

COUNCIL PLANNING AGENDA



DATE Monday, December 5, 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 (<i>maximum of 10 minutes</i>)	Staff Summary
40 Wellington Street West Proposed Zoning By-law Amendment (File: ZC1112) – Ward 5	<ul style="list-style-type: none">Al Hearne	<ul style="list-style-type: none">Michael Spaziani, architect	<u>Correspondence:</u> <ul style="list-style-type: none">Grant Piper	
1475-1483 and 1499 Gordon Street Proposed Official Plan and Zoning By-law Amendment (File: OP1102/ZC1111) – Ward 6	<ul style="list-style-type: none">Chris deVriendt	<ul style="list-style-type: none">Astrid Clos		

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 (<i>maximum of 5 minutes</i>)	TO BE EXTRACTED
A-1) 39-47 Arkell Road and 1408 Gordon Street Proposed Zoning by-			

	law Amendment (File ZC1006) – Ward 6			
A-2)	300 Grange Road Request for an Extension of Draft Plan Approval (File: 23T-07505) – Ward 1			
A-3)	Cityview Heights Subdivision Request for an Extension of Draft Plan Approval (File: 23T-01506) – Ward 1			
A-4)	Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program	• Dean Wyman		√

BY-LAWS

Resolution – Adoption of By-laws (Councillor Guthrie)

By-law Number (2011)-19319 A by-law to amend by-law number (2009)-18704 designating a Community Improvement Plan Project Area within the City of Guelph. (To adopt the OPA#39 'Urban Growth Centre' area as the CIP Project Area for Downtown Guelph)	To adopt the OPA#39 'Urban Growth Centre' area as the CIP Project Area for Downtown Guelph.
By-law Number (2011)-19320 A by-law to amend by-law number (2010)-18976 adopting a Downtown Guelph Community Improvement Plan for the designated Community Improvement Plan Project Area within the City of Guelph. (Amendment No. 1)	To amend the Downtown Guelph Community Improvement Plan.

ANNOUNCEMENTS

ADJOURNMENT

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE December 5, 2011

**SUBJECT 40 Wellington Street West – Proposed Zoning
Bylaw Amendment (File ZC1112) Ward 5**

REPORT NUMBER 11-95

SUMMARY

Purpose of Report

To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit a range of commercial uses affecting property at 40 Wellington Street West which would allow a multi-building retail development. This report has been prepared in conjunction with the statutory public meeting on the application.

Council Action

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

RECOMMENDATION

"THAT Report 11-95 regarding a Zoning By-law Amendment application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of 2065404 Ontario Inc. to permit a range of commercial uses and allow a proposed multi-building retail development (ZC1112) on lands legally described as Lots 1 to 11, Donnington Street (closed by Judges order #10W-4790) Plan 272, Lots 2 and 6, Part Lot 1 and Part Block A, Plan 136, Parts 2, 3, 4 and 5, Reference Plan 61R2943; s/t ROS645144; s/t ROS251502, municipally known as 40 Wellington Street West, City of Guelph, from Planning & Building, Engineering and Environment, dated December 5, 2011, be received."

BACKGROUND

During 1989, a Zoning Bylaw Amendment application (File ZC868) applying to the subject property (See Schedule 1), submitted by Canada City Properties Inc. was processed by the City. The 1989 rezoning application to permit a commercial development was approved by the City, subject to a proposed land exchange between the City and Canada City Properties Inc. and subject to a standard list of development conditions. A Land Exchange / Development Agreement dated

September 11, 1990 between the City and Canada City Properties Inc. was registered on title on September 13, 1990.

Under the terms of the Agreement, the owner was to acquire certain City lands to be incorporated into the proposed commercial development and the City was to acquire parts of the owner's property for road widening and road improvement purposes related to Gordon Street and Wellington Street West. The Agreement required the owner to complete the land exchange with the City within thirty days of the rezoning approval and further required the owner to demolish the industrial building that occupied the site (Rockwell International) within one year of the rezoning approval. While the industrial building was demolished expeditiously, the proposed land exchange was not completed for various reasons, most particularly due to the owner's financial difficulties and the discovery of elevated levels of site contamination at the time.

The Ministry of the Environment has since commenced site decommissioning discussions with the owner and past owner of the subject property and the City regarding contamination on the City-owned lands. While considerable effort has been directed into site remediation to allow a commercial development on the site and the site has been cleaned up to commercial standards, it has been suggested that any further remediation of the site to allow for residential uses is cost prohibitive. Since 1990, several interested parties have expressed an interest in the lands but no formal planning applications have been submitted to the City until now.

The rezoning application which is the subject of this report was received by the City on August 26, 2011 and was deemed to be complete on September 21, 2011. The owner, 2065404 Ontario Inc., has been consulting with City Staff during the past year concerning the details of the retail proposal and application. While the owner has asked to use City lands to access the development at Wellington Street, the rezoning application does not include the City lands to the west of the site.

Location

The subject property is located at the southwest corner of Gordon Street and Wellington Street West, as shown in Schedule 1 attached. The property has approximately 75 metres of frontage on Gordon Street, approximately 105 metres of frontage on Wellington Street West and a site area of 1.17 hectares. The site is vacant with young vegetation dispersed primarily around the perimeter of the site. A temporary pumphouse related to ground water monitoring and site remediation is located adjacent to the subject site on City lands to the west.

A Location Map (with addresses) and an Aerial Photo showing the site's context are included in Schedule 1 and the existing zoning of the site and surrounding lands are included in Schedule 3 of this report. Land uses in the vicinity of the subject site include:

- The automotive repair service establishment (87 Gordon Street) in the SC.1-31 (Service Commercial) Zone located at the southwest corner of Gordon

Street and Wellington Street West. The subject site abuts the south and west sides of this small corner property.

- To the north of the subject site, single-detached dwellings in the R.1B (Residential Single-Detached) Zone, apartment dwellings (25 Wellington Street West) in the R.4B-7 (Residential Apartment) Zone and service commercial uses including a restaurant (65 Gordon Street) and a vehicle sales establishment (73 Gordon Street) in the CR-1 Zone and the SC.1-3 Zone respectively.
- The publicly-owned Royal City Park in the P.4 (Regional Park) Zone and the associated Speed River floodplain lands in the FL (Floodway) Zone are located immediately south and west of the site. City-owned land which was formerly leased to Rockwell for a parking lot and a City baseball diamond facility is located directly west of the site.
- A shopping centre (92 Gordon Street) in the CC (Community Commercial) Zone is located to the east of the site across Gordon Street.

Existing Official Plan Land Use Designations and Policy

Schedule 1 of the Official Plan designates the subject site "Special Policy Area / Flood Plain". The subject site is located within the Speed River Regulatory Floodplain, as illustrated in Schedule 2 of the Official Plan. The two-zone flood plain identifies lands in either the Floodway or the Flood Fringe, as determined by the Grand River Conservation Authority. The subject property is located within the Flood Fringe of the Speed River. In the two-zone floodplain, while development is not permitted in the Floodway, both existing development and new development subject to certain floodproofing design criteria and standards are permitted in the Flood Fringe. Also in Schedule 1 of the Official Plan, while the "Core Greenlands" designation does not apply directly to the subject property, this designation surrounds the site to the west, south and north (See Schedule 2).

Schedule 8 of the Official Plan entitled "Special Policy Area / Flood Plain Land Use Plan" designates the majority of the subject site as "Commercial Mixed Use" as shown in Schedule 2. The Commercial Mixed Use designation identifies areas around the Downtown where, historically, a variety of small-scale commercial or mixed commercial-residential uses have located. The designation further identifies the subject site as a "gateway" site to the Downtown and promotes a mixture of retail, service and office commercial uses in a form that respects the adjacent Royal City Park and Speed River. Also on Schedule 8, a small triangular-shaped part at the south west corner of the site is shown as an "Open Space" designation. In 1989, the City was interested in this small triangular-shaped parcel to accommodate the proposed extension of Wellington Street, to cross the corner of the site, Gordon Street and the Speed River and connect to York Road. This realignment has since been removed from the Official Plan as a potential future road improvement. As the Open Space designation applies to just a small corner of the site and as this corner was rezoned in 1990 based on a land exchange agreement that was never completed, Section 9.2 of the Official Plan entitled "Interpretation" which allows minor boundary adjustments applies and therefore an

Official Plan Amendment is not required. Schedule 9A of the Official Plan identifies both Gordon Street and Wellington Street as arterial roads.

Section 6.3 of the Official Plan requires the submission of an Environmental Impact Study to determine any potential negative impacts that a development proposal may have on surrounding natural heritage features. Excerpts of some of the Official Plan policies applicable to the application are highlighted in Schedule 2 of this report.

Official Plan Amendment 39, approved by the Minister of Municipal Affairs and Housing on November 20, 2009, identifies the site as being within the "Urban Growth Centre (Downtown Guelph)" area of the City. The other three quadrants of the Gordon Street and Wellington Street intersection are also located in the "Urban Growth Centre (Downtown Guelph)". The Urban Growth Centre is intended to accommodate the highest density of people and jobs within the City.

Official Plan Amendment 42 which is under appeal designates the site as "Special Policy Area / Flood Plain". The adjacent Royal City Park lands and the Speed River are designated "Significant Natural Area", "Landfill Constraint Area", "Waterbodies", "Cool Water Fish Habitat" and "Waterfowl Over-Wintering Area". Section 6.2 of OPA 42 requires the submission of an Environmental Impact Study to determine any potential negative impacts on the adjacent natural features.

The Draft Downtown Guelph Secondary Plan Study and Proposed Secondary Plan propose to designate the subject site as "Mixed Use 1" with a "Regulatory Floodplain" overlay. The draft Secondary Plan has been considered at a Council Statutory Public Meeting on November 7, 2011 and will be brought forward to Council for adoption in 2012. Mixed Use 1 Areas are intended for a broad range of land uses including retail and service, multiple residential, live/work, office, entertainment and recreational commercial, cultural, educational and institutional, in a mix of highly compact development form.

Existing Zoning

The site is zoned Specialized CR-3 (Commercial / Residential) Zone and P.4 (Regional Park) Zone as illustrated in Schedule 3. Details of the Specialized CR-3 Zone are included in Schedule 3. The lands are also identified with a "Lands within the Special Policy Area" overlay which refers to Section 12.4 of the Zoning Bylaw. Section 12.4 of the Zoning Bylaw entitled "Regulations for Lands within the Special Policy Area" requires floodproofing for the permitted uses (See Schedule 3).

REPORT

Description of Proposed Zoning Bylaw Amendment

The owner has asked to rezone the subject property from the existing Specialized CR-3 (Commercial / Residential) Zone and the P.4 (Regional Park) Zone to a new Specialized CR-3 Zone with special regulations. The applicant's application cover letter to the City dated August 25, 2011, is attached as Schedule 5 to provide additional details of the proposal.

The effect of the proposed amendment is to permit the development of a multi-building retail development comprising a maximum building floor area of 3,502 square metres plus a 186 square metre mezzanine. The two buildings proposed adjacent to Wellington Street West (Buildings A and B in Schedule 5) are planned to be one storey in height with the appearance of two storey buildings. The two buildings proposed adjacent to Gordon Street are planned to be one storey in height, will appear to have two storeys and will be constructed to allow for the future construction of a second storey should future Downtown parking requirements allow additional floorspace on the site.

The application proposes to retain the permitted uses listed in Section 6.6.3.3 of the Zoning Bylaw in the existing Specialized CR-3 Zone (See Schedule 3), with no changes. The owner has also asked to develop the property in accordance with the regulations of the standard CR Zone as outlined in Section 6.6.2 of the Zoning Bylaw, with the following additions and exceptions:

1. Minimum Front or Exterior Sideyard: 0 metres rather than the average of the front and exterior sideyards of the adjoining properties. This regulation will apply to the building setbacks along the frontages of both public streets.
2. Minimum Sideyard: 1.2 metres rather than one half the building height but not less than 3 metres. This regulation will apply north of Building C and south of Building D (See Schedule 5).
3. Minimum Rearyard: 1.5 metres rather than 20% of the lot depth to a maximum of 7.5 metres. This regulation will apply west of Building A (Schedule 5).
4. Maximum Gross Floor Area: 3,502 square metres plus a 186 square metre mezzanine rather than 400 square metres maximum.
5. Off-street Parking: 150 spaces (approximately 1 space per 23 square metres of ground floor area) rather than in accordance with Section 4.13 of the Bylaw. Section 4.13 has a variety of parking requirements based on the types of uses, which in this case, is not known yet. The preliminary site plan illustrates 164 parking spaces on the subject site and 49 spaces on the adjacent City lands. A shared parking arrangement is being explored whereby some of the parking on City lands may be available as surplus to support the proposal on the subject site.
6. Buffer Strip: Exemption requested. The Bylaw requires a buffer strip where the CR Zone abuts a Park Zone and the owner has requested an exemption, while recognizing that there are areas of the site where a buffer strip is needed and other areas where a buffer strip is not needed or practical. Therefore, the owner requests that any buffer be determined as part of the site plan approval process.

The owner's preliminary site plan for the proposed development is attached in Schedule 5. The City-owned lands to the west of the site is zoned P.4 (Regional Park) Zone, and proposed to be used for access to the proposed development.

In accordance with Places to Grow, the 1.17 hectare site proposed for commercial development would yield 111 jobs or a site density of 95 jobs per hectare.

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

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- Preliminary Site Servicing and Stormwater Management Design Report, dated August 2011, by Gamsby and Mannerow Consulting Engineers Limited.
 - Environmental Impact Study, dated August 2011, by North-South Environmental Inc.
 - Traffic Impact Study, dated August 2011, by BA Group Transportation Consultants.
 - Urban Design Brief, dated August 22, 2011, by MSAi Architecture and Urban Design.
 - Record of Site Condition, dated November 25, 2005 – Registration Number 2508, stating “Commercial” as the intended Property Use.
 - Certificate of Requirement, dated October 11, 2005 – Environmental Protection Act.
 - Community Energy Initiative Brief, undated – Low Impact Development Measures by Owner.

Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan.
- Evaluation of the proposal against the land use designations and policies of the Official Plan including Official Plan Amendment 39.
- Consideration of the proposal relating to OPA 42 (under appeal).
- Consideration of the flood plain issues and policies associated with the site.
- Consideration of the proposed use of City lands in terms of an easement agreement and clarification of the owner’s obligations and responsibilities associated with the construction and use of City lands.
- Consideration of the Urban Design Brief relating to the draft Downtown Guelph Secondary Plan Study.
- Consideration of the Record of Site Condition and site remediation status.
- Evaluation of the Site Servicing and Stormwater Management Report, the Environmental Impact Study including tree preservation, and the Traffic Impact Study including the proposed on-street parking.
- Consideration of the impact on adjoining lands especially the Royal City Park uses and tree canopy and the property at 87 Gordon Street. The subject site may need to provide access and parking to support the future redevelopment of lands at 87 Gordon Street.
- Consideration of the Low Impact Development Measures and other measures to support the Community Energy Initiative (CEI).
- Review of the proposed zoning including the uses and specialized regulations.

Once the application is reviewed and all issues are addressed, a report from Planning & Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Planning & Building, Engineering and Environment recommendation report to Council.

COMMUNICATIONS

The Notice of Complete Application was mailed September 23, 2011 to local boards and agencies, City service areas and property owners within 120 metres of the subject site for comments. The same Notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on November 10, 2011 and mailed to surrounding property owners and local agencies on November 15, 2011.

ATTACHMENTS

Schedule 1 – Location Map & Aerial Photo
Schedule 2 – Existing Official Plan Land Use Designations and Policies
Schedule 3 – Existing Zoning
Schedule 4 – Proposed Zoning
Schedule 5 – Preliminary Site Plan & Applicant's Cover Letter
Schedule 6 – Proposed Building Elevations

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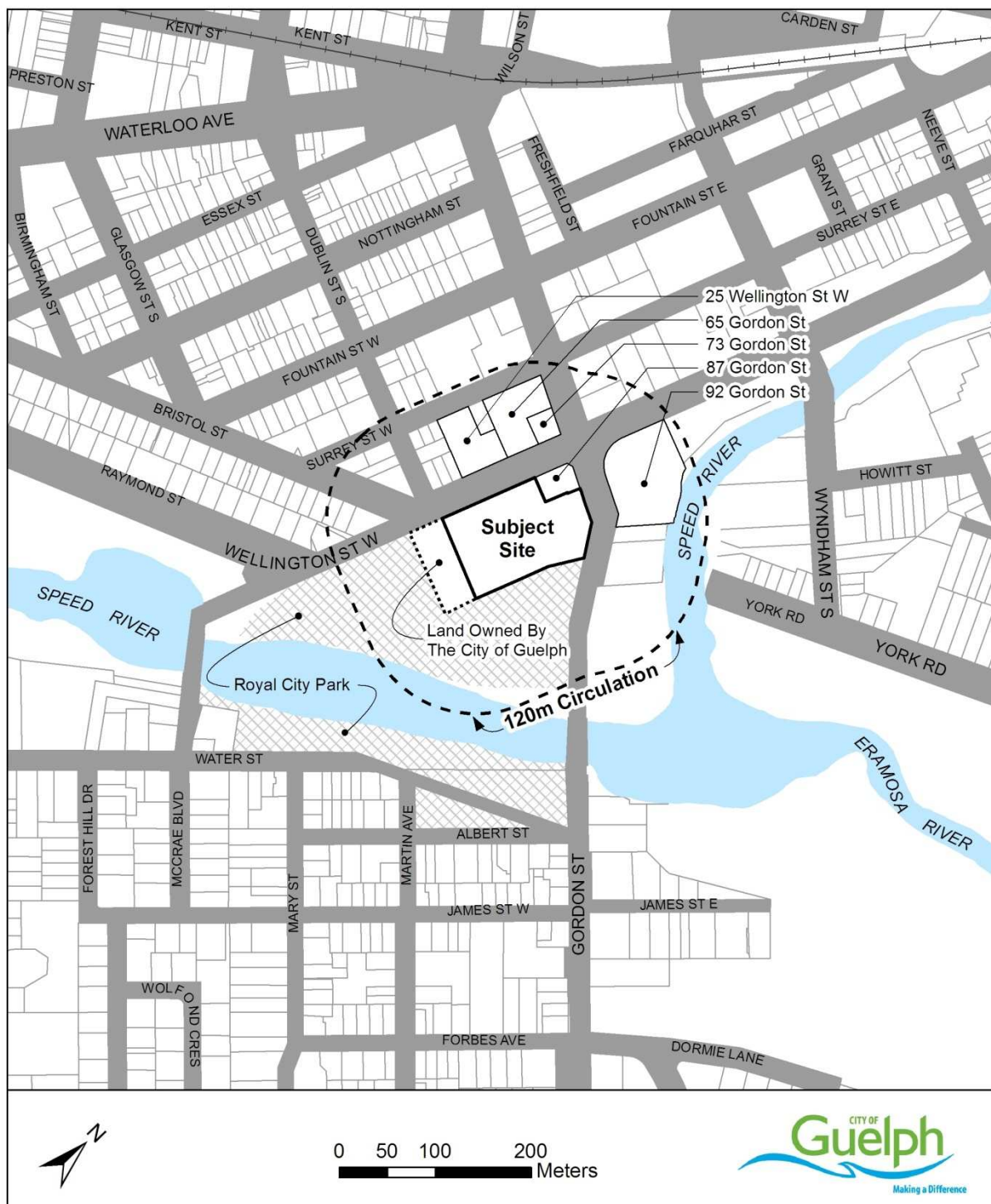
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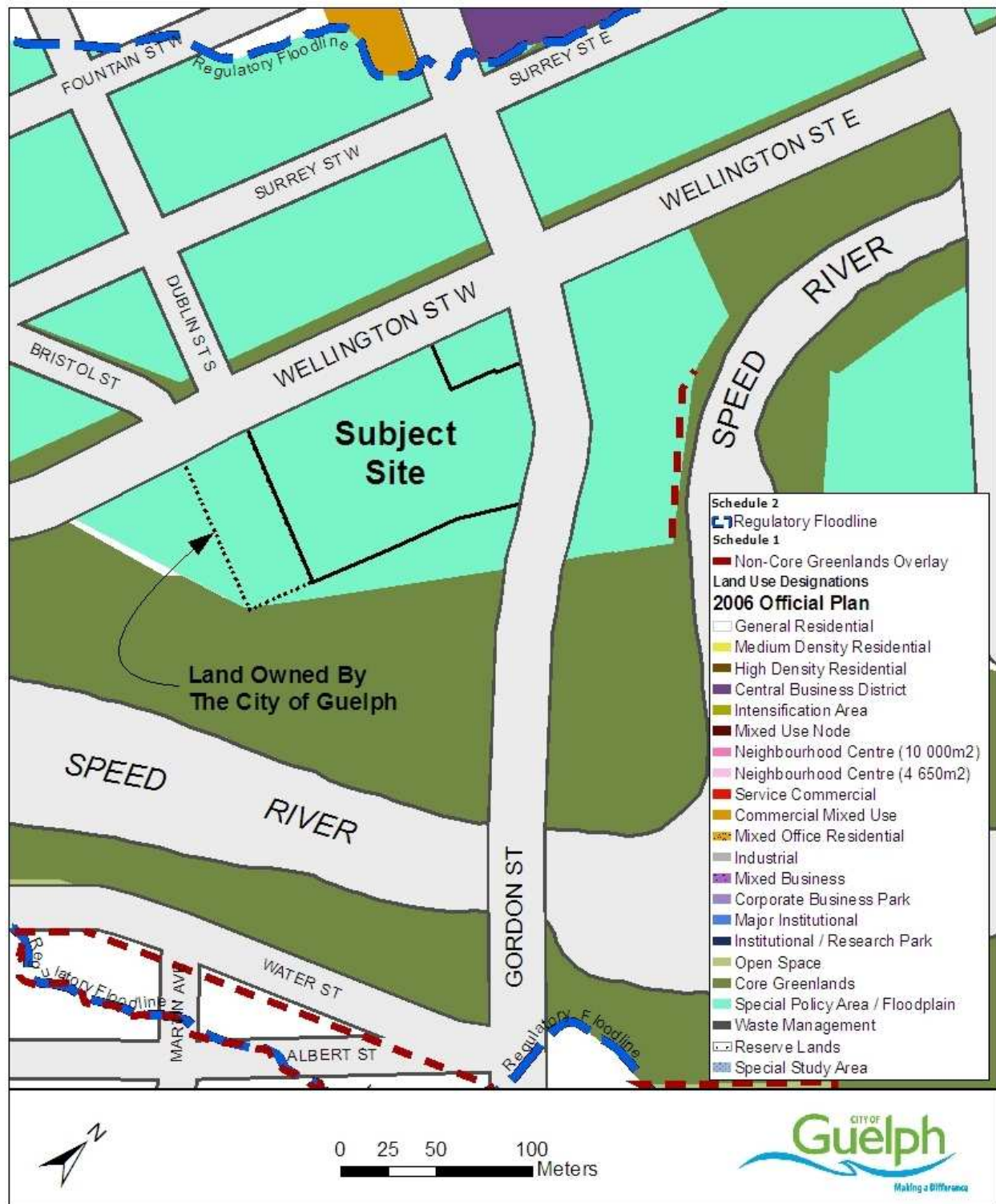
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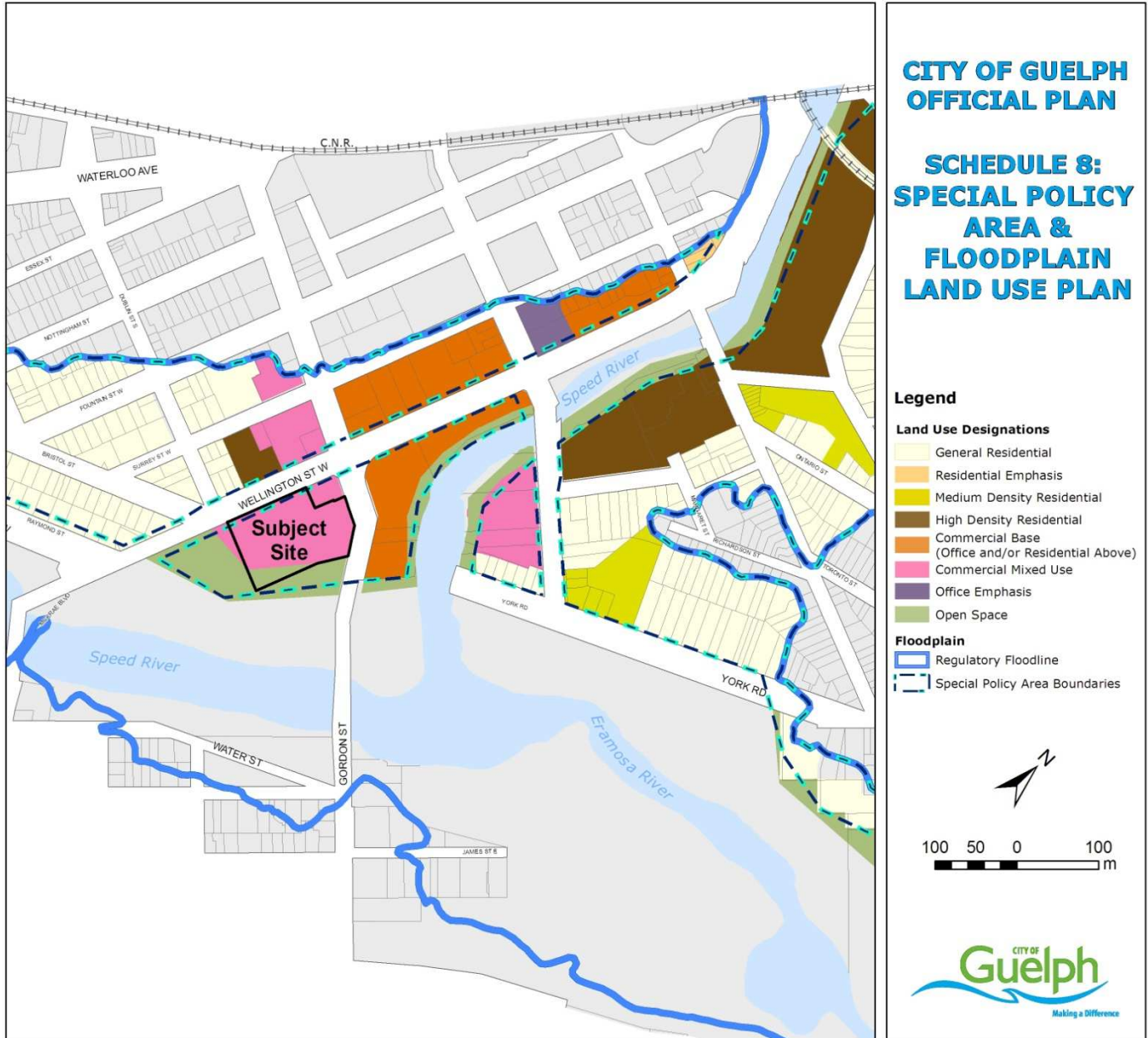
Schedule 1
Aerial Photo (site context)



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Schedule 2
Existing Official Plan Land Use Designations and Policies
 (Official Plan Schedule 8 - Special Policy Area / Flood Plain Land Use Plan)



Schedule 2

Existing Official Plan Land Use Designations and Policies

3.6 Urban Design

Urban design seeks to create a safe, functional and attractive environment. Urban design policies address the relationship between buildings, the spaces that surround them and the area's context. Specific *elements of urban design* make up the character of the city. This section of the Plan outlines broad policies, which apply to all lands within the City of Guelph.

Objectives and General Policies

Character of Development Adjacent to the Rivers and Public Open Spaces

3.6.18 This Plan places a high priority on promoting "excellence in urban design" for lands bordering the Speed and Eramosa Rivers and other public open space lands. Open space lands serve as the "backbone" of the Guelph community and are a critical, integral component of Guelph's image.

1. Urban design principles of subsection 3.6 will be used to promote compatible *development* in the valleylands associated with the Speed and Eramosa Rivers and adjacent to public open spaces.

2. The City requires *development* proposals to have "animated" ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:

- a) Requiring buildings designs to have entrances and windows face the river;
- b) Requiring parking areas to be not visually apparent from the river's edge; and
- c) Requiring building functions that do not serve the public, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer where these functions cannot be relocated.

5.2 Flood Plains

Lands that are associated with rivers and creeks in the City may be subject to *flooding* conditions from time to time. This Plan outlines policies and mapping schedules that delineate/designate these lands that may be *hazardous* to life and property.

Various *flood plain* planning techniques are used to provide this protection and to reflect existing development circumstances in the community. These techniques, for example, differentiate between parts of the City where past development has occurred within the *flood plain* area, and newer growth areas of the City where no *development* is permitted within a *flood plain* area.

The City uses three techniques for *flood plain* planning permitted by way of provisions of the "Provincial Policy Statement": One Zone, Two Zone and Special Policy Area concepts.

The One Zone area is used in those instances where the City wishes to prohibit *development* within the entire *flood plain* area. These areas are found around rivers and creeks in the outlying reaches of the community, where buildings/structures do not currently exist within the *flood plain*.

The Two Zone and Special Policy Area concepts are used in the older, established areas of the City where past development activities have occurred within the *flood plain*

area. It is in these areas where some allowance is given to see existing development retained, and new *development* permitted if certain design criteria/standards are maintained to protect human life and minimize property damage during a flooding event.

Objectives

- a) To minimize conditions which may be hazardous to human life or may cause significant property damage due to flooding.
- b) To prevent the creation of new hazards caused by *development* within the *flood plains* in new growth areas of the City.
- b) To provide for *infill* and *redevelopment* in existing older, established areas of the City within the *flood plain* where flooding hazards will not be aggravated.

General Policies

5.2.1 The City has identified those areas of the community adjacent to rivers and creeks that are subject to *flooding* events from time to time. These areas, as defined by the Grand River Conservation Authority, are delineated on Schedule 2 by *regulatory floodlines*.

5.2.2 *Development* within *flood plain* areas is regulated in accordance with Provincial *flood plain* management policies and the regulations of the Grand River Conservation Authority.

5.2.4 *Development* in the Two Zone and Special Policy Area *flood plain* areas of the City are guided by the land use policies of subsection 7.14, Flood Plains (Two Zone and Special Policy Area). Generally, these *flood plain* areas are centred on the Speed and Eramosa Rivers in the older, established areas of the City.

5.6 Potentially Contaminated Properties

The City requires that contaminated properties be *cleaned-up* to the Provincial standard appropriate for the land use proposed by a *development* application. The City encourages *clean-up* to promote an efficient use of land and/or buildings and to protect the City's essential and valuable groundwater resources. This Plan outlines policies dealing with the identification of sites and facilities, which may be contaminated from past land use practices. For the purposes of this Plan, only generic uses that have been known to create possible contamination problems are identified. Additional past land uses, that are limited to suspected contamination and not specifically referenced in this Plan, may also require study by *development* proponents.

7.5 Commercial Mixed Use

Objectives

- a) To recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses have been concentrated.
- b) To promote the continued use and intensification of these well-defined areas.
- c) To allow for a range of compatible business land uses adjacent to residential areas within the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5).

General Policies

7.5.1 The 'Commercial Mixed Use' designation as outlined on Schedule 1 defines areas, peripheral to the downtown, where historically a variety of small-scale commercial operations or mixed commercial-residential uses have located. This Plan promotes the continued use and revitalization of these distinctive areas through the following policies:

3. Southwest Corner of Gordon and Wellington Streets - this 'Mixed Use' area is considered a "gateway" to the 'C.B.D'. A mixture of retail, service and office commercial uses will be permitted on these lands in consideration with the following specific sub-policies:

- a) In addition to any 'C.B.D.' "gateway" streetscape considerations for this 'Mixed Use' area, the design of any *development* proposal must consider the integral relationship of this property to the adjacent Royal City Park and the Speed River; and
- b) *Development* proposals must be *floodproofed* to the requirements of subsection 7.14 of this Plan.

7.12 Open Space

Objectives

- a) To develop a balanced distribution of open space and recreation facilities that are conveniently accessible and safe to meet the needs of all residents.
- b) To recognize a hierarchy of open space areas based on size, function and the population to be served.
- c) To develop a continuous linear open space system connecting diverse natural, cultural and recreational land uses within the City and with links to surrounding municipalities.

General Policies

7.12.1 The predominant use of land designated 'Open Space' on Schedule 1 shall be for public and private recreational uses and facilities, parks, golf courses, conservation lands, school sites, and cemeteries. The designation is also intended to support the protection of *natural heritage features* and *cultural heritage* resource conservation.

7.14 Flood Plains (Two Zone and Special Policy Area)

Objectives

- a) To minimize conditions which may be hazardous to human life or may cause significant property damage due to flooding.
- b) To recognize existing development within the *flood plain*, and, where the flooding hazards will not be aggravated, provide for infill and *redevelopment* in existing built-up areas of the City.

Two Zone Flood Plain

The "Provincial Policy Statement" generally encourages the prohibition of *development* or *redevelopment* within the *regulatory flood plain* due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize special circumstances where the general prohibition of new *development* or *redevelopment* in *flood plain* areas of historic communities is not practical. Therefore, the "Policy Statement" makes provision for the delineation of certain lands within a *flood plain* area as "*floodway*" and "*flood fringe*" – these are the lands that distinguish it as a Two Zone Flood Plain area.

7.14.3 The Two Zone *flood fringe* for the Speed and Eramosa Rivers is outlined as a component on the Non-Core Greenlands overlay on Schedule 1. For a more specific definition on its extent, reference can be made to Schedule 2 where the flood fringe is defined as the lands that lie between the *floodways* of these river

flood plains and the regulatory flood line.

1. *Development/redevelopment* may be permitted within the *flood fringe* subject to the use, building and/or structure being *floodproofed* to the *regulatory flood level* as required by the Grand River Conservation Authority.
2. Subject to policy 7.14.1, permitted uses within the *flood fringe* are established by the underlying land use designations on Schedule 1. These lands will be zoned in the appropriate categories of the implementing *Zoning Bylaw*.

Special Policy Area (S.P.A.) Flood Plain

The "Provincial Policy Statement" generally prohibits *development* or *redevelopment* within the *regulatory flood plain* due to inherent dangers, such as loss of life, property damage and social disruption, should flooding occur. The "Policy Statement" does however, recognize there are special circumstances in historic communities where the general prohibition of new *development/redevelopment* is so onerous that it would degrade the community's vitality. Therefore, the "Provincial Policy" also makes provision for the designation of lands within the *flood plain* as a 'Special Policy Area.'

The 'Special Policy Area Flood Plain' area as generally designated on Schedule 1 and in more defined fashion denoted on **Schedule 8** of this Plan illustrates a currently built-up portion of Guelph which is within the *regulatory flood plain* of the Speed and Eramosa Rivers. *Development, redevelopment* and rehabilitation of buildings and structures in this area is considered vital to the continued economic and social viability of the City. In addition, major relocation or complete acquisition by public authorities is not feasible. Strict enforcement of the "Provincial Policy Statement's" One Zone and Two Zone Flood Plain concepts in these areas would lead to the physical deterioration of the infrastructure and unnecessary hardship to the City.

7.14.4 Within the 'Special Policy Area (S.P.A.) Flood Plain', as generally designated on Schedule 1 and in more detailed fashion on Schedule 8 of this Plan, the City, the Grand River Conservation Authority and the Province of Ontario have agreed to accept a higher *flood* risk than would normally be acceptable. This higher *flood* risk permits the *development* of a limited amount of new buildings and structures on these lands in accordance with the following:

1. The permitted uses within the 'S.P.A. Flood Plain' are established by the land use designations shown on Schedule 8. In addition, policy 7.14.1 is applicable within the 'S.P.A. Flood Plain'.
2. *Development/redevelopment* is not permitted within the *floodway*.
3. Hotels and motels may be permitted in the applicable Schedule 8 land use designations of this Plan if the use can be *floodproofed* to the *regulatory flood* level and *safe access* can be provided.
4. Within the 'S.P.A. Flood Plain' land use designation, service stations, gas bars and other uses involving the manufacture, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.
5. Within the 'S.P.A. Flood Plain' land use designation, parking facilities shall be designed to the satisfaction of the City and the Grand River Conservation Authority so as to minimize *flood* damage and potential *flood* flow interference.
6. The City's implementing *Zoning By-law* will outline specific use and building regulations for lands within the 'S.P.A. Flood Plain' land use designation.

7.14.5 *Floodproofing* shall be required for all forms of building activity within the 'S.P.A. Flood Plain' land use designation to the satisfaction of the City and the Grand River Conservation Authority. The following sub-policies will give guidance to the *floodproofing* requirements:

1. Any new building or structure shall be designed such that its structural integrity is maintained during a *regulatory flood*. In spite of the lower minimum levels specified by the policies of this subsection, every attempt should be made to *floodproof* buildings and structures to the *regulatory flood* level.

Floodproofing Requirements for Non-Residential Uses within the 'S.P.A. Flood Plain' Land Use Designation

7.14.7 In addition to the requirements of policy 7.14.5, the *renovation* of, *conversion* to, and *development/redevelopment* of non-residential uses shall be permitted provided that:

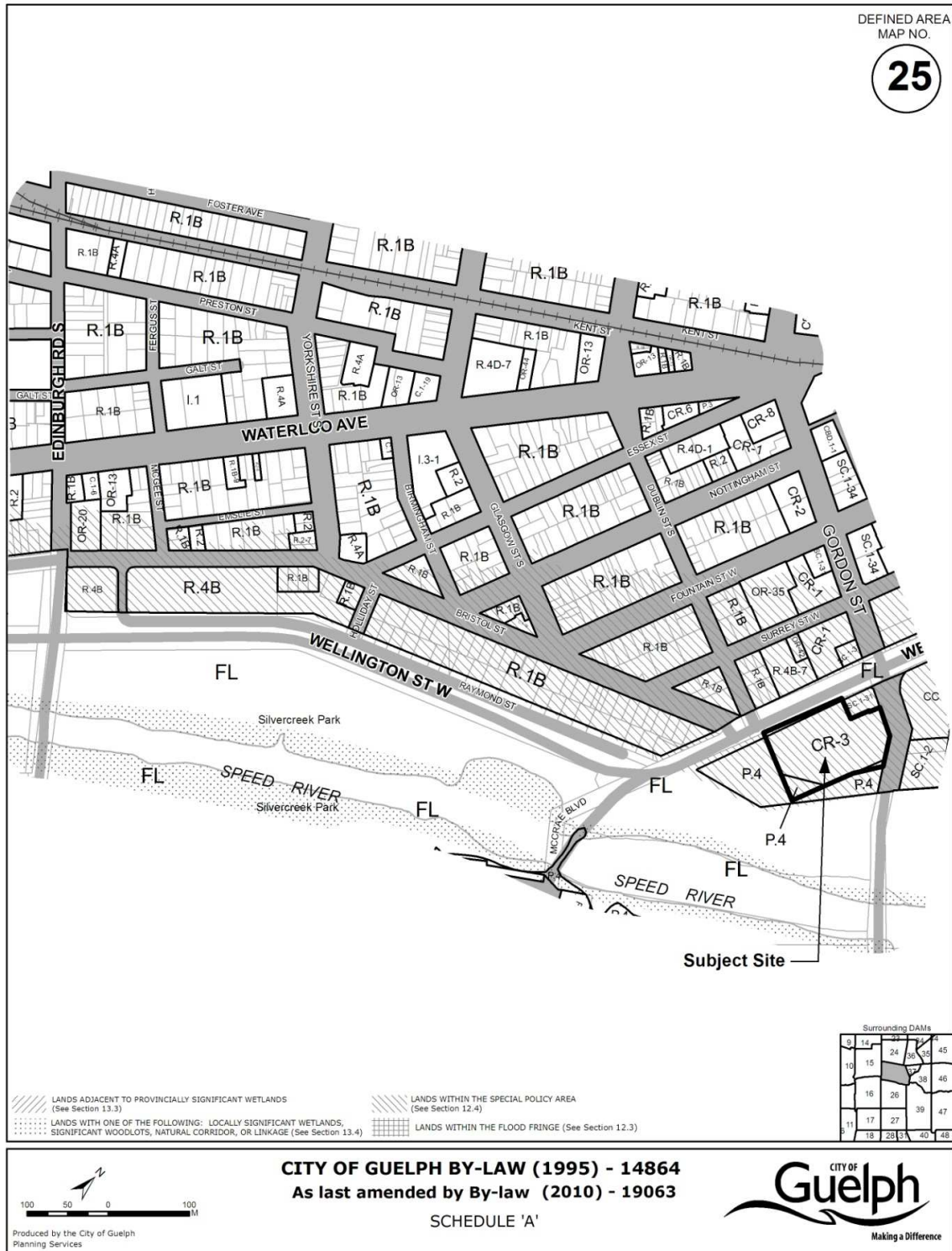
- a) The building or structure is *floodproofed* to a minimum elevation no lower than one metre below the *regulatory flood* level; and
- b) The minimum elevation of any floor area is at or above the *100 year flood* level.

Other General Policies Applicable to the Two Zone Flood Plain and the 'Special Policy Area Flood Plain' Land Use Designation

7.14.8 Prior to a building permit being issued by the City for construction within the *flood fringe* of the Two Zone *flood plain* or the 'Special Policy Area Flood Plain' land use designation, a permit from the Grand River Conservation Authority, pursuant to the "*Fill, Construction and Alteration to Waterways*" regulations under the Conservation Authorities Act, will be required.

- 1. Building permit applications will be administered in phases, including: (a) a foundation permit; and (b) a building permit.
- 2. Upon completion of any foundation, the City will require a certificate from an Ontario land surveyor or a professional engineer, verifying that the *habitable floor space* elevation is located above the required *flood* level, prior to issuance of the building permit.
- 3. Upon completion of the building or structure, the City will require a letter of compliance by a professional engineer, verifying that the *floodproofing* measures have been implemented as required, and are in conformity with the policies of this Plan.

Schedule 3 Existing Zoning



Schedule 3 Existing Zoning

6.6.3.3 Specialized CR-3 (Commercial / Residential) Zone As shown on Defined Area Map Number 25 of Schedule "A" of this Bylaw. 6.6.3.3.1 Permitted Uses

In addition to the *Uses* listed in Section 6.6.1, the following shall also be permitted:

- *Art Gallery*
- *Commercial Entertainment*
- *Funeral Home*
- *Museum*
- *Office Supply*
- *Parking Facility*
- *Recreation Centre*
- *Restaurant*
- *Retail Establishment*

6.6.1 PERMITTED USES

The following *Uses* are permitted in the CR Zone:

Artisan Studio

Club

Convenience Store

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Florist

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant (take-out)

Veterinary Service

Video Rental Outlet

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

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

Schedule 4 Proposed Zoning



Schedule 4 Proposed Zoning

Specialized CR-3 Zone

Permitted Uses

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- *Commercial Entertainment*
- *Funeral Home*
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- *Office Supply*
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Restaurant (take-out)

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Video Rental Outlet

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

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.6.2 REGULATIONS

Within the Commercial-Residential CR *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 regulations listed in Table 6.6.2.

Schedule 4 Proposed Zoning

TABLE 6.6.2 - REGULATIONS GOVERNING THE CR ZONE

Row 1	Commercial Type	Commercial-Residential
2	Minimum Lot Area	550 m ²
3	Minimum Lot Frontage	18 metres
4	Minimum Front or Exterior Side Yard	The minimum Front and Exterior Side Yards shall be the average of the Front and Exterior Side Yards of the adjoining properties.
5	Minimum Side Yard	One half the Building Height , but not less than 3 metres.
6	Minimum Rear Yard	20% of the Lot Depth to a maximum of 7.5 metres.
7	Maximum Building Height	3 Storeys and in accordance with Section 4.18.
8	Maximum Gross Floor Area (G.F.A.)	400 m ²
9	Accessory Buildings or Structures	In accordance with Section 4.5.
10	Fences	In accordance with Section 4.20.
11	Planting Area	None required.
12	Off- Street Parking	In accordance with Section 4.13.
13	Enclosed Operations	In accordance with Section 4.22.
14	Off- Street Loading	In accordance with Section 4.14.
15	Outdoor Storage	No outdoor storage or display of goods and materials shall be permitted in the CR Zone .
16	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
17	Buffer Strips	Where a CR Zone abuts any Residential, Institutional, Park, Wetland, or Urban Reserve Zone , a buffer strip shall be developed.

Proposed Exceptions and Additions to the Regulations:

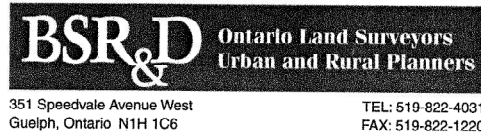
1. Minimum Front or Exterior Sideyard: 0 metres rather than the average of the front and exterior sideyards of the adjoining properties. This regulation will apply to the building setbacks along the frontages of both public streets.
2. Minimum Sideyard: 1.2 metres rather than one half the building height but not less than 3 metres. This regulation will apply north of Building C and south of Building D (Schedule 5).
3. Minimum Rearyard: 1.5 metres rather than 20% of the lot depth to a maximum of 7.5 metres. This regulation will apply west of Building A (Schedule 5).
4. Maximum Gross Floor Area: 3,502 square metres ground floor area plus a 186 square metre mezzanine rather than 400 square metres maximum.
5. Off-street Parking: 150 spaces (approximately 1 space per 23 square metres of ground floor area) rather than in accordance with Section 4.13 of the Bylaw. Section 4.13 has a variety of parking requirements based on the types of uses, which in this case, is not known yet.
6. Buffer Strip: Exemption requested. The Bylaw requires a buffer strip where the CR Zone abuts a Park Zone and the owner asks for an exemption, recognizing there are areas of the site where a buffer strip is needed and other areas where a buffer strip is not needed or practical, therefore, the owner requests that any buffer be determined as part of the site plan approval process.

Schedule 5 Preliminary Site Plan



Schedule 5
(Applicant's Cover Letter)

BLACK, SHOEMAKER, ROBINSON & DONALDSON
LIMITED



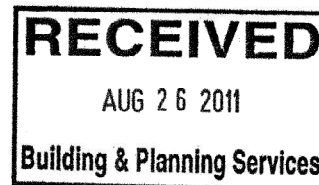
August 25, 2011

Project: 11-8903

Mr. Al Hearne
Senior Development Planner
Development Planning
Planning, Engineering and Environmental Services
City of Guelph
59 Carden Street
GUELPH, Ontario
N1H 3A1

Dear Mr. Hearne:

**Re: Proposed Zone Change
For a Commercial Development
40 Wellington Street West
(former Rockwell Industrial Site)
Owners: 2065404 Ontario Inc.**



Please find enclosed a completed "Zoning By-law Amendment Application" for the above-noted property and a zone change sketch, illustrating the area affected by this application. Also enclosed is a cheque in the amount of \$7,150.00 payable to the City of Guelph to cover the planning processing fees, as well as a cheque in the amount of \$1,855.00 payable to the Grand River Conservation Authority to cover their processing fees.

The subject property surrounds a converted service station located on the southwest corner of Wellington Street and Gordon Street (now used as a lube shop) and has frontage along Gordon Street of approximately 75 metres and frontage along Wellington Street of approximately 105 metres. The property is the former Rockwell industrial site, which was home to a 7,500 square metre industrial manufacturing facility that was demolished in 1991. At the present time, there are no buildings or structures remaining on the subject lands. A temporary pump house related to ground water monitoring and site remediation is located adjacent to this property, on City owned lands.

The developer has been in discussions with the City of Guelph regarding the site for approximately a year. During this time, there have been numerous meetings and consultations which have resulted in the submission of three (3) separate site plan concepts, ultimately leading to the current plan which is being submitted with the rezoning application. Face to face meetings with planning staff started in October 2010 and continued in December 2010, January 2011, February 2011, March 2011 and May 2011, during which time the developer incorporated and addressed City comments and requests. In addition, there have been numerous meetings arranged with the Engineering and Transportation staff. The developer has worked with the City to come up with a plan that is both responsible from an urban design perspective and economically feasible from a financial perspective. Further, given the multiple development restrictions imposed on the site, including, floodplain, contamination (precludes residential uses) and market demand, the current development plan of a retail plaza remains the only viable option. Along with other retail amenities, the proposed project will bring an organic food store to the south of

1

A. B. DONALDSON, O.L.S., O.L.I.P.	I. D. ROBINSON, B.Sc., O.L.S., O.L.I.P.	K. F. HILLIS, B.Sc., O.L.S., O.L.I.P.	N. C. SHOEMAKER, B.A.A., M.C.I.P., R.P.P.
R. J. SIBTHORP, B.Sc., O.L.S., O.L.I.P.	S. W. BLACK, O.L.S. (1917 - 2007)	R. L. SHOEMAKER, O.L.S. (1923-2008)	W. F. ROBINSON, O.L.S. (Retired)
BRIAN BEATTY, B.A.A., M.U.R.P.L.			

the tracks' area of the downtown which will in turn support the attractiveness of this area for future residential development.

The subject lands are currently located in the Specialized Commercial-Residential (CR-3) Zone and the Park (P4) Zone. The current zoning will permit a retail plaza; however, a rezoning is required to clean up the following:

- i) increase the square footage cap which limits the size and amount of retail square footage to 400 square metres;
- ii) amend setbacks and parking requirements in order to achieve the City's urban design objectives; and
- iii) correct a technical error for a small portion of the subject property zoned Park (P4).

The lands are designated "Commercial Mixed Use" in the City of Guelph Official Plan, with a small portion located within the "Open Space" designation due to a mapping and ownership error. Schedule 2 of the Official Plan also designates the property as being located within the Regulatory Flood Line and part of the Floodway which includes a Special Policy Area and 2-Zone Flood Plains policies.

Official Plan Amendment 39 addressed Growth Plan Elements. As part of that amendment, the subject property was designated part of the Urban Growth Centre; also referenced as Downtown Guelph. Finally, Official Plan Amendment 42 continues to designate the property as being located within the Regulatory Flood Line and part of a Special Policy Area.

In response to the intensification policies set out in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, the City of Guelph has adopted a Growth Management Strategy that establishes the focus of significant residential and commercial development in the "downtown" area of the community. The City also recognizes the need to provide local amenities as an integral component of creating a liveable downtown.

The Provincial Policy Statement and the Growth Plan also promote the redevelopment of "brownfield" sites. This site was formerly occupied by Rockwell, specializing in the manufacturing of tools. A significant amount of time and money has been spent on remediation measures that will allow the development of the site for commercial uses. Further remediation of the site to a level that would allow for a residential land use is cost prohibitive.

This site is also located within the Speed River Flood Plain. While residential may be permitted with special flood proofing provisions, the level of site remediation precludes residential use as a viable option for the development of this site.

As mentioned above, the developer of this site has been working closely with staff to arrive at a development concept that meets the long term goals and objectives of the City. The proposal for this site includes the creation of a retail commercial centre consisting of 3,502 square metres of ground floor space and an additional 186 square metres of mezzanine space. The major tenant will be an organic food store occupying a building of 1,626 square metres of ground floor area and a mezzanine containing office and storage space of approximately 186 square metres. Additional second floor space will not be developed as part of the initial phasing of this project, but may be built at a future date when additional parking is constructed in the area to support the incremental floor area.

The design for the property seeks to distribute significant built form on all sides of the site to firmly address the abutting public open space or streets. Four buildings are proposed, providing definition of each public edge. The approach to the ground floor animation and image is based on the traditional store front configuration evident in downtown Guelph. The proposed building heights at effectively 2 storeys are compatible with all edges of the site, creating a familiar, non-imposing mass when seen from all adjacent streets. The only exception is the proposed 3 storey focal points on the two building

adjacent to Gordon Street, announcing the entrance to the downtown. The view corridor from Gordon Street and Royal City Park towards the Church of Our Lady is not impeded by any of the proposed buildings.

Notwithstanding the current CR-3 Zoning which permits the use of this property as a retail plaza; the accompanying zoning by-law regulations restrict the Maximum Gross Floor Area of the site to 400 square metres. Other regulations applying to this site, including building setbacks and parking also require addressing as the CR Zone includes more suburban type regulations; whereas, discussions with City staff and the Official Plan for the City envision a more urban development context for the property.

In addition, this zone change will be rezoning a small portion of the site from the Park (P.4) Zone to a Specialized Commercial-Residential (CR) Zone. The change required results from a technical error associated with an intended land swap with the City dating back to September 1990. At that time the City entered into a development agreement that contemplated an exchange of property that would include the conveyance of City owned lands abutting the westerly limit of the subject lands in exchange for a triangular portion of land forming the southwesterly corner of this site. The exchange of property was needed in order to facilitate site access from the Dublin Street intersection and to allow for the property to be developed as a retail plaza. After the development agreement was put in place, it was discovered that the applicant's lands were contaminated and the land swap was never finalized. Due to the fact that the City's lands continue to be contaminated and are still required to permit access from the Dublin Street intersection, the developer and the City have agreed in concept that access shall be granted over City lands by way of an easement agreement between the City and the developer in exchange for the developer building additional parking on the City's land for public use. In summary, as a result of the land swap never being finalized, the rezoning of the southwesterly portion of the site from Park to Commercial-Residential is really a "housekeeping" type amendment to reflect actual ownership lines.

The following special regulations are being requested to facilitate this development proposal.

- Minimum Front or Exterior Side Yard

The CR Zone specifies that the minimum front or exterior yard shall be the average of the adjoining properties. The only adjoining property is a converted gas station located at the intersection of Gordon Street and Wellington. That building's location does not reflect current urban design principles or policies promoted within the City's Official Plan or draft Secondary Plan for the downtown.

This application seeks permission to construct buildings with a 0 metre setback from the Wellington Street property line and a 0 metre setback from the Gordon Street property line. These setbacks allow for the creation of an animated, pedestrian friendly streetscape.

- Minimum Side Yard

The CR Zone specifies that the minimum side yard shall be one half the building height, but not less than 3 metres. In this case, the minimum side yard setback would be 4 metres from the property line.

The subject application is requesting a side yard of 1.2 metres.

The side yard for this site is adjacent to the property occupying the intersection of Wellington Street and Gordon Street. The overall concept envisions the inclusion of this corner property at some future date. In the interim, a reduced setback from the existing uses on the adjacent property should not impact the continued use of the site as an automobile lube shop.

- Minimum Rear Yard

The CR Zone specifies that the minimum rear yard shall be 20% of the lot depth to a maximum of 7.5 metres. In this case, the 7.5 metres requirement would prevail.

The subject application is requesting a rear yard of 1.5 metres.

The rear yard for this property is considered to be the westerly side of the site, adjacent to Royal City Park. As part of this proposal, a parking area will be created between the existing ball diamond in Royal City Park and the rear of the building on the subject lands. No loading will occur in this area of the site and a landscaped buffer will assist in screening this building from the park.

- Maximum Gross Floor Area

The CR Zone restricts the Maximum Gross Floor Area of a site to 400 square metres.

The subject application is requesting 3,502 square metres of ground floor space and an additional 186 square metres of mezzanine space.

The subject lands are approximately 1.17 hectares in area. Restricting the development of this site to 400 square metres equates to a coverage figure of approximately 3%. Traditional commercial development generally equates to coverage of between 25% and 30%. Given that this site is considered part of the downtown and within the area designated for intensification, a 400 square metre cap is contrary to the Official Plan, the Provincial Policy Statement and the Growth Plan initiatives. This application proposes development coverage of approximately 30% when viewing the ground floor area of the buildings. This figure increases to 32% when the mezzanine floor area is included in the calculation. This figure is more representative of the goals and objectives of intensification in the built-up area of the City.

- Off-Street Parking

The Zoning By-law for the City of Guelph requires parking in a CR Zone to be provided based on specific uses on the site, rather than the overall gross floor area of the site. Since the specific uses are not known at this time, this application proposes to provide 150 on-site parking spaces. This equates to approximately 1 space for every 23 square metres of ground floor area. The mezzanine space has not been included in the calculation. This is a reasonable parking ratio for sites within the downtown area and located along a transit route. In addition, as part of the discussions with the City, the developer has agreed to provide additional spaces abutting this site, adjacent to the ball diamond in Royal City Park. There have also been discussions regarding the creation of on-street parking adjacent to this site which could provide additional spaces. Although it is recognized that these spaces will be shared with users of the park, they do add significantly to the parking inventory for this site and would bring the ratio in line with a neighbourhood commercial centre.

In support of this application we are also enclosing the following reports:

- 32 copies of the proposed Concept Plan, prepared by MSAi Architecture and Urban Design;
- 5 copies of the Urban Design Brief, prepared by MSAi Architecture and Urban Design (+disc);
- 18 copies of the Preliminary Site Servicing and Stormwater Management Report prepared by Gamsby & Mannerow Limited (+disc);
- 5 copies of the Traffic Impact Study prepared by BA Group (+disc);
- 5 copies of the Record of Site Condition;
- A copy of the Certificate of Requirement – Environmental Protection Act; and
- A copy of the Community Energy Initiative Brief outlining low impact development measures.



Twenty-three copies of the Environmental Impact Study prepared by North-South Environmental Inc., plus a digital copy of same, was delivered to the City previously under separate cover.

I trust this package will provide the City with sufficient information to confirm a "Complete Application" and commence the processing of this zone change.

Please review the wording of Notice Sign and advise if wording is acceptable. We will arrange for the printing and erection of this sign upon approval by the City of the wording.

Should you have any questions, please call me.

Yours very truly

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED



Nancy Shoemaker, B.A.A., M.C.I.P., R.P.P.

Attachments

Copy: Jim Riddell, General Manager, Planning and Building Services
Robert Walters, Manager of Development Planning
Stacey Laughlin, Senior Development Planner
2065404 Ontario Inc.
Belmont Equity
Michael Spaziani, MSAi Architecture and Urban Design
Glenn Anderson, Gamsby & Mannerow Limited
Brent Tegler, North-South Environmental
John Barrington, BA Group, Transportation Consultants

Schedule 6
Proposed Building Elevations



Schedule 6 Proposed Building Elevations



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE December 5, 2011

SUBJECT 1475 - 1483 and 1499 Gordon Street: Proposed Official Plan and Zoning By-law Amendments (Files: OP1102/ZC1111) – Ward 6

REPORT NUMBER 11-92

SUMMARY

Purpose of Report: To provide planning information on applications by Astrid J. Clos Planning Consultants requesting approval of an Official Plan Amendment and Zoning By-law Amendment to permit a range of primarily commercial uses and mixed residential/commercial uses at 1499 Gordon Street and to rezone a portion of the property at 1475-1483 Gordon Street to permit the existing vehicle service station. This report has been prepared in conjunction with the public meeting on the application.

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

RECOMMENDATION

"THAT Report 11-92 regarding applications for an Official Plan Amendment and Zoning By-law Amendment to permit a range of primarily commercial uses and mixed residential/commercial uses applying to property municipally known as 1499 Gordon Street and to permit the existing vehicle service station on a portion of the property municipally known as 1475-1483 Gordon Street, legally described as Part of Lots 1, 2 and 3, Registered Plan 74, Geographic Township of Puslinch, City of Guelph, from Planning & Building, Engineering and Environment, dated December 5, 2011, be received."

BACKGROUND

Applications for an Official Plan Amendment and Zoning By-law Amendment (OP1102/ZC1111) have been received for the property municipally known as 1499 Gordon Street and a southeast portion of 1475-1483 Gordon Street from Astrid J. Clos Planning Consultants (Schedule 1). These applications are being sought to help facilitate severances (see below) and commercial development at 1499 Gordon

Street while recognizing the existing uses at 1475-1483 Gordon Street.

Consent to sever applications for lot additions (B-05/11 and B-06/11) for 1499 Gordon Street and the adjacent property to the north at 1475-1483 Gordon Street, which is known as the Brock Road Garage, were approved by the Committee of Adjustment on February 8, 2011, subject to conditions (see Schedule 4). The result of these two severances when finalized, will be to create two parcels of land that would be more regular in shape to facilitate future development opportunities for both properties. No development is currently proposed for the property at 1475-1483 Gordon Street and the applicant's proposed development concept for 1499 Gordon Street, shown on Schedule 5, is based on the resultant parcels created through these severance applications.

These severance applications were approved with a condition requiring that the zoning of the severed and retained parcels be amended prior to the endorsement of the deeds so that the resultant parcel at 1475-1483 Gordon Street would be zoned to permit the existing uses and the resultant parcel at 1499 Gordon Street would be zoned appropriately to permit future development. Further to this condition, the Zoning By-law Amendment application has been submitted to request that 1475-1483 Gordon Street (as reconfigured by the severances) be rezoned to the Specialized Commercial (C.1-18) Zone in its entirety to permit only the existing vehicle service station. The application for 1499 Gordon Street (as reconfigured by the severances) is to rezone to a Specialized (CR-?) Commercial-Residential Zone to permit a range of primarily commercial uses and residential/commercial uses in the same building (see Schedule 4). The Official Plan Amendment application is needed to redesignate the reconfigured 1499 Gordon Street to a "Commercial Mixed Use" designation.

Location

The subject lands are approximately 0.38 hectares in size and are located on the west side of Gordon Street and north of Lowes Road (see Location Map on Schedule 1). Adjacent land uses include the Brock Road Garage at 1475-1483 Gordon Street to the north, detached dwellings to the west and south and zoned sites for townhouse and apartment units across Gordon Street to the east. The subject lands contain a single detached dwelling that is proposed to be demolished to accommodate the applicant's proposed commercial building (Schedule 5).

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation that applies to the subject lands is "Medium Density Residential". The relevant Official Plan policies are included in Schedule 2.

Official Plan Amendment 39 that is in effect identifies the site within an "Intensification Corridor", which is intended to provide for higher density mixed-use development along major roads or higher order transit corridors.

Existing Zoning

The majority of the subject site located at 1499 Gordon Street (as reconfigured by the severances) is zoned R.1B (Residential Single Detached) Zone (Schedule 4). A small portion of the Brock Road Garage property (1475-1483 Gordon Street before

severance approval) that will be part of the northeast corner of 1499 Gordon Street along the frontage of Gordon Street (after severance approval), is zoned Specialized Commercial (C.1-18) Zone. A southwest portion of 1475-1483 Gordon Street (as reconfigured by severance) is zoned R.1B (Residential Single Detached) Zone.

REPORT

Description of Proposed Official Plan Amendment

The applicant is requesting an Official Plan Amendment to redesignate the property at 1499 Gordon Street (as reconfigured by the approved severances) from the "Medium Density Residential" to the "Commercial Mixed Use" land use designation. The "Commercial Mixed Use" designation is intended to recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses are located. The relevant Official Plan policies are included in Schedule 3.

Description of Proposed Zoning Bylaw Amendment

The applicant is requesting to rezone the lands at 1499 Gordon Street (as reconfigured) from the current R.1B (Single Detached Residential) Zone and Specialized C.1-18 (Convenience Commercial) Zone to a Specialized CR-? (Commercial-Residential) Zone to permit the standard Commercial-Residential (CR) Zone permitted uses, with the addition of a "pharmacy" as a permitted use. This would allow the development of the proposed commercial building at 1499 Gordon Street. The proposed zoning is illustrated in Schedule 4. The specialized zoning regulations requested in association with the proposed CR-? Zone include:

- A minimum side yard of 3 metres in lieu of the required 4.5 metres
- Maximum gross floor area of 1,620 square metres in lieu of the maximum 400 square metres
- Minimum off-street parking of 63 spaces in lieu of the required 74 parking spaces

The Zoning By-law Amendment application also includes a request to rezone a portion of the reconfigured 1475-1483 Gordon Street property from the R1.B Zone to the C.1-18 Zone. This would result in the Brock Road Garage property being entirely zoned C.1-18 Zone to permit the existing vehicle service station.

Proposed Development Concept

The applicant's proposed development concept is shown on Schedule 5. The proposed development is for a 2 storey commercial building located at 1499 Gordon Street, as established through the approved severance applications. The building is proposed with a total of approximately 1620 square metres of gross floor area and is oriented along the Gordon Street frontage with a surface parking area located to the rear of the property. A total of 63 parking spaces are proposed, consisting of 21 underground and 42 surface parking spaces. Site access is proposed at the northerly boundary of the property as a shared 10 metre wide mutual driveway access with the adjacent property at 1475-1483 Gordon Street. This access was designed to meet the following conditions of approval for severance applications B-05/11 and B-06/11, requiring that:

-
- an access easement having a minimum width of 7 metres be granted over the southerly portion of the lands at 1475-1483 Gordon Street in favour of 1499 Gordon Street, and
 - an access easement having a minimum width of 3 metres be granted over the northerly portion of the lands at 1499 Gordon Street in favour of 1475-1483 Gordon Street.

While no development is proposed through this application for the adjacent Brock Road Garage property at 1475-1483 Gordon Street, this mutual driveway access would also serve future redevelopment of this property once rezoned. The existing driveways not located within the mutual access easement would be closed at the time of future redevelopment.

Supporting Documents

The revised applications were supported by the following:

- Preliminary Site Servicing and Stormwater Management - Revised, 1499 Gordon Street. Prepared by Gamsby and Mannerow Limited. July, 2011.
- Tree Management Plan for Proposed Development at 1499 Gordon Street. Prepared by GWS Ecological & Forestry Services Inc. July, 2011.
- Building Elevations for Proposed Commercial Complex at 1499 Gordon Street. Prepared by BJC Architects Inc. July 2011.

Staff Review

The review of these applications will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan
- Evaluation of the proposal's conformity with the Official Plan
- Consideration of the merits of the Official Plan Amendment
- Review of the proposed zonings including all of the uses permitted and the proposed specialized regulations
- Review of proposed site design
- Urban design review of the built form and streetscape
- Review of any needed site clean-up for contamination
- Servicing and traffic related issues
- Community Energy Initiative considerations

Once the revised applications are reviewed and all issues are addressed, a report from Planning & Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future staff recommendation report to Council.

COMMUNICATIONS

Notice of the second Public Meeting was advertised in the Guelph Tribune on November 11, 2011, and circulated to current owners within 120 metres of the site on November 14, 2011.

ATTACHMENTS

Schedule 1 – Location Map

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

Schedule 3 – Existing and Proposed Zoning and Details

Schedule 4 – Proposed Development Concept & Elevations

Prepared By:

Chris DeVriendt
Senior Development Planner
519-837-5616, ext 2360
chris.devriendt@guelph.ca

Original Signed by:

Recommended By:

James N. Riddell
General Manager
Planning & Building Services
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jim.riddell@guelph.ca

Recommended By:

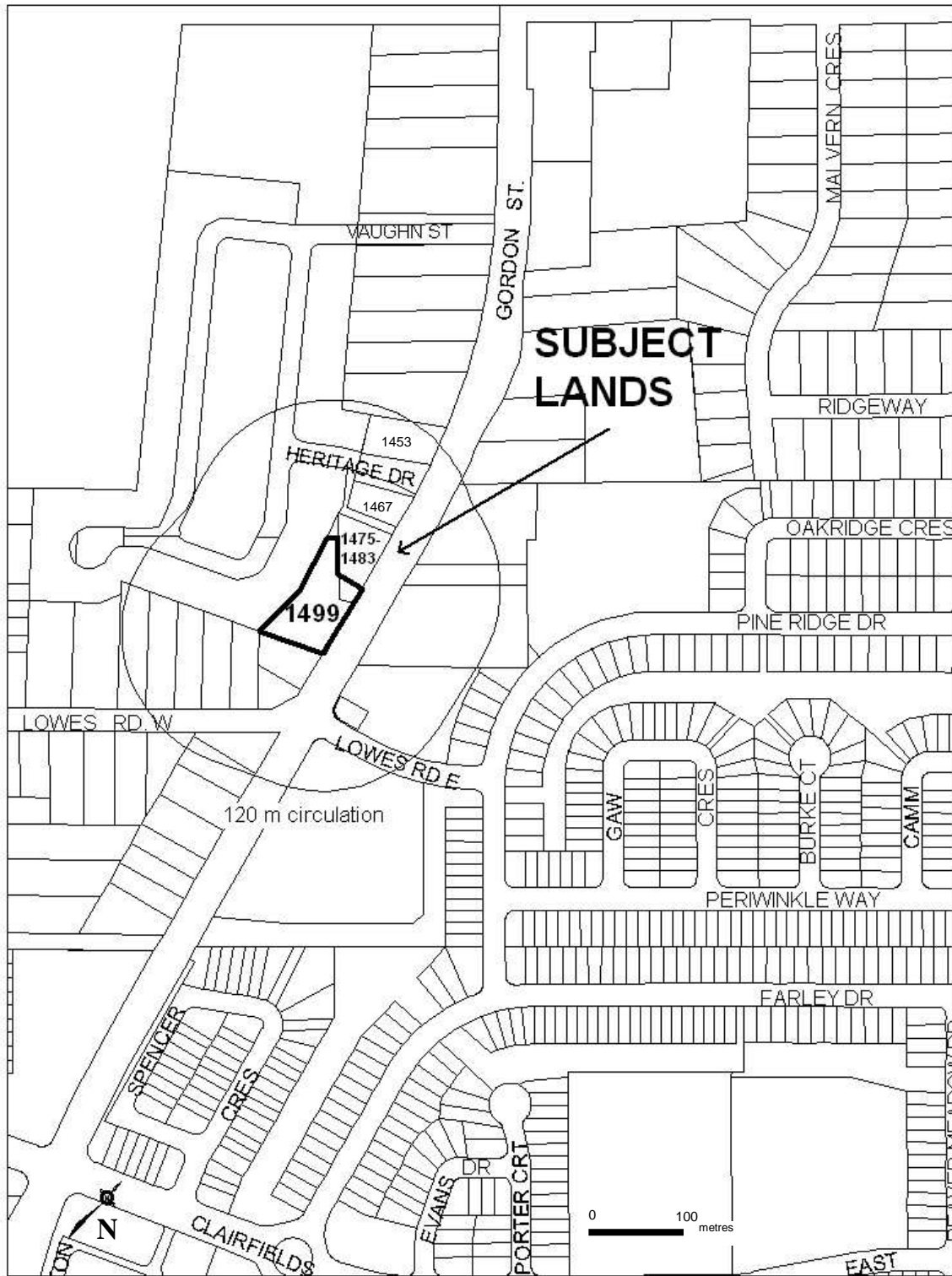
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Original Signed by:

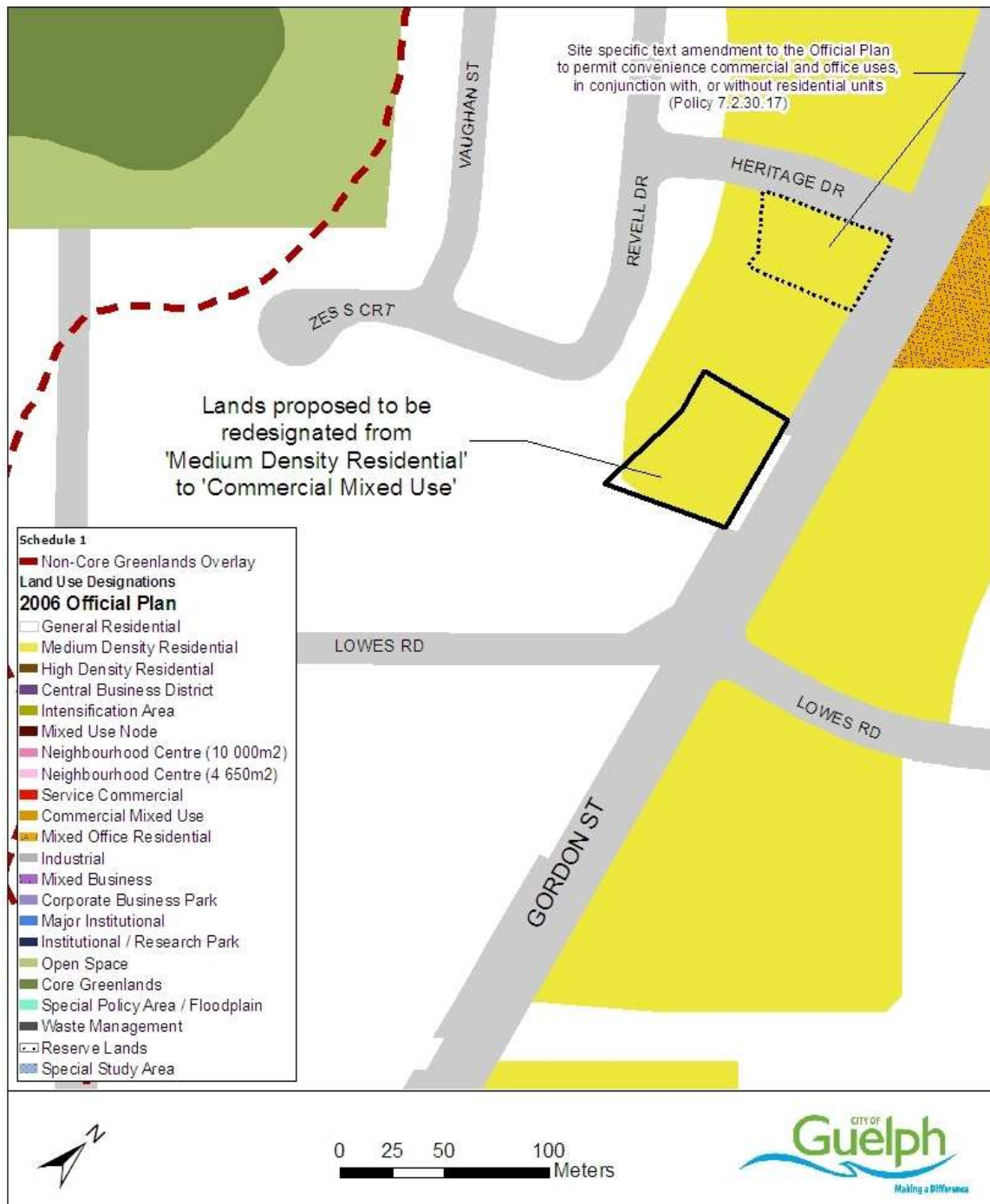
Recommended By:

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 Existing and Proposed Official Plan Land Use Designations



SCHEDULE 2 (continued)
Existing and Proposed Official Plan Policies

'Medium Density Residential' Land Use Designation

- 7.2.6 ***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.
- 7.2.36 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.
- 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*.

7.5 Commercial Mixed Use Objectives

- a) To recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses have been concentrated.
 - b) To promote the continued use and intensification of these well-defined areas.
 - c) To allow for a range of compatible business land uses adjacent to residential areas within the St. Patrick's Ward neighbourhood (Area 2 on Schedule 5).
- 7.5.3 New development proposals within the 'Commercial Mixed Use' designation of this Plan may be permitted in consideration of the following general criteria:
- a) The building design should have a street orientation, promote continuity in the streetscape and adhere to the urban design policies of subsection 3.6 of this Plan;
 - b) In instances where residential units are proposed, the maximum net density shall not exceed 100 units per hectare and the development criteria of policy 7.2.7 will be used to assess compatibility;
 - c) Adequate parking, loading and access are required;
 - d) Adequate municipal services are required; and
 - e) Lot development and building design should be consistent with the existing built-form conditions.
- 7.5.4 Complementary uses, as specified in policy 7.2.26 of this Plan, may be permitted within the 'Commercial Mixed Use' designation. These complementary uses may be permitted in instances where;
- a) Their presence will not interfere with the overall form, function and development of the specific 'Mixed Use' area where they are to be located; and
 - b) New development proposals may be permitted where the development criteria of policy 7.2.27 are satisfied

SCHEDULE 2 (continued)
Official Plan Amendment Review Criteria

9.3 Official Plan Amendments

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

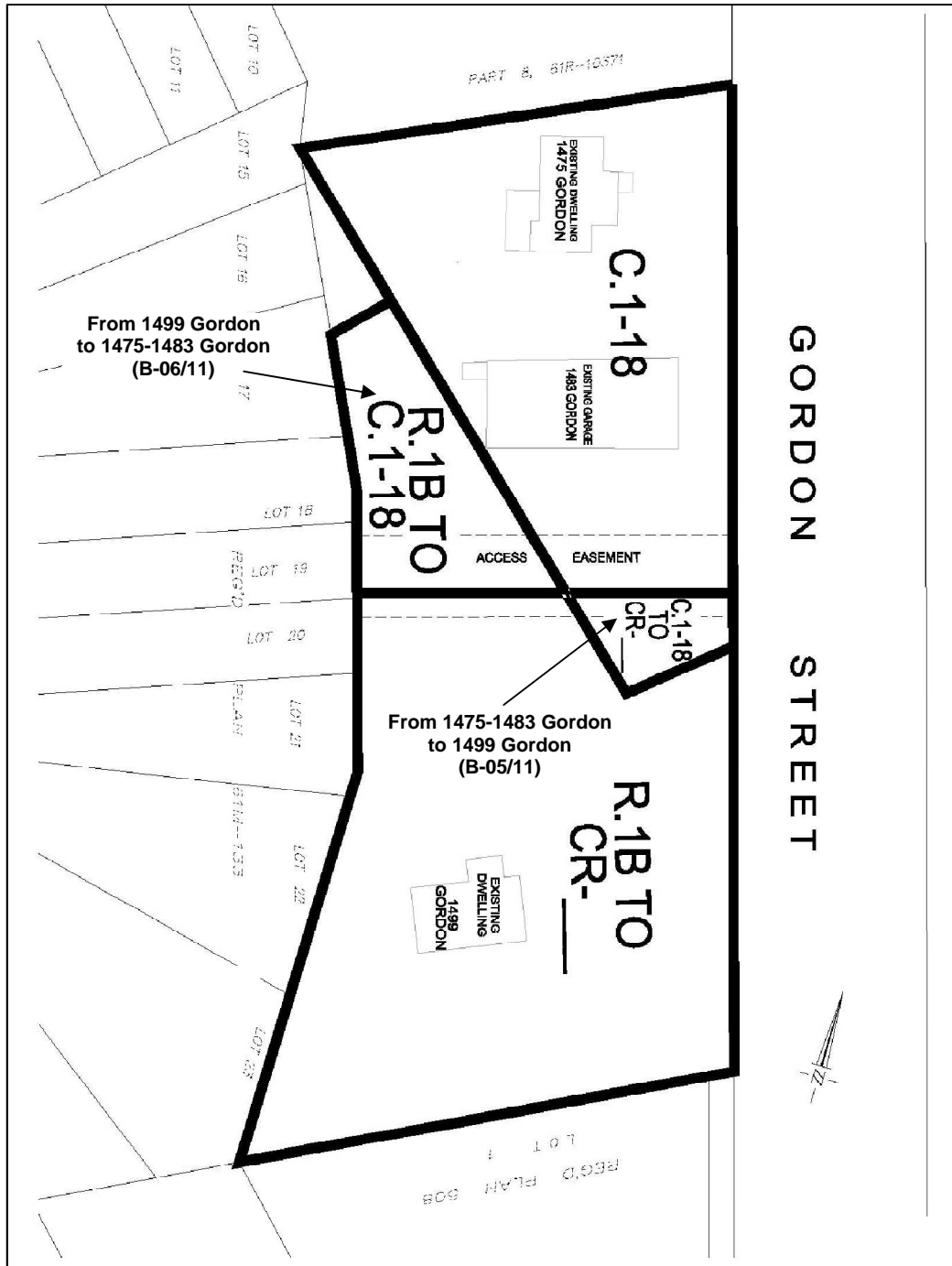
9.3.2 When considering an application to amend the Official Plan, Council shall consider the following matters:

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

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

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

SCHEDULE 3 Existing and Proposed Zoning and Details



SCHEDULE 3 (continued) Existing Zoning Details

Specialized C.1-18 (Convenience Commercial) Zone

Permitted Uses

- Vehicle Service Station

Buildings or Structures in the C.1-18 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 shall require an amendment to the Zoning By-law and be in accordance with Sections 4 and 6.1.2.

Regulations

Within the Commercial C.1 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 regulations contained in Section 4 – General Provisions and the regulations listed in Table 6.1.2.

TABLE 6.1.2 - REGULATIONS GOVERNING THE C.1 ZONE

Row 1	Commercial Type	Convenience Commercial
2	Minimum Lot Area	550 m ²
3	Minimum Lot Frontage	18 metres
4	Minimum Front or Exterior Side Yard	6 metres, or at least as great as the Front Yard of a Building located on abutting Lot , but not less than 3 metres.
5	Minimum Side Yard	One half the Building Height , but not less than 3 metres
6	Minimum Rear Yard	20% of the Lot Depth to a maximum of 7.5 metres
7	Maximum Building Height	Vehicular access to the Rear Yard from a public Street shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres.
8	Maximum Gross Floor Area (G.F.A)	400 m ²
9	Accessory Buildings or Structures	In accordance with Section 4.5.
10	Fences	In accordance with Section 4.20.
11	Planting Area	A landscaped strip of land 3 metres in width shall be maintained adjacent to the Street Line , except for those areas required for entry ramps.
12	Off- Street Parking	In accordance with Section 4.13.
13	Enclosed Operations	In accordance with Section 4.22.
14	Off- Street Loading	In accordance with Section 4.14.
15	Outdoor Storage	No outdoor storage or display of goods and materials shall be permitted in the C.1 Zone .
16	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
17	Buffer Strips	Where a C.1 Zone abuts any Residential, Institutional, Park, Wetland, or Urban Reserve Zone , a buffer strip shall be developed.

SCHEDULE 3 (continued)

Existing Zoning Details

5.1.1

PERMITTED **USES**

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

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

TABLE 5.3.2 - REGULATIONS GOVERNING R.1 ZONES

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

SCHEDULE 3 (continued)

Proposed Zoning Details

Specialized CR-? (Commercial-Residential) Zone

Permitted Uses

- Artisan Studio
- Club
- Convenience Store
- Day Care Centre in accordance with Section 4.26
- Dry Cleaning Outlet
- Financial Establishment
- Florist
- Group Home in accordance with Section 4.25
- Laundry
- Library
- Medical Clinic
- Medical Office
- Office
- Personal Service Establishment
- Religious Establishment
- Restaurant (take-out)
- Veterinary Service
- Video Rental Outlet
- Pharmacy

- Dwelling Units with permitted commercial uses in the same building in accordance with Section 4.15.2

- Accessory Uses in accordance with Section 4.23
- Occasional Uses in accordance with Section 4.21

Regulations

In accordance with Section 6.6.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Minimum Side Yard

- 3 metres (in lieu of the required 4.5 metres)

Maximum Gross Floor Area

- 1620 square metres (in lieu of the maximum 400 square metres)

Off-Street Parking

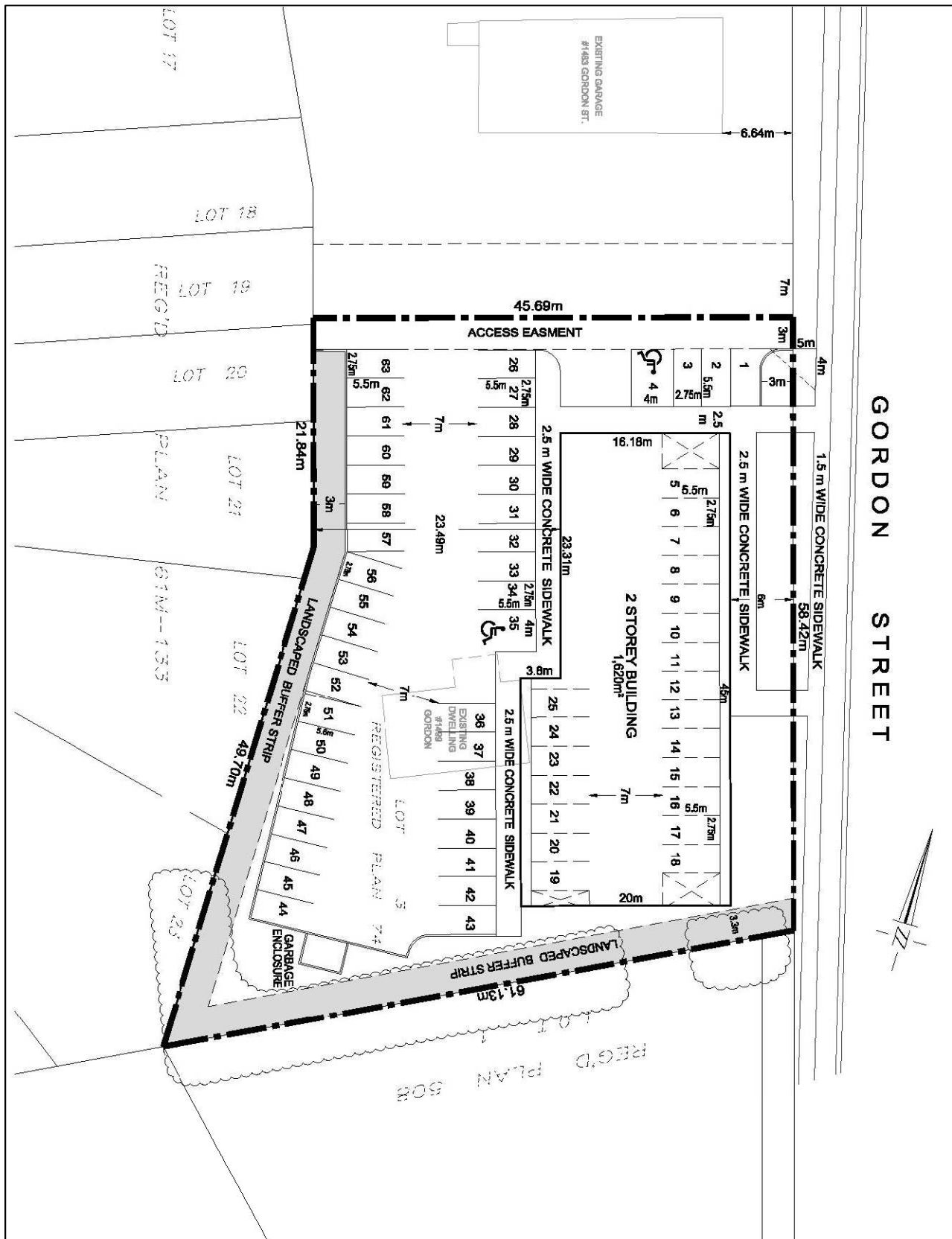
- 63 parking spaces (in lieu of the required 74)

SCHEDULE 3 (continued) Standard CR Zoning Regulations

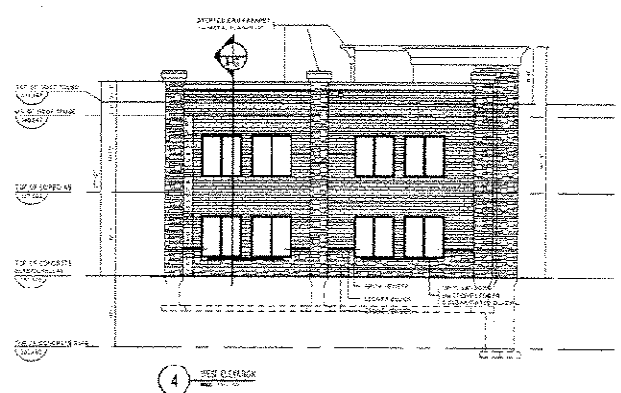
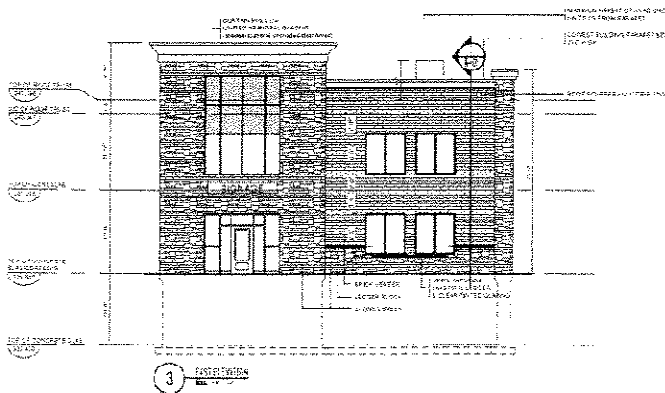
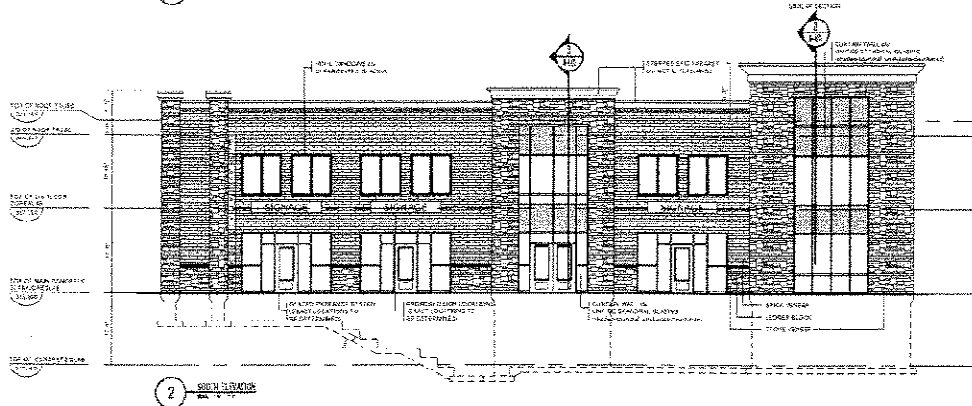
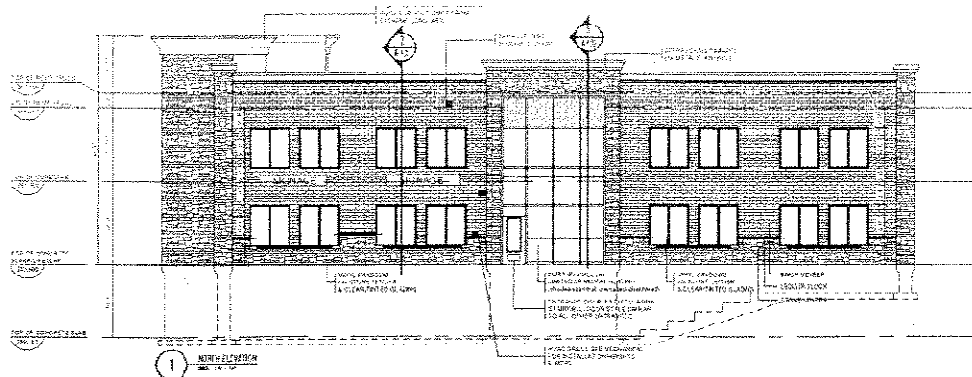
1499 Gordon Street Zoning Compliance Chart

Commercial Residential CR Zone – From Table 6.2.2				
1	Zoning Regulation	Required	Provided	Complies
2	Minimum Lot Area	550 m ²	3,181 m ²	Yes
3	Minimum Lot Frontage	18 m	58.42 m	Yes
4	Minimum Front Yard	average of the Front Yards of the adjoining properties	6m	Yes
5	Minimum Side Yard half the Building Height , but not less than 3 metres.	4.5m	3m	No
6	Minimum Rear Yard 20% of the Lot Depth to a maximum of 7.5 metres.	7.5m	23.4m	Yes
7	Maximum Building Height 3 Storeys and in accordance with Section 4.18.	3 storeys	3 storeys	Yes
8	Maximum Gross Floor Area	400 m ²	1,620 m ²	No
9	Accessory Buildings or Structures	N/A	N/A	Yes
10	Fences Section 4.20.	No fence proposed.	N/A	Yes
11	Planting Area	None required.	N/A	Yes
12	Off- Street Parking Section 4.13.	Retail Establishment 1 per 16.5 m ² GFA Office 1 per 33 m ² GFA Retail 49.09 Office 24.54 Total 74 parking spaces 2 accessible spaces required	63 parking spaces provided. 2 accessible spaces are required and provided. 2 accessible spaces provided	No Yes
13	Enclosed Operations Section 4.22			Yes
14	Off- Street Loading Section 4.14	N/A	N/A	Yes
15	Outdoor Storage	No outdoor storage/display of goods/materials	No outdoor storage or display proposed	Yes
16	Garbage, Refuse Storage and Composters. Section 4.9.			Yes
17	Buffer Strips Where a CR Zone abuts any Residential, Institutional, Park, Wetland, or Urban Reserve Zone , a buffer strip shall be developed.		Buffer strip provided.	Yes

SCHEDULE 4 Proposed Development Concept



SCHEDULE 4 (continued) Proposed Development Concept (Building Elevations)



CONSENT AGENDA

December 5, 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) 39-47 ARKELL ROAD AND 1408 GORDON STREET PROPOSED ZONING BY-LAW AMENDMENT (FILE: ZC1112) – WARD 5</p> <p>THAT Report 11-97 dated December 5, 2011 regarding a proposed Zoning By-law <i>Amendment for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street</i> from Planning & Building, Engineering and Environment be received;</p> <p>AND THAT the application by Astrid J. Clos Planning Consultants for a Zoning By-law Amendment 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 to permit a limited range of residential uses including stacked and cluster townhouses 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, be approved in accordance with the regulations and conditions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 11-97 dated December 5, 2011;</p> <p>AND THAT in accordance with Section 34(17) of the <i>Planning Act</i>, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 39-47 Arkell Road and 1408 Gordon Street as set out in Report 11-97 from Planning & Building, Engineering and Environment dated December 5, 2011;</p> <p>AND THAT the request to demolish the detached dwelling located on the property municipally known as 1408 Gordon Street be approved.</p>	Approve

A-2) **300 GRANGE ROAD REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL (FILE: 23t-07505) – WARD 1**

Approve

THAT Report 11-101 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision at the property municipally known as 300 Grange Road (23T-07505) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Van Harten Surveying Inc. for an extension to the Draft Plan Approval of the subdivision at 300 Grange Road (23T-07505) applying to lands legally described as Part Lot 6 and 7, Registered Plan 53, Division "C", City of Guelph, be approved for a three (3) year period to an extended lapsing date of January 12, 2015, subject to the conditions contained in Schedule 4 of the Planning & Building, Engineering and Environment Report 11-101, dated December 5, 2011.

A-3) **CITYVIEW HEIGHTS SUBDIVISION REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL (FILE: 23T-01506) – WARD 1**

Approve

THAT Report 11-102 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision of the property municipally known as 333 Grange Road and 134 Cityview Drive (23T-01506) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by 2014707 Ontario Inc. for an extension to the Draft Plan Approval of the subdivision at 333 Grange Road and 134 Cityview Drive (23T-01506) applying to lands legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, be approved for a one (1) year period to an extended lapsing date of January 6, 2013, subject to the conditions contained in Schedule 3 of the Planning & Building, Engineering and Environment Report 11-102, dated December 5, 2011.

A-4) **IMPACT OF ENVIRONMENTAL REVIEW TRIBUNAL DECISION ON THE CONVERSION TO AUTOMATED WASTE COLLECTION PROGRAM**

Approve

THAT the report from Planning & Building, Engineering and Environment dated November 28, 2011 entitled Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program be received;

AND THAT conversion of the curbside waste collection program, from a manual plastic bag collection program to a fully-automated cart collection program commencing in 2012, be reaffirmed.

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 December 5, 2011

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

REPORT NUMBER 11-97

SUMMARY

Purpose of Report: This report provides a staff recommendation to approve a Zoning By-law Amendment to rezone the subject properties to a Specialized R.3A (Townhouse) Zone to permit a limited range of residential uses including stacked and cluster townhouses.

Council Action: Council is being asked to approve the proposed Zoning By-law Amendment for the subject lands.

RECOMMENDATION

"THAT Report 11-97 dated December 5, 2011 regarding a proposed Zoning By-law Amendment for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Astrid J. Clos Planning Consultants for a Zoning By-law Amendment 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 to permit a limited range of residential uses including stacked and cluster townhouses 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, be approved in accordance with the regulations and conditions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 11-97 dated December 5, 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 affecting 39-47 Arkell Road and 1408 Gordon Street as set out in Report 11-97 from Planning & Building, Engineering and Environment dated December 5, 2011;

AND THAT the request to demolish the detached dwelling located on the property municipally known as 1408 Gordon Street be approved.”

BACKGROUND

An 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 proposal is a request to rezone the properties 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 cluster and stacked townhouse units.

The initial application was deemed to be complete on August 30, 2010. The first statutory Public Meeting was held on October 4, 2010. At the statutory Public Meeting, Council directed staff to engage the neighbourhood and the developer in discussions to attempt to resolve issues raised at the Public Meeting. In response to these issues, the applicant revised the concept plan and an informal public meeting was held with the residents on March 3, 2011. A second statutory Public Meeting was held on October 3, 2011 in order for the revised proposal to be formally presented to Council and the public. Reports 10-98 and 11-86 from Planning & Building, Engineering and Environment provide background information related to the proposed Zoning By-law Amendment.

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 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 dwellings to the east fronting on Malvern Crescent, an existing daycare to the south on Gordon Street, a 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.

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” (see Schedule 3). 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 (see Schedule 3), however that designation is intended for the properties to the west of the subject site which front onto Gordon

Street. Section 9.2.2 in the "Implementation" section of the Official Plan indicates: "The boundaries of the designations on Schedules to the Plan shall be considered approximate, except where they coincide with roads, railways, lot and concession lines, major water courses or other definitive physical features. Where the general intent of the Plan is maintained, minor boundary adjustments will not require an amendment to this Plan". As indicated, the intent is for the "Neighbourhood Centre" designation, which is a commercial designation, to be along Gordon Street rather than immediately abutting the stable residential neighbourhood to the east. The subject land is 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 onto 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 3.

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 4 to this report.

REPORT

Description of the Proposed Zoning By-law Amendment

The applicant proposes to rezone the subject lands 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. The recommended zoning proposes a maximum density of 50 units per hectare which would permit up to 77 units. See Schedule 4 for proposed zoning map, as well as proposed specialized and standard regulations.

Proposed Development Concept Plan

The initial concept plan is shown on Schedule 5 and the revised concept plan for this application is shown on Schedule 6. The development 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 development concept plan proposes a total of 71 residential units consisting of 60 stacked townhouses and 11

cluster townhouses. The development 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 development concept plan also complies with the Zoning By-law requirement for number of required parking spaces.

The density of the development 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.

See chart below for a comparison of the Initial Concept Plan and the current Development Concept Plan.

	Initial Concept Plan (See Schedule 5)	Development Concept Plan (See Schedule 6)
Apartment Building	Yes	No
Land Area being developed	1.76 ha	1.55 ha
Total Number of Units	83	71
Number of Cluster Townhouses	22	11
Number of Stacked Townhouses	42	60
Number of Apartment Units	19	0
Vehicular Access	Full movement access to both Gordon Street and Arkell Road	Full movement access to Gordon Street. Right-in, right-out only access to Arkell Road
Density	47 units per hectare	46 units per hectare
Places to Grow	108 persons per hectare	112 persons per hectare

Staff Planning Analysis

The current development 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 in proximity to the existing detached dwellings has been increased and a larger landscaped buffer strip (10m in width) is proposed to provide additional buffer.

The review of this application addresses the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow Plan.
- Evaluation of the proposal's conformity with the Official Plan, including General Residential and Medium Density Residential, and South Gordon Community Plan policies
- Evaluation of the proposal's conformity with Official Plan Amendment #39
- Clarification of the current Official Plan designations, particularly the Neighbourhood Commercial designation
- Review of the proposed zoning and need for specialized regulations
- Integration of the proposed development with the surrounding lands
 - Compatibility with existing residential uses
 - Building form and height (stacked townhouses)
 - Buffering and setbacks
- Site Design and layout
 - Building height
 - Density
 - Size and location of amenity area
 - Existing and proposed site grading
 - Tree Retention
 - Opportunities for pedestrian connectivity
- Traffic capacity and vehicular access
- Provision of adequate parking
- Retention of some of the vacant lands for institutional use
- Environmental impacts (e.g. existing private wells, potential site contamination)
- Servicing Capacity
- Community Energy Initiative considerations

All of the issues noted, which represents the issues raised at the two statutory Public Meetings and the informal public meeting, are addressed in the Planning Analysis section of this report (see Schedule 8).

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

\$234,300 (estimated at \$3,300 per unit)

Development Charges

The anticipated development charges for the proposed development of 71 townhouse units is \$1,323,156 (\$18,636.00 per unit)

DEPARTMENTAL CONSULTATION

The public and agency comments received through the review of the application are summarized on Schedule 9.

ATTACHMENTS

- Schedule 1 – Location Map
- Schedule 2 – Regulations and Conditions
- Schedule 3 – Official Plan Land Use Designations and Related Policies
- Schedule 4 – Existing and Proposed Zoning and Regulations
- Schedule 5 – Initial Concept Plan
- Schedule 6 – Development Concept Plan
- Schedule 7 – Community Energy Initiative Commitment
- Schedule 8 – Staff Planning Analysis
- Schedule 9 – Circulation Comments
- Schedule 10 – Public Notification Summary

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Original Signed by:

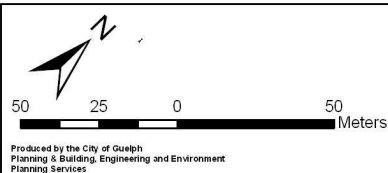
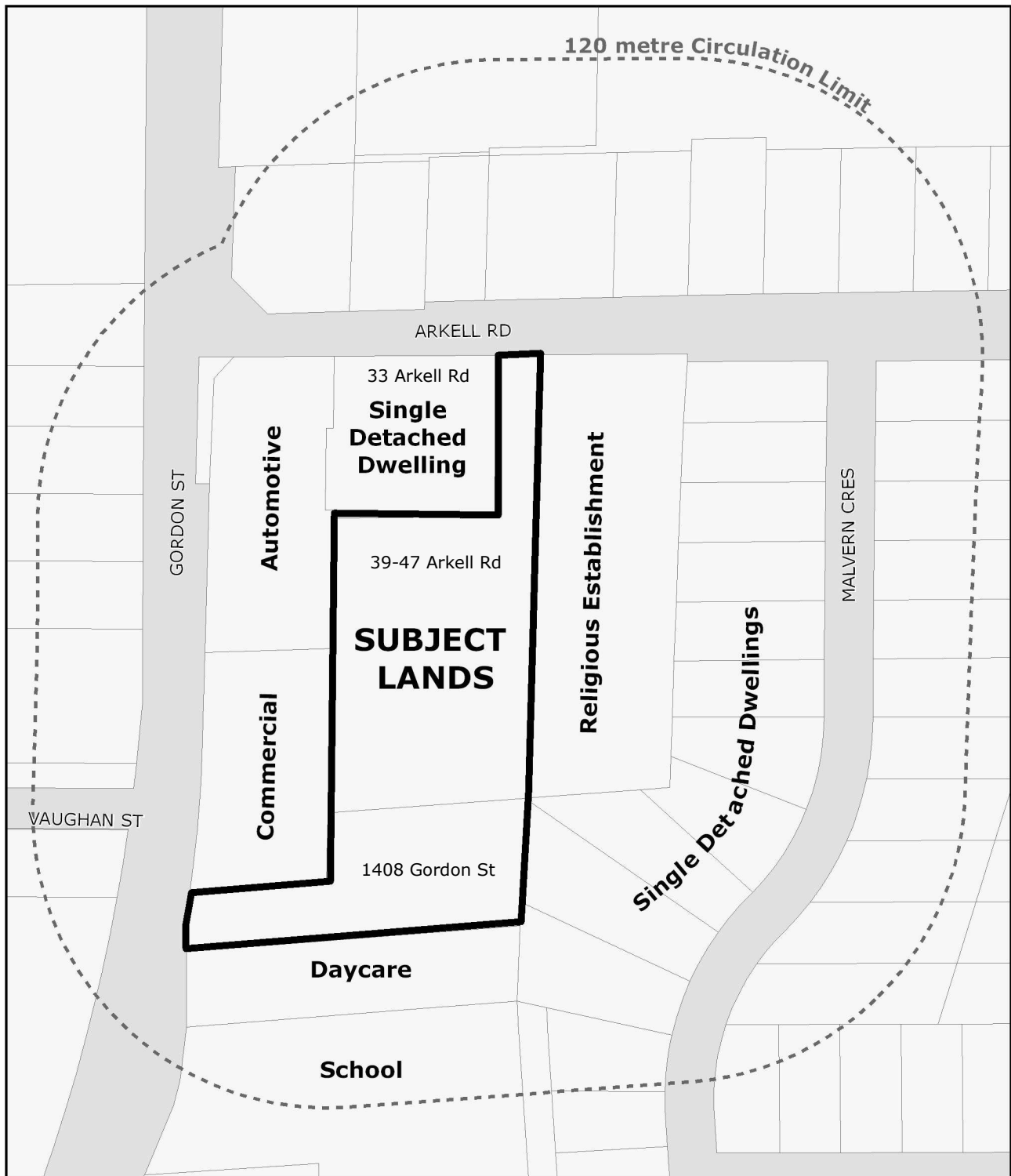
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Schedule 1 – Location Map



Location Map 39-47 Arkell Road and 1408 Gordon Street



Schedule 2 – Regulations and Conditions

The properties affected by the Zoning By-law Amendment application are municipally known as 39-47 Arkell Road and 1408 Gordon Street and legally described as Part of Lot 7, Concession 8, City of Guelph.

The following zone is proposed:

Specialized R.3A (Townhouse) Zone

Permitted Uses

In accordance with the uses permitted by Section 5.3.1.1 (Cluster Townhouse Zone) of Zoning By-law (1995)-14864, as amended:

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

Regulations

In accordance with Schedule 4 (General Provisions) and Section 5.3.2 and Table 5.3.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Building Height

The maximum permitted building height shall be four storeys for stacked townhouses and three storeys for cluster townhouses except that the maximum permitted building height within 30m of the eastern property line abutting an R.1B Zone shall be 2 storeys.

Setbacks

The minimum rear yard setback shall be 3m

The minimum side yard setback shall be 3m

Density

The maximum permitted density shall be 50 units per hectare.

Frontage

The minimum permitted frontage shall be 11m

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, tree preservation, 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 the details of the layout and design for the development of the subject lands, including: the 10m landscape buffer along the northeast property boundary abutting the R.1B Zone; the size and location of the common amenity area; the location of the stacked and cluster townhouses; and the amount of parking being provided, shall be generally in conformance with the development concept plan attached as Schedule 6 to the December 5, 2011 Planning & Building, Engineering and Environment Report Number 11-97.
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 letter attached as Schedule 7 to Report 11-97 from Planning & Building, Engineering and Environment dated December 5, 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 this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
5. That prior to the issuance of site plan approval, 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.
6. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed. Furthermore, prior to site plan approval, the developer/owner shall enter into an agreement with the Arkell Road Bible Chapel and relevant neighbouring residential properties (if applicable), registered on title, satisfactory to the City Engineer, covering the conditions related to

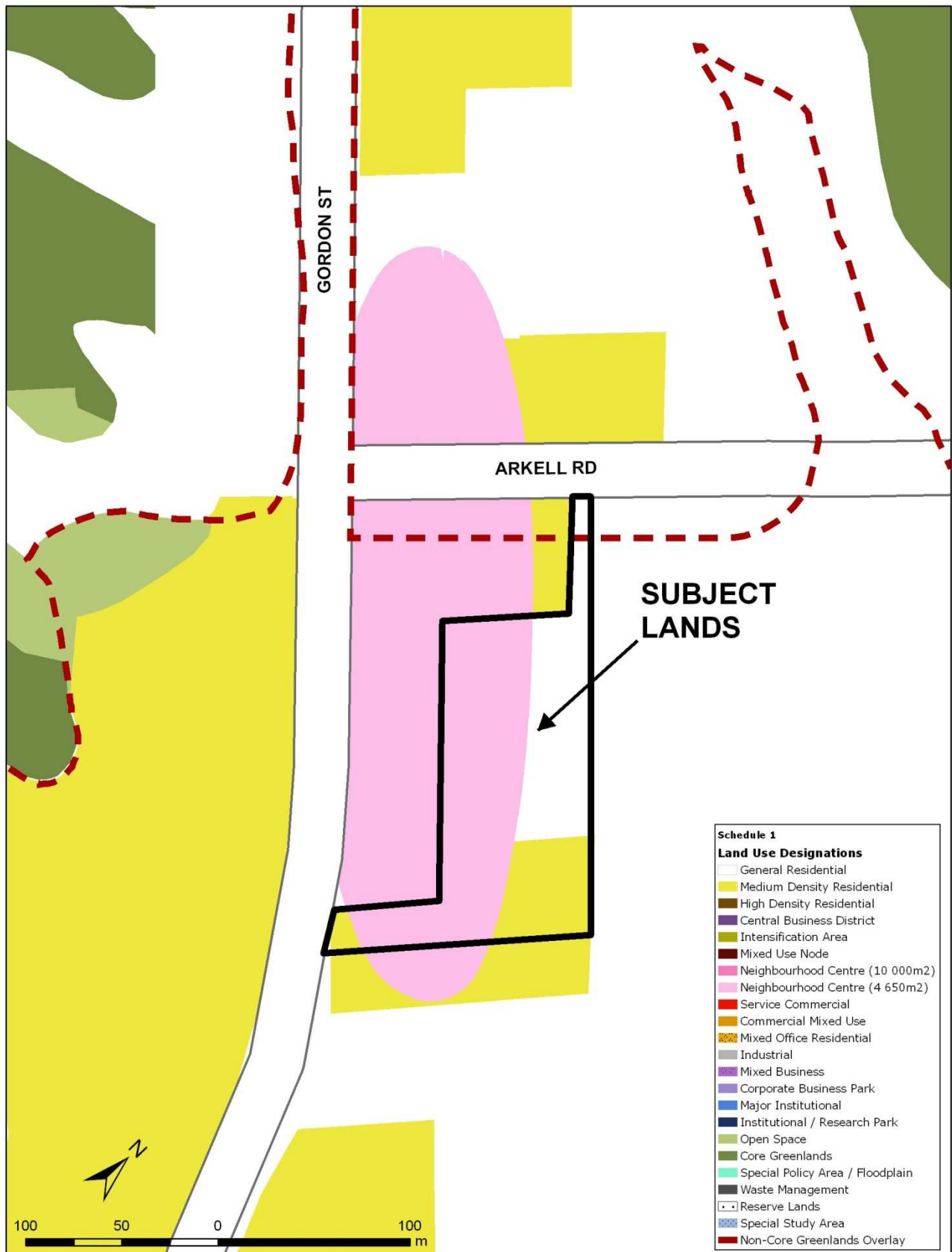
stormwater management and to develop the site in accordance with the approved plans and reports.

7. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the 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.
8. Prior to site plan approval and prior to any construction or grading on the lands, 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.
9. Prior to site plan approval, the developer/owner shall pay to the City, their share of the cost of the existing watermain on Gordon Street and Arkell Road across the frontage of the property at a rate per metre of frontage determined by the City Engineer.
10. Prior to site plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street and Arkell Road across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer.
11. Prior to site plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
12. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
13. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
14. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
15. That prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of the existing Municipal Stormwater Management facility.
16. That the developer/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.

17. That all electrical services to the lands are underground and the developer/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.
18. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
19. Prior to site plan approval the developer/owner must complete the land transfer between private property owners and the developer/owner.
20. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Arkell Road, registered on title.
21. That the site be developed to implement the recommendations of the Traffic Impact Study. Alternatively, a refined Traffic Impact Study will be required to the satisfaction of the City Engineer.
22. There are existing private water wells on the neighbouring residential properties. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a professional engineer identify and minimize potential impacts of the development on those wells which may include monitoring of wells pre and post development and the submission of a hydrogeological assessment.
23. The Developer shall provide two driveway connections to the proposed site with full access on Gordon Street and Right-in/Right-out only on Arkell Road.
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 – Official Plan Land Use Designations and Related Policies



Schedule 3 (cont'd) – 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.

Schedule 3 (cont'd) – Related Official Plan Policies

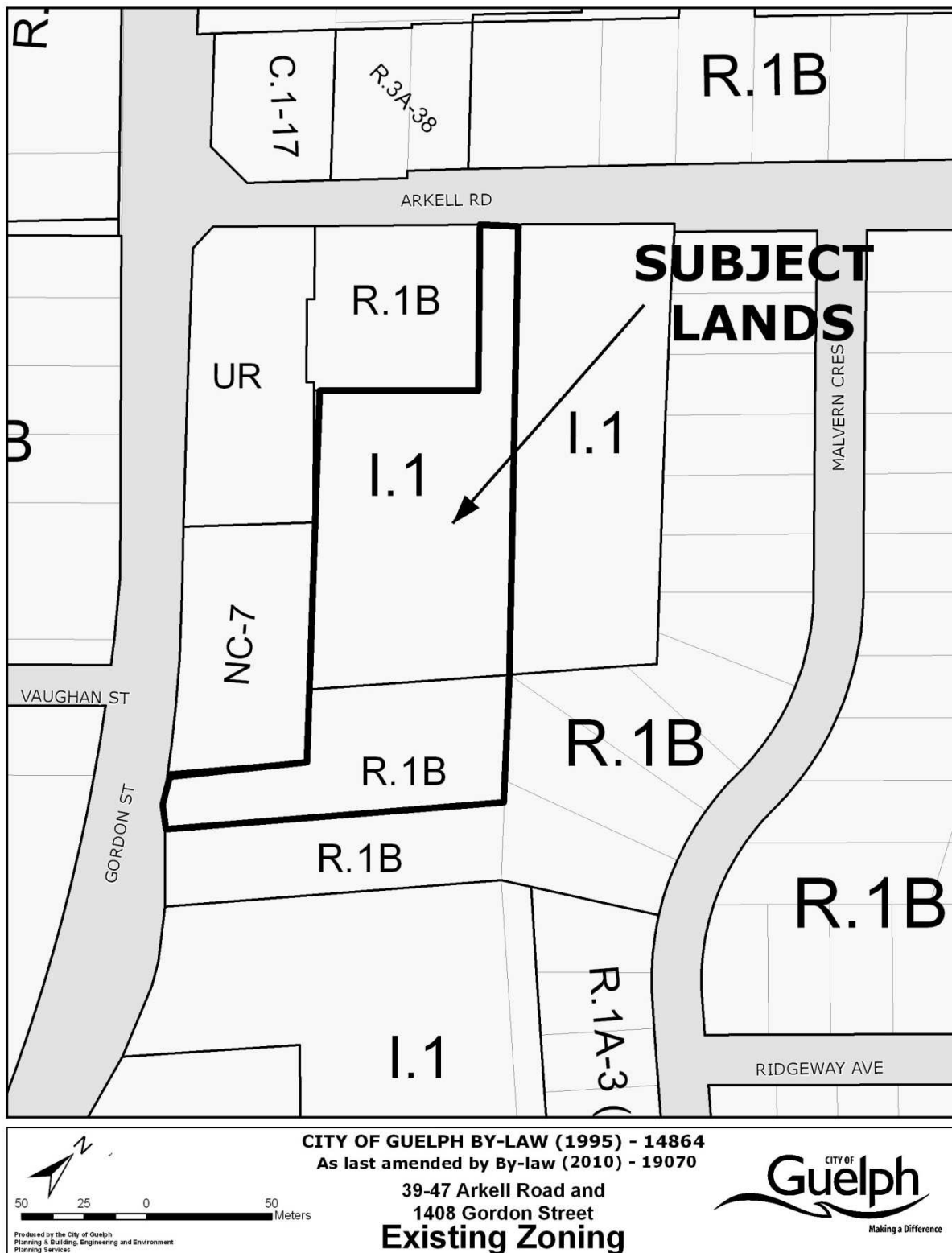
'Medium Density Residential' Land Use Designation

- 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 4 – Existing Zoning



Schedule 4 – 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

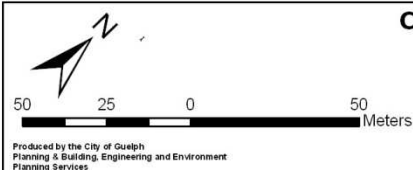
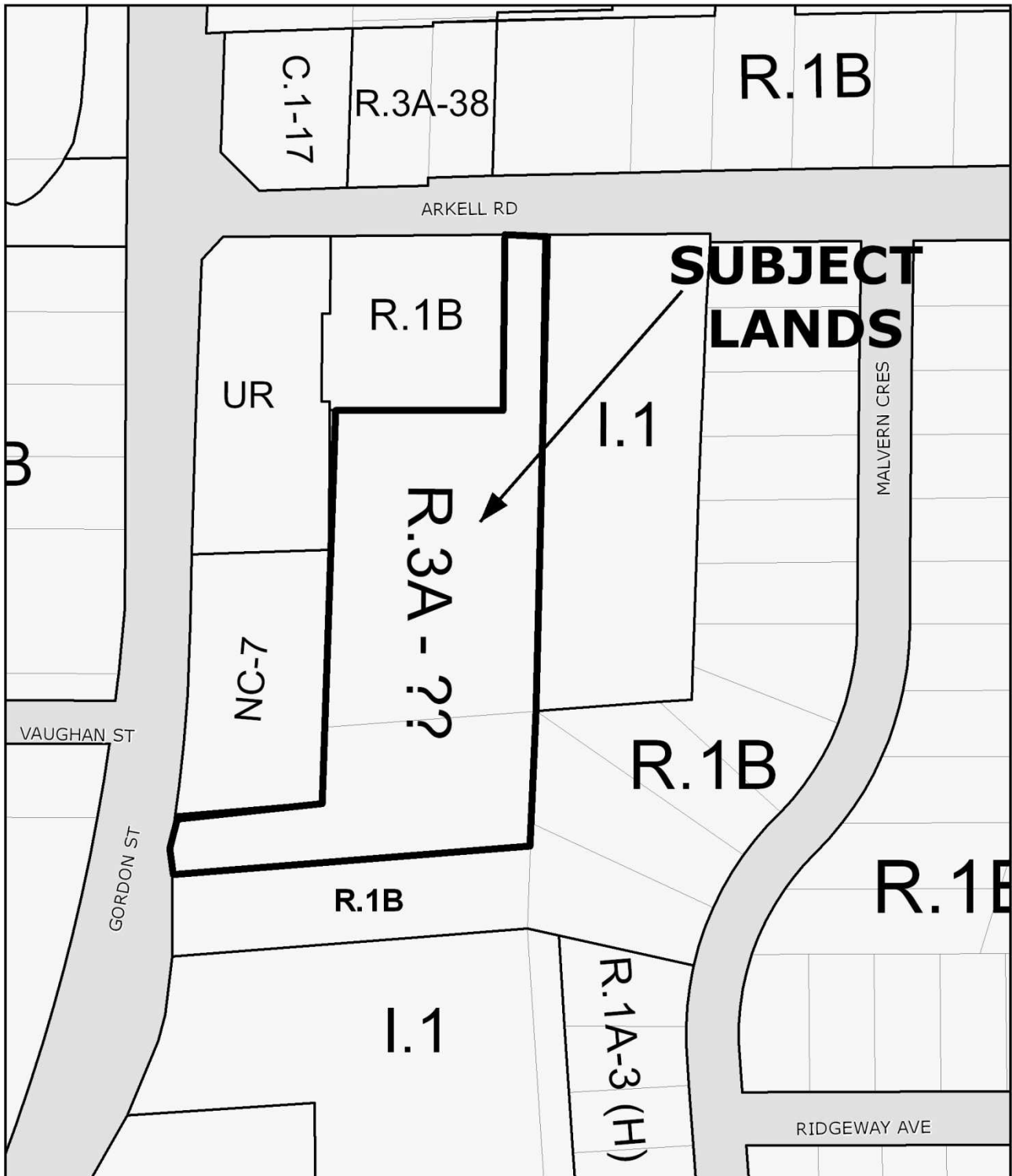
Permitted Uses

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 4 – Proposed Zoning



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

Permitted Uses

Maisonette dwelling
Stacked Townhouse
Cluster Townhouse

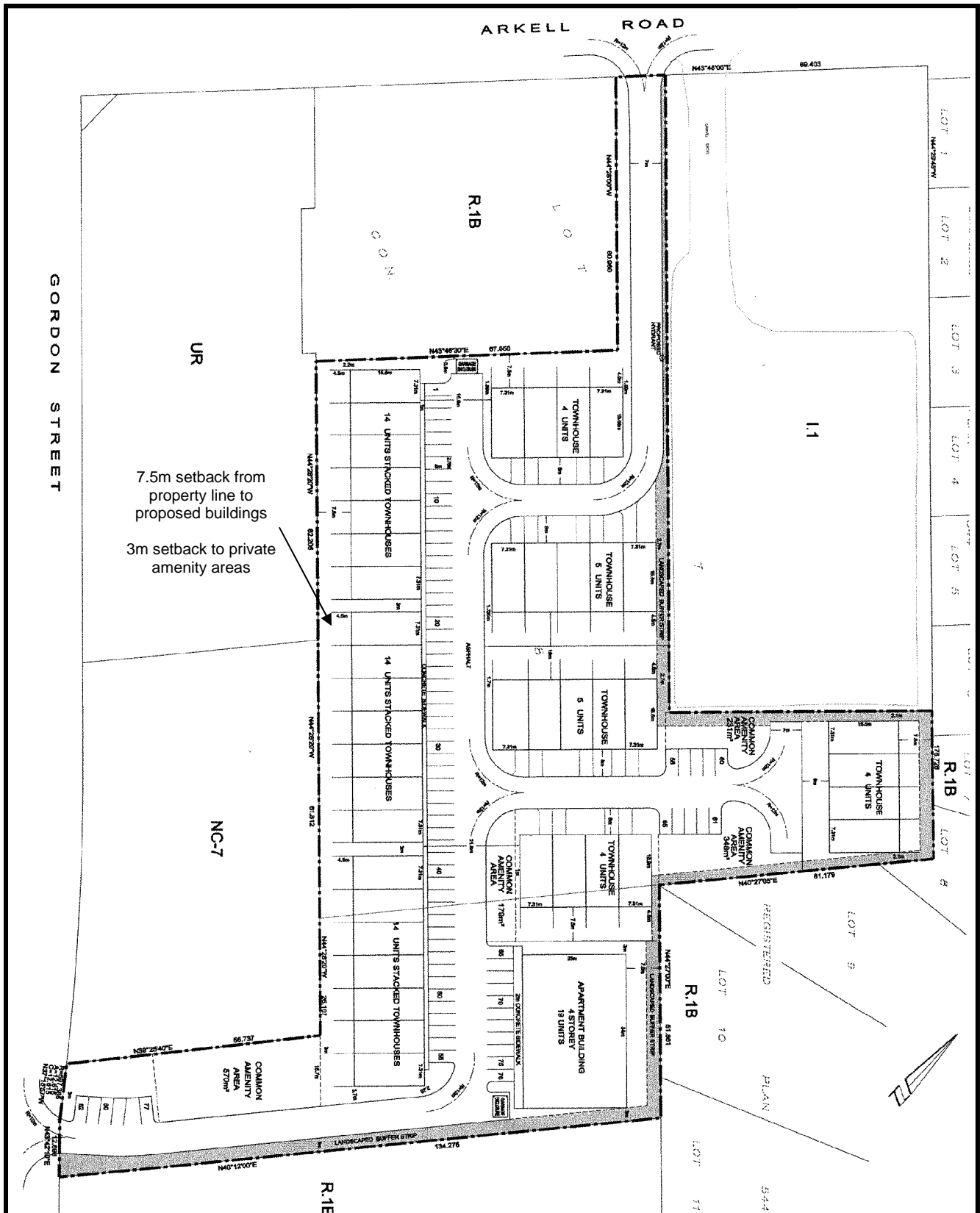
Home Occupation in accordance with Section 4.19
Accessory Use in accordance with Section 4.23

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 for cluster 150 m ² for stacked	--
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 <small>*The revised concept plan complies with this regulation. Specialized regulation is proposed to recognize the density proposed in revised concept plan for clarity purposes</small>

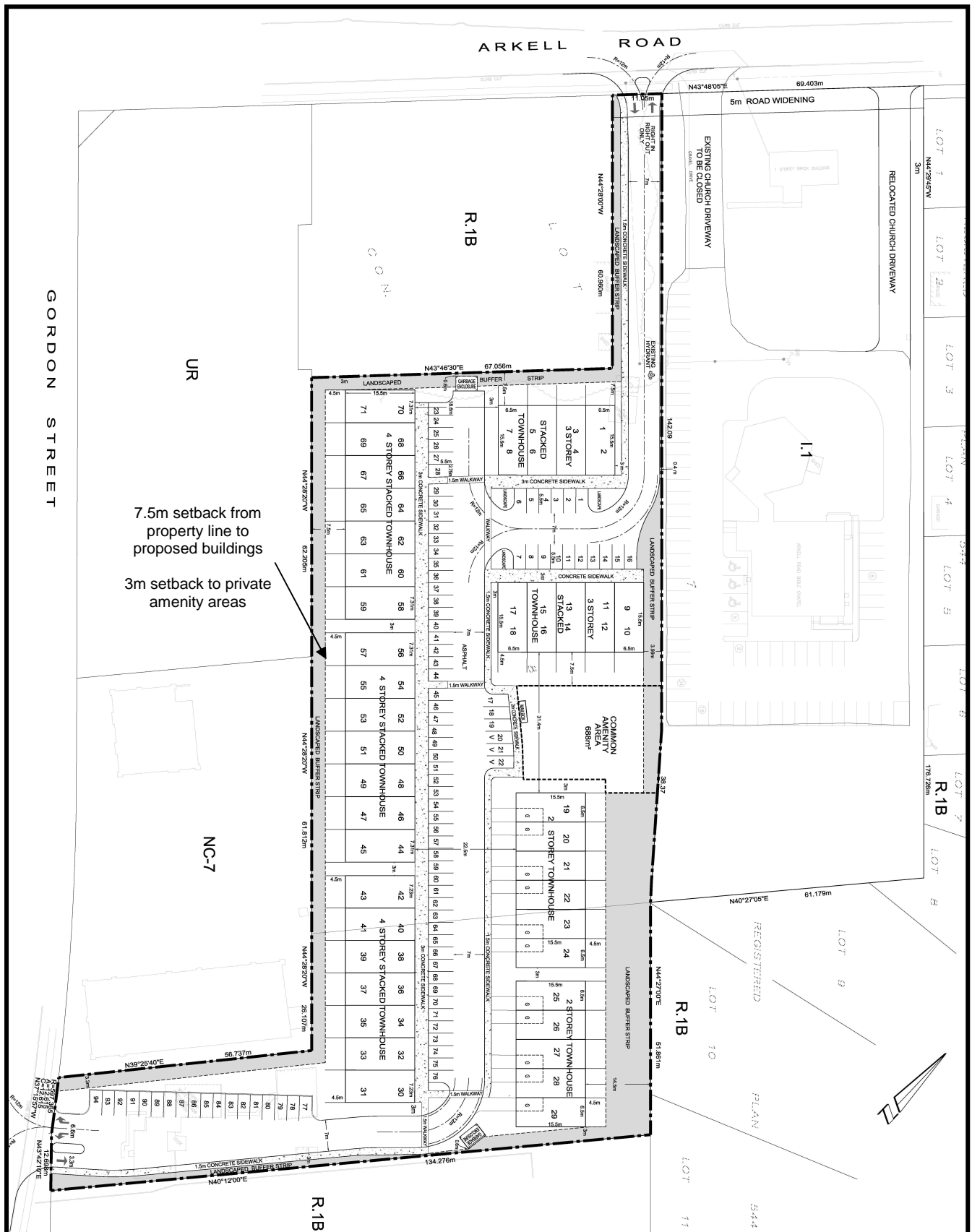
Proposed Specialized Regulations

- A minimum lot frontage of 11m whereas 18m is required
- A minimum rear yard setback of 3m whereas 7.5m is required
- A minimum side yard setback of 3m whereas 4.5m is required
- A maximum building height of 4 storeys whereas 3 storeys is permitted with the following exception:
 - That any building proposed within 30m of the eastern 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 whereas 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 5 – Initial Concept Plan



Schedule 6 – Development Concept Plan



Schedule 7 – Community Energy Initiative Commitment



October 31, 2011

Attention: Stacey Laughlin

Re: 39-47 Arkell Road and 1408 Gordon Street Community Energy Initiative

As per your request Fernwood Homes will be including many energy efficient upgrades in the construction of the proposed development to 39-47 Arkell road and 1408 Gordon Street. Such items include the following:

- The use of Energy Star rated windows and doors
- All residential units will include a High Efficiency gas heating system and Hot Water Tanks
- All toilets will be the new “low flush” models for reduced water consumption
- Residential units will include “low flow” faucets and showerheads
- All appliances supplied by Fernwood homes will be to the Energy Star Rating
- During the construction of the proposed development Fernwood Homes will implement a waste diversion program for all construction materials

Fernwood Homes trusts that the above noted items will be satisfactory to the City of Guelph Community Energy Initiative. Please feel free to contact us if you have any questions or concerns.

Sincerely,

A blue ink signature of Jordan Zukowski, written in a cursive style.

Jordan Zukowski

Fernwood Homes

Tel: 519.362.0543 | jordan.zukowski@gmail.com
5556-5th Line Rockwood, Ontario N0B 2K0

Schedule 8 – 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. 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

General Residential

The proposed Zoning By-law Amendment to allow the development of stacked and cluster townhouses and the other standard uses in the R.3A Zone conforms to the “General Residential” designation which applies to the majority of 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 Official Plan subject to the satisfaction of the development criteria outlined in Section 7.2.7. The proposed Amendment allows cluster townhouses up to 3 storeys in height and stacked townhouses up to 4 storeys in height, both of which are considered low-rise multiple unit residential development.

Section 7.2.32 indicates that the net density of development shall not exceed 100 units per hectare. Based on the proposed development concept plan, the overall density of the site is 46 units per hectare. However, as previously indicated, the majority of the site is designated General Residential, while a smaller portion of the site is designated Medium Density Residential. For the portion of the site that is designated General Residential, the proposed density is 52 units per hectare because of how the proposed townhouses have been laid out in the development concept plan. With respect to density, the proposed Amendment conforms to the Official Plan because the proposed density is less than the maximum permitted by the General Residential designation. A specialized regulation is proposed which limits the maximum permitted density to 50 units per hectare for the entire site.

Medium Density Residential

The proposed Zoning By-law Amendment to allow the development of stacked and cluster townhouses and the other standard uses in the R.3A Zone conforms to the "Medium Density Residential" designation which applies to the southern portion of this property (Schedule 3).

Section 7.2.36 of the Official Plan (OP) indicates that the predominant use of land in the Medium Density Residential designation 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. The proposed Amendment allows cluster and stacked townhouses, both of which are considered to be multiple unit residential buildings.

Section 7.2.37 indicates that the Medium Density Residential designation has been applied to lands 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) Support urban form objectives and policies to establishing or maintaining mixed-use nodes.

The proposed Amendment provides for both stacked and cluster townhouse forms which address the above criteria:

- medium density housing forms are being provided
- an opportunity for affordable housing is being provided
- greater housing densities that are supportive of transit is proposed

-
- a new form of housing type and form is being introduced into this area of the community
 - the development is supportive of the urban form objectives and policies and will be supportive of the neighbourhood commercial centre which is immediately west of the subject lands and the mixed use node at the intersection of Clair Road and Gordon Street.

Section 7.2.38 indicates that the net density of development shall be a minimum of 20 units per hectare and a maximum of 100 units per hectare. The proposed Amendment respects the density range since the net density of the proposed townhouse development within the Medium Density Residential designation is 36 units per hectare (the overall density of the site is 46 units per hectare).

Multiple Unit Residential Criteria

Both the General Residential designation and the Medium Density Residential designation policies state that multi-unit residential buildings are to be evaluated against the criteria outlined in Section 7.2.7 of the Official Plan. 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 four storeys for stacked townhouses and three storeys all other uses with conditions and regulations that require appropriate buffers and setbacks from existing lower density development and which allow a design as shown on Schedule 6 that conforms to criteria a). A maximum height of two storeys is permitted within 30m of the eastern property line abutting an R.1B zone

The proposed Amendment, which allows a maximum density of 50 units per hectare or a maximum of 77 units, and the other uses permitted by the R.3A (Townhouse) Zone can be adequately served by local shopping facilities, schools, parks and recreation facilities, as well as public transit (see page 32 below for additional comments regarding servicing and the submitted Preliminary Servicing and Stormwater Management Report). Further, there is adequate municipal infrastructure, services and amenity areas provided.

The vehicle traffic generated by the permitted uses can be accommodated by the streets and intersection in the immediate vicinity, being Arkell Road and Gordon Street (see page 31 below for additional comments regarding traffic and the

submitted Traffic Impact Study). The Amendment allows adequate on-site vehicle circulation, access and parking facilities. The applicant's revised site layout which proposes a right-in, right-out only access to Arkell road assists in satisfying criteria c).

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

South Gordon Community Plan

The South Gordon Community Plan is a City Council adopted statement of policies that is intended to guide and direct future development activity and municipal works in the general area of the subject site. The Community Plan is intended to provide additional guidance on the implementation of the Official Plan. It is intended that together, these policy documents promote the public interest in the future development of the City while maintaining the quality of life for the citizens of Guelph. It is also intended that the Community Plan is to assist in reducing uncertainty concerning future development activity.

The Community Plan Land Use Concept identifies the subject lands as "Medium Density Residential" and "Institutional". The proposed Zoning By-law Amendment conforms to the South Gordon Community Plan. The relevant Residential policies of the Community Plan and an explanation of how the Amendment conforms to the policies is outlined below:

- Section 10.1 – Residential development shall provide for a range of housing forms and densities in each neighbourhood that would be affordable to moderate and lower income households. Opportunities for mixing building types and lot sizes is encouraged in new neighbourhoods to satisfy diverse housing needs

Response: The proposed development introduces both cluster and stacked townhouses into this immediate neighbourhood providing new housing forms and increased density which are anticipated to be affordable to moderate and lower income households

- Section 10.2 – Multiple residential units are encouraged in new plans of subdivision. Approximately 40% of new residential units within the Community Plan area should be multiple residential types

Response: The proposed development is not within a new plan of subdivision, however, it does introduce new multiple unit residential units within the Community Plan area

- Section 10.5 – The Community Plan land use concept indicates preferred locations for low density, medium density, mid-rise multiple residential and high density multiple residential land uses. Notwithstanding the multiple residential locations identified, additional lands may be utilized for multiple residential uses without amendment to the Community Plan provided that the locations comply with Official Plan policy

Response: The subject site is identified as both "medium density residential" and "institutional". The institutional portion of the site identifies the lands currently owned by the Guelph Bible Chapel. The

proposed amendment conforms to the Community Plan because it conforms with Official Plan policy.

- Section 10.7 – Medium Density Residential land use category permits townhouses and apartments at a minimum density of 20 units per hectare and a maximum density of 100 units per hectare

Response: The development concept proposes a density of 46 units per hectare

- Section 10.11 – A sensitive transition in height and massing of buildings is recommended between low density and multiple residential building types. Additional setback requirements and enhanced landscaping may be required to improve compatibility between building types

Response: A specialized zoning regulation is proposed which limits the permitted building height to a maximum of 2 storeys within 30m of the eastern property line abutting an R.1B Zone. This regulation is intended to ensure a sensitive transition in height is being provided between the proposed townhouses and the existing low density residential dwellings to the east

- Section 10.12 – Multiple residential building types shall be encouraged along arterial roads and other appropriate locations where there is direct access to public transit service

Response: The subject site has direct access to both Gordon Street and Arkell Road, both of which are arterial roads and have transit service

The Community Plan also identifies a portion of the subject lands as “Lands Adjacent to Stable Residential Areas”. The Plan outlines that development on “Lands Adjacent to Stable Residential Areas” should consider measures to enhance the compatibility of new uses adjacent to established areas by: providing a transition in scale; retaining existing high quality trees; and providing enhanced setbacks and landscape buffer strips. The proposed development concept and implementing zoning provides an appropriate transition in scale, as well as enhanced setbacks and landscape buffer strips in proximity to existing residential uses. There are no significant existing high quality trees to be retained on the site. However, there are trees around the perimeter of the site, many of which appear to be located on adjacent properties. The protection of trees on adjacent properties will be reviewed through the Site Plan Approval process and it will be ensured that they are protected using appropriate tree protections such as fencing.

Overall, the proposed Zoning By-law Amendment conforms to the South Gordon Community Plan.

Conformity with the Local Growth Management Strategy and Official Plan Amendment #39

The City’s Local Growth Management Strategy indicates that residential intensification opportunities are available in areas across the city and the increased densification areas are the Downtown and the “node and corridor” areas. A portion of the subject lands are within an identified “intensification corridor”. Residential intensification sites can include underutilized properties, such as the existing vacant

portion of the church lands at 39-47 Arkell Road and the single detached dwelling on a large lot at 1408 Gordon Street.

Official Plan Amendment #39 identifies the site within the "Built-Up Area" of the City. The "Built-Up Area" is intended to accommodate a significant portion of the new residential and employment growth through intensification. A western portion of the site which fronts onto 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.

The proposed Zoning By-law Amendment conforms to the Local Growth Management Strategy and Official Plan Amendment #39.

Current Official Plan designations – General Residential and Medium Density Residential

The subject lands are designated "General Residential" and "Medium Density Residential" in the City's Official Plan. The Official Plan Land Use Designation Map on Schedule 3, 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 site which front on to Gordon Street. Section 9.2.2 in the "Implementation" section of the Official Plan indicates: "The boundaries of the designations on Schedules to the Plan shall be considered approximate, except where they coincide with roads, railways, lot and concession lines, major water courses or other definitive physical features. Where the general intent of the Plan is maintained, minor boundary adjustments will not require an amendment to this Plan". As indicated, the intent is for the "Neighbourhood Centre" designation, which is a commercial designation, to be along Gordon Street rather than immediately abutting the stable residential neighbourhood to the west.

Review of Proposed Zoning and Specialized Regulations

The recommended rezoning of the subject site to a Specialized R.3A (Townhouse) Zone is appropriate to accommodate the development of both stacked and cluster townhouse dwellings with a maximum density of 50 units per hectare.

A specialized regulation is proposed to permit a minimum lot frontage of 11m whereas 18m is required. This specialized regulation recognizes that the frontage along Arkell Road is the front lot line because it is the shortest frontage abutting a public street. The property line abutting Gordon Street would comply with the minimum 18m requirement. The specialized regulation is appropriate in this instance as the subject property is irregularly shaped with the developable portion of the site being located away from public streets. The proposed frontage for the site allows for safe pedestrian and vehicular access to the site.

A specialized regulation is proposed to permit a rear yard setback of 3m whereas 7.5m is required. In this instance the rear lot line is the southerly property boundary. The reduced setback is proposed for only a small portion of the site, does not immediately abut the stable residential neighbourhood to the east and will not have a negative impact on the property to the south. The private outdoor amenity areas are to the east of the proposed dwellings in this area and adequate

space has been provided to accommodate the private outdoor amenity areas as well as a setback to them.

A specialized regulation is proposed to permit a side yard setback of 3m whereas 4.5m is required. The 3m setback is proposed along the westerly side lot line beside units 70 and 71 and adjacent to an accessory building associated with the detached dwelling at 33 Arkell Road. It should also be noted that a 3.99m setback is proposed along the easterly side lot line beside units 9 and 10 abutting the parking lot for the existing church. The reduced setback is appropriate in these instances because the reduction is only for small portions of the site and will not have a negative impact on the adjacent properties. Adequate space for drainage, access and maintenance will be maintained.

A specialized regulation is proposed to permit a maximum building height of 4 storeys for the stacked townhouse units along the westerly property line adjacent to the commercial lands to the west. The stacked townhouse units are designed to be 3 storeys in height, however, because of the existing grades on the site, the townhouses along the westerly side property line will have walk-out basements and, therefore, may be considered 4 storeys. The increased height is appropriate in this instance because it does not immediately abut a stable residential area and will not have a negative impact on the commercial properties to the west.

A specialized regulation is also proposed to limit the maximum permitted height to 2 storeys within 30 m of the northeast side property line abutting an R.1B Zone. Based on the Development Concept Plan, this regulation is applicable to the 11 Cluster Townhouses and is intended to assist in ensuring that a sensitive transition in height is being provided between the proposed townhouses and the existing low density residential neighbourhood to the east.

The last specialized regulation proposed to implement the proposed development concept plan is to permit a maximum density of 50 units per hectare for the subject site. This density permits a maximum of 77 units. The standard R.3A zone includes different density permissions based on the form of the townhouses; stacked townhouses are permitted to a maximum density of 60 units per hectare and cluster townhouses are permitted to a maximum density of 37.5 units per hectare. The development concept plan complies with the standard regulations, however, the specialized regulation is proposed to clarify the overall density permitted for the site based on a mix of cluster and stacked townhouses.

Integration with Surrounding Lands

Proximity of Apartment Building to Existing Residential Uses

The development concept plan that is being implemented by the Zoning By-law amendment no longer proposes an apartment building. The apartment building was removed to assist in ensuring that the proposed development is compatible with the stable residential area to the east and to enhance how the proposal will integrate with the surrounding lands.

Compatibility with Existing Residential Uses/Buffering and Setbacks

The development concept and specialized zoning regulations ensure that building heights are limited and that a larger landscape buffer and setback is being provided in proximity to the stable residential area to the east. Both assist in ensuring that an appropriate transition is provided and that the proposed development is compatible with the existing residential uses. As set out in Schedule 2 of the report any future development of the subject lands through site plan control will have to be generally in conformance with the development concept plan.

Building Form and Height

As mentioned above, the proposed permitted height within 30m of the existing residential area to the east is 2 storeys to assist in providing a transition from the existing detached dwellings to the proposed townhouse development. For the remainder of the site, the proposed permitted height is four storeys for stacked townhouses and three storeys for all other uses.

As previously described, the stacked townhouses are intended to be 3 storeys in height. However, due to the change in grade, the stacked townhouses along the westerly side property line will have 'walk-out' basements and therefore will likely be considered four storeys in height. The development concept plan demonstrates that the stacked townhouse units will be located away from the stable residential area to the east to enhance compatibility. As set out in Schedule 2 of the report any future development of the subject lands through site plan control will have to be generally in conformance with the development concept plan.

Site Design and Layout

Size and Location of Amenity Area

The initial concept plan had four smaller common amenity areas on the site that would make them difficult and potentially undesirable to use as amenity areas. The standard R.3A Zone requires 5m² of common amenity area to be provided for every cluster townhouse unit and 10m² for every stacked townhouse unit. Based on the current development concept, the minimum permitted area for the Common Amenity Area would be 655m². The current development concept plan proposes one consolidated common amenity area having a total area of 688m², centrally located on the site. As set out in Schedule 2 of the report, any future development of the subject lands will have to be generally in conformance with the development concept plan attached as Schedule 6 to this report.

Density

The recommended maximum density of 50 units per hectare is in keeping with the Official Plan and the South Gordon Community Plan.

Existing and Proposed Site Grading

The existing grades of the site generally fall from east to west. The proposed development concept plan will generally retain the existing grades resulting in some units along the westerly side of the site having walkout basements and being considered four storeys high. The proposed grading will be reviewed in detail through the Site Plan Approval process.

Tree Retention

There are no significant trees existing on the subject lands. However, there are existing trees bordering the subject lands, many of which appear to be located on adjacent properties. Trees on adjacent properties will be protected using appropriate tree protection measures, such as fencing. A tree preservation plan and tree protection measures will be reviewed through the Site Plan Approval process.

Opportunities for Pedestrian Connectivity

Pedestrian sidewalks have been incorporated into the development concept plan to ensure that pedestrians have a safe route through and around the site. Through the Site Plan Approval process, it will be ensured that the pedestrian sidewalks connect to municipal sidewalks in the area.

Overall, the site layout proposed by the current development concept plan addresses the issues raised at the Public Meetings. Further, appropriate pedestrian and vehicular circulation is provided, as well as adequate parking and other amenities. As previously indicated, Schedule 2 recommends a condition of approval requiring any future development of the site through site plan review to be generally in accordance with the development concept plan attached as Schedule 6 to this report.

Traffic and Vehicular Access to Arkell Road

A Traffic Impact Study has been submitted by the applicant and reviewed by staff. In addition to the development proposed on the subject lands, the Traffic Impact Study also considered potential future development along both Gordon Street and Arkell Road in proximity to the subject lands which represents just under 1,000 new residential units and a limited amount of new commercial floor area. In addition, a generalized background traffic growth rate of 1.8% was taken into account when doing the analysis.

Based on the Traffic Impact Study, the vehicular access to Arkell Road has been modified to a "right-in, right-out only" access because of the limited sightlines. Overall, it was concluded that the traffic generated by the site can be accommodated.

A refined Traffic Impact Study has been recommended as a condition at the Site Plan Review stage if required.

Provision of Adequate Parking

The number of proposed parking spaces has been increased from the initial concept plan. The Zoning By-law currently requires that cluster and stacked townhouse dwellings provide 1 parking space per unit plus 0.2 spaces per unit for visitor parking, resulting in 1.2 spaces per unit. In this instance, the minimum number of spaces required by the Zoning By-law would be 86 spaces. The development concept provides for 94 parking spaces, plus an additional 22 spaces in the garages and driveways associated with the eleven cluster townhouses. This results in a total of 116 spaces being provided at an overall rate of 1.63 spaces per unit. In reviewing the parking requirements of other municipalities for townhouses, the typical requirement ranges between 1.0 space per unit – 2.25 spaces per unit. As indicated, the proposed development concept provides for 1.63 spaces per unit

which is representative of the standards required by many other municipalities and greater than what the Zoning By-law would require in Guelph. As previously indicated, Schedule 2 recommends a condition of approval requiring any future development of the site to be generally in accordance with the development concept plan attached as Schedule 6 to this report. The amount of parking provided is adequate to serve the proposed townhouse development.

Retention of 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 I.1 (Institutional) Zone and will not form part of this development.

Environmental Impacts

There are existing properties in proximity to the subject lands which have private wells. Concern has been raised that the proposed development will impact the private wells. Condition #22 of approval has been included in Schedule 2, which requires that prior to site plan approval or prior to any grading or construction on the lands, a professional engineer identify and minimize the potential impacts of the development on those wells. This may include the submission of a hydrogeological assessment and the monitoring of existing wells prior to and after the development of the lands. Through the site plan approval process it will be ensured that any potential impacts to the existing private wells will be mitigated.

Concern has been raised that a portion of the subject lands may require remediation based on historical land uses in this area. The applicant has prepared the following reports for the subject lands:

- Phase I Environmental Site Assessment – 39 Arkell Road and 1408 Gordon Street, Guelph, Ontario prepared by LVM Inc. dated December 9, 2010; and,
- Phase II Environmental Site Assessment – 39 Arkell Road 1408 Gordon Street, Guelph, Ontario prepared by LVM Inc. dated February 4, 2011.

The only Area of Potential Environmental Concern identified in the Phase I ESA was the adjacent property located at 1354 Gordon Street. Based on the information provided in the Phase II ESA, a Qualified Person has certified that the soil and groundwater beneath the subject lands meet the Ministry of Environment's O.Reg. 153/04 as amended Table 2 Standards and that the environmental condition of the subject lands are suitable for the proposed residential development.

Servicing Capacity

Engineering Services has reviewed the Preliminary Servicing and Stormwater Management Report submitted for the proposal and have confirmed that services are available for the proposed development. The detailed servicing design for the development will be reviewed through the Site Plan Approval process.

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 townhouses (see Schedule 7). 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.

SCHEDULE 9 – Circulation Comments (2011)

<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
Park Planning & Development		✓	Subject to cash-in-lieu of parkland being required in accordance with By-law (1989)-13410 or any successor thereof
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
Guelph Brock Road Garage/Brock Road Ratepayers Association			See attached letter

SCHEDULE 9 – Circulation Comments (2011) continued

From: . GUELPH BROCK
Posted At: September 14, 2011 2:00 PM
Posted To: Planning Division Emails
Conversation: File ZC1006
Subject: Fw: File ZC1006

--- On **Wed, 9/14/11, . GUELPH BROCK** wrote:
Subject: File ZC1006
Cc: "Karl Wettstein" <karl.wettstein@guelph.ca>, todd.dennis@guelph.ca
Date: Wednesday, September 14, 2011, 1:58 PM

To the Planning Dept.

At the turn of the century Rajan Phillips (sp?) attended at my facility with a plan for the widening of Gordon St. and I made the comment that in my humble opinion, the road design was incorrect. Bicycle lanes would not work on this arterial road as more cyclists would ride on the sidewalk rather on the designated bicycle lanes. I challenge you to verify the statistics as to where there are more cyclists (road or sidewalk on Gordon St).

I secondly suggested that there would be need for a dedicated turning lane on a redeveloped Gordon St. to accommodate the increased commercial development. Not in the works said the traffic guru. Even at this early stage of Gordon St. development, I challenge your department to spend a few days at various turning points to see the result of no dedicated turn lane. I believe that Mr. Phillips is now recommending a turning lane between Edinburgh Rd and Arkell Rd. Why only for that stretch of road?

When the Conservation Estates development was proposed (Heritage/Zess/Vaughan Streets), there was provision for a traffic signal @ Heritage Dr. I believe that the developer had to provide for that traffic signal in the development charges. Five years later, development is virtually complete, still no traffic signal. School buses galore stopping now along here, wait until full development.

New town house development @ Lowes and Gordon, future development next door (former Gatto property) to it on Gordon St., 70 plus units south of the old Brock Road School, 200 units south of Monte's Flowers, and then adding 71 units north of the daycare on Gordon St. and possible development of residential/commercial on the west side of Gordon St across from the Salvation Army Citadel, all add to the traffic load on Gordon St. Its all fine as long as nobody wants to enter or exit these developments. I strongly disagree with Mr. Phillips as to the ability of Gordon St to handle this traffic flow. Before there is a serious accident or fatality, might I be so humble as to suggest that the entrances and exits to these new developments be only in one direction (ie. enter only on the same side of the road as the development and exit only on the same side of the road - no crossing the road to enter or exit) unless there is an plan or intention to create the dedicated turning lane that I suggested to Mr. Phillips at the turn of the century.

P.S. Don't even get me started on what will be a shut down of Gordon for 3 days each on at least 4 occasions when they decide to proceed with the developments! Talk to the engineering department on that one!

I apologize, but I must say this, the designation of "planning" department with respect to this end of the city is oxymoronic.

Helmuth - Brock Road Ratepayers Association

Schedule 10 – Public Notification Summary

August 17, 2010	Application received by the City of Guelph
August 30, 2010	Application deemed to be complete
September 8, 2010	Notice of Public Meeting advertised in the Guelph Tribune
September 9, 2010	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 1 st Public Meeting
October 4, 2010	Public Meeting of City Council
February 17, 2011	Letter advising of revised concept plan and providing notification for a community meeting regarding the revised plan mailed to surrounding property owners
March 3, 2011	Community Meeting with residents
September 8, 2011	Notice of Public Meeting advertised in the Guelph Tribune
September 9, 2011	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres for 2 nd Public Meeting
October 3, 2011	2 nd Public Meeting of City Council
December 5, 2011	City Council Meeting to consider staff recommendation

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE December 5, 2011

**SUBJECT 300 Grange Road - (23T-07505): Request for an
Extension of Draft Plan Approval - Ward 1**

REPORT NUMBER 11-101

SUMMARY

Purpose of Report: This report provides a staff recommendation on a request for an extension of the Draft Plan Approval for the subdivision at 300 Grange Road (23T-07505).

Council Action: Council is being asked to approve the Draft Plan Approval extension request to an extended lapsing date of January 12, 2015.

RECOMMENDATION

"THAT Report 11-101 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision at the property municipally known as 300 Grange Road (23T-07505) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Van Harten Surveying Inc. for an extension to the Draft Plan Approval of the subdivision at 300 Grange Road (23T-07505) applying to lands legally described as Part Lot 6 and 7, Registered Plan 53, Division "C", City of Guelph, be approved for a three (3) year period to an extended lapsing date of January 12, 2015, subject to the conditions contained in Schedule 4 of the Planning & Building, Engineering and Environment Report 11-101, dated December 5, 2011."

BACKGROUND

Application Details:

(See Schedule 2 for Approved Draft Plan)

Previous Approval Date: January 12, 2009

Lapse Date: January 12, 2012

Site Area:	2.97 Ha.
Proposed Uses:	Zoned to permit a maximum 87 dwelling units consisting of 11 detached, 5 on-street townhouse, 62 cluster townhouse, and 7 to 9 detached or semi-detached in Block 12. Zoned 0.12 Ha. Park to be combined with lands to east (see Schedule 5 for Current Zoning).
Surrounding Uses:	Detached dwellings to north and south, Hadati Creek to west, and vacant lands to east. Lands to east comprise Plan 23T-07502 which received draft plan approval extension to January 12, 2015. Registration of Phase 2 of easterly subdivision dependant on development of subject lands.

REPORT

Request:	Owners not able to fulfill all conditions of draft plan approval prior to the lapsing date of January 12, 2012 and a three year draft plan extension is requested. Section 51 (33) of the <i>Planning Act</i> allows the municipality to grant an extension of draft plan approval.
Recommendation:	<p>Three year draft plan extension to January 12, 2015 for the following reasons:</p> <ul style="list-style-type: none">• If an extension is not granted, the draft plan approval will lapse, necessitating the submission of a new application.• Plan is compatible with surrounding area in terms of scale, intensity and design.• Contributes towards intensification targets within the built boundary as per "Places to Grow" and policy of requiring at least 40% of new residential units within the built-up area by 2015 and every year after.• Plan continues to conform to the land use policies of the Official Plan.• 2011 Development Priorities Plan (DPP) identifies the registration of this plan in 2012. The DPP identifies the registration of the subdivision to the east in 2011.• Previous conditions of draft plan approval (Schedule 4) remain relevant with some revisions to update standard wording, new service area names and staff titles, and a new lapsing date. Additional clarification in Condition 16 (Clause a) has been provided with respect to cost sharing for the design and construction of the external drainage works.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

None arising from this report.

DEPARTMENTAL CONSULTATION

Circulated to City departments and commenting agencies. No objections received.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Approved Draft Plan of Subdivision and Details

Schedule 3 – Integration of Draft Plan 23T-07505 with Draft Plan 23T-07502

Schedule 4 – Conditions of Draft Plan Approval

Schedule 5 – Current Zoning

(Complete Report, including Schedules 2 to 5 is available at guelph.ca, Quick Link, Active Development Files)

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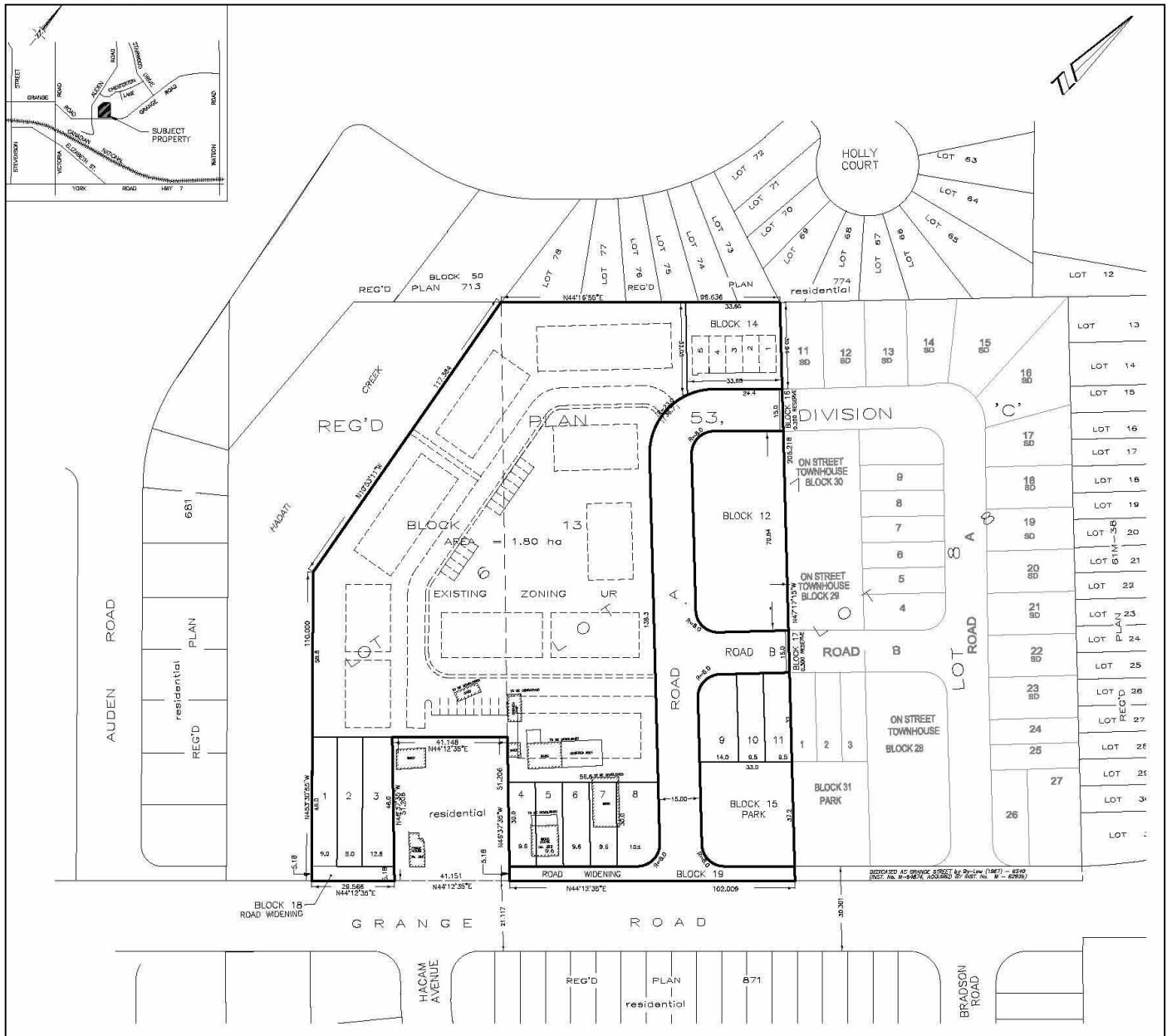
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SCHEDULE 1 Location Map



SCHEDULE 2

Approved Draft Plan of Subdivision



SCHEDULE 2 (continued)
Approved Draft Plan of Subdivision Details

LAND USE SCHEDULE

LOTS/BLOCKS	LAND USE	AREA
Lots 1-11	Single-Detached Residential	0.46 hectares
Block 12	On-street Townhouse	0.23 hectares
Block 13	Cluster Townhouse	1.7 hectares
Block 14	On-street Townhouse	0.1 hectares
Block 15	Neighbourhood Park	0.12 hectares
Roads	Street A & Street B and Widening Blocks	0.36 hectares
TOTAL AREA		2.97 hectares

DWELLING UNIT BREAKDOWN

LOTS/ BLOCKS	UNIT TYPE	UNITS (minimum – maximum)
Lots 1-11	Single-detached dwelling	11
Block 12	On-street Townhouse dwellings	5
Block 13	Cluster Townhouse dwellings	62
Block 14	On-street Townhouse dwellings, Semi-detached dwellings Single detached dwellings	7-9
TOTAL UNITS		87

SCHEDULE 3
Integration of Draft Plan 23T-07505 with Draft Plan 23T-07502



SCHEDULE 4

Conditions of Draft Plan Approval

THAT the application by Van Harten Surveying Inc. on behalf of Gateway Homes Inc. for a Proposed Draft Plan of Residential Subdivision applying to property municipally known as 300 Grange Road, and legally described as Part Lot 6 and 7, Registered Plan 53, Division "C", City of Guelph, to permit a minimum of 85 dwelling units, **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. 98-13068, dated October 6, 2008, as shown on **Schedule 2**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. 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.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
4. 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.
5. 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.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. 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.
8. 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.
9. The Developer shall provide a qualified **environmental inspector**, satisfactory to the General Manager of Planning and Building 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. The environmental inspector shall report on their findings to the City. For this subdivision, the City recognizes that the environmental inspection can be completed by a qualified engineering inspector to the satisfaction of the City.

10. The Developer shall submit a detailed **Storm Water Management Report and Plans** 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, 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.
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.
12. The Developer shall ensure that the **height of any proposed retaining wall** does not exceed 1.2 metres to the satisfaction of the City Engineer.
13. 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 development agreement on the block/lot so disturbed.
14. 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.

Conditions to be met prior to execution of subdivision agreement

15. 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.
16. 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 municipal 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. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road. 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.

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- a. The Developer shall share in the actual cost of the design and construction of the external downstream drainage works. The share of the design cost is \$40,060.86 (tax not included) and the estimated share of the construction cost is \$81,850.0 (tax not included)".
17. Should 23T-07505 proceed before 23T-07502 or vice-versa, the Developer shall construct **temporary turning circles** at the ends of Roads A and B and an **emergency access road** all to the satisfaction of the City.
18. 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.
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 pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
21. 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.
22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
23. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer. This Plan shall include on-street parking on Grange Road.
24. The site plans for Lots 1, 2 and 3, and all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
25. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
26. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform to the current Development Priorities Plan.
27. The Developer shall provide Community Design and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and existing vegetation to be retained in the park.
28. The Developer shall **demarcate the boundary of the Park Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services.

Conditions to be met prior to registration of the plan

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29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. The registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate sanitary sewer capacity** being available in the downstream trunk sanitary sewer.
31. 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 Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit 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, a Qualified Person shall certify that all properties to be conveyed to the City are free of contamination.
32. Prior to the City accepting any real property interests, if contamination is found, 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.
33. The Developer shall enter 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.
34. That the **road allowances** included in the draft plan 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".
35. That all **easements, blocks** and **rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance 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.
36. The Developer shall pay any **outstanding debts** owed to the City.

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37. 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.
38. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the 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 Building Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
39. 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:
- a. "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 certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b. "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."
 - c. "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Grange Road 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."
 - d. "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".
 - e. "Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
40. 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.
41. 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.

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42. 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.
 43. That site plans for Lots 1, 2 and 3 and all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
 44. 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 the issuance of a building permit

45. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw 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.
46. 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 in accordance with applicable provisions contained in the Ontario Building Code.
47. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
48. 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.
49. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

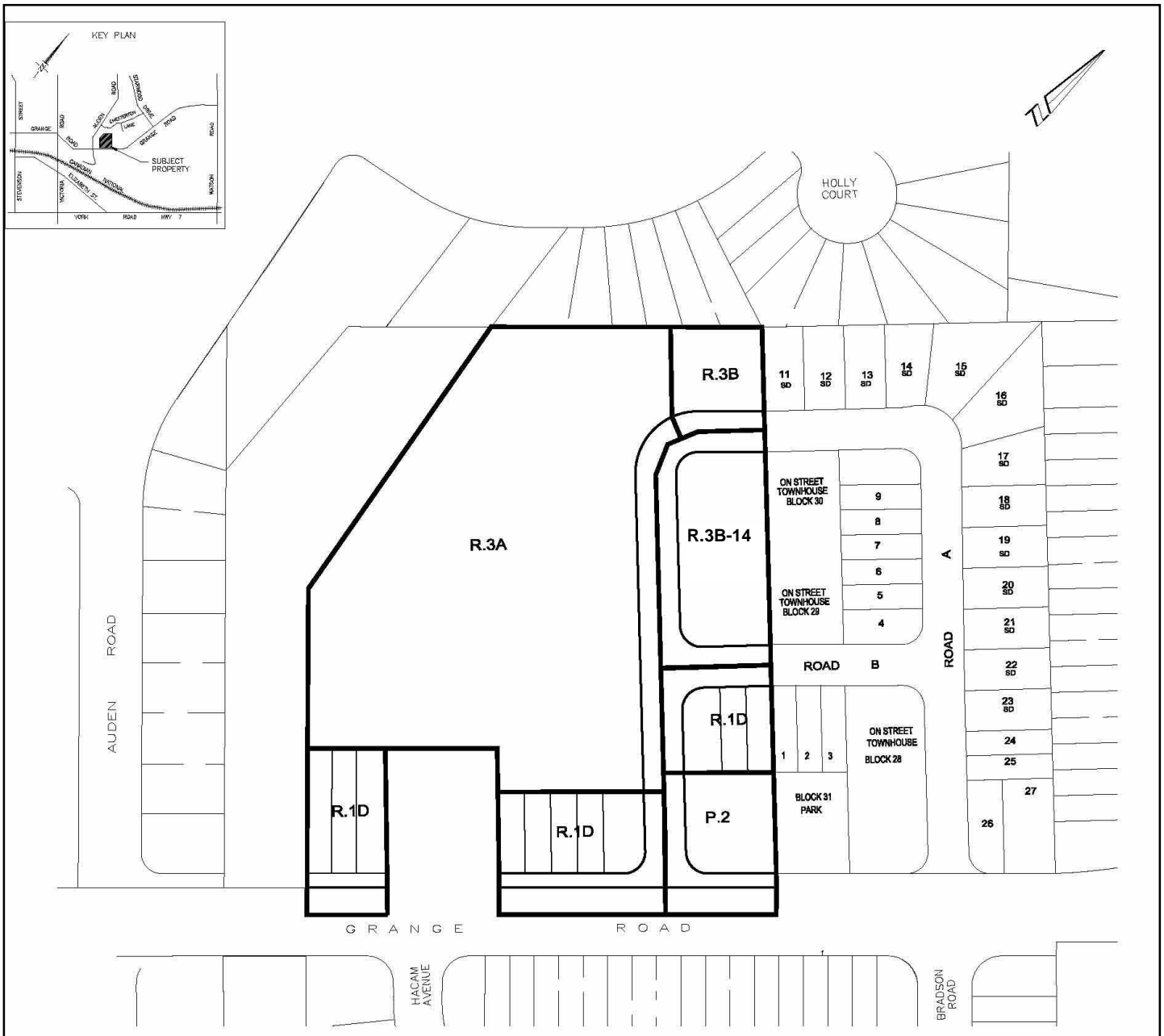
AGENCY CONDITIONS:

50. 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.
51. 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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52. 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 or DXF format containing the following information: parcel fabric and street network.
53. 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.
54. 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.
55. 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. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
56. That this **Draft Plan Approval shall lapse** on January 12, 2015.
57. 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 51 has been satisfied.
58. 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 52, 53 and 54 have been satisfied.
59. 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 41 and 48 have been satisfied.
60. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 55 has been satisfied.

SCHEDULE 5

Current Zoning



COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE December 5, 2011

SUBJECT **Cityview Heights Subdivision (23T-01506): Request for an Extension of Draft Plan Approval - Ward 1**

REPORT NUMBER 11-102

SUMMARY

Purpose of Report: This report provides a staff recommendation on a request for a one year extension of the Draft Plan Approval for the subdivision at 333 Grange Road and 134 Cityview Drive (23T-01506).

Council Action: Council is being asked to approve the Draft Plan Approval extension request to an extended lapsing date of January 6, 2013.

RECOMMENDATION

"THAT Report 11-102 dated December 5, 2011 regarding a request for a Draft Plan Approval extension for the subdivision of the property municipally known as 333 Grange Road and 134 Cityview Drive (23T-01506) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by 2014707 Ontario Inc. for an extension to the Draft Plan Approval of the subdivision at 333 Grange Road and 134 Cityview Drive (23T-01506) applying to lands legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, City of Guelph, be approved for a one (1) year period to an extended lapsing date of January 6, 2013, subject to the conditions contained in Schedule 3 of the Planning & Building, Engineering and Environment Report 11-102, dated December 5, 2011."

BACKGROUND

Application Details:

(See Schedule 2 for Approved Draft Plan)

Previous Approval Date: January 6, 2009

Lapse Date: January 6, 2012

Site Area: 3.7 hectares

Proposed Uses:	Draft Plan contains a total of 74 residential lots, consisting of 15 lots for detached dwellings and blocks for semi-detached or single detached dwellings to accommodate an additional 59 dwelling units. Lands zoned for proposed uses (see Schedule 5 for current zoning).
Surrounding Uses:	Detached dwellings to the north, east and west. Draft Plan 23T-08501 to the south has been registered as Plan 61M-164 and will establish the necessary street connections to the south to connect to Cedarvale Avenue.

REPORT

Request:	Owners actively pursuing registration of the draft plan but will not be able to fulfill all conditions of draft plan approval prior to lapsing date of January 6, 2012 and a one year draft plan extension is being requested. Section 51 (33) of the <i>Planning Act</i> allows the municipality to grant an extension of draft plan approval.
Recommendation:	<p>One year draft plan extension to January 6, 2013 for the following reasons:</p> <ul style="list-style-type: none">• Draft plan is compatible with the surrounding neighbourhood in terms of its scale, intensity and design.• Draft plan continues to conform to the land use policies of the Official Plan.• Contributes towards meeting the intensification targets within the built boundary as per "Places to Grow" policy that stipulates that at least 40% of new residential units shall be located within the built-up area by 2015 and every year after.• Draft plan was developed in coordination with the adjacent lands to the south (61M-164) to ensure that a comprehensive development scheme would be implemented with the necessary road and servicing connections.• Conditions of draft plan approval (Schedule 3) remain relevant and include all of the conditions previously endorsed by City Council, with some revisions made to update standard wording, new service area names and staff titles, and a new lapsing date.• The 2011 Development Priorities Plan identifies the registration of this subdivision (23T-01506) in 2011.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

None arising from this report.

DEPARTMENTAL CONSULTATION

The request for the proposed extension of draft plan approval was circulated to City departments. No objections received.

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Approved Draft Plan of Subdivision 23T-01506 and Details

Schedule 3 – Conditions of Draft Plan Approval 23T-01506

Schedule 4 – Original Draft Plan 23T-01506

Schedule 5 – Approved Subdivision on Adjacent Lands & Current Zoning

(Complete Report and Attachments available at guelph.ca, Quick Link, Active Development Files)

Prepared By:

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Original Signed by:

Recommended By:

James N. Riddell
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Recommended By:

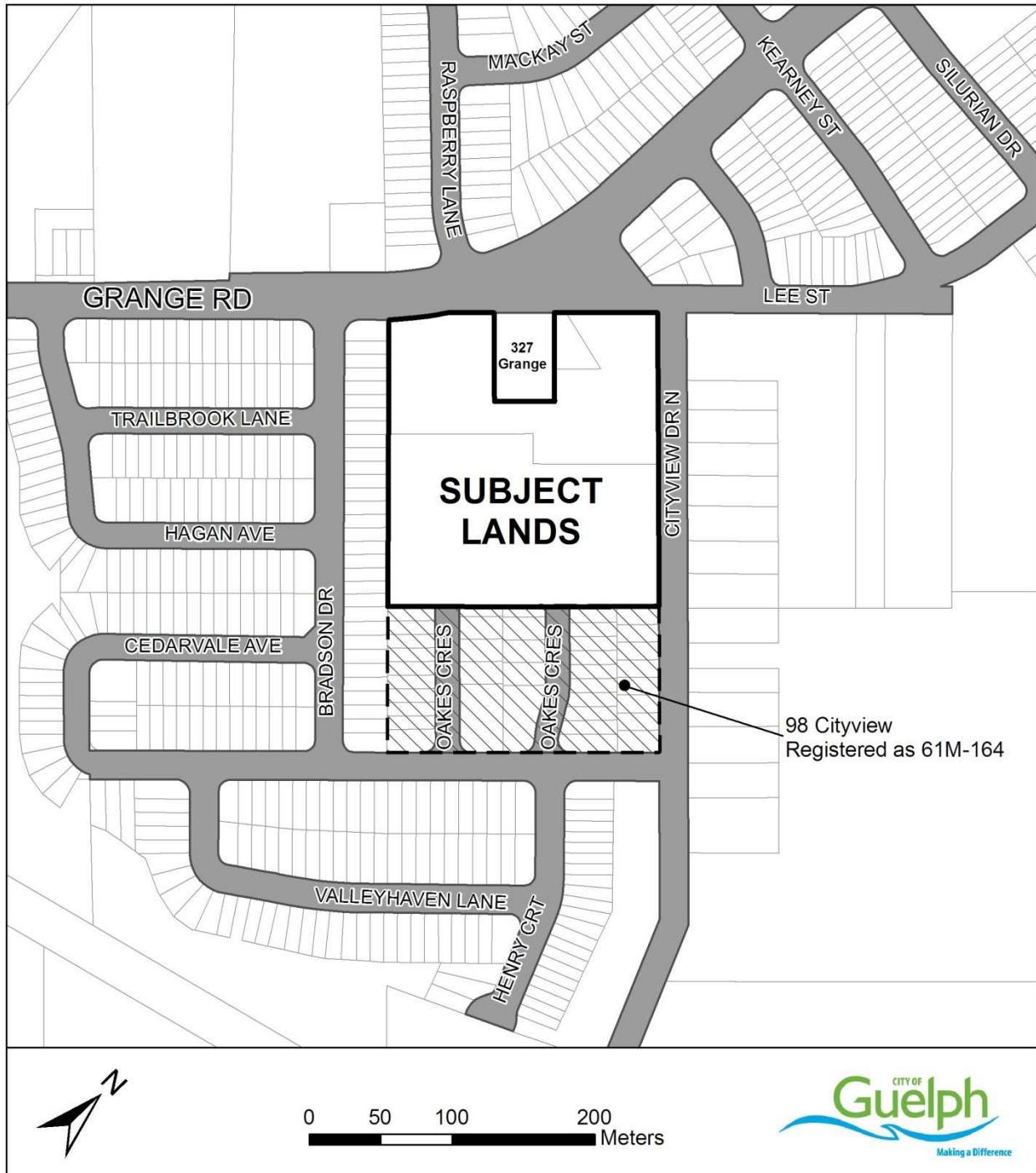
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Planning
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Original Signed by:

Recommended By:

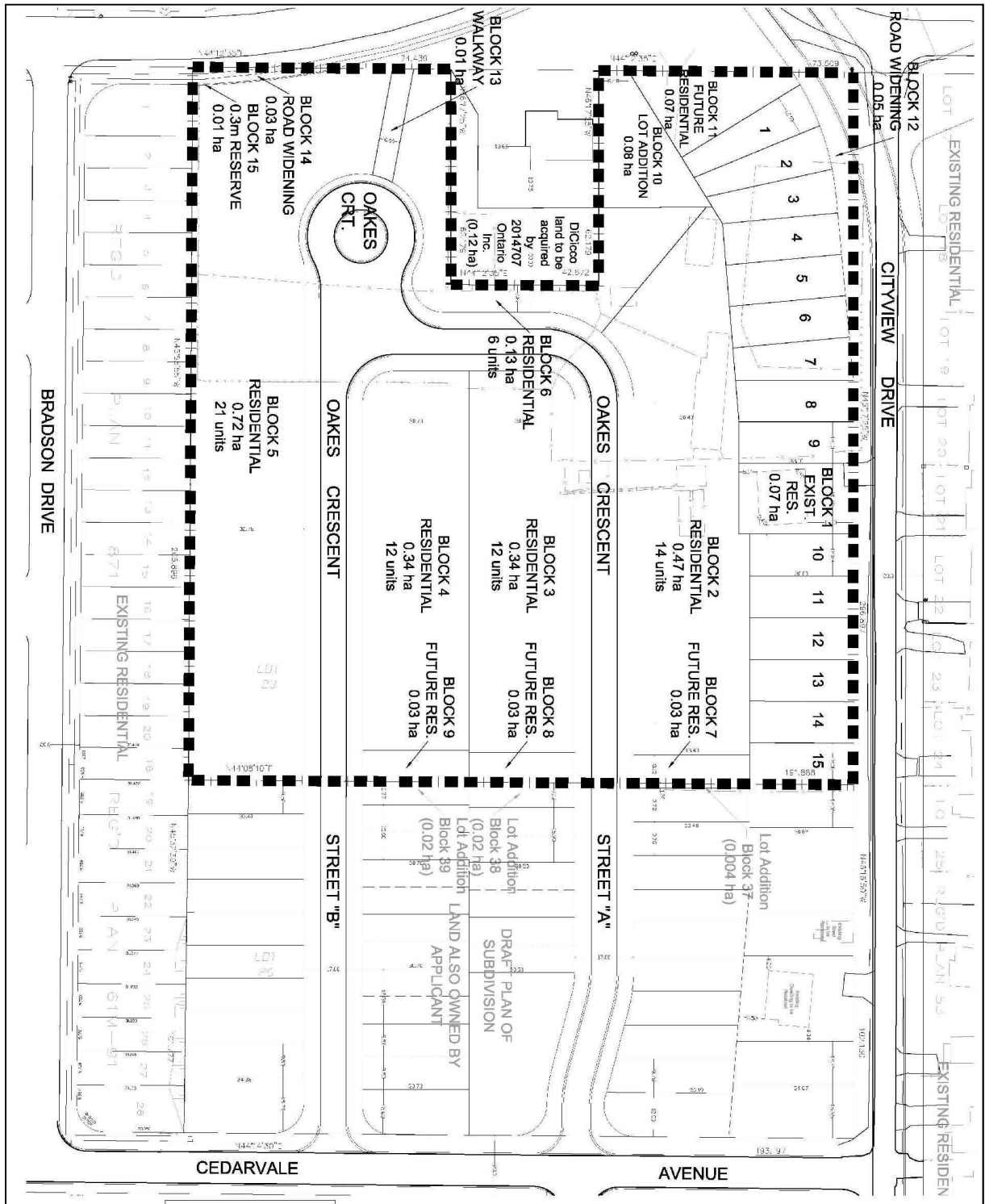
Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
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SCHEDULE 1 Location Map



SCHEDULE 2

Approved Draft Plan of Subdivision 23T-01506



SCHEDULE 2 (continued)
Details of Approved Draft Plan

LAND USE SCHEDULE

LOTS/BLOCKS	LAND USE	UNITS	AREA
Lots 1-15	Single-Detached Residential	14	0.56 hectares
Block 1	Existing Single Detached Dwelling	1	0.07 hectares
Blocks 2-6	Blocks for Semi-Detached or Single Detached Dwellings	59	2.01 hectares
Blocks 7-10	Future Residential		0.32 hectares
Streets	Oakes Crescent / Oakes Crt		0.63 hectares
Block 15	0.3 m reserve		0.00 hectares
Blocks 12, 14	Road Widenings		0.06 hectares
Block 13	Walkway		0.02 hectares
TOTAL		74	3.67 hectares

SCHEDULE 3

Conditions of Draft Plan Approval

PART A

"THAT the application by 2014707 Ontario Inc. for a Proposed Redline Amendment to Draft Plan of Residential Subdivision 23T01506 on lands municipally known as 333 Grange Road and 134 Cityview Drive, and legally described as Part of Lot 14, and all of Lot 23, Registered Plan 53, 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 2014707 Ontario Inc., dated September 18, 2008, to include the development of 74 residential units, as shown on **Schedule 2**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. 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.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph Bylaw (2007)-18420 to the satisfaction of the City Engineer.
4. 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.
5. 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.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. 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.
8. 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.
9. 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 approved plan. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

10. 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.
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.
12. The Developer shall ensure that the height of any proposed retaining wall that abuts existing residential property does not exceed 1.2 metres, with the exception of the height of the wall abutting the DiCicco property at 327 Grange Road.
13. 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.

Conditions to be met prior to execution of the subdivision agreement

14. 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.
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 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, reconstruction of Cityview Drive to an urban standard, storm sewer on Cedarvale Avenue, with the distance, size and alignment of such services to be determined by the City. This also includes the Developer paying a share of the cost of the existing downstream stormwater management system as determined by the City and a share of the cost of the reconstruction of Grange Road.
16. Should this development proceed before Draft Plan 23T-08501 to the east at 98 Cityview Drive, the Developer shall **construct Street A and Street B** that are external to the plan to the satisfaction of the City. Street A and Street B are to be shown as separate blocks, conveyed to the City, and dedicated as right-of-way at the expense of the Developer and to the satisfaction of the City, prior to registration of the plan.

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17. 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.
 18. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, traffic signage, the design of bikeways and traffic calming measures.
 19. 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.
 20. 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.
 21. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
 22. The Developer shall provide an **on-street parking plan** for the subdivision to the satisfaction of the City Engineer.
 23. The Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
 24. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform with the current Development Priorities Plan.
 25. The Developer shall provide the City 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, grades/contours and existing vegetation to be retained.
 26. The Developer shall **demarcate the boundary of the Walkway Block** in accordance with the City of Guelph Property Demarcation Policy, to the satisfaction of the General Manager of Planning and Building Services.
 27. The Developer shall install a **1.8 metre high board fence** along any lot or block abutting the existing Bradson Drive properties to the satisfaction of the General Manager of Planning and Building Services.

Conditions to be met prior to registration

28. 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.
29. 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.

30. 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.

31. 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.

32. That the **road allowances** included in the draft plan 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.

33. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance 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.

34. The Developer shall pay any **outstanding debts** owed to the City.

35. 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.

36. 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 and Building Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.

37. 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:

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- “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 located in the subdivision plan, are advised that a transit route may be installed on Cityview Drive and/or Cedarvale Avenue 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 street 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 are advised that the boundaries of the walkway block will be demarcated in accordance with the City of Guelph Property Demarcation Policy.’
38. 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.
39. 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.
40. 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.
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.
42. Blocks 6, 7, 8, 9, 10 and 11 as shown on the Plan are not to be developed until they are adjoined with the abutting parcels to the satisfaction of the City.
43. The Developer shall be responsible for paying **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.

Conditions to be met prior to issuance of a building permit

44. 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.
45. 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.
46. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
47. 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.
48. Prior to registration of the plan, the Developer shall provide the City with written confirmation that the dwelling units on the subject site will be constructed to a standard that implements **energy efficiency** in order to support the Community Energy Plan, to the satisfaction of the City. The owner shall provide a letter of undertaking on the energy efficiency standards to be implemented for the dwelling units, which include an Energy Star standard and/or other recognized equivalent programs, including LEED for Homes and R-2000, and include verification through third party certification. These requirements shall be included in the subdivision agreement.

AGENCY CONDITIONS:

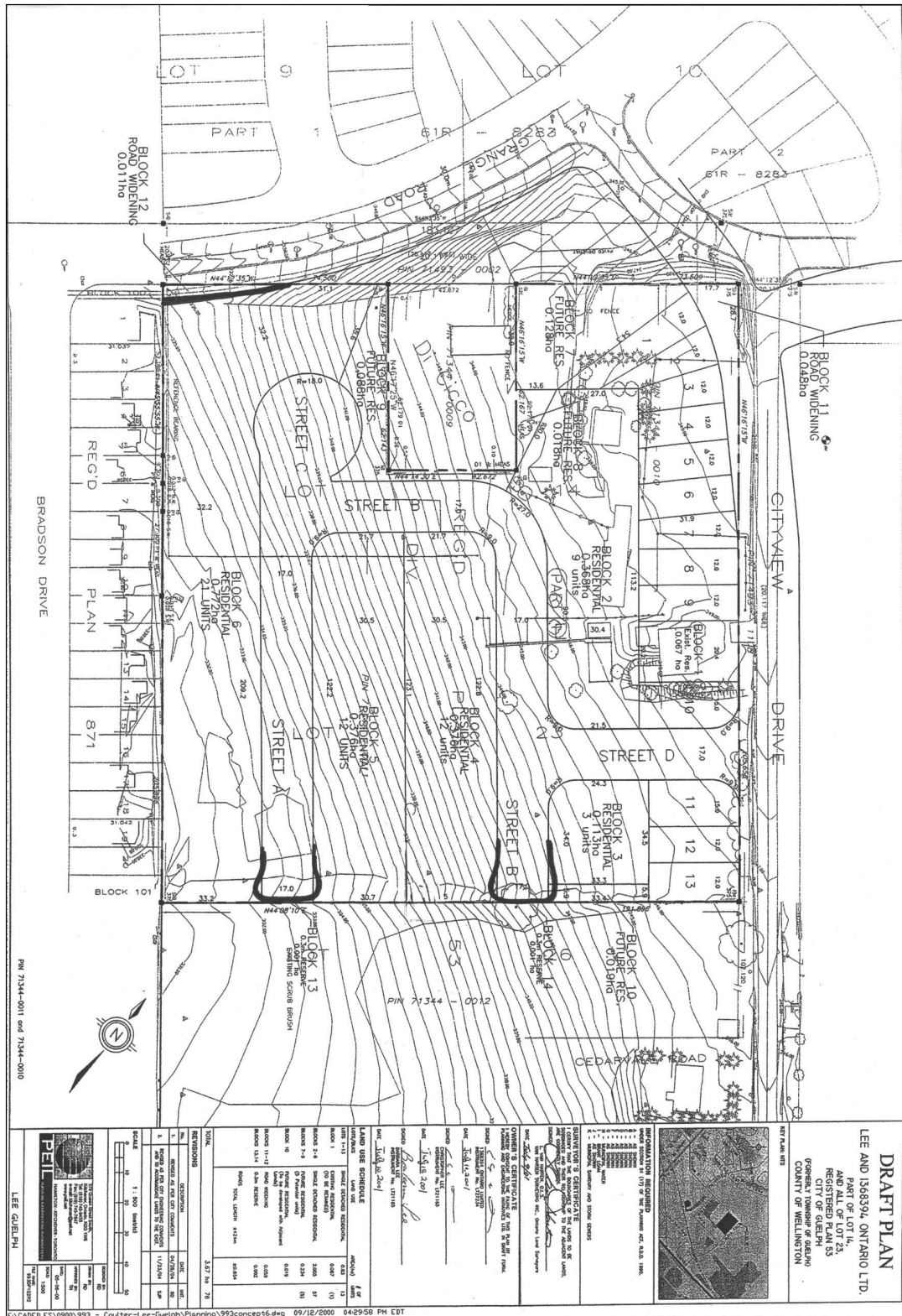
49. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
50. The Developer 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.
51. 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 or DXF format containing the following information: parcel fabric and street network.
52. 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.

53. 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.
54. 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. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
55. That this **Draft Plan Approval shall lapse** on January 6, 2013.
56. 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 50 has been satisfied.
57. 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 51, 52 and 53 have been satisfied.
58. 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 38 and 47 have been satisfied.
59. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 54 has been satisfied.

SCHEDULE 4

Original Cityview Heights Subdivision 23T-01506 (Draft Plan Approval granted March 4, 2005)

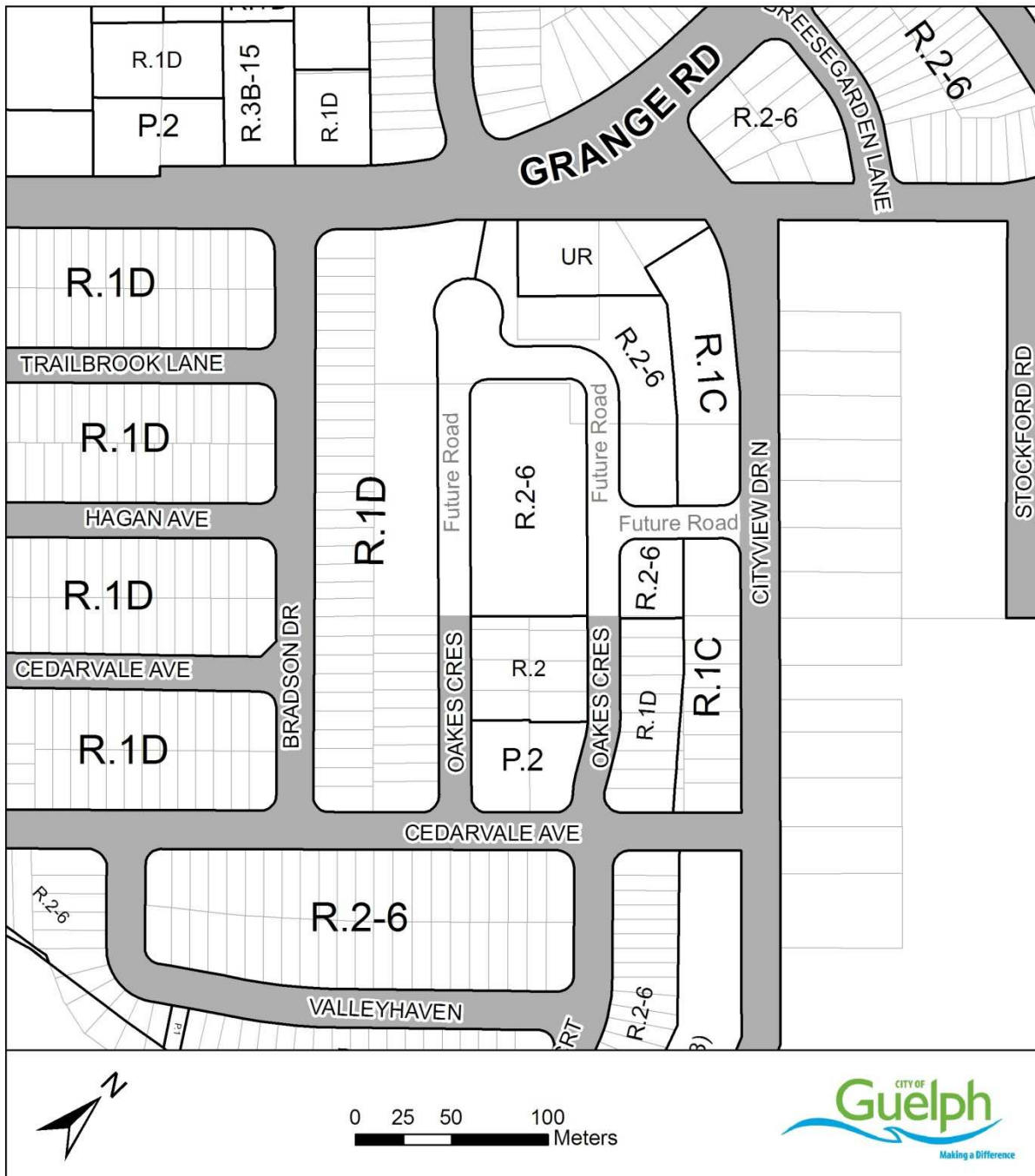


**Approved Subdivision on Adjacent Lands at 98 Cityview Drive
(Registered Plan 61M-164)**



SCHEDULE 5

Current Zoning



Impact of Environmental Review Tribunal Decision on Conversion to Automated Waste Collection Program

Presentation to Guelph City Council
December 5, 2011

Prior Decisions by Council

- May 25, 2010 - Council decision to convert organic waste stream to cart-based collection system;
- August 30, 2010 - Council decision to convert all waste streams to fully automated cart collection commencing in 2012.

Prior Decisions - Key Factors

- Condition of Approval in the Certificate of Approval;
- Provincial target – 50% reduction in use of plastic bags by 2012;
- Local demand for increased yard waste collection;
- Recommendations in Solid Water Master Plan;
- Implementation of Best Practice;
- Cost – operating plus capital;
- CIF Funding Agreement (\$1.3 million) applies only to fully automated collection, Option 1.

Current Decision of Council

New Factors:

- Decision of Environmental Review Tribunal;
- Contract issued for 7 collection vehicles;
- Request for Proposal for carts closes Dec.19, 2011;
- Need to amend Education/Promotion program if changes made - impact on cost and citizen engagement;
- Recent direction from Ministry of Labour.

Decision of Environmental Review Tribunal

- September 2009 – Orgaworld Ltd. appealed similar conditions regarding:
 1. The power of the Ministry of Environment (MOE); and
 2. Restrictions on feedstock material, including organic waste collected in plastic bags.
- November 7, 2011 - Environmental Review Tribunal decision overturned those conditions of approval.
- MOE **may** amend our Certificate of Approval.

Timelines for Amendments to Certificate of Approval

- MOE has 30 days to appeal decision of the Tribunal;
- If MOE appeals - could be several months for final decision. During interim, City must comply with C of A;
- If MOE appeals unsuccessfully or does not appeal the decision, MOE has acknowledged commitment to consider amending C of A;
- C of As are site and operational specific - MOE can still deny any specific amendments to Guelph;
- If MOE appeals and wins - C of A would not likely be amended;
- Bottom line – no guarantee of C of A amendments.

Critical Timelines

- **Carts** – may be able to get approval from MOE to delay phase-out schedule for bags;
- **Trucks** – City must decide on automated vs. manual trucks by December 15, 2011. No ability to cancel contract or delay decision beyond December 15, 2011.

Alternative Collection Options Considered by Council

Alternative 1 (Fully Automated Option):

Fully automated cart collection for all three waste streams;

Alternative 2 (Semi-Automated Option):

Semi automated collection for only organics stream;

Base Case (Status Quo):

Bag-based system collection with conversion to fully automated cart collection starting in 2017-2019, based on collection system that would have evolved over time in absence of the C of A condition.

Collection Options

Option 2 - Semi Automated Cart Collection

- Originally considered as minimal requirement to comply with condition of approval in Certificate of Approval;
- Least efficient collection option;
- Most expensive collection option;
- Not recommended under any scenario.

Collection Options

Base Case (Status Quo)

- City is bound to comply with the current C of A;
- No guarantee of receiving amendments from MOE;
- Not eligible for CIF grant;
- Over life cycle analysis of two vehicle generations - future conversion would cost \$2 million more than converting now;
- Increased operating budget (4 additional FTE's, 3 additional collection vehicles);
- Not recommended by staff or BMA Consulting.

Collection Options

Option 1 - Fully Automated Cart Collection

- Complies with Certificate of Approval;
- Conforms with provincial targets for reducing use of plastic bags;
- Facilitates local demand for increased yard waste collection;
- Consistent with Solid Waste Management Master Plan;
- Implements Best Management Practice;
- Eligible for Continuous Improvement Fund Grant of \$1.3 million;

Collection Options

Option 1 - Fully Automated Cart Collection

(continued)

- Lower cost (capital plus operating) over 13 year cycle;
- Annual operating savings of \$460,000;
- Allows for a more diverse work force;
- Reduced litter;
- No need to revise education/promotion program;
- Consistent with recent direction of Ministry of Labour;
- Staff recommended option - BMA Consulting concurred.

Cost – Operating Plus Capital

- **Option 1** – fully automated is least expensive over 13 years (2 vehicle generations);
- Cost comparison of options on Page 8 of staff report (from May 2010 staff report, modified to include CIF grant).

Questions?

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE December 5, 2011

**SUBJECT Impact of Environmental Review Tribunal Decision on
the Conversion to Automated Waste Collection Program**

REPORT NUMBER

SUMMARY

Purpose of Report:

To provide Council with options regarding the potential impact of the Environmental Review Tribunal Decision (*Orgaworld Canada Ltd. v. Director, Ministry of Environment*) on the conversion to automated waste collection.

Council Action:

To reaffirm the planned conversion to a fully-automated cart collection program commencing in 2012.

RECOMMENDATION

"THAT the report from Planning & Building, Engineering and Environment dated November 28, 2011 entitled Impact of Environmental Review Tribunal Decision on the Conversion to Automated Waste Collection Program be received;

AND THAT conversion of the curbside waste collection program, from a manual plastic bag collection program to a fully-automated cart collection program commencing in 2012, be reaffirmed."

BACKGROUND

At the May 25, 2010 Council meeting, a report entitled Conversion in the Method of Collection of Organic Waste was received and staff was directed to convert the method of collection of organic waste to a cart-based system. A key concern impacting Council's decision was a condition of approval in the Certificate of Approval (C of A) issued by the Province for the Organic Waste Processing Facility (OWPF) that prevents the City from accepting any organic waste at the facility that is collected through a waste collection program that permits the use of bags (except in accordance with a three-year phased-out schedule).

Subsequently, at the August 30, 2010 Council meeting, a report entitled Conversion of Curbside Waste Collection Program to Fully Automated Carts was approved and a resolution adopted to convert the entire curbside waste collection program from a manual plastic bag collection program to a fully automated cart collection program commencing in 2012.

REPORT

The decision of Council to convert to a cart-based waste collection program was based on several factors, including:

1. Condition of approval in the Certificate of Approval (C of A);
2. Provincial targets for reducing use of plastic bags by 50% by 2012;
3. Local demand for increased yard waste collection, which is accommodated by carts;
4. Implementation of the recommendations of the Solid Waste Management Master Plan (SWMMP), including conversion to a cart-based system;
5. Implementation of best management practices;
6. Cost - Operating, Capital and grants (see Financial Implications' section, Page 7).

The purpose of this report is to advise Council of recent events affecting factor 1 above. There have been no developments affecting the remaining factors, all of which remain valid considerations.

Condition of Approval in Certificate of Approval:

With respect to the first factor, in September 2009, Orgaworld Canada Ltd., a private sector waste management company, appealed conditions in the C of A issued for their Ottawa composting facility regarding the power of the Ministry of Environment (MOE) to order the composting facility to shut down operations, and restrictions which could be placed on feedstock material, specifically:

- i) collection of sanitary products and human body waste;
- ii) pet waste other than waste that is incidental to bedding or litter; and
- iii) organic waste that is collected in plastic bags.

Staff have been monitoring and awaiting this decision to be released as our C of A currently contains conditions which are very similar to, or the same as, those contained in the C of A for the Orgaworld facility. When staff and our consultants were negotiating with MOE staff concerning the conditions of approval in our C of A, staff were advised by MOE staff that if the decision by the Environmental Review Tribunal (the appeal body that handles challenges to provincial Certificates of Approval) directed the MOE to amend clauses in Orgaworld's C of A, then similar amendments would be considered for Guelph.

In its decision on the *Orgaworld Canada Ltd. v. Director, Ministry of Environment* case, released on November 7, 2011, the Environmental Review Tribunal (ERT) overturned those specific conditions of approval and directed the MOE to amend Orgaworld's Certificate of Approval.

Staff have reviewed the ERT decision and have had preliminary discussions with MOE staff. The MOE has advised that they are currently deciding whether to accept or appeal the ERT decision and they have 30 days to commence the appeal process. If the MOE does appeal the decision, it could be several months before a final decision is issued on this matter. MOE staff have acknowledged their commitment to consider amending our C of A, if the ERT decision stands. However, as C of As are both site and operational specific, the MOE can still choose to deny amendments to Guelph. Furthermore, if the MOE chooses to appeal and wins, our C of A will remain as is.

Given the project timeline to meet the C of A condition for the phase-out of bags for the first third of the City by 2012 and the timing of the recent ERT decision and potential for the Ministry to appeal the decision, City staff have approached the MOE to delay the phase-out schedule for collection in bags in order to allow time for a final decision in the Orgaworld case, if the MOE appeals the ERT decision. Initial discussions with the Ministry revealed that they would consider delaying the phase-out schedule, taking into account the potential for appeal and the related timelines. However, a delay to the phase-out schedule would also require an amendment to the C of A, which will take some time to obtain. Until the required amendments are obtained, the City is bound to comply with the current C of A.

Collection Options:

Assuming the MOE does, in fact, agree to amend our C of A, then the decision to convert to a cart-based system will rest solely with City Council. On May 25, 2010 when Council decided on a cart-based system, Council considered 3 alternative collection options:

- Option 1: Fully automated cart collection for all three waste streams;
- Option 2: Semi automated cart collection for only the organics stream; or
- Base Case: Bag-based collection for all three waste streams with conversion to fully automated cart collection starting in 2017.

Option 2, which would result in a mixed collection system (part manual part automated), was found to be significantly higher cost than the other 2 options (see Financial Implications section, Page 7).

The Base Case assumes that the City will eventually convert to best practice, but that the costs would be added to the Capital budget in a future year, based on best timing for vehicle replacement.

Attachment 1 summarizes the key pros and cons of fully automated cart collection (option1) as compared to manual collection. See also the Financial Implications section regarding costs.

Other Considerations:

Fleet – The City has already awarded a contract for the purchase of 7 out of the 15 automated collection trucks. Staff have approached the vendor to discuss options to postpone and/or alter the type of collection vehicle (i.e. from automated to manual) in the event that Council chooses to maintain a bag-based system.

The supplier has agreed to delay manufacturing the vehicles until December 15, 2011 to give time for Council to deliberate. The supplier has confirmed that the order can be modified from fully automated to manual collection vehicles, at no additional cost, other than a charge of \$2,000 per chassis as the vehicles will now become 2013 models instead of 2012 models. After this date, the vehicles will go back into production and be built as originally ordered.

Carts – The City has released the Request for Proposal for proponents to bid on the carts. The bid closes December 19, 2011 and bids are valid for 90 days. The City has the ability to not award the contract without penalty. However, this may discourage potential bidders from spending the time/expense to bid on future City Requests for Proposal.

Critical Timelines - Based on the above, the critical timeline is the vehicle contract. As it stands now, the City must make a decision on whether to purchase the vehicles ordered (automated) or change the order to manual trucks by December 15th. If the City were to decide to change the order to manual trucks, there would be no guarantee at that time that the MOE will, in fact, amend the Certificate of Approval and we may end up with vehicles we cannot use.

Implement Best Management Practice - Prior to the May 25, 2010 report to Council, staff had conducted substantial research on best management practices for residential waste collection. Fully automated cart collection of residential waste has been determined to be a best management practice by: Waste Diversion Ontario (WDO Report #1053087, Bluewater); the City of Los Angeles, California; and by the Solid Waste Association of North America (SWANA).

In addition, staff had contacted several municipalities to determine issues that were reported by their residents when they converted to a cart-based system. Specifically, Toronto, Hamilton, Kingston, Waterloo, Halton, Peel, Southgate, Durham and others were chosen from those municipalities using a cart-based system, due to their type of programs, operations and equipment. In addition, due diligence visits were made to the solid waste operations of Toronto, Hamilton, Kingston and Southgate to research and complete studies (e.g. time per household for collection) and to further determine and analyze the effect of changes on all city operations and on relevant stakeholders. Information obtained was considered by Council prior to their August 30, 2010 decision to convert to a cart-based collection system.

Provincial Targets for Reducing Use of Plastic Bags - In May 2007, the Ministry of Environment (MOE) set a voluntary provincial target to reduce plastic bag use by 50% by 2012. In addition, many calls have been received from our residents asking for the elimination of bags from the waste system. There is strong community support for waste minimization (94%), but more specifically there is strong support for the reduction of plastic film (70% support reduced commercial/retail usage; *SWMMP, Appendix A8*).

Local demand for increased yard waste collection - In July 2008, IPSOS Reid Public Affairs presented the 2008 Citizen Satisfaction Survey for the City of Guelph revealing that 85% of residents are supportive of an increase in the frequency of yard waste pickup and 67% are supportive of having one additional pick up per year at the cost of \$1 to their annual tax bill. This demand for increased yard waste collection has not been adopted to date due to annual budget constraints. Conversion to carts would enable increased yard waste collection without operational cost impacts to the curbside waste collection program.

Implement the recommendations of the SWMMP - In September 2008, Guelph City Council adopted the recommendations of the Solid Waste Management Master Plan (SWMMP). One of the recommendations in that Master Plan was that staff investigate the conversion of the residential waste collection program to fully automated cart collection to minimize waste disposal, increase diversion and ensure fiscal responsibility.

CIF Funding Agreement - Since cart-based collection has been identified as "best practice", the City applied for and has signed an agreement with the Waste Diversion Ontario to receive a Continuous Improvement Fund grant in the amount of \$1,335,519 (\$1,311,905 plus 1.8% in lieu of non-refundable HST) to fund conversion to the best management practice of fully automated cart collection for the recyclable stream. This agreement could be cancelled with the resulting loss of the grant money. If the City chooses to convert to best practice in the future, the CIF grant will not be available.

Promotion and Education – The Promotion and Education campaign was awarded for the sorting list changes and the conversion to automated collection. The sorting list changes were implemented and complied with by residents on September 1, 2011 in preparation of the opening of the facility. If Council chooses to remain with a bag-based system and/or to change the materials allowed in the organics stream, further promotion and education would be required, as well as amendments to the sorting lists in the Waste Management By-law. In the past, residents have expressed concerns with changes to the sorting list. A change back may not be well received and will result in additional costs.

Ministry of Labour Direction - In June, 2011 the Ministry of Labour issued orders to a recycling and waste operator to take every precaution reasonable in the circumstances for the protection of the worker from the musculoskeletal disorder hazard associated with the repeated extended reach. These orders were a result of observations that included one handed lifting, tossing and emptying of containers

into the far compartment of side loader waste collection vehicles, amongst others. In addition to the orders issued, the inspectors had several suggestions on ways to reduce musculoskeletal disorders (MSD) hazards that included using automated collection devices.

Future Decisions:

If the C of A is amended, in addition to deciding on either a cart-based or bag-based system, Council would also have the ability to decide whether to:

- Allow residents to place sanitary products and diapers in the organics stream, as well as the potential to allow residents to place pet waste contained in a bag in the organics stream. One of the greatest concerns expressed by the public during the sorting list program changes rolled out September 1st, 2011, was related to diapers being collected biweekly in the waste stream since they would no longer be collected weekly in the organics stream.
- Allow residents to line their carts with certified compostable bags, in addition to paper-based liners, if a cart-based system is chosen. Residents have raised concerns with the ability to keep the organic carts clean and preventing odours.
- The current C of A does not allow the City to bring in commercial and municipal organic feedstock that is collected in plastic or certified compostable bags, or waste that includes diapers, hygiene products and pet waste. Amendment to the C of A would open new potential markets.

Although allowing plastic materials in the organic stream will ease resident concerns, plastic will negatively impact the final quality of compost. Certified compostable products may not completely decompose in the composting process. Furthermore, as compostable plastics are not always distinguishable from non-compostable plastics, contamination of the waste stream with non-compostable plastic would be anticipated. Although the private sector facility operator (Aim Environmental Group) is responsible for marketing the final compost product and assumes the risk of marketing a lower grade product, intentionally allowing contaminants in the feedstock is not an environmentally sustainable practice.

Based on all factors, staff recommend proceeding with the fully-automated system previously approved by Council.

CORPORATE STRATEGIC PLAN

1. An attractive, well-functioning and sustainable city
5. A community-focused, responsive and accountable government
6. A leader in conservation and resource protection/enhancement
- 6.4 Less waste per capita than any comparable Canadian city

FINANCIAL IMPLICATIONS

In the May 2010 report to Council, staff reported three alternatives for residential waste collection, specifically:

Option 1 - Fully automated cart collection for all three waste streams (staff recommendation); and

Option 2 - Semi-automatic cart collection for only the organic stream; and

Base Case - Bag-based collection for all three waste streams with conversion to fully automated cart collection starting in 2017.

The “base case” scenario was based on the collection system that would likely have evolved over time in the absence of the condition of approval in the C of A issued by the MOE, and assumed planned conversion to best practice (i.e. a cart-based system) being included in the Capital Budget forecast for 2017-2019.

The financial analysis, which was completed by Finance staff with input from Solid Waste Services staff, was reviewed by BMA and is still relevant. BMA concluded, based on assumptions used, that:

1. The methodology used by the City was appropriate and reflected the savings and costs associated with the underlying assumptions;
2. The consolidated cost of the Fully Automated option and the Base Case option are the same for the first ten years (2011-2021). The breakeven point, where the Fully Automated option becomes less costly than the Base Case occurs by year 11 of the forecast and becomes the least costly option by year 12. BMA concurred with the staff analysis that the Fully Automated option is the preferred option. (Note: This analysis was completed in advance of receipt of the \$1.3 million CIF grant, which applies to the fully automated option only and makes that option more attractive compared to the alternatives.)

The fully automated option was shown to have a greater initial investment, but will produce ongoing annual operational savings of \$460,000 per year. Over a life-cycle analysis of two vehicle “generations”, or 13 years, maintaining a bag-based system until conversion in 2017-2019 is \$2 million more expensive than converting to a cart-based system now.

Financial Summary of Waste Collection Options
(Note: All values are 13 year totals)

Cost Summary	Option #1 Fully Automated Cart Collection – Including CIF Grant (million)	Option #2 Organics Only in Carts (million)	Base Case Convert to Fully Automated Carts Starting in 2017 (million)
CIF Grant*	(1.3)		
1st Generation Capital Costs (debt)	\$12.0	\$8.8	\$2.0
2nd Generation Capital Costs (reserves)	\$5.1	\$6.2	\$12.9
Annual Operating Changes	(\$5.8)	\$4.4	(\$2.6)
Net Cost (Capital plus Operating)	\$10.0	\$19.4	\$12.3

*CIF Grant applies only to Alternative #1

DEPARTMENTAL CONSULTATION/CONCURRENCE

Finance
Legal and Realty Services

COMMUNICATIONS

N/A

ATTACHMENTS

Pros and Cons of Automated Cart Collection

Prepared By:

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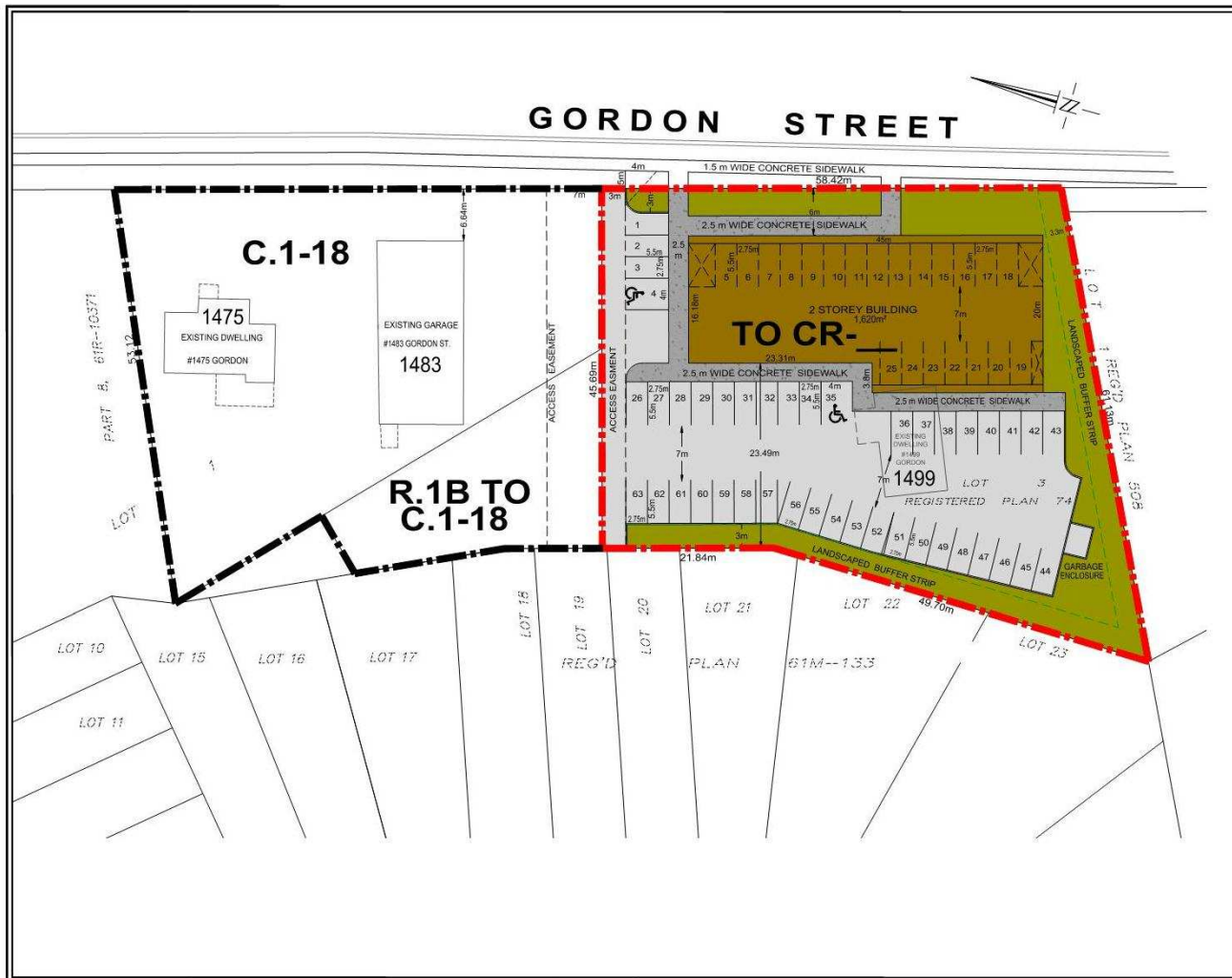
Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering and Environment
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janet.laird@guelph.ca

**Attachment 1:
Pros and Cons of Automated Cart Collection**

Automated Cart Collection

Pros	Cons
Annual operational savings of \$460,000. Less expensive option over long term.	\$5.9 million initial capital expenditure for carts and kitchen catchers, but more costly option operationally.
Reduces waste collection fleet from 19 trucks to 15 trucks, reducing Guelph's carbon footprint.	
Complies with provincial target for reducing use of plastic bags by 50% by 2012.	
Allows residents to top up their organic cart with yard waste each week.	
Supports Council's adoption of the recommendations of the Solid Waste Management Master Plan.	
Complies with best management practice as identified by Waste Diversion Ontario, Ontario Waste Management Association and Solid Waste Association of North America.	
Reduction in replacement staff costs related to staff injuries (90%), illness rates (50%) and modified job duties (90%) as well as reduced WSIB claims (90%) (City of Vancouver).	
Improved customer satisfaction showed highest resident satisfaction rates of 93% for cart collection when compared to bag collection (City of Toronto Recycling Container Pilot Project).	
Reduced residue in the dry waste stream and the associated disposal costs by approximately 2.2 percent (Guelph Bag Audit May 2009).	
Automated cart collection allows for a more diverse workforce (e.g. physical ability, age).	
No need to revise public education/promotion program at increased cost and public impact.	
Carts reduce litter due to wind blowing bags on roads and deter animals from tearing bags open, resulting in reduced customer complaints	



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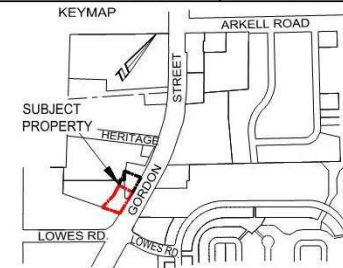
CONCEPT PLAN 1499 GORDON STREET

DATE: JULY 27, 2011

SCALE: 1:500

PROJECT No.: 1029

DRAWN BY: G.K.S.



LEGAL DESCRIPTION
PARTS OF LOT 1, 2 AND 3
REGISTERED PLAN 74
GEOGRAPHIC TOWNSHIP OF PUSLINCH
CITY OF GUELPH

Rev: 29/2011-11/2011 (15837-11)
S:\PUSLINCH\2011\Lot7\Concept (SUSANW00-ver. 4)lot7.dwg

From: beeblebrox
Sent: November 14, 2011 4:21 PM
To: Mayors Office
Subject: wellington street development

Monday, November 14, 2011.

Karen:

Today I learned from relatives in Guelph about the proposed, long-delayed redevelopment of the old Rockwell factory site on Wellington Street, near the Gordon Street intersection.

Restaurants? Another strip mall? Is someone kidding me?!! I suppose the property owner sees greater profit in rents from commercial development, and maybe the city, as well, can anticipate greater tax revenue than what some other disposition of the land might yield. But I say condominium development. It has been commonly known for more than twenty years that - once the contaminated soil situation is dealt with - it is an *ideal* location for condominiums. How much more ideal can you get? It's perfect, and its perfection ought to be obvious to any intelligent soul. The location begs, no it screams for condos. It practically sells itself, the end result would probably be quite handsome, and it will place more residents close to the city core. Naturally, the nature-minded advocate reversion of the land to parkland, increasing the acreage of the adjacent Royal City Park. But isn't the park big enough already?

I hope whatever City committee is reviewing the project has its collective head together, is composed of intelligent souls, and does the obviously right thing. More commercial development, or combined commercial-residential, in that location is not it. I've been waiting for most of my adult life to see the site dealt with properly, intelligently, esthetically. Since I own property in the area I want esthetic development to augment the value of my own holding, not another ugly parking lot with glittering lights and voracious capitalists.

Grant Piper

Tokyo, Japan