

Council Chambers
March 3, 2008 7:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw (arrived at 7:05 p.m.), Piper, Salisbury and Wettstein

Staff Present: Ms. T. Sinclair, Assistant City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development & Parks Planning; Mr. A. Hearne, Senior Development Planner, Ms. K. Nasswetter, Planner; Mr. R. Philips, Transportation Planning & Development Engineering Manager; Mr. P. Cartwright, General Manager of Economic Development Services; Mr. J. Mairs, Economic Development Project Manager; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Hofland declared a possible pecuniary interest with regards to 35 & 40 Silvercreek Parkway because she owns property in the area and did not discuss or vote on the matter.

The Mayor provided information with respect to the meeting format. She also advised that because the 35 & 40 Silvercreek Parkway South application is before the Ontario Municipal Board, there is not a decision to be made, but rather a position to be taken regarding the application.

35 and 40 Silvercreek Parkway South

Mr. S. Hannah, Manager of Development & Parks Planning outlined information with respect to this application. He reviewed the boundaries of the property and the current Official Plan and Zoning designations. The applicant is requesting to change the Official Plan designation from Industrial to Community Commercial (with 450,000 sq ft commercial space) and an Open Space. The applicant appealed to the Ontario Municipal Board in July of 2007 regarding Council's failure to make a decision within 120 days. There was a pre-hearing meeting to identify the participants to be involved in the process. A second pre-hearing date has been set for June and prior to that time,

City staff will need to review new material, hold their public meetings, and Council will need to establish its position. He stated that the application has been revised to address major changes of access and size. He also advised that additional studies have been submitted regarding environmental impact, parks and trails feasibility, traffic impact, stormwater management, underpass drainage design, urban design and sustainability and they are actively being reviewed by staff and agencies.

He summarized the issues that are being reviewed by staff including conformity with various policy documents; as well as addressing concerns with the scale, traffic impacts, compatibility issues, and consideration of alternative designs. Economic considerations and environmental impacts are also being reviewed. The proposed park is generally supported but concerns regarding access and trail connections need to be resolved.

He then outlined the next steps which would be staff review of new material, a future council meeting to establish a position on the application and then a second OMB pre-hearing meeting on June 12, 2008. He explained how the public can get involved and advised that they are trying to get an evening OMB hearing date set to allow for more public participation.

Council requested information on the monitoring wells and possible contamination and would like staff to address the access of the portion of the land being proposed for parkland.

Staff stated that the property will need to be free of contaminants before it is accepted as a park and they were directed to provide a report on all associated costs including costs to establish access to the park and maintenance.

Mr. Michael Spaziani, architect for the applicant, was present to provide information on this development. He stated there is a flood issue and believes their proposed development will resolve this issue. He confirmed that the property will be remediated. He stated that the park concept plan is designed to preserve the natural state, and provide connection points to the neighbourhoods. He suggested this could be a natural outdoor skating rink at nearly 2 acres, and would also provide emergency and service vehicular access. He outlined the setback requirements and grading issues. He stated that the developer believes there is a sufficient amount of

buffering from the neighbourhood and the largest retail structures are located in the least visible parts of the site and buffered with vegetation. He then provided information with respect to the layout of the property and the environmental initiatives they are incorporating into their development.

In response to questions, he stated that the developer may pay for the underpass, but it may be paid through development charges. He said the second storey use of the building along Silvercreek could potentially be offices but that is subject to market demands. He stated there is no residential plan at all at this time.

Mr. John Barrington, on behalf of the applicant, advised that the MTO has indicated there is a possibility that Paisley Road will go over the Hanlon with no direct access but will have ramps to provide access from Paisley to Silvercreek and they will be reviewing the various access options.

Mr. Steven Zakem, solicitor for the applicant, advised that they believed the application was not moving forward and wanted to get it started. He said they have tried not to be adversarial by agreeing to a second pre-hearing conference rather than insisting on a hearing date.

Mr. Peter Van Arden, on behalf of the applicant's engineer explained that there may be flooding from 1-2 ft during severe storms which was created by infrastructure overload and not the development. He said the GRCA have indicated they feel the development is technically feasible. It was suggested that the City could impose access to the park as a condition of the development agreement.

Mr. Mat Weston, representative of Fieldgate Properties, owner of property since 2006 stated they have held several public meetings and have refined their proposal based on comments from staff and the community. He addressed the issue of the underpass and said that it has been modified to include a safe crossing of the CN rail line. He stated they recognize that traffic and planning are also issues and advised the layout has been changed to address community concerns. He also stated that the current orientation of Silvercreek Parkway prohibits the big box stores from being closer to Hanlon as the community prefers and they believe the buildings are not obtrusive in their current location on the site.

He clarified they are pursuing this proposal and advised that if the proper market analysis is done, it could be

considered under the Commercial Policy Review. He advised that they believe their application is not required to comply with Places To Grow legislation because the application came in before the legislation was passed.

Mr. John Fitzsimons was present to raise issues regarding the traffic generated by the proposed development of the site. He outlined some scenarios based on big box retail and furniture stores to reflect various traffic patterns and volumes and summarized that the traffic impact will be substantial.

Mr. David Graham was present to request consideration to a park-and-ride railway station on the site. He would like to see a platform for the trains. He discussed potential rail connections to Waterloo and other inter-city services and believes this is an ideal location and it would not prevent the developer from developing the rest of the property.

Ms. Barbara O'Cleirigh, an area resident, was present to address traffic concerns. She does not believe this development is compatible with the neighbourhood character. She said she would like Council to consider the impact this large development will have on the area – especially in light of the high volume of vehicular traffic that would result.

Ms. Cynthia Bragg, an resident, expressed concern about impact on health that increased traffic will bring. She believes that the bottleneck at Edinburgh Road will be even more severe with 15-16 thousand cars per day travelling between Paisley Road and Waterloo Avenue. She stated the idling of the cars and increased traffic will lead to respiratory issues that would reduce life expectancy and increase cardiopulmonary diseases and put increased stress on the City's limited health resources. She believes that developing these lands so close to downtown and a residential neighbourhood is putting people at unnecessary risk. She would like the Smart growth principles to apply to this development.

Mr. Derek Hodge was present to express concern about increased traffic and its impact on the street. He stated that the proposed curbside parking will limit the traffic to one lane each way from the current two and it would create a severe back up. He stated concern that the roads within the development would become a drag strip. He also raised the issue of the noise levels of traffic – especially the squealing of trucks using engine brakes and gearing up noises. He believes there is not enough room for the recommended right turn lanes and

boulevards would have to be reduced which would situate the houses too close to the roadway. He stated that the development should be pedestrian-friendly.

Ms. Oshea Davidson, member of the Howitt Park Neighbourhood Residents Association stated that although the park is proposed, access is problematic and dangerous because it is framed by railway lines. She does not want the City to pay for contamination and suggested that clean up be a condition of the development agreement. She wanted to know how the applicant can request park zoning if the property does not meet the City's park criteria. She would like staff to determine what the accumulative cost to the City will be including establishing access and maintenance of the park.

Mr. Steve Hodge, was concerned over traffic congestion and its affect on children's health. He stated that pollution from idling of cars in a school area during peak period is dirtier than the air pollution in industrial centres. She said that the parked cars block the traffic flow and aggravates a lot of drivers and is certain that Paisley Road cannot support any further increase in traffic volume. He stated this neighbourhood needs to remain a sensible, sustainable walkable community.

Mr. Ron Foley, was present as a representative of the Howitt Park Neighbourhood Residents Association to address the proposed underpass. He would like information regarding the costs of the underpass including the estimated costs regarding relocation and rework of existing services. He suggested that the developer pays the whole amount. He said that the underpass will eventually become the City's responsibility to maintain and he would like to see an estimate of costs for maintenance, snow removal, sanding, and other related costs. He also stated that he believes approval would be required from the MTO and possibly CN and this should be obtained before the development goes any further. He requested further information from City staff regarding road closures and alternative routes while they build the underpass. He also raised concerns regarding traffic flow and gridlocks that would result from the construction and completion of the development.

Mr. Richard Gingerich, a long time resident in the area addressed the consequences of heavy traffic in the area and exhaust fumes. He advised it takes several minutes to get onto Paisley in a vehicle and it is difficult to cross as a pedestrian. He believes the increase in traffic will deteriorate the neighbourhood and people will move out

and there will be an increase in absentee landlords which he believes would lead to lower priced housing and less desirable tenants. He stated that the road would need widening to accommodate the increased traffic, yet the houses are too close to the road for this to be feasible. He does not see the logic of putting a big box store in the middle of a residential area.

Ms. Lynne Francis was present to address the environmental impacts of this development. She raised concerns regarding the increase of air pollution due to increase in traffic volumes; noise pollution due to engine brakes and beeping of trucks reversing; and an increase in light pollution due to parking lot and store lighting. She stated that the odour from the current business of port-a-potty storage has negatively affected values of the homes in the area and is unhappy that they are stored so close to the residents. She is concerned about covering such a large portion of the area with asphalt and the affects it would have on the flooding that occurs on the property as well as the loss of due to construction activities. She is also concerned about the increase on the carbon footprint and does not believe the development is conducive to walkers or bikers. She would like the City to reject the current proposal.

1. Moved by Councillor Beard

Seconded by Councillor Farrelly

That the meeting recess after the conclusion of the 35 & 40 Silvercreek Parkway application agenda item and resume Tuesday, March 4th, 2008 at 7:00 p.m.

Carried

Ms. Shannon Campeau was present to express concern about the incompatibility of the development with the neighbourhood. She cited the example of the storage of portable toilets close to the property line as being indicative of the applicant's disregard for compatibility.

Ms. Carolyn English was present to express concerns with respect to the compatibility of the proposed large scale store developments. She also expressed concern with respect to the glare and light pollution, the amount of asphalt, and the increase of traffic of both delivery vehicles and consumers.

Ms. Karen Moore was present to review the summary of the survey circulated at the public meeting held January 31, 2008. She highlighted some responses to the four questions. She stated she believes the developer should

be spending more time trying to develop a compatible use to this site.

Mr. Robert Fischer was present to state that the traffic volumes are not compatible with the neighbourhood and neither would the noise of engine brakes. He stated that there would be an increase in traffic congestion along the Hanlon, and with no bicycle lanes, safety would be a major concern. He also raised the concern of the two lanes being blinded by the sun. He raised the issue of increased costs to put in traffic lights, widen lanes, pay for installation and maintenance. He stated that the applicant is looking to put something unique to Guelph on this site so traffic from neighbouring cities would put added stress on the traffic levels.

2. Moved by Councillor Findlay

Seconded by Councillor Laidlaw

THAT the procedural by-law be suspended to allow the Council meeting to continue beyond 11:00 p.m.

Carried

Ms. Elinore Kent was present to state that the focus should be on the downtown core to ensure it will flourish. She suggested the site could be used for low income housing for mothers with children with a green garden area so they could grow their own vegetables to supplement their income. She stated the traffic on Waterloo Avenue is busy enough now and the City should not approve a development that would increase the traffic volume.

Mr. Paul Campeau was present to provide comments regarding the rezoning of the property. He believes the proposed development is inappropriate for this site. Because the neighbourhood is full of older homes, the site is less than 2 km from the downtown core, and the footprint is so large, he does not see the development as being suitable. He also raised financial concerns such as the accumulative long term costs to taxpayers in regard to light and noise pollution and the affect on property values? He does not see the benefit to the City. He was also concerned that this site would also allow overnight parking of RV's in the parking lot. He stated that any plan that is decided upon needs to fit into the existing neighbourhood. He also pointed out that the trend in commercial developments is turning towards smaller scale stores and does not want to see a large abandoned building left on the property in a few short years. He would like the City to create a zoning category to fit with the residential neighbourhood.

Ms. Mary Macleod, and Ms. Chantelle Boudreau were present to suggest an alternate model of development. They believe a contemporary model would favour pedestrian use and lessen the stress that commuter traffic brings to cities. They would like a mixed-use village concept put into place on the site.

Ms. Jacqueline Leslie was present to express concern with the development proposal stating that the big box discourages cyclists and pedestrians. She raised issues around the influx of traffic, devaluation of property, increased noise and air pollution. She believes the proposal does not take into consideration the sense of place, does not promote a safe, walkable environment and it impacts negatively on the aesthetics of the surrounding properties.

Ms. Adrienne Corning, on behalf of the Guelph Civic League, was present to ask Council not to support the current proposal for the site. She stated that she believes city residents are lacking the opportunity, knowledge and resources to fully understand the planning process. She would like the City to take leadership in a collaborative process with citizens, developers and staff. She does not believe this development meets Guelph's plans.

Mr. Lee Phillips, on behalf of the Guelph Bible Conference Centre, was present to express concerns with the development. He advised the Conference Centre hosts children and family camps during the summer months and conferences throughout the winter and rely on the peacefulness they currently experience. He stated they believe the development would cause the destruction of the privacy and quiet of the property and could adversely affect future bookings. He stated that the bulk of their facilities would be within 25-30 metres from a large commercial building and the accompanying lighting and noise of air conditioning and heating structures would disrupt the peace of the camp. He also agreed with other delegates that the increased traffic would be detrimental to the neighbourhood.

Ms. Susan Watson was present to express concern that the developer has already filed with the OMB. She requested detailed information regarding density and phasing policies. She also advised that she believes that this development does need to comply with Places to Grow and requested City's legal Council to determine if Places to Grow applies. She advised this property was rejected as a commercial node during the Commercial Policy Review process and the City should not retract

their decision. She urges Council not to approve this development and believes the OMB hearing is worthwhile to hold up the integrity of the City's Official Plan.

Ms. Marion Steele, an urban economist, believes Guelph's industrial tax rate is too high and believes it should be reduced. She said that an industrial land owner can improve his property value by getting a zone change. She would like the land kept as an industrial use zone. She believes the population projections used in the applicant's report are too high and would like to see accurately revised numbers for the OMB hearing. She believes the report uses Cambridge numbers to show Guelph needs, and is not taking out Guelph shopper numbers when doing their calculations. She also believes the report does not address shopping where you work or enough information regarding scattered retail in Guelph. She would like a detailed assessment completed. She stated the development should locate in one of the current commercial nodes.

Mr. Ben Bennett was present to request Council to reject the development plan. He stated that this site was not approved as a commercial node during the Commercial Policy Review. He believes the underpass should be removed from the plan and the Big Box stores should be located on the west part of the site and leave the east side as a park or a neighbourhood-friendly retail development. He also believes the issues with other developers should be resolved before it goes any further.

Ms. Susan Ratcliffe was present to provide some historical background with respect to the area. She stated there is a heritage of housing, recreation and industry in the area. She asked Council to vote against the development and maintain the heritage character of the neighbourhood.

Mr. Hugh Whiteley was present to state that he believes that any development on the property should respect the effects it would have on the surrounding neighbours. He believes the current proposal imposes too much a burden on the neighbouring area and the applicant needs to find a more suitable use. He stated that vehicle access should encourage use of the Hanlon Expressway as much as possible and believes this could be accomplished by rerouting the Wellington to Hanlon access ramp to a lower elevation. He stated that restoration of a baseflow of Silver Creek is a key component to providing care for the natural environment.

Mr. Chris Corosky, on behalf of Armel was present to express opposition to the proposal. He stated this

proposal will severely limit Armel's ability to develop their approved commercial property at Paisley & Elmira and would prevent the west end from attaining its proposed purpose of commercial hub. He advised they have retained a market consultant to understand the impacts of the Lafarge development and have been advised it is not needed or warranted for Guelph and would replace approved commercial nodes. The underpass would particularly negatively affect their property at Paisley and Silvercreek. He advised that any users on this site could be accommodated on other available approved sites that would not have the adverse traffic impacts. He stated that the Comprehensive Commercial Policy review recognized Armel properties as a node but not the Lafarge lands and he would like the City to stand by their previous position.

Ms. Madeleine Webb was present to express concern about the increase in big box stores, and drawing consumers away from the downtown core.

Mr. Paul Hay, a member of the Burdock Collective, was present to urge Council to consider the effect on the environment that this development will have. He would like to see restoration of the environment or leave the property as is.

Mr. Hannah summarized the issues that staff will be addressing on this application.

- Traffic impacts – appropriateness of roads to accommodate, cut throughs, paying for widening, health related issues
- Underpass – who should pay, overall costs, feasible, maintenance, and input from CN and MTO
- Park – feasibility study, access/connections, costs, issue of contaminants, usability of the park as it relates to flooding
- Alternative designs – offices, residential village concepts, go transit
- Policy documents – applicability of Places to Grow, Intensity and density growth.

3. Moved by Councillor Billings
Seconded by Councillor Burcher

Mr. J. Riddell

THAT Report 08-25 dated March 3, 2008 regarding an application for an Official Plan amendment and Zoning By-law amendment for 35 and 40 Silvercreek Parkway South from Community Design and Development Services be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (12)
VOTING AGAINST: (0)

Councillor Hofland declared a pecuniary interest and did not vote or speak on this matter.

Carried

Council recessed at 12:50 a.m., March 4, 2008 to be reconvened at 7:00 p.m. March 4, 2008.

Council reconvened the Council Planning Meeting of March 3, 2008 in the Council Chambers in formal session at 7:00 p.m., Tuesday, March 4, 2008

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury and Wettstein

Absent: Councillors Burcher and Laidlaw

Staff Present: Ms. T. Sinclair, Assistant City Solicitor; Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development & Parks Planning; Mr. A. Hearne, Senior Development Planner; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

340 Clair Road East

Mr. Al Hearne, Senior Development Planner, provided information with respect to this application. He explained that the owners have asked to subdivide the subject property. The development will create 93 single detached residential lots; a cluster townhouse/apartment block ranging from 75 to 120 dwelling units, a Separate Elementary School site and an open space landscape feature which will become part of the common element condominium landscape features that has been established in an earlier phase. He advised that the owner wishes to rezone the lands to Specialized Residential Zones and an Institutional Zone to allow for the development to take place.

In response to questions, Mr. Jeff Robinson, representative of Westminister Woods advised that higher densities are being considered in the next phases with similar units and more mid-rise products and cluster townhomes in order to exceed the Places to Grow targets. He advised they are also looking toward adding retail in the future phases.

4. Moved by Councillor Billings

Seconded by Councillor Hofland

Mr. J. Riddell

THAT Report 08-21 regarding a Proposed Draft Plan of Residential Subdivision and associated Zoning By-law Amendment for approval of Phase 4 of the Westminister Woods East Subdivision applying to property municipally known as 340 Clair Road East, City of Guelph, from Community Design and Development Services dated March 3, 2008, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)
VOTING AGAINST: (0)

Carried

348 Crawley Road

Mr. Al Hearne, Senior Development Planner advised that the applicant proposes to amend the zoning on the subject property from the existing Urban Reserve Zone to the Industrial Zone. He stated the subject lands are a small part of the owners Southgate Industrial Business Park application for draft plan of subdivision and zoning bylaw amendment. This portion is being brought forward separately to be used for land assembly involving the subject property and 995 Southgate Drive and will accommodate the construction of the distribution warehouse facility. He also advised that the Committee of Adjustment has given the necessary approvals with conditions to move this application forward while protecting the stone heritage house. He advised that there are conditions in place to allow the stone heritage building to be moved whenever the owner is ready to do so.

There is a minor change in the zoning amendment since the application was first received but it still allows for industrial land use, manufacturing and warehousing. He advised that no further notice is required at this time as the intent of the zoning has not changed and the balance of the Southgate Industrial Subdivision application will return to Council for a decision in the future.

Ms. Astrid Clos advised that the rezoning is a condition of a purchase of sale so there is a timing issue. She provided further information on the taxes for this property as a whole. She assured Council that the storm water management is part of the site plan control and is a part of the draft plan conditions. She advised there are discussions regarding LEEDs initiatives. She also advised Leslie Marlow, the applicant, was present to answer questions.

Mr. Whiteley was present to raise issues with respect to the recharge of water on the property. He believes it is feasible to maintain the quality and quantity of the recharge to groundwater and would like to see this as a condition of redevelopment on the property. He would also like to have green roof technology as a requirement of the development of the property.

Mr. Leslie Marlowe, owner, wanted to assure Council that the recharge will remain on site and during the site plan review the recharge will be addressed. He agrees that a portion of the roof being dedicated to green roof technology would be a great idea but does not feel the whole roof would be the best solution.

Council was advised that the area to the north of the site was subject to an environmental impact study and storm water management study that dealt with ground water recharge and staff anticipates an effective large groundwater system to be installed.

Staff stated that they would like to review the green roof issue further before placing it as a requirement of the development and they are currently pursuing green building initiatives.

Mr. Marlowe advised that the development of the property is still well within the limitations placed on the property.

Staff advised they will ensure that the berm vegetation/ plantings will be of a compatible nature to promote their chances of survival.

5. Moved by Councillor Wettstein
Seconded by Councillor Billings

Ms. A. Clos
Mr. J. Riddell
Dr. J. Laird
Mr. P. Cartwright
Mr. B. Stewart
Ms. L.E. Payne
Mr. D. McCaughan

THAT the application by Industrial Equities Guelph Corporation for a Zoning By-law Amendment from the UR (Urban Reserve) Zone to the B.1 (Industrial) Zone affecting property municipally known as 348 Crawley Road and legally described as Part 2, Plan 61R10107, Concession 7, formerly Township of Puslinch, City of Guelph, be approved in accordance with the uses and regulations set out in Schedule 2 of the Community Design and Development Services Report 08-18 dated March 3, 2008;

AND THAT Guelph City Council has determined that no further public notice is required in respect of the proposed zoning bylaw amendment to the B.1 (Industrial) Zone, (File 23T-06503/ZC0617) in accordance with Section 34(17) of The Planning Act.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

BY-LAWS

5. Moved by Councillor Farrelly
Seconded by Councillor Bell
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2008)-18513 to (2008)-18514, inclusive.

Carried

The By-laws were read a first and second time at 8:16 o'clock p.m.

6. Moved by Councillor Piper
Seconded by Councillor Hofland
THAT Council now go into Committee of the Whole to consider the by-laws.

Carried

Council went into Committee of the Whole on By-laws Numbers (2008)-18513 to (2008)-18514, inclusive.

7. Moved by Councillor Kovach
Seconded by Councillor Hofland
THAT the Committee rise and report the by-laws passed in Committee without amendment.

Carried

At 8:18 o'clock p.m., the Committee rose and reported By-laws Numbered (2008)-18513 to (2008)-18514, inclusive, passed in Committee without amendment.

6. Moved by Councillor Findlay
Seconded by Councillor Bell
THAT By-laws Numbered (2008)-18513 to (2008)-18514, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 8:19 o'clock p.m.

ADJOURNMENT

The meeting adjourned at 8:20 o'clock p.m.
Minutes read and confirmed March 25, 2008.

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Mayor

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Deputy Clerk