

Council Chambers  
November 5, 2012 7:00 p.m.

### **An Open Meeting of Guelph City Council**

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper (arrived at 7:30 p.m.), Van Hellemond and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Building, Engineering and Environment; Mr. T. Salter, General Manager, Planning Services; Ms. S. Kirkwood, Manager, Development Planning; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Council Committee Co-ordinator

### **DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

There were no disclosures.

### **Consent Agenda**

The following items were extracted from the November 5, 2012 Consent Agenda to be voted on separately:

- A-1 Brownfield Redevelopment Community Improvement Plan Update

1. Moved by Councillor Councillor Kovach  
Seconded by Councillor Furfaro

THAT the balance of the November 5, 2012 Council Consent Agenda as identified below, be adopted:

- a) **1141 Paisley Road: Proposed Zoning By-law Amendment (File: ZC1117) – Ward 4**  
THAT Report 12-96 regarding an application for a Zoning By-law Amendment to permit a commercial development applying to property municipally known as 1141 Paisley Road from Planning, Building, Engineering and Environment, dated November 5, 2012, be received;

AND THAT the application by Walker, Nott, Dragicevic Associates Ltd. on behalf of Armel Corporation, for a Zoning By-law Amendment from the UR (Urban Reserve), SC.1 (Service Commercial) and Rural Zones to the CC-? (Specialized Community Shopping Centre Zone, the CC-?(H?)

Ms. W. Nott  
Dr. J. Laird  
Mr. D. McCaughan  
Mr. A. Horsman  
Mr. T. Salter

(Specialized Community Shopping Centre Zone with a Holding Provision and P.1 (Conservation Lands) Zone affecting the property municipally known as 1141 Paisley Road, and legally described as Part Lot 6, Concession 1, Division "B", designated as Part 3, 61R9602 and Part 2, 61R8682; and Part Lot 4, Concession 2, Division "E", (formerly Guelph Township), designated as Part 3, 61R8682; and, Part of road allowance between Divisions B and E, (formerly Guelph Township), designated as Part 2, 61R9027, City of Guelph, be approved in accordance with the zoning regulations and conditions as outlined in Schedule 1 attached;

AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 1141 Paisley Road, as outlined in Report 12-96 from Planning, Building, Engineering and Environment, dated November 5, 2012.

b) **172 Niska Road: Zoning By-law Amendment (File: ZC1210) – Ward 6**

Ms. N. Shoemaker  
Dr. J. Laird  
Mr. D. McCaughan  
Mr. A. Horsman  
Mr. T. Salter

THAT Report 12-100 regarding a Zoning By-law Amendment for property municipally known as 172 Niska Road from Planning, Building, Engineering and Environment dated November 5, 2012 be received;

AND THAT the application made by Black, Shoemaker, Robinson & Donaldson Ltd. on behalf of Hira Custom Homes Inc. for approval of a Zoning By-law Amendment from the Urban Reserve (UR) Zone to the Residential Single Detached 'B' (R.1B) Zone affecting the property municipally known as 172 Niska Road and legally described as Part Lot 14, Concession 5, Township of Puslinch, AS IN RO731043, City of Guelph, be approved as outlined in Schedule 2 attached hereto;

AND THAT the request to demolish the detached dwelling at 172 Niska Road be approved;

AND THAT the applicant be required to erect protective tree hoarding at 1 metre from the dripline of the trees identified to be preserved on the Tree Preservation Plan prepared by the Landplan Collaborative Ltd. prior to commencement of demolition and maintain the fencing during demolition and construction activities;

AND THAT the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

Mr. A. Artinger  
Dr. J. Laird  
Mr. D. McCaughan  
Mr. A. Horsman  
Mr. T. Salter

c) **340 Clair Road East: Proposed Zoning By-law Amendment (File ZC:1210) – Ward 6**

THAT Report 12-99 regarding an application for a Zoning By-law Amendment to permit townhouses and apartments on Blocks A and B located at 340 Clair Road East, from Planning, Building, Engineering and Environment, dated November 5, 2012, be received;

AND THAT the application by Design Plan Services Inc. on behalf of Westminister Woods Ltd. for a Zoning By-law Amendment to change the zoning from the Agricultural (A) Zone according to the Township of Puslinch Zoning By-law 19/85 to a Specialized R.3A-x (Townhouse) Zone to permit cluster townhouses and a Specialized R.3A-y Zone to permit both townhouses and apartments for property legally described as Part Lot 10, Concession 8, former Geographic Township of Puslinch, municipally known as 340 Clair Road East, City of Guelph, be approved in accordance with the zoning and conditions outlined in Schedule 3 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 affecting 340 Clair Road East as outlined in Report 12-99 from Planning, Building, Engineering and Environment dated November 5, 2012.

Dr. J. Laird  
Mr. B. Poole

d) **Proposed Demolition of 81 Metcalfe Street – Ward 1**

THAT Report 12-101 regarding the proposed demolition of a detached dwelling at 81 Metcalfe Street, legally described as Part Lot 1 E of Eramosa Road, Division F, Township Of Guelph; Part Block B, Plan 405, as in MS68818, City of Guelph, from Planning, Building, Engineering and Environment dated November 5, 2012, be received;

AND THAT the proposed demolition of the detached dwelling at 81 Metcalfe Street be approved;

AND THAT the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings;

AND THAT the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

e) **Source Protection Program – Re-designation of Guelph’s Representative on the Lake Erie Source Protection Committee**

Dr. J. Laird

THAT Guelph City Council appoint the General Manager of Water Services as the City’s representative on the Lake Erie Region Source Protection Committee;

AND THAT Guelph City Council appoint the Risk Management Official as the City’s representative on the Lake Erie Region Source Protection Committee following Council’s consideration of the appointment of a Risk Management Official during the 2013 Budget deliberation process.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

**PLANNING PUBLIC MEETING**

Mayor Farbridge 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.

**331 Clair Road East: Proposed Official Plan and Zoning By-law Amendments (Files: OP1202/ ZC1211) – Ward 6**

Mr. Tim Donegani, Policy Planner, provided a brief synopsis of the application. He showed a concept plan and explained the zone changes being requested.

Mr. Hugh Handy, Associate and Land Use Planner, GSP Group, representing the applicant, Acorn Developments, provided site context, and explained the requested amendments. He advised of the consultations to date, and servicing issues and noted heritage preservation plans. He said that they have not given further consideration to connection to the larger trail system.

Mr. Pete Graham, Acorn Developments representative, provided information regarding the consultation with the abutting neighbours.

Mr. Glenn de Baeremaeker, consultant, said the owners support the intensification goals in principle, however, they are concerned about the lack of a comprehensive development plan with the surrounding properties. They requested a comprehensive development strategy be established for the entire property abutting Clair Road. He said the proponent has expressed no desire to discuss any changes to the development. He raised concerns regarding connectivity and the amenity area. He suggested the amenity area be made public parkland.

*Councillor Piper arrived at 7:30 p.m.*

Mr. de Baeremaeker, said the development is inappropriate because schools, parks, the community centre, and commercial shopping are all across a busy street. He said there needs to be traffic lights and sidewalks installed and paid for by the developer. He does not believe the proposed development is compatible with the adjacent built forms.

Mr. John Cox, consultant representing abutting neighbours, advised his clients want a comprehensive study completed. He said the proposal does not meet Section 7.2.7 of the Official Plan which addresses compatibility of design, character and orientation. He said the lack of plans to extend Tolton Drive limits connectivity and there is a need to conduct a secondary plan. He stated the application is premature and specific site plan issues such as buffering, amenity space location and servicing need to be resolved before anything is built.

Councillors would like staff to explore connectivity, and the possibility of using the heritage building as a public asset.

Dr. Hugh Whiteley, resident, stated he is pleased with the particulars of this development. He believes the site is most appropriate and will do the least damage to the Paris-Moraine. He noted the density and amenity area are

at acceptable levels. He said retention of the heritage property and saving 25% of the trees is commendable. He advised the onsite stormwater control by infiltration is a good fit but checking the overall balance of the water table would need to be monitored. He stated that connectivity to the trail system should be further explored and said that a comprehensive secondary plan should be a condition of approval.

Staff said that a Secondary Plan is currently within the 2013-2015 capital budget and will be addressed in the staff analysis when the report comes to Council.

There was discussion by Council requesting more information regarding traffic, parking, public transportation and compatibility issues. There was also a request to ensure roads are built to City standards so the City could assume the roads if desired. Staff were also encouraged to examine options regarding preserving and integrating the heritage property into the plans.

2. Moved by Councillor Kovach

Seconded by Councillor Wettstein

THAT Report 12-97 regarding applications for Official Plan and Zoning By-law Amendments, to permit the development of 60 cluster townhouse units and to permit a personal service establishment and office uses within an existing dwelling, applying to the property municipally known as 331 Clair Road East, and legally described as Part of Lot 11, Concession 8, Township of Puslinch, County of Wellington, from Planning, Building, Engineering and Environment, dated November 5, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

### **Brownfield Redevelopment Community Improvement Plan (CIP) Update**

Mr. Tim Donegani, Policy Planner, explained the purpose of the Brownfield Redevelopment Community Improvement Plan (CIP). He outlined the process to date and highlighted key revisions to the existing CIP since the draft in March. He also advised of the next steps of the program.

There was some discussion regarding criteria and obligations for grant recipients. under the CIP.

3. Moved by Councillor Burcher  
Seconded by Councillor Piper  
THAT Report 12-98 dated November 5, 2012 from  
Planning, Building, Engineering and Environment  
regarding the Proposed Brownfield Redevelopment  
Community Improvement Plan Update be received;

AND THAT The City of Guelph Brownfield Redevelopment  
Community Improvement Plan, approved on March 9,  
2004, and amended on July 28, 2008, be repealed;

AND THAT The City of Guelph Brownfield Redevelopment  
Community Improvement Plan, included as Attachment 1  
to report 12-98, be approved;

AND THAT the Delegation of Authority By-law (2010)-  
18935 be amended to incorporate the draft Schedule  
included as Attachment 2 to report 12-98.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis,  
Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper,  
Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Guthrie (1)

Carried

#### **BY-LAWS**

4. Moved by Councillor Laidlaw  
Seconded by Councillor Burcher  
THAT By-law Numbers (2012)-19484 – (2012)-19487 are  
hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis,  
Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper,  
Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

#### **ADJOURNMENT**

5. Moved by Councillor Furfaro  
Seconded by Councillor Hofland  
THAT the meeting of Guelph City Council of November 5,  
2012 be adjourned.

Carried

The meeting adjourned at 8:48 p.m.

Minutes to be confirmed on November 26, 2012.

.....  
Mayor

.....  
Deputy City Clerk



## **Recommended Zoning and Conditions**

The property affected by the Zoning By-law Amendment application is municipally known as 1141 Paisley Road and legally described as Part Lot 6, Concession 1, Division "B", designated as Part 3, 61R9602 and Part 2, 61R8682; and Part Lot 4, Concession 2, Division "E", (formerly Guelph Township), designated as Part 3, 61R8682; and, Part of road allowance between Divisions B and E, (formerly Guelph Township), designated as Part 2, 61R9027, City of Guelph.

### **PROPOSED ZONING**

The following zoning is proposed for 1141 Paisley Road:

#### **P.1 (Conservation Land) Zone**

In accordance with Section 9 of Zoning By-law (1995)-14864, as amended.

#### **CC-? Zone (Phase 1, northerly portion of the site)**

##### Permitted Uses

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

- Warehouse Membership Club
- Home Improvement Retail Warehouse Establishment

The following definitions shall apply in the CC-? Zone:

A "*Warehouse Membership Club*" shall mean a Retail Establishment engaged in the retailing to club members of a wide range of non-food items and services, in combination with a general line of food-related products, where the goods, wares, merchandise, substances or articles are displayed, stored and sold in a warehouse format. The warehouse format means a configuration where the floor area devoted to sales is integrated with the storage of things sold and is accessible to patrons of the Warehouse Membership Club.

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 décor items, landscape and garden supplies, and plumbing fixtures.

##### Regulations

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

##### Maximum Lot Area

Despite Table 6.2.2, Row 3, the maximum lot area shall be 130,000 square metres

##### Maximum *Gross Floor Area*

Despite Table 6.2.2, Row 10, the maximum commercial *Gross Floor Area* shall be 14,000 square metres.

#### 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*.

#### CC-?? (H??) (Phase 2, the southerly portion of the site, a separate specialized CC Zone)

#### Permitted Uses

Notwithstanding Section 6.2.1.2 of the Zoning By-law (1995)-14864, as amended following *Uses* are not permitted in this Zone:

- Carwash, Automatic
- Carwash, Manual
- Vehicle Gas Bar

#### Regulations

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

#### Maximum *Lot Area*

Despite Table 6.2.2, Row 3, the maximum *Lot* area shall be 130,000 square metres.

#### Maximum *Front and Exterior Side Yard*

Despite Table 6.2.2, Row 5, all *Buildings* located adjacent to Elmira Road or Paisley Road shall be located a maximum of 6.0 metres from the street line. Parking spaces and parking lot drive aisles shall not be permitted closer to the street line than the front face of buildings along both Elmira Road and Paisley Road.

#### Minimum *Building Height* Requirement

In addition to Table 6.2.2, Row 8, *Buildings* that front along Paisley Road and Elmira Road shall have the appearance of two (2) *Storey Buildings* and shall have a minimum height of 8.5 metres.

#### Maximum *Gross Floor Area*

Despite Table 6.2.2, Row 10, the maximum commercial *Gross Floor Area* shall be 12,000 square metres.

#### Maximum Retail Establishment Size

The maximum *Gross Floor Area* of any individual retail establishment in this zone shall be 3720 square metres.

#### 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*.

#### *Uses* Prohibited in Specific Locations

Drive-through *Uses* shall be prohibited from locating in Buildings along the Paisley Road or Elmira Road frontage of this property with the following exception:

A drive-through **Use** associated with a **Financial Establishment** at the corner intersection of Paisley Road and Elmira 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).

#### Severability Provision

The provisions of this *By-law (City of Guelph (1995)-14864)* shall continue to apply collectively to the whole of the lands identified on Schedule "A" as CC-?? (H??), despite any future severance, partition or division for any purpose.

#### **Holding Provisions for the CC-??(H??) Zone**

##### Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

##### Conditions:

1. That the zoning regulations for the lands at 963-1045 Paisley Road (the West Hills Plaza Lands) are revised to further limit the amount of retail space permitted in order to meet the requirements set out in the City of Guelph Official Plan regarding retail space capacity in the West End Node.
2. That the actual cost of the redesign and reconstruction of Paisley Road west of Elmira Road is secured to the satisfaction of the City Engineer.
3. That a site plan agreement is registered on title outlining conditions required in this zoning approval to this satisfaction of the City Engineer and the General Manager of Planning Services.

AND

#### **PROPOSED CONDITIONS**

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

1. The Developer will **phase the development** of the subject lands to the satisfaction of the City. For the purposes of these conditions, Phase 1 lands are generally the northerly half of the developable portion of the

site and Phase 2 lands are the southerly half of the site, as shown in Attachment 4 of Planning, Building, Engineering and Environment Report 12-96, dated November 5, 2012.

2. That 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 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.
  - a. That the site plans meets the criteria outlined in the urban design policies of the current Official Plan related to Mixed Use areas, Planning, Building, Engineering and Environment Report 12-93, dated September 17, 2012 regarding the Urban Design Concept Plan for the West End Mixed Use Node and the submitted Elmira West Retail Development Urban Design Brief and Addendums, to the satisfaction of the General Manager of Planning Services.
3. That the developer/owner shall **pay development charges** to the City in accordance with By-law Number (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 thereto.
4. Prior to site plan approval, the owner shall **pay to the City cash-in-lieu of park land dedication** in accordance By-law (1989)-13410, as amended from time to time, or any successor thereof.
5. 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.
6. 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 that may be requested by the General Manager/City Engineer:-
  - i) a **Traffic Review undertaken** after the completion of Phase 1 and prior to approval for Phase 2;
  - ii) a **geotechnical report** certified by a Professional Engineer that analysis 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;

7. The Developer shall **pay to the City the actual cost** of the following as determined by the General Manager/City Engineer:

7. **Staging Traffic Infrastructure/ Reconstruction**

- Phase 1 – Design and construct signalized intersection (Access B) providing access to the Costco development and Westend Recreation Centre including underground connections for future signal coordination at Access A.
- Phase 1 - Design and construct the bus lay-bys between Access A and B (northbound and southbound).
- Phase 1 – Design and construct a 30m southbound right turn storage lane on Elmira Road for Access B, subject to finalization during intersection design.
- Phase 1 – Design and construct Access C.
- Phase 1 and Phase 2 – Site entrance works including but not limited to utility relocations, drive entrances and flares, curb/gutter, sidewalk and boulevard restoration.
- Phase 2 – Design and construct a 30m southbound right turn storage lane on Elmira Road for Access A, subject to finalization during intersection design.
- Phase 2 – Design and construct signalized intersection at Access A, subject to traffic review per 4 (i).
- Phase 2 – Design and construct Paisley Road W road improvements to bring it to a full urban cross-section including but not limited to correcting the vertical realignment.
- Phase 2 – Design and construct site access to Paisley Road W and a 30m eastbound left turn storage lane on Paisley Road- Access D.
- Phase 2 – Improvements to the Elmira/ Paisley intersection as required.

Furthermore, prior to site plan approval of each applicable phase, the Developer shall pay to the City the estimated cost of the above noted items, as determined by the General Manager/City Engineer.

8. 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** for the site, satisfactory to the General Manager/City Engineer.

9. The Developer grades, develops and maintains the site including **the storm water management facilities** designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the 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 storm water management system was approved by the City and that it is functioning properly.
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** across the **north side** of the Paisley Road frontage where the right-of-way property is less than 30 m.
11. 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 along the **south side** of the Paisley Road frontage (to accommodate Paisley reconstruction west of Elmira Road) where the right-of-way property is less than 30 m.
12. Prior to any development of the lands and prior to any construction or grading on the lands, the Developer shall have an Ontario Land Surveyor prepare a **reference plan** identifying the road widening.
13. 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.
14. The Developer shall have **all easements** for private services and rights-of-way for mutual vehicular access between Phase 1 and Phase 2 on the subject lands, be registered on title, prior to site plan approval.
15. 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.
16. 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.
17. 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.

18. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for 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.
19. Prior to site plan approval, a **chain link fence** with a minimum height 1.84 metres must be installed and maintained along the northerly property line which abuts the CN railway lands.
20. Prior to site plan approval for the **Phase 1 lands**, the Developer shall provide the City with a detailed list of **energy efficiency measures** and evidence that the proposed commercial development will be constructed to the energy efficiency standard set out in Attachment 7 of Planning, Building, Engineering and Environment Report 12-96, dated November 5, 2012.
21. Prior to site plan approval for **Phase 2 lands**, the developer shall submit a detailed list of **energy efficiency measures** to be incorporated into the site development and buildings proposed to be constructed on the Phase 2 lands, to the satisfaction of the General Manager of Planning Services.
22. Prior to site plan approval for the Phase 2 lands, 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 Services, in keeping with Council Resolution on the demolition of the Mitchell Farmhouse on September 6, 2005.
23. That prior to site plan approval, the Developer shall **enter into an agreement** with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning Services and the General Manager/City Engineer, covering the conditions noted above.

## **Recommended Zoning and Conditions**

The properties affected by the Zoning By-law Amendment application are municipally known as 172 Niska Road and legally described as Part Lot 14, Concession 5, Township of Puslinch, AS IN RO731043, City of Guelph.

### **PROPOSED ZONING**

The following zoning is proposed for 172 Niska Road (as reconfigured by the proposed consent applications):

#### **Residential Single Detached 'B' (R.1B) Zone**

##### Permitted Uses

In accordance with the uses listed in Section 5.1.1 of Zoning By-law (1995)-14864:

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

##### Proposed Zoning Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995)-14864:

- 5.1.2 Within the Residential 1 (R.1) Zones, no land shall be Used and no Building or Structure shall be erected or Used except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Table 5.1.2, and the following:
- 5.1.2.1 Despite Row 7 of Table 5.1.2, where a Garage, Carport or Parking Space is not provided in accordance with Section 4.13.2.1, one Side Yard shall have a minimum dimension of 3 metres.
- 5.1.2.2 Despite any required Side Yard on a residential Lot, Carports shall be permitted provided that no part of such Carport is located closer than 0.6 metres to any Side Lot Line.
- 5.1.2.3 In the event that there is a transformer easement on a particular Lot, portions of the Single Detached Dwelling may be required to be Setback further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, Buildings or Structures located on Through Lots shall have a Setback the same as the nearest adjacent Main Building and in accordance with Section 4.24.



- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum Lot Frontage for a Corner Lot in a R.1D Zone shall be 12 metres.
- 5.1.2.6 Despite Row 4 of Table 5.1.2, the Lots located within Defined Area Map Number 66 of Schedule "A" of this By-law shall have a minimum Lot Frontage of the average Lot Frontage established by the existing Lots within the same City Block Face, but in no case less than 9 metres. Nothing in this section shall require the minimum Lot Frontage to be greater than the minimum Lot Frontage established in Table 5.1.2. Where the average Lot Frontage of the existing Lots on the Block Face cannot be determined, the minimum Lot Frontage shall be as indicated in Table 5.1.2.
- 5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum Front or Exterior Side Yard for dwellings located within Defined Area Map Number 66 of Schedule "A" of this By-law, shall be:
- i) the average of the Setbacks of the properties having Lot Frontage within the same City Block Face, provided a legal off-Street Parking Space is located entirely on the Lot. Where the off-Street Parking Space is located within a Garage or Carport, the Setback for the Garage or Carport shall be a minimum of 6 metres from the Street Line. Where the average of the Setbacks of the properties having Lot Frontage within the same City Block Face cannot be determined, the minimum Front or Exterior Side Yard shall be as indicated in Table 5.1.2;
  - ii) in accordance with Section 4.6 and 5.1.2.3; and
  - iii) in accordance with the *Ontario Building Code*, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to buildings.
- Where a road widening is required in accordance with Section 4.24, the calculation of the required Front or Exterior Side Yard shall be as set out in Section 5.1.2.7, provided that the required Front or Exterior Side Yard is not less than the new Street Line established by the required road widening.
- 5.1.2.8 Despite Row 7 of Table 5.1.2, properties Zoned R.1B or R.1C with Buildings over 2 Storeys located within Defined Area Map Number 66 of Schedule "A" of this By-law shall have a minimum Side Yard requirement of 1.5 metres.
- 5.1.2.9 Deleted.
- 5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a Building has a one Storey portion and a 1.5 to 2 storey portion, the required Side Yard shall be 1.5m from the Side Lot Line to the foundation wall of the

1 Storey portion and 2.4m from the Side Lot Line to the wall of the 1.5 to 2 Storey portion.

- 5.1.2.11 Where Lots have less than 12 metres of Frontage, the Garage is limited to a maximum of 55% of the Lot width (as measured at the Front Yard Setback).

**PROPOSED CONSENT CONDITIONS:**

The following conditions are provided as information to Council and will be imposed at the time consent applications are considered by the Committee of Adjustment to create two severed lots and one retained lot:

1. Prior to the issuance of building permits, the Owner shall provide the City with written confirmation that the dwellings 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 Services in accordance with the letter attached as Attachment 7 to Report 12-100 from Planning and Building, Engineering and Environment dated November 4, 2012.
2. The Owner shall be responsible for the payment of **cash-in-lieu of parkland** dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-Law (2007)-18225, or any successor thereof prior to the issuance of building permits.
3. The Developer will be required to pay the proportionate share of the actual costs of the existing **roadworks** and existing municipal **services** and any **street lighting** upgrades on Niska Road across the entire frontage of 172 Niska Road as determined by the General Manager/City Engineer, prior to any severance and prior to any construction and grading of the lands.
4. Prior to any severance and prior to any construction and grading of the lands, the Developer shall provide a complete "**sightline/vertical curve assessment**" report prepared by a professional engineer to determine whether sightline distances are sufficient for the proposed driveways.
5. Prior to any severance and prior to any construction and grading of the lands, the Developer shall be responsible for all of the costs associated with the **demolition** and removal of the existing dwelling from the property.
6. That prior to any severance and prior to any construction and grading of the lands, the Developer will be responsible to decommission the existing **septic system and private well** to the satisfaction of the City's Plumbing/Sewage System Inspector.
7. Prior to any severance and prior to any construction and grading of the lands, the Developer shall pay all of the costs associated with any removal of existing **cedar trees** on the road allowance that are located along the entire frontage of 172 Niska Road, to the satisfaction of the General Manager/City Engineer.

8. That the Developer pays the actual cost of constructing new **service laterals** to the proposed severed lands including the cost of any curb cuts or fills required, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to any severance and any construction and grading of the lands.
9. That the Developer enters into a **Storm Sewer Agreement**, as established by the City, providing a grading and drainage plan, registered on title, prior to any severance and prior to any construction and grading of the lands.
10. That the Developer pays the City the actual cost of construction of the concrete **sidewalk** from Ptarmigan Drive and across the entire frontage of 172 Niska Road, furthermore, prior to any severance and prior to any construction or grading of the lands, the Developer shall pay to the City the estimated costs associated with the construction of a concrete sidewalk from Ptarmigan Drive and across the entire frontage of 172 Niska Road as determined by the General Manager/City Engineer.
11. Prior to any severance and prior to any construction and grading on the lands, the Developer will be required to ensure that any **monitoring wells and boreholes** drilled for hydrogeological or geotechnical investigations are property decommissioned in accordance with current Ministry of Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.
12. Prior to any construction and grading of the lands, the Developer 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.
13. Prior to any construction or grading of the lands, the Developer 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.
14. That the Developer pays to the City the actual cost of construction of the **new driveway entrances** and the required curb cuts and furthermore, prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts, as determined by the General Manager/City Engineer.
15. That the Developer pays the actual cost associated with the **removal of the existing asphalt within the road allowance** from the area of the existing driveway entrances, the restoration of the boulevard with topsoil and sod including any required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to any construction or grading on the lands.
16. That 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 any construction and grading on the lands.
17. That with the exception of any pad-mounted transformers, all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for servicing of the lands, as well as provisions for any easements and/or rights of way for their plants, prior to any construction and grading on the lands.
  18. The Developer shall ensure that all **telephone** service and **Cable TV** service to 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, prior to any construction and grading on the lands.
  19. The Developer shall prepare an updated **Tree Preservation Plan and Compensation Plan** prior to endorsement of the deeds so as to adequately address tree protection for those trees being retained and compensation for those trees proposed to be removed, including ensuring that hedgerows are not impacted by any construction activities or building locations. The proposed sidewalk location is also to be shown on the updated Tree Preservation Plan, along with necessary protection measures.
  20. The Developer shall pay **development charges** to the City in accordance with By-law number (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 thereto, prior to issuance of any building permits.
  21. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, with such payment based on a cost of one handbook for each of the three new dwelling units as determined by the City, prior to the issuance of any building permits.
  22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deeds.
  23. Prior to any severance and prior to any construction and grading of the lands, the Developer shall enter into an **agreement** with the City, registered on title, satisfactory to the City Solicitor and General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

## **Recommended Zoning and Conditions**

The property affected by the Zoning By-law Amendment application is legally described as Part Lot 10, Concession 8, former Geographic Township of Puslinch, municipally known as 340 Clair Road East, City of Guelph (Phase 5, Part 2 of the Westminister Woods East Subdivision File# 23T-02502).

### **PROPOSED ZONING**

The following zones are proposed:

#### **'R.3A – X Zone (Block A)**

As shown on Defined Area Map Number 75 of Schedule "A" of this by-law.

#### **Permitted Uses**

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

#### **Regulations**

Despite Sections 5.3.2 and 5.4.2 of Zoning By-law (1995) - 14864, as amended, the following regulations shall apply:

##### **Minimum Dwelling Units**

A minimum of 52 Dwelling Units shall be constructed in this zone.

##### **Minimum Gross Floor Area (per unit)**

50 square metres

##### **Minimum Front Yard**

- (a) From a public street - 4.5 metres
- (b) From a private street - 4.5 metres from the nearest sidewalk
- (c) Buildings shall be setback from Clair Road a minimum of 6.0 metres.

##### **Maximum Block Coverage**

A maximum of 40% of the area in this zone shall be covered by buildings and structures.

##### **Minimum Common Amenity Area**

A minimum of 15m<sup>2</sup> per dwelling unit shall be provided and aggregated into areas of not less than 50 m<sup>2</sup>. Amenity areas shall be designed so that the length does not exceed 4 times the width.

##### **Minimum Landscaped Open Space**

A minimum of 30% of the area of this zone shall be provided.

Minimum Off-Street Parking for Each Dwelling Unit

Townhouse - 1.5 spaces

Frontage on a Street

Despite Section 4.1, access from a Building to a public street may be provided by way of a private street.

Maximum Number of Dwelling Units in a Row

The maximum number of dwelling Units in a row shall be 12 Dwelling Units.'

**'R.3A – Y Zone (Block B)**

As shown on Defined Area Map Number 75 of Schedule "A" of this by-law.

Permitted Uses

In accordance with Section 5.3.1.1 of Zoning By-law (1995) - 14864, as amended,

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

with the following additional permitted use:

- Apartment Building

Regulations

Despite Sections 5.3.2 and 5.4.2 of Zoning By-law (1995) - 14864, as amended, the following regulations shall apply:

Minimum Dwelling Units

A minimum of 170 Dwelling Units shall be constructed in this zone.

Minimum Number of Apartment Dwellings

A minimum of 108 Apartment Dwelling Units shall be constructed in this zone.

Minimum Gross Floor Area (per unit)

50 square metres

Minimum Front Yard

- (a) From a public street - 4.5 metres
- (b) From a private street - 4.5 metres from the nearest sidewalk
- (c) Buildings shall be setback from Clair Road a minimum of 6.0 metres.

Maximum Building Height

4 Storeys

Maximum Block Coverage

A maximum of 40% of the area in this zone shall be covered by buildings and structures.

Minimum Common Amenity Area

A minimum of 15m<sup>2</sup> per dwelling unit shall be provided and aggregated into areas of not less than 50 m<sup>2</sup>. Amenity areas shall be designed so that the length does not exceed 4 times the width.

Minimum Landscaped Open Space

A minimum of 30% of the area of this zone shall be provided.

Minimum Off-Street Parking for Each Dwelling Unit

Townhouse - 1.5 spaces

Apartment - 1.25 spaces

Frontage on a Street

Despite Section 4.1, access from a Building to a public street may be provided by way of a private street.

Maximum Number of Dwelling Units in a Row

The maximum number of dwelling Units in a row shall be 12 Dwelling Units.'

**AND**

**PROPOSED CONDITIONS**

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

1. The Owner shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully **detailed site plan**, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning 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.
2. Further, the Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be in general accordance and conformity with the **Owner's concept plans** attached as Attachment 7 to the November 5, 2012 Planning, Building, Engineering and Environment Report Number 12-99 (Site Plan, prepared by Design Plan Services Inc., Drawing 0112-302 dated August 23, 2012).
3. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the buildings on the subject lands 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 Services in accordance with the letter attached as Attachment 8 to the November 5, 2012 Planning, Building, Engineering and Environment Report Number 12-99.

4. The developer/owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The developer/owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** and any other subsequent phases required, to assess any real property to 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/owner's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.

If contamination is found, the developer/owner 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 developed and the proposed remedial action plan to the satisfaction of the City;
  - 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 developed 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 developed.
5. The developer/owner grades, develops and maintains the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the developer/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.
  6. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain **erosion and sediment control facilities**, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
  7. 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 City Engineer.
  8. The developer/owner shall pay to the City the actual cost of the construction of the **new access** and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access and the required curb cut.



9. The developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a **gravity connection** to the sanitary sewer.
10. The developer/owner shall arrange for a **Draft Reference Plan** to be submitted to City Legal Services for lifting of the 0.3 metre reserve in the areas of proposed accesses prior to site plan approval.
11. That all **telephone and Cable TV** service to the lands be underground and the developer/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.
12. That the developer/owner makes satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
13. That all electrical services to the lands are underground and the developer/owner shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
14. That the developer/owner shall pay **development charges** to the City in accordance with By-law Number (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 thereto.
15. 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 City Engineer.
16. 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. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developer's cost.
17. The Developer shall ensure that the height of any proposed **retaining wall** does not exceed 1.0 metre to the satisfaction of the City Engineer.
18. The Developer shall submit a **Noise Impact Study** to assess the impact of the adjacent traffic and future adjacent commercial block noise on the proposed development to the satisfaction of the Manager of Planning Services and implement the recommendations of the approved study to the satisfaction of the Manager of Planning Services.

19. The Developer shall place the following **notifications** in all offers of purchase and sale or lease for all lots and/or dwelling units and to be registered on title:

- i. 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, sumps pumps must be discharged to the rear yard.
- ii. (ii) if any fee has been paid by the purchaser to the Developer for the planting of trees on City boulevards in front or on the side of residential units does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling.
- iii. (iii) a transit route may be installed on Goodwin Drive 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.
- iv. (iv) prior to the completion of home sales, purchasers and/or tenants are to be advised 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.
- v. (v) Clair Road and Victoria Road may be used as a permitted truck route.
- vi. (vi) the Developer shall agree to eliminate the use of any covenants that would restrict the use of clotheslines and the Developer's lawyer shall certify to the Manager of Planning that there are no restrictive covenants which restrict the use of clotheslines.

20. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:

- a) "Purchasers and/or tenants of all lots are advised that the Stormwater Management Blocks have been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
- b) "Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."

- c) "Purchasers and/or tenants of all lots are advised that the Park Blocks have been designed for active public use and may include sportsfields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions."
21. 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.
22. 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 Services and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.