

Council Chambers
December 7, 2009

Council convened in formal session at 7:00 p.m.

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

Staff Present: Mr. J. Riddell, Director of Community Design and Development Services; Ms. A. Pappert, Director of Community Services; Mr. D. McCaughan, Director of Operations; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

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.

410 Clair Road East – Proposed Zoning By-law Amendment (File ZC0912) – Ward 6

Ms. Katie Nasswetter, Senior Development Planner advised the applicant is requesting to rezone a 1.2 hectare portion of the site along Clair Road East from the Specialized R.4A-34 zone to the I.1 (Institutional) zone to permit a religious establishment. She advised that someone has been distributing notices of the public meeting to properties outside the 120m circulation. She stated that the concerns raised to date include the following:

- whether there is enough parking;
- traffic volume and congestion;
- compatibility of the building structure;
- signage issues
- lighting; and
- noise.

She advised that staff will be addressing these issues as well as reviewing the accessory uses and urban design of the building.

John Valeriotte, on behalf of the applicant advised the Sikh Society had a public meeting at the end of last month. He stated the portion of land along Goodwin will stay residential as well as the lands to the immediate east. He stated that the applicant wishes to have a place to worship that is consistent with religious practices within the City. He said he believes the issue is lack of knowledge about the religion and not the actual building being proposed.

Dr. Ravi, representing the Sikh Society provided information regarding Sikhism to assure the public of their intentions and stated they wish to be a bigger part of the community. He advised they have been located on Stevenson Street since 1998 but need a larger site now. He provided the following information as well:

- the proposed building is designed to accommodate 400 people;
- they anticipate approximately 100-150 people on Sundays between 9:00 a.m. - 1:30 p.m.;
- the temple is for Guelph and is not regional;
- they intend to create green space and fields for children;
- they will provide landscaping;
- their kitchen is vegetarian with no alcohol served;
- there will be no noises such as chimes.

Bill Birdsell, architect for the applicant, provided information regarding the following:

- they are reviewing the best location for the building on the property;
- they plan to meet parking requirements;
- a second access would only be put in place to provide emergency access, and would be enhance pedestrian access;
- the building location respects the privacy of the rear yards of the neighbours;
- the building will have a drive-through canopy;
- the entrance will face Clair Road;
- the principal worship area will be on the raised main floor;
- the second floor would be for an office, library or other ancillary use to the religious function;
- the entrance is at grade to allow easy access;
- the domes are glass to allow natural light into the second floor and will be 11.6metres high;
- the building is designed to adhere to Sikhism and to blend with the City's masonry styles;

- environmentally friendly options will be considered;
- lighting will be directed away from adjacent properties.

Paul Kreutzwiser, a representative of the residents of Dominion Drive and Hall Avenue, requested that the public meeting be deferred because he believes proper signage and proper notice was not given. He advised a number of people wish to speak to the matter but were unaware of the meeting.

Adam Minnion, a local resident, stated he lives approximately 500 metres away but has seen no signage and believes the signage and notification has been inadequate. He advised their concerns revolve around the original zoning of the area being changed. He stated the numbers of parking spaces will not accommodate the number of expected attendees or the growth over the next 10-15 years. He believes people will park on the roadway and use the emergency access to walk in from the road.

Scott Hannah advised the City has gone beyond the minimum requirements for notice by mailing out notices, posting a sign on site and placing an advertisement in the newspaper.

Staff will consider the following:

- a comprehensive parking study of the facility usage and possible restrictions to be put in place;
- a review of the surrounding institutional zones;
- the need for a longterm care facility in the area and possible other usages under the current zoning.

1. Moved by Councillor Findlay
Seconded by Councillor Burcher

Mr. J. Riddell

THAT report 09-95 regarding a Zoning By-law Amendment for the property municipally known as 410 Clair Road East, City of Guelph, from Community Design and Development Services, dated December 7, 2009, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

5 & 7 Cambridge Street – Proposed Zoning By-law Amendment (File ZC0911) – Ward 3

Ms. Katie Nasswetter, Senior Development Planner advised the applicant is requesting a rezoning to recognize the existing semi-detached dwelling in order to allow the property to be severed into two separate parcels of land. She stated the property has legal, non-conforming status under the current zoning by-law.

2. Moved by Councillor Kovach
Seconded by Councillor Laidlaw

Mr. J. Riddell

THAT report 09-92 regarding a proposed Zoning By-law Amendment for the property municipally known as 5 and 7 Cambridge Street, City of Guelph, from Community Design and Development Services, dated December 7, 2009, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

150 Eastview Road (Grangehill Phase 7) – Proposed Draft Plan of Subdivision and Zoning By-law Amendment (File 23T-07501/ZC0703) – Ward 2

Scott Hannah, Manager of Development and Parks Planning advised this application is a revision to a previous submission in 2007 and the zoning change is being requested to implement the subdivision plan. He stated that the environmental impact study reviewed with the original application was supported and is very similar to the current proposal. He provided information regarding the access points and density requirements. He also advised that the Zilios would like the plans to consider possible future integration of their lands.

Staff will review the following:

- how to join the apartment block to the energy system and the possibility of District Heating;
- proposed access points, specifically parkland;
- suitability of the size of the parkette;
- integration of the lands on the west;
- the road end on the western perimeter and justification for the stub end roads;
- pedestrian access;
- access to the storm water management pond and drainage issues;

- opportunities for connectivity.

Mr. John Cox advised they originally submitted an application in 2005 and made revisions based on the input received at that time. He stated the park was relocated to provide open space access and that the street stubs help increase the density and allow development of flankage units, thus creating a better streetscape.

Mr. Julian Zilio advised his parents concerns have been addressed but they are still worried about trespassing. He advised they currently experience issues with drug use, trespassing, dirt biking, litter, and bush parties. He also stated that fires are a concern because the ground coverage is a peat and when the water table drops too much, there is smoldering. He believes the City needs to take this opportunity to see future development.

Mr. J. Riddell

3. Moved by Councillor Findlay
Seconded by Councillor Billings

THAT Report 09-91 regarding a Proposed Draft Plan of Subdivision and Zoning By-law Amendment for approval of a residential subdivision development applying to property municipally known as 150 Eastview Road, and legally described as Part Lot 3, Concession 5, Div 'C', City of Guelph, from Community Design and Development Services dated December 7, 2009, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

The following items were extracted from the December 7, 2009 Consent Agenda to be voted on separately:

- A-3 - Guelph Civic Museum: Approval to Award Contract
- A-4 – Traffic Operational Assessment – St. George's Square

4. Moved by Councillor Burcher
Seconded by Councillor Piper

THAT the balance of the December 7, 2009 Council Consent Agenda as identified below, be adopted:

Mr. A. Artinger
Mr. J. Riddell
Ms. M. Neubauer

a) **80 Frederick Drive – Proposed Zoning By-law Amendment (File ZC0903) – Ward 6**

THAT Report 09-99 regarding a proposed Zoning By-law Amendment to allow the development of two proposed single-detached R.1D lots on lands municipally known as 80 Frederick Drive, City of Guelph, being lands located in Phase 4 of the Westminister Woods East Subdivision (File 23T-02502), from Community Design and Development Services dated December 7, 2009, be received;

AND THAT the application by Westminister Woods Limited for approval of a Zoning By-law Amendment to rezone lands described as Part of Block 86, Registered Plan 61M-160, municipally known as 80 Frederick Drive, City of Guelph, from the existing Specialized R.3A-41(H) (Multiple-Residential Holding) Zone to the R.1D (Single-Detached Residential) Zone be approved in accordance with the uses, regulations and conditions outlined in Schedule 2 of the Community Design and Development Services Report 09-99 dated December 7, 2009, as attached hereto as Schedule A.

Ms. N. Shoemaker
Mr. J. Riddell
Ms. M. Neubauer

b) **2 Clough Crescent – Proposed Zoning By-law Amendment (File ZC0902) – Ward 6**

THAT Report 09-85 regarding a proposed Zoning By-law Amendment to permit the development of 11 on-street townhouse units and a 50 unit apartment building with specialized zoning regulations applying to property municipally known as 2 Clough Crescent, and legally described as Block 1 on Registered Plan 61M-156, City of Guelph, from Community Design and Development Services dated December 7, 2009, be received;

AND THAT the application (ZC0902) from Black, Shoemaker, Robinson & Donaldson Limited for approval of a Zoning By-law Amendment from the current Residential Apartment (R.4A) Zone to the Specialized On-Street Townhouse (R.3B-7) Zone and a Specialized Residential Apartment (R.4A-?) Zone affecting the property municipally known as 2 Clough Crescent, and legally described as Block 1 on Registered Plan 61M-156, City of Guelph, BE APPROVED in accordance with the permitted uses, regulations and conditions provided in schedule 2 of Community Design and Development Services report 09-85 dated December 7, 2009, as attached hereto as Schedule B.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

Traffic Operational Assessment – St. George’s Square

Mr. Lorenz Calcagno, on behalf of the Guelph Downtown Business Association advised of concerns regarding the walkability of the downtown core. He requested that Council refer the issue to committee to further examine options.

Mr. Charles Cares advised that all the downtown construction has had a negative impact on business and he believes the changes to the lights would be a positive change. He expressed concern about the removal of the free parking as well.

A request was made to vote on Clauses 4 and 5 separately.

- 5. Moved by Councillor Findlay
Seconded by Councillor Burcher

Mr. D. McCaughan

THAT the exclusive pedestrian/vehicle right-of-way signal phase operation in St. George’s Square be retained, with the timing modifications as detailed within Alternative 1, in Table to this report;

AND THAT staff review the exclusive pedestrian/vehicle right-of-way signal phase operation in St. George’s Square in conjunction with the completion of the construction of the new Transit terminal at the VIA/Carden Street location and report back to committee with the results of their review and recommendations regarding changes to the current traffic signal phasing;

AND THAT the existing No Right Turn on Red prohibition, from 7:00 a.m. to 9:00 p.m. daily, in St. George’s Square be modified to only prohibit right turns on red during the hours of 8:00 a.m. to 9:00 a.m., 11:30 a.m. to 12:30 p.m. and 3:45 p.m. to 4:45 p.m. daily.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

Mr. D. McCaughan
Councillor Hofland

6. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT a review of further enhancements to the traffic signalization of St. George's Square be referred to the Emergency Services, Community Services and Operations Committee with a report back to council by March 31, 2010.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

Mr. J. Riddell
Ms. A. Jamal
Mr. D. Corks

7. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT Community Design and Development Services staff be directed to communicate with the Guelph Downtown Business Association in consideration of the return to Main Street as it relates to the development of the downtown Secondary Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

Guelph Civic Museum: Approval to Award Contract

Murray McCrae, Manager of Corporate Property Services, and Ann Pappert, Director of Community Services, clarified items surrounding the contract and timing of the various stages of the Guelph Civic Museum project.

A request was made to vote on the clauses separately.

Ms. A. Pappert

8. Moved by Councillor Kovach
Seconded by Councillor Salisbury
THAT Report# CS-CU-0925, 'Guelph Civic Museum: Approval to Award Contract', dated December 7, 2009 be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

Ms. A. Pappert
Ms. M. Neubauer

9. Moved by Councillor Kovach
Seconded by Councillor Salisbury
THAT staff be authorized to award the general construction tender to Harbridge and Cross for the Guelph Civic Museum's project and to issue a Purchase Order and execute a contract with the successful bidder, with Mayor and Clerk authorized to sign all documents, subject to the satisfaction of the City Solicitor.

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

VOTING AGAINST: Councillors Bell and Billings (2)

Carried

Ms. A. Pappert
Ms. M. Neubauer

10. Moved by Councillor Kovach
Seconded by Councillor Salisbury
THAT staff continue to explore opportunities for alternative funding sources and partnerships in order to offset construction costs and to complete secondary components identified in the site plan.

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

VOTING AGAINST: Councillor Bell (1)

Carried

Ms. A. Pappert
Ms. M. Neubauer

11. Moved by Councillor Kovach
Seconded by Councillor Salisbury
THAT staff report back before the funding agreement is signed with options for the future use of the current Civic Museum and a revenue generating or revenue neutral business case.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

12. Moved by Councillor Burcher
Seconded by Councillor Billings

THAT By-laws Numbered (2009)-18913 to (2009)-18914, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge. (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 10:13 o'clock p.m.

Minutes read and confirmed December 21, 2009.

.....
Mayor

.....
Deputy Clerk

Schedule 2

Recommendation – Proposed Uses, Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 80 Frederick Drive legally described as Part of Block 86, Plan 61M-160, City of Guelph.

The following zoning is proposed: R.1D (Single-Detached Residential) Zone in accordance with the Zoning Bylaw as follows:

Section 5.1.1 **PERMITTED USES**

- *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

Section 5.1.2 **REGULATIONS**

Within the Residential R.1D *Zone*, no land shall be *Used* and no *Building* or *Structure* shall be erected or *Used* except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Section 5.1.2 and Table 5.1.2. that include the following:

Minimum Lot Area
275 m²

Minimum Lot Frontage
9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.

Maximum Building Height
3 Storeys and in accordance with Section 4.18.

Minimum Front Yard
6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.

Minimum Exterior Side Yard
4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.

Minimum Side Yard
1 to 1.5 Storeys
1.5 to 2 Storeys
Over 2 Storeys
0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.

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Schedule A
(continued)

Minimum Rear Yard

7.5 metres or 20% of the Lot Depth, whichever is less and in accordance with Section 5.1.2.4.

SCHEDULE 2

Regulations and Conditions

Specialized R.4A-? Zone

Permitted Uses

In accordance with the uses permitted by Section 5.4.1.1. (General Apartment Zone)

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.1 and Table 5.4.1 (General Apartment R.4A Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following additions and exceptions:

Required Number of Units

50

Minimum Rear Yard

6 metres

Maximum Height

4 storeys

Common Amenity Area

Despite Section 5.4.2.4.3, a common amenity area may be provided in the Front Yard or Exterior Side Yard

Underground Parking

A minimum of 50% of the required parking shall be provided underground

Maximum Exterior Side Yard Setback (Build-to Line)

A minimum of 90% of the apartment building face shall be located at a maximum exterior side yard setback of 6 metres from Arkell Road

Buffer Strips

A minimum 3 metre buffer strip shall be provided along the southerly and easterly boundary of the site

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 Director of Community Design and Development Services and the City Engineer, prior to the issuance of

- a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
- a. Further, the Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be generally in accordance with and conform to the Owner's concept plans attached as **Schedule 6** and **Schedule 7** to the December 7, 2009 Planning Staff Report Number 09-85 (Site Plan, prepared by BSRD Planning Consultants, Project 08-025, dated July 14, 2009).
 2. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
 3. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
 4. 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.
 5. Should the developer need to extend the City storm sewer along Colonial Drive, the developer shall obtain the necessary M.O.E. approvals and pay to the City the actual cost of designing, constructing and installing the storm sewer. Furthermore, prior to site plan approval, the developer will pay to the City the estimated cost of the storm sewer, as determined by the City Engineer.
 6. The owner shall construct 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.
 7. The developer shall pay to the City the actual cost of the construction of the new driveway entrance(s) and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
 8. Prior to issuance of a building permit, the owner shall provide the City with written confirmation that the apartment building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community

- Energy Plan in accordance with the letter provided by the Developer in **Schedule 9** and to the satisfaction of the Director of Community Design and Development Services. This includes an agreement that the 11 townhouse 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.
9. That the owner enters into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and report.