

COUNCIL PLANNING AGENDA



DATE NOVEMBER 3, 2008

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

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

PLANNING CONSENT DECISIONS

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

1) 1750 GORDON STREET: WESTMINSTER MARKET – APPLICATION FOR SITE PLAN APPROVAL FOR PHASE ONE OF A MIXED COMMERCIAL DEVELOPMENT (SP07C013) (WARD 6)

- a) Staff presentation by Stacey Laughlin
- b) Delegations:
 - Hugh Handy, representing GSP Group Inc.
 - Steve Thompson, representing Loblaws
 - Matthew West, representing Fieldgate
- c) Staff conclusion

CONSENT AGENDA

Resolution to adopt the Consent Agenda

"THAT the balance of the November 3, 2008 Consent Agenda be adopted."

Please bring reports which were previously distributed.

ADJOURNMENT

PLANNING CONSENT AGENDA

November 3, 2008

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

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

A Planning Consent Decisions

REPORT	DIRECTION
<p>1. 1750 GORDON STREET – WESTMINSTER MARKET – APPLICATION FOR SITE PLAN APPROVAL FOR PHASE ONE OF A MIXED COMMERCIAL DEVELOPMENT (SP07C013) (WARD 6)</p> <p>"THAT Report 08-102 regarding a proposed Site Plan Application for approval of a mixed commercial development applying to a property municipally known as 1750 Gordon Street, City of Guelph, from Community Design and Development Services dated November 3, 2008, be received;</p> <p>AND THAT City Council conditionally approve the site plan application (03-OCT-08, rev. 23) by GSP Group Inc. on behalf of Loblaw Properties Limited proposing the first phase of a mixed commercial development of lands municipally known as 1750 Gordon Street, subject to resolving the technical and design issues set out in the Community Design and Development Services Report 08-102 and the execution and registration of a site plan control agreement on title, containing the conditions of approval set out in Schedule 2 of the same report, to the satisfaction of the Director of Community Design and Development Services."</p>	Approve

CONSENT AGENDA

November 3, 2008

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) Smallfield Well Permit to Take Water</p> <p>THAT the staff report entitled "Smallfield Well Permit to Take Water" dated November 3, 2008 be received;</p> <p>AND THAT Council approve and authorize the Mayor and Clerk to execute Minutes of Settlement in respect of the City's appeal and related application for a stay to the Environmental Review Tribunal ("ERT") in respect of a Permit to Take Water for the Smallfield Municipal Well in accordance with the proposed Minutes of Settlement attached as Schedule 2 to the November 3, 2008 staff report, subject to final wording of such Minutes of Settlement being satisfactory to the Director of Environmental Services and the City Solicitor;</p> <p>AND THAT Council direct staff and legal counsel to attend the ERT hearing in respect of the Smallfield Municipal Well matter in support of the Minutes of Settlement, which shall be subject to the ERT's approval.</p>	Approve

attach.

TO **Guelph City Council**

SERVICE AREA Corporate Services and Environmental Services
DATE November 3, 2008

SUBJECT **Smallfield Well Permit to Take Water**
REPORT NUMBER

RECOMMENDATION

THAT the staff report entitled "Smallfield Well Permit to Take Water" dated November 3, 2008 be received;

AND THAT Council approve and authorize the Mayor and Clerk to execute Minutes of Settlement in respect of the City's appeal and related application for a stay to the Environmental Review Tribunal ("ERT") in respect of a Permit to Take Water for the Smallfield Municipal Well in accordance with the proposed Minutes of Settlement attached as Schedule 2 to the November 3, 2008 staff report, subject to final wording of such Minutes of Settlement being satisfactory to the Director of Environmental Services and the City Solicitor;

AND THAT Council direct staff and legal counsel to attend the ERT hearing in respect of the Smallfield Municipal Well matter in support of the Minutes of Settlement, which shall be subject to the ERT's approval.

BACKGROUND

On June 23, 2008, Council endorsed an appeal to the Environmental Review Tribunal ("ERT") in respect of a Permit to Take Water for the Smallfield Municipal Well (the "Well") and directed staff and legal counsel to participate in discussions and/or mediation, if any, and to attend a hearing in support of the City's appeal. Copies of the related staff report dated June 23rd and the resolutions passed by Council are attached as Schedule 1 to this report.

REPORT

As Council will recall, the main basis for the appeal is that the Permit issued to the City only allows the City to conduct tests with respect to the Well and not to take water for municipal water supply purposes.

As previously reported to Council, notices dated July 8, 2008 were sent to all owners of nearby lands giving notice of a Preliminary Hearing which was held on July 31, 2008 and of a Hearing which was set for the Fall, 2008. Representatives of the City and the Ministry of the Environment ("MOE") attended the Preliminary Hearing. No one else attended or sought party status.

Since that time, representatives from the City and the MOE have had numerous discussions in an attempt to resolve this matter. A continuation of the Preliminary Hearing was held on September 22, 2008 by teleconference. The parties reported to the ERT that discussions were on-going.

These discussions have resulted in draft Minutes of Settlement which are attached as Schedule 2 to this report. The proposed amendments to the Permit to Take Water, which will be finalized and attached to the final Minutes of Settlement, are the most important part of this proposed resolution. (Staff anticipate that either the existing Permit would be amended or a new, replacement Permit which reflects the amendments would be issued.) In staff's view, the amendments to the Permit (or replacement Permit) would address the concerns of the City set out in the June 23, 2008 report. Key components include:

- allow the City to use the Well for municipal water supply purposes;
- the Permit would extend for 5 years;
- monitoring requirements have been revised and are now in accordance with a Work Plan provided by Guelph Waterworks; and
- a condition regarding the termination of pumping of the well has been revised to provide a concentration limit for water pumped from the well.

The Work Plan referred to in the amendments was prepared by City staff and outlines the testing methods and monitoring programs that will be used during the operation of the well. The Work Plan represents a reasonable approach to allow operation of the wells while collecting monitoring data requested by the MOE. Owners of neighbouring properties who would potentially be affected by the Work Plan have been consulted and their proposed monitoring programs for their properties have been incorporated into the Work Plan.

Staff recommend that Council approve the Minutes of Settlement in substantially the form set out in Schedule 2 and subject to final wording being satisfactory to the Director of Environmental Services and the City Solicitor. If approved by Council, staff and MOE representatives would attend before the ERT in support of the settlement. If the ERT approves the settlement, it is anticipated the ERT would order the Director of the MOE to amend the Permit to Take Water (or issue a replacement Permit) in accordance with the Minutes of Settlement and the Director would subsequently issue the Permit. Once the Permit has been issued, the City would be allowed to use the Smallfield Well for municipal water supply purposes and continue its feasibility studies to return the Well to service.

CORPORATE STRATEGIC PLAN

5. A community-focused, responsive and accountable government.
6. A leader in conservation and resource protection/enhancement.
- 6.3 A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

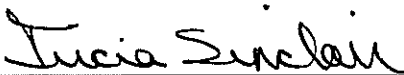
As previously report, costs are being funded from the approved budget for the Smallfield testing program. Costs of a contested hearing will be avoided if the proposed settlement is approved by Council and subsequently by the ERT.

COMMUNICATIONS

Owners of neighbouring properties were given notice of the ERT's Preliminary Hearing and of the Hearing dates. Staff have also consulted with owners of neighbouring properties regarding the Work Plan referred to in the proposed Permit to Take Water.

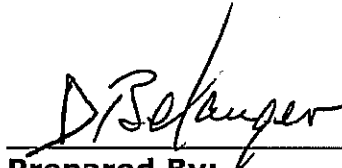
ATTACHMENTS

1. Staff report to Council dated June 23, 2008 and related Council resolutions passed by Council.
2. Proposed Minutes of Settlement.



Prepared By:

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Recommended By:

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Recommended By:

for: Janet L. Laird, Ph.D.
Director of Environmental Services
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COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Environmental Services
DATE June 23, 2008

SUBJECT Smallfield Well Permit to Take Water
REPORT NUMBER **A-3**

RECOMMENDATION

"THAT Council adopts and endorses the Notice of Appeal/Notice Requiring a Hearing by the Environmental Review Tribunal and accompanying Application for a Stay dated June 12, 2008 in respect of a Permit to Take Water for the Smallfield Municipal Well;

AND THAT Council authorizes, ratifies and confirms the actions of staff in respect of serving upon the Director of the Ministry of the Environment and the Environmental Review Tribunal the said written Notices and Application pursuant to the Ontario Water Resources Act;

AND THAT Council authorizes and directs staff and legal counsel to participate in discussions and/or mediation, if any, and to attend a hearing before the Environmental Review Tribunal in support of the City's position as set out in the said Notices and Application dated June 12, 2008."

BACKGROUND

The Smallfield Well is an existing City municipal well that has been off-line since about 1994. The well is off-line because of man-made contaminants (Trichloroethylene) in the water from the well. The specific source of the contaminants is not known at this time but the Province has kept the City informed with respect to this project. As part of the Water Supply Master Plan, it was recommended that the Smallfield Well be brought back into service using treatment to remove the contaminants. In 2007, Waterworks initiated a project to rehabilitate the well, to confirm the existing well capacity and potential yield and to assess the current water quality. Subsequent phases of the project would assess treatment requirements and design and commission the treatment system.

REPORT

The Smallfield Well had an existing Permit to Take Water which was renewed in 2003 and extended through to March 2008 (i.e. a five-year permit). Waterworks staff submitted an application to the Ministry of Environment (MOE) to renew the

Permit in February/08. In early April, the MOE expressed concern about the application and the renewal of the Permit in relation to the proposed well capacity and water quality assessment. Waterworks staff submitted additional information to the MOE in April in support of the Permit application and describing the Waterworks proposed program for the well and the intention to return the well to service as part of the Water Supply Master Plan.

The Director of the MOE recently approved a Permit, which was received by the City on June 3, 2008, that is significantly different from what the City applied for. The existing Permit was not renewed but cancelled without explanation and a new Permit issued in its place.

Waterworks staff recommend serving a Notice of Appeal/Notice Requiring a Hearing by the Environmental Review Tribunal and a related Application to Stay (related to Condition 4.2 of the new Permit) in accordance with the Ontario Water Resources Act, on the following grounds, amongst others:

- The new Permit states the purpose of the well is for pumping tests only and not municipal water supply;
- The term of the Permit was reduced to two years with limitations on the use of the well;
- The Permit provides new conditions on the water taking that are not easily interpreted and require clarification; and
- The Permit does not allow for significant movement of contaminants which will naturally result from testing and returning the well to active duty.

The change in use of the Permit may significantly impact the City's ability to restore the well to service. The constraint on significant movement of contaminants will prevent the City from assessing the current water quality and designing appropriate treatment systems for the well water. Parts of the Permit are vague and contradictory and, without clarification, may result in non-compliance with the Permit's Conditions.

Under Section 100 of the Ontario Water Resources Act, the City had a 15-day period, which expired June 12, 2008, in which to serve a written Notice of Appeal/Notice Requiring a Hearing by the Environmental Review Tribunal upon the Director of the MOE and the Environmental Review Tribunal. Because of the short time period, Environmental Services staff and the CAO worked with legal counsel to prepare the Notices and Application. The Notices and Application were served within the prescribed time in order to preserve and protect the City's interests and rights.

Staff will attempt to work with the MOE through discussions and/or mediation to improve the Permit and to avoid a formal appeal process. However, a Hearing may be required in order to try to achieve a workable Permit which would allow the City to implement the proposed plan for the Smallfield Well.

The most significant implication of the hearing process is the potential delays to this component of the Water Supply Master Plan. The hearing process may delay the

project by six months or more. There is also a risk that the City's position may not be successful and without a workable Permit, it may not be feasible to return the well to service.

CORPORATE STRATEGIC PLAN

5. A community-focused, responsive and accountable government.
6. A leader in conservation and resource protection/enhancement.
- 6.3 A safe and reliable local water supply.

FINANCIAL IMPLICATIONS

After consultation with the Corporate Services Department, Legal Services Division, staff has secured the assistance of an experienced environmental lawyer. Related costs will be funded from the approved budget for the Smallfield testing program. At this time, staff do not anticipate that additional funds beyond the approved budget will be required. Staff will bring forward additional funding requirements, if necessary, during the 2009 budget process.

DEPARTMENTAL CONSULTATION

Corporate Services Department - Legal Services
Chief Administrative Officer

COMMUNICATIONS

As required under the Environmental Review Tribunal's Rules of Practice, property owners with 120 metres of the property boundary, as well as any other person to have a known interest in the potential outcome, are to be given Notice of the Hearing and the filed documents. In addition, the Environmental Review Tribunal may require publication of Notice of Hearing in a local newspaper or by other means.

ATTACHMENTS

N/A



Prepared By:
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Recommended By:
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June 25, 2008

RECEIVED

JUN 27 2008

Dr. J. Laird
Director of Environmental Services

CITY OF GUELPH
LEGAL DEPARTMENT

Dear Dr. Laird:

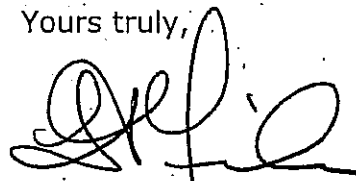
At a meeting of Guelph City Council held June 23, 2008, the following resolution was adopted:

"THAT Council adopts and endorses the Notice of Appeal / Notice Requiring a Hearing by the Environmental Review Tribunal and accompanying Application for a Stay dated June 12, 2008 in respect of a Permit to Take Water for the Smallfield Municipal Well;

AND THAT Council authorizes, ratifies and confirms the actions of staff in respect of serving upon the Director of the Ministry of the Environment and the Environmental Review Tribunal the said written Notices and Application pursuant to the Ontario Water Resources Act;

AND THAT Council authorizes and directs staff and legal counsel to participate in discussions and/or mediation, if any, and to attend a hearing before the Environmental Review Tribunal in support of the City's position as set out in the said Notices and Application dated June 12, 2008."

Yours truly,



Lois A. Giles
Director of Information
Services/ City Clerk

cc. ~~Ms. L. E. Payne~~

LAG: db

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Guelph, ON
Canada
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BETWEEN:

THE CORPORATION OF THE CITY OF GUELPH

Appellant

- and -

DIRECTOR, MINISTRY OF THE ENVIRONMENT

Respondent

MINUTES OF SETTLEMENT

WHEREAS on May 23, 2008 the Director issued to the Appellant Corporation of the City of Guelph (the "City") Permit to take Water Number 2803-7CULXT (the "Existing Permit") , and;

WHEREAS the City appealed the Existing Permit and a previously issued permit (the "appeal") to the Environmental Review Tribunal ("Tribunal");

WHEREAS the Tribunal issued a stay on terms of part of the Existing Permit;

WHEREAS the City and the Director have agreed that this appeal should be settled by the issuance of an amended or replacement Permit to Take Water and by way of an Order from the Tribunal dismissing the appeal;

THEREFORE, the parties agree as follows:

1. The Director and City will jointly request that the Tribunal make an order requiring that the Director issue an amended or replacement Permit to take Water, in the form and content attached hereto ("New Permit"). (attach document)

2. The Director will issue the New Permit upon the Tribunal making the requested order.

3. The City will withdraw its appeal upon the Tribunal making the requested order.

4. The City will implement the work plan described in the New Permit following the issuance of the New Permit.

5. This Agreement may be executed in counterparts and all such counterparts shall for all purposes constitute one agreement binding on the parties to this Agreement, provided that both parties to this Agreement have executed at least one counterpart. Each such counterpart shall be deemed to be an original notwithstanding that both all parties are not signatory to the same counterpart.

IN WITNESS WHEREOF the parties hereto have executed this Agreement effective as of the date last written below.

Per: _____
Mayor, City of Guelph,
on behalf of The Corporation of the City of Guelph

dated :

Per: _____
Clerk, City of Guelph,
on behalf of The Corporation of the City of Guelph

dated :

dated:

Director, section 34 Ontario Water Resources Act
(Respondent)

DRAFT

Planning Application Reports

Attached are the Planning Application Reports for which Guelph City Council will hold the statutory public meeting on **Monday November 3, 2008** at 7:00 p.m.

ITEMS FOR DECISION:

- 1) **1750 GORDON STREET - WESTMINSTER MARKET – Application for Site Plan Approval for Phase One of a Mixed Commercial Development (File SP07C013) (Ward 6)**

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

Please retain this copy of the report and bring it to the November 3, 2008 Council Planning meeting.

TO **Guelph City Council**

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

**SUBJECT Westminster Market - Application for Site Plan
Approval for Phase One of a Mixed Commercial
Development
(File SP07C013)**

REPORT NUMBER 08-102

RECOMMENDATION

"THAT Report 08-102 regarding a proposed Site Plan Application for approval of a mixed commercial development applying to a property municipally known as 1750 Gordon Street, City of Guelph, from Community Design and Development Services dated November 3, 2008, BE RECEIVED; and

THAT City Council conditionally approve the site plan application (03-OCT-08, rev. 23) by GSP Group Inc. on behalf of Loblaw Properties Limited proposing the first phase of a mixed commercial development of lands municipally known as 1750 Gordon Street, subject to resolving the technical and design issues set out in the Community Design and Development Services Report 08-102 and the execution and registration of a site plan control agreement on title, containing the conditions of approval set out in Schedule 2 of the same report, to the satisfaction of the Director of Community Design and Development Services".

BACKGROUND

On February 13, 2006, City Council considered report 06-23 from Planning and Development Services which recommended approval of an Official Plan Amendment from General Residential to Community Commercial and a Zoning By-law Amendment from UR (Urban Reserve) to CC-17 (Specialized Community Commercial) for the subject property to permit a mixed-use commercial development. In approving the Official Plan and Zoning By-law Amendments, City Council imposed a condition that any future Site Plan Application for the proposed mixed-use development be reviewed and approved by Council and that staff develop a process for public input into the Site Plan Application. The approval granted by City Council for the Official Plan and Zoning By-law Amendments was appealed to the Ontario Municipal Board (OMB) by surrounding residents. The appeal was dismissed and Council's decision with respect to these applications stands.

On September 26, 2006, the City's Commercial Policy Review, OPA 29, was approved which superseded the site specific Official Plan Amendment, and the designation of the subject property changed from "Community Commercial" to "Mixed Use Node". Loblaw Properties Limited appealed specific policies of OPA 29 concerning urban design as they relate to two properties in the City: the subject property, 1750 Gordon Street; and 115 Watson Parkway North/72 Watson Road North which is also located in a Mixed Use Node.

The OMB hearing for the appeal of the specific Mixed Use Node Policies is scheduled for 5 days beginning November 24, 2008 at 10:30 a.m. in Council Chambers. As Council is aware, typically staff attempt to resolve and/or mediate issues in order for full OMB hearings to be avoided. In this instance staff have continued working through the details of the site plan application for 1750 Gordon Street as one method in which the appeal can be resolved. If Council, staff and the applicant agree upon a site plan that conforms to the appealed Mixed Use Node Policies and conditional Site Plan Approval is issued, then Loblaw Properties Limited has agreed to withdraw their appeal.

The specific policies under appeal are attached as **Schedule 4 – Appealed "Mixed Use Node" Official Plan Policies**.

Most recently, Loblaw Properties Limited has advised that they will not be proceeding with the development of the large retail food store on this site in the immediate future. However, they have a purchaser interested in developing the three smaller commercial buildings proposed along Clair Road East. Therefore, they are seeking Site Plan Approval for the smaller buildings, as well as the transit terminal at this time. When they are ready to proceed with the large retail food store, they will submit another application for Site Plan Approval in order to further develop the site. The approval authority for the future application for Site Plan Approval will remain with Council.

REPORT

An application for Site Plan Approval under Section 41 of the *Planning Act* was submitted on February 27, 2007 to Community Design and Development Services.

Public Process in 2007

In accordance with Council direction, staff incorporated a public process into the typical site plan review procedure. On March 13, 2007 a letter was sent out to the community, all residents within 120 m (393.7 ft.), informing them that the City was in receipt of an application for site plan approval. The letter described the proposal as a food store with an approximate gross floor area of 13 424 m² (144,500 sq. ft.) and three other buildings with a total gross floor area of approximately 2 350 m² (25,296 sq. ft.) and a reduced version of the site plan was attached to letter. The letter invited residents to view the full-size site plan drawings in the Community Design and Development Services offices and to submit written comments for consideration (see **Schedule 5 – 2007 Letter to Residents**). Several letters were received by Community Design and Development Services.

At the same time that the letter was being sent to all residents within 120 m (393.7 ft.), a Neighbour's Focus Group consisting of 5 neighbourhood representatives was established to have further discussions with City Staff regarding the proposed development. The smaller focus group was selected based on interest and participation in the related zoning application. On April 4, 2007, City staff met with the Neighbour's Focus Group. Based on the feedback received from the public, concerns were raised with respect to: site and building design; traffic; stormwater management; pedestrian safety; lighting; on-site waste storage; and environmental impacts of the proposal. For a detailed list of concerns raised by the public see **Schedule 6 – Concerns raised by the Public**.

Staff Review of February 2007 Site Plan Drawings

Many of the issues that were identified by the public can be dealt with through the Site Plan Approval process and are similar to those identified by staff through the technical review of the site plan application. The issues identified by Planning, Building and Engineering staff in February 2007 included the following:

- Pedestrian safety and circulation on the site is to be improved;
- Increase the number and size of landscape islands in the large parking area;
- Additional landscaping is to be provided to buffer residents from the truck loading area;
- The architectural character of the proposal should be modified to reflect the surrounding area and the City's Official Plan policies;
- The buildings at the corner of Gordon Street and Clair Road should be increased in height and located close to the street to provide a gateway entrance to the City;
- Environmentally friendly designs such as LEED certification and compliance with the Community Energy Plan are strongly encouraged;
- The proposed stormwater management (SWM) system must be revised;
- The proposed access point on Clair Road should be a transit entrance only with a transfer node on the property;
- A lighting plan, noise study and dust suppression report should be provided to ensure that adjacent residential properties are not negatively impacted;
- The property owner is required to enter into a Site Plan Agreement with the City prior to approval.

All of the issues identified by the surrounding residents and staff were conveyed to the applicant at the Site Plan Review Committee meeting in April 2007. The applicant was then required to revise the plans in such a way as to address the outstanding issues and concerns.

Staff Review of December 2007 Site Plan Drawings

The applicant submitted revised plans on December 21, 2007 in an effort to address some of the technical concerns and issues staff identified through the review of the first submission of drawings.

Changes were made to the proposal including: the introduction of a transit terminal; improved pedestrian circulation throughout the site including a better east-west pedestrian connection through the site; and the height of the buildings at the corner of Gordon Street and Clair Road were increased.

Staff conducted a technical review of the revised submission and it was determined that many of the issues identified through the first submission remained outstanding. Further improvements were required to pedestrian circulation; the gateway feature still required enhancement; the proposed landscaping needed to be increased and upgraded throughout the site; the architectural character of the buildings required further modification; the proposed environmental technologies to be used still needed to be outlined; the SWM design still required modification and the lighting plan, noise study and dust suppression report had not been submitted for review. This feedback was provided to the applicant in January of 2008.

Public Process in 2008

The applicant submitted revised plans on August 22, 2008. The revised plans demonstrated that the proposed gross floor area for the food store had been reduced by 2 840 m² (30,571 sq. ft.) for a total floor area of 10 584 m² (113,929 sq. ft.) and the three other retail buildings have been reduced in total by 326 m² (3,509 sq. ft.) for a total floor area of 2 024 m² (21,787 sq. ft.).

On September 9, 2008 another letter was sent out to the community, all residents within 120 m (393.7 ft.), informing them that the City was in receipt of a revised application for site plan approval. The letter described the revised proposal as a food store with an approximate gross floor area of 10 584 m² (113,929 sq. ft.) and three other buildings with a total gross floor area of approximately 2 024 m² (21,787 sq. ft.) and a reduced version of the site plan was attached to letter. The letter invited residents to view the full-size site plan drawings in the Community Design and Development Services offices and to submit written comments for consideration (see **Schedule 7 – 2008 Letter to Residents**). Only one written response was received by Community Design and Development Services which outlined general concerns with respect to the planning process rather than the design of the site and buildings.

On September 25, 2008, a second Neighbour's Focus Group meeting was held at the Westminster Square Branch of the Guelph Public Library. At the meeting, surrounding residents raised concerns with respect to the large retail food store, particularly with the area to the rear of the building where loading and on-site waste storage occur. More specifically the concerns related to: noise associated with delivery trucks; lighting; odours; adequate landscaping, berming and buffering; screening of the loading and waste storage areas; and, proximity of the building to their homes.

The residents in attendance at the meeting had no concerns with the three smaller commercial buildings proposed at the southerly end of the site along Clair Road East. It was indicated by the residents that these buildings are surrounded by other commercial uses and are not in proximity to residential buildings, therefore, there would be no impact.

Lastly, the residents outlined that provided the proposed transit terminal does not increase the amount of bus traffic on Farley Drive, they have no concerns with it either.

Staff Review of August 2008 Revised Drawings

Staff completed a technical review of the revised plans submitted in August 2008 and identified the following issues:

- Some minor modifications were required to further improve pedestrian circulation and safety as well as accessibility – the applicant agreed to modify the plan in accordance with staff recommendations;
- Technical details are required on the Site Plan drawing to ensure full compliance with the Zoning By-law (i.e. complete zoning schedule) – the applicant agreed to provide this information;
- A lighting plan, noise study and dust suppression report are required to be submitted for review to ensure that adjacent residential properties are not negatively impacted – the applicant has agreed to provide the information as it is required through the phasing of the development;
- A site plan agreement is required to ensure all the conditions outlined through the Zoning By-law Amendment (see **Schedule 8 – Conditions of Approval for ZC 0402**) process are satisfied – the applicant agreed and will be entering into a site plan agreement;
- The proposed articulation of the largest building facing Gordon Street and Clair Road should be further upgraded to enhance the visual built form and character of Guelph – the applicant agreed to further explore this concern and will consider further upgrading the elevations;
- The proposed landscaped area at the corner of Gordon Street and Clair Road should be reduced in size in order for the smaller retail buildings to better frame the intersection – the applicant agreed to make the recommended change;
- The proposed drive-throughs associated with the financial institution buildings should be designed to be located outside of the required 50.0 m radius from the intersection – the applicant agreed to make the recommended change;
- Additional landscape islands and trees are required to break up the parking area in front of the largest building. Parking is being provided at a rate much higher than required by the zoning by-law, therefore some parking can be removed to accommodate additional islands – the applicant agreed to explore opportunities to provide additional landscape islands;

-
- Some of the proposed landscape islands were too small to accommodate the trees proposed and should be increased in size – the applicant agreed to increase the size of the landscape islands;
 - The proposed transit terminal was to be modified to provide a better interface and connection to the development – the applicant agreed to make this modification; and,
 - Minor changes were required to the submitted stormwater management model and servicing plan – the applicant agreed to make these changes.

Subsequent to the staff review of the August 2008 plans being completed, the applicant indicated that they would not be proceeding with the large retail food store at this time. The applicant further indicated that it would be unfair to Council, staff and surrounding residents to seek and potentially obtain approval for a store that is unlikely to be built in the same manner as it is proposed at this time. Therefore, they requested to remove it from the application for Site Plan Approval and seek approval for it in the future in order to avoid making false promises.

Accordingly, the applicant submitted revised plans on October 6, 2008 and are only seeking Site Plan Approval for the three commercial buildings along Clair Road and the proposed transit terminal. When the applicant is prepared to proceed with development of the large retail food store they will be required to submit another application for Site Plan Approval and the authority to make a decision on that application will remain with Council.

Staff Review of October 2008 Revised Drawings

With the removal of the large retail food store and associated parking from the proposal, a significant number of the issues that were previously identified are no longer a concern or are no longer applicable. Based on staff's completion of a technical review of the revised site plan, only the following minor issues remain outstanding:

- Minor changes are required to the submitted stormwater management model based on the removal of the large retail food store and associated parking area – the applicant has agreed to make these changes;
- A revised erosion and sediment control plan is required to illustrate check-dams or vegetation along the stormwater management channel on the westerly side of the site as well as dust suppression measures to be proposed throughout the construction phase – the applicant has agreed to make these changes;
- A revised grading plan is required to provide some additional information regarding the proposed top and bottom of retaining walls – the applicant has agreed to provide the required information;
- The site plan is to be revised to move the bus driver's facility back to the centre of the transit terminal – the applicant has agreed to make this change;

-
- A revised cost estimate is required to reflect the phasing of the development for works within the City right-of-way– the applicant has agreed to provide the cost estimate;
 - The loading and on-site waste storage area associated with Retail 'D' is to be screened with a wing wall constructed of the same materials as the building – the applicant has agreed to make this change;
 - The landscape plan is to be revised to provide some additional tree planting along Clair Road East in front of Retail 'D' and along Farley Drive – the applicant has agreed to make these changes;
 - The westerly elevation of Retail 'B' is to be upgraded – the applicant has agreed to make this change.

When revised plans are submitted that address the above issues, which are considered to be minor issues, staff would be in a position to recommend final approval of the first phase of the site plan. Accordingly, this report recommends that Council conditionally approve the first phase of the site plan application subject to conditions that would ensure all of the above issues as well as the conditions identified through the approval of the related zoning application as they relate to phase one of the development are addressed appropriately.

Appealed Mixed Use Node Official Plan Policies

In reviewing the October 2008 revised drawings, staff also evaluated them against the Mixed Use Node Official Plan Policies that remain under appeal. See **Schedule 4 – Appealed “Mixed Use Node” Official Plan Policies** for a complete list of the policies that are under appeal. The revised site plan meets the intent of all of the appealed Mixed Use Node policies.

The revised drawings conform to many of the appealed policies and, therefore, these policies are no longer an issue. This section highlights only the Environmental Design policies which are not yet fully resolved based on the information available to date.

7.4.46 Environmental Design

The applicant has provided some information with respect to the environmental initiatives to be incorporated into the proposed development. These will be outlined in detail through the discussion of the Community Energy Plan below. However, it should be noted that in this instance, the applicant is working with tenants and it is difficult to confirm the exact measures relating to environmental design that each tenant will be implementing at this stage. The applicant has been strongly encouraged to implement environmentally friendly designs and to require their tenants to make environmentally responsible decisions. Based on the proposed tenants at this time, the applicant has provided information with respect to what types of measures are taken at other branches/locations belonging to the proposed tenants. Based on the information available to date, the site plan meets the intent of this policy. The recommended approval of the site plan application is conditional upon the applicant requiring proposed tenants to implement their environmentally responsible design options for the subject development.

CORPORATE STRATEGIC PLAN

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

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

COMMUNITY ENERGY PLAN

The City's Community Energy Plan was approved in April 2007 and established directional guidelines for energy use and greenhouse gas impacts from 2006 to 2031. The overall vision of the CEP is "Guelph will create a healthy, reliable and sustainable energy future by continually increasing the effectiveness of how we use and manage our energy and water resources". The overall vision is supported by five goals:

- Guelph will be the place to invest, supported by its commitment to a sustainable energy future
- Guelph will have a variety of reliable, competitive energy, water and transport services available to all
- Guelph energy use per capita and resulting greenhouse gas emissions will be less than the current global average
- Guelph will use less energy and water per capita than comparable Canadian cities
- All publicly funded investments will visibly contribute to meet the other four CEP goals

In total the CEP aims to reduce the total secondary energy needs of the city by 8% and the primary energy needs by about 28%. The overall greenhouse goal is to reduce the per capita greenhouse from about 16 tonnes to 7 tonnes by 2031.

There are 7 CEP conditions to be considered when development proposals are being reviewed:

- Does it meet site and building efficiency expectations?
- Has the applicant made a voluntary commitment to display Energy Performance Labels?
- Has an Integrated Energy Master Plan for the site and possible neighbourhood integration been submitted?
- Does it help to improve City Transportation efficiency?
- Does it contribute to electricity peak reduction?
- Does it employ effective storm water management?
- Does it employ effective domestic water management?

The CEP calls for the voluntary use of regularly updated and displayed Energy Performance Labels prominently displayed for all publicly used buildings over 1,000 m² (10,764.26 sq. ft.). Since each of three buildings proposed are all under 1,000 m² (10,764.26 sq. ft.), this CEP condition is not applicable to phase one of the proposed development. In the future, when the large retail food store develops, this condition will have to be addressed.

Similarly, the CEP condition requiring that an assessment be made for an integrated approach to energy supply is only applicable to all developments with a finished floor space of 10,000 m² (107,642.62 sq. ft.) or more. Again, this condition is not applicable to the current phase of the proposed development. However, it will have to be addressed when the large retail food store proceeds.

With respect to the CEP condition regarding improving transportation efficiency, the site plan proposes a transit terminal to accommodate City buses. The details of the transit terminal and a satisfactory agreement for the City's use of these lands have to be finalized, however, the accommodation of a transit facility on-site supports the goals of the CEP.

The applicant has provided materials which demonstrate that the proposed development is generally in keeping with the intent of the goals of the CEP. Details have been provided with respect to four of the applicable CEP conditions in this instance. Beyond the CEP, the applicant has indicated that other environmental initiatives are being implemented. For detailed information relating to the proposed CEP and other environmental initiatives see **Schedule 9 – CEP & Environmental Initiatives**.

FINANCIAL IMPLICATIONS

Projected Taxation

- The total tax levy per year is estimated to be a minimum of \$95,000

Development Charges

- Total Commercial Floor Area 2 024.45 m² @ \$80.29/m² = \$162,543.09

DEPARTMENTAL CONSULTATION

The Site Plan application has been reviewed by Engineering Services, Planning Services and Building Services through the Site Plan Review Committee (SPRC) process.

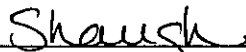
Legal Services staff have been consulted.

COMMUNICATIONS

- March 13, 2007 a letter was sent to all residents within 120 m (393.7 ft.) of the subject property advising that a site plan application had been received by the City; describing the development proposal; and inviting those interested to view full-size plans at the Community Design and Development Services offices or send their comments to staff. A reduced version of the site plan was attached to the letter.
- April 4, 2007 a Neighbour's Focus Group meeting was held in order for staff to hear the concerns of a representative group of citizens.
- September 9, 2008 a second letter was sent to all residents within 120 m (393.7 ft.) of the subject property advising that a revised site plan application has been received; describing the revised development proposal; inviting those interested to view full-size plans at the Community Design and Development Services offices or send their comments to staff. A reduced version of the site plan was once again attached to the letter.
- September 25, 2008 a second Neighbour's Focus Group meeting was held in order to further the discussion regarding the proposal and hear the concerns of the group.
- October 17, 2008 a Notice was sent to all residents within 120 m (393.7 ft.) of the subject property advising that a revised site plan application will be considered by Council on November 3, 2008 and inviting those interested to view full-size plans in advance of the Council meeting.

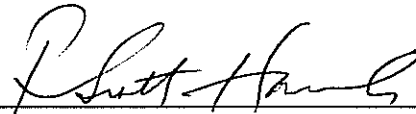
ATTACHMENTS

- Schedule 1** – Location Map
- Schedule 2** – Conditions of Approval
- Schedule 3** – Proposed Site Plan
- Schedule 4** – Appealed "Mixed Use Node" Official Plan Policies
- Schedule 5** – 2007 Letter to Residents
- Schedule 6** – Concerns raised by the Public
- Schedule 7** – 2008 Letter to Residents
- Schedule 8** – Conditions of Approval for ZC 0402
- Schedule 9** – CEP & Environmental Initiatives



Prepared By:

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Parks Planning
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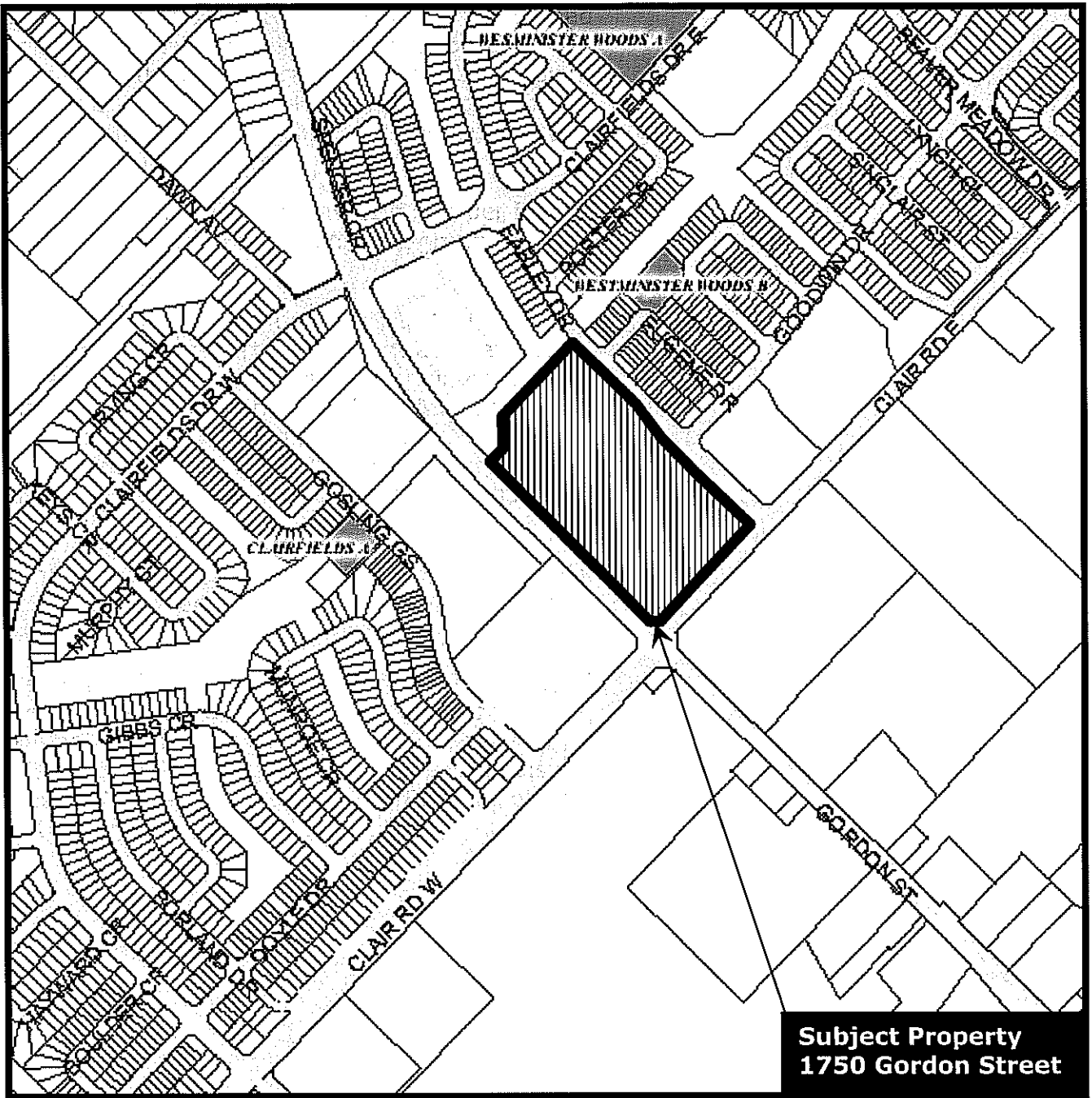


Recommended By:

James N. Riddell
Director of Community Design and Development Services
519.837.5616 x2361
jim.riddell@guelph.ca

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SCHEDULE 1 – Location Map

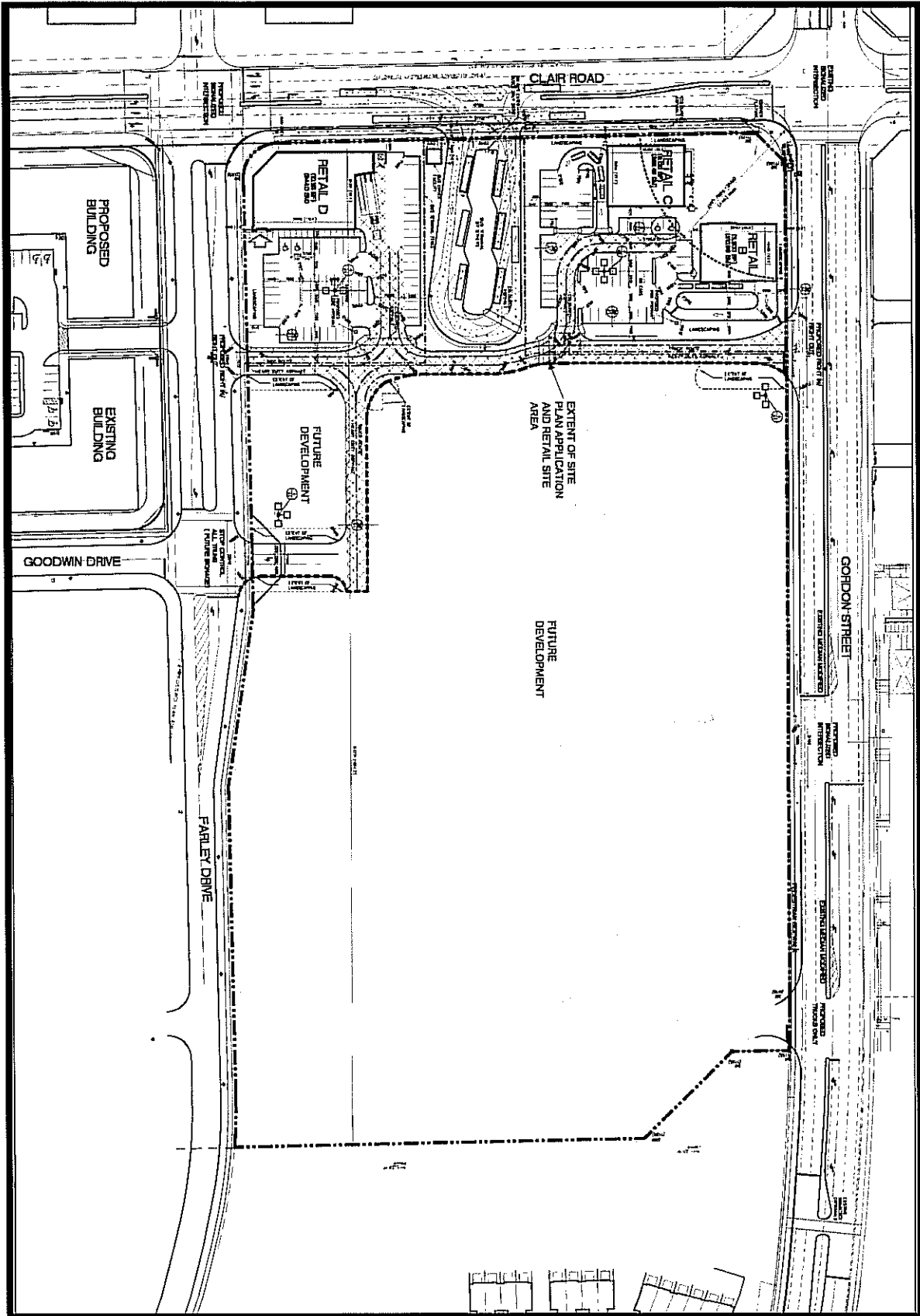


SCHEDULE 2 – Conditions of Approval for Phase One of the Site Plan

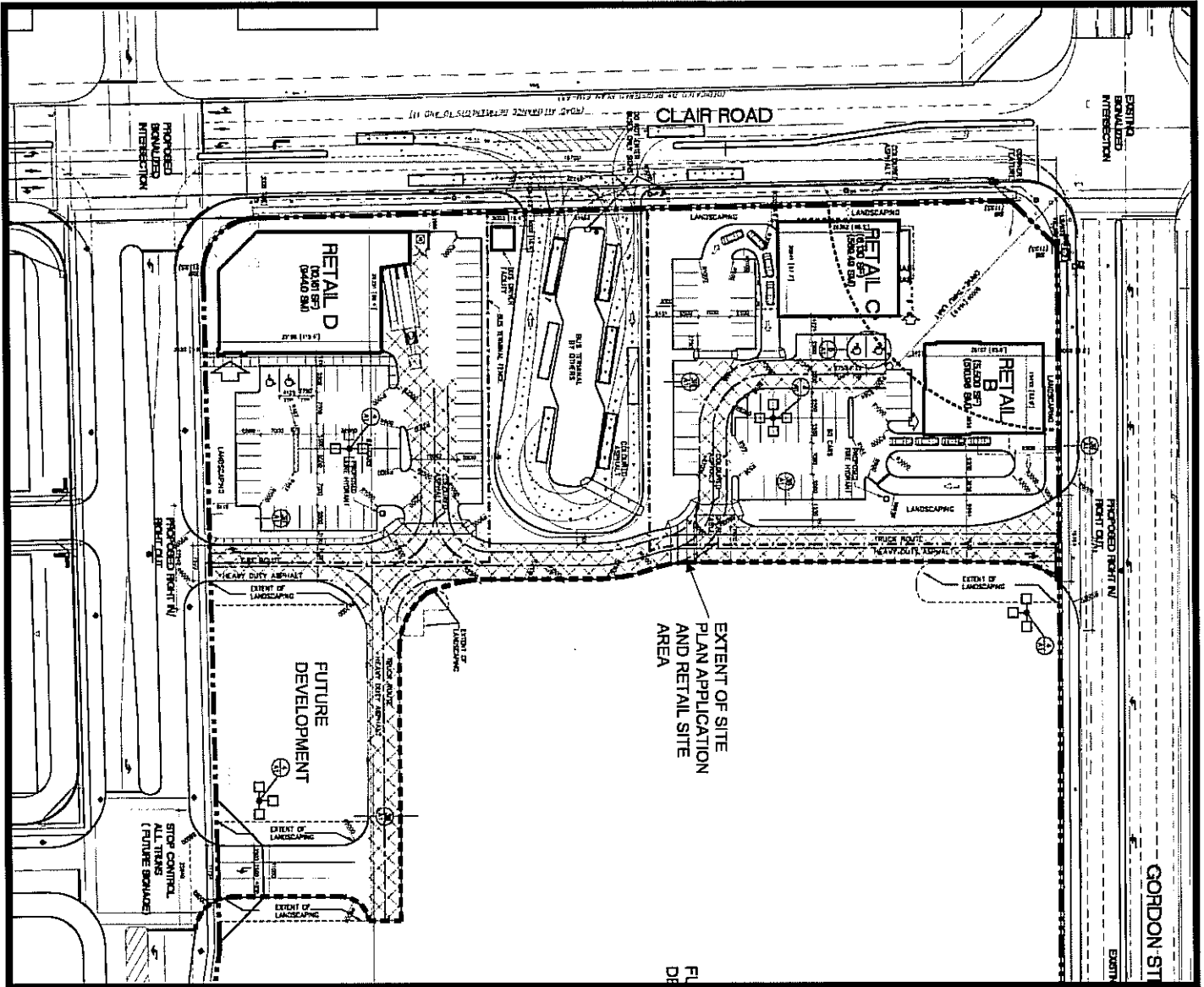
The following conditions of approval shall be fulfilled to the satisfaction of the Director, Community Design and Development Services prior to final site plan approval being granted:

1. The plans shall be modified to move the proposed bus driver's facility back to the centre of the transit terminal;
2. The submitted stormwater management model shall be modified;
3. The erosion and sediment control plan shall be modified to provide check-dams or vegetation along the proposed stormwater management channel on the westerly edge of the site and to illustrate dust suppression measures to be utilized during the construction phase;
4. The grading plan shall be revised to provide additional information with respect to the proposed top and bottom of retaining walls;
5. A revised cost estimate shall be provided to reflect the proposed phasing of the development for works within the City right-of-way;
6. All plans shall be modified to provide a wing wall to screen the loading and on-site storage area associated with Retail 'D';
7. The landscape plan shall be modified to provide additional plantings along Clair Road East in front of Retail 'D' and along Farley Drive;
8. The westerly elevation of Retail 'B' shall be upgraded to better address Gordon Street;
9. The applicant shall require any proposed tenants to implement the environmentally responsible and energy conservation design initiatives that they have employed in other locations for the subject development as outlined in **Schedule 9** of this report in order to support the goals of the City's Community Energy Plan. This shall include, but is not limited to the use of the following:
 - energy efficient lighting
 - motion sensors
 - daylighting to reduce the need for daytime lighting
 - low-E glass and shade devices
 - programmable thermostats
 - low flow water closets
 - efficient water heating systems
 - drought tolerant landscaping
 - energy efficient building construction
10. The owner shall satisfy all conditions of approval outlined in the related zoning by-law amendment approval as they relate to phase one of the development proposal (see **Schedule 8 – Conditions of Approval for ZC 0402**);
11. The owner shall enter into a Site Plan Agreement with the City, registered on title, satisfactory to the City Solicitor and the Director of Community Design and Development Services agreeing to satisfy all required conditions of approval and to develop the site in accordance with the approved plan.

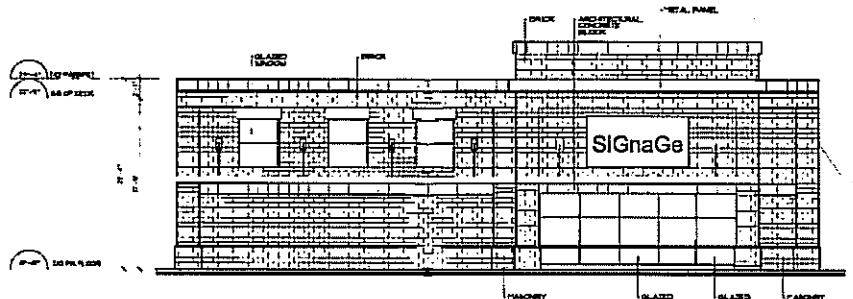
SCHEDULE 3 - Proposed Site Plan



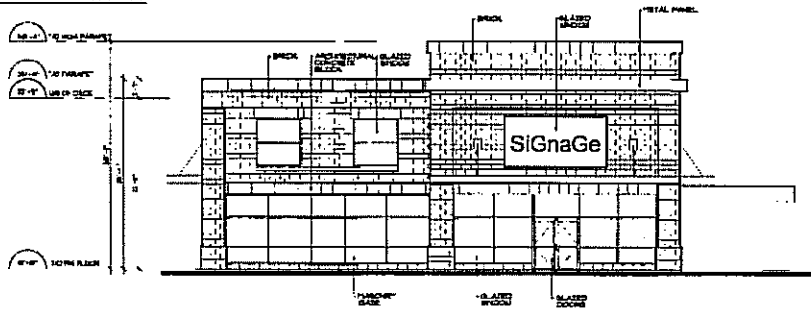
**SCHEDULE 3 - Proposed Site Plan
Phase 1**



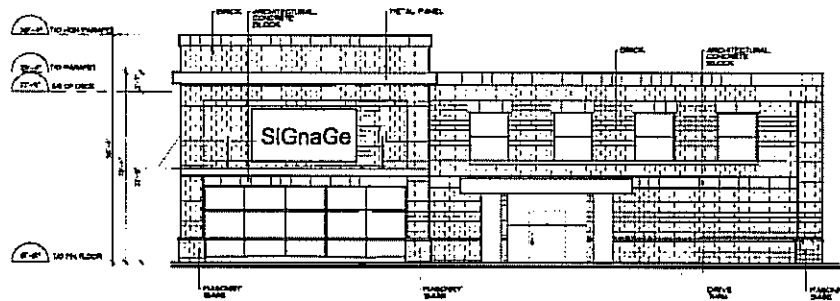
**SCHEDULE 3 – Proposed Site Plan
Elevations for Retail 'B'**



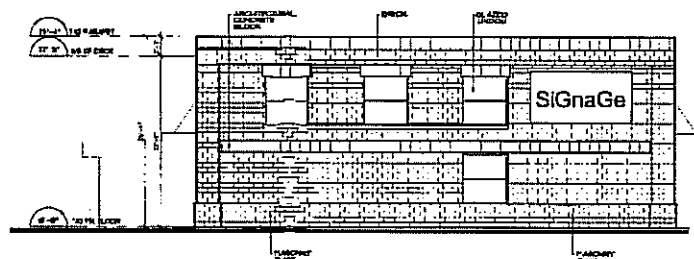
1 RETAIL B SOUTH ELEVATION
A2 3/32" = 1'-0"



2 RETAIL B EAST ELEVATION
A2 3/32" = 1'-0"



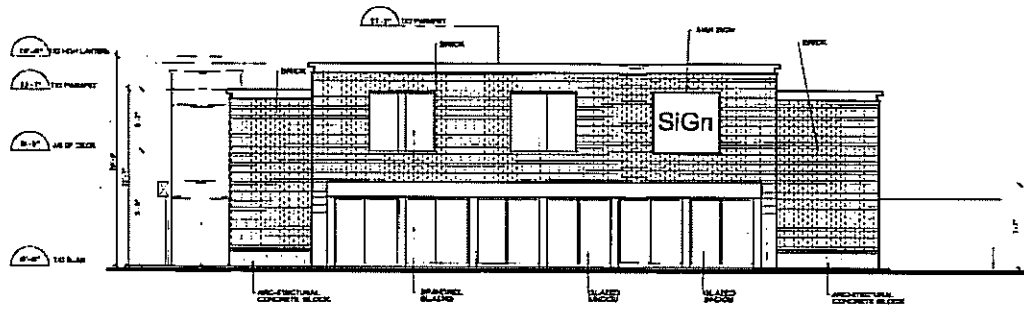
3 RETAIL B NORTH ELEVATION
A2 3/32" = 1'-0"



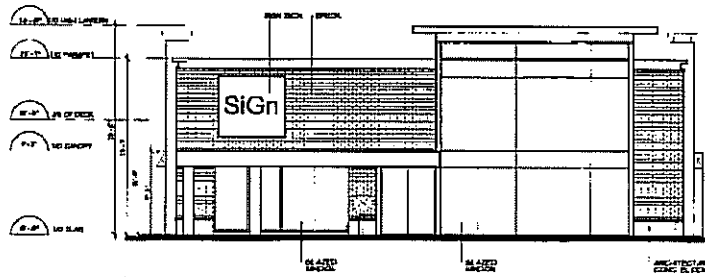
4 RETAIL B WEST ELEVATION
A2 3/32" = 1'-0"

RETAIL B (GORDON STREET PAD)

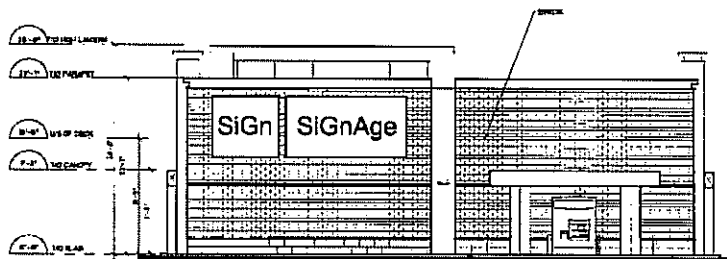
**SCHEDULE 3 – Proposed Site Plan
Elevations for Retail 'C'**



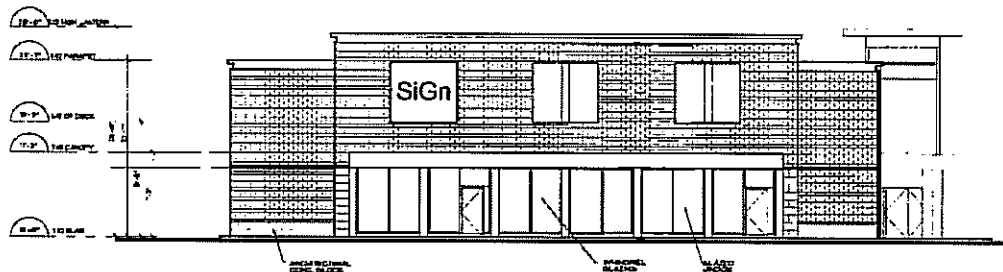
5
A2 RETAIL C SOUTH ELEVATION
3/32" = 1'-0"



6
A2 RETAIL C WEST ELEVATION
3/32" = 1'-0"



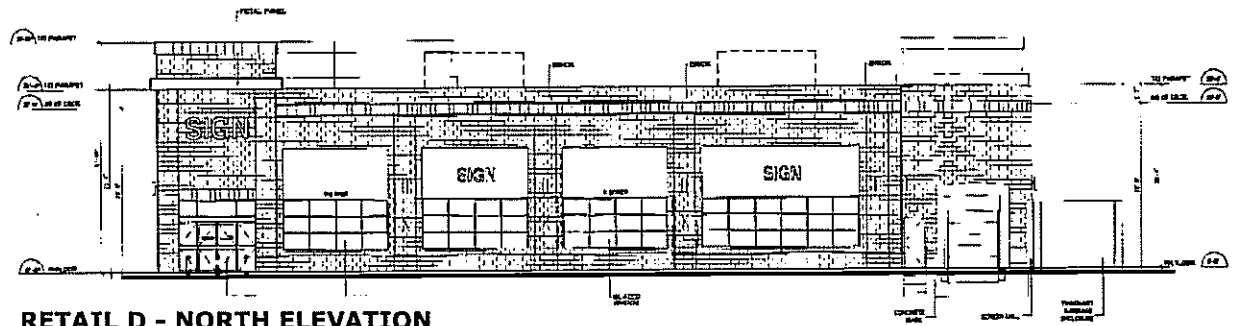
7
A2 RETAIL C EAST ELEVATION
3/32" = 1'-0"



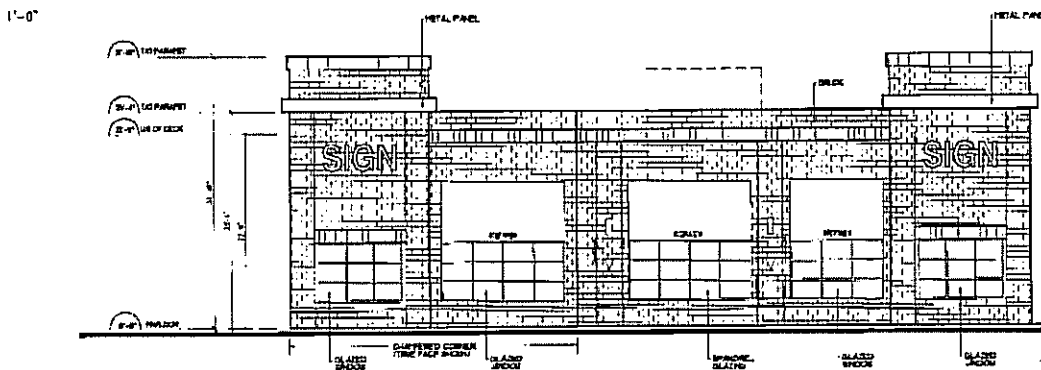
8
A2 RETAIL C NORTH ELEVATION
3/32" = 1'-0"

RETAIL C (CLAIR ROAD PAD)

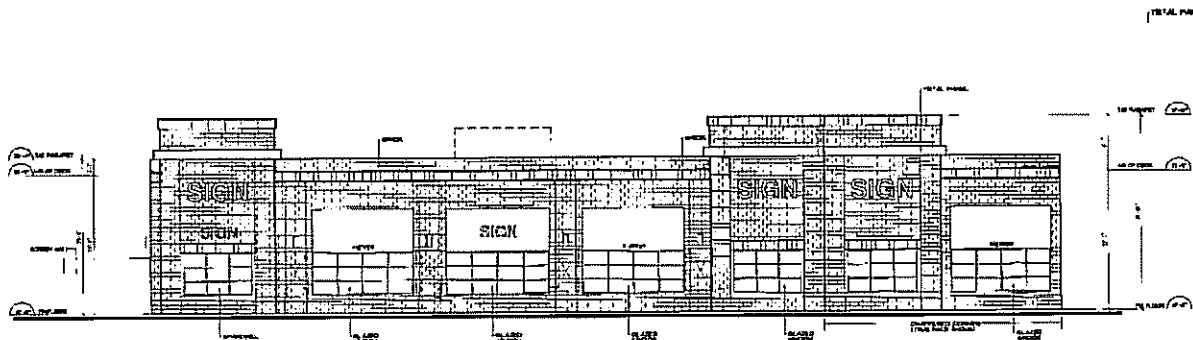
**SCHEDULE 3 – Proposed Site Plan
Elevations for Retail 'D'**



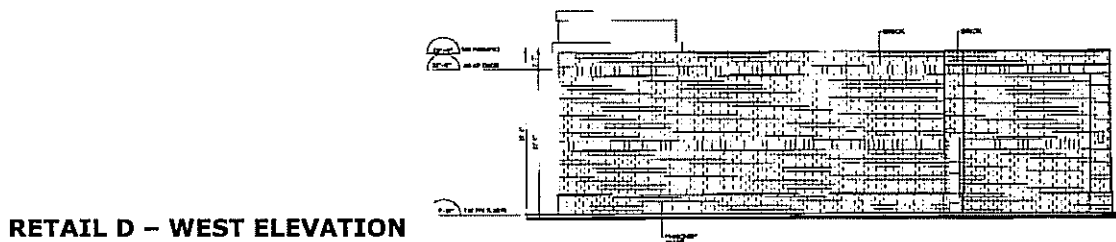
RETAIL D - NORTH ELEVATION



RETAIL D - EAST ELEVATION



RETAIL D - SOUTH ELEVATION



RETAIL D - WEST ELEVATION

SCHEDULE 4 – Appealed “Mixed Use Node” Official Plan Policies

- 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. **CONFORMS**
- 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. **CONFORMS**
- 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 m² (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. **CONFORMS**
- 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. **CONFORMS**

Detailed Design Policies

- 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: **CONFORMS**
- 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. **CONFORMS**

-
- 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. **CONFORMS**
- 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. **CONFORMS**
- 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. **CONFORMS**
- 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. **CONFORMS**
- 7.4.40.6 Surface parking and loading areas shall not be permitted immediately adjacent the four corners of an intersection. **CONFORMS**
- 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. **CONFORMS**
- 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. **CONFORMS**
- 7.4.41.3 Avoid locating outdoor storage areas along or adjacent to street edges. **CONFORMS**
- 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. **CONFORMS**
- 7.4.41.5 Buildings will be designed to screen roof-top mechanical equipment from visibility from the public realm. **CONFORMS**
- 7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges. **CONFORMS**
- 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. **CONFORMS**
- 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. **CONFORMS**

7.4.42.3 Divide large parking areas into smaller and defined sections through the use of landscaping and pedestrian walkways. **CONFORMS**

7.4.42.4 Provide bicycle parking in close proximity and convenient to building entrances. **CONFORMS**

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. **CONFORMS**

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. **CONFORMS**

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. **CONFORMS**

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. **CONFORMS**

7.4.43.5 Where possible, main building entrances should incorporate weather protection measures such as canopies, awnings, building projections or colonnades. **CONFORMS**

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. **CONFORMS**

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. **CONFORMS**

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. **NOT APPLICABLE AT THIS TIME, THEREFORE CONFORMS**

-
- 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. **NOT APPLICABLE AT THIS TIME, THEREFORE CONFORMS**
- 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. **NOT APPLICABLE AT THIS TIME, THEREFORE CONFORMS**
- 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. **NOT APPLICABLE AT THIS TIME, THEREFORE CONFORMS**
- 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. **CONFORMS**
 - 7.4.45.1.2 Where possible, the location of noise-generating activities away from sensitive areas. **CONFORMS**
 - 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. **CONFORMS**
 - 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. **CONFORMS**
 - 7.4.45.1.5 Design exterior lighting and signage to prevent light spillage into the adjacent property. **CONFORMS**
 - 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. **CONFORMS**
- 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. **PROPOSAL MEETS THE INTENT OF THIS POLICY BASED ON THE INFORMATION AVAILABLE AT THIS TIME**

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

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. **IN PROCESS**

SCHEDULE 5 – 2007 Letter to Residents



THE CITY OF
Guelph

COMMUNITY DESIGN AND DEVELOPMENT SERVICES
City Hall, 59 Carden Street
Guelph, Ontario, Canada N1H 3A1
Tel: 519-837-5616 Fax: 519-837-5640
guelph.ca

(Offices located at 2 Wyndham Street North, 3rd Floor)

March 13, 2007.

Residents Adjacent to 1750 Gordon Street

Dear Resident:

Re: Site Plan Approval Application – 1750 Gordon Street – Westminster Market

The City of Guelph is in receipt of a site plan approval application from the GSP Group Inc. for the property known as 1750 Gordon Street (See location map attached).

A Zoning By-law amendment and Official Plan amendment were approved by City Council and subsequently approved by the Ontario Municipal Board in August 2006 to change the zoning to a specialized Community Shopping Centre Zone that would permit the development of a mixed use commercial development. The applicant has submitted a site plan for a food store with about 13,424 square metres of gross floor area and three other retail buildings with about 2,350 square metres of gross floor area (See site plan attached).

As part of the approval of the zoning amendment, City Council instructed the Director of Community Design and Development Services to develop a process for public input of the site plan application. This notification to residents within 120 metres of the subject property is in keeping with Council's direction. This notification is intended to inform area residents of the site plan approval application and will allow residents the opportunity to view the plans and make suggestions, if necessary, for the consideration of the Director prior to granting site plan approval. In this case, final approval will be the responsibility of Guelph City Council.

The plans are now available for viewing in the Planning Division (2 Wyndham Street North, Third Floor) during regular business hours (8:30 a.m. to 4:30 p.m.). A reduced version of the site plan is attached to this notice. Please forward any comments to the attention of Gary Austin, Site Plan Co-ordinator, Community Design and Development Services (gary.austin@guelph.ca) by **April 4, 2007**.

.../2



THE CITY OF GUELPH

March 13, 2007

Page 2

Re: Site Plan Approval Application – 1750 Gordon Street – Westminster Market

Your comments and comments from various departments of the City will be compiled into a report for the applicant and the members of the Site Plan Review Committee (SPRC) who will be reviewing this application in the near future. You will be notified of the Council meeting date when City Council will consider this site plan application.

If you require further information about this application or the site plan approval process, please contact Gary Austin at (519) 837 5616, extension 2370, or as noted above.

Yours truly,

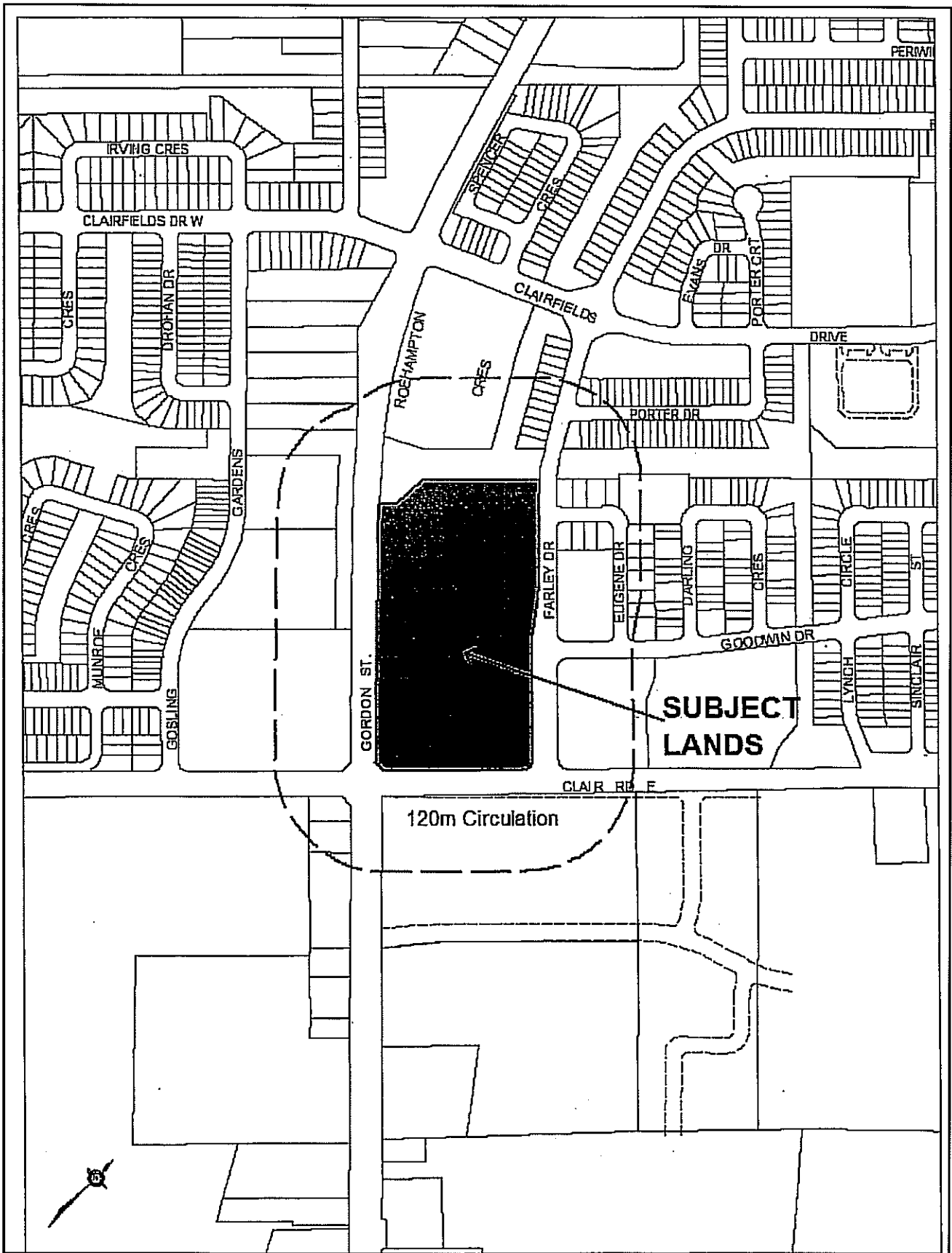


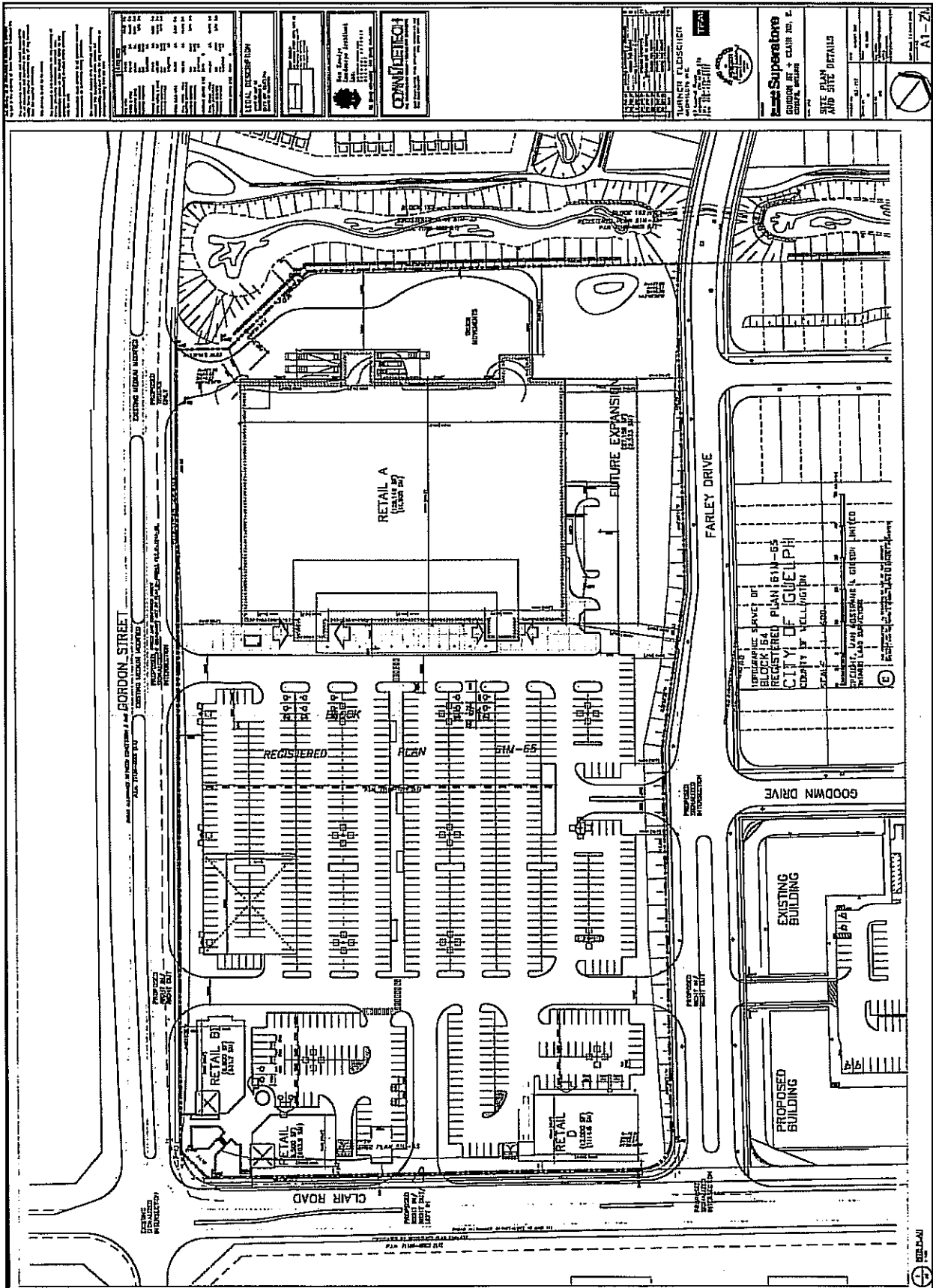
**Gary R. Austin
Site Plan Co-ordinator**

cc: Mayor Karen Farbridge
City Councillors
Hugh Handy
Jim Riddell
Scott Hannah
Al Hearne

attachment







SCHEDULE 6 – Concerns raised by the Public

Based on the written comments submitted and the feedback received at the meeting the following issues were raised by surrounding residents:

- Concern with respect to the size and location of the largest building;
- Concern regarding the potential increase in traffic particularly along Farley Drive and pedestrian safety as they cross the road;
- The amount of impervious surface/parking area is of concern as it increases storm runoff which can have further environmental/hydrologic impacts including the prevention of groundwater recharge and the loss of base flow. In addition, Gordon Street already floods in heavy rain/storm events;
- Special attention should be given to ensuring the site is pedestrian, bike and transit friendly with exceptionally safe cross walks, easy access to walking/bike paths and bike racks, and traffic calming measures;
- Concern with respect to the potential noise associated with increased traffic and overnight truck deliveries;
- Concern regarding the proposed lighting on the site impacting adjacent residential properties;
- The proposed landscaping should be increased along Farley Drive and the truck entrance in order to provide a buffer for the nearby residents. In addition, the parking area should be well landscaped to reduce the impact of "a sea of cars";
- Concern with respect to where and how waste will be stored on-site in order to ensure that odours do not impact surrounding residents;
- The design of the buildings, particularly the largest building, should be complimentary to the surrounding area; act as a gateway to the City; be attractive and in keeping with the City's architectural history; and feature environmental technologies;
- The site should feature a multi-level mixed use development with parking in the rear, planned greenspace, easy access to pedestrian pathways, bike paths and transit services, and be consistent with the original vision for Westminster Woods "as an innovative master-planned community";
- The proposal is not consistent with the Provincial Policy Statement or with Places to Grow;
- Opportunities for small businesses should be provided on-site.
- Concern was raised that the proposal would be a net drain on the tax base;

SCHEDULE 7 – 2008 Letter to Residents



September 9, 2008

Residents Adjacent to 1750 Gordon Street

Dear Resident:

Re: Site Plan Approval Application – 1750 Gordon Street – Westminster Market

The City of Guelph is in receipt of a revised site plan approval application from the GSP Group Inc. for the property known as 1750 Gordon Street (See location map attached).

A Zoning By-law amendment and Official Plan amendment were approved by City Council and subsequently approved by the Ontario Municipal Board in August 2006 to change the zoning to a specialized Community Shopping Centre Zone that would permit the development of a mixed use commercial development. The applicant has submitted a site plan for a food store with about 10, 584 square metres of gross floor area and three other retail buildings with about 2, 024 square metres of gross floor area (See site plan attached).

As part of the approval of the zoning amendment, City Council instructed the Director of Community Design and Development Services to develop a process for public input of the site plan application. This notification to residents within 120 metres of the subject property is in keeping with Council's direction. This notification is intended to inform area residents of the site plan approval application and will allow residents the opportunity to view the plans and make suggestions, if necessary, for the consideration of the Director prior to granting site plan approval. In this case, final approval will be the responsibility of Guelph City Council.

The plans are now available for viewing in the Planning Services (2 Wyndham Street North, Third Floor) during regular business hours (8:30 a.m. to 4:30 p.m.). A reduced version of the site plan is attached to this notice. Please forward any comments to the attention of Gary Austin, Site Plan Co-ordinator, Community Design and Development Services (gary.austin@guelph.ca) by September 19, 2008.

Your comments and comments from various departments of the City will be compiled into a report for the applicant and the members of the Site Plan review Committee (SPRC) who will be reviewing this application in the near future. You will be notified of the Council meeting date when City Council will consider this site plan application.

City Hall
55 Carleton St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
F 519-826-5771

guelph.ca

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If you require further information about this application or the site plan approval process, please contact Gary Austin at 519-837-5616 ext. 2370, or as noted above.

Yours truly,

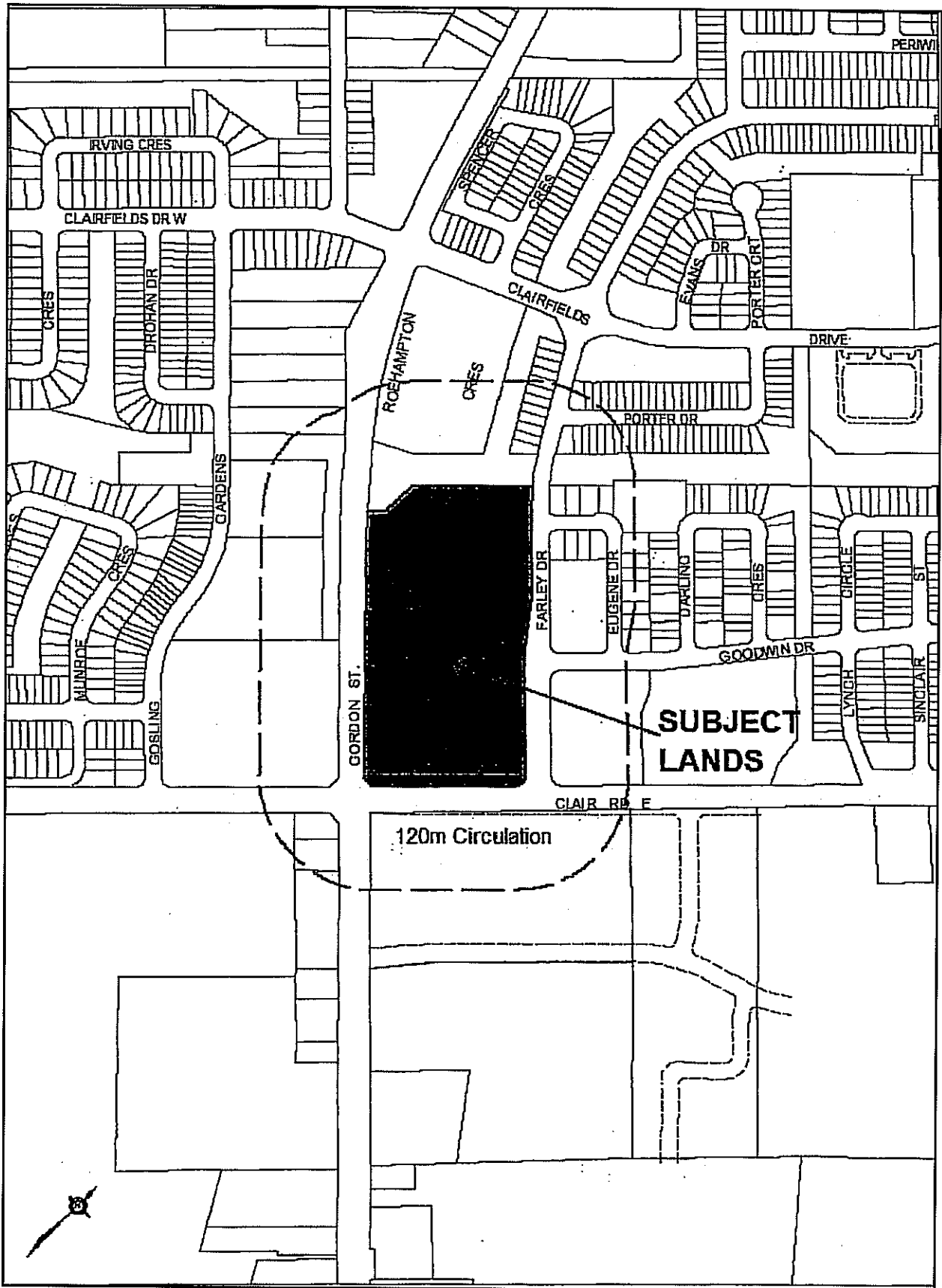


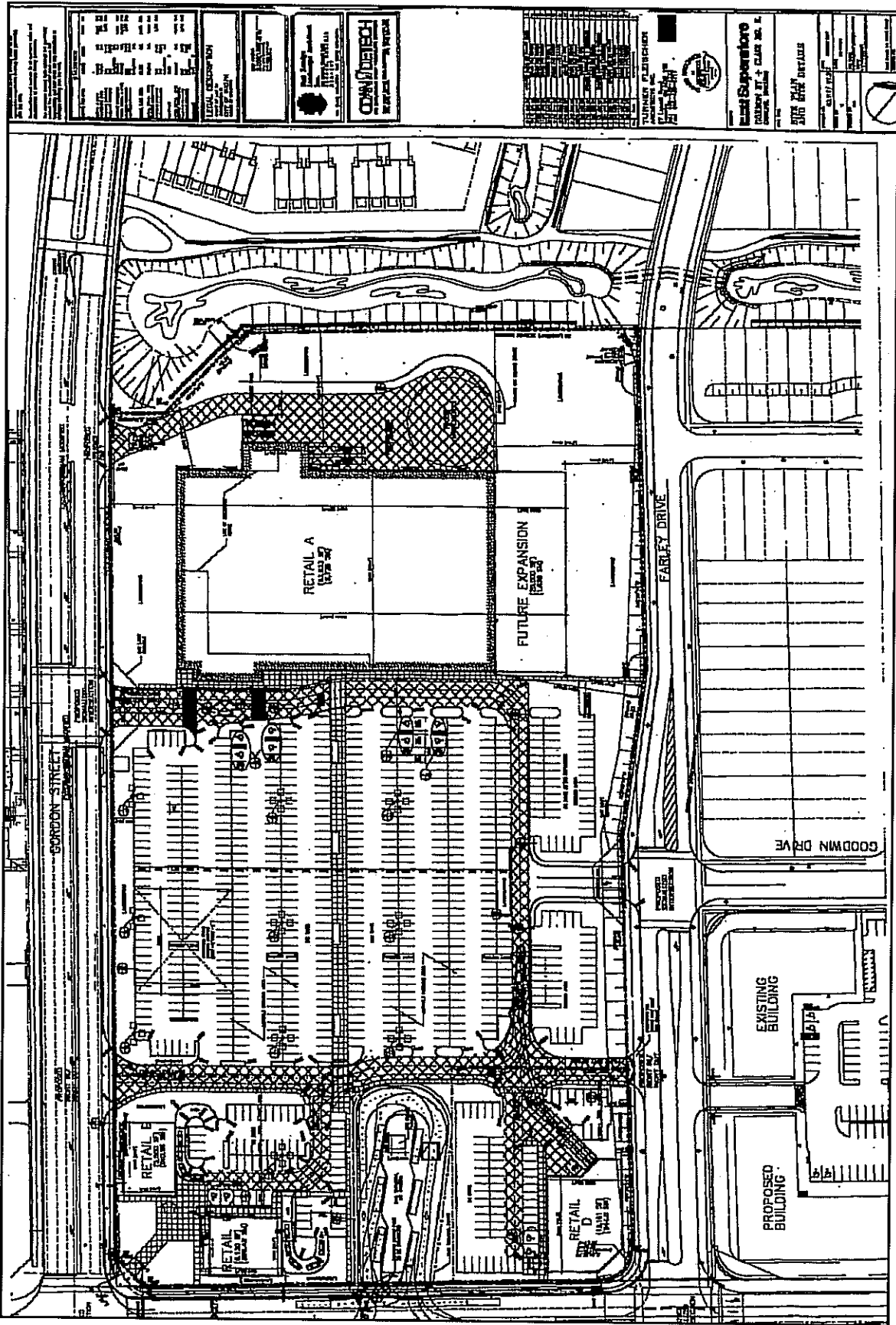
Gary R. Austin
Site Plan Co-ordinator

Community Design and Development Services

cc Mayor Karen Farbridge
City Councillors
Hugh Handy
Jim Riddell
Scott Hannah
Al Hearne
Stacey Laughlin

attachment





SCHEDULE 8 – Conditions of Approval for ZC 0402

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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Development Services, prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
2. The developer, prior to the approval of any site plan for the subject lands, shall satisfy all goals and objectives of the following list of applicable urban design guidelines, to the satisfaction of the Director of Planning and Development Services, as follows:
 - City Urban Design Guidelines
 - SGCP guidelines
 - SGDC guidelines
 - CPR guidelines
3. The Owner commits and agrees that the details of the layout and design for development of the subject lands shall be generally in accordance with the concept plan attached to the February 13, 2006 report by Loblaw Properties Limited dated January 2006 and shall address all of the elements of good urban design as outlined by the City of Guelph Urban Design Guidelines including the City Urban Design Guidelines, the SGCP guidelines, the SGDC guidelines and the proposed CPR guidelines, to the satisfaction of City Council. Further, a Letter of Credit be taken to confirm that site works are completed in accordance with the approved site plan which shall illustrate that building facades whose appearance are in keeping with the character of the surrounding neighbourhood.
4. The owner shall pay the actual cost of constructing and installing any service laterals required to service the lands.
5. The owner shall pay the actual cost of designing, constructing and installing traffic signals including interconnections, turning lanes, utility relocations, driveway entrances and openings in existing medians all within municipal right-of-ways in accordance with City standards. This shall include signalization and traffic calming at the Goodwin Drive intersection to ensure public safety. Further, the owner shall pay the actual cost of designing, constructing and installing signage for pedestrian and pathway crossings.
6. The owner shall install signage that ensures that appropriate traffic movements are made at each access to the site.
7. That no access onto Gordon Street or Farley Drive from the lands be constructed closer than 60m to Clair Road in accordance with City of Guelph standards.

-
8. Prior to the granting of site plan approval by the City, the owner shall submit to the City for approval, a noise assessment report, to confirm that the proposed commercial use and activity, especially the truck loading and delivery area on site, in hand with the proposed zoning restrictions and regulations, mitigate impacts on the adjacent residential neighbourhood, to the satisfaction of the Director of Planning and Development Services.
 9. 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 development.
 10. The owner shall execute and have registered on title to the lands, a Site Plan Agreement containing all conditions approved by City Council.
 11. If required, the Site Plan Control By-law be amended to allow for Council approval of the Site Plan.
 12. Staff develop a process for public input into the required application for site plan approval.

SCHEDULE 9 – Proposed CEP and Environmental Initiatives

There are 7 CEP conditions to be considered when development proposals are being reviewed. Outlined below are the CEP conditions as well as an outline of how the subject proposal is working toward meeting the condition:

1. Does it meet site and building efficiency expectations?

- **Lighting** – In new branches and stores across Canada, the proposed tenants for the smaller retail buildings have switched to high efficiency lighting standards. This standard has decreased lighting energy use significantly and will contribute to the overall energy conservation measures of this particular site. The installation of occupancy sensors have also been added to the standard to ensure that when all support spaces are not occupied by staff, energy is being saved. The specific energy saving goals and other energy light saving areas for this site have not been confirmed by the tenants of the three smaller buildings at this time.
 - **Retail 'B' (Meridian Credit Union)**
 - all light fixtures will use energy efficient T8 and PL lamps and electronic ballasts
 - Motion Sensors will control lights in Washrooms, File and Storage rooms, Staff room and all other non continuously used spaces
 - **Retail 'C' (CIBC)** - in accordance with CIBC's environmental performance indicators, preliminary information indicates that CIBC is using a T5 fluorescent light in its new branches which has decreased lighting energy use significantly.
 - **Retail 'D' (LCBO)** – in 2007, LCBO made it its goal to reduce its environmental footprint through a corporate wide hydro reduction plan. For example, by simply changing the conventional fluorescent light bulbs to LED light bulbs in its facilities, the LCBO has improved its energy efficiency by 80 percent. The LCBO has not yet confirmed which particular lightbulb it will be using for the subject development to determine the exact energy savings that will be accomplished for this site.
- **Daylighting** – Opportunities to maximize the amount of daylight permitted to enter these buildings are being explored through building orientation; exterior and interior permanent shading devices; high performance glazing; and, tall windows. Daylighting will provide occupants with a connection between indoors and outdoors and reduce the need for daytime lighting.
- **Mechanical and Electrical Design Standards** - A variety of different energy efficient materials are being incorporated into the mechanical and electrical design of each of the three smaller buildings.
 - **Retail 'C' (CIBC)** – is exploring materials such as low-E glass and shade devices to reduce heat gain and solar glare to maximize the building's envelope's energy savings.

-
- **Retail 'B' (Meridian Credit Union)** - is incorporating programmable 7 day thermostats that will be utilized to ensure that systems are set back when the Branch is not in use. As well, a separate A/C unit for the IT room will be used which is a high efficiency unit (13 SEER or better).
 - **Retail 'D' (LCBO)** – is exploring the use of shade devices on its refrigerators during unoccupied hours to assist in its energy savings goals and its commitment to environmental initiatives Canada wide.

2. Has the applicant/owner made a voluntary commitment to display Energy Performance Labels?

- This condition is not applicable to the proposed development as there are no buildings over 1,000 m² (10,764.26 sq. ft.). This condition will be applicable to the large retail food store when it develops in the future.

3. Has an Integrated Energy Master Plan for site and possible neighbourhood integration been submitted?

- This condition is not applicable to the proposed development as the total floor area proposed is only 2,024.45 m² (21,791.71 sq. ft.); whereas the CEP indicates that this condition is applicable to development with a finished floor space of 10,000 m² (107,642.62 sq. ft.) or more.

4. Does the proposal improve City Transportation efficiency?

- The CEP has specific targets to reduce transportation energy, some of which is achieved from the increased use of mass transit. The subject site has taken a transit friendly approach by creating a transit node for city buses.

5. Does the proposal contribute to electricity peak reduction

- The applicant has not provided any information with respect to this condition to date. They are continuing to work with the proposed tenants in order to provide additional information to meet the intent of this condition.

6. Does the proposal employ effective storm water management techniques?

- The development proposes to infiltrate stormwater in the greenway to the north of the property. This is an acceptable solution as the greenways were designed to capture and infiltrate stormwater from the surrounding area

7. Does the proposal employ effective domestic water management techniques?

- The retail tenant's for the proposed three smaller buildings are currently investigating the water efficiency measures that could be incorporated into this specific site.
 - **Retail 'B' (Meridian Credit Union)** is exploring the idea of having low flow water closets at approximately 6 litres per flush. The possibility of implementing a tankless in line gas water heater system is being explored. This system heats the water only as required and is an efficient water conservation device
 - **Retail 'C' (CIBC) and Retail 'D' (LCBO)** are exploring the possibility of incorporating low flow water closets and faucets into their buildings to assist in the overall water conservation measures for this specific site.

Other Environmental Initiatives

- **Drought Tolerant Landscaping** – the species we are currently using are 78% drought tolerant and 21% intermediate tolerant.
- **Light Pollution** – Dark sky objective – minimizing the amount of light leaving the retail buildings and site will assist in increasing the night sky access, improve night visibility and will have a positive impact on the nocturnal. The use of efficient light bulbs in buildings and parking lots will reduce the overall power demand and consumption.
- **Materials**
 - **Retail 'C' (CIBC)** – Both items below identify environmentally friendly sustainable design for branches across Canada. The specific furniture and carpet design for this site have not been confirmed to date and are still being investigated.
 - I. **Carpet** – In 2004, CIBC switched to interface Cool Carpet tile that is a fully recyclable material. In 2007, CIBC was awarded a certificate to acknowledge that 57,704 m² (621,141 sq. ft.) of Cool Carpet was installed. As a result, 789 tonnes of certified carbon dioxide credits have been permanently retired, representing the total life-cycle impact of this purchase.
 - II. **Furniture Re-use** - In 2006, 5,376 pieces of surplus furniture was refurbished and redeployed, resulting in significant reduction in both energy and greenhouse gas emissions that would have been emitted in the manufacture and distribution of new office equipment. The specific furniture being used for this branch is currently being investigated.