

Council Chambers
October 3, 2011 7:00 p.m.

A meeting of Guelph City Council

Present: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge

Absent: Councillors Laidlaw and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Dr. J. Laird, Executive Director, Planning & Building, Engineering and Environment; Mr. J. Riddell, General Manager of Planning and Building Services; Ms. T. Agnello, Acting City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

The Mayor congratulated Ms. Ann Pappert on her appointment as the CAO and wished her well with her new position.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

Councillor Guthrie declared a potential pecuniary interest with respect to 39-47 Arkell Road and 1408 Gordon Street: Proposed Zoning By-law Amendment (File ZC1006) – Ward 6 because he has a business relationship with one of the property owners.

CONSENT AGENDA

The following items were extracted from the October 3, 2011 Consent Agenda to be voted on separately:

- A-1 - Hanlon Creek Business Park Subdivision (File 23T-03501) Request for an Extension of Draft Plan Approval – Ward 6
- A-2 - 1820 Gordon Street South – Proposed Zoning By-law Amendment (File ZC1108) Ward 6
- A-3 - 781-783 Wellington Street West: Proposed Zoning By-law Amendment (File ZC110) Ward 4

1. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT the items from the October 3, 2011 Council Consent Agenda as identified below, be adopted:

a) 340 Eastview Road – Morning Crest Subdivision

Remainder of Phase 2 (File 23T-04501) Request for an Extension of Draft Plan Approval – Ward 2

Mr. P. Link
Dr. J. Laird
Mr. J. Riddell

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

AND THAT the application by Almondale Homes Limited for a two (2) year extension to the Draft Plan Approval of the remainder of Phase 2 of the subdivision at 340 Eastview Road (23T-04501) applying to lands legally described as Part of Lot 6, Concession 5, Division C, City of Guelph, be approved to an extended two (2) year lapsing date of October 3, 2013, subject to the conditions contained in Schedule 2 of the Planning & Building, Engineering and Environment Report 11-84, dated October 3, 2011 attached hereto as Schedule 1.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

The Mayor announced that in accordance with The Planning Act, Council was 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 planning matters listed on the agenda.

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

Stacey Laughlin, Senior Development Planner advised that this is a revised zoning application and this is the second public meeting for this application. She advised the applicant proposes to rezone the site from I.1 (Institutional) and R.1B (Residential Single Detached) to a Specialized R.3A Townhouse Zone to permit the development of a 71 unit townhouse development. There will be stacked townhouses and cluster townhouses.

They are requesting specialized zoning regulations for the minimum lot frontage, minimum side and rear yard setbacks, maximum permitted building height and maximum density. She highlighted the changes the applicant has made to the initial application which includes:

- Removal of the apartment building;
- Reduction of Area of land being developed from 1.76 hectares to 1.55 hectares;
- Reduction of 83 units consisting of 19 apartment units, 42 stacked townhouses and 22 cluster townhouses to 71 units consisting of 60 stacked townhouses and 11 cluster townhouses;
- Change to Arkell Road access to a "right-in, right out" only;
- Increase in parking to comply with the zoning by-law; and
- Increase in the setback to neighbours on the east.

Staff were requested to:

- provide information regarding traffic study considerations;
- consider a broader site when reviewing the CEP;
- provide parking requirements information compared to other developments of this size.

Ms. Astrid Clos, on behalf of the applicant, addressed changes made to the plan. She advised they have had two informal public meetings with the neighbours. She reiterated the changes the applicant has made in response to previous concerns.

2. Moved by Councillor Findlay
Seconded by Councillor Burcher

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-86 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, and legally described as Part of Lot 7, Concession 8, City of Guelph, from Planning & Building, Engineering and Environment dated October 3, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, , Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

VOTING AGAINST: (0)

Councillor Guthrie did not participate in the discussion or vote on the matter due to his declared pecuniary interest.

Carried

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

Stacey Laughlin, Senior Development Planner advised that this is the second public meeting for this application. She provided details of the revised concept plan including:

- reduction of units from 12 to 11;
- increase in rear yard setback d from 0.84 metres to 3 metres;
- increase in landscaped open space s from 9/8% to 17% of the lot area;
- increase in lot area per dwelling d from 132 m² to 143m²; and
- reduction of the size of the accessory structure from 252m² to 173m².

She also advised that remediation and cleanup will be addressed but not through the zoning application.

Mr. Bernard Luttmer, the applicant, highlighted the proposed development which included:

- land dedication to the City;
- expansion of Marianne's Park;
- private roof top amenity areas;
- increased landscaped space;
- increased rear setback;
- larger and wider units;
- increased parking maneuverability;
- increased snow storage;
- increased privacy for neighbours; and
- parking out of view from the river and park.

He stated density and minimum lot area per unit is within the Official Plan parameters and that although the building height is considered four storeys, the top floor will be used for mechanical equipment and they will have mansard roofs compatible with the neighbourhood. He also advised that they now have 17 parking spaces which is three more than required. He stated the building placement was determined to optimize privacy for the existing residential neighbours and eliminating the sight of vehicles from Marianne's Park. He advised they will meet Energy Star standards. He believes the development is an appropriate redevelopment of a brownfield site within a built up area of the city and will benefit the community.

Mr. Oskar Johansson, a representative for the applicant, was present to answer questions.

Dr. Karen Balcom, stated that the revisions to the application have not addressed concerns previously expressed. She believes that separation from the park and river is required to safeguard riverlands values. The limitations on height and density required to meet the objective of the Official Plan and the River Systems Management Plan need to be examined. She raised the issues of the size of the in-fill, protecting the public park space; traffic and parking and the numerous zoning exemptions required to complete the development. She also was concerned about the angular plane being more than twice the size of what is permitted in the Zoning By-law. She requested clarification of the role of the River Systems Advisory Committee and would like to be advised of all advisory committee meetings or any type of public meeting regarding this application. She stated that although the parking meets the requirements under the Zoning By-law, she does not believe it will meet the actual need of the development and residents will park on nearby streets. She also raised the concern of pedestrian safety.

Mr. Dennis Jamieson, a nearby resident feels the development will exacerbate traffic issues of turning left onto Gordon Street. He stated that there is no guarantee the inhabitants will be professionals, or that the units will be bought and rented. He stated that the decrease of one unit is not a sufficient response to the neighbourhood concerns. He does not believe the parking will be sufficient and expressed concern about the large number of exemptions being requested from the Zoning by-law.

Dr. Hugh Whiteley advised he would like staff to address the following five issues:

- i) Evaluation of the proposal's conformity with the Official Plan with special emphasis on the character of development adjacent to the rivers and public open spaces;
- ii) Review of the requirement for street widening, and the feasibility of removing that requirement or nullifying this provision by a reduction in required setback from Gordon Street;
- iii) Examination of the implications on the required buffer for Marianne's Park of a future trailhead connection through Marianne's Park to a south bank Eramosa trail;
- iv) Examination of options for zoning the portion of 180 Gordon Street that is within the required 30m

of vegetated buffer to the river to determine a zoning that provides the required protection against disturbance of this buffer; and

- v) Determination of the buffer width required to protect the Significant Woodland on the east boundary of the site.

He then outlined some very site-specific items that need to be given serious consideration including:

- the property to the south requires privacy so no sight lines into the property should occur;
- the Significant Woodland on the east side of the property requires a buffer;
- Marianne's Park is vulnerable to being demeaned in quality by the adjacent buildings;
- the memorial park requires a respectful distance from development;
- a portion of 180 Gordon Street is within the 30m vegetated buffer of the Speed River under the Official Plan;
- the development will have a large influence on the visual perception of the Riverlands;
- there are specific setback and height restrictions because of the neighbouring park and river.

He stated this development is contradictory to the City's River System Management Plan. He believes the proposed development is too big, too close to the park, too high and too long a façade.

He stated that the following would be more appropriate for the site:

- three two-storey buildings with 8.75m frontage and 12.1m depth ;
- a 7.5m front yard setback from Marianne's Park
- a 7.5m buffer to the Significant Woodlot on the east boundary;
- a 3m buffer next to a 7m roadway at the southern boundary;
- parking with vegetated screening in the 7.5m spacing between the buildings.

Mr. Steven Petric, stated the proposal requests too many exemptions and would not require them if the development was a good fit with the neighbourhood. He stated that if the applicant lowered the density, the number of exemptions would also be lower. He suggested the development is too tall, the angular plane is doubled, and parking will insufficient. He believes the height of the building is detrimental to the purpose of the park.

Ms. Daphne Wainman-Wood, on behalf of OUNRA (Old University Neighbourhood Residents Association), advised their Executive Committee has reviewed the proposal and although there are some environmentally responsible

aspects such as a respective distance to the shelter, there are also negative components to the development. She advised the development is too dense and there is no requirement in the growth plan for such a high density. She stated that if there was a lower density, the traffic and parking issues would be addressed. She does not consider the units to be luxury housing and the building is too high to fit comfortably in the neighbourhood. She stated that the height is exacerbated by the angular plane which is more than double the maximum 40 degrees permitted. She also expressed concern about the 30m setback from the river not being honoured. She believes the project would set a bad precedent and does not support the application in its current form.

Ms. Judy Martin stated the members of the Sierra Club are concerned about the reduced buffer to the Speed River. She stated that a minimum buffer and setback from natural features was established by Official Plan Amendment 42 and the setback of 30 metres is not optional. With the northeast corner being only 21.9 metres, a reduction of 21% could be damaging. She stated that the Natural Heritage Strategy established by the City in 2010, stated that if there was a discrepancy between schedules of the Official Plan and the policy, the policy shall prevail. She stated that she understands the GRCA does not object to the buffer proposed; however, she believes they are only addressing flooding issues.

Ms. Christine Bold addressed the issue of protecting the park from encroachment. She stated that the park provides opportunity for residents to honour victims of violence and to reflect and grieve. She believes the activities of the park, including the annual "Take Back the Night" event would be threatened if this development occurs. She suggested that there may be an incompatibility between people feeling comfortable in their grief and contemplations within close proximity to the residents.

Staff were requested to:

- address Dr. Whiteley's five issues;
- provide examples of conflict of use from surrounding municipalities;
- provide comments on the growth targets for this site;

- explain why the 40% angular plane was established and why staff would or would not support the angular plane exemption for this development;
- address the impact the shadowing of the development will have on the park

3. Moved by Councillor Findlay
Seconded by Councillor Guthrie

Dr. J. Laird
Mr. J. Riddell

THAT Report 11-85 regarding a revised Zoning By-law Amendment application to permit the development of a townhouse project for the property municipally known as 180 Gordon Street, and legally described as Part of Lot A, Plan 302, City of Guelph, from Planning & Building, Engineering and Environment, dated October 3, 2011, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

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

Ms. Judy Martin inquired why the land was cleared if market conditions were an issue and the remediation would be delayed. She raised the concern that the clearing may already be affecting the temperature of the stream. She believes the five year extension is too long and will affect the soil stabilization, tree replacement and water stabilization. She also requested a status update on the phasing of the development.

Staff advised the remediation for phase two is expected to be completed by the end of October.

4. Moved by Councillor Bell
Seconded by Councillor Furfaro

THAT a one year extension be given for the Hanlon Creek Business Park Subdivision (File 23T-3501): Request for an extension of draft plan approval;

AND THAT staff work with the developer to accelerate the remediation of plantings.

VOTING IN FAVOUR: Councillor Bell (1)

VOTING AGAINST: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

Defeated

5. Moved by Councillor Piper
Seconded by Councillor Findlay

Mr. B. Luffman
Mr. S. Snyder
Dr. J. Laird
Mr. J. Riddell
Mr. P. Cartwright

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

AND THAT the application by The City of Guelph, Guelph Land Holdings Inc. and Stanford Robert Snyder, for a five (5) year extension to the Draft Plan Approval of the unregistered portion of the Hanlon Creek Business Park Subdivision (File 23T-03501) be approved to an extended five (5) year lapsing date of November 8, 2016, subject to the original draft plan conditions approved by the Ontario Municipal Board in its Decision/Order No. 3143, issued on November 8, 2006, attached hereto as Schedule 2.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillor Bell (1)

Carried

1820 Gordon Street South: Proposed Zoning By-law Amendment (File ZC1108) – Ward 6

Mr. Glenn Wellings, on behalf of the applicant stated that they are in support of the staff recommendation.

6. Moved by Councillor Wettstein
Seconded by Councillor Burcher

Mr. G. Wellings
Dr. J. Laird
Mr. J. Riddell
Mr. D. McCaughan
Ms. S. Aram

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

AND THAT the application by FCHT Holdings (Ontario) Corporation for approval of a Zoning By-law Amendment to amend the existing Specialized CC-20 (Community Shopping Centre) Zone by deleting Section 6.2.3.2.20.2.5

from the regulations (Maximum Building Size per building), be approved, as outlined in Schedule 3 attached hereto.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

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

Ms. Nancy Shoemaker, on behalf of the applicant addressed the concerns listed in correspondence received on this item. She advised that the driveway access will not interfere with the adjacent property owner's driveway and the fence will not encroach onto City property so will not affect site lines. She stated that there will be plantings and a wood privacy fence built to prevent car lights from projecting onto the adjacent property. She confirmed that there will be cutoff shields around the parking lot lights and they will be directed toward the property.

7. Moved by Councillor Findlay
Seconded by Councillor Dennis

Ms. N. Shoemaker
Dr. J. Laird
Mr. J. Riddell
Mr. D. McCaughan
Ms. S. Aram

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

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

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

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

BY-LAWS

8. Moved by Councillor Wettstein
Seconded by Councillor Bell
THAT By-laws (2011)-19275 to (2011)-19278, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 9:20 o'clock p.m.

Minutes read and confirmed October 24, 2011.

.....
Mayor

.....
Acting Clerk

Draft Plan Conditions

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

CITY CONDITIONS

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

Conditions to be met prior to grading and site alteration

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

8. The Developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environment Impact Study on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
9. The Developer shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which shows how stormwater will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
10. That the developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the subdivision agreement on the block/lot so disturbed.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.

Conditions to be met prior to execution of the subdivision agreement

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

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

Conditions to be met prior to registration

27. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan, or any part thereof.
28. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
29. Prior to the City accepting any real property interests, the Developer shall:
 - a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manger of Reality Services;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and
 - c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City.
30. That the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
31. That the **road allowances** included in the draft plan and the road widening Block 97 be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria - July 23, 1993" with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.
32. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
33. The Developer shall pay any **outstanding debts** owed to the City.

34. The Developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
35. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning & Building, Engineering and Environment, City Hall". Further, the signs shall be resistant to weathering and vandalism.
36. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
- "Purchasers and/or tenants of all lots are advised that **sump pumps** will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard."
 - "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Watson Parkway, Severn Drive and Street "A" within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
 - "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
 - "Purchasers and/or tenants of all lots or units in the area of 'stub roads' are advised that these roads are to be extended at some future date when the adjacent lands are developed."
 - "Purchasers and/or tenants of all lots or units are advised that the boundaries of the Walkway Block will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to lot numbers 84, 85, 59 and the most easterly unit in Block 94."

37. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
38. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
39. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
40. That Lots 14 and 15 shall be conveyed at the expense of the Developer to the City and held until Street "B" can be constructed and extended beyond the terminus of the road as shown on the Plan, or it is demonstrated that the Lots can be graded to final elevations to the satisfaction of the City Engineer. Lots 14 and 15 are still to be maintained by the Developer at his expense. The Developer shall ensure that this road does not have curb and asphalt until the road is extended beyond the terminus of the road as shown on the Plan. The Developer shall provide fencing and signage for the stub road block to the satisfaction of the City.
41. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning and Building Services that there are no restrictive covenants which restrict the use of clotheslines.

Conditions to be met prior to issuance of a building permit

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

46. The Developer acknowledges and agrees that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards in order to comply with the Community Energy Plan, to the satisfaction of the City.

AGENCY CONDITIONS:

47. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
48. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
49. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
50. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
51. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
52. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

53. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 48 has been satisfied.
54. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 49, 50 and 51 have been satisfied.
55. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 37 and 45 have been satisfied.
56. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 52 has been satisfied.
57. That this **Draft Plan Approval** shall lapse on October 3, 2013.

OMB Approved Conditions of Draft Plan Approval

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

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

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

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

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

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

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

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

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

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

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

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

Existing and Proposed Zoning (Regulations)

CC-20 Zone

1820 Gordon Street South

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

6.2.3.2.20.1 **Permitted Uses**

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

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

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

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

Art Gallery

Artisan Studio

Club

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant

Restaurant (take-out)

Retail Establishment

Vehicle Gas Bar

Veterinary Service

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.2.1.2 Community Shopping Centre - CC Zone

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

Amusement Arcade

Carwash, Automatic

Carwash, Manual

Commercial Entertainment

Commercial School

Funeral Home

Garden Centre

Public Hall

Recreation Centre

Rental Outlet

Tavern

Taxi Establishment

6.2.3.2.20.2 **Regulations**

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

6.2.3.2.20.2.1 Maximum Lot Area

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

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

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

6.2.3.2.20.2.3 Minimum *Building Height* Requirement

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

6.2.3.2.20.2.4 Maximum *Gross Floor Area*

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

~~6.2.3.2.20.2.5 Maximum *Building Size*~~

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

6.2.3.2.20.2.6 Off-street Parking

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

6.2.3.2.20.2.7 *Uses* Prohibited in Specific Locations

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

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

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

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

Regulations and Conditions

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

The following zoning is proposed:

Specialized R.4A (General Apartment) Zone

Permitted Uses

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

Regulations

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

Building Height

The maximum permitted building height shall be 4 storeys.

Location of Parking Spaces and Driveways

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

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

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

Minimum Parking Space Dimensions

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

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

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

Conditions

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

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that any proposed outdoor lighting will be low-level lighting that will not infringe upon adjacent properties.
2. Prior to the issuance of a building permit, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the chart attached as Schedule 6 to Report 11-88 from Planning & Building, Engineering and Environment dated October 3, 2011.
3. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
4. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to Site Plan Approval, at the rate in effect at the time of the issuance of a building permit.
5. The Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, at the rate in effect at the time of the issuance of a building permit.
6. That prior to the issuance of site plan approval for the lands, certification, satisfactory to the General Manager of Planning & Building Services and the General Manager/City Engineer, that the lands have been decommissioned, in accordance with the current edition of the Ministry of the Environment document entitled "Guideline For Use At Contaminated Sites In Ontario" and that the owner has filed a Record of Site Condition with the Ministry of the Environment.

7. That the owner pays the proportionate share of the actual cost of the existing roadworks and existing municipal services on Fife Road across the frontage of the lands. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.
8. That the owner pays the proportionate share of the actual cost of the existing roadworks and for the extension of the sanitary sewer along Wellington Street and along Fife Road to service the adjacent properties. Furthermore, the owner shall pay to the City the proportionate share of the estimated cost as determined by the General Manager/City Engineer, prior to site plan approval.
9. That the owner pays to the City the actual cost of the construction of a concrete sidewalk from Fife Road along the entire frontage of the property on Wellington Street. Furthermore, the owner shall pay to the City the estimated cost of the construction of a concrete sidewalk as determined by the General Manager/City Engineer, prior to site plan approval.
10. That the owner pays to the City the actual cost of constructing and installing any service laterals required including any curb cuts and/or curb fills, furthermore, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer, prior to site plan approval
11. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer
12. (a) Prior to site plan approval, the owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:
 - i) a traffic impact and operations report certified by a Professional Engineer covering all aspects of access and egress to the site and the effect of the development on the surrounding roads including recommendations with detailed cost estimates of the works recommended on the municipal roadways;
 - ii) a geotechnical report certified by a Professional Engineer that analyses the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
 - iii) a detailed stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines

- and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;
- iv) a detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;
 - v) a tree inventory and conservation plan, by a qualified professional in accordance with By-law (1986)-12229;
- (b) The owner shall be responsible for the actual cost to the City, as determined by the General Manager/City Engineer, of designing, constructing and installing any road or municipal service improvements recommended by the report outlined in subsection (a) i) of this clause. Furthermore, prior to site plan approval, the owner shall pay to the City, the City's estimate of the cost of designing, constructing and installing the roadworks and municipal service improvements recommended by the studies, plans and report outlined in subsection (a) i) of this clause.
- (c) The owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) ii) to (a) v) inclusive, of this clause.
13. That the owner grades, develops and maintains the site including the stormwater management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
14. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
15. Prior to site plan approval, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.

16. That the owner pays to the City the actual cost of construction of the new driveway entrance and the required curb cut, and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut, as determined by the General Manager/City Engineer.
17. That the owner constructs the new building at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
18. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service, prior to any construction or grading on the lands.
19. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
20. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
21. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
22. The Owner shall meet all the requirements of Guelph Hydro Electric Systems Inc., including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the issuance of site plan approval for the lands.
23. That the Owner shall complete any requirements of Canada Post including the provision of a centralized mail facility, at the owner's expense, prior to site plan approval.
24. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.