



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday, September 14, 2015 at 6:00 p.m.**

Attendance

Council: Mayor C. Guthrie
Councillor P. Allt
Councillor B. Bell
Councillor C. Billings
Councillor C. Downer
Councillor D. Gibson
Councillor J. Gordon

Councillor J. Hofland
Councillor M. MacKinnon
Councillor L. Piper
Councillor M. Salisbury
Councillor A. Van Hellemond
Councillor K. Wettstein

Staff: Mr. D. Thomson, Deputy CAO, Public Services
Mr. T. Salter, General Manager, Planning, Urban Design & Building Services
Ms. S. Kirkwood, Manager of Development Planning
Mr. D. Mast, Associate Solicitor
Mr. M. Witmer, Development Planner II
Mr. C. DeVriendt, Senior Development Planner
Ms. T. Agnello, Deputy Clerk
Ms. D. Black, Council Committee Coordinator

Also Present: Ms. C. Van Andel, Consultant

Call to Order (6:00 p.m.)

Mayor Guthrie called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Downer
Seconded by Councillor Gibson

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2)(b) and (f) of *the Municipal Act*, with respect to personal matters about an identifiable individual and litigation or potential litigation.

CARRIED

Closed Meeting (6:03 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

**CON-C-2015.30 Ontario Municipal Board Appeal – 171 Kortright Road West
Zoning By-law Amendment – Ward 5**

Staff direction was given regarding the Ontario Municipal Board Appeal – 171 Kortright Road West Zoning By-law Amendment – Ward 5.

CON-C-2015.31 CAO Performance Appraisal Process

Council received information regarding the CAO Performance Appraisal Process.

Rise and recess from Closed Meeting (7:05 p.m.)

Open Meeting (7:10 p.m.)

Mayor Guthrie called the meeting to order.

Closed Meeting Summary

The Mayor provided a summary of the matters addressed in the closed meeting:

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Presentations

Mayor Guthrie congratulated Abby Richardson for receiving the 2015 Offensive Player of the Year for the Ontario Ringette Association, being selected to represent Canada at the 2016 World Ringette U21 Championships and being the first overall draft pick in the National Ringette League. He also highlighted Abby's numerous other achievements.

Alex Chapman, the City's United Way 2015 Campaign Manager provided an overview of the proposed fundraising activities and announced the goal for 2015.

Consent Agenda

The following items were extracted:

- CON-2015.34 Ontario Municipal Board Hearing – 171 Kortright Road West
Zoning By-Law Amendment (File: ZC1413) – Ward 5**
- CON-2015.35 129 Elmira Road South and 963 to 1045 Paisley Road
Proposed Zoning By-Law Amendment (File: ZC1502) –
Ward 4**

2. Moved by Councillor Hofland
Seconded by Councillor Allt

That the balance of the September 14, 2015 Consent Agenda as identified below, be adopted:

CON-2015.36 Wyndham Street Reconstruction from York Road to the Bridge at the Speed River

1. That the tender of Network Sewer and Watermain Ltd, Cambridge be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1514 for the Wyndham Street Reconstruction from York Road to the Bridge at the Speed River for a total tendered price of \$2,111,047.04 with actual payment to be made in accordance with the terms of the contract.

CON-2015.37 Proposed Demolition of 4 Picadilly Place – Ward 5

1. That Report 15-77 regarding the proposed demolition of one (1) single detached dwelling at 4 Picadilly Place, legally described as Plan 613, Lot 87; City of Guelph, from Infrastructure, Development and Enterprise dated September 14, 2015, be received.
2. That the proposed demolition of one (1) detached dwelling at 4 Picadilly Place be approved.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of all existing trees on or adjacent to the property, to the satisfaction of the City's Environmental Planner, prior to commencing demolition, site alteration or construction.
4. That if tree removal is anticipated, the applicant be requested to prepare and submit a Tree Preservation Plan undertaken by an arborist and provide tree compensation to the satisfaction of the General Manager of Planning, Urban Design and Building Services and prior to undertaking activities which may injure or destroy trees.
5. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
6. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

CON-2015.38 Proposed Demolition of a Portion of 210 Edinburgh Road North – Ward 3

1. That Report 15-78 regarding the proposed demolition of one (1) single detached dwelling at 210 Edinburgh Road North, legally described as Plan 23 Part Lot 105 Part Lot 106 Registered Plan 61R1434 Part 3; City of Guelph, from Infrastructure, Development and Enterprise dated September 14, 2015, be received.

2. That the proposed demolition of one (1) detached dwelling at 210 Edinburgh Road North be approved.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of all existing trees on or adjacent to the property, to the satisfaction of the City's Environmental Planner, prior to commencing demolition, site alteration or construction.
4. That if tree removal is anticipated, the applicant prepare and submit a Tree Preservation Plan undertaken by an arborist to the satisfaction of the General Manager of Planning, Urban Design and Building Services and prior to undertaking activities which may injure or destroy trees.
5. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
6. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

**CON-2015.39 Proposed Demolition of a Portion of 29-37 Yarmouth Street
– Ward 1**

1. That Report 15-79 regarding the proposed demolition of a three (3) unit addition to a listed heritage building at 29-37 Yarmouth Street, legally described as Plan 8, Part of Lot 89 and Part of Lot 90; City of Guelph, from Infrastructure, Development and Enterprise dated September 14, 2015, be received.
2. That the proposed demolition of a three (3) unit addition to a listed heritage building at 29-37 Yarmouth Street be approved.
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of the existing street tree adjacent to the property, to the satisfaction of the City's Environmental Planner, prior to commencing demolition.
4. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any work occurring.
5. That the applicant should contact the Ministry of Natural Resources and Forestry (MNRF) regarding potential chimney swift and associated habitat on the site and specific requirements under the Endangered Species Act, 2007 (ESA).
6. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

7. That the applicant be requested to retain a demolition contractor that has proven experience with older construction methods and heritage conservation standards.
8. That the applicant be requested to undertake the demolition in such a way that damage to the heritage attributes of the listed 3-storey building is avoided or minimized.
9. That the applicant be encouraged to salvage two (2) existing front window heads (each has three cut stone elements – a keystone and side voussoirs) in the Yarmouth Street elevation of the single-storey structure for possible re-use on the property.

CON-2015.40 Proposed Demolition of 33 Arkell Road – Ward 6

1. That Report 15-76 regarding the proposed demolition of one (1) single detached dwelling at 33 Arkell Road, legally described as Concession 8 Part Lot 7; City of Guelph, from Infrastructure, Development and Enterprise dated September 28th, 2015, be received.
2. That the proposed demolition of one (1) detached dwelling at 33 Arkell Road be approved.
3. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law to the satisfaction of the General Manager of Planning, Urban Design and Building Services prior to undertaking activities which may injure or destroy regulated trees.
4. That the applicant erect protective fencing at one (1) metre from the dripline of any existing trees to be retained on the property or on adjacent properties to the satisfaction of the City's Environmental Planner prior to commencing demolition, site alteration and construction activities.
5. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any work occurring.
6. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.
7. That the applicant be requested to consult with the City's Senior Heritage Planner regarding the potential salvage and re-use of material of heritage value (such as heavy timbers and stone) in the development.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Planning Public Meeting

Mayor Guthrie announced that in accordance with The Planning Act, Council is now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to the planning matters listed on the agenda.

41 Woodlawn Road West Proposed Zoning By-law Amendment (File: ZC1508) – Ward 3

Mr. Donegani, Development Planner, explained the applicant is requesting to rezone the property from “Specialized Service Commercial” to the “Specialized Community Shopping Centre”. The amendment would involve adopting smaller minimum lot area, lot frontage, side yard and gross floor areas to allow the existing structure. A Change to the off-street parking ratio from 1 space for every 18 square metres to 1 space for every 23 square metres is being proposed to match the adjacent SmartCentres. They are also requesting the current uses for auto service and repair be allowed under the new zoning until such time as the site is redeveloped.

Ms. Nancy Shoemaker, on behalf of the applicant advised the zoning amendment is being requested for potential future leasing of the property should the current tenant vacate.

3. Moved by Councillor Bell
Seconded by Councillor Billings

That Report 15-68 regarding a proposed Zoning By-law Amendment application (File: ZC1508) submitted by Black, Shoemaker, Donaldson and Robinson Limited on behalf Sherrill Becker to allow a broader range of commercial uses on the property municipally known as 41 Woodlawn Road West, and legally described as Part Lot 5, Registered Plan 169, City of Guelph, from Infrastructure, Development and Enterprise dated September 14, 2015, be received.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

200 Chancellors Way Proposed Zoning By-law Amendment (File: ZC1506) – Ward 5

Mr. DeVriendt, Senior Development Planner explained the property is a vacant parcel of land on University property. The amendment will rezone the site from the current “Specialized University of Guelph and Guelph Correctional Zone” to a “Modified Specialized University of Guelph and Guelph Correctional Centre Zone” to permit a Medical Clinic, Medical Office and Pharmacy as additional permitted uses. They are also requesting an adjustment to the Minimum Yard Setback and the removal of the reference to maintaining the pedestrian/cycling trail because the trail is being relocated.

Ms. Astrid Clos, on behalf of the applicant, clarified the trail location and noted they are working on buffer enhancements. She advised the property is pre-graded, a road and sidewalk are in place, and the property has been shovel-ready for ten years. They hope to have the building open in the spring with a small café, pharmacy, medical offices and clinic.

Dr. Hugh Whiteley, citizen, raised concerns that the woodland buffer is not meeting the 30 meter Provincial guidelines. He suggested the property be zoned to parkland and transferred to the City to provide more protection of the woodland and better trail connections. He raised concerns about groundwater recharge being negatively affected due to the parking plans and recommended reducing the number of parking spaces and utilizing innovative means to address drainage.

Staff will give consideration to the issues surrounding lighting, low impact development ideas, reduction of parking spaces, drainage and recharge in preparing final recommendations.

4. Moved by Councillor Hofland
Seconded by Councillor Billings

That Report 15-71 regarding a proposed Zoning By-law Amendment application (File: ZC1506) by Astrid J. Clos Planning Consultants on behalf of the University of Guelph to permit a Medical Clinic, Medical Office and Pharmacy as additional permitted uses on the property municipally known as 200 Chancellors Way and legally described as Lot 8, Concession 3, Division 'G' (formerly Township of Guelph), Part of Parts 10, 11, 24 and Parts 13, 14 and 26 of Reference Plan 61R-11937, City of Guelph, from Infrastructure, Development and Enterprise dated September 14, 2015, be received.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)
VOTING AGAINST: (0)

CARRIED

Extracted Items

**CON-2015.35 129 Elmira Road South and 963 to 1045 Paisley Road
Proposed Zoning By-Law Amendment (File: ZC1502) –
Ward 4**

The issues of on-site connectivity, pedestrian access, grading and drainage were raised and staff advised the site plan process will address the concerns. There will be ongoing analysis of traffic flow, however, a road widening and installation of a right hand turn lane will be completed as soon as feasible and traffic signals will be adjusted as warranted.

5. Moved by Councillor Billings
Seconded by Councillor Gibson

1. That the application by Walker, Nott, Dragicevic Associates Limited on behalf of Armel Corporation for approval of a Zoning By-law Amendment from the

"Specialized Community Shopping Centre with a 'Holding' Provision" (CC-24(H26)) Zone to the "Specialized Community Shopping Centre" (CC-24) Zone to permit the development of a home improvement retail warehouse establishment on the property municipally known as 129 Elmira Road South, and legally described as Part of Lot 6 Concession 1 Division 'B', and Part of the Original Allowance Between part of Lot 4 Concession 2 Division 'E' (Geographic Township of Guelph), City of Guelph, more specifically described as Part 23, Part 24 and Part 26 of Plan 61R-20091 and for approval of a Zoning By-law Amendment from the "Specialized Community Shopping Centre" (CC-6) Zone to the "Specialized Community Shopping Centre" (CC-26) Zone to reduce the maximum permitted commercial gross floor area (GFA) on the property municipally known as 963 to 1045 Paisley, and legally described as Block 1 Plan 61M-53, excluding Part 6 of Reference Plan 61R-10459, be approved in accordance with the conditions and zoning regulations in Schedule 1 attached hereto.

2. 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 the subject lands.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

6. Moved by Councillor Billings
Seconded by Councillor Salisbury

1. That staff be directed to explore opportunities for pedestrian and vehicular connection between Westhills Plaza and the West End Recreation Center.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

**CON-2015.34 Ontario Municipal Board Hearing – 171 Kortright Road West
Zoning By-Law Amendment (File: ZC1413) – Ward 5**

Ms. Michele Richardson, McElderry Residents' Community Inc. (MRCI), highlighted nine reasons for their objection to the proposal. The objections include: 1) the height is not in keeping with properties in the area; 2) the massing, design and orientation are out of character with the single detached homes; 3) there is no transition between the proposed six storey structure and neighbouring one and two storey dwellings; 4) the property is not part of an intensification corridor; 5) two major exemptions are being requested – a 30% increase in floor space index and a significant reduction in common amenity space; 6) safety issues as a result of vehicles entering and exiting the property; 7) parking on side streets would be an issue – especially in winter months; 8) the loss of institutional land ; and 9) nuisance issues such as noise, littering and 24 hour access to outdoor amenities that are adjacent to residential homes. She stated

the development should be located on a property designated for intensification and noted that OPA48 deems the property appropriate for low rise development. She requested Council oppose the appeal filed with the OMB.

Mr. Bruce Taylor, Citizens for Community, requested the City to establish a policy to retain Institutional zoned lands before they are all gone. He stated institutions are necessary for a balanced neighbourhood and is concerned that development dollars will override other factors when properties are being developed. He would like a requirement that other institutions be provided first opportunity to purchase institution zoned lands and asked Council to oppose the appeal.

Ms. Linda Davis, neighbourhood resident, stated she concurred with the two previous delegates. She stated the neighbourhood group has shown a sense of responsibility at personal expense and would like Council to oppose the appeal. She wants the property to remain zoned Institutional because it fills a need in the neighbourhood. She also thanked staff, Council and the neighbourhood group for their contributions to the process.

7. Moved by Councillor Piper
Seconded by Councillor Downer

1. That Report 15-66, regarding a proposed Zoning By-law Amendment for the property municipally known as 171 Kortright Road West, and legally described as Part Lot 3, Concession 7, Part Lot 1 61R-2475 Geographic Township of Puslinch, City of Guelph from Infrastructure, Development and Enterprise dated September 14, 2015 be received.
2. That Council not support the application, as currently proposed, by GSP Group Inc. on behalf of HIP Developments Inc. to rezone the subject lands from the I.1(Institutional: Educational, Spiritual, and Other Services) Zone to an R.4A-? (Specialized General Apartment) Zone to permit the development of a six (6) storey, 81-unit apartment building on the property municipally known as 171 Kortright Road West, and legally described as Part Lot 3, Concession 7, Part Lot 1 61R-2475 Geographic Township of Puslinch, City of Guelph for the reasons set out in Report 15-66 dated September 14, 2015 from Infrastructure, Development and Enterprise.
3. That Council authorize appropriate City Staff, advisors and consultants to participate in, and report back to Council on, further discussions and/or mediations, if any, involving the parties to the Ontario Municipal Board proceedings to consider any modifications to the proposed development and planning documents, including additional technical information, provided that any such modifications address the outstanding concerns set out in this report.
4. That Council hereby directs and authorizes its legal counsel, appropriate staff and consultants to attend the Ontario Municipal Board hearing, and any related Ontario Municipal Board proceedings, with respect to this matter, in support of its position as set out in these resolutions.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)

VOTING AGAINST: (0)

CARRIED

Motion

8. Moved by Councillor Downer
Seconded by Councillor Billings

That the issue of loss of sites suitable for “faith-based institutions” be referred to the Infrastructure, Development & Enterprise Committee to examine needs, supply or any further recommendations and report back with the scoping for the process.

First Amendment

9. Moved by Councillor MacKinnon
Seconded by Councillor Allt

That the issue of loss of sites suitable for “**community-based institutions**” be referred to the Infrastructure, Development & Enterprise Committee to examine needs, supply or any further recommendations and report back with the scoping for the process.

VOTING IN FAVOUR: Councillor MacKinnon (1)

VOTING AGAINST: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

DEFEATED

Main Motion

10. Moved by Councillor Downer
Seconded by Councillor Billings

That the issue of loss of sites suitable for “faith-based institutions” be referred to the Infrastructure, Development & Enterprise Committee to examine needs, supply or any further recommendations and report back with the scoping for the process.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, Piper, Salisbury, Van Hellemond and Wettstein (12)

VOTING AGAINST: Councillor MacKinnon (1)

CARRIED

By-laws

11. Moved by Councillor MacKinnon
Seconded by Councillor Van Hellemond

That By-laws Numbered (2015)-19946 to (2015)-19961, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Guthrie, Councillors Allt, Bell, Billings, Downer, Gibson, Gordon, Hofland, MacKinnon, Piper, Salisbury, Van Hellemond and Wettstein (13)
VOTING AGAINST: (0)

CARRIED

Mayor's Announcements

The Mayor addressed the results of the Municipal Election Compliance Audit and issues that were raised through the process: particularly third party donation regulations and the role and scope of the Compliance Audit Committee. He advised that the Governance Committee and Council will have an opportunity to provide input when the Provincial review results are provided to municipalities.

The Mayor noted that the Syrian refugee crisis will be addressed by Council at the September 28th Council meeting. He stated that the Federation of Canadian Municipalities is requesting each Ontario municipality to donate \$100 and the Federal government will match up to one hundred million. He challenged everyone to consider how they and the City could assist the refugees.

Adjournment (9:20 p.m.)

12. Moved by Councillor Hofland
Seconded by Councillor Allt

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on October 26, 2015.

Mayor Guthrie

Tina Agnello, Deputy Clerk

129 Elmira Road South and 963 to 1045 Paisley Road Proposed Zoning By-Law Amendment (File: ZC1502) – Ward 4

Recommended Conditions and Zoning Regulations

PART A: PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed through site plan approval and a site plan agreement with the City registered on title for 129 Elmira Road South:

1. The Developer will phase the development of the subject lands to the satisfaction of the City.
2. The Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan(s), indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
3. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for environmental, hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
4. Prior to site plan approval, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
5. Prior to site plan approval, the Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports as requested by the General Manager/City Engineer:
 - i) The Traffic Addendum Letter submitted in July 2015 shall be revised to the satisfaction of the General Manager/ City Engineer prior to Site Plan Approval of the home improvement retail warehouse establishment (Lowe's);
 - ii) A geotechnical report certified by a Professional Engineer that analyzes the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - iii) A detailed stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;

iv) A detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction.

6. The Developer shall pay to the City the actual cost of the following items as determined by the General Manager/City Engineer prior to site plan approval of the Lowe's development:

Staging Traffic Infrastructure/Reconstruction

- Site entrance works including but not limited to utility relocations, drive entrances and flares, curb/gutter, sidewalk and boulevard restoration.
 - Design and construction of a 30m southbound right turn storage lane on Elmira Road for the primary driveway connection to Lowe's, subject to finalization during intersection design.
 - Design and construction of signalized intersection at the primary driveway connection to Lowe's, subject to traffic review per 5 (i).
 - Design and construction of Paisley Road W road improvements to bring it to a full urban cross-section including but not limited to correcting the vertical realignment.
 - Improvements to the Elmira Road/Paisley Road intersection as required.
7. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan and stormwater management system for the site, satisfactory to the General Manager/City Engineer.
8. The Developer grades, develops and maintains the site, including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer 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 stormwater management system was approved by the City and that it is functioning properly.
9. Prior to any development of the lands and prior to any construction on the lands for Phase 2, the Developer shall deed to the City free of all encumbrances a 5.182-metre (maximum) wide parcel of land for a road widening (Part 25 of Reference Plan 61R-20091) across the north side of the Paisley Road frontage where the right-of-way property is less than 30m.
10. Prior to any development of the lands and prior to any construction on the lands for Phase 2, the Developer shall deed to the City free of all encumbrances a 5.182-metre (maximum) wide parcel of land for a road widening (Part 27 of Reference Plan 61R-20091) along the south side of the Paisley Road frontage (to accommodate Paisley Road reconstruction west of Elmira Road) where the right-of-way property is less than 30m.

11. Prior to site plan approval, the Developer shall apply to the City Solicitor to lift part of the 0.3m reserve on Block 10, 61M-53 for future accesses.
12. Prior to any development of the lands and prior to any construction on the lands for Phase 2, the Developer shall deed to the City free of all encumbrances a 0.30m reserve along the Paisley Road frontage from the existing 0.30m reserve (Block 9, 61M-53) to the westerly limit of the property.
13. Prior to any development of the lands and prior to any construction on the lands, the Developer shall have an Ontario Land Surveyor prepare a reference plan identifying the 0.30m reserve.
14. The Developer shall pay to the City the actual cost of constructing, installing or removal of any 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 General Manager/City Engineer.
15. The Developer shall have all easements for private services and rights-of-way for mutual vehicular access between Phase 1 and Phase 2 lands registered on title, prior to site plan approval.
16. The Developer 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 site plan approval.
17. That all electrical services to the lands are underground and the developer 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 site plan approval.
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. That prior to site plan approval, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.
20. Prior to site plan approval, a revised Urban Design Brief shall be submitted and approved to the satisfaction of the General Manager of Planning, Urban Design and Building Services. The revised Urban Design Brief shall address comments contained in the memo dated March 17, 2015 provided by the City's Senior Urban Designer.
21. Prior to site plan approval, the site plan shall meet the criteria outlined in the Urban Design Policies of the Official Plan related to Mixed Use Areas and the Urban Design Concept Plan for the Paisley/Imperial Mixed Use Node to the

satisfaction of the General Manager of Planning, Urban Design and Building Services.

22. Prior to site plan approval, the Developer shall pay cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.

23. Prior to a future site plan approval for the smaller commercial buildings located on 129 Elmira Road South, the Developer shall provide lands fronting on a public street for the purposes of a public art or cairn installation reflecting the site's heritage as the former "Mitchell Farm" to the satisfaction of Heritage Guelph and the General Manager of Planning, Urban Design and Building Services, in keeping with Council Resolution on the demolition of the Mitchell Farmhouse on September 6, 2005.

AND

PART B: ZONING REGULATIONS

The property affected by the Zoning By-law Amendment application is municipally known as 129 Elmira Road South and legally described as Part of Lot 6 Concession 1 Division 'B', and Part of the Original Allowance Between part of Lot 4 Concession 2 Division 'E' (Geographic Township of Guelph), City of Guelph, more specifically described as Part 23, Part 24 and Part 26 of Plan 61R-20091.

PROPOSED ZONING

The following zoning is proposed for the subject property:

Through this application, the 'Holding' provision that currently applies to this property shall be removed.

CC-24 (Specialized Community Shopping Centre) Zone

In accordance with Section 6.2 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 6.2.1.2 and Section 6.2.3.2.24.1 of Zoning By-law (1995)-14864, as amended, with the following additional permitted **Use**:

- **Home Improvement Retail Warehouse Establishment**

The following definition shall apply in the CC-24 Zone:

A "**Home Improvement Retail Warehouse Establishment**" shall mean a Building where a full range of home furnishings and home improvement products are displayed, stored and sold in a Warehouse format. Such products may include but are not limited to a combination of furniture, appliances, electrical fixtures, lumber and building supplies, hardware, carpets and floor coverings, home decor items, landscape and garden supplies, and plumbing fixtures.

Regulations

In accordance with Section 6.2.2 and Section 6.2.3.2.24.2 of Zoning By-law (1995)-14864, as amended, with the following exceptions, deletions and additions:

Minimum **Front** and **Exterior Side Yard**

The following shall be added to Section 6.2.3.2.24.2.2: the minimum **Front** and **Exterior Side Yard** setbacks to the **Home Improvement Retail Warehouse Establishment** shall be 40 metres.

Off-Street Parking

The following shall be added to Section 6.2.3.2.24.2.6: A total of 356 **Parking Spaces** shall be provided for the **Home Improvement Retail Warehouse Establishment**.

Maximum **Gross Floor Area**

Section 6.2.3.2.24.2.4 shall be deleted in its entirety and replaced with the following: Despite Table 6.2.2, Row 10, the maximum commercial **Gross Floor Area** shall be 14,500 m².

Maximum **Building Height**

Despite Table 6.2.2, Row 8, the maximum **Building Height** for the **Home Improvement Retail Warehouse Establishment** shall be 14 metres.

Maximum **Retail Establishment Size**

Section 6.2.3.2.24.2.5 shall be deleted in its entirety and replaced with the following: The maximum **Gross Floor Area** of any individual **Retail Establishment** in this Zone shall be 10,000 m².

Severability Provision

Section 6.2.3.2.24.2.8 shall be deleted in its entirety and replaced with the following: The provisions of this By-law shall continue to apply collectively to the whole of the lands identified on Schedule 'A' as CC-24, despite any future severance, partition or division for any purpose.

AND

The property affected by the Zoning By-law Amendment application is municipally known as 963 to 1045 Paisley Road, and legally described as Block 1 Plan 61M-53, excluding Part 6 of Reference Plan 61R-10459, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for the subject property:

CC-26 (Specialized Community Shopping Centre) Zone

In accordance with Section 6.2 of Zoning By-law (1995)-14864, as amended.

Permitted Uses

In accordance with Section 6.2.1.2 of Zoning By-law (1995)-14864, as amended

Regulations

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

Maximum **Gross Floor Area**

Despite Table 6.2.2, Row 10, the maximum **Gross Floor Area** shall be 20,851m².