscape open space. The revised concept plan also demonstrates that all of the proposed parking spaces will function, that a snow storage area is being provided, and it reduces the size of the building, and confirms that the access location is appropriate.

Supporting Documents

The initial application was supported by the following studies:

- Preliminary Servicing and Stormwater Management Report for Development at 180 Gordon Street, Guelph, March 2011, prepared by AECOM
- Scoped Environmental Impact Study
 - EIS Report, March 2011, prepared by MTE
 - Updated EIS Report, July 2011, prepared by MTE

The applicant also prepared a Shadow Impact Study for the Initial Concept Plan (see Schedule 6).

Staff Review

The review of this application will address the following issues which have been identified by staff, Council and members of the public:

- 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
- Review of the proposed zoning and need for specialized regulations
- Community Energy Initiative considerations
- Conformity with the River Systems Management Plan (RSMP)
- Evaluation of the proposal's proximity to Marianne's Park
 - Buffer to park
 - Angular planes
- Evaluation of the proposed density
- Evaluation of the proposal in the context of the potential Heritage Conservation District
- Review of the proposed site layout including:
 - Size of building
 - Overview issue of adjacent properties zoned R.1B
 - Amount of landscape open space
 - Garbage storage
 - Snow Storage
 - Parking

-
- Balance of student rental and owner/family occupied housing in the neighbourhood
 - Traffic and Access
 - Location of the access
 - Any conflicts with the intersections of Gordon Street, Albert Street and Water Street, as well as the pedestrian crossing
 - Servicing Capacity

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

Notice of the second Public Meeting was advertized in the Guelph Tribune on September 8, 2011, and circulated to current owners within 120 metres of the site on September 9, 2011.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Official Plan Land Use Designations and Related Policies
Schedule 3 – Existing and Proposed Zoning and Proposed Regulations
Schedule 4 – Initial Concept Plan
Schedule 5 – Revised Concept Plan
Schedule 6 – Shadow Impact Study

Prepared By:

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Original Signed by:

Original Signed by:

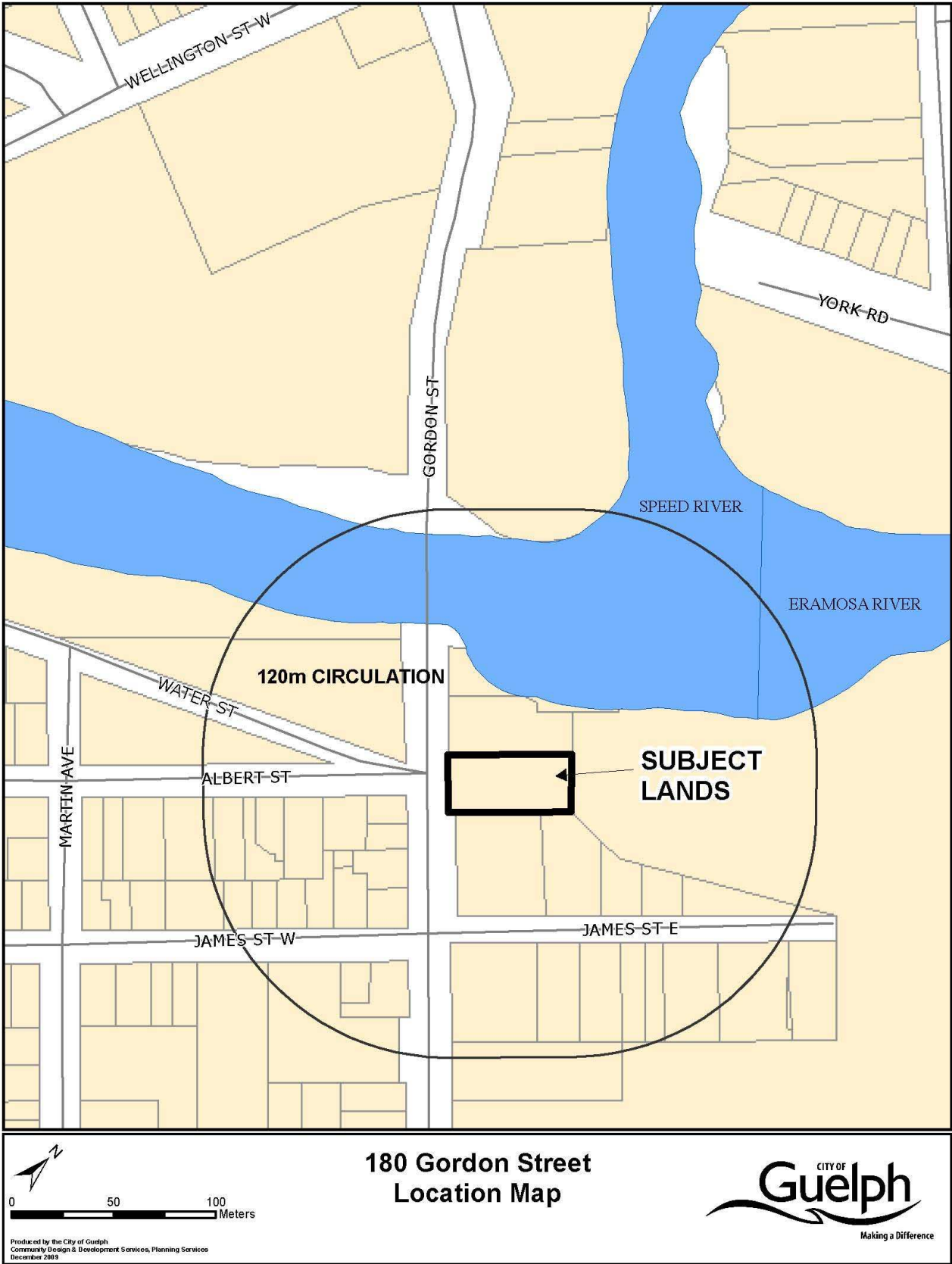
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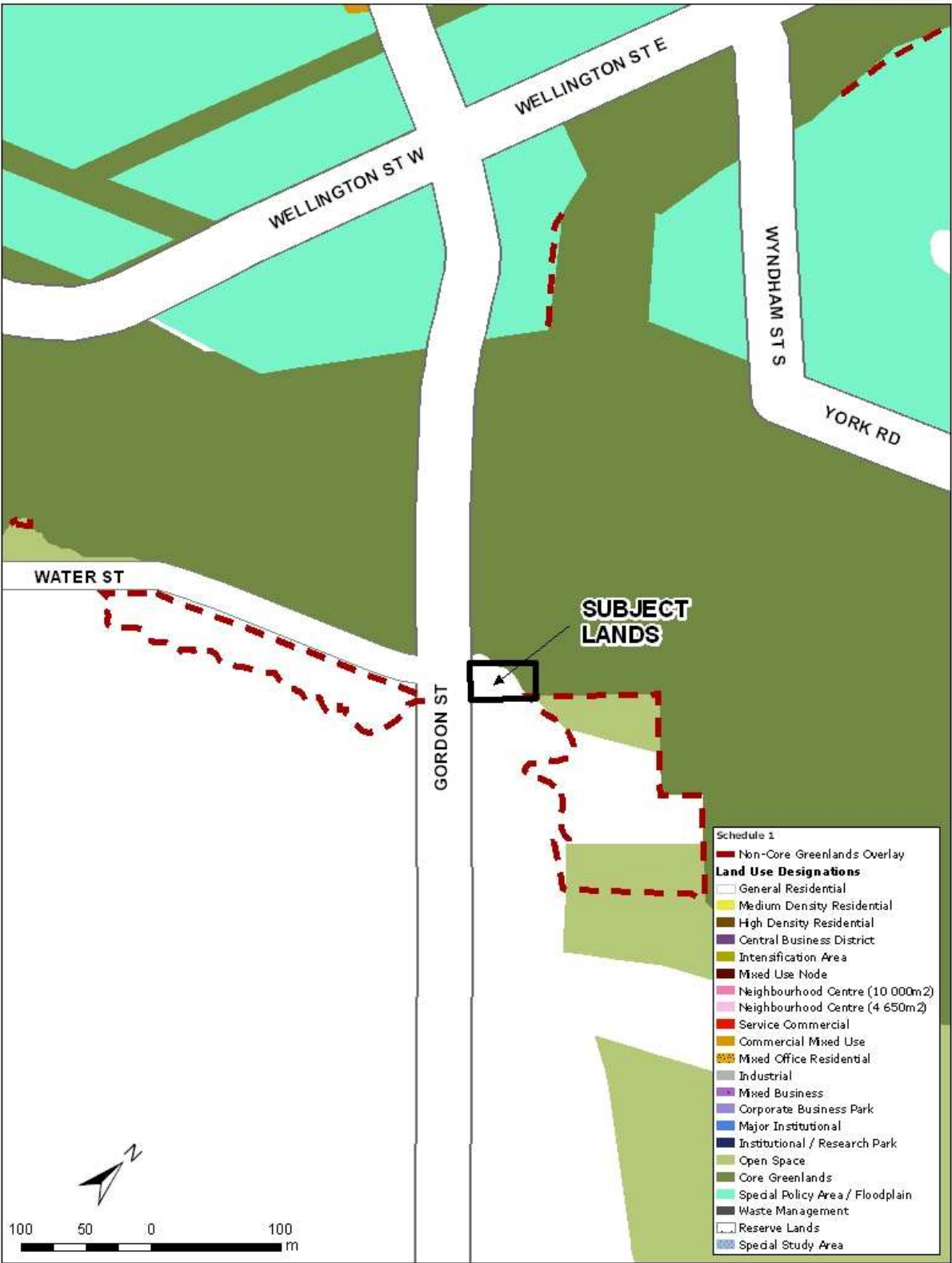
Recommended By:

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Schedule 1 – Location Map



Schedule 2 – Official Plan Land Use Designations



Schedule 2 – Related Official Plan Policies

'General Residential' Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).

1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

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

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

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

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

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.

Core Greenlands Designation

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.

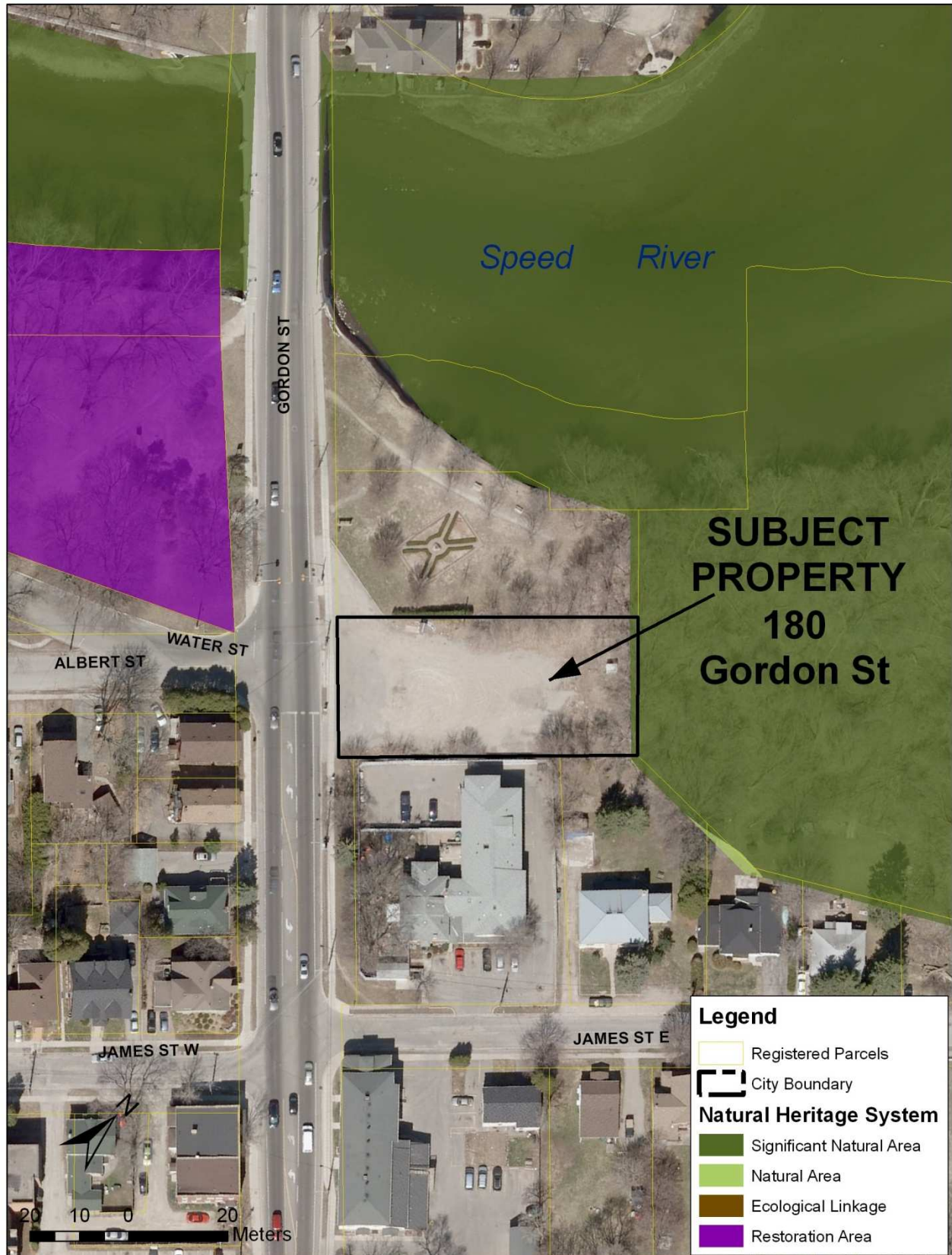
- 1. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.
- 2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

7.13.2 The *natural heritage features* contained within the 'Core Greenlands' designation are to be protected for the *ecological* value and *function*. *Development* is not permitted within this designation. Uses that are permitted include conservation activities, open space and passive recreational pursuits that do not *negatively impact* on the *natural heritage features* or their associated *ecological functions*.

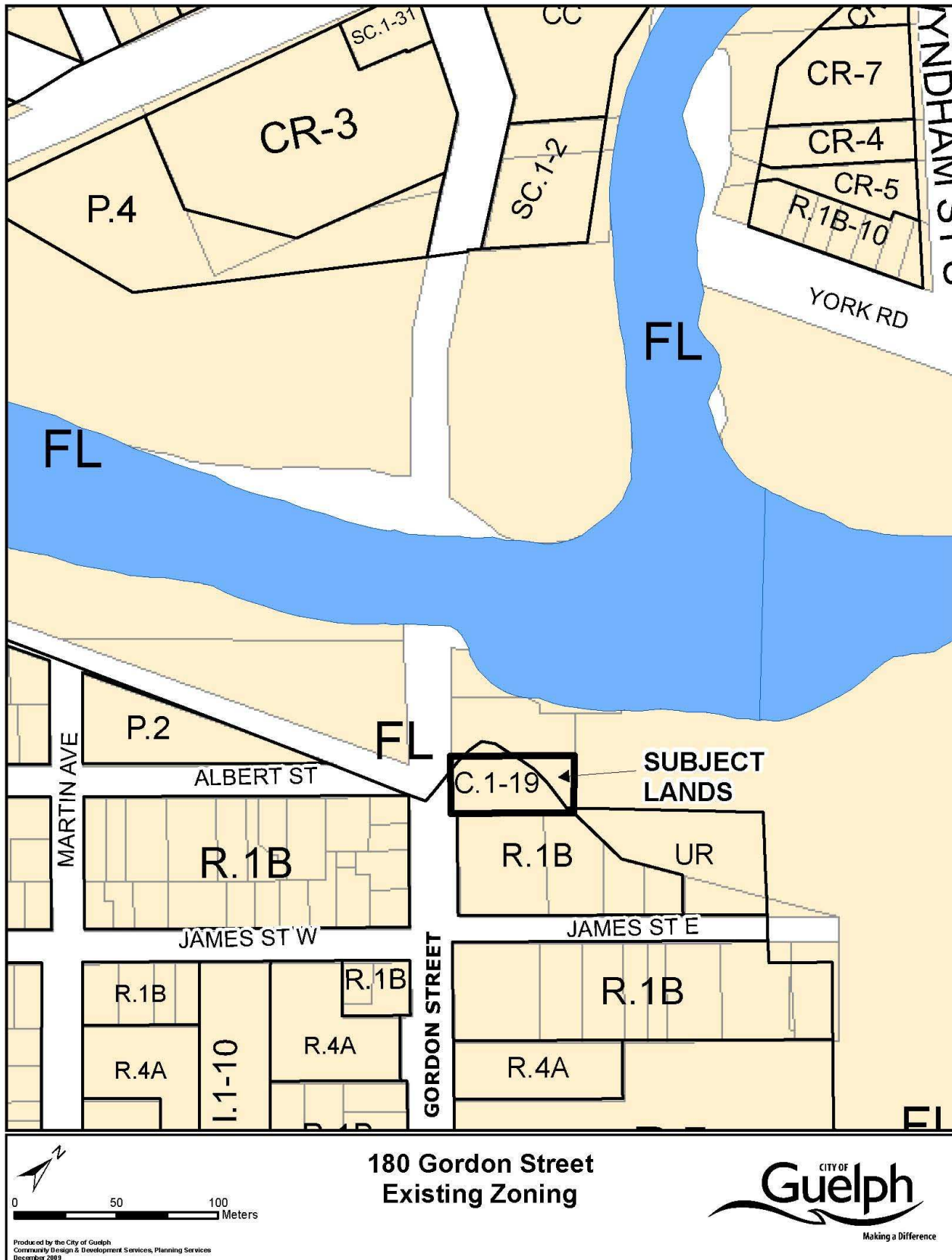
7.13.3 The *natural heritage features* contained within the 'Core Greenlands' designation are outlined on Schedule 2 of this Plan. Where a *development* proposal is made on *adjacent lands* to these *natural heritage features*, the proponent is responsible for completing an environmental impact study in accordance with the provisions of subsection 6.3 of this Plan. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of *natural heritage features* within the 'Core Greenlands' designation as part of such an environmental impact study.

7.13.4 In implementing the Greenlands System provisions of this Plan, 'Core Greenland' areas shall be placed in a restrictive land use category of the implementing *Zoning By-law*, which prohibits *development* except as may be necessary for the on-going management or maintenance of the natural environment.

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



Schedule 3 – Existing Zoning



Existing Zoning Regulations for the Specialized C.1-19 (Convenience Commercial) Zone

Permitted Uses

- Vehicle Service Station including accessory sales of motor vehicles

Regulations

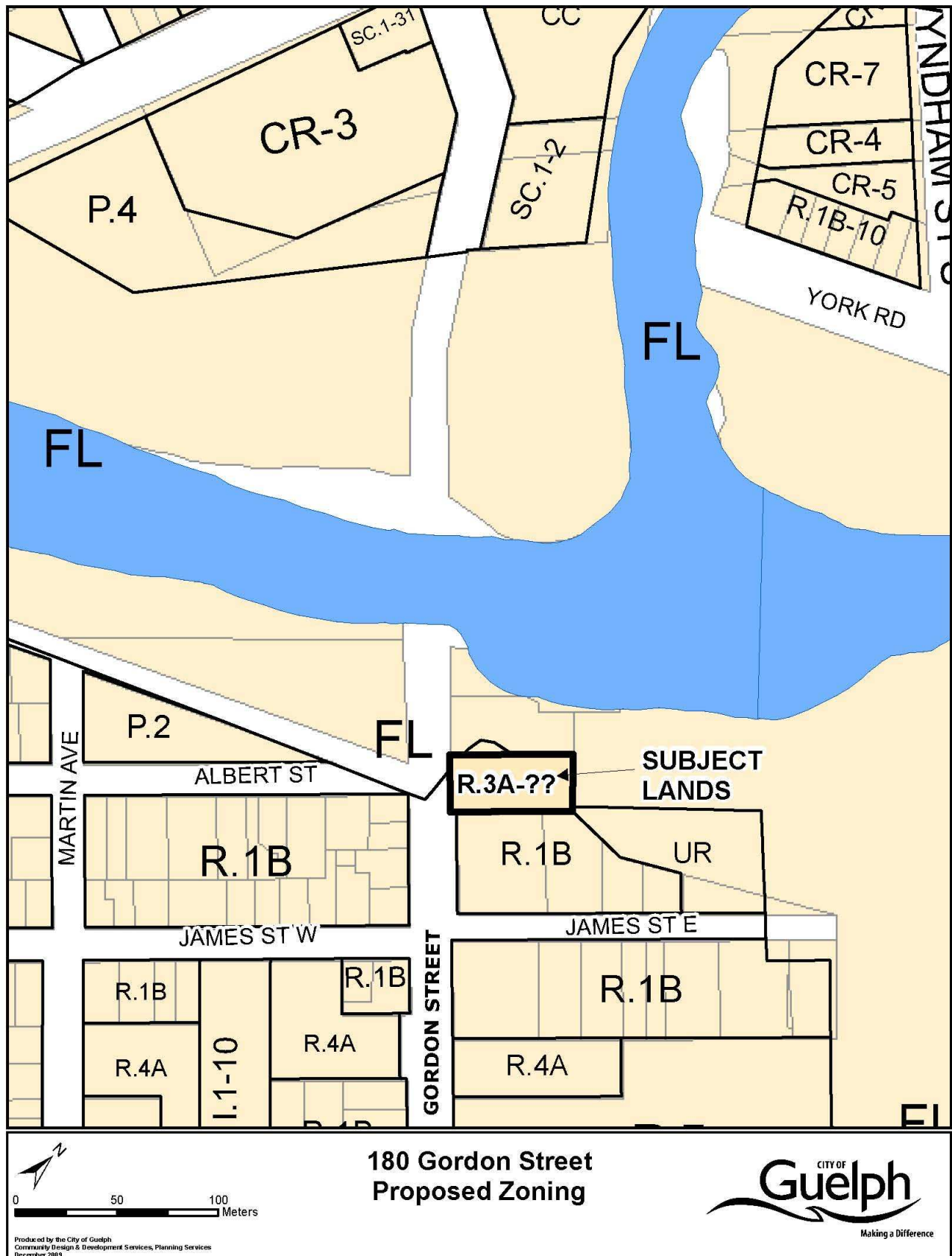
Building or structures in the C.1-19 Zone which existed legally prior to the passage of this By-law shall be deemed to conform with this By-law. Any extension or enlargement of existing buildings or structures require an amendment to the Zoning By-law and be in accordance with Sections 4 and 6.1.2 and the following additions and exceptions:

Minimum Lot Area – 2,780 m²

Minimum Lot Frontage – 45.5 m

Within the C.1-19 Zone, the sale of used vehicles is permitted as an accessory use to a vehicle service station, provided that the number of used vehicles at any given time does not exceed the ratio of 2 vehicles for every 1 service bay located at the place.

Schedule 3 – Proposed Zoning

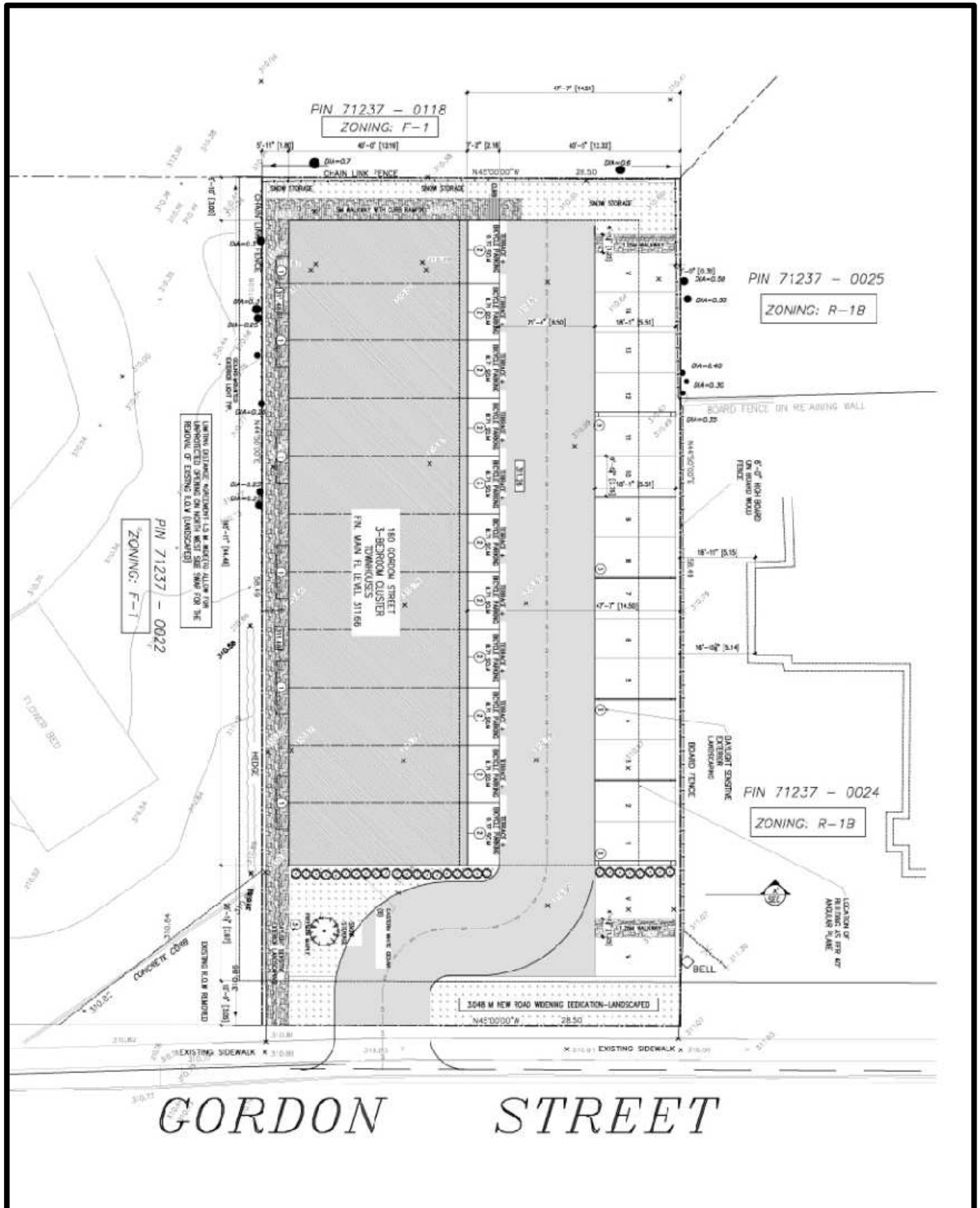


Proposed Zoning Regulations for the Specialized R3A-?? (Cluster Townhouse) Zone

Regulation	Required in the Standard R.3A Zone	Requested in the Specialized R.3A Zone
Minimum Lot Area	800m ²	--
Minimum Lot Area per Dwelling Unit	270 m ²	143m ²
Minimum Lot Frontage	18m	--
Minimum Front Yard	6m & Section 4.24	--
Minimum Exterior Side Yard	n/a	n/a
Minimum Side Yard	3m or ½ the building height	1.8m
Minimum Rear Yard	3m or ½ the building height	3m
Maximum Building Coverage	30%	46%
Maximum Building Height	3 storeys	4 storeys
Minimum Distance Between Buildings	n/a	n/a
Minimum Common Amenity Area	n/a (less than 20 units proposed)	n/a
Minimum Private Amenity Area	Section 5.3.2.5.1 a)-i)	complies except for 5.3.2.5.1 i) (see below)
Minimum Setback to a private amenity area from a side lot line	3m	1.8m
Minimum Landscaped Open Space	40%	17%
Buffer Strip	Required adjacent to residential, institutional, park, wetland or urban reserve Zones	Complies – buffer strip to be provided along southerly side lot line
Off-Street Parking	14 spaces	--
Minimum Setback to Parking	3m	0.3m
Location of parking spaces(Section 4.13.2.2.1)	Visitor parking may be located in the front or exterior side yard provided it is to the rear of the required front or exterior side yard	Two parking spaces are proposed in the required front yard
Minimum separation between driveway or parking area and a building entrance or windows of habitable rooms (Section 4.13.2.2)	3m	2.18m
Maximum Density of Site	37.5 units per hectare	70 units per hectare
Minimum Angular Plane Setback	40 degrees	82 degrees
Minimum Side Yard setback to an accessory structure	0.6m	0.3m
Maximum size of an accessory structure	70m ²	173m ²

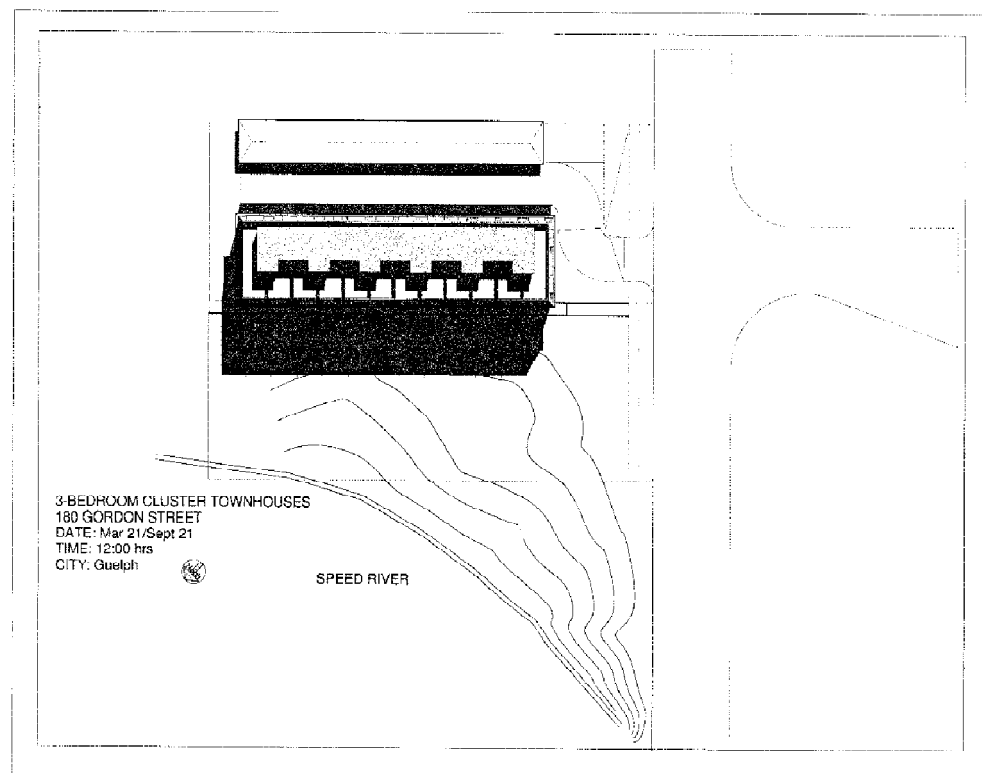
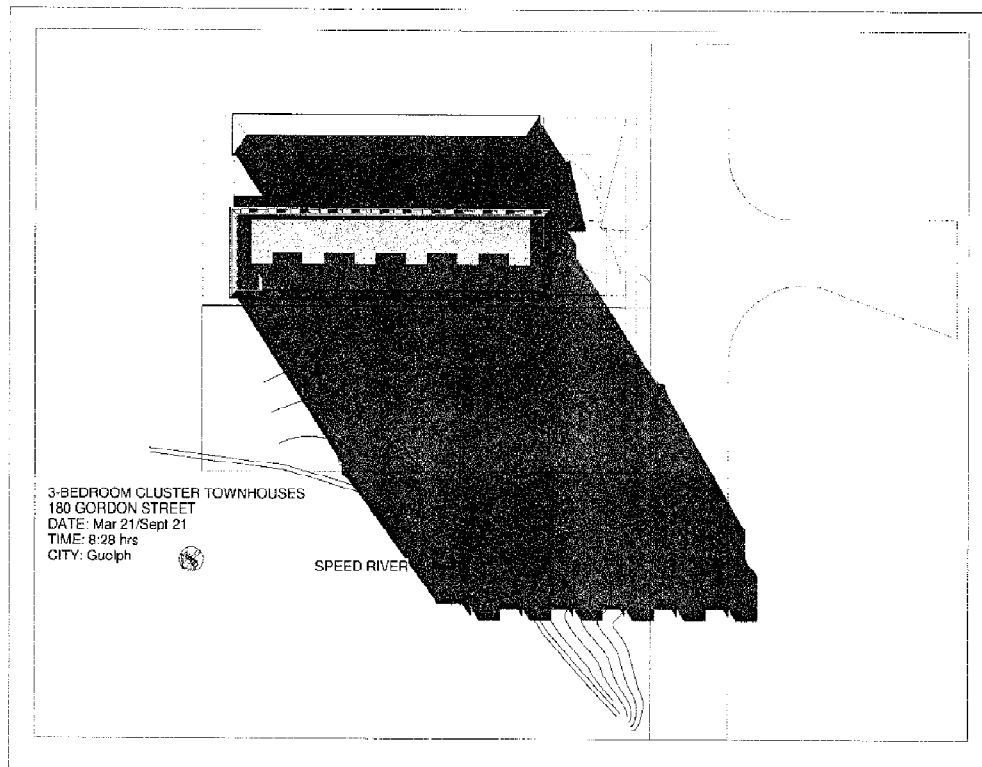
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Schedule 5 – Revised Concept Plan



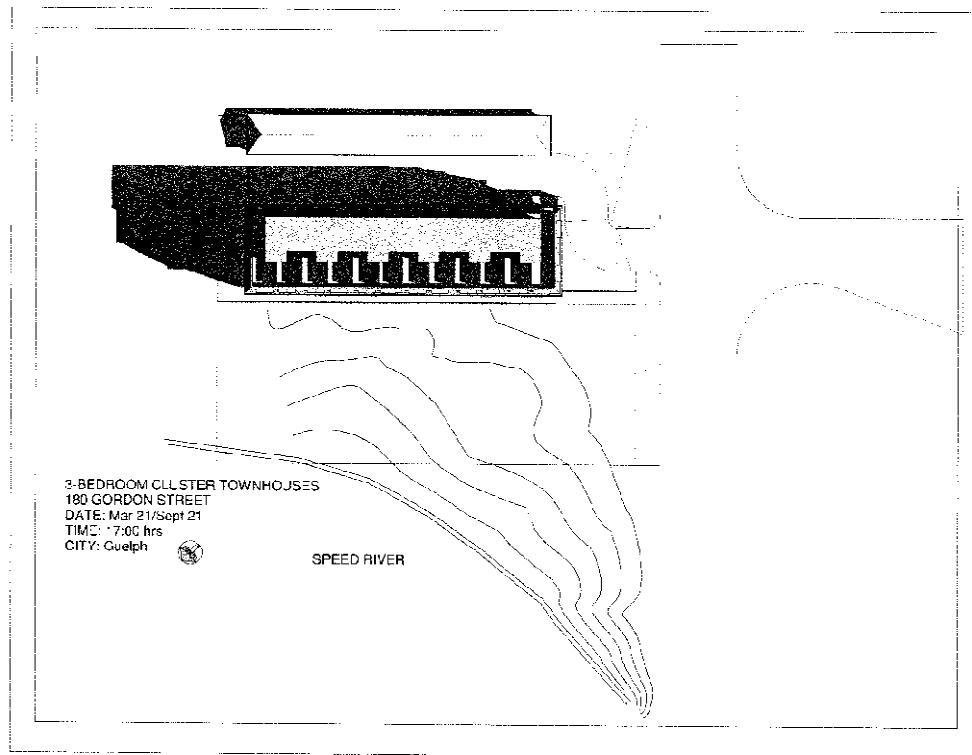
Schedule 6 – Shadow Impact Study

March 21 & September 21

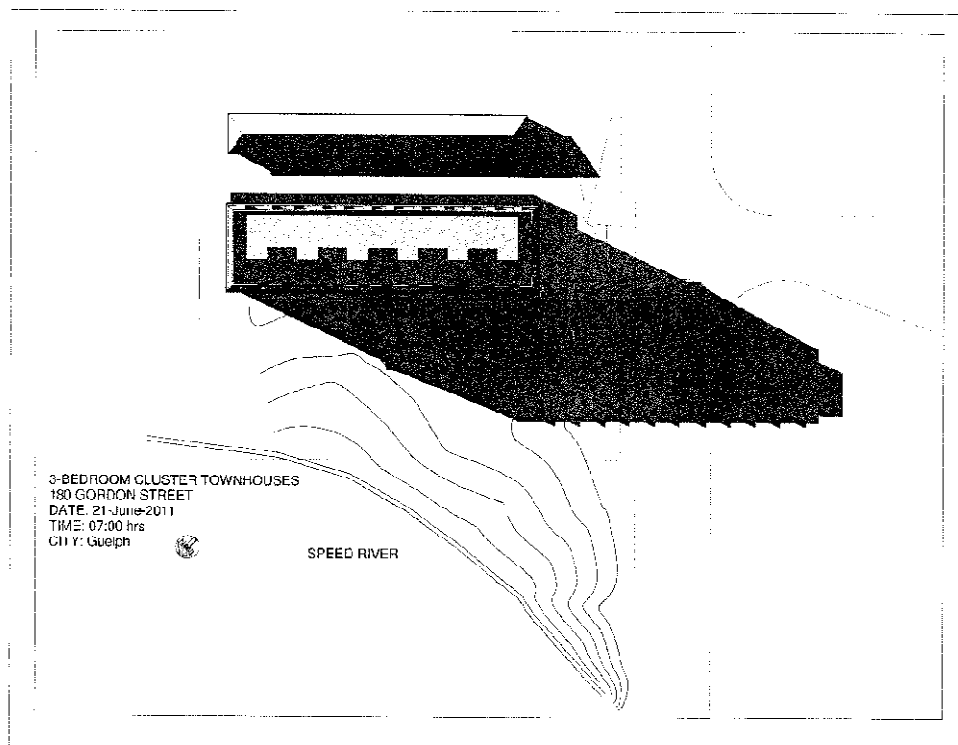


Schedule 6 – Shadow Impact Study

March 21 & September 21

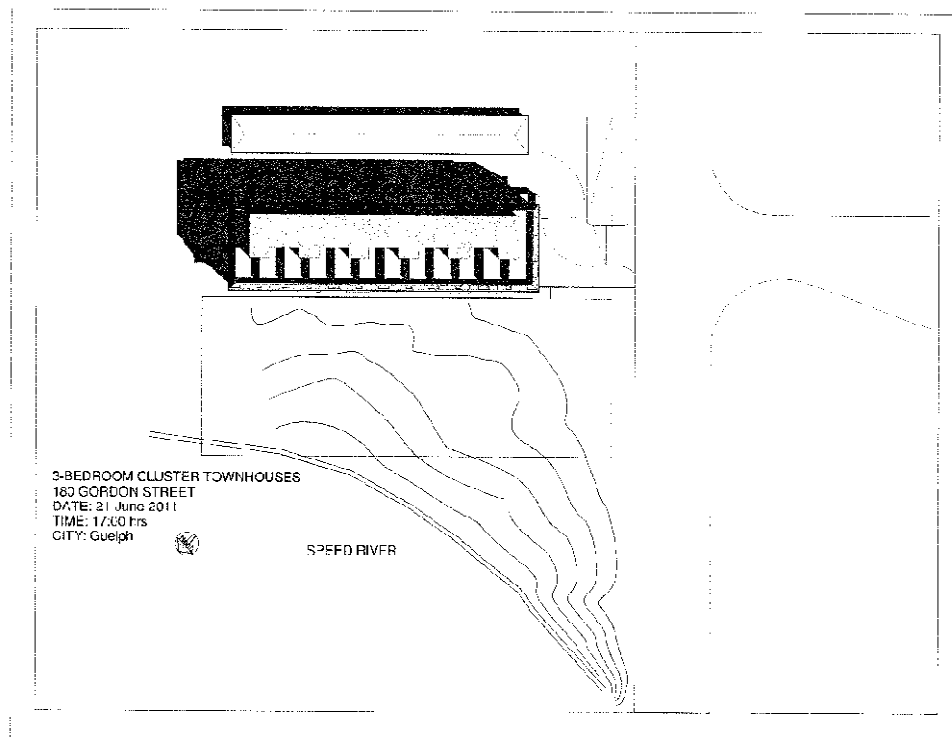
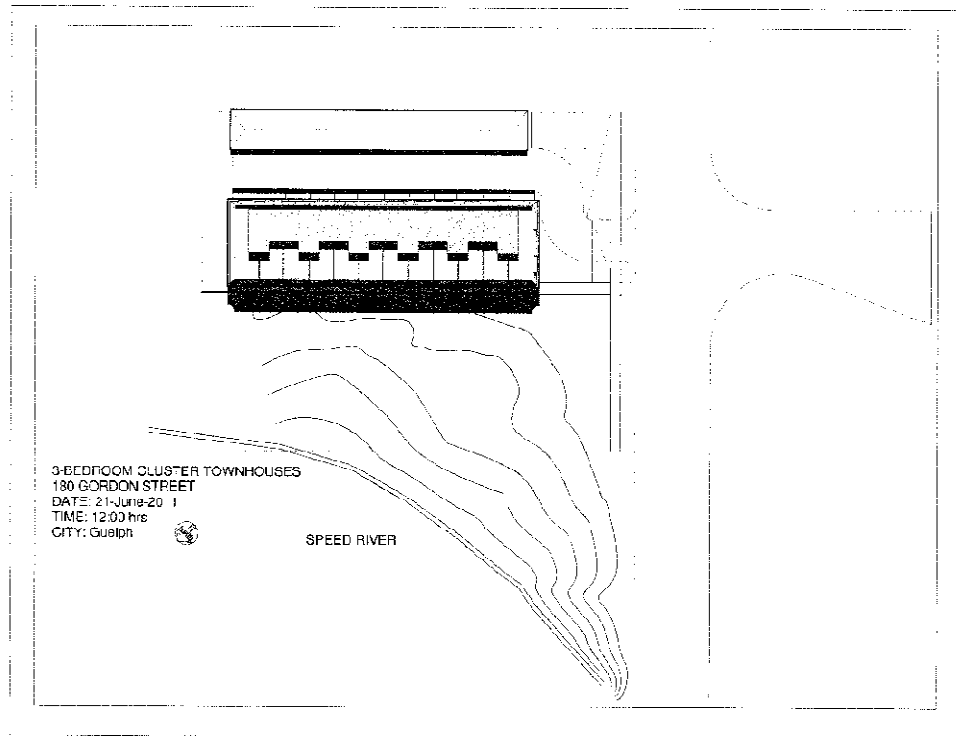


June 21



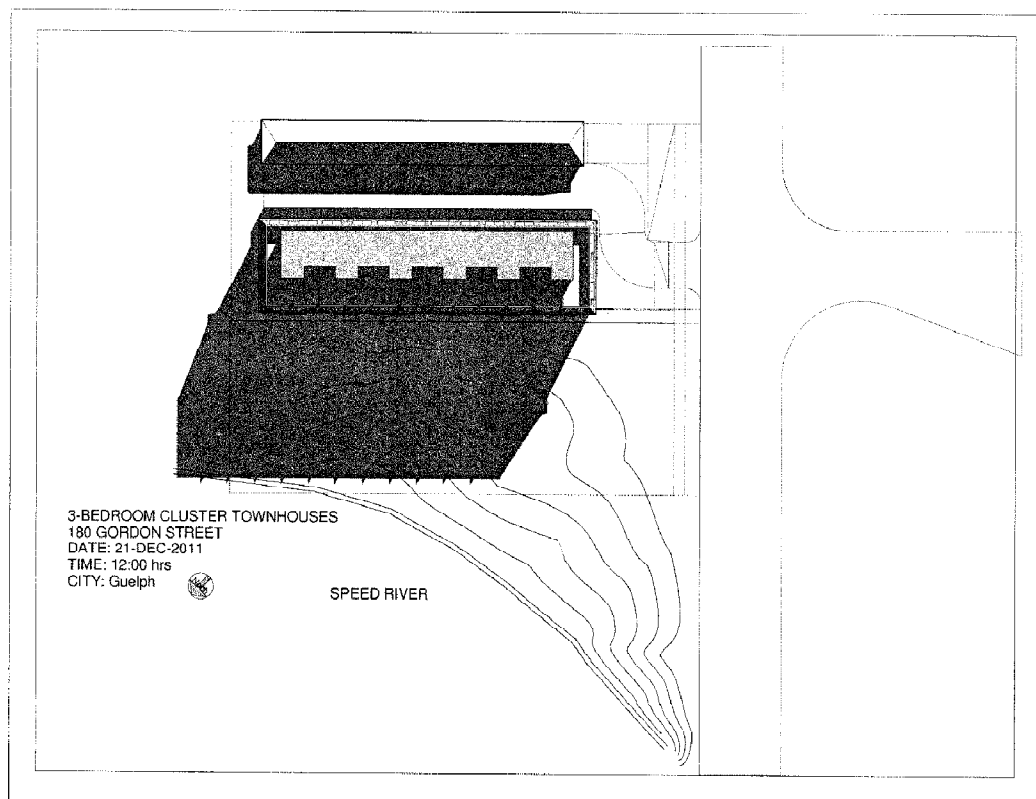
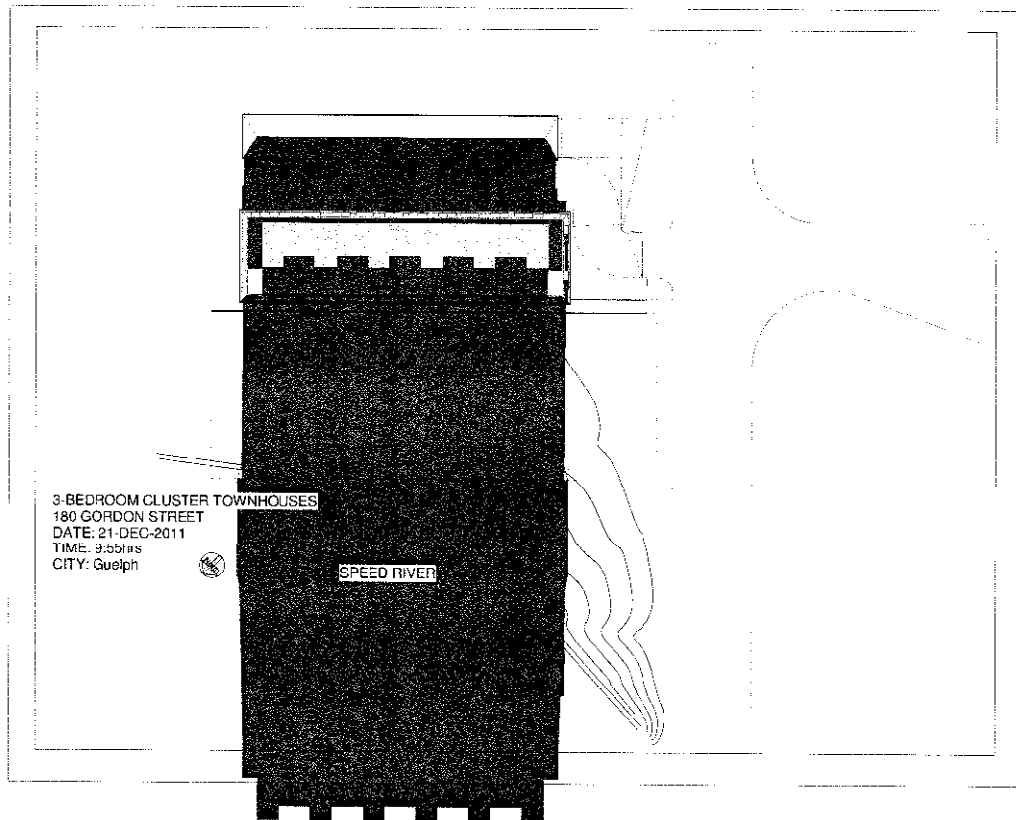
Schedule 6 – Shadow Impact Study

June 21



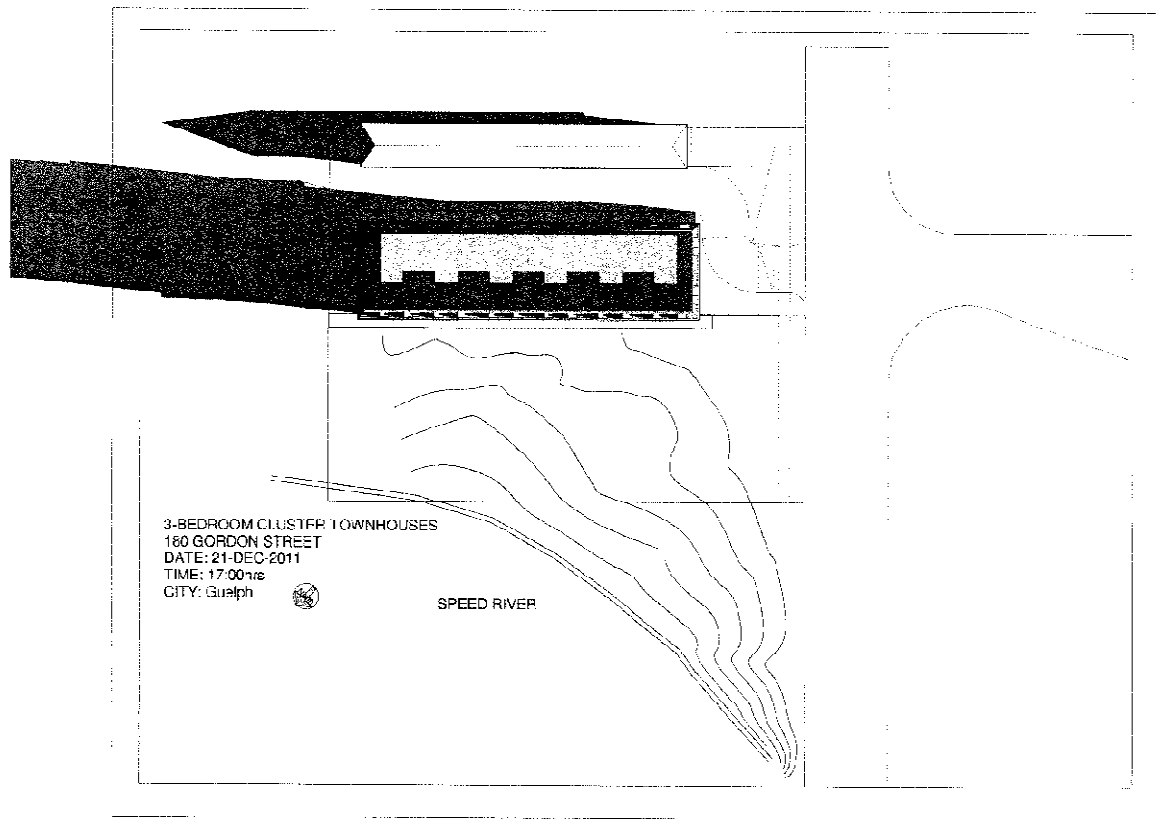
Schedule 6 – Shadow Impact Study

December 21



Schedule 6 – Shadow Impact Study

December 21



Presentation to the Planning Committee of City Council

Dr. Karen Balcom

Re: Podium Developments

I appear before you today to express once more my opposition to the proposed development at 180 Gordon Street. I understand that we are hear at a second public meeting to consider the revised proposal of the developer for this sight, but I must state that the revisions of the proposal are so slight that they do not in any meet the objections that I outlined to Council in June.

I would like to begin by seconding Hugh Whitely's argument that the planning for this site seems to begin from the wrong set of assumptions. As Dr. Whitely has noted, thus far the approach to this project from the developer has been to push the envelope to see how many units can be forced into this small and very sensitive piece of land. As this review continues, I ask the Council, staff and the Developer to instead ask themselves (to quote Dr. Whitely) "what separation from the park and river is required to safeguard riverlands values and what limitations on height and density are required to meet the objective of the Official Plan and the River Systems Management Plan." I think that if Council, Staff and the Developer begin from this perspective - and honour the established rules and planning priorities for the city - we will see a very different, much smaller development that is more compatible with the surrounding area and which will support rather than detract from the parkland, the river, and the surrounding area.

And, as a very close neighbour, I would like to see an appropriate development on this site. I will continue, in this forum and others, to oppose a development that is so clearly out of scale for the site and out of line with the city's own zoning and planning rules.

In-Fill and Housing Development in the Province

In-fill housing development is necessary. It is mandated as provincial law (under the *Places to Grow* legislation) and it makes good sense from an environmental and transportation perspective. There is no province-wide or city-wide standard for the density of in-fill housing, but as Councilors know the City of Guelph's successful position in a recent Ontario Municipal Board hearing on a proposal for a much less sensitive site 168 Fife Road was that 22 units per hectare and a two -storey development was sufficient to meet the city's obligations under *Places to Grow*. The proposed density at 180 Gordon Street is 70 units/hectare. The city's bylaws for an R.3A zoning designation (the designation for 180 Gordon Street requested by the developer) list a maximum density of 37.5 units/hectare.

The question for City Council, and for the residents of this city, is what intensity and what form of in-fill development is appropriate for a piece of land that is adjacent to a park and to the important environmental and recreational space of the Speed River. I argue that while 180 Gordon Street is a good site for moderate intensity in-fill (perhaps three, four or five units with front lawns to buffer the park space, a much lower profile and more adequate parking) eleven tall units pushed up against the park boundary is the wrong choice for this neighbourhood, and the wrong choice for Guelphites who enjoy the river and parkland of this part of the city.

Protecting Public Park Space - Is this project an effective expropriation of parkland for private use?

If built, this townhouse development will present a 40 foot high, 146 foot long stone structure, less than six feet from the edge of Marianne's Park and this stone wall will become the dominant feature of the riverscape. With the building so close to the property line, and no lawn space for the townhouses elsewhere, the park will become the effective front lawn of the development. This will, without question, erode the sense of Marianne's park as public space and as sacred space, dedicated to the memory of women killed in domestic violence. In addition, the tall wall of townhouses will cast a significant shadow over the park, as detailed in the shade study provided in the city planning report on the proposal. What will this look like? What will it feel like? If we don't speak up to protect our parkland, who will?

The city has a zoning bylaw (at Section 4.16) that it designed to limit development on the edge of public parks. As I understand the bylaw, the angular plane provision requires that buildings on lots adjacent to a park or river rise no higher than a line following a 40 degree plane from the property line. The angular plane for the proposed development at 180 Gordon is 82 degrees. The only way an infill development on this site could meet the angular plane requirement is if the developer proposed a smaller number of low-rise residences with front lawns. In the initial application for this project, neither the developer nor the city staff report mentioned the angular plane requirement and the truly stunning exemption this project would require.

I also understand that the River System Management Plan, as adopted by the city, requires that public open space at the river's edge be safeguarded, although the details in the RSMP are more difficult for a layperson (or at least this pay person) to interpret. I further understand that there was some confusion at the River System's Advisory Committee meeting last week about just where the RSAC enters this process and where they are required to give advice and express either support or opposition to this proposal. This lack of clarity at the RSAC was and remains quite disturbing for those of us who have concerns about the 180 Gordon Street proposal, and I would ask that Staff please clarify for Council, the RSAC and the public the role of the RSAC in this process. In addition, it would be helpful if those of us who have expressed concern and interest in this 180 Gordon Street proposal and asked to be advised of relevant meetings be given notice of discussion of this proposal at all city committees and commissions, including the RSAC.

Traffic and Parking

The parking spaces proposed for 180 Gordon Street meet the required minimum, but they are unlikely to meet the actual need for ongoing parking for a development of this size. If the owners or occupants of these townhouses have more than one car per unit, most of these cars will need to be parked permanently on nearby streets. At the last Council meeting, I spoke about my worry that many of these units will become rental units and that this will increase the housing density and the traffic density in this immediate area. I recognize that the city does not zone for or against student housing – nor would I necessarily find that a good idea – but I do think it is incumbent on the city to think pragmatically about the load on local services that an oversized development of this size is likely to bring in a neighbourhood that is already under stress with noise, garbage and traffic/parking issues.

Residents of this neighbourhood know that the confluence of Gordon, Water and Albert Streets with the existing pedestrian crossing can be very difficult to navigate for drivers and pedestrians. The pedestrian group includes a large number of children making their way to John McCrae school, to the the parks and playgrounds, and to the Boathouse. How will this new traffic flow complicate an already difficult situation? I have been actively engaging my neighbours in discussions about this development over the last few weeks, and in every discussion the issue of traffic at this corner has been raised. Those of us who live in this area know that this is already a busy and difficult intersection.

Exemptions to Zoning Bylaws: How Many Exemptions is too many?

I could read for you the long list of zoning and planning exemptions the developers have requested, but we have all seen it. This list makes it clear that this development is too large for this site and also demonstrates makes it clear that this project is far out of line with the city's longstanding planning priorities. Accepting this project in this space would set a very poor precedent for effective public control of future infill projects and open our park and river spaces to further challenges.

I stand in strong opposition to this proposal, and I look forward to future proposal that will respect the parkland, the neighbourhood, and the city's planning rules.

Karen Balcom

The following residents have asked that their names be added to this statement, as demonstrating their support for the points I have made.

Dennis Jamieson
Jean Simpson
Andrew Bendall
Jennifer Dorion
Lawrie Rotherburg
Brenda Aasman
Rick McNabb
C. Aldersly

Karen

On Wed, Sep 28, 2011 at 10:42 AM, Aasman, Brenda wrote:

Hi Karen.

I would like to add my name and my husband's name to support your objections to this proposal.

Thanks so much for taking the time to go to council on our behalf and for your very well written synopsis of this proposal. It definitely does not conform to our neighbourhood or the parks and does not warrant the exceptions that you have outlined. The exceptions that the developer is looking for are way too large/many and this property would be a definite eyesore. I also fear that these would be bought and then in turn rented out to students, which would mean that they would over time deteriorate in appearance. We all know that rental properties are not as well maintained as owner occupied properties.

Thanks again.

Brenda Aasman

Rick McNabb

Rick Jamieson, CA

September 27, 2011

Guelph City Council

RE: ZONING BY-LAW AMENDMENT 180 GORDON STREET

I will be unable to attend the meeting of October 3rd, 2011 because I will be travelling on business. I want to go on the record indicating that I object to the application as currently proposed for the following reasons:

1. the building should not exceed the height of the immediately adjacent property at 200 Gordon Street. To do so makes this building look completely out of place and out of character with the neighbourhood. In the jargon of the planner this building is totally incompatible in design with the buildings in the immediate vicinity. The Shadow Impact Study included in the Council Report clearly shows that this building is too big.
2. the vehicular traffic generated for the proposal cannot be accommodated without significant impact on the local residential streets.
3. Parking is inadequate for 11 units because the development is located on Gordon Street and no parking is adjacent to the development. Visitors will need to park on James Street East and West, Albert Street and Water Street.
4. the Standard R.3A Zone lists the requirements of the standard zone. The deviations from this are simply too many and too great in magnitude. I believe this development can be redesigned to more closely meet the requirements of the Standard R.3A Zone.
5. the development effectively expropriates Marianne's park because of the sheer size of the development. With almost the whole lot paved or covered in building the park will receive the storm water flows from the building. I cannot see how storm water management can be accommodated on this site.
6. At the previous meeting in the spring I asked if the applicant, city staff or anyone else could provide a comparable site example to demonstrate to me if anything like this has ever been built in Guelph or any other municipality in Southwestern Ontario. I am prepared to drive to see what the building form looks like. I am

curious to see if anyone can find such a site so that I can see what the impact is on the surrounding neighbourhood.

I look forward to participating in future meetings regarding this development. I hope that the plans will be scaled down to more closely resemble the Standard R.3A Zone.

Please keep me on the circulation list.

Thanks for your time in reviewing my comments.

Rick Jamieson

September 28, 2011

Tina Agnello, Deputy City Clerk
City of Guelph

Re: File ZC1107, 180 Gordon Street

Madame Mayor, City Councillors, City of Guelph Citizens

I am currently unable to attend the meeting of October 3, 2011. However, I wish to make comments on the application for redevelopment of 180 Gordon Street.

I am pleased to see this land being redeveloped. However, I have some concerns with the density of eleven units.

I have concerns with the number of exemptions that the proposed development is asking for vs. the City zoning regulations for the standard R.3A zoning. If this development is supposed to be a “good fit” for the property, why is the developer asking for so many exemptions? With a lower density and more green space, the number of exemptions requested should go down. The proposal of four stories high does not fit with the existing neighbourhood.

I am concerned with the land features proposed. With the front doors of the townhouses exiting almost at Maryanne’s Park, there isn’t much of a buffer strip there. This gives the illusion that the Park is actually part of this development. Is this what we allow for our hard won parks? There is no buffer proposed for the easterly property line. As the easterly property is part of a wetland, and currently mostly a woodlot, I feel there should be the required buffer strip along this border. The angular plane setback proposed is a major difference from our zoning regulations. With its location on the fringes of our wetlands, this should not be allowed. I am presuming that remediation of this lot will be completed from its former use of a service station as well as the possible “sanitary landfill” that was put in and around this area by the City of Guelph some years ago. Will this proposal meet all of the “watershed” rules of the Grand River Conservation Authority and the Ministry of the Environment? How will we know?

I feel that there is not sufficient parking on site in the redeveloped site plan for the eleven units. It is not realistic to anticipate minimal parking for residents and possible visitors for a three-bedroom townhouse, with a finished basement. If units were to be occupied by families, most have a minimum of two vehicles, those vehicles being required for commutes to employment and or drop off/pick ups from daycares/schools etc for children. Where would visitors park? With the proximity to the University of Guelph, students are most likely occupants, most these days come with cars therefore three to four cars could be on site for parking. James St. East, a likely spot, is a narrow Street and is congested during on street parking season and would be hard pressed to handle additional vehicles from this development. Where would winter parking be?

What are the plans for garbage pick up? When the City moves to the three very large “Bins” for garbage, the new garbage trucks will not have sufficient room to go on site, given the current city rules for garbage trucks. If the “bins” are to be placed at the curb of Gordon Street for pickup by the City of Guelph garbage trucks, the resulting traffic congestion on Tuesdays, our current garbage pick up day, will be horrendous.

The additional information as provided by the Planning and Building, Engineering and Environment, indicates on site space for winter snow removal storage. I am hoping that it will not affect the site lines for entrance/exit of the property. Gordon Street is busy and without proper site lines, accidents are bound to happen.

In a rezoning, how does this fit with a proposed new Heritage District?

Additionally, I would hope that the Developer would pay for any costs relating to the realignment/replacement of the current stop light at Gordon and Water Street and not the taxpayers of the City.

Thank you for your time with receiving and considering my submission.

Sincerely,

Cathy Aldersley

c: Stacey Laughlin, City of Guelph
Leanne Piper, City Councilor Ward 5
Lise Bucher, City Councilor Ward 5
Daphne Wainman Wood, Old University Resident's Assn.

To the Mayor and Councillors, City of Guelph

I am writing to add my voice to those speaking against the proposed Zoning By-Law Amendment for 180 Gordon St.

There are two reasons for my position. First, the current proposal will violate the 30 m minimum open space requirement. While I agree in principle with intensive residential development in the downtown core, it seems to me that there are many alternative spaces where townhouse development could take place without compromising the view of the river, as it is approached from both north and south, as a gateway to the city, and without encroaching on a beloved and highly symbolic park.

The second reason concerns the significance of Marianne's Park to the community of Guelph. The Park was established (as my colleagues and I have documented in our academic research) in order to honour the memory of a woman who was murdered by her partner, but also to honour all those women who are subjected to violence. As such the park has become a place where the local community frequently comes together, as it does for Take Back the Night and in some years for the December 6 vigil. It is a place for people to gather and to share their strength, resiliency and commitment to ending violence – not just against women, but more generally, as recent Take Back the Night speakers have indicated. As we have argued from our research, having a publicly accessible and visible physical space in which to anchor anti-violence work enhances a community's capacity to make change.

Thank you for your time.

Sincerely,

Belinda Leach

Memo To: Guelph City Council
From: Christine Bold
Date: 28 September 2011

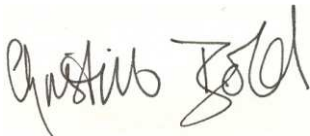
Subject: Threat to Marianne's Park by proposed development at 180 Gordon Street

I'm writing as coauthor of the award-winning book *Remembering Women Murdered by Men: Memorials across Canada* by the Cultural Memory Group, all five of whom are, or were at one time, members of the Guelph community. The book demonstrates the importance of memorial spaces to the ongoing struggle to end violence against women and children. Marianne's Park at the foot of Gordon Street was the inspiration for and one of the prime examples in this book.

Marianne's Park was dedicated in 1993 to Marianne Goulden, a former client of and long-time worker for Guelph-Wellington Women in Crisis who was murdered in 1992 by her common-law partner. The park brought together the efforts of Women in Crisis, City Council, the Goulden family, and other supporters. For the past twenty years, it has served a central function in Guelph: it honours the memories of all women murdered, it serves as a visible reminder to the community of the violence in our midst, and it facilitates protests against this violence—every year several hundred people gather around the central memorial plaque for Take Back the Night marches, December 6th and other vigils, and more private occasions. These events build unity across generational and other differences in the fight against violence against women and children.

The proposed development at 180 Gordon Street threatens these functions, particularly as it abuts on Marianne's Park to a degree that violates the setback and building-height requirements of the River Systems Management Plan. The park is already wedged into a modest plot of land. What would it mean for that space to be further infringed by closely adjacent dwellings and negotiations with their residents? Take Back the Night gatherings are purposefully noisy: they support the right of women and allies to raise our voices in loud protest against violence. Vigils are sombre and silent, inevitably dealing with trauma and grief. Many people who gather in the park on these occasions have already experienced the threat and violence of unsafe spaces in our community. The important work of Marianne's Park in building support and solidarity through remembrance and action is an argument for the park's enhancement and expansion, as opposed to the diminishment represented by the dimensions of the proposed development.

I would ask that city council work to protect the integrity of the park, which plays a significant role in our community's social justice mission, both symbolically and practically.

A handwritten signature in dark ink, appearing to read "Christine Bold". The signature is fluid and cursive, with the first name "Christine" written in a larger, more prominent script than the last name "Bold".

28 September 2011

To: Guelph City Council

Re: Proposed development at 180 Gordon Street

Dear Councillors:

I am a resident of Guelph, a constituent of Ward 5, and an employee of the University of Guelph. It has come to my attention that Council is considering a proposed development in my Ward at 180 Gordon Street that would violate setback and building-height requirements of the River Systems Management Plan.

I want to express my serious concerns about this development. The proposed building would abut a key piece of the parks system that is already occupying a too-small plot of land on the south bank of the river on the east side of Gordon Street. This is also a park that is dedicated to remembering and drawing attention to violence against women in our society, both nationally (it remembers the Montreal Massacre of 6 December, 1989) and locally (it is named for Marianne Goulden, a worker at Guelph-Wellington Women in Crisis who was herself a victim of such violence).

For most of the year, Marianne's Park functions as a private, contemplative space that would be violated by being overlooked by residences. One evening each year, this contemplative space is used for a December 6th Vigil on Canada's official day of mourning and action in memory of a national tragedy. Another day the park anchors the important international (and deliberately, declaratively noisy) Take Back the Night march, in which women protest and reclaim public space in a way that would no doubt disturb residents of an adjacent building.

It would be very disturbing if City Council were willing to circumvent the Management Plan in order to privilege this development, particularly when such development would infringe upon a space that is important to the entire Guelph community in reminding us all of our responsibilities to redress violence against women, in providing contemplative space to mourn and remember, and in providing public space to rally and act.

I urge the council to take seriously its responsibility to respect and protect this space.

Sincerely,

Dr. Ric Knowles

I live on Water St close to Gordon St, I have been concerned about the future structure to be built on 180 Gordon St.

I object very much to the outlined plans, which will spoil profoundly Marianne's Park and the parkland around. Something smaller with small gardens, which would blend in with the Speed River entrance into our City. I've watched the house on 12 Mary St go up recently, with no thought for the neighbours or a fitting design, This has to STOP.

I ask that this development be reviewed extensively.

Mrs Jean Simpson



RECEIVED
SEP 28 2011
CITY CLERK'S OFFICE

Canadian Federation of University Women Guelph

www.cfuwguelph.on.ca

September 28, 2011

To: Mayor Karen Farbridge and Members of Guelph City Council:

The Canadian Federation of University Women Guelph has reviewed the revised concept plan for the property located at 180 Gordon Street and wishes to express our continuing concerns regarding the request for significant zoning by-law amendments submitted by the developer. Our review would suggest that none of the concerns outlined in our letter of July 2011 have been addressed by this revised plan.

As the property abuts Marianne's Park, a place set aside for contemplation of the horrendous cost in suffering and death due to spousal violence, we have specific concerns with the plan. We ask that the buffer zone between the building and the park be designed to respect the integrity of the park. In addition we ask that the developer respect the current zoning regulation for density of 37.5 units per hectare as opposed to the 70 units per hectare proposed. At 4 stories the height of the development is out of character with the surrounding residential neighbourhood.

We wish to reiterate that the inclusion of rooftop patios is, in our opinion, not a suitable substitute for the deficiencies in landscaped open space on the site. The location of development adjacent to the park and the lack of open space on site will have a significant impact on the park as rooftop patios are unlikely to meet the needs of the residents for outdoor recreation space. We also want assurances that the rooftop patios do not compromise the privacy of the residents to the south of the proposed development.

On behalf of CFUW Guelph I wish to thank you for your consideration of our position.

Sincerely,

Teresa McKeeman
Vice President, CFUW Guelph
Chair, Issues & Action Group
90 James St. West
Guelph, ON N1G 1E6
Email: teresamck@bell.net

CONSENT AGENDA

October 3, 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) HANLON CREEK BUSINESS PARK SUBDIVISION (FILE 23T-03501) REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL – WARD 6</p> <p>THAT Report 11-80 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the Hanlon Creek Business Park Subdivision (File 23T-03501) from Planning & Building, Engineering and Environment, be received;</p> <p>AND THAT the application by The City of Guelph, Guelph Land Holdings Inc. and Stanford Robert Snyder, for a five (5) year extension to the Draft Plan Approval of the unregistered portion of the Hanlon Creek Business Park Subdivision (File 23T-03501) be approved to an extended five (5) year lapsing date of November 8, 2016, subject to the original draft plan conditions approved by the Ontario Municipal Board in its Decision/Order No. 3143, issued on November 8, 2006, attached in Schedule 3 of the Planning & Building, Engineering and Environment Report 11-80, dated October 3, 2011.</p>	Approve
<p>A-2) 1820 GORDON STREET SOUTH – PROPOSED ZONING BY-LAW AMENDMENT (FILE ZC1108) – WARD 6</p> <p>THAT Report 11-91 regarding a proposed Zoning By-law Amendment application by FCHT Holdings (Ontario) Corporation (ZC1108) for property municipally known as 1820 Gordon Street South, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received;</p>	Approve

AND THAT the application by FCHT Holdings (Ontario) Corporation for approval of a Zoning By-law Amendment to amend the existing Specialized CC-20 (Community Shopping Centre) Zone by deleting Section 6.2.3.2.20.2.5 from the regulations (Maximum Building Size per building), be approved, as outlined in the Planning & Building, Engineering and Environment Report 11-91 dated October 3, 2011.

A-3) **781-783 WELLINGTON STREET WEST: PROPOSED ZONING BY-LAW AMENDMENT (FILE ZC1106) – WARD 4**

Approve

THAT Report 11-88 dated October 3, 2011 regarding a Zoning By-law Amendment application for the property municipally known as 781-783 Wellington Street West from Planning & Building, Engineering and Environment be received;

AND THAT the application by Black, Shoemaker, Robinson & Donaldson Limited for a Zoning By-law Amendment to change the zoning from the Urban Reserve (UR) Zone to a Specialized R.4A (General Apartment) Zone for the property municipally known as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph, be approved in accordance with the regulations set out in Schedule 2 of Planning & Building, Engineering and Environment Report 11-88 dated October 3, 2011;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment application affecting 781-783 Wellington Street West as set out in Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011.

A-4) **340 EASTVIEW ROAD – MORNING CREST SUBDIVISION, REMAINDER OF PHASE 2 (FILE 23T-04501) REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL – WARD 2**

Approve

THAT Report 11-84 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the remainder of Phase 2 of the subdivision at the property municipally known as 340 Eastview Road (23T-04501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Almondale Homes Limited for a two (2) year extension to the Draft Plan Approval of the remainder of Phase 2 of the subdivision at 340 Eastview Road (23T-04501) applying to lands legally described as Part of Lot 6, Concession 5, Division C, City of Guelph, be approved to an extended two (2) year lapsing date of October 3, 2013, subject to the conditions contained in Schedule 2 of the Planning & Building, Engineering and Environment Report 11-84, dated October 3, 2011.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

**SUBJECT Hanlon Creek Business Park Subdivision
(File 23T-03501): Request for an Extension of Draft
Plan Approval – Ward 6**

REPORT NUMBER 11-80

SUMMARY

Purpose of Report

To provide a staff recommendation to approve the request for an extension of the Draft Plan Approval lapsing date for the Hanlon Creek Business Park Subdivision (File 23T-03501).

Council Action

Council to decide whether or not to approve the staff recommendation for a Draft Plan Approval extension for 5 years to a lapsing date of November 8, 2016.

RECOMMENDATION

"THAT Report 11-80 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the Hanlon Creek Business Park Subdivision (File 23T-03501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by The City of Guelph, Guelph Land Holdings Inc. and Stanford Robert Snyder, for a five (5) year extension to the Draft Plan Approval of the unregistered portion of the Hanlon Creek Business Park Subdivision (File 23T-03501) be approved to an extended five (5) year lapsing date of November 8, 2016, subject to the original draft plan conditions approved by the Ontario Municipal Board in its Decision/Order No. 3143, issued on November 8, 2006, attached in Schedule 3 of the Planning & Building, Engineering and Environment Report 11-80, dated October 3, 2011."

BACKGROUND

The Hanlon Creek Business Park lands are bounded to the north by the Kortright Hills Phase 4 Residential Subdivision, to the east by the Hanlon Expressway (Provincial Highway #6), to the south by Forestell Road and to the west by Downey

Road (see Schedule 1). The lands comprise 271.64 hectares and are legally described as Part of Lots 16, 17, 18, 19 and 20, Concession 4, and Part of Lots 16, 17, 18, and 19, Concession 5 (former Geographic Township of Puslinch) City of Guelph.

In 2002, four registered property owners in partnership, including the City of Guelph, submitted the planning applications to permit the development of the subject lands. Applications were submitted for an Official Plan Amendment, a Zoning Bylaw Amendment and a Draft Plan of Subdivision to create a corporate business park.

After much public consultation and agency review, the applications were considered by Guelph City Council on January 31, 2005, and approved on February 21, 2005, subject to draft plan of subdivision conditions. The planning applications were appealed to the Ontario Municipal Board (OMB) by various parties and were subsequently approved (Decision/Order No. 3143 issued on November 8, 2006). The approved draft plan of subdivision is attached in Schedule 2. The approval was subject to Minutes of Settlement with various parties and subject to a list of 75 draft plan conditions that are attached in Schedule 3.

The 2002 subdivision application as draft approved by the OMB (Schedule 2) proposed Corporate Business Park and Business Park (Industrial) land uses comprising approximately 54.5% (148.56 hectares) of the subdivision lands. There are extensive wetlands, woodlots and storm water management areas within the lands which represent approximately 34.5% of the subdivision plan. The balance of the plan is proposed for residential use, the proposed MTO Laird Road interchange at the Hanlon Expressway and internal roads serving the business park.

REPORT

The plan of subdivision received draft plan approval on November 8, 2006 for a five (5) year period with a lapsing date of November 8, 2011. In the event the draft plan approval is not extended beyond November 8, 2011 for any unregistered portion, the approval will lapse and the owners will be unable to proceed to registration on this portion. This will necessitate the submission of a new application for subdivision approval for these lands. The Official Plan and Zoning By-law Amendments will remain in effect.

On July 13, 2011, the City received a joint application by the City of Guelph, Guelph Land Holdings Inc. and Stanford Robert Snyder, requesting a five (5) year extension to the Draft Plan Approval of the unregistered portion of the Hanlon Creek Business Park Subdivision to an extended five (5) year lapsing date of November 8, 2016.

Section 51 (33) of the *Planning Act* allows a municipality to grant an extension of draft plan approval for a period of time acceptable to the municipality.

The Phase 1 lands of the Hanlon Creek Business Park which include all lands north of Laird Road (see Schedule 4) were registered as Plan 61M-169 on April 27, 2011.

These lands are owned by the City of Guelph and Belmont Equity (HCBP) Holdings Ltd. who entered into a Land Exchange and Cost Sharing Agreement with the City as required, prior to the registration of the Phase 1 lands. The Phase 1 lands are serviced and are actively being marketed and developed. To date, the City is processing four land sales and Belmont has completed its first land sale.

The Phase 2 lands (See Schedule 5) are owned by Guelph Land Holdings Inc. and are currently being graded and serviced. The owner may not be able to fulfill all of the conditions of approval (Schedule 3) in time to be registered prior to the upcoming November 8, 2011 lapsing date and has therefore requested an extension of the draft plan approval.

The balance of the lands referred to as Phase 3 (west of Phase 2), are owned by the City and Mr. Stanford Robert Snyder who are discussing the potential details and timing of this future and last phase of development. Approval agencies have commented on the terms of reference for the Environmental Implementation Report which will be a key requirement of the registration of the phase.

As corporate and industrial business park land sales are competitive and driven by market demand and because of the current global economic uncertainty, the owners are requesting a 5-year extension to the November 8, 2011 lapsing date for Phases 2 and 3.

Staff Recommendation

Staff is recommending that the request for a 5-year draft plan extension be granted for Phases 2 and 3, subject to the existing conditions approved by the OMB in 2006. The only recommended change is to condition #70 to simply identify the new lapsing date of November 8, 2016 (Schedule 3). The request for a 5 year extension is reasonable given the current economic climate.

The application is consistent with the 2011 Development Priorities Plan which supported the development of Phases 1 and 2 in 2011 with the development of Phase 3 in post 2012.

CORPORATE STRATEGIC PLAN

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

Supports Economic Opportunity Goal #3: A diverse and prosperous local economy.

FINANCIAL IMPLICATIONS

Based on 148.56 hectares of developable land:

Projected Taxation

- Estimated at \$4,924,921

Development Charges

- Estimated range from \$18,500,603 (based on 100% industrial) to \$37,482,514 (based on mixed/commercial uses)

DEPARTMENTAL CONSULTATION

The request for the proposed extension of draft plan approval was circulated for comments. The application is supported by City Staff and commenting agencies.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – OMB Approved Draft Plan of Subdivision

Schedule 3 – OMB Approved Conditions of Draft Plan Approval

Schedule 4 – Phase 1 – Registered Plan 61M-169

Schedule 5 – Phase 2 – Proposed Registered Plan 61M-__

Prepared By:

Allan C. Hearne
Senior Development Planner
519-837-5616, ext 2362
al.hearne@guelph.ca

Reviewed By:

Robert Walters
Manager of Development Planning
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Original Signed by:

Recommended By:

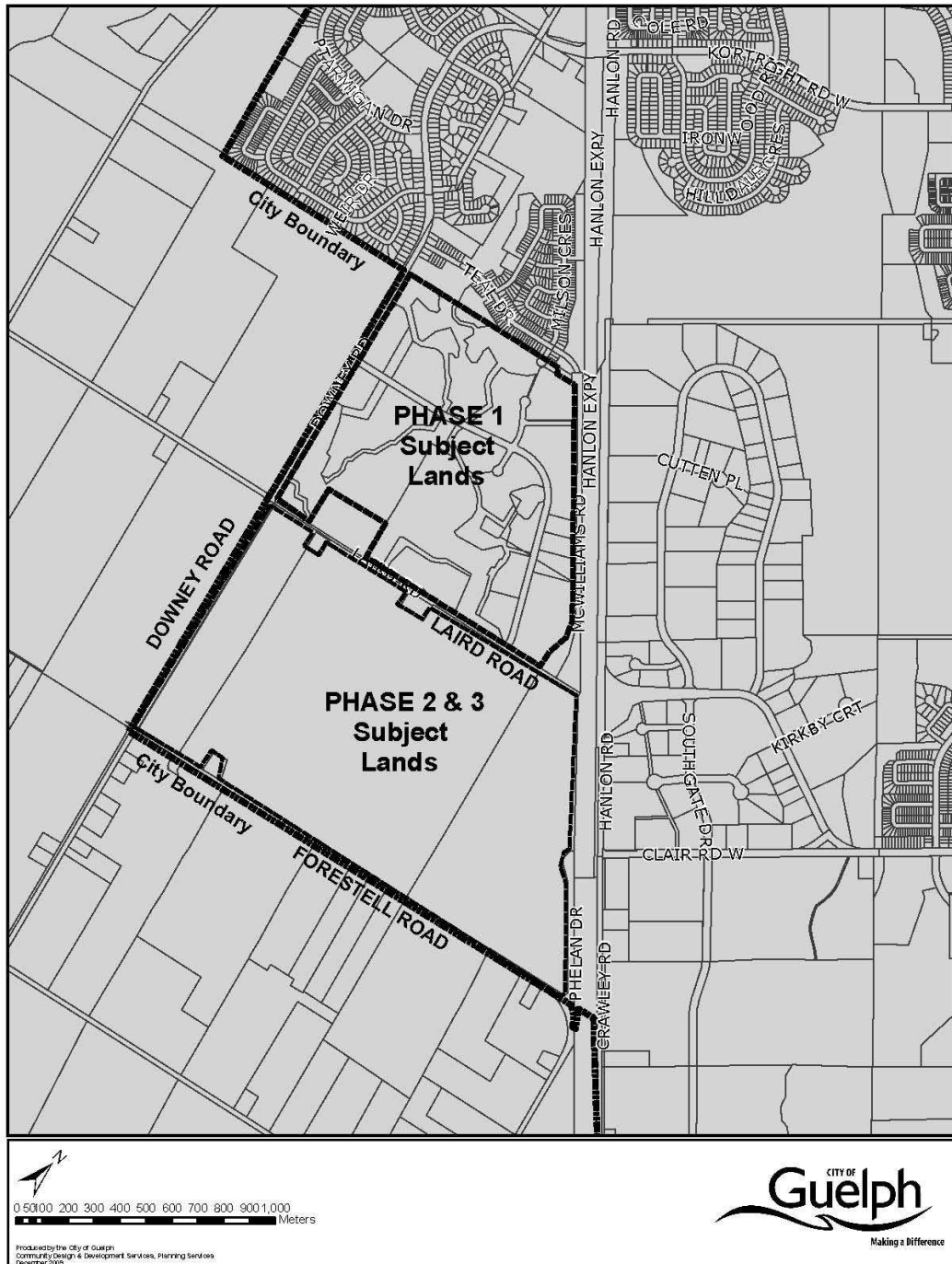
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Original Signed by:

Recommended By:

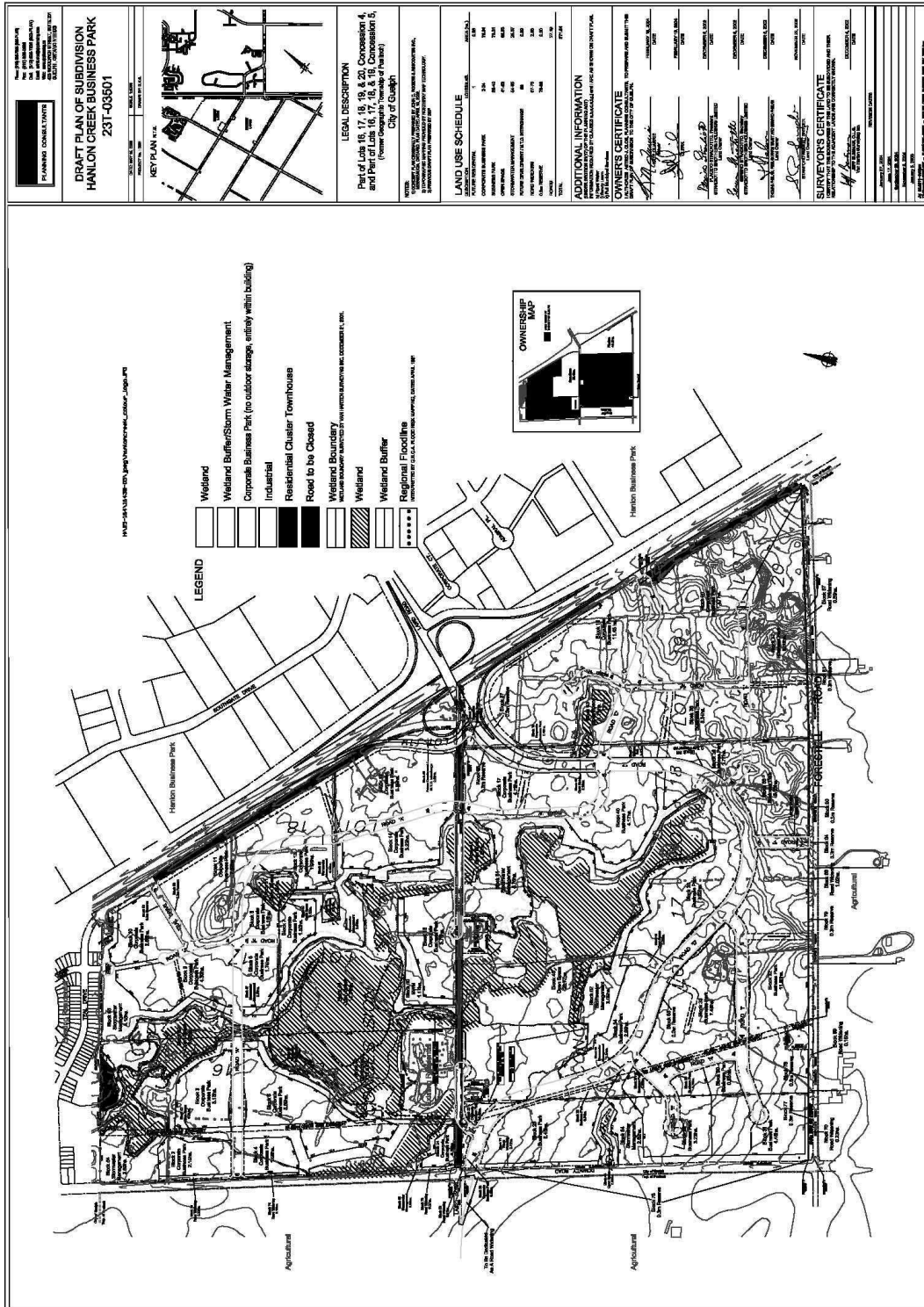
Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering and
Environment
519-822-1260 ext. 2237
janet.laird@guelph.ca

Schedule 1 Location Map



Schedule 2

OMB Approved Draft Plan of Subdivision



Schedule 2
OMB Approved Draft Plan of Subdivision
(Approximate land distribution)

Description	Lots/ Blocks	Area (ha.)	Area (ac.)	Percentage
Future Residential	1	0.56	1.38	<1%
Corporate Business Park	2-24	73.67	182.03	27%
Business Park	25-42	74.89	185.05	27.5%
Open Space	43-53	63.70	157.40	23.5%
Stormwater Management	54-75	29.91	73.90	11%
Future Development/ MTO Interchange	76	0.89	2.19	<1%
Lift Station	77	0.02	.04	<1%
Road Widening	78-86	2.85	7.04	1%
Roads	87-95	25.15	62.14	9%
TOTAL		271.64	671.17	100%

Schedule 3

OMB Approved Conditions of Draft Plan Approval

HANLON CREEK BUSINESS PARK
CONDITIONS OF DRAFT PLAN APPROVAL
OMB APPROVAL IN PRINCIPLE JUNE 6, 2006

#	Condition
1	That this approval applies only to the draft plan of subdivision dated May 15, 2006, prepared by Astrid J. Clos Planning Consultants (Project No. 0581).
<u>Conditions to be met prior to rezoning of specific Blocks</u>	
2	Prior to the development of Blocks 7, 12, 14, 15, 16, 19, 20, 22, 23, 25, 28, 31, 37, 38, the developers shall enter into a Site Servicing Agreement and Subdivision Agreement and a Cost Sharing or Front-ending Agreement with the City to the satisfaction of the City in order to ensure that all benefiting lands to the draft plan are serviced with full municipal services and all associated costs are paid to the City, as calculated by the City and to the satisfaction of the City, prior to the development of these Blocks in the plan. (Planning)
<u>Conditions to be met prior to grading and site alteration (and entered into subdivision agreement prior to registration)</u>	
3	That the Developer complete a tree inventory and conservation plan , satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading or construction on the site. Unless recommended for removal, due to health, condition and/or hazard potential by a Certified arborist, in good standing with the International Society of Arboriculture, the three existing maple trees located in proximity to the Crawley heritage house on Block 33, as well as the lilac shrubs surrounding the farm house will be preserved as part of the tree conservation plan immediately to the north of Forestell Road, comprise approximately 19 trees. The single hop hornbeam tree (<i>Ostrya virginiana</i>) will be preserved with a tree protection zone that will extend one metre past the drip-line of the tree. To the extent that the approved tree inventory and conservation plan provides for the removal of any of the remaining trees other than the hop hornbeam tree, replacement trees shall be planted at appropriate locations. (Engineering).
4	That the Developer agrees to stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed. (Engineering)
5	That the Developer agrees to prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer. Any repair of damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost. Also, the use of Teal Drive and Downey Road shall be specifically excluded in the approved construction traffic access and control plan. (Engineering).

6	That the Developer agrees that no work, including, but not limited to tree cutting, grading or filling , will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City. (Engineering)
7	That prior to any grading or construction on the site, the Developer enters into an Engineering Services Agreement with the City, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the City of Guelph. (Engineering)
8	That the Developer prepare an overall site drainage and grading plan , satisfactory to the City Engineer, for the entire subdivision, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision. (Engineering)
9	That the Developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the City Engineer, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer. (Engineering)
10	That the Developer shall provide a qualified environmental inspector , satisfactory to the Director of Planning and Development Services, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, compliance with the Environmental Impact Study and the Environmental Implementation Report on a weekly or more frequent basis if required. The environmental inspector shall report on their findings to the City on a monthly or more frequent basis. (Planning & Engineering)
11	That the Developer shall submit a Storm Water Management Report and Plan to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines and the Storm Water Management Design Report for the Hanlon Creek Watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City of Guelph's Operations Public Works Division. (Engineering)
12	That the Developer shall prepare an Environmental Implementation Report (EIR) based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR shall confirm the recharge targets to be met and the developers' responsibilities to demonstrate how the recharge targets will be met through the site plan approval process. Such a report will include a monitoring program to assess the performance of the storm water management facilities and to

	<p>assess seasonal trends in water levels in the core wetland through monitoring of water levels in the wetland. The monitoring program for stormwater facilities will include temperature and stream flow monitoring of Tributary A between Laird and Road A. Modeling of summer stream temperatures on a continuous-in-time model basis shall be undertaken to demonstrate that SWM Ponds 4 and 5, have no significant negative impact on coldwater habitats in Tributary A from temperature increases, to the satisfaction of GRCA. The following factors are to be considered in the modeling: (1) magnitude of temperature difference, (2) duration of discharge, and (3) characteristics of fish species. The EIR shall establish post-development recharge infiltration rate targets that set target infiltration rates on a block-by-block basis through a block-by-block groundwater infiltration reassessment taking into account the spatial distribution of infiltration with special attention to the effects of depressional topography. The Developer shall implement all recommendations of the EIR and establish an appropriate monitoring period to satisfaction of the City and GRCA. Further, the Developer shall address all items and recommendations expressed in the Hydrogeological Report, the Environmental Advisory Committee comments including the detailed comments from the City's former Environmental Planner and the Guelph Field Naturalists comments, and include consideration of the Hanlon Creek State of the Watershed Study, to the satisfaction of the City and the GRCA, prior to the registration of the plan.</p>
13	<p>That any domestic wells located within the lands be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned. (Engineering)</p>
14	<p>That the developer shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements. (Planning)</p>
15	<p>Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular dust suppression will be accomplished during the construction phase of the subdivision.</p>
16	<p>That the developer construct minimum 2 metre high landscaped berms abutting Blocks 2, 3, 9, 10, 31, 32, 36 and 37 to the satisfaction of the Director of Planning and Development Services, prior to the registration of any phase of the development including the blocks abutting the berm.</p>

Conditions to be met prior to execution of subdivision agreement	
17	That the Developer is responsible for the total cost of the design and construction of all municipal services required to service the lands including sidewalks, boulevards and curbs within and external to the limits of the plan of subdivision including roadworks, and sanitary, storm and water facilities unless otherwise funded under the provisions of a legal and binding agreement with another party. The distance and alignment of such services will be determined by the City of Guelph. In addition, the Developer will be required to pay the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses. (Engineering)
18	That the Developer pay a share of the cost of all existing municipal services within and abutting the proposed subdivision, as determined by the City Engineer. (Engineering)
19	That the Developer pays the cost of supplying and erecting street name and traffic control signs and traffic signals in the subdivision, to the satisfaction of the City. (Engineering)
20	That the Developer pays to the City the cost of installing bus stop pads at locations to be determined by Guelph Transit. (Engineering)
21	The Developer shall have engineering servicing drawings and final reports prepared for the approval of the City Engineer. These drawings must reflect the recommendations of all approved reports and studies prepared in support of this application. Such recommendations will be implemented at the cost of the Developer. (Engineering)
22	That the Developer shall submit a Geotechnical Report to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding (Engineering).
23	That the Developer shall submit a Traffic Impact Study to the satisfaction of the City Engineer addressing vehicular site access, the potential impact of the development on the existing road network, and the design of traffic calming measures within existing and proposed roads (Engineering).
24	That the Developer agrees to provide three second order, second level Geodetic Benchmarks in locations within the proposed subdivision to the satisfaction of the City Engineer. (Engineering)
25	That the Developer shall submit a Monitoring Plan to the satisfaction of the City Engineer for the existing sanitary sewer on Downey Road that will determine actual

	flows in this sewer as each phase of development is completed. At such time as actual flows reach a critical amount, as determined by the City Engineer, the Developer agrees to reconstruct the Downey Road sewer to provide additional capacity for subsequent phases of development. (Engineering)
26	That the Developer agrees that Street 'F' will not be constructed to connect to Forestell Road unless it is required to service future development south of Forestell Road This condition however, will not prevent Street 'F' from being partially constructed to allow local road access to Blocks 32 and 36. (Engineering)
27	That the developer makes arrangements, satisfactory to the City Engineer, concerning the scheduling of the development and the developers payment of cost for services for the subdivision. (Engineering)
28	That the developer pays to the City the flat rate charge established by the City per metre of road frontage, to be applied to tree planting within the proposed subdivision. (Planning)
29	That the developer shall be responsible for the design and development of the entire Pedestrian Open Space Trail System in-lieu of Parkland Dedication for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any building permits and to the satisfaction of the Director of Community Services. The developer's financial contribution toward this trail construction shall not exceed the cash-in-lieu of parkland dedication as required by the Planning Act. (Community Services)
30	Prior to the release of building permits, the developer shall demarcate the boundary of all SWM Blocks and Open Space Blocks , in accordance with the City of "Guelph Property Demarcation Policy". This shall include submitting drawings for approval, identifying the living fence and/or chain link fence, to the satisfaction of the Director of Community Services and the City Engineer. The developer shall be responsible for the cost of design and development of the living fence and/or chain link fence for the SWM and Open Space Blocks. (Community Services)
<u>Conditions to be met prior to registration of the plan</u>	
31	That prior to the registration of the plan, or any part thereof, the approval of the City must be obtained with respect to the availability of adequate water supply and sewage treatment capacity and capacity within the Downey Road sanitary sewer . (Engineering)
32	The Developer agrees that, in the event that development of the property is to be phased, a phasing plan must be submitted prior to final approval and registration of

	the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading and the construction of public services, all to the satisfaction of the City of Guelph. (Planning and Engineering)
33	That the Developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The owner of any lands to be conveyed to the City of Guelph shall retain a properly qualified consultant to prepare a Phase 1 Environmental Site Assessment (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the landowner's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)
34	That prior to final approval of the plan, the Developer enters into a Subdivision Agreement , to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph. (Legal)
35	That the following warning clause shall be included in the subdivision agreement which will be registered on title with the proviso that the portion of the subdivision agreement containing the warning clause shall not be released or removed from title as long as the realigned Laird Road provides access to the Hanlon Expressway (Highway 6) for the aggregate resources in the mineral aggregate resource area located to the west of the Hanlon Creek Business Park in the Township of Puslinch: "When completed, realigned Laird Road (Road D) will be used as a Permissive Truck Route which includes the haulage of mineral aggregate from licensed pit operations located in the Township of Puslinch to Highway 6 (Hanlon Expressway). In addition, a mineral aggregate resource area is identified in the County of Wellington Official Plan to the west of the Hanlon Creek Business Park located in the Township of Puslinch."
36	That the Traffic By-law of the City of Guelph be amended to include the realigned Laird Road (Road D) from Downey Road to the Highway 6 (Hanlon Expressway) as a Permissive Truck Route.
37	That the Developer deeds to the City all lands, or provides an easement over any lands required for Storm Water Management facilities. (Legal)
38	That all easements, blocks, reserves and rights-of-way required within or adjacent to the proposed subdivision be granted free and clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. (Legal)

39	That the Developer shall pay any outstanding debts owed to the City, prior to the registration of the proposed plan of subdivision. (Planning)
40	That the developer shall pay development charges to the City in accordance with By-law Number (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and The Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto. (Finance)
41	That street lighting shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc. (Engineering)
42	That all telephone service and Cable TV service in the plan be underground and the developer shall enter into a servicing agreement with Bell Canada or another authorized and licenced service provider providing for the installation of underground telephone service, prior to the registration of the plan. (Engineering)
43	That the road allowances included in the draft plan be shown and dedicated as public highway's and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria-July 23, 1993", with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision. (Engineering)
44	That the developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning and Development Services, Planning Division, City Hall". (Planning)
45	Prior to the registration of the subdivision plan or any part thereof, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook , to all future businesses within the plan, with such payment based on a cost of one handbook per business unit, as determined by the City. (Planning)
46	The Owner agrees to meet all the requirements of Guelph Hydro Electric Systems Inc. including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro Electric Systems Inc. in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro Electric Systems Inc., prior to the registration of the plan. (Engineering & Planning)

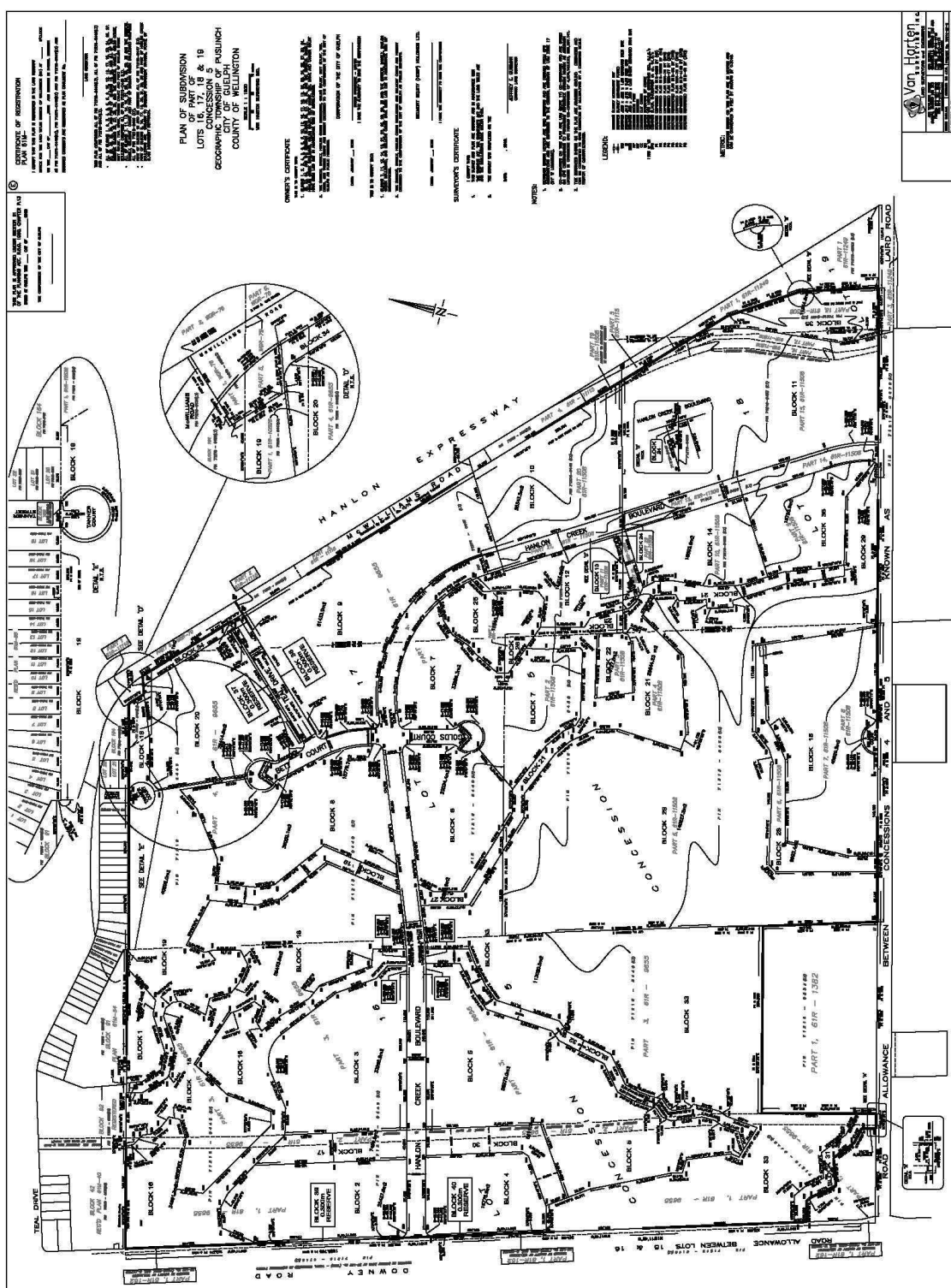
47	The developer shall meet all Canada Post requirements to the satisfaction of Canada Post. (Planning)
48	That all non-developable lands ultimately rezoned to the P.1 Zone and the WL Zone shall be dedicated to the City free of any encumbrance and in a form that is satisfactory to the City Solicitor. (Planning & Legal)
49	That the small triangle of land on the west side of Downey Road at the southwest corner of the intersection of Laird Rd. and Downey Rd. that is currently outside of the subdivision plan be dedicated as a road widening, prior to the registration of any phase that includes the intersection of Road D with Downey Road, in order to secure the complete road allowance for the realigned right-of way for Laird Road. (Planning)
<u>Conditions to be met prior to granting of site plan approval</u>	
50	The developer shall submit to the City for approval, noise and vibration assessment reports for development on the northerly Blocks 2,3,9,10 and the portion of Block 11 north of Road A, and on the southerly half of Blocks 20, Block 31,32,36 and 37, and the southerly half of Block 38 in order to confirm that the proposed use, activity and development, in hand with the proposed zoning restrictions and regulations, meets the Ministry of Environment noise and separation distance guidelines, prior to the granting of site plan approval by the City. (Planning) At minimum, all proposed development shall be subject to the Ministry of Environment noise/vibration guidelines, standards and requirements in force at the time of execution of this agreement. (Planning).
50 A	The developer shall submit to the City, for approval, a water-balance analysis that demonstrates that target infiltration rates set out in the EIR for the property covered by the site plan approval will be met. Approval of the analysis is required prior to the granting of site plan approval by the City. (Planning)
<u>Conditions to be met prior to issuance of a building permit</u>	
51	The Developer shall demarcate and fence (living and/or chain link), the boundaries of all lands conveyed to the City in accordance with the policies of the City. (Parks)
52	That all existing roads to be closed and/or used for emergency access be constructed to a standard acceptable to the City Engineer at the expense of the Developer. (Engineering)
53	The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all fill placed below proposed building locations. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the

	street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line. (Building)
54	The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code. (Building)
55	That the subdivision agreement between the owners and the City contain provisions that Laird Road shall remain as an open and travelled road in its present location and alignment until both new Street D and the MTO grade-separated interchange is constructed and operating in order to directly accommodate the aggregate haul routes to the Hanlon Expressway. Further, the final engineering and design of Road D shall emphasize a thoroughfare route and efficiency of travel and Staff shall encourage businesses to locate driveways on to local streets rather than directly on to Street D, to accommodate the aggregate contractors operating haul routes along Laird Road to and from the Hanlon Expressway. The City shall, require 0.3 metre (1 foot) reserves along Road D in certain locations to control the location of driveway entrances located on Road D. Further, access points to Street D (realigned Laird) from Blocks 34 and 35 shall be required to align with the roads C, E, F, and I, wherever possible. (Planning and Engineering).
56	That the subdivision agreement between the Owners and the City contain provisions requiring the developer to build the realigned Laird Road initially as a three lane roadway with a centre turn lane to provide refuge for left turning vehicles without impeding through traffic.
57	That the subdivision agreement between the Owners and the City contain provisions that the developer shall notify future landowners and tenants that trucks entering/leaving their properties shall use only the Hanlon Expressway and/or Downey Road south of Road A. (Engineering).
AGENCY CONDITIONS	
58	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their approval, a final Traffic Impact Study (TIS) indicating the anticipated traffic volumes generated by the subdivision development and their impact upon the intersection of Highway 6 and Laird Road. <i>MTO</i>
59	Prior to registration, the City of Guelph shall enter into a legal agreement with the ministry regarding responsibilities for the highway improvements identified in the TIS, including intersection improvements and a future interchange at Laird Road. <i>MTO</i>

60	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating the intended treatment of the calculated stormwater runoff for the entire plan of subdivision. <i>MTO</i>
61	Prior to registration, the City of Guelph shall submit to the Ministry of Transportation for their review and approval a copy of the final plan identifying the road and lot layouts for the proposed subdivision. <i>MTO</i>
62	No development will be permitted until the interim improvements covered in the legal agreement have been constructed. <i>MTO</i>
63	Prior to permit approval for Blocks 10, 11, 12, 16, 17 and 19, arrangements shall be made to the satisfaction of the ministry for the installation of a security fence (chain link six feet high, or equivalent) along the Highway 6 boundary of the plan, should a noise barrier not be required. <i>MTO</i>
64	Prior to permit approval, each developer shall submit to the Ministry of Transportation for their review and approval, a copy of a Stormwater Management Report/Plan indicating how the intended treatment of the calculated stormwater runoff from their site complies with the overall stormwater plan for the subdivision. <i>MTO</i>
65	Prior to permit approval, each developer shall submit to the Ministry of Transportation for their review and approval, Site Plans, Grading Plans and Site Servicing Plans . <i>MTO</i>
66	Prior to permit approval on Blocks 10, 11, 12, 16, 17 and 19, each developer of lands adjacent to Highway 6 shall submit to the Ministry of Transportation for their review and approval an illumination plan , prepared by a qualified consultant, indicating the intended treatment of the site lighting glare. <i>MTO</i>
67	<p>Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:</p> <ul style="list-style-type: none"> a. A detailed stormwater management report in accordance with the MOE Planning and Design Manual, 2003 b. A final Hydrogeological Assessment Report to show how infiltration will be maintained throughout all phases of the development. c. An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion

	control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
	d. Detailed lot grading and drainage plans.
68	Prior to any grading or construction on the site, that appropriate Fill Construction Alteration to Waterways permits be obtained. GRCA
69	That the subdivision agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports. GRCA
70	Draft Plan Approval of the Hanlon Creek Business Park shall lapse at the expiration of 5 years from the date of issuance of Draft Plan Approval on November 8, 2016.
71	That prior to the registration of all or any portion of the plan, Guelph Hydro Electric Systems Inc. shall advise the City in writing how condition 46 has been satisfied.
72	That prior to the registration of all or any portion of the plan, the MTO shall advise the City in writing how conditions 58 to 66 have been satisfied.
73	That prior to the registration of all or any portion of the plan, the GRCA shall advise the City in writing how conditions 67 to 69 have been satisfied.
74	That prior to the registration of all or any portion of the plan, Canada Post shall advise the City in writing how condition 47 has been satisfied.
75	That prior to the registration of all or any portion of the plan, Bell Canada shall advise the City in writing how condition 42 has been satisfied."

Schedule 4 **Phase 1 – Registered Plan 61M-169**



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COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

SUBJECT 1820 GORDON STREET SOUTH – Proposed Zoning By-law Amendment - File ZC1108 (Ward 6)

REPORT NUMBER 11-91

SUMMARY

Purpose of Report:

To provide a staff recommendation to approve the requested Zoning Bylaw Amendment for property at 1820 Gordon Street, asking to remove the "Maximum Building Size" regulation from the existing zoning.

Council Action:

Council to decide whether or not to approve the staff recommendation to remove a regulation from the existing Specialized CC-20 (Community Shopping Centre) Zone.

RECOMMENDATION

"THAT Report 11-91 regarding a proposed Zoning By-law Amendment application by FCHT Holdings (Ontario) Corporation (ZC1108) for property municipally known as 1820 Gordon Street South, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received;

AND THAT the application by FCHT Holdings (Ontario) Corporation for approval of a Zoning By-law Amendment to amend the existing Specialized CC-20 (Community Shopping Centre) Zone by deleting Section 6.2.3.2.20.2.5 from the regulations (Maximum Building Size per building), be approved, as outlined in the Planning & Building, Engineering and Environment Report 11-91 dated October 3, 2011."

BACKGROUND

This rezoning application was received on April 12, 2011 and deemed to be complete on April 13, 2011. The statutory Public Meeting of City Council was held on June 7, 2011 and staff Report 11-48, dated June 7, 2011, provided background information.

The application applies to only part of the original property at 1820 Gordon Street South which is known as the Pergola Draft Plan of Subdivision, File 23T-03507 (See Schedule 1). The Pergola Subdivision lands are approximately 11.238 hectares in area

and were draft plan approved and rezoned in May 2006 to permit commercial and residential development.

The original FCHT Holdings (Ontario) Corporation rezoning application (File ZC0702) was submitted on January 25, 2007. Council approved the rezoning of the lands from a Specialized SC.1-55 (Service Commercial) Zone to the Specialized CC-20 (Community Shopping Centre) Zone (Schedule 3) on May 21, 2008.

Phase 1 of the Pergola Subdivision comprising mostly the subject property, was registered on July 30, 2010 as Plan 61M-165. The subject site is legally described as Block 1, Plan 61M-165.

Location

The lands affected by this Zoning By-law Amendment application include the large commercial block currently being developed at the south east corner of the Gordon Street South/Clair Road East intersection. The subject site is approximately 5.38 hectares in site area, is graded and is under construction to permit several new commercial buildings that will form Phase 1 of the new community shopping centre (See Schedule 1).

Land uses in the vicinity of the subject site include:

- An existing shopping centre known as "Clairfields Common" in the Clairfields Subdivision at the northwest corner of the intersection of Gordon Street South and Clair Road West;
- The partially developed commercial centre "Westminister Market" lands in the Westminister Woods Subdivision at the northeast corner of the intersection of Gordon Street South and Clair Road East;
- Vacant lands at the southwest corner of the intersection of Gordon Street South and Clair Road West that are subject to an application for a Zoning Bylaw Amendment (File ZC0619) submitted by Sobey's Capital Inc.
- Environmentally sensitive lands including wetlands further to the east and south of the site; and,
- Primarily single-detached rural residential estate properties and the Brock Road Nursery establishment located east and south of the subject site along Clair Road East and Gordon Street South. The Dallan Draft Plan of Subdivision that is currently being reviewed by Council is located east of the subject site.

Existing Official Plan Land Use Designations and Policies

The subject site and the other three quadrants at the Gordon Street/Clair Road intersection are designated "Mixed Use Node" in Schedule 1 of the City of Guelph Official Plan (Schedule 2). This designation provides the opportunity for shopping and service establishments that are intended to serve the needs of local neighbourhood residents, employment districts and the whole City. Residential development is also permitted in this land use designation.

Sections 7.4.5 to 7.4.14 of the Official Plan outline policies that describe the form and function of Mixed Use Nodes. Sections 7.4.39 to 7.4.47 outline Urban Design

policies for Commercial and Mixed Use Areas. These policies are attached in Schedule 2.

Existing Zoning

The subject lands are currently in the Specialized CC-20 (Community Shopping Centre) Zone which allows a wide range of commercial uses and residential dwelling units with permitted commercial uses in the same building, subject to a list of regulations that govern the development of the property (See Schedule 3).

REPORT

Description of Proposed Zoning Bylaw Amendment

The owner has asked to amend the existing Specialized CC-20 (Community Shopping Centre) Zone by deleting Section 6.2.3.2.20.2.5 from the regulations in the zone (See Schedule 3). This regulation restricts the Maximum Building Size (gross floor area) for each building in the development to 3,250 square metres.

This regulation was included in the current zoning when the lands were rezoned from the SC.1-55 (Service Commercial) Zone to the CC-20 (Community Shopping Centre) Zone in 2008. The regulation was initially supported by staff to encourage multiple uses on the site and to discourage large retail uses only. The restriction was based on the owner's preliminary site concept plan that set a building layout and massing for the site and uses. This plan later became the existing approved site plan for the proposal (See Schedule 4). This site plan is phased with only the west side of the site approved for development.

During the last three years, the restriction has caused the owner difficulty in securing anchor tenants for the development. The subject application includes a proposed (revised) site plan (See Schedule 5) that comprises two buildings which exceed the current maximum gross floor area regulation of 3,250 square metres. One building (Building J) is proposed at 4,906 square metres which includes a usable second storey. The second building (Building K) is proposed at 4,031 square metres.

The existing zoning, highlighting the proposed zoning with the removal of Section 6.2.3.2.20.2.5 of the regulations is attached in Schedule 3. In support of the application, a Planning Justification Report by Wellings Planning Consultants Inc., dated April 12, 2011, was received by the City. This report suggests that the Maximum Building Size restriction was included in the 2008 site specific zoning to address design issues which are no longer applicable given recent revisions to the site plan for the subject site. The report also concludes that the removal of the restriction will not conflict with the existing maximum retail cap for the node as stated in the Official Plan and will not impact the existing zoning regulation that limits the maximum commercial gross floor area to 14,000 square metres for the subject site.

Staff Planning Analysis

There was no public comment or delegation at the June 7, 2011 statutory Public Meeting and staff has reviewed the application based on the following:

-
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan including density requirements.
 - Evaluation of the proposal against the land use designations and policies of the Official Plan.
 - Community Energy Initiative (CEI) considerations.
 - Existing site development.

The Provincial Policy Statement 2005

The Provincial Policy Statement 2005 (PPS) requires the proposal to be consistent with the Statement. Sections of the PPS that were satisfied through the original 2008 rezoning application include:

- Section 1.1.3 which promotes intensification in a compact form, with a mix of uses and densities that allow for the efficient use of land and resources.
- Section 1.3 which promotes economic development and competitiveness by providing for an appropriate mix and range of employment (industrial, commercial and institutional) uses, by providing opportunities for a diversified economic base, by protecting employment areas and by ensuring the necessary infrastructure is provided.
- Sections 1.6 and 1.6.4 of the PPS were also satisfied as the infrastructure and public service facilities are in place to support the proposed development and full municipal services are available to service the proposal.

The proposal is to remove a restrictive zoning regulation applying to the maximum gross floor area for each building in the development from the current Specialized CC-20 Zone and will maintain consistency with the Provincial Policy Statement 2005.

Places to Grow

The proposal must conform to the Provincial Places to Grow Growth Plan. Places to Grow requires that new development within greenfield areas contribute to creating a complete community, be designed for densities that support a range of transportation options, provide a diverse mix of land uses to support vibrant neighbourhoods and include quality public open spaces that support opportunities for transit, walking and cycling. The original 2008 rezoning application addressed these principles and created a mixed use Community Shopping Centre zoning that was appropriate for this quadrant of the Clair Road/Gordon Street intersection. Based on the owner's revised site plan submission in June 2011, the approximate density calculation equates to approximately 511 jobs or 95 jobs per hectare with the potential for future residential dwellings. The proposal is consistent with the principles of the Places to Grow Growth Plan.

Existing Official Plan Land Use Designations and Policies

Section 7.4.12 (Schedule 2) identifies the maximum floor area for new retail development within each of the four Mixed Use Nodes in the City. The maximum retail floor area for the Clair/Gordon node is identified at 48,500 square metres. Staff has reviewed the potential total retail floor area of the entire Clair/Gordon node at full build-out and confirm that the node can be developed in conformity with this section of the Official Plan.

Section 7.4.13 of the Official Plan has particular relevance to the application. This section states:

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

To date, no freestanding building exceeding this size limit has been approved or built in the Clair/Gordon node and the building sizes for the subject site in the proposed site plan revision do not exceed this limit.

During the review of the 2008 rezoning application for the subject site, two regulations were included to limit the amount of retail floor space and encourage a mix of uses (See Schedule 3). Section 6.2.3.2.20.2.4 limits the maximum commercial gross floor area of the site to 14,000 square metres. Section 6.2.3.2.20.2.5 (requested to be deleted) limits the maximum gross floor area for each building in the development to 3,250 square metres. The maximum building size restriction was based on the owner's 2008 preliminary site concept plan (Schedule 4) and was initially supported by staff to encourage multiple uses of varying sizes. This regulation has not been included in the zoning for the other three quadrants of the node. Removal of the regulation will not affect the development caps for the site or the node.

Existing Site Development

The April 2011 application includes a proposed site plan (See Schedule 5) that includes two buildings which exceed the current maximum building size regulation of 3,250 square metres. The proposed plan includes Building J at 4,906 square metres which includes a usable second storey and Building K at 4,031 square metres. These revised building configurations are based on current discussions with perspective tenants. To date, the site has developed with multiple uses with the completion of Buildings B and G and Building H under construction. There is no need to retain the regulation that limits the gross floor area per building to encourage multiple uses as the site is developing for such uses and no large retail uses exceed 5,575 square metres.

Community Energy Initiative (CEI)

In 2008 the owner submitted a letter committing the proposal to be LEED certified in support of the City's Community Energy Initiative. The letter is attached in Schedule 6.

Planning Staff Recommendation

Planning Staff support the proposed Zoning By-law Amendment application. The proposal will create a specialized Community Commercial Zone that is consistent with other mixed use sites at the intersection of Gordon Street and Clair Road. The site is developing with multiple uses and the building size restriction is not needed. Given the proposal and required parking standards it is not feasible to locate another large building other than the two that are proposed. As well, the proposal continues to support the urban design policies for this Mixed Use Node. Based on the revised site plan layout, staff considers the request to remove the building size restriction from the existing zone reasonable (Schedule 3).

As all applicable conditions are in place through the earlier subdivision application and the 2008 rezoning application, including a commitment to support the City's Community Energy Initiative, staff are not recommending conditions with this application.

The proposed rezoning is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the goals, objectives and policies of the Official Plan, is in the public interest, and represents good planning.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Based on the 5.38 hectare site and the proposal to build approximately 14,000 square metres GFA at 26% coverage, the following are estimated:

Projected Taxation

\$595,000 to \$785,000 (City portion - \$355,000 to \$435,000)

Development Charges

\$1,766,240

DEPARTMENTAL CONSULTATION

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

COMMUNICATIONS

The Notice of Application and Public Meeting was mailed and advertised in the Guelph Tribune on May 12, 2011. Notification of the Council Decision meeting was sent on September 9, 2011. A chronology of the public notification for this application is included in Schedule 8.

ATTACHMENTS

Schedule 1 – Location Maps
Schedule 2 – Existing Official Plan Land Use Designations and Policies
Schedule 3 – Existing and Proposed Zoning
Schedule 4 – Existing Approved Site Plan
Schedule 5 – June 2011 Proposed Site Plan
Schedule 6 – Owner's 2008 CEI Commitment Letter
Schedule 7 – Summary of Agency Circulation Comments
Schedule 8 – Public Notification Summary

Prepared By:

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Recommended By:

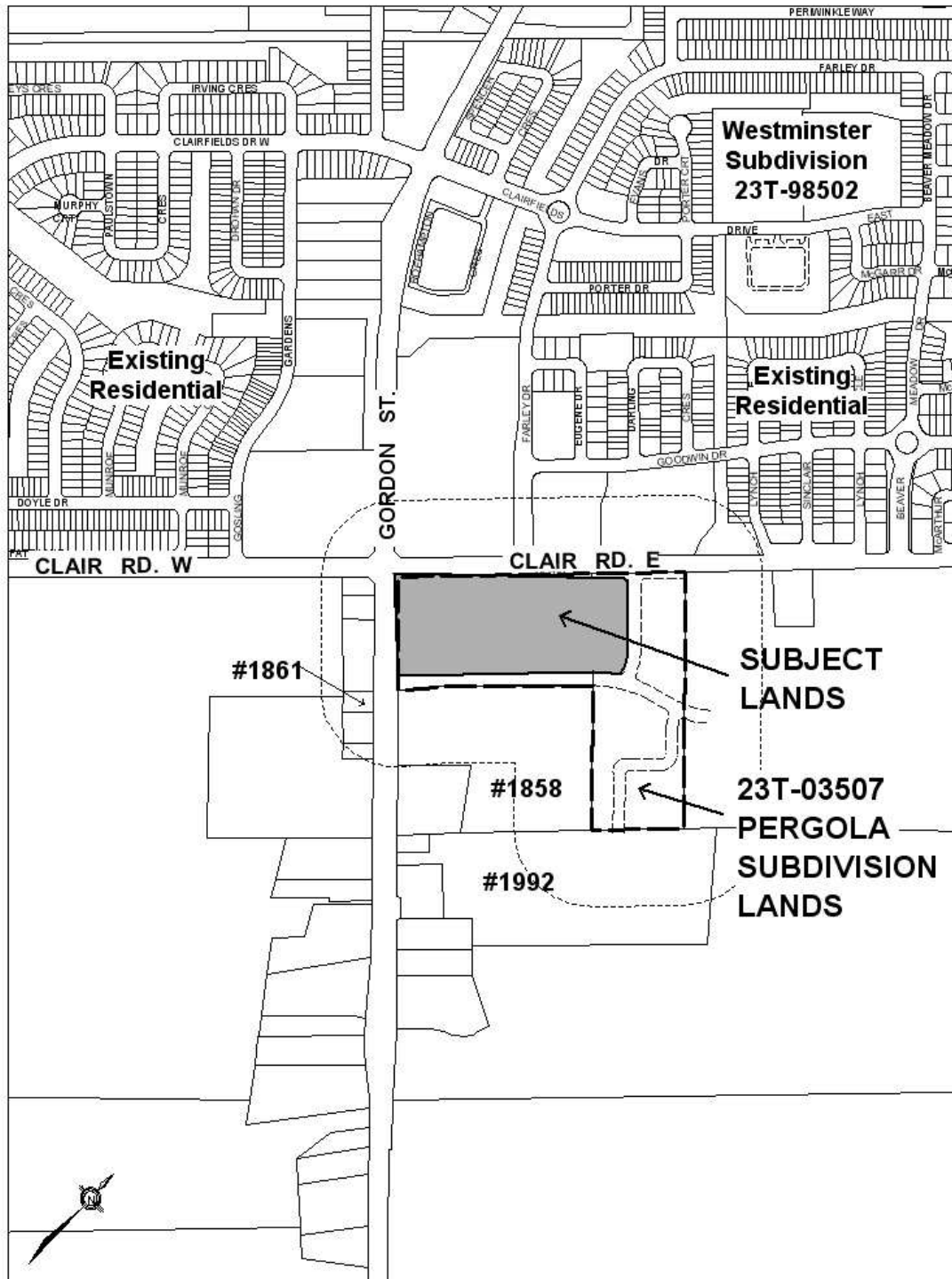
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Original Signed by:

Recommended By:

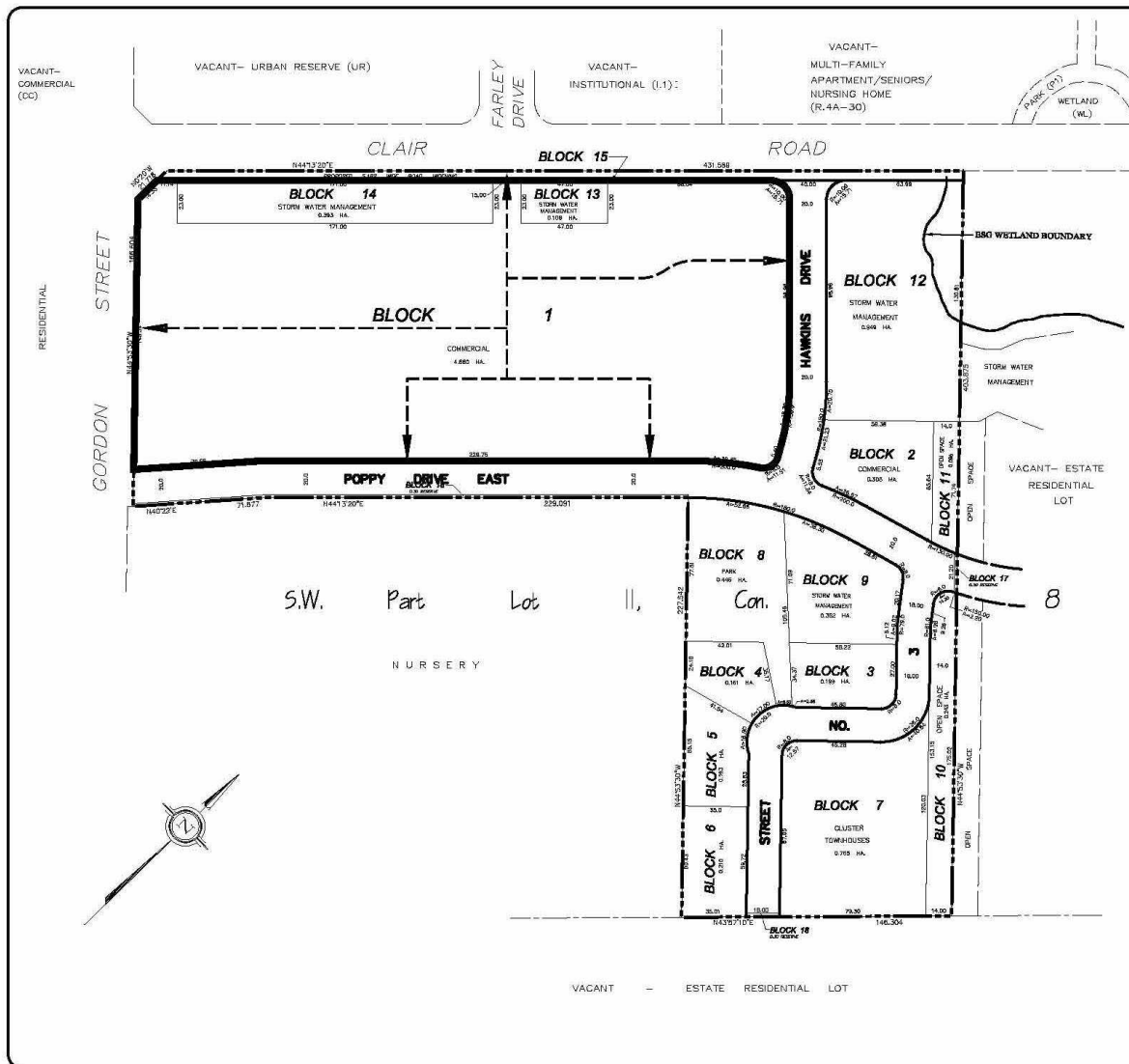
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Executive Director
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Schedule 1 Location Maps

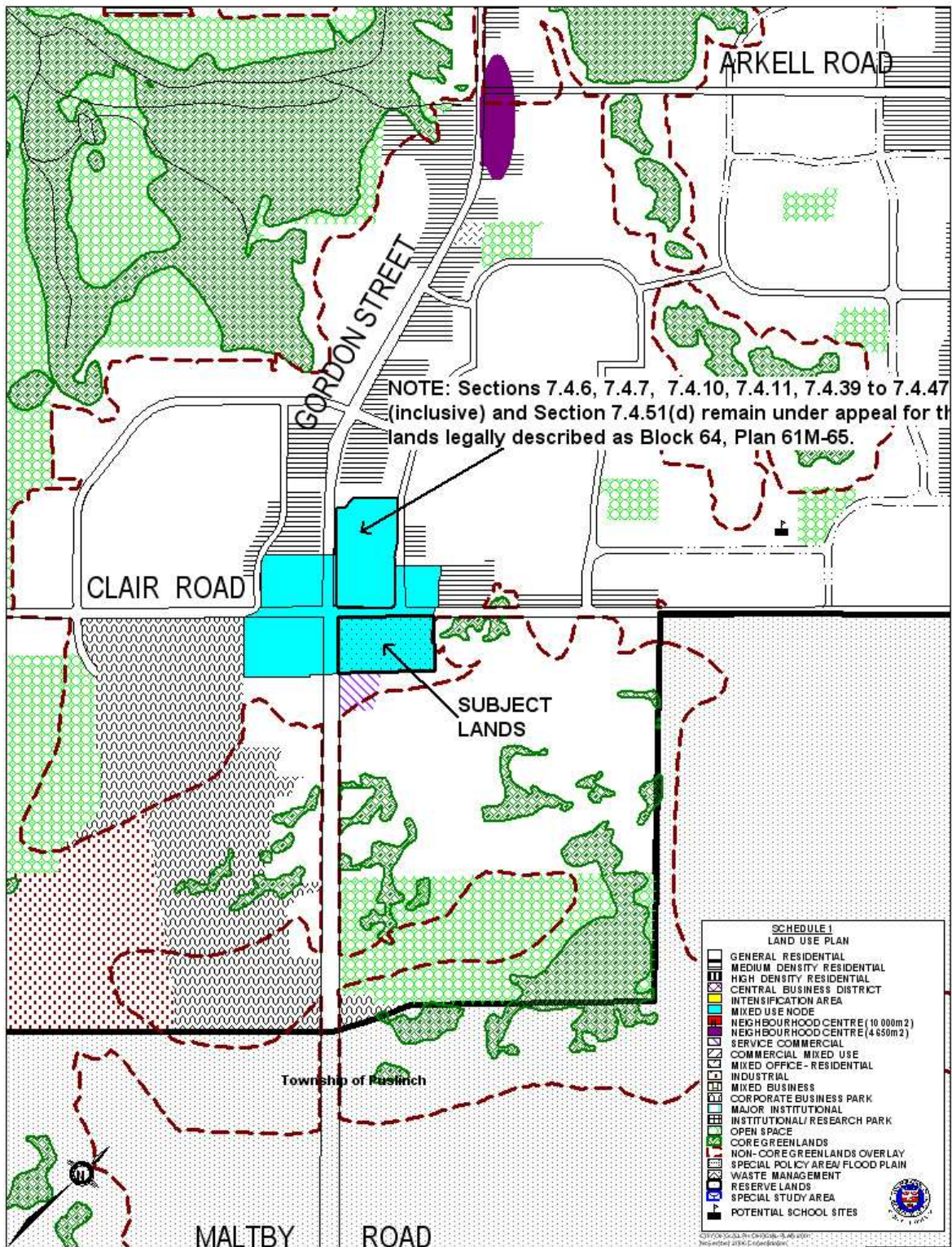


Schedule 1 Location Maps

(Illustrating Subject Site as Commercial Block 1 of the Pergola Draft Plan of Subdivision)



Schedule 2 Existing Official Plan Land Use Designations and Policies



Schedule 2

Existing Official Plan Land Use Designations and Policies

MIXED USE NODE

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

-
- 7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development.
- 7.4.11 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within the 'Mixed Use Node' designation to ensure such consistency.
- 7.4.12 The 'Mixed Use Nodes' incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each 'Mixed Use Node' designation it is the intent of this Plan that new *retail development* will be limited to the following floor area cumulatively of all buildings within the node:
- Woodlawn / Woolwich Street Node: 42,000 sq. m.
 - Paisley / Imperial Node: 42,000 sq. m.
 - Watson Parkway / Starwood Node 28,000 sq. m.
 - Gordon / Clair Node 48,500 sq. m.
- 7.4.13 No individual 'Mixed Use Node' shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*.
- 7.4.14 In accordance with Section 9.2, any proposal to exceed the retail floor area limitations within a 'Mixed Use Node' established in policy 7.4.12 or the number of large retail uses in policy 7.4.13 shall require impact studies as outlined in policies 7.4.48 to 7.4.52."

URBAN DESIGN POLICIES FOR MIXED USE NODES

- "7.4.39 In addition to the policies of section 3.6, and any Council approved urban design guidelines, the following urban design policies will be applied to the design and review of commercial and mixed use *development* proposals to create distinctive, functional and high quality commercial and mixed use areas:
- 7.4.40 **Intersections:**
- 7.4.40.1 Where a commercial or mixed use area is located at the intersection of major streets the development or redevelopment of each corner property will incorporate gateway features, prominent landscaping and pedestrian amenities with linkages into the site at the intersection.

-
- 7.4.40.2 Emphasize intersections of major streets by placing buildings in close proximity to the intersection and ensuring that building entrances are visually accessible from that intersection.
- 7.4.40.3 Use corner building placement, massing and roof treatment in combination with landscaping to screen large buildings and parking areas located within the interior of the site from view at the intersection.
- 7.4.40.4 Corner buildings will be designed as 'signature buildings' to take into account exposure to multiple street frontages and high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.40.5 Where a use incorporates functions such as open storage, vehicle repair operations, gas bars, garden centres and drive-throughs, these functions shall not be permitted between the building and the street line or the building and an intersection of streets.
- 7.4.40.6 Surface parking and loading areas shall not be permitted immediately adjacent the four corners of an intersection.
- 7.4.41 **Street Edges:**
- 7.4.41.1 Generously sized landscape strips incorporating combinations of landscaping, berming, and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site and to screen surface parking areas.
- 7.4.41.2 Locate free-standing buildings close to the street edge and avoid, where possible, surface parking between a building and the street.
- 7.4.41.3 Avoid locating outdoor storage areas along or adjacent to street edges.
- 7.4.41.4 Buildings adjacent the street edge will be designed to take into account high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.
- 7.4.41.5 Buildings will be designed to screen roof-top mechanical equipment from visibility from the public realm.
- 7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges.
- 7.4.42 **Driveways, Internal Roads and Parking Areas:**
- 7.4.42.1 Main driveway entrances will be defined by landscaping on either side of the driveway and / or by landscaped medians.
- 7.4.42.2 Internal roads will be physically defined by raised landscaped planters where they intersect with parking area driveways. Internal roads will be used to divide large sites into a grid of blocks and roadways to facilitate safe vehicular movement. Internal roads will be designed to interconnect with adjacent commercial lands to create an overall cohesive and integrated node.
- 7.4.42.3 Divide large parking areas into smaller and defined sections through the use of landscaping and pedestrian walkways.
- 7.4.42.4 Provide bicycle parking in close proximity and convenient to building entrances.

7.4.43 **Pedestrian Movement and Comfort:**

- 7.4.43.1 Incorporate decoratively-paved, conveniently located and distinct pedestrian walkways which link to public boulevards, transit stops, trail systems, pedestrian systems in adjacent developments and which provide a continuous walkway along the frontage and between internal commercial uses.
- 7.4.43.2 Pedestrian systems shall incorporate landscaping and pedestrian scale lighting and shall be defined by distinct materials and / or grade separation from vehicular movement systems.
- 7.4.43.3 Pedestrian systems and buildings shall be designed to provide barrier-free accessibility and pedestrian movement systems shall be sufficiently wide enough to be functional and provide comfortable pedestrian movement.
- 7.4.43.4 Well defined pedestrian systems clearly distinctive from vehicular driveways shall be provided immediately adjacent to the main entrances of commercial buildings.
- 7.4.43.5 Where possible, main building entrances should incorporate weather protection measures such as canopies, awnings, building projections or colonnades.
- 7.4.43.6 Large developments will incorporate elements designed for people to rest such as parkettes, gazebos, pergolas, decorative walls that are separate and distinct from vehicular systems and parking areas.
- 7.4.43.7 Large developments within the nodes identified in the City's 2005 Transportation Study will incorporate a transit transfer terminal facility to the satisfaction of the City. Well defined pedestrian systems shall be provided linking these facilities to pedestrian movement systems internal and external to the site.

7.4.44 **Large Buildings:**

- 7.4.44.1 Where building facades are visible from a public street and are greater than 30 metres in length the building facades will incorporate recesses, projections, windows or awnings, colonnades and landscaping along at least 20% of the length of the façade to reduce the mass of such facades.
- 7.4.44.2 Large buildings will incorporate architectural elements which will reduce the visual effects of flat roof lines and which will conceal roof-top equipment.
- 7.4.44.3 Large buildings will be designed to enhance the visual built form and character of Guelph by incorporating architectural styles and elements and exterior building materials into building facades that reinforce the heritage character of the City of Guelph.
- 7.4.44.4 Where outdoor display areas are associated with a large building the use of landscape elements such as plantings, decorative fencing, pergolas and / or architectural elements such as façade extensions, and canopies shall be incorporated for effective integration with the overall development.

7.4.45 **Adjacent Development:**

7.4.45.1 Where commercial or mixed use development is located in proximity to residential and institutional uses the following urban design strategies will be employed to ensure compatibility:

7.4.45.1.1 Building massing strategies to reduce the visual effects of flat roof lines and blank facades or building height.

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

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

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

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

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

7.4.46 **Environmental Design:**

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

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

7.4.47 **Implementation:**

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

Schedule 3 Existing and Proposed Zoning



Schedule 3

Existing and Proposed Zoning

(Regulations)

CC-20 Zone

1820 Gordon Street South

As shown on Defined Area Map Number 73 of Schedule "A" of this *Bylaw*.

6.2.3.2.20.1 Permitted Uses

In accordance with Section 6.2.1.2 of Zoning *By-law* (1995) – 14864, as amended, with the following additional permitted *uses*:

- a) Building Supply*
- b) Print Shop*
- c) Postal Service*
- d) Repair Service*
- e) Rental Outlet*
- f) Institutional Uses* in accordance with Section 8.1.1 of the *By-law*.

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

Dwelling Units with permitted commercial *Uses* in the same *Building* in accordance with Section 4.15.2

Art Gallery

Artisan Studio

Club

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant

Restaurant (take-out)

Retail Establishment

Vehicle Gas Bar

Veterinary Service

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.2.1.2 Community Shopping Centre - CC Zone

All Uses permitted in Section 6.2.1.1 subject to the regulations of the CC Zone with the following added permitted *Uses*:

Amusement Arcade

Carwash, Automatic

Carwash, Manual

Commercial Entertainment

Commercial School

Funeral Home

Garden Centre

Public Hall

Recreation Centre

Rental Outlet

Tavern

Taxi Establishment

6.2.3.2.20.2 **Regulations**

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

6.2.3.2.20.2.1 Maximum Lot Area

Despite Table 6.2.2, Row 3, the maximum *lot* area shall be 53,822.78 square metres.

6.2.3.2.20.2.2 Maximum *Front* and *Exterior Side Yard* (Build-to-Line)

Despite Table 6.2.2, Row 5, all *buildings* shall be located a maximum of 3.0 metres from Gordon Street, Clair Road and any other public road allowance with the exception of *buildings* located on the private road extension of Farley Drive in the central area of this *zone*.

6.2.3.2.20.2.3 Minimum *Building Height* Requirement

In addition to Table 6.2.2, Row 8, *buildings* at the corner intersection of Gordon Street and Clair Road shall have the appearance of two (2) storey *buildings* and shall have a minimum height of 8.5 metres.

6.2.3.2.20.2.4 Maximum *Gross Floor Area*

Despite Table 6.2.2, Row 10, the maximum commercial *gross floor area* shall be 14,000 square metres.

~~6.2.3.2.20.2.5 Maximum *Building Size*~~

~~The maximum *building size* shall be 3,250 square metres *gross floor area* per *building*.~~ **(The proposed zoning bylaw amendment requests the removal of this regulation from this CC-20 Zone).**

6.2.3.2.20.2.6 Off-street Parking

Despite Section 4.13.4.1 of the *By-law*, the minimum off-street parking required shall be 1 space per 23 square metres of *gross floor area*.

6.2.3.2.20.2.7 *Uses Prohibited in Specific Locations*

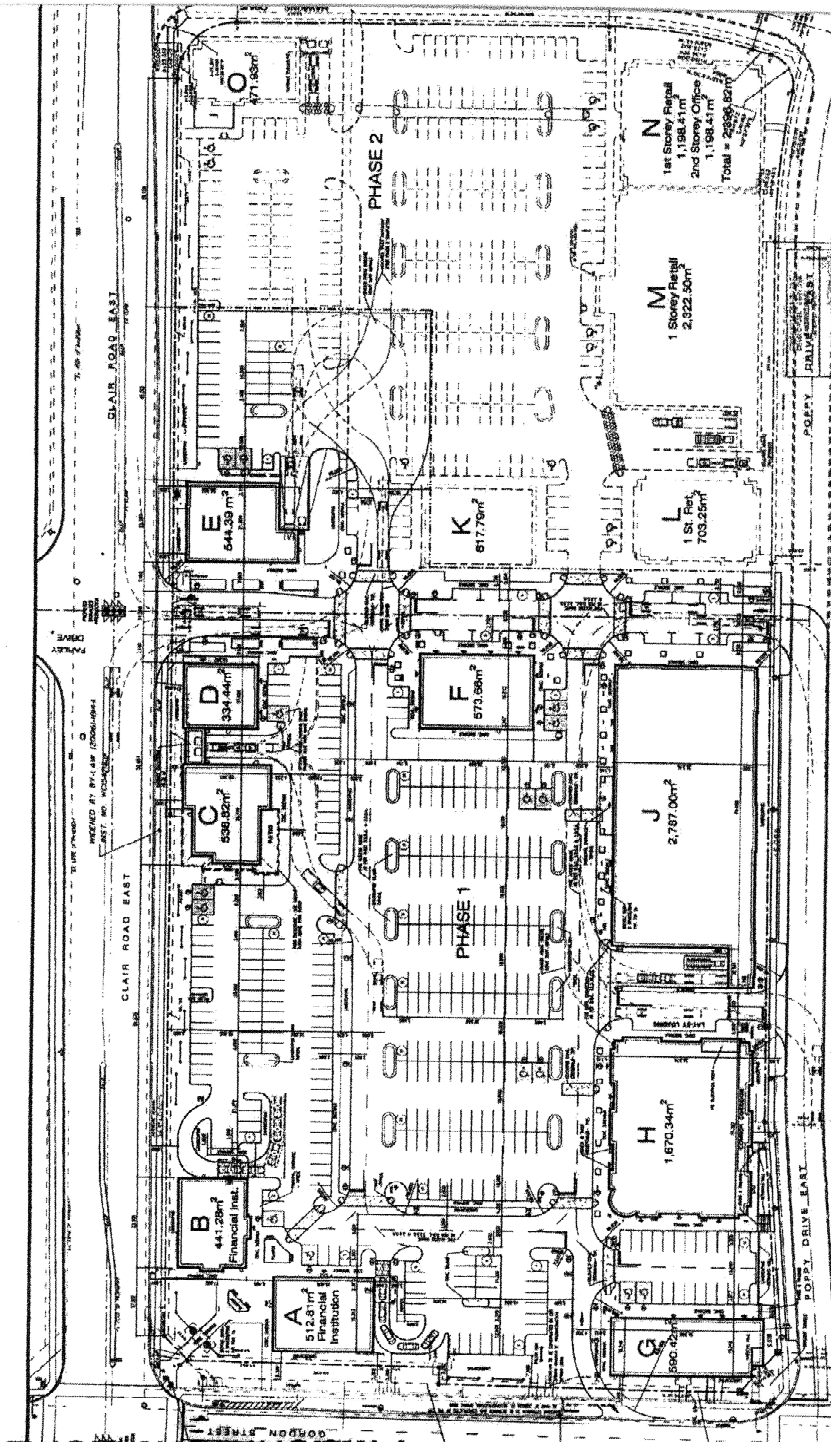
Gas bars and drive-through *Uses* shall be prohibited from locating within 50 metres of the road corner intersections in this *zone*, with the following exception:

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

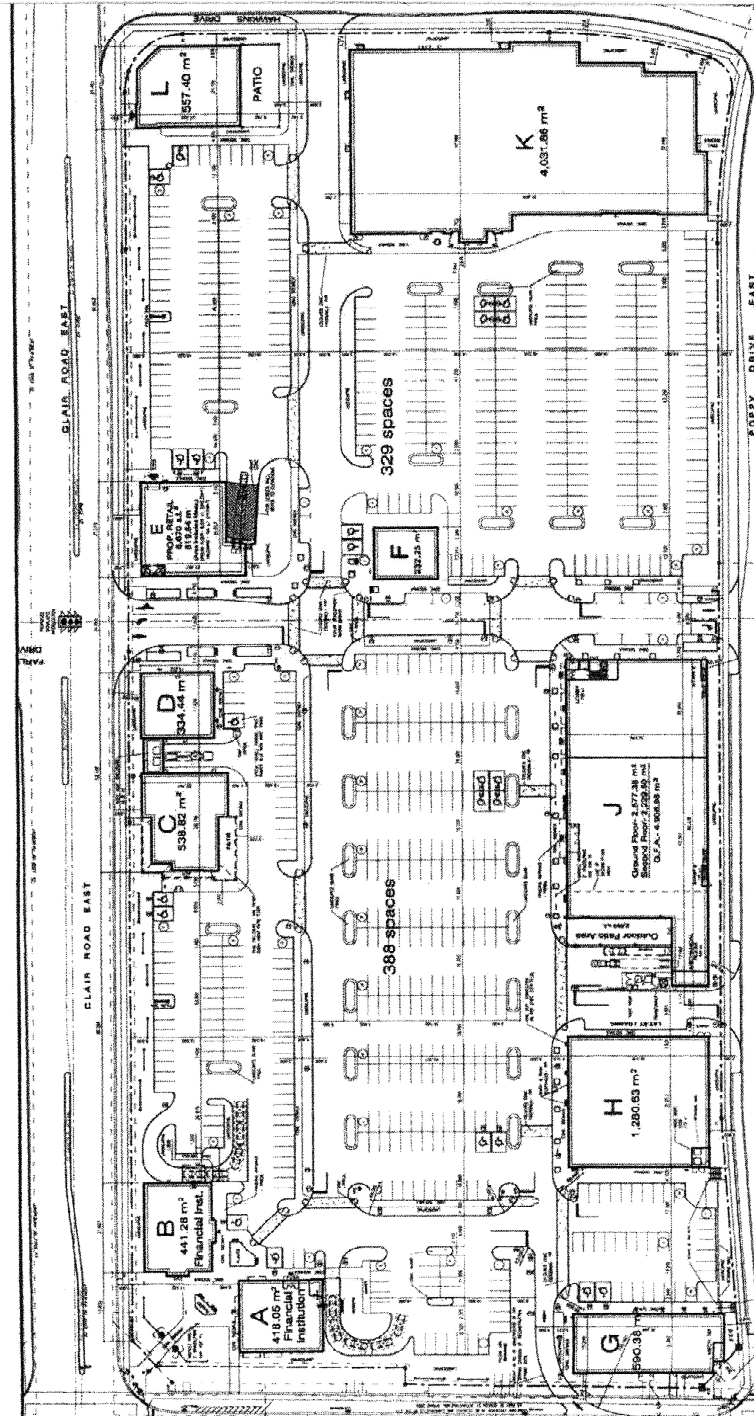
1. Not located between any *Building* and a public *Street*.
2. Significantly screened from public view from all public *Streets*.
3. Safely separated from pedestrian spaces and corridors.
4. Designed in a manner that is compatible with surrounding *Uses* and activities.
5. Provides a minimum of five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

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

Schedule 4 Existing Approved Site Plan



Schedule 5 **June 2011 Proposed Site Plan**



Schedule 5
June 2011 Proposed Site Plan
 (site data)

SITE AREA	53,497.30 m ²	13.22 ACRES
BUILDING AREA m²	AREA ft²	
A	418.05	4,500
B	441.28	4,750
C	538.82	5,800
Waste Mgmt. Encl.	48.30	520
D	334.44	3,600
E	619.64	6,670
F	232.25	2,500
G	590.42	6,355
H	1,280.63	13,785
J	4,906.98	52,820
K	4,031.86	43,400
L	557.40	6,000
TOTAL	14,000.00	150,700
PARKING PROVIDED	717 SPACES	
Includes 23 H.C. parking spaces		
PARKING REQUIRED	607 SPACES	
13,951.72m ² x 1 space / 23 m ²		
(excluding Garb. Encl.)		
PARKING SPACE : 2.75m x 5.50m, 7.0m AISLE		
HANDICAPPED PARKING SPACE : 4.0m x 5.50m		
FIRE ROUTE : 6.0m WIDE, MIN. 12.0m Q. RADIUS		
LOADING REQUIRED	0 SPACES	
LOADING PROVIDED	3 SPACES	
COVERAGE CALCULATIONS		
BUILDING AREA	11,770.43 m ²	22.0 %
(Includes all buildings)		
LANDSCAPED AREA	12,312.76 m ²	23.0 %
(Includes all planting areas and walkways)		
PAVED AREA	29,414.11 m ²	55.0 %
(Includes all driving aisles and parking areas)		

2 SITE STATISTICS
 A-1 N.T.S.

Zone OC-20, under By-law Number (2208)-18569

REGULATIONS	REQUIRED	PROVIDED	CONFORMS
Minimum Lot Area	7,500 m ²	53,497.30 m ²	Yes
Maximum Lot Area	53,822.78 m ²	53,497.30 m ²	Yes
Minimum Lot Frontage	50 m	146.54 m	Yes
Maximum Front and Exterior Side Yard (Build-to Line)	3.0 m from Gordon Street, Clair Road and any other public road allowance	3.0 m	Yes
Maximum Building Height	3 storeys to a maximum of 15 m and in accordance with Sections 4.16 and 4.18. Buildings at corner intersection of Gordon St. and Clair Rd. to be min. 8.5 m and have appearance of 2 storeys.	11.278 m	Yes
Minimum Gross Floor Area	1,875 m ²	14,000 m ²	Yes
Maximum Gross Floor Area	14,000 m ²	14,000 m ²	Yes
Maximum Building Size	3,250 m ² per building GFA	4,906.98 m ²	No
Minimum Landscaped Open Area	9% of Lot Area = 4,814.76 m ²	22.0%	Yes
Planting Area	3 m adjacent to Street Line	12,312.76 m ²	Yes
Off Street Parking	1 space per 23 m ² GFA 607 spaces	3 m 717 spaces	Yes
Off Street Loading	N/A	3 Loading Spaces	Yes
Prohibited Uses	Gas Bars and Drive-Through uses prohibited within 50 m of road corner intersections, except for Financial Institution at Gordon/Clair intersection	Drive-Throughs related to Financial Institutions at Gordon/Clair intersection	Yes
Garbage, Refuse Storage and Composters	Within main building or any accessory building, in container located in Side or Rear Yard	Within main building or any accessory building, in container located in Side or Rear Yard	Yes
Fences	In accordance with Section 4.20	N/A	Yes

3 ZONING CHART
 A-1 N.T.S.

Schedule 6
Owner's 2008 CEI Commitment Letter



FIRST CAPITAL ASSET MANAGEMENT ULC

85 HANNA AVENUE, SUITE 400, TORONTO, ONTARIO M6K 3S3
TEL (416) 504-4114 FAX (416) 941-1655

Green
• Shopping For Everyday Life

April 17, 2008

Mr. Scott Hannah
Manager, Development Planning
City of Guelph
2 Wyndham Street North, 3rd Floor
Guelph, ON N1H 4E3

Dear Mr. Hannah:

RE: Proposed LEED® Retail Development on Pergola Lands, 1820 Gordon Street South, Guelph

We have filed an application for rezoning for the above lands to allow for retail commercial uses that are also associated with a Community Commercial zone. We are writing to request that our application be brought to the May 5th Council date for a decision following the statutory public hearing held in the fall of 2007.

First Capital Realty is working with Enermodal Engineering Limited to develop this project as a LEED certified development, in line with our corporate objective for all new retail projects to be LEED certified. We are currently developing retail projects targeting LEED certification in the Town of Oakville, City of Toronto (Morningside), City of Brampton, and City of Ottawa, as well as other locations across Canada.

In response to a motion made by Heritage Committee, we are aware of the social and cultural role the former golf range and restaurant had in the community and will undertake our best efforts to incorporate an interpretation of the central tower/lamp feature as part of our new development. Further to Heritage Committee's request, we will incorporate "Pergola" in naming the proposed development in recognition of the previous use.

First Capital Realty is committed to developing a quality retail development in the Guelph community with quality finishes based on a high level of urban design. Through the last winter, we have worked closely with the City's urban design consultant, Urban Strategies on creating a site plan which achieves the overall urban design objectives of the City.

We would appreciate your bringing forward our rezoning application to a May 5th, 2008 Council date and we would be pleased to answer any questions you might have.

Yours truly,

Jamie Chisholm
Vice-President, Central Canada

Schedule 7
Summary of Agency Circulation Comments

RESPONDENT	NO OBJECTION OR COMMENT	CONDITIONAL SUPPORT	ISSUES/CONCERNS/ COMMENTS
Planning Services		✓	Support for the proposal
Guelph Wellington Development Association	✓		Support for the proposal
Engineering Services		✓	Adjustments to SWM to allow larger buildings will apply at site plan review
Police Services	✓		No concerns
Emergency Services (Fire)	✓		No concerns
Wellington Catholic District School Board	✓		No concerns

Schedule 8
Public Notification Summary

April 12, 2011	Complete application received by the City
April 13, 2011	Application deemed complete
May 2, 2011	Public Notice Sign erected on site
May 12, 2011	Notice of Application and Public Meeting ad placed in the Tribune and mailed by City to prescribed agencies and property owners within 120 metres of the subject site. The City encourages public participation and requests comments
June 7, 2011	Statutory Public Meeting
September 9, 2011	Notification of Council Decision meeting
October 3, 2011	Council Decision Meeting

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

**SUBJECT 781-783 Wellington Street West
Proposed Zoning By-law Amendment (File: ZC1106)
Ward 4**

REPORT NUMBER 11-88

SUMMARY

Purpose of Report

This report provides a staff recommendation to approve a Zoning By-law Amendment application to rezone this property to a Specialized R.4A (General Apartment) Zone to permit a limited range of residential uses including an apartment building.

Council Action

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

RECOMMENDATION

"THAT Report 11-88 dated October 3, 2011 regarding a Zoning By-law Amendment application for the property municipally known as 781-783 Wellington Street West from Planning & Building, Engineering and Environment be received;

AND THAT the application by Black, Shoemaker, Robinson & Donaldson Limited for a Zoning By-law Amendment to change the zoning from the Urban Reserve (UR) Zone to a Specialized R.4A (General Apartment) Zone for the property municipally known as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph, be approved in accordance with the regulations set out in Schedule 2 of Planning & Building, Engineering and Environment Report 11-88 dated October 3, 2011;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment application affecting 781-783 Wellington Street West as set out in Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011."

BACKGROUND

An application for a Zoning By-law Amendment (ZC1106) has been received from Black, Shoemaker, Robinson & Donaldson Limited for the property municipally known as 781-783 Wellington Street West. The proposal is a request to rezone the property from the UR (Urban Reserve) Zone to a Specialized R.4A (General Apartment) Zone to permit the development of an apartment building. Although not proposed for development, the rezoning would also permit the other standard uses in the R.4A Zone.

The application was deemed to be a complete application on March 24, 2011. The statutory Public Meeting was held on May 3, 2011. Report 11-38 from Planning & Building, Engineering and Environment provided background information related to the proposed Zoning By-law Amendment.

The site is currently vacant, though it was previously used for a vehicle service station. The Ministry of the Environment has advised that a Record of Site Condition (RSC) was filed on the Environmental Site Registry for this site on July 22, 2008. This RSC indicates that the site has been cleaned-up to residential standards.

Location

The subject property is a 0.2 hectare parcel, located on the west side of Wellington Street West, south of Fife Road (See Location Map in Schedule 1). Adjacent land uses include detached dwellings further south along Wellington Street West. Across Fife Road are vacant lands that are designated for future commercial purposes. Across Wellington Street West are conservation lands that are part of the Township of Guelph-Eramosa.

Existing Official Plan Land Use Designations and Policies

The subject lands are designated "General Residential" in the Official Plan which permits all forms of residential uses, including apartments, to a maximum net density of 100 units per hectare. Official Plan Amendment (OPA) 39 (in effect) identifies the site within the "Built-Up Area" of the City. The "Built-Up Area" is intended to accommodate a significant portion of new residential and employment growth through intensification. OPA 42 (subject of appeals), the City's Natural Heritage Strategy, does not designate any of the site "Significant Natural Areas". See Schedule 3 for the current Official Plan Map land use designations and policies.

Existing Zoning

The subject site is zoned 'UR' (Urban Reserve) Zone. Adjacent sites that are currently developed for detached dwellings are also zoned UR Zone. The UR Zone is a temporary zone with limited permitted uses as is used when specific future land uses on a site have not been determined. See Schedule 4 for the Existing Zoning map.

REPORT

Description of Proposed Zoning By-law Amendment

The applicant proposes to rezone the subject property from the UR (Urban Reserve) Zone to a Specialized R.4A (General Apartment) Zone to permit the development of

a 15-unit apartment building. Specialized zoning regulations are required to permit reduced parking space widths, to permit parking to be located within the required front and exterior side yards and within 3m of a building entrance or the window of a habitable room, and to limit the maximum building height to 4 storeys. See Schedule 4 for the Proposed Zoning map, as well as the specialized and standard regulations that would apply if the application is approved. As noted previously in this report, the proposed zoning would permit the standard range of uses in the R.4A Zone which in addition to an Apartment Building, include Nursing Home, Home for the Aged, Retirement Residential Facility and Maisonette.

Proposed Development Concept Plan

Schedule 5 provides a proposed development concept plan for the subject property. The proposed development contemplates a 15-unit apartment building that is four storeys high. Driveways were previously proposed from both Fife Road and Wellington Street West, however, the applicant has modified the proposal to remove the proposed driveway from Wellington Street West in response to concerns raised at the Public Meeting. The parking area will contain 23 parking spaces, which range in width from 2.5m – 2.7m rather than 2.75m which is required under the Zoning By-law. The density is 75 units per hectare or, as calculated under the Places to Grow Plan, 127 persons per hectare.

At the public meeting on May 3, 2011, the following questions/concerns were raised by Council and the public:

- How will garbage storage and pick-up be dealt with?
- How will the existing dwelling at 22 Fife Road be buffered from the impacts of the parking area?
- The driveway access to Wellington Street West should be re-considered
- How will the existing trees along the westerly edge of the site be impacted?
- The proposed reduction in parking is a concern as there is no additional municipal parking available in proximity to the site
- How will it be ensured that the lighting will not impact adjacent properties?

Staff Planning Analysis

Since the beginning of the planning process, Staff have also determined the need to review this application against the following measures:

- 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.
- Review of the proposed zoning and need for specialized regulations.
- Urban Design principles.
- Community Energy Initiative considerations

Staff's Planning Analysis of these measures is included in Schedule 7.

Staff Recommendation

Planning staff are satisfied that this Zoning By-law Amendment application is consistent with the Provincial Policy Statement, and that it conforms to the Places to Grow Plan and the City's Official Plan. This Zoning By-law Amendment application is recommended for approval subject to the regulations and conditions outlined in Schedule 2 of this report.

CORPORATE STRATEGIC PLAN

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

Goal 3: A diverse and prosperous local economy

FINANCIAL IMPLICATIONS

Projected Taxation

The tax revenue for this development is estimated at \$35,000-\$45,000 per year.

Development Charges

The anticipated development charges for the proposed building will range from approximately \$165,000-\$225,000 depending on the unit mix within the building.

DEPARTMENTAL CONSULTATION

The public and agency comments received during the review of the application are summarized on Schedule 8.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Regulations and Conditions

Schedule 3 – Existing Official Plan Land Use Designations and Policies

Schedule 4 – Existing and Proposed Zoning and Regulations

Schedule 5 – Development Concept Plan

Schedule 6 – Community Energy Initiative Commitment

Schedule 7 – Staff Planning Analysis

Schedule 8 – Circulation Comments

Schedule 9 – Public Notification Summary

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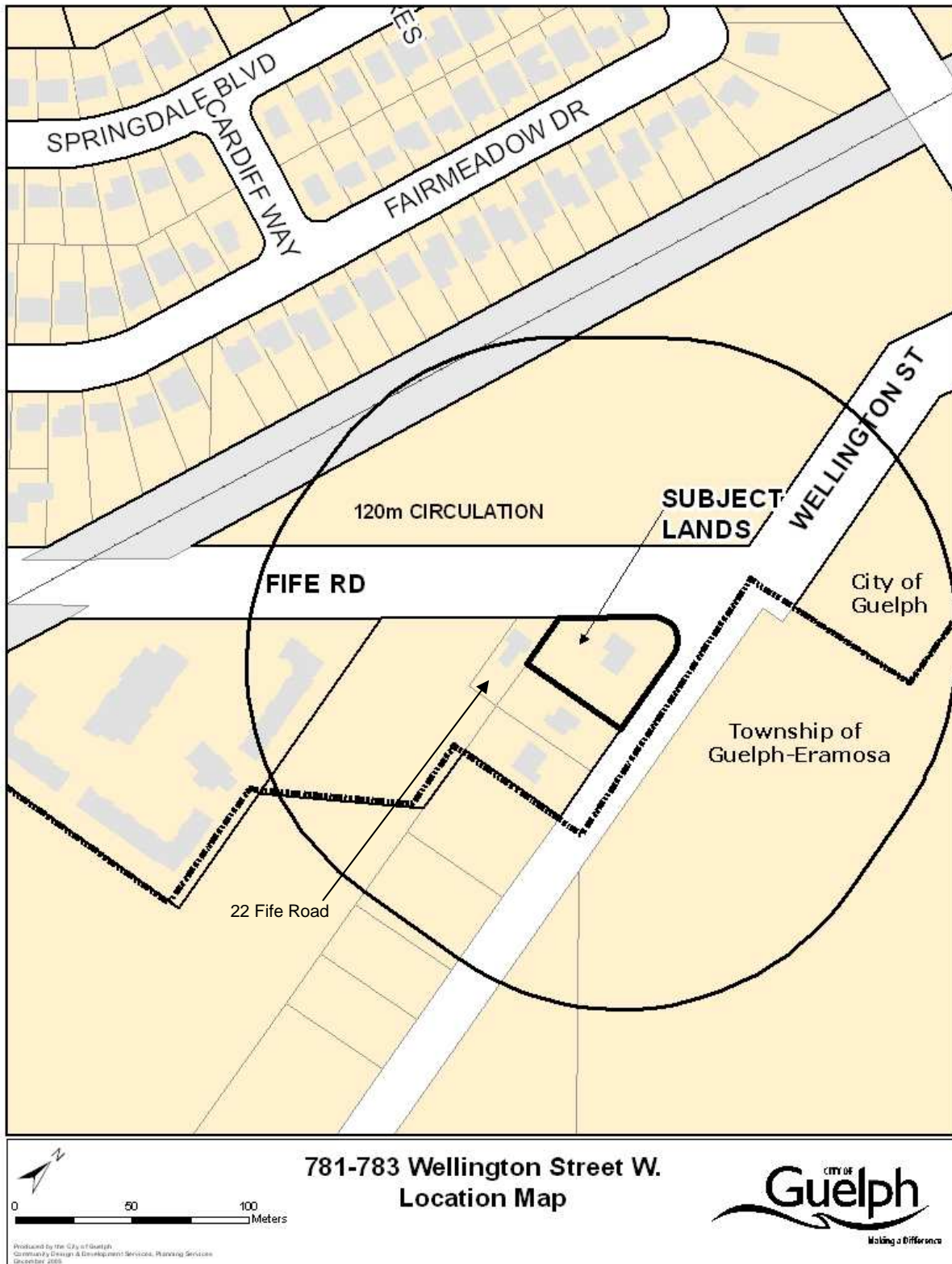
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SCHEDULE 1 Location Map



SCHEDULE 2

Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 781-783 Wellington Street West and legally described as Part of Lot C, Concession 2, Division E, City of Guelph.

The following zoning is proposed:

Specialized R.4A (General Apartment) Zone

Permitted Uses

In accordance with the uses permitted by Section 5.4.1.1 (General Apartment Zone) of Zoning By-law (1995)-14864, as amended.

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.4.2 (General Apartment Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Building Height

The maximum permitted building height shall be 4 storeys.

Location of Parking Spaces and Driveways

A maximum of 6 parking spaces, or parts thereof, may be located within the required front and exterior side yards provided that no parking space is located within 3m of any lot line.

The minimum distance required between a surface driveway and a window of a habitable room which is not part of a dwelling unit shall be 1.4m.

The minimum distance required between a surface parking area and a building entrance for an apartment building shall be 2.4m.

Minimum Parking Space Dimensions

The minimum exterior parking space dimensions shall be 2.5m by 5.5m for a maximum of 3 parking spaces for an apartment building.

The minimum exterior parking space dimensions shall be 2.6m by 5.5m for a maximum of 14 parking spaces for an apartment building.

The minimum exterior parking space dimensions shall be 2.7m by 5.5m for a maximum of 5 parking spaces for an apartment building.

Conditions

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

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage

and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.

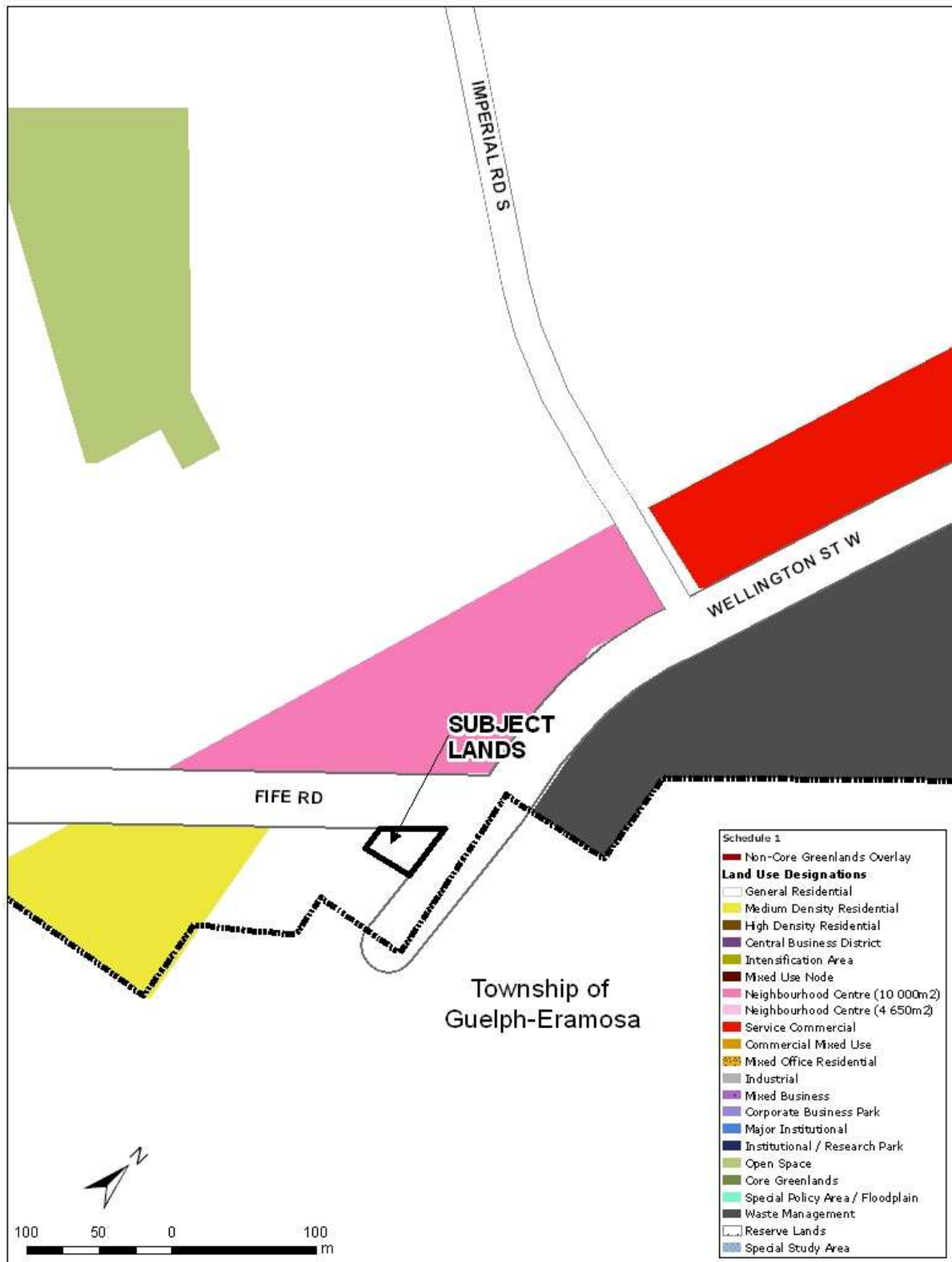
- a. Further, the Owner commits and agrees that any proposed outdoor lighting will be low-level lighting that will not infringe upon adjacent properties.
2. Prior to the issuance of a building permit, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the chart attached as Schedule 6 to Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011.
3. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to Site Plan Approval, at the rate in effect at the time of the issuance of a building permit.
5. The Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, at the rate in effect at the time of the issuance of a building permit.
6. That prior to the issuance of site plan approval for the lands, certification, satisfactory to the General Manager of Planning & Building Services and the General Manager/City Engineer, that the lands have been decommissioned, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario" and that the owner has filed a Record of Site Condition with the Ministry of the Environment.
7. That the owner pays the proportionate share of the actual cost of the existing roadworks and existing municipal services on Fife Road across the frontage of the lands. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.

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8. That the owner pays the proportionate share of the actual cost of the existing roadworks and for the extension of the sanitary sewer along Wellington Street and along Fife Road to service the adjacent properties. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.
 9. That the owner pays to the City the actual cost of the construction of a concrete sidewalk from Fife Road along the entire frontage of the property on Wellington Street. Furthermore, the owner shall pay to the City the estimated cost of the construction of a concrete sidewalk as determined by the General Manager/City Engineer, prior to site plan approval.
 10. That the owner pays to the City the actual cost of constructing and installing any service laterals required including any curb cuts and/or curb fills, furthermore, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer, prior to site plan approval
 11. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer
 12. (a) Prior to site plan approval, the owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:
 - i) a traffic impact and operations report certified by a Professional Engineer covering all aspects of access and egress to the site and the effect of the development on the surrounding roads including recommendations with detailed cost estimates of the works recommended on the municipal roadways;
 - ii) a geotechnical report certified by a Professional Engineer that analyses the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - iii) a detailed stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;
 - iv) a detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means

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- whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
- v) a tree inventory and conservation plan, by a qualified professional in accordance with By-law (1986)-12229;
 - (b) The owner shall be responsible for the actual cost to the City, as determined by the General Manager/City Engineer, of designing, constructing and installing any road or municipal service improvements recommended by the report outlined in subsection (a) i) of this clause. Furthermore, prior to site plan approval, the owner shall pay to the City, the City's estimate of the cost of designing, constructing and installing the roadworks and municipal service improvements recommended by the studies, plans and report outlined in subsection (a) i) of this clause.
 - (c) The owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) ii) to (a) v) inclusive, of this clause.
13. That the owner grades, develops and maintains the site including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
 14. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
 15. Prior to site plan approval, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
 16. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut, and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut, as determined by the General Manager/City Engineer.
 17. That the owner constructs the new building at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
 18. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service, prior to any construction or grading on the lands.

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19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 20. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
 21. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
 22. The Owner shall meet all the requirements of Guelph Hydro Electric Systems Inc., including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the issuance of site plan approval for the lands.
 23. That the Owner shall complete any requirements of Canada Post including the provision of a centralized mail facility, at the owner's expense, prior to site plan approval.
 24. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports

SCHEDULE 3 Existing Official Plan Land Use Designations and Policies



SCHEDULE 3 (continued)

Existing Official Plan Land Use Designations and Policies

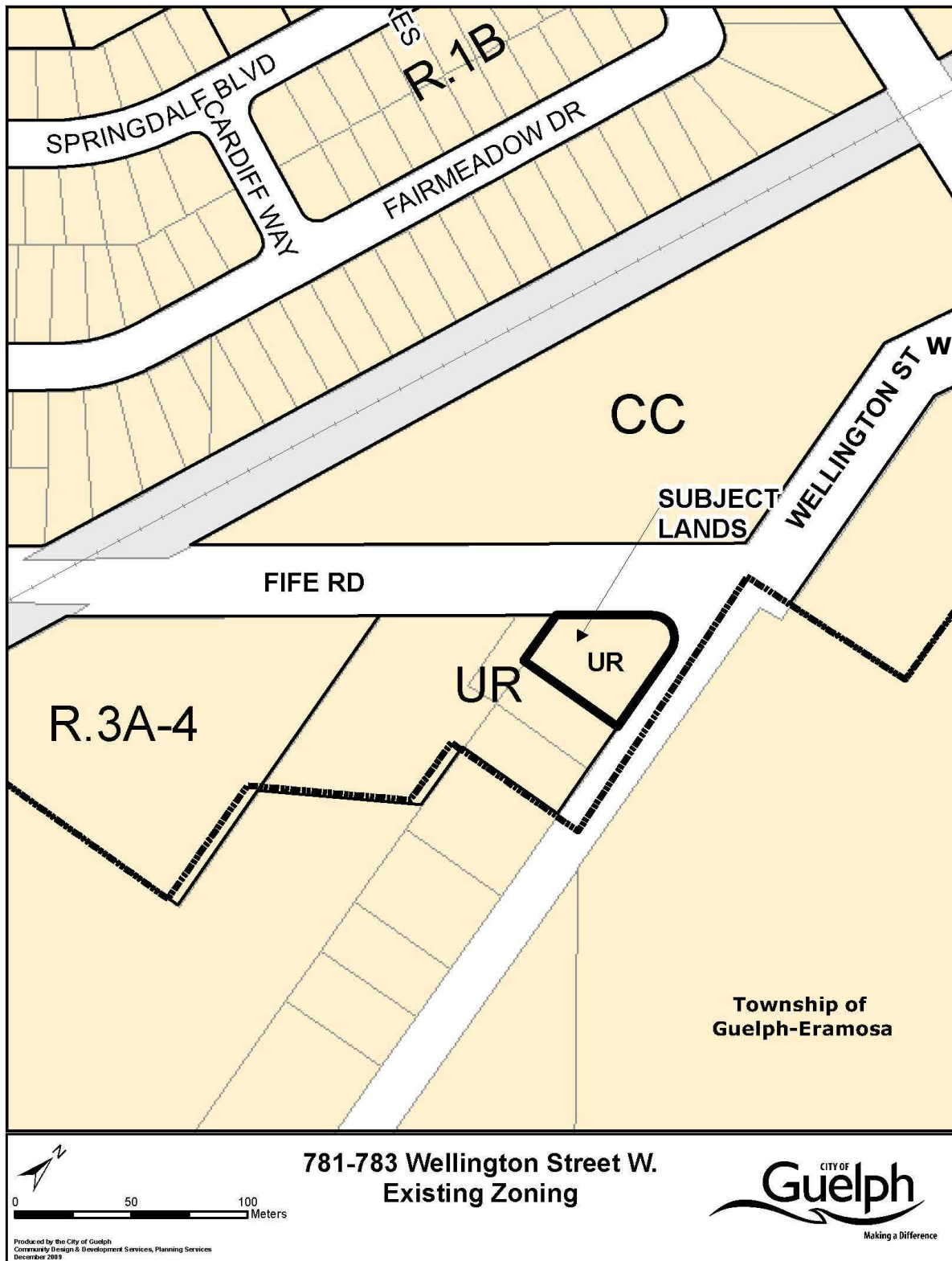
'General Residential' Land Use Designation

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

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

- 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.

SCHEDULE 4 Existing Zoning



SCHEDULE 4 (continued)

Existing Zoning Regulations for the UR (Urban Reserve) Zone

Permitted Uses

- Agriculture, Livestock Based
- Agriculture, Vegetation Based
- Conservation Area
- Flood Control Facility
- Outdoor Sportsfield Facilities
- Recreation Trail
- Wildlife Management Area
- Accessory Uses

Regulations

Within the Urban Reserve (UR) Zone, no land shall be Used and no Building or Structure shall be erected or Used except in conformity with the applicable regulations contained in Section 4 – General Provisions and the following regulations:

Permitted Building or Structure

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

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

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

Minimum Front Yard - 7.5 metres or as set out in Section 4.24, whichever is greater.

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

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

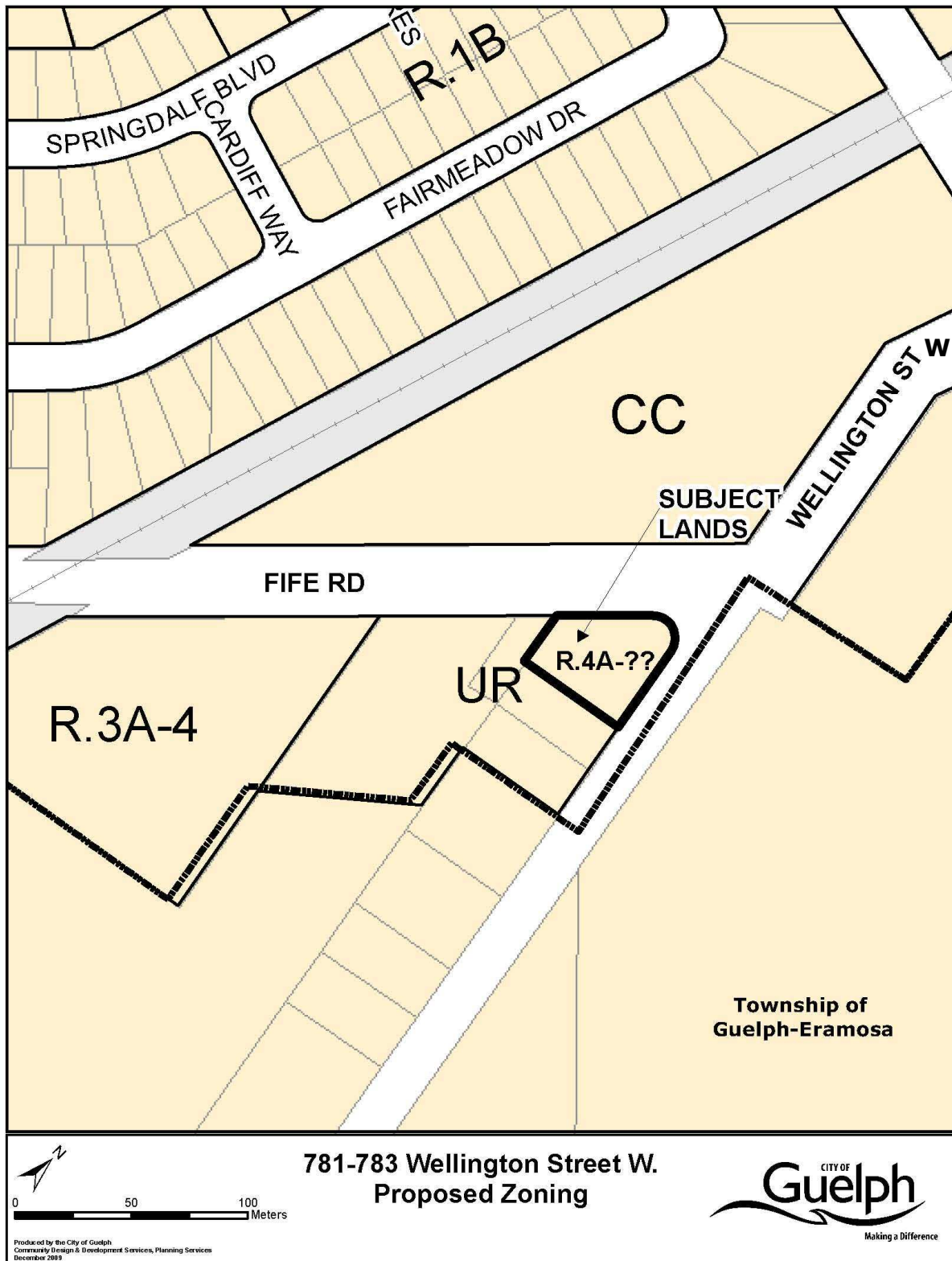
Accessory Building or Structure - Despite Section 4.5, an accessory Building or Structure shall be permitted only in accordance with the following regulations:

- No accessory Building or Structure shall be used for human habitation
- No accessory Building or Structure shall be located between the Street Line and any Setback line
- No accessory Building or Structure shall be located in any Side Yard
- No accessory Building or Structure shall be located closer to any Lot Line than one-half Building Height or 7.5 metres, whichever is greater.

Lighting of Outdoor Sportsfield Facilities

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

**SCHEDULE 4 (continued)
Proposed Zoning**



SCHEDULE 4 (continued)
Proposed Specialized Zoning Regulations for the
Specialized R.4A-? (General Apartment) Zone

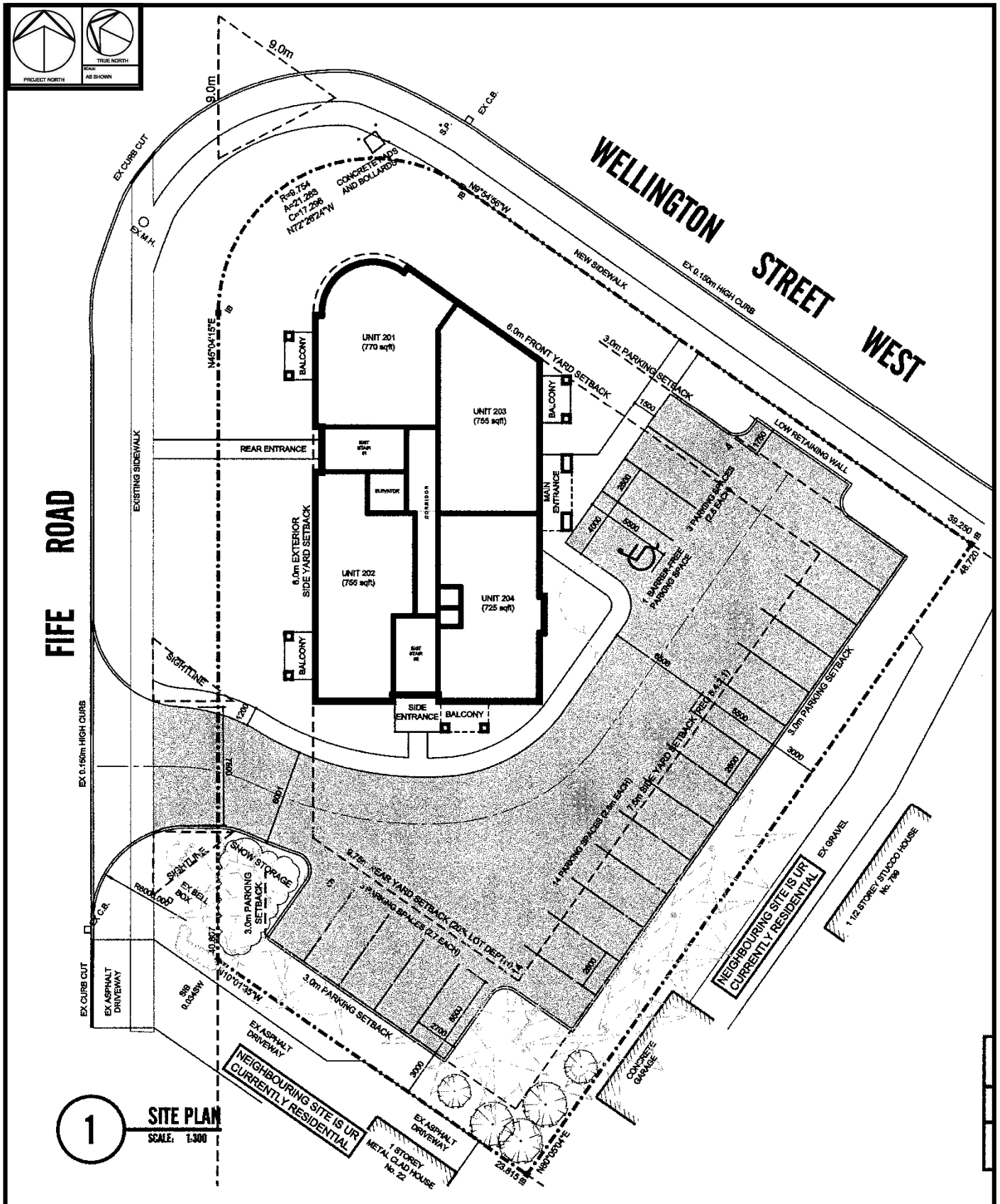
Permitted Uses

Apartment Building
Nursing Home
Home for the Aged

Retirement Residential Facility
Maisonette

Regulation	Required in the Standard R.4A Zone	Requested in the Specialized R.4A Zone
Minimum Lot Area	650m ²	--
Minimum Lot Frontage	15m	--
Maximum Density	100 units per ha	--
Minimum Front and Exterior Side Yard	6m	--
Minimum Side Yard	3m or ½ the building height	--
Minimum Rear Yard	20% of lot depth, no less than 7.5m	--
Maximum Building Height	8 storeys	4 storeys
Minimum Common Amenity Area	Section 5.4.2.4	--
Minimum Landscaped Open Space	20%	--
Off-street Parking	Section 4.13	Specialized regulations proposed relating to sections 4.13.2.2.1, 4.13.2.2.2 & 4.13.3.2.3 (see following rows)
Parking in required front and exterior side yards (Section 4.13.2.2.1)	Not permitted	2 entire spaces and portions of 4 spaces to be permitted
Minimum separation distance between a surface driveway or parking area and a building entrance or window of a habitable room (Section 4.13.2.2.2)	3m	2.4m for entrance & 1.4m for window for Apt. Building
Minimum exterior parking space dimensions (Section 4.13.3.2.3)	2.75m by 5.5m	3 spaces 2.5m by 5.5m 14 spaces 2.6m by 5.5m 5 spaces 2.7m by 5.5m
Buffer Strips	Required abutting residential, institution, park, wetland or urban reserve Zone	--
Garbage, Refuse Storage and Composters	Section 4.9	--
Floor Space Index	1	--
Fences	Section 4.20	--

SCHEDULE 5 Development Concept Plan



SCHEDULE 6

Community Energy Initiative Commitment 781-783 Wellington Street West

The following list of energy conservation measures will also be incorporated into this apartment development.

		Standard Specification
<u>Sustainable Sites- Entire Property</u>		
Urban Development	A compact and well utilized site helps contain urban sprawl	X
Urban Development-erosion and sedimentation control	A comprehensive erosion and sedimentation control plan is in effect throughout redevelopment of the site.	X
Existing & Proposed Trees	New tree planting contributes to the overall rejuvenation of the urban forest.	X
Site Lighting	The project incorporates exterior light fixtures with refractor and cut-off shields to control light pollution, with energy efficient operation controlled by light sensors.	X
Alternative Transportation	Existing bus route along Fife Road, at Wellington Road. A bicycle rack will be provided for apartment site.	X
Landscape and Exterior Design	The project will incorporate the use of light colored surface paving and terrace/balcony materials where practical to increase reflectivity & decrease heat island effect	X

Water Efficiency

Water efficient Landscaping	Drought resistant soft landscape material will be specified as much as possible	X
Landscape Irrigation	Automated drip irrigation systems which maximize utility of applied water are specified and only in areas where it would be essentially required	X
Storm Water Management	Controlled roof drains provided to control flow rate of storm water	X
Reduced Water Consumption	Low flow faucets and showerheads and low volume flush toilets(HET high efficiency toilets) where possible	X

Energy & Atmosphere

Design Features	Project will comply with ban on ozone-depleting refrigerant gases	x
Design Features-mechanical systems	Building's HVAC systems are centralized and heat recovery ventilators (HRV's or ERV's) are incorporated in the majority of the central air return systems.	X
Design Features	Low E windows will reduce heat gains and heat loss	X
Design Features-mechanical systems	High efficiency heating system will be used to save natural gas.	X
Design Features-mechanical systems	Cooling equipment will be min 10.9 seer capacity efficiency. This exceeds the MNEC and OBC requirement.	X
Design Features-Electrical	Lighting for residences will be min 75% CFL (or comparable energy efficient lighting alternative)	x
Design Features-Mechanical Systems	Sealed supply and return plenums will be specified in majority of units. Ensures efficient distribution of heating/cooling ventilation.	x
Electrical Metering and Controls	Individual real-time energy metering for gas and electrical. Makes occupants aware/conscious of energy use (kW & \$).	x
Electrical Metering and	Occupancy sensors provided in service rooms with intermittent occupancy to reduce hydro consumption	X

Controls		
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Materials & Resources

Regional Materials	The vast majority of materials utilized are available locally (800km radius as defined in the LEED standard) limiting environmental impact on source supply transportation.	X
Low Emitting Materials	Low VOC emitting materials where possible. Examples include, low VOC paints, recycled content carpet, etc.	X
Collection of Recyclables	In compliance with City by-laws	X
Building Materials	High recycled content material to be specified wherever possible	X
Construction Waste Management	A construction waste management plan will be implemented	X

Indoor Environmental Quality

System Controllability	Each resident will have access to individual controls for the Heating, Cooling, Lighting and Ventilation	X
Natural Ventilation	All occupied spaces have access to an operable window	X
Low VOC emitting materials	See above (materials)	X
Natural Light	The building provides natural light to 100% of regularly occupied spaces	X

Innovation & Design Process

Sustainable Consultants	The design firm is a member of the Green Building Council of Canada Residences and units will be designed/developed with input from accredited "sustainable" consultants (i.e. LEED AP's, Energy Auditors, etc)	X
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SCHEDULE 7

Staff Planning Analysis

Provincial Policy Statement and Places to Grow

The proposed Zoning By-law Amendment is consistent the direction of the Provincial Policy Statement and conforms to the Places to Grow Plan.

The Provincial Policy Statement (PPS) refers to focusing growth within settlement areas and promoting their vitality and regeneration. It further indicates that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources [PPS 1.1.3.2 a) 1.] and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion [PPS 1.1.3.2 a) 2.]. In addition, the PPS indicates that Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (PPS 1.1.3.3).

The proposed Zoning By-law Amendment increases the permitted density of this area and will allow efficient use of existing infrastructure. Further, it promotes the redevelopment of a former brownfield site. Overall, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement.

The "Growth Plan for the Greater Golden Horseshoe" includes policies that direct a significant portion of growth to the built-up area of the community through intensification where the capacity exists to best accommodate the expected population and employment growth. More specifically, by the year 2015, a minimum of 40% of all residential development will be within the built-up area. Further, the development of compact, vibrant and complete communities with a diverse mix of land uses, and a range and mix of employment and housing types is encouraged. The promotion of transit-supportive densities and the optimal use of existing and new infrastructure to support growth in a compact, efficient form, is also encouraged by the Growth Plan.

The proposed Zoning By-law Amendment allows for residential development within the City's Built-Up Area and promotes intensification and introduces new housing types to this neighbourhood. The introduction of additional density on this site makes efficient use of existing infrastructure and supports public transit. Overall, the proposed Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

Conformity with the Official Plan

The proposed Zoning By-law Amendment to allow the development of an apartment building and the other standard uses in the R.4A Zone conforms to the "General Residential" designation which applies to this property (Schedule 3).

Section 7.2.31 of the Official Plan (OP) indicates that the predominant use of land in the General Residential designation shall be residential. Further, all forms of residential development shall be permitted and the general character of

development will be low-rise housing forms. Multiple unit residential buildings are permitted without amendment to the OP subject to the satisfaction of the development criteria outlined in Section 7.2.7. The proposed Amendment allows multiple unit residential development at 4 storeys which is low-rise. It is noted that the R.4A (General Apartment) Zone's standard regulations would permit a maximum building height of 8 storeys for this site. Therefore, to ensure that the proposed zoning conforms to the Official Plan and reflects the general character of the area, a specialized regulation is proposed limiting the height to 4 storeys.

Section 7.2.32 indicates that the net density of development shall not exceed 100 units per hectare. The proposed Amendment respects this maximum since the net density of the proposed apartment development is 73 units per hectare which is less than the maximum permitted by the Official Plan.

As indicated, multi-unit residential buildings are to be evaluated against the criteria outlined in Section 7.2.7. These criteria are as follows:

- 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 vehicle 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

The proposed Amendment meets the criteria outlined in Section 7.2.7. The proposed Amendment allows a maximum building height of 4 storeys with regulations that require appropriate setbacks from lower density development and which allow a design as shown on Schedule 5 that conforms to criteria a).

The proposed apartment building, which includes 15 residential units, and the other uses permitted by the R.4A (General Apartment) Zone can be adequately served by local shopping facilities, schools, parks and recreation facilities, as well as public transit. Further, there is adequate municipal infrastructure, services and amenity areas provided. Therefore, criteria b) and d) are satisfied.

The vehicle traffic generated by the permitted uses can be accommodated by the streets and intersection in the immediate vicinity, being Fife Road and Wellington Street West. The Amendment allows adequate on-site vehicle circulation, access and parking facilities. The applicant's revised site layout which removes the second vehicular access point to Wellington Street West, assists in satisfying criteria c).

Overall the Zoning By-law Amendment application conforms to the Official Plan.

Review of Proposed Zoning and Specialized Regulations

The application to rezone the subject site to a Specialized R.4A (General Apartment) Zone is appropriate to accommodate the development of a 4-storey, 15-unit apartment building with a density of 73 units per hectare.

A specialized regulation is proposed to limit the maximum permitted building height to 4 storeys to ensure that any development on this parcel conforms to the "General Residential" designation in the Official Plan which indicates that the general character of development will be low-rise housing forms.

A specialized regulation is proposed to permit a reduction to the required width for parking spaces. Three parking spaces are proposed to have a width of 2.5m, fourteen parking spaces are proposed to have a width of 2.6m and five parking spaces are proposed to have a width of 2.7m. Section 4.13.3.2.3 of the Zoning By-law requires parking spaces for apartment buildings to have a width of 2.75m.

The reduced parking space widths are appropriate in this instance in order for 23 parking spaces, which represents the required number of parking spaces, to be provided. The previous site layout proposed to reduce the number of parking spaces provided on-site to 20. There are no opportunities for on-street parking or municipal parking in proximity to the site. Therefore, it is preferred that the required number of spaces should be provided in this instance. It is noted that the site is served by transit with a bus stop being located immediately adjacent to the property at the intersection of Wellington Street West and Fife Road.

The parking space widths being proposed in this instance will be a tighter fit than typical parking spaces. There are many types of personal vehicles that will utilize the proposed parking spaces and these vehicles will vary in width and length. It is anticipated that most vehicles, either those of residents or visitors to the site, will fit into the parking spaces proposed. It should be noted that the City's Site Plan Guidelines indicate that a parking space width of 2.6m is appropriate for parallel parking spaces. Further, Section 4.13.3.2.2 of the Zoning By-law indicates that an exterior parking space width of 2.5m is appropriate for detached, semi-detached, duplex and on-street townhouse dwellings, as well as home occupations, group homes, bed and breakfast establishments, accessory apartments and lodging house type 1. As the proposed development is residential, the reduced parking space width is appropriate in this instance.

It is noted for Council's information that the parking space size requirements of other municipalities that were researched varies from 2.5m – 2.9m in width for exterior parking spaces. Additionally, the ENO Transportation Foundation has published parking standards which are used as a resource by City Development Engineering staff and these standards quote a minimum width of 2.44m as acceptable.

A specialized regulation is also required to permit parking spaces, or portions thereof to be located within the required front and exterior side yards. The subject site is irregularly shaped which results in a portion of two parking spaces being located in the exterior side yard, along Fife Road. Further, 2 full parking spaces, as well as small portions of two additional parking spaces are located in the required front yard, along Wellington Street West. As previously mentioned, there are no

opportunities for on-street parking or municipal parking in proximity to the site; therefore, it is desirable for the required number of parking spaces to be provided on-site. There is sufficient space between the parking area and the property lines for adequate landscape screening and buffering to be provided so that the visual impact of the parking area will be mitigated. Further, the location of the building helps to screen the parking areas from public view at the intersection of Wellington Road West and Fife Road.

The last specialized regulation required to implement the proposed development concept is to permit a portion of the surface driveway and parking area to be located within 3 metres of a building entrance or the window of a habitable room.

Based on the development concept plan, an accessible parking space is located 2.4m from the building entrance. Staff typically encourage barrier-free parking spaces to be located close to the main building entrance, however, it is important to ensure that the parking spaces do not block the entrance to the building and are safe. The proposed entrance to the building has a covered area with columns which provide a barrier between the parking spaces and the building entrance to ensure that it will function appropriately and be safe for those entering and exiting the building.

In addition, the proposed driveway is located 1.4m from a window in the amenity area located on the ground floor of the proposed apartment building. This configuration results from the irregular shape of the subject property. Since the distance reduction will be to a window located in the common amenity area rather than a residential unit, and since vehicles will be moving at slower rates of speed because of the configuration of the driveway, no negative impact is anticipated for the apartment building.

Community Energy Initiative Considerations

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

Garbage storage and pick-up

Garbage will be stored within the building and therefore, an outdoor bin or storage area will not impact the adjacent neighbours. Garbage will be collected by a private collector. This matter will be addressed through site plan approval.

Buffering adjacent residential uses from the impacts of the parking area

A small portion of the proposed parking area, five parking spaces, will be adjacent to the property line shared with 22 Fife Road. The original site layout proposed a setback of 1.5m between the parking area and this shared property line which reduced opportunities to provide an appropriate buffer. The applicant has revised the site layout to increase the setback between this shared property line and the proposed parking area to 3m so that it complies with the requirements of the Zoning By-law. In addition, a buffer strip is required along this property line which will consist of a wood privacy fence or a chain link fence with landscaping to provide

a visual screen between the two different forms of housing. Through the site plan approval process, it will be ensured that an appropriate buffer strip is developed.

In addition, because the grade drops closer to Wellington Street West, it is likely that the parking area will be located at a lower elevation than the existing dwelling at 22 Fife Road. This will also assist in buffering the existing dwelling from any impacts associated with the parking area.

Vehicular Access to Wellington Street West

The applicant has revised the site layout to remove the access that was originally proposed to Wellington Street West. This will ensure that the development does not have an impact on the function of Wellington Street West and, further, that traffic in this area will not use the proposed parking area as a 'cut-through' route. On-site vehicle circulation will still function adequately with only one access point.

Trees

The existing trees on the site will be removed to accommodate the proposed development, particularly the grading work that will be required to create the parking area. Through the site plan approval process, compensation planting in the form of new trees and other landscaping will be required.

Parking Reduction

As indicated above, the applicant has revised the site layout to provide the required 23 parking spaces. In order to meet this requirement, the width of the parking spaces has been reduced.

Lighting

The applicant has indicated that the building will incorporate exterior light fixtures with refractor and cut-off shields to control light pollution and further, that the proposed lighting will be controlled by light sensors for energy efficient operation. Through the site plan approval process, the applicant will be required to demonstrate that the proposed lighting fixtures have full face cut-off shields so that light is directed downwards to the parking area and so it will not spill onto adjacent properties. If free-standing lights are proposed, the height of the poles, as well as the light fixture, will be reviewed through the site plan approval process to ensure that the light does not spill onto adjacent properties.

SCHEDULE 8 Circulation Comments

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning		✓	Subject to conditions in Schedule 2
Engineering		✓	Subject to conditions in Schedule 2
Zoning	✓		
Park Planning & Development		✓	Subject to cash-in-lieu of parkland being required in accordance with By-law (1989)-13410 or any successor thereof
Guelph Hydro		✓	Subject to standard hydro servicing conditions
Guelph Fire	✓		
Guelph Police	✓		
Wellington Catholic District School Board		✓	No objection. Development charges required
Upper Grand District School Board		✓	No objection. Development charges required
Guelph and Wellington Development Association	✓		Support application
Canada Post	✓		
Linda Froklage, Mike Boire, Al & Ann Boire			See attached letter
Brenda Roth			See attached letter

SCHEDULE 8

Circulation Comments (continued)

RE: ZC1106

781-783 Wellington Road West

Linda Froklage

Mike Boire

Al & Ann Boire

1. Will the existing trees on the lot remain.
2. Is fencing being stalled around the perimeter or a retaining wall? On the lot Line? Where?
3. Is our existing driveway (799) going to need repairs from any damage due to construction?
4. Why is an apartment building (multi-res) being constructed on such a busy highway/corner?
Not a medical building; why four storey?
5. Are the apartments geared-to-income? Low rental? Seniors?
6. Is city water & sewage being tied into city?
7. Lighting at night (motion detectors only?)
8. Grading along lot line?
9. Pets allowed?
10. Inside land for apartment turn only?

SCHEDULE 8
Circulation Comments (continued)

RECEIVED
APR 26 2011
DRENDRA ROTH
GUELPH, ONTARIO
CITY CLERK'S OFFICE

CITY CLERKS OFFICE
3RD FLOOR, CITY HALL
1 CARDEN STREET
GUELPH, ONTARIO

APR 26 2011
ServiceGuelph

ATTENTION: TINA AGNELLO, DEPUTY CITY CLERK
RE: ZONING BY-LAW AMENDMENT FOR 781-783 WELLINGTON ROAD WEST.

DEAR MADAM:

I AM AGAINST THESE AMENDMENTS FOR THE FOLLOWING REASONS:

1. REDUCING THE REQUIRED PARKING SPACES FROM 1.5 TO 1.3 PER UNIT.

THERE IS NO ON-STREET PARKING ON EITHER FIFE OR WELLINGTON ROADS IF MORE THAN 5 VISITORS SHOW UP AT THE SAME TIME. EVEN AT THE REQUIRED RATIO OF SPACE ONLY 8 VISITORS WITH VEHICLES COULD BE ACCOMMODATED AT ANY TIME FOR 15 UNITS. WHO CONSULTS THEIR NEIGHBOURS WHEN HAVING COMPANY, ESPECIALLY AROUND HOLIDAYS?

ALSO WHERE WILL 15 VEHICLES PARK WHEN MAINTENANCE OF THE PARKING LOT NEEDS TO BE PERFORMED, IE: REPAINTING OF SPACE LINES, RESURFACING OF THE LOT, AND PLOWING OF THE PARKING SPACES?

2. REDUCTION OF THE PARKING SETBACK IN THE REAR YARD FROM THE REQUIRED 3.0 M TO 1.5 M. FIRST, WHY IS THERE A REQUIRED SETBACK OF 3.0 M?

THIS AMENDMENT WOULD HAVE A HUGE DETRIMENTAL EFFECT ON THE QUALITY AND PEACEFULNESS OF MY LIFE ON MY PROPERTY, SINCE MY DRIVEWAY FOLLOWS THE PROPERTY LINE AND MY HOUSE IS APPROXIMATELY 2.5 M FROM THIS LINE. EVEN IF THESE 4 SPACES WERE DESIGNATED AS VISITOR ONLY PARKING, VEHICLES WOULD BE PARKING 4.0 M FROM THE FRONT CORNER OF MY HOUSE WHICH IS MY BEDROOM. NOT ONLY THE NOISE FROM STARTING THE VEHICLES, BUT THE CHIRPING FROM SETTING/DISMANTLING OF ALARMS, THE ALARMS THEMSELVES, AND CLOSING OF DOORS AND TRUNKS WOULD DISTURB MY SLEEP DAY OR NIGHT.

SCHEDULE 8

Circulation Comments (continued)

ANOTHER PROBLEM WITH THESE PARKING SPACES WOULD BE WHEN LIGHTS ARE TURNED ON OR VEHICLES PULL INTO THESE SPACES. THIS COULD BE EXTREMELY DISTRACTING WHEN DRIVING OR BACKING, INTO OR OUT OF MY DRIVEWAY BY MYSELF OR ANY VISITORS I HAVE AS THESE LIGHTS WOULD BE COMING DIRECTLY INTO THE SIDE OF MY DRIVEWAY AND ANY VEHICLE IN IT.

3. THE PROPOSED EXIT ONTO FIFE ROAD WOULD BASICALLY END ON THE DOWNSIDE OF MY DRIVEWAY WHERE IN PAST YEARS I HAVE PILED THE MAJORITY OF THE STREET SNOW PLOWED INTO MY DRIVEWAY, IN ORDER TO KEEP THE SNOW PILES UNDER 1.0M ON THE UPSIDE FROM BLOCKING THE VIEW OF ON COMING TRAFFIC. SINCE THE AMOUNT OF STREET SNOW PUSHED INTO MY DRIVEWAY WILL LIKELY NOT DECREASE AND I WILL BE FORCED TO PUSH IT UP AND PILE IT ON THE UPSIDE OF MY DRIVEWAY, KEEPING THE PILES UNDER 1.0M MAY WELL BE IMPOSSIBLE. SNOW IN MY DRIVEWAY HAS BEEN PILED IN MY FRONT YARD, ALONG THE SIDE AND BACK TO OVER 1.0M.

WITH PROPOSED EXITS ON BOTH FIFE AND WELLINGTON ROADS, THERE IS A VERY GOOD CHANCE MOTORISTS WILL USE THIS AS ANOTHER STREET

4. IN THE PROPOSED CONCEPT PLAN, IT APPEARS THAT ALL EXISTING MATURE PINES IN THAT LOT ARE TO BE CUTDOWN. WHERE WILL SECURITY LIGHTS BE PLACED IN THE PARKING AREA AND ON THE BUILDING? WILL THEY BE SHINING ON MY WINDOWS OR AT EYE LEVEL WHEN IN MY CAR OR EXITING MY HOUSE? A 4-STORY BUILDING WITH 4 BALCONIES BESIDE THE SIDE ENTRANCE AND 4 BALCONIES ON THE REAR CORNER AND NO INDICATION OF WINDOWS ON THE SIDE FACING MY HOUSE COULD BECOME VERY DISTURBING WITHOUT THE MATURE PINES TO SCREEN THE LIGHTS AND NOISE FROM THE APARTMENTS, ESPECIALLY DURING THE WARMER MONTHS.
5. THERE IS NO INDICATION OF HOW OR WHERE GARBAGE IS TO BE COLLECTED. WHEN THE OLD SERVICE STATION WAS TORN DOWN SKUNKS, RABOONS AND RATS (UP TO 10 INCHES IN BODY LENGTH ALONG THE SIDEWALKS) WERE COMMON. THEY ARE STILL IN THE AREA, I DO NOT WANT THEM TO BECOME REGULAR SIGHTINGS AGAIN. FROM THE PROPOSED CONCEPT PLAN THERE DOES NOT APPEAR TO BE ROOM FOR DUMPSTERS, WHICH WOULD

SCHEDULE 8

Circulation Comments (continued)

CREATE AN ODOR PROBLEM AND WHAT ABOUT OVERFLOW OR LAZY APARTMENT DWELLERS.

IF EACH TENANT WAS REQUIRED TO PLACE THEIR GARBAGE AT THE ROAD, WOULD IT BE FIFE, WELLINGTON OR BOTH? ALSO, IF EACH UNIT PLACED THEIR GARBAGE OUT FOR CITY COLLECTION, WHAT HAPPENS WITH THE GARBAGE NOT SORTED PROPERLY?

6. I AM CONCERNED ABOUT MAINTENANCE OF THE PROPERTY ONCE THE APARTMENTS ARE BUILT. SINCE I HAVE LIVED HERE NO ONE HAS MAINTAINED THE PROPERTY IN QUESTION. I HAVE, AT MY EXPENSE, REMOVED A WASHLINE POLE AND OLD WOODEN SHED THAT THE PREVIOUS OWNERS OF MY PROPERTY HAD USED, LOCATED BETWEEN MY DRIVEWAY AND THE MATURE PINES AND KEPT THAT AREA CUT IN ORDER TO KEEP THE RATS AND MICE A BIT FURTHER AWAY FROM MY HOUSE.

PRIOR TO PURCHASING MY PROPERTY, I HAD LIVED IN A "RESPECTABLE" APARTMENT BUILDING, WHERE DOMESTIC DISTURBANCES AND LOUD PARTIES WERE COMMON. THIS WAS NOT WHAT I WANTED TO COME HOME TO AFTER WORKING 8 TO 12 HOURS. THE PEACE AND QUIET OF THIS AREA WAS SUITABLE TO MY NEEDS. YES, SOME DAYS IN THE SUMMER, IT DOES GET A LITTLE NOISEY FROM THE TOWNHOUSE COMPLEX BUT IT IS NOT ON MY DOORSTEP.

BY ERECTING THIS APARTMENT BUILDING AS PER CONCEPT PLAN, ESPECIALLY REDUCING THE PARKING SETBACK ADJACENT TO MY DRIVEWAY WILL NOT ONLY GREATLY REDUCE MY PRIVACY, SECURITY, PEACEFULNESS AND QUALITY OF LIFE, IT WILL ALSO GREATLY AFFECT THE RESALE VALUE OF MY PROPERTY, SINCE NOT TOO MANY PEOPLE CHOOSE TO LIVE BESIDE AN APARTMENT.

LASTLY, GUELPH IS SUPPOSED TO BE AN ENVIRONMENTALLY CONSCIOUS CITY. CUTTING DOWN MATURE PINES THAT ACT AS A WINDBREAK AND HOMES FOR BIRDS AND OTHER WILDLIFE AND REPLACING THEM WITH 5 SMALL SHRUBS IN ONE LITTLE CORNER DOES NOT AGREE WITH THE CITY'S PUSH TO HAVE RESIDENTS PLANT TREES NOT ONLY FOR THE ABOVE MENTIONED REASONS BUT ALSO FOR THEIR COOLING EFFECT.

SCHEDULE 8
Circulation Comments (continued)

HOW MANY APARTMENT DWELLERS ARE AWARE OF THEIR HYDRO, GAS AND WATER CONSUMPTION OR EVEN CARE? USUALLY THESE COSTS ARE INCLUDED IN THE RENT WHICH LEADS TO THE ATTITUDE "MAY AS WELL USE AS MUCH AS POSSIBLE SINCE ITS ALREADY PAID FOR."

ALSO, WHAT AFFECT WILL PAVING, WHAT LOOKS TO BE $\frac{1}{3}$ TO $\frac{1}{2}$ OF THE PROPERTY FROM THE PROPOSED CONCEPT PLAN, HAVE ON RUN-OFF AND THE AROUND WATER THAT THE CITY IS DEPENDENT UPON?

YOURS TRULY



BRENDA ROTH

SCHEDULE 9
Public Notification Summary

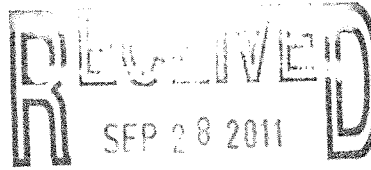
February 28, 2011	Application received by the City of Guelph
March 24, 2011	Application deemed to be complete
April 6, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres
April 7, 2011	Notice of Public Meeting advertised in the Guelph Tribune
May 3, 2011	Public Meeting of City Council
October 3, 2011	City Council Meeting to consider staff recommendation

BRENDA ROTH

GUELPH, ONTARIO

SEPTEMBER 28, 2011

CITY CLERKS OFFICE
3RD FLOOR, CITY HALL
1 CARDEN STREET
GUELPH ONTARIO



 ServiceGuelph

ATTENTION: TINA AGNELLO, ACTING CITY CLERK

09-28-11 P02:18 IN

RE: ZONING BY-LAW AMENDMENT FOR 781-783 WELLINGTON ROAD WEST

DEAR MADAM:

THE FOLLOWING QUESTIONS AND CONCERNS ARE IN ADDITION TO THOSE SET OUT IN A LETTER RECEIVED BY YOUR OFFICE ON APRIL 26, 2011.

1. IT IS MY UNDERSTANDING THAT A PROPERTY LINE EXTENDS, IN THE SAME LINE OF DIRECTION, ACROSS CITY ALLOWANCE AND SIDEWALKS TO THE ROAD. IF THIS IS CORRECT, WHY WOULD THE CITY ALLOW THE PROPOSED DRIVEWAY TO EXTEND OVER THE PROPERTY LINE AT THE ROAD. AS PRESENTED IN THE PREVIOUS LETTER, I HAVE LIMITED AREAS IN WHICH TO PILE THE SNOW THAT FILLS MY DRIVEWAY WHEN THE PLOWS GO BY. I ALSO PLACE MY GARBAGE IN THAT AREA, IN HOPES THAT THE SANITATION DRIVERS NOTICE IT AND COME DOWN AND PICK IT UP (MANY TIMES THIS HAS NOT BEEN THE CASE).

BECAUSE OF THE ANGLED ENTRANCE TO MY DRIVEWAY, I FEEL SAFER BACKING INTO RATHER THAN OUT OF THE DRIVEWAY. WITH THE PROPOSED NEW DRIVEWAY SO CLOSE, IT MAY WELL BE THE SAFEST BUT MORE DIFFICULT TO DO, BECAUSE OF THE NUMBER OF VEHICLES USING THE NEW DRIVEWAY.

ANOTHER FACT THAT THE CITY COUNCIL MAY OR MAY NOT KNOW IS THAT STARTING LAST SEPTEMBER (2010), THERE HAS BEEN A SCHOOL BUS STOPPING IN THIS AREA TO PICK UP AND DROP OFF CHILDREN FROM WELLINGTON ROAD WEST.

2. IN THE COUNCIL REPORT FOR MAY 3, 2011, ON PAGES 6 AND 7 POLICY 7.2.7 LISTS THE DEVELOPMENT CRITERIA FOR APARTMENTS.

I DO NOT SEE HOW THE PROPOSAL COMPLIES WITH BEING COMPATIBLE IN DESIGN, CHARACTER AND ORIENTATION WITH BUILDINGS IN THE IMMEDIATE VICINITY.

PERSONALLY, I AM GOING TO FEEL MORE THAN A MINIMAL IMPACT BY THE VEHICULAR TRAFFIC GENERATED FROM THE PROPOSAL.

YOURS TRULY



BRENDA ROTH.

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE October 3, 2011

**SUBJECT 340 Eastview Road – Morning Crest Subdivision,
Remainder of Phase 2 (23T-04501): Request for an
Extension of Draft Plan Approval - Ward 2**

REPORT NUMBER 11-84

SUMMARY

Purpose of Report

This report provides a staff recommendation to approve the request for a two year extension of the Draft Plan Approval lapsing date for Phase 2 of the Morning Crest Subdivision at 340 Eastview Road.

Council Action

Council to decide whether or not to approve the staff report recommending a two year Draft Plan Approval extension to a lapsing date of October 3, 2013.

RECOMMENDATION

"THAT Report 11-84 dated October 3, 2011 regarding a request for a Draft Plan Approval extension for the remainder of Phase 2 of the subdivision at the property municipally known as 340 Eastview Road (23T-04501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Almondale Homes Limited for a two (2) year extension to the Draft Plan Approval of the remainder of Phase 2 of the subdivision at 340 Eastview Road (23T-04501) applying to lands legally described as Part of Lot 6, Concession 5, Division C, City of Guelph, be approved to an extended two (2) year lapsing date of October 3, 2013, subject to the conditions contained in Schedule 2 of the Planning & Building, Engineering and Environment Report 11-84, dated October 3, 2011."

BACKGROUND

The Morning Crest Subdivision is located at the northeast corner of Watson Parkway North and Eastview Road (see Schedule 1). The former Eastview landfill site is to the west, the City boundaries define the lands to the north and east, and the site is bounded by Eastview Road to the south. The entire subdivision comprises 20.8

hectares of land and was draft approved in two phases (see Schedule 4). The Phase 1 lands were draft approved on March 3, 2006 and have since been registered as Plans 61M-144 and 61M-149 (see Schedule 5). This first phase included 155 single detached, semi-detached and on-street townhouse units, and a neighbourhood park, stormwater management block and service commercial block at the corner of Watson Road and Eastview Road.

The Phase 2 lands were draft approved on October 3, 2008 to accommodate a total of 324 residential units, consisting of 47 single detached dwellings, 90 semi-detached units, 22 on-street townhouse units and 165 apartment units (see Schedule 3). The majority of the residential units within Phase 2 were recently registered as Plan 61M-170 on May 25, 2011. Registered Plan 61M-170 includes a total of 208 residential units, consisting of 22 semi-detached units, 21 townhouse units and 165 apartment units. The remaining portion of the Morning Crest Subdivision includes a total of 116 residential units, consisting of 48 single detached units and 68 semi-detached units. Schedule 4 illustrates this unregistered portion of the subdivision as Phase 2B and Phase 2C that is subject to the draft plan extension request. Phase 2B includes a total of 48 units, consisting of 14 single detached units and 34 semi-detached units and Phase 2C includes a total of 68 units, consisting of 34 single detached units and 34 semi-detached units.

The requested draft plan extension is required to allow the owner to proceed with the registration of the remaining portion of the Phase 2 lands in accordance with the associated conditions of approval included in Schedule 2. The owner will not be able to fulfill all of the conditions prior to the current lapsing date of October 3, 2011. Section 51 (33) of the *Planning Act* allows the municipality to grant an extension of draft plan approval. The applicant has requested that City Council approve an extension of 2 years with a new draft plan lapsing date of October 3, 2013.

In the event the draft plan extension request is not approved by Council, this subdivision will lapse on October 3, 2011 and the owner will have no planning approvals in place to allow registration of the remaining portion of the Morning Crest Subdivision. This will necessitate the submission of a new application for a draft plan of subdivision on the subject lands. It should be noted that the lands have been zoned in accordance with the draft plan of subdivision (see Schedule 6).

REPORT

Staff is recommending approval of a two (2) year extension to the draft plan approval, subject to the conditions outlined in Schedule 2. The requested draft plan extension is supported on the basis that the registration of the remaining portion of the plan remains relevant and is required to complete the established design of Couling Crescent, which includes the logical and compatible continuation of residential development. The registration of this final phase will also implement the final connection of the 10 metre wide pedestrian walkway (Block 96) that was identified as an important pedestrian mid-block linkage through Couling Crescent through the review of the overall draft plan of subdivision application.

The owner is actively pursuing the registration of the final phase of this plan, which is expected to occur well within the time provided by the requested two year extension. All of these unregistered lands have been pre-graded and are prepared for underground servicing. The owner has undertaken engineering designs relating to the servicing of these lands and has provided a submission for the City to review. The owner was also required to submit an updated Noise Impact Report relating to the Phase 2 lands to satisfy draft plan condition 21 (see Schedule 2), which has caused some delay in the registration process.

The entire Morning Crest Subdivision is located within the "Designated Greenfield Areas" under the Places to Grow Plan and proposes development at a density of approximately 90 persons and jobs per hectare, which will contribute towards meeting the Growth Plan's Greenfield minimum density target of 50 persons and jobs per hectare. The 2011 Development Priorities Plan currently identifies the registration of Phase 2B of the subdivision in 2011 and the registration of Phase 2B post 2012.

The conditions of draft plan approval included in Schedule 2 that apply to the unregistered phases remain relevant and include all the conditions previously endorsed by City Council, with some revisions made to update standard wording and new service area names and staff titles. These revisions are considered minor and, therefore, no further notice under the *Planning Act* is required.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Based on a maximum of 116 residential units

Population Projections

- 375 persons (based on 3.24 persons per unit)

Projected Taxation

- \$382,800 (estimated at \$3,300 per unit)

Development Charges

- \$2,670,436

DEPARTMENTAL CONSULTATION

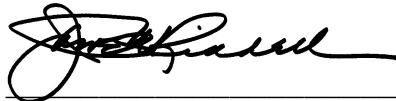
The request for the proposed extension of draft plan approval was circulated to City departments and commenting agencies. No objections to granting the extension were received.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Draft Plan Conditions
Schedule 3 – Approved Draft Plan of Subdivision and Details
Schedule 4 – Draft Plan of Subdivision (Illustrating Phase 1 and Phase 2)
Schedule 5 – Registered and Unregistered Portions of Draft Plan
Schedule 6 – Current Zoning and Details

Prepared By:

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Recommended By:

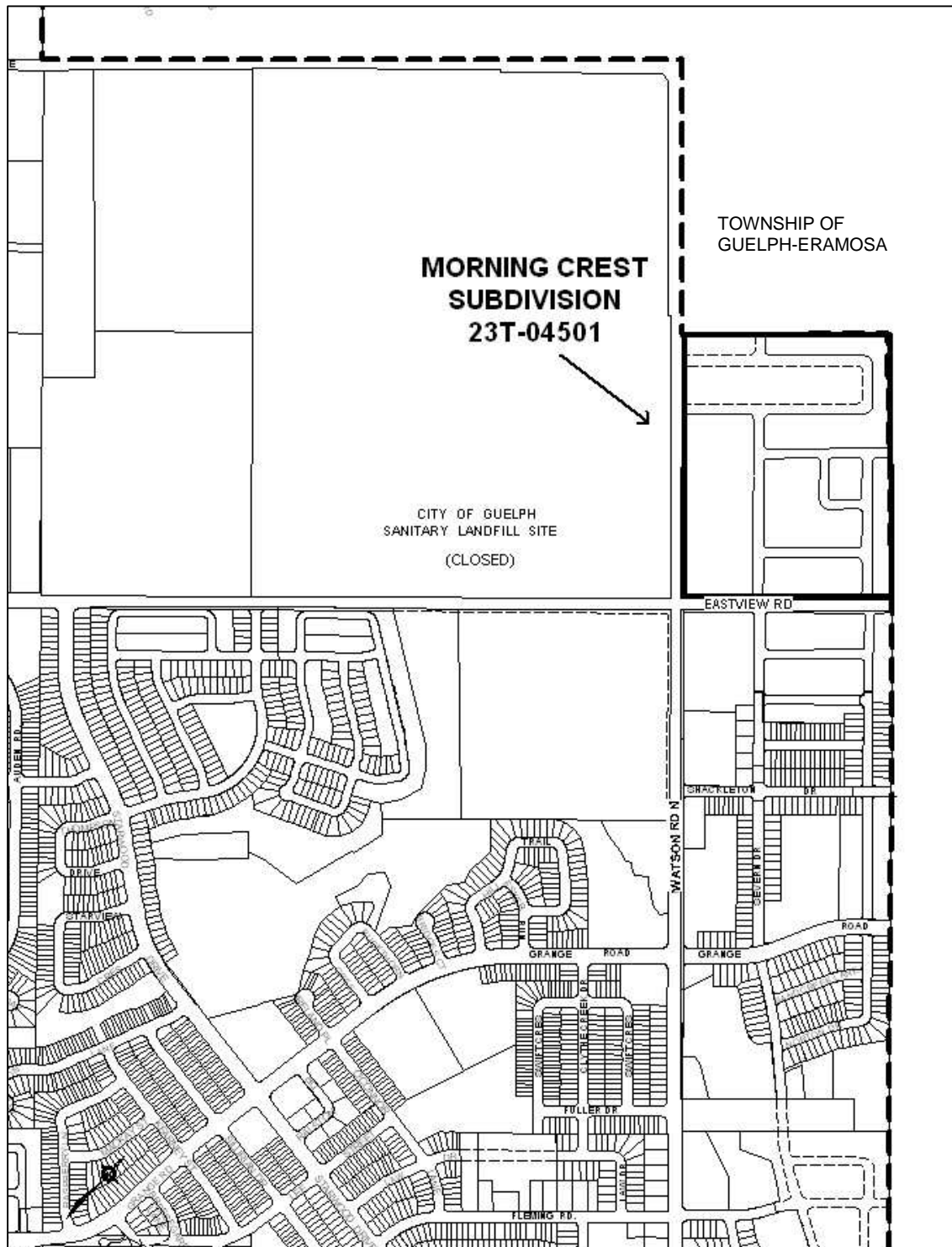
Robert Walters
Manager of Development Planning
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robert.walters@guelph.ca

Original Signed by:

Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
519-822-1260, ext 2237
janet.laird@guelph.ca

SCHEDULE 1 Location Map



SCHEDULE 2

Draft Plan Conditions

"THAT the application by Almondale Homes Limited for approval of a Draft Plan of Subdivision (File 23T-04501) on lands municipally known as 340 Eastview Road and described legally as Part Lot 6, Concession 5, Division C, City of Guelph, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Van Harten Surveying Inc., Project No. 15746-04, dated February 8, 2008, to include the second phase of development of a maximum 324 residential units, as shown on **Schedule 6**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

1. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
2. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
3. The developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
4. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
5. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
6. The Developer shall prepare a **site drainage and grading plan**, for the entire subdivision, satisfactory to the City Engineer. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
7. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
8. The Developer shall provide a qualified **Environmental Inspector**, satisfactory to the City

Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environment Impact Study on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

9. The Developer shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
10. That the developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.

Conditions to be met prior to execution of the subdivision agreement

12. Prior to registration of the plan, the Developer and the City will examine the opportunity to connect the apartment block (Block 95), and all other dwelling units within Phase 2 of the subdivision, to the **district energy system** provided at the closed Eastview landfill site. If that examination shows that a connection to the district energy system may be completed in a timely manner with regard to the other conditions of the plan, at a reasonable cost and is likely to enhance efficiency and energy conservation, the Developer will pursue the connection of the apartment block, and any other dwelling units within Phase 2 of the subdivision that will benefit from connection to district energy system.
13. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
14. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision, including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs with the distance, size and alignment of such services to be determined by the City.
15. That with the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer shall pay to the City the cost of all **municipal services** within and abutting the proposed subdivision, as determined by the City Engineer.

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16. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
 17. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to **street tree planting** within the proposed subdivision.
 18. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
 19. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer and the Developer shall implement to the satisfaction of the City Engineer the recommendations of the **Traffic Impact Study** undertaken for this subdivision and approved by the City Engineer.
 20. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
 21. The Developer shall submit a final **Noise Impact Report** to the satisfaction of the General Manager of Planning and Building Services. The report shall describe adjacent land uses, which are potential generators of excessive noise and the means whereby their impacts will be reduced to acceptable levels. The Developer shall implement the recommendations of the approved report to the satisfaction of the General Manager of Planning and Building Services and the City Engineer.
 22. Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
 23. The Developer shall **demarcate the boundary of the Walkway Block 96** in accordance with the City of Guelph Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services .
 24. The Developer shall install a 1.8 metre high chain link fence and landscaping (which may include the retention of existing vegetation) along any lot or Block abutting the **common boundary between the City and the Township of Guelph/Eramosa**, to the satisfaction of the General Manager of Planning and Building Services .
 25. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
 26. The Developer shall provide Planning & Building, Engineering and Environment with a **digital file** of the plan of subdivision in either AutoCad – DWG format or DXF Format containing the following information: parcel fabric, street network, and final approved grades/contours.

Conditions to be met prior to registration

27. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan, or any part thereof.

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28. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
29. Prior to the City accepting any real property interests, the Developer shall:
- a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
30. That the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
31. That the **road allowances** included in the draft plan and the road widening Block 97 be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
32. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
33. The Developer shall pay any **outstanding debts** owed to the City.
34. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
35. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning & Building, Engineering

and Environment, City Hall". Further, the signs shall be resistant to weathering and vandalism.

36. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:

- "Purchasers and/or tenants of all lots are advised that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard."
- "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
- "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Watson Parkway, Severn Drive and Street "A" within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
- "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
- "Purchasers and/or tenants of all lots or units in the area of 'stub roads' are advised that these roads are to be extended at some future date when the adjacent lands are developed."
- "Purchasers and/or tenants of all lots or units are advised that the boundaries of the Walkway Block will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to lot numbers 84, 85, 59 and the most easterly unit in Block 94."

37. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

38. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

39. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.

40. That Lots 14 and 15 shall be conveyed at the expense of the Developer to the City and held until Street "B" can be constructed and extended beyond the terminus of the road as shown on the Plan, or it is demonstrated that the Lots can be graded to final elevations to the

satisfaction of the City Engineer. Lots 14 and 15 are still to be maintained by the Developer at his expense. The Developer shall ensure that this road does not have curb and asphalt until the road is extended beyond the terminus of the road as shown on the Plan. The Developer shall provide fencing and signage for the stub road block to the satisfaction of the City.

41. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to issuance of a building permit

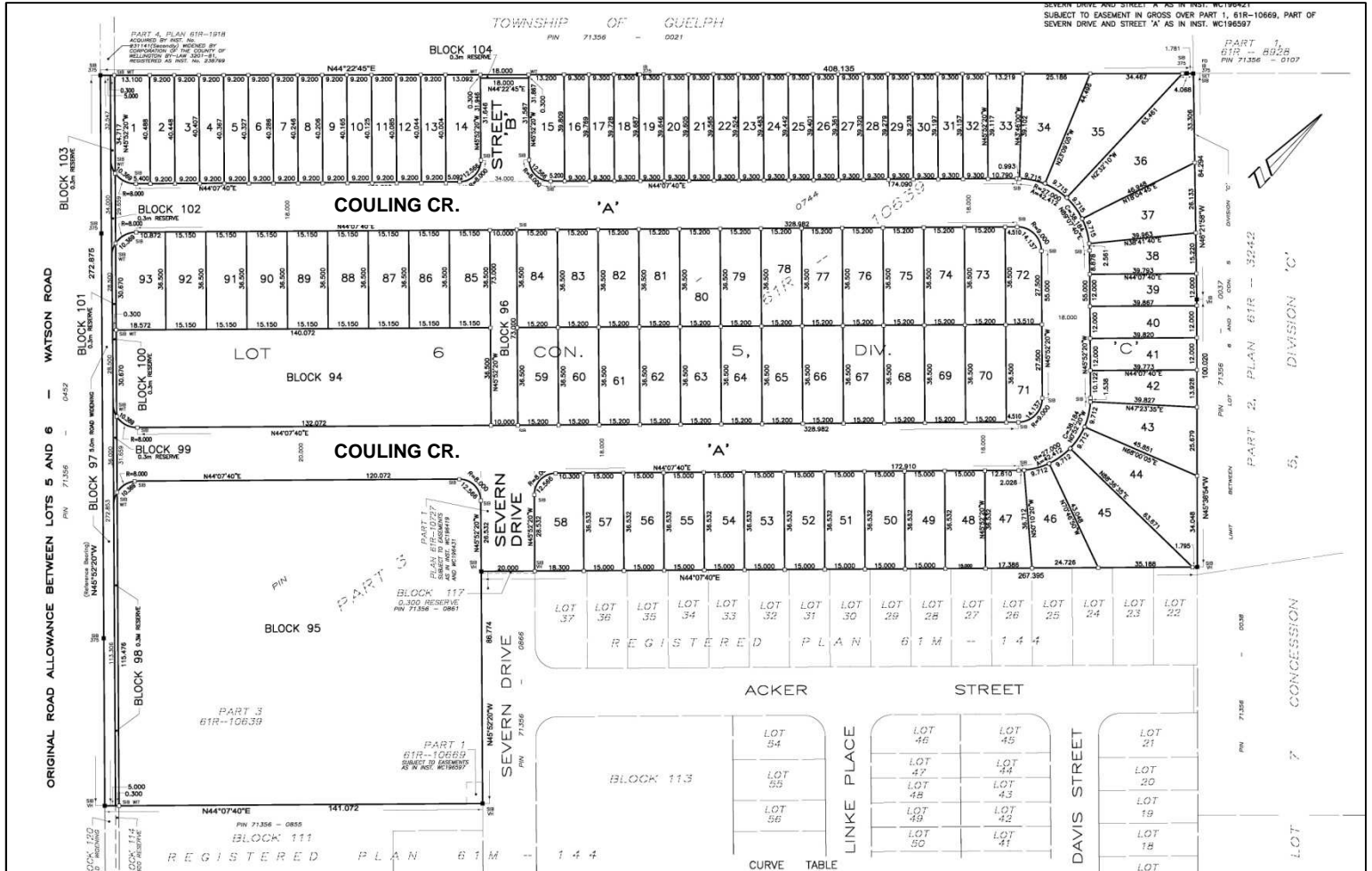
42. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official **certifying all fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning by-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
43. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.
44. Prior to the issuance of a building permit, all **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
45. Prior to the issuance of a building permit, the Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
46. The Developer acknowledges and agrees that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

AGENCY CONDITIONS:

47. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
48. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.

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49. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.
50. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- “Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
51. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
52. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
53. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 48 has been satisfied.
54. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 49, 50 and 51 have been satisfied.
55. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc.**, shall advise the City in writing how conditions 37 and 45 have been satisfied.
56. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 52 has been satisfied.
57. That this **Draft Plan Approval** shall lapse on October 3, 2013.

SCHEDULE 3 **Approved Draft Plan of Subdivision (Phase 2)**



SCHEDULE 3 (continued)
Approved Draft Plan of Subdivision Details (Phase 2)

LAND USE SCHEDULE

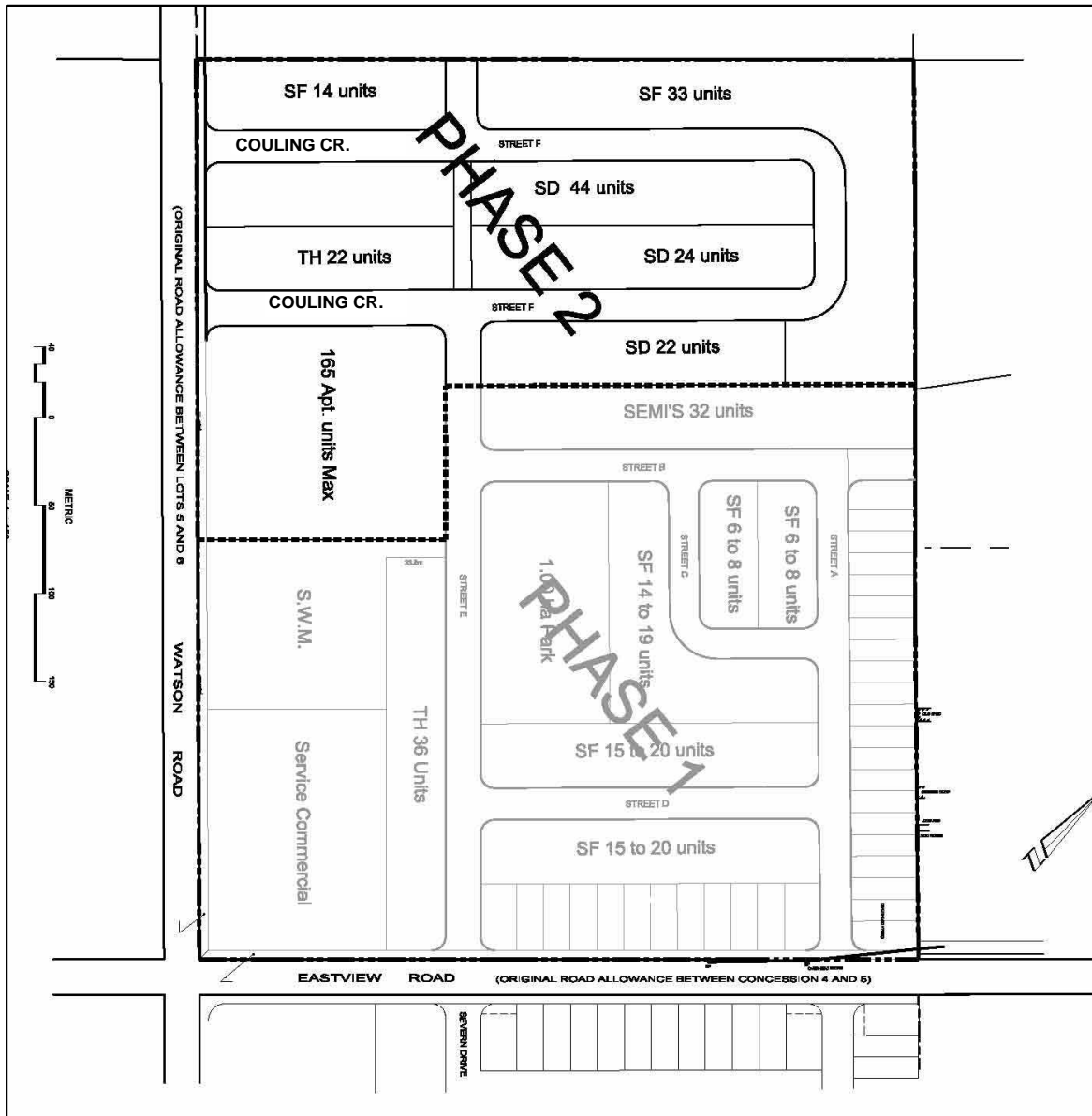
LOTS/BLOCKS	LAND USE	AREA
PHASE 2		
Lots 1-47	Single-Detached Residential	2.256 hectares
Lots 48-93	Semi-Detached	2.564 hectares
Block 94	Medium Density Residential	0.514 hectares
Block 95	High Density Residential	1.651 hectares
Block 96	Pedestrian Walkway	0.073 hectares
TOTAL AREA		7.06 hectares

DWELLING UNIT BREAKDOWN

LOTS/ BLOCKS	UNIT TYPE	UNITS (minimum – maximum)
Lots 1-47	Single-detached dwelling	47
Lots 48-93	Semi-Detached dwellings	90
Block 94	On-street townhouses	22
Block 95	Apartment units	165
TOTAL UNITS		324

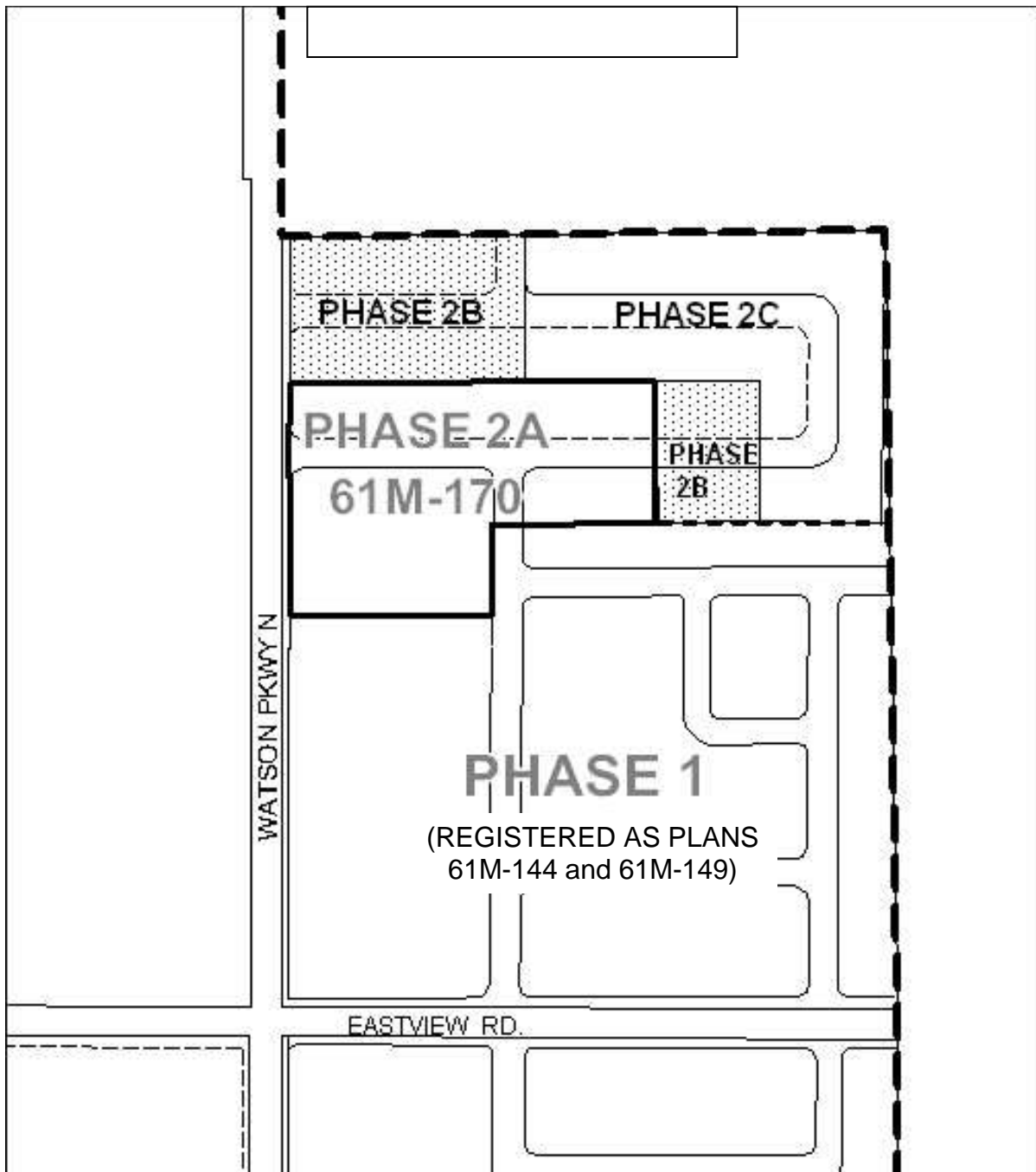
SCHEDULE 4

Draft Plan of Subdivision (Illustrating Phase 1 and Phase 2)

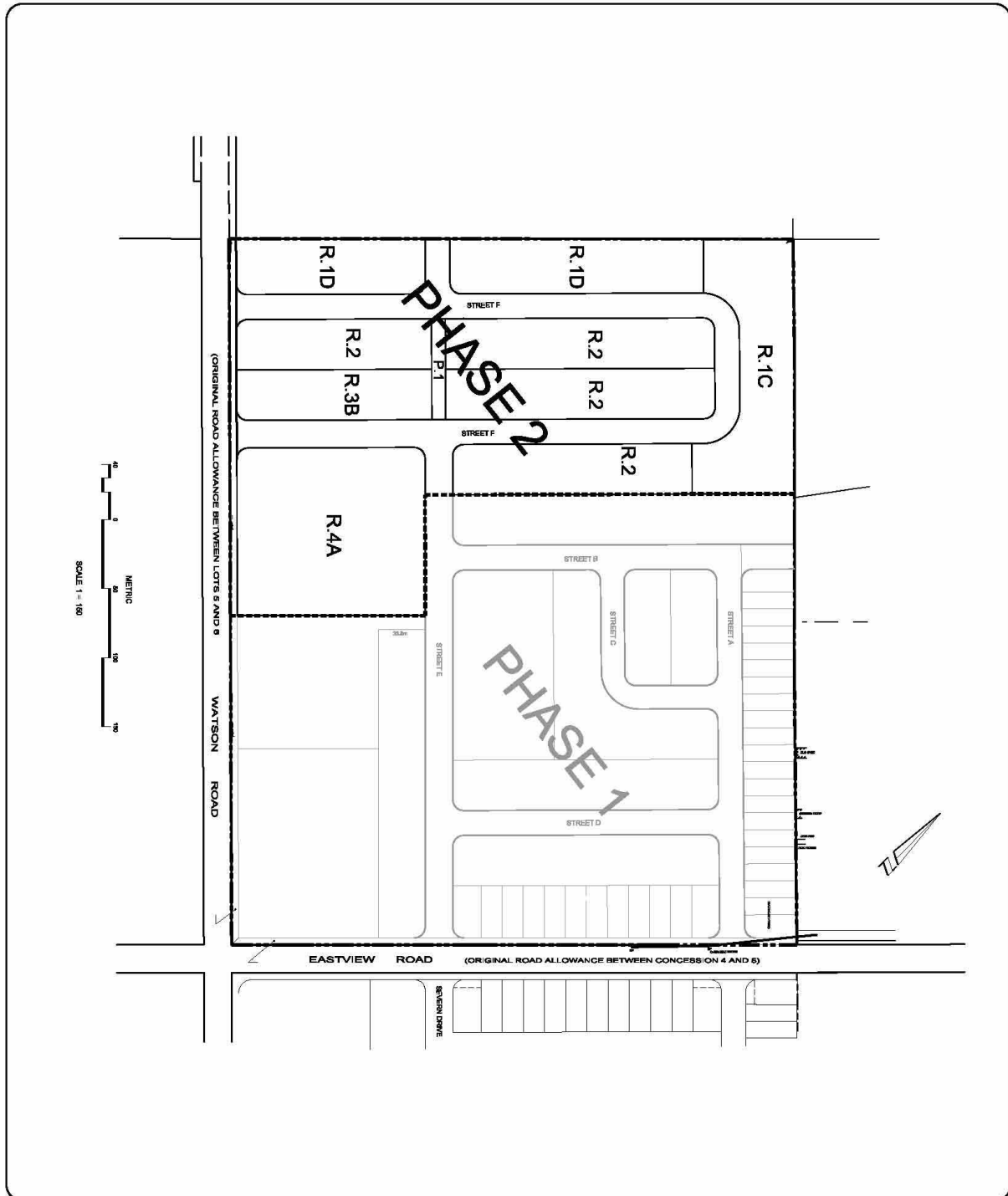


SCHEDULE 5

Registered and Unregistered Portions of Draft Plan



SCHEDULE 6 Current Zoning



SCHEDULE 6 (continued)
Phase 2 Zoning Details

LAND USE	ZONING
Residential Apartment	R.4A
On-street Townhouses Min. Lot Frontage - 6m	R.3B
Semi-detached Residential Min. Lot Frontage - 15m	R.2
Single detached Residential Min. Lot Frontage - 12m	R.1C
Single detached Residential Min. Lot Frontage - 9m	R.1D
Pedestrian Walkway	P.1