



AGENDA

GUELPH CITY COUNCIL

February 13, 2006 - 6:30 p.m.

- O Canada
- Silent Prayer
- Disclosure of Pecuniary Interest

PLANNING PUBLIC MEETING UNDER THE PLANNING ACT

Council is now in a public meeting under the Planning Act to deal with the following matters:

1. **WESTMINISTER MARKET** – proposed Official Plan Amendment and Zoning By-law Amendment for approval of a residential and commercial Draft Plan of Subdivision and associated Zoning By-law Amendment apply to lands municipally known as 1820 Gordon Street South t (File OP0401 / ZC0402)
 - Hugh Handy on behalf of Loblaws Property Ltd.
 - Steve Thompson on behalf of Loblaws Property Ltd.
 - Joanne MacKinnon
 - Jan Hall
 - John Beaton
2. **PERGOLA DRIVE-IN LIMITED** – proposed Residential and Commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-03507 / ZC9912)
 - Paul J. Nelson
3. **ALDO & LUIGIA GOEGAN**:- proposed Zoning By-law Amendment from the existing Urban Reserve UR Zone to a Specialized Residential Single Detached R.1B-? (H) Holding Zone for lands known municipally as 78 Eastview Road, legally described as Part Lot 2, Concession 5, Division “C” (File ZC0507)
 - John Valeriotte will be present to answer any questions
4. **165 DUNLOP DRIVE**:- proposed Zoning By-law Amendment (File ZC0112) from the I.2 (Institutional – Guelph Correction Centre) Zone to the B.4-4 (Industrial) Zone
 - John Valeriotte

5. **170 SOUTHGATE DRIVE**:- proposed Zoning By-law Amendment (File ZC0511) from the B.2 Industrial Zone to a specialized R.2-? Industrial Zone

- Rob Mullin

ADJOURNMENT



elph

Report:06-23

PLANNING AND DEVELOPMENT SERVICES PLANNING DIVISION

TO: Guelph City Council

DATE: 2006/02/13

SUBJECT: WESTMINISTER MARKET – Proposed Official Plan Amendment and Zoning By-law Amendment to permit a Mixed Use Commercial Development (File OP0401/ZC0402) – Ward 6.

RECOMMENDATION:

“That the applications by Westminister Woods Ltd. (File OP0401/ZC0402) for approval of an Official Plan Amendment (to replace the General Residential designation with a Community Commercial designation) and a Zoning By-law Amendment from the UR (Urban Reserve) Zone to a new, Specialized CC (Community Commercial) Zone, applying to lands municipally known as 1750 Gordon Street South, City of Guelph, to permit a mixed use commercial development, **BE APPROVED**, in accordance with the Recommendation outlined in **SCHEDULE 2 of the Planning and Development Services report dated February 13, 2006.**”

(The Staff recommendation for Council's consideration is outlined in **Schedule 2**).

SUMMARY OF APPLICATION

The applicant proposes to amend:

1. the Official Plan by replacing the General Residential designation with a Community Commercial designation and adding a policy after Section 7.4.14 that allows the subject lands to be developed at a maximum of 17,650 square metres (190,000 square feet) of gross leasable floor area for commercial land use.
2. the Zoning on the property from the UR (Urban Reserve) Zone to a new, Specialized CC (Community Commercial) Zone to permit a mixed use commercial development. (See Schedule 2).

Site Location: 1750 Gordon Street South (See **Schedule 1** - Location Map).

BACKGROUND:

The application applies to approximately 6.34 hectares (15.67 acres) of land legally described as Block 64, Registered Plan 61M-65, City of Guelph. The site is located at the northeast corner of Gordon Street South and Clair Road East and has approximately 285 metres (935 feet) of frontage on Gordon Street, 167 metres (548 feet) of frontage on Clair Road and 314 metres (1,030 feet) of frontage on Farley Drive. The land parcel was created in November 1999 as part of the Westminister Woods Subdivision and was identified on the draft subdivision plan as “future development” (See **Schedule 1** Location Map).

The site is vacant and is immediately abutting Westminister Woods Subdivision storm water management greenways to the north, Farley Drive to the east, Clair Road to the south and Gordon Street to the west. The predominant surrounding land use is mixed density residential subdivision in

A Great Place to Call Home

both the Clairfields Subdivision and the Westminster Subdivision. The Pergola private recreation centre and single-detached rural estate properties are located along Clair Road to the south (See **Schedule 1**). The lands immediately south of Clair Road at the intersection of Gordon Street are the subject of a draft plan of subdivision and rezoning application for service commercial and residential development.

REPORT

Official Plan Designations

The site is designated “General Residential”, with “Community Commercial Centre” at the intersection of Gordon Street and Clair Road. The site is also recognized as the northeast quadrant of the “South Guelph District Centre” boundary. (See **Schedule 3**).

The Community Commercial land use designation exists on the north side of Clair Road on both sides of Gordon Street. The Official Plan limits the size of the Community Commercial designation to a maximum of 10,000 square metres (108,000 square feet) of gross leasable floor area for all buildings within the specific designation. Official Plan Policy 7.4.24 requires impact studies in support of a request to expand a commercial centre.

Across from the subject site, the northwest corner of Clair Road and Gordon Street is currently designated and zoned for commercial purposes. A preliminary site plan application has been submitted for the northwest corner which illustrates 8,129 square metres (87,500 square feet) of commercial floor space. The remaining allowable commercial gross leasable floor area for the northeast corner (Westminster Market) is approximately 1,871 square metres (20,500 square feet) according to the Official Plan’s Community Commercial designation limit. **Schedule 3** illustrates the Official Plan’s current distribution of commercial floor space within the Community Commercial land use designation at this intersection.

South Gordon Community Plan (SGCP)

The South Gordon Community Plan was adopted by Council on March 15, 1999 with an administrative update approved on February 14, 2002. The SGCP was a formal public process used to identify policies that would guide and direct future development activity within the district or community generally bounded by Kortright Road to the north, Victoria Road to the east, Clair Road to the south and Gordon Street to the west. The approved land use concept for the study area is attached in **Schedule 4**. The existing Official Plan land use designations envisioned commercial land use at the intersection to complete the Community Commercial designation and the balance of the site for residential land use.

South Guelph District Centre Urban Design Study (SGDC)

The intersection at Clair Road and Gordon Street is also identified as the South Guelph District Centre in the Official Plan (See **Schedule 5**). Planning Staff prepared a land use review for the District Centre in 2002 to be considered as input into the Comprehensive Commercial Policy Review. Staff acknowledged that the current Official Plan policy framework for the District Centre would make the realization of the mixed use community node challenging. The study also recommended that retail commercial should be permitted on the four quadrants of the Clair/Gordon intersection. Staff recommended that the boundaries and role of the District Centre (serving local neighbourhoods and businesses versus serving city-wide retail needs) should be defined by the Comprehensive Commercial Policy review. Recommendations on the appropriate retail commercial floor space limitations for each of the four commercial quadrants were to be made once the appropriate size and function of the South Guelph District Centre node was determined through the Comprehensive Commercial Policy Review process.

Comprehensive Commercial Policy Review (CPR)

The application was formally received by the City on January 19 2004. At the time, the Commercial Policy Review (CPR) was ongoing and Council direction was required for any applications involving an amendment to the Official Plan proposing new commercial uses.

A Great Place to Call Home

At the City Council meeting of June 7, 2004, Council passed the following resolution with respect to the subject application:

“THAT Staff circulate the application for a proposed Official Plan Amendment and Zoning By-law Amendment for the proposed Westminster Market commercial development (OP0401/ZC0402) to receive technical comments.”

AND

*“THAT Council defers consideration of the application until:
A peer review of the market study is conducted; and
The appropriate size and function of the South Guelph District Centre commercial node is determined in conjunction with the Comprehensive Commercial Policy Review.”*

On July 25, 2005, Council approved a policy framework (**Schedule 6**) for the Commercial Policy Review strategy for the City. An excerpt of this Council resolution reads as follows:

...“THAT Appendix 5 of the Planning and Building Services Report 05-83 dated June 27, 2005 be revised to change the South Guelph District Centre Commercial Need in Square Feet in the Medium Growth Category from 400,000 square feet to 500,000 square feet and in the High Growth Category from 450,000 square feet to 520,000 square feet;”...

The subject site forms part of the planned northeast quadrant of the Mixed Use Node within the South Guelph District Centre (SGDC) in the recommended framework of the CPR (See **Schedules 5 and 6**, respectively). The CPR July 2005 approval by Council clarified that individual development applications that were already in process, and this application specifically, could be brought forward on their merits as long as they complied with the overall framework approved by Council.

Description of Proposed Official Plan Amendment

The application is proposing a new commercial development to be known as Westminster Market, ultimately consisting of approximately 17,650 square metres (190,000 square feet) of gross leasable floor area. The project proposes a mix of commercial uses including a food store, restaurants, free-standing commercial and a vehicle gas bar. (See Site Plan Concepts for Phase 1 and Phase 2 in **Schedule 7**).

Official Plan policy 7.4.24 outlines the requirements to expand an existing Community Commercial Centre beyond the size limitation of 10,000 square metres (108,000 square feet) outlined in the Official Plan. The proposed Official Plan Amendment would expand the existing Community Commercial Centre land use designation as it applies to the Westminster Woods property from the existing 1,871 square metres (20,500 square feet) size to 17,651 square metres (190,000 square feet) of gross leasable floor area.

The Official Plan Amendment will involve both a change to map and text. This would result in a commercial node north of Clair Road of approximately 25,826 square metres (278,000 square feet).

Description of Proposed Zoning Bylaw Amendment

The subject property is currently in the Urban Reserve (UR) Zone (See **Schedule 3a**). The applicant is proposing to rezone the subject lands from the Urban Reserve (UR) zone to a specialized Commercial Shopping Centre CC-?? Zone. The new zone would allow uses as outlined in Section 6.2.1.2 of the Bylaw, subject to regulations outlined in Section 6.2.2 of the Bylaw. The applicant has also requested the following specialized regulations:

-Maximum lot area of 6.48 hectares (16 acres) where 5 hectares (12.35 acres) is the maximum lot area specified in Table 6.2.2 of the Zoning By-law.

-Maximum gross leasable floor area of 17,651 square metres (190,000 square feet) where the

A Great Place to Call Home

maximum gross leasable floor area is 12,500 square metres (134,553 square feet) specified in Table 6.2.2 of the Zoning By-law.

In support of the application, the applicant has provided the following support documents in accordance with Official Plan policy 7.4.24:

- Market Demand and Impact Analysis- October 31, 2003 (Kircher Research Associates) and update.
- Traffic Impact Study- January 2004 (Paradigm Transportation Solutions)
- Planning Report- January 2004 (GSP Group Inc.)

The conclusions of the market impact study and the transportation analysis have been accepted and the design of the site plan concept has been accepted by the E&T Group.

PLANNING ANALYSIS

Based on the SGDC and the CPR, a distinctive and high standard of building and landscape design is expected on this site and the other three quadrants of the intersection. The site is highly visible and development at this location will likely act as an entrance feature or gateway to the City. While the subject application is for an Official Plan amendment and a rezoning only, Staff and Loblaws have had much discussion regarding site plan design considerations. Preliminary site plans illustrating phased development are attached in **Schedule 7**.

Section 7.4.34 of the Official Plan highlights specific policies that apply to development within the SGDC. Objectives include the creation of a focal point for the local neighbourhood and an attractive and distinct gateway feature for the City. The section also promotes development with a high standard of design and landscaping, and allowing a mix of uses while ensuring compatibility with surrounding uses and other SGDC uses. The combination of the subject application and the preliminary site plan submission (**Schedule 7**) represent the owner's attempt to meet these objectives within a proposed Specialized Community Commercial Centre designation and zoning.

Resident's/Property Owner's Concerns – Urban Design

A Public Information Meeting for these applications was held with the neighbouring property owners and residents at City Hall on September 29, 2004.

The resident's issues list derived from the minutes of the public information meeting and attached in **Schedule 8** can be condensed down into main topics as follows:

- The need for noise assessment and buffering to reduce impact from the loading area of the food store
- The hours of operation for businesses and activity
- Traffic on Farley Drive - speeding, traffic volumes, pedestrian safety, number of new commercial driveway entrances onto Farley
- Traffic short-cutting from Gordon St. to Farley Drive
- The safe and efficient movement of pedestrians throughout the area
- The over-signalization of traffic on Gordon Street and Clair Road
- Concern regarding 'drive-through' uses
- Concern regarding lighting impacting residential areas
- Concern with big box store replacing food store
- Hang-out for kids

Staff's consideration of the urban design guideline policy has been a critical component in the review of the applications. The residents' concerns emphasize the importance of the physical relationship between the commercial and residential environments. Pedestrian and vehicular connection between the commercial and residential land uses and surrounding the commercial site is considered of prime importance, especially to residents living within the Westminister Woods and

A Great Place to Call Home

Pine Ridge subdivisions. While some residents are not in favour of the commercial proposal, many residents were mainly concerned with land use compatibility and urban design matters.

The complete assembly of correspondence received by Staff in response to the circulation is available for viewing at Planning and Building Services Department, Planning Division, during office hours.

Urban Design and Site Concept

Westminster Woods and Loblaw Properties Limited, in co-operation with City Staff, have met several times to refine the design of the preliminary site plan to address residents' and City concerns. Traffic on Gordon Street, Clair Road, Farley Drive and on-site, has been scrutinized to address the City's design policies and the residents' traffic and pedestrian safety concerns. The latest plan (**Schedule 7**) has also incorporated practical input from the E&T Group with respect to traffic and servicing.

Several attributes of the latest site concept plan include:

- Placement of the main building so that loading facilities will not be visible from the three adjacent public roads and loading can be separate from public areas.
- Placement of two signature buildings at the intersection of Gordon Street and Clair Road, while protecting a strong pedestrian linkage to connect the public sidewalks to the private pedestrian corridors on site.
- Placement of buildings close to Gordon Street, Clair Road and Farley Drive to display a prominent architectural presence at all intersections.
- Placement of the gas bar in a location on site that is removed from the corner of Gordon Street and Clair Road which is a key pedestrian location.
- Introducing a variety of traffic access points that serve different purposes depending on their location and intended function.
- Placement of an access point and creation of an intersection at Goodwin Drive to provide easy access to the site for the surrounding residential community. This intersection should be signalized at the expense of the owner, to add traffic calming and pedestrian safety along Farley Drive.

To enhance these site plan attributes, Staff is recommending, in addition to the proposed Community Commercial Zone regulations, that the following regulations and restrictions be included in the new CC Zone:

- Addition of a "build to line" zoning regulation of 3 metres applying to Gordon Street, Clair Road and Farley Drive frontages of the site, with the exception of the main food store building which shall be setback a maximum distance of 25.84 metres (85 feet) from Gordon Street and 13 metres (43 feet) from Farley Drive.
- Prohibit gas bars and drive-through facilities from within 50 metres of the corners of the subject site.
- Require a minimum building height restriction of two storeys at the corner of Gordon Street and Clair Road."

These applications should be approved, subject to the recommendations outlined in **Schedule 2**. Schedule 2 includes conditions and zoning regulations recommended by Staff. The subject application is consistent with Council's CPR approval and will not conflict with the future implementing documents of the CPR. South Guelph continues to flourish and there is a recognized need for additional commercial establishments and services to support the growing population. Where not currently proposed, the Official Plan Amendment should also permit medium density residential uses to ensure that a mixed use development will occur over time.

A Great Place to Call Home

The E&T Group have confirmed there is sewage treatment and water capacity to service this development (See **Schedule 8**). All circulated agencies support the applications (See **Schedule 8**). Public notification is summarized in **Schedule 9**.

The proposal represents an appropriate development of the site. The application is consistent with Council's direction with respect to the approved CPR framework, the proposal represents good urban design and is in conformity with Section 7.4.34 of the South Guelph District Centre policies in the Official Plan.

The recommended Official Plan Amendment and related Rezoning, subject to the recommendation highlighted in **Schedule 2**, conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning.

CORPORATE STRATEGIC PLAN:

Implements Strategic Direction 1: To manage growth in a balanced, sustainable manner.

FINANCIAL IMPLICATIONS:

Based on one retail commercial block of 6.34 hectares (15.67 acres), comprising 17,651 square metres (190,000 square feet) commercial floor space:

Projected Taxation:

Commercial - \$269,508 using \$17,199 per acre for 15.67 acres.

Development Charges:

Commercial - \$1,188,794 based on 17,651 square metres GFA at \$67.35 per sq. metre.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

See **Schedule 8**.

COMMUNICATIONS:

The Notice of Public Meeting letter has been circulated to prescribed agencies and the neighbourhood in accordance with the requirements of the Planning Act and a Courtesy Notice of Public Meeting has been placed in a local newspaper, prior to the mandatory Public Meeting of February 13, 2006.

ATTACHMENTS:

- Schedule 1** – Location Map
- Schedule 2** – Recommendation - Official Plan Amendment and Rezoning
- Schedule 3** – Existing Official Plan Land Use Designations
- Schedule 3a** - Existing Zoning
- Schedule 4** – South Gordon Community Plan Land use Concept
- Schedule 5** – South Guelph District Centre Land Use Concepts
- Schedule 6** - Commercial Policy Review Framework Plan
- Schedule 7** - Preliminary Site Plan Concept - Phase 1 and 2
- Schedule 8** - Circulation Comments and Correspondence
- Schedule 9** – Public Notification

Prepared By:

Allan C. Hearne
Senior Development Planner
837-5616, ext. 2362
al.hearne@guelph.ca

Recommended By:

R. Scott Hannah
Manager of Development Planning

A Great Place to Call Home

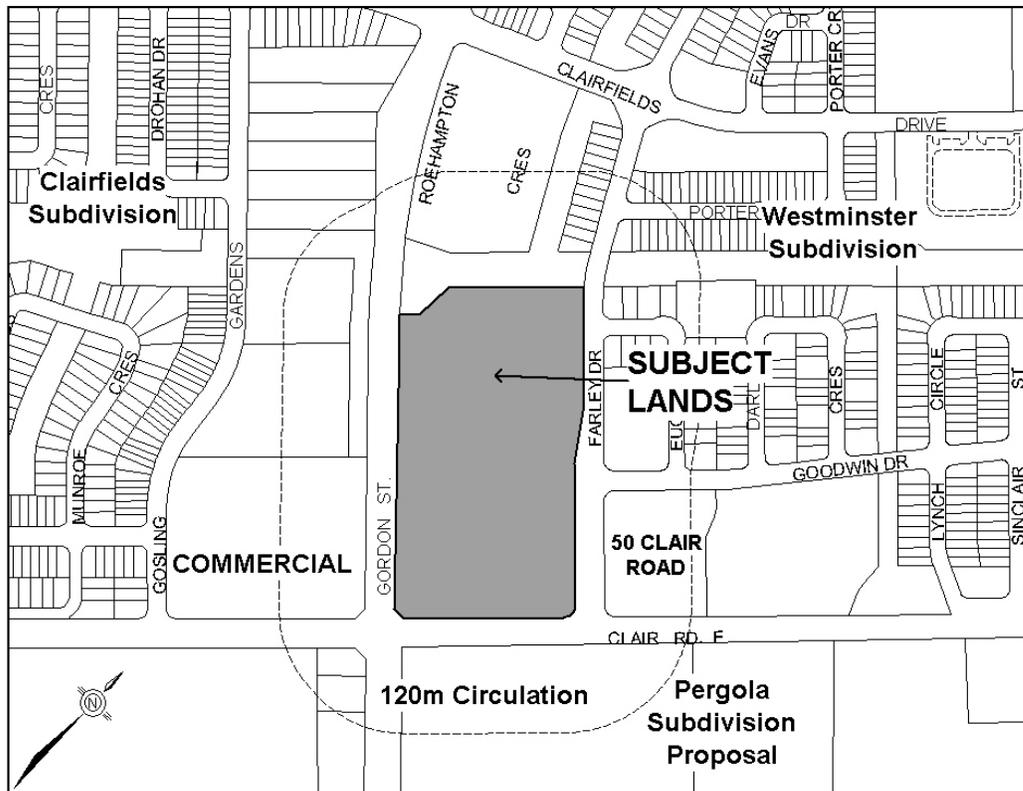
Approved for Presentation:

Larry Kotseff
Chief Administrative Officer

Recommended By:
James N. Riddell
Director of Planning and Development Services
837-5616, ext. 2361
jim.riddell@guelph.ca

SCHEDULE 1

Location Map



A Great Place to Call Home

SCHEDULE 2
Recommendation - Official Plan Amendment and Rezoning

“That the applications by Westminister Woods Ltd. (File OP0401/ZC0402) for approval of an Official Plan Amendment (to replace the General Residential designation with a Community Commercial designation) and a Zoning By-law Amendment from the UR (Urban Reserve) Zone to a new, Specialized CC (Community Commercial) Zone, applying to lands legally described as Block 64, Registered Plan 61M-65, being lands municipally known as 1750 Gordon Street South, City of Guelph, to permit a mixed use commercial and residential development, BE APPROVED, in the following format:

Official Plan Amendment

- Mapping changes as necessary
- Policy 7.4.15.3 shall be added to the Plan. The proposed Official Plan Amendment would expand the existing Community Commercial Centre land use designation as it applies to the site from the existing 1,871 square metres (20,500 square feet) limitation to 17,651 square metres (190,000 square feet) of gross leasable floor area. The CC designation will cover the entire site and is site specific to lands at 1750 Gordon Street South.
- Policy 7.4.15.3 shall also highlight the need for development to meet the intent of all applicable Urban Design Guidelines including requirements from the SGCP, the SGDC and the proposed CPR.
- Medium Density Residential Uses will be allowed on the site.

Zoning Bylaw Amendment

To rezone the site to a specialized Commercial Shopping Centre CC-?_?_ Zone, allowing uses outlined in Section 6.2.1.2 of the Bylaw, subject to regulations outlined in Section 6.2.2 of the Bylaw, with the following changes and additions:

- Exception of Maximum lot area of 6.48 hectares (16 acres) in lieu of 5 hectares (12.35 acres) specified in Table 6.2.2 of the Zoning By-law.
- Exception of Maximum gross leasable floor area of 17,651 square metres (190,000 square feet) in lieu of 12,500 square metres (134,553 square feet) specified in Table 6.2.2 of the Zoning By-law.
- Include a “build to line” zoning regulation of 3 metres applying to Gordon Street, Clair Road and Farley Drive frontages of the site, with the exception of the main food store building which shall be setback a maximum distance of 25.84 metres (85 feet) from Gordon Street and 13 metres (43 feet) from Farley Drive.
- Prohibit gas bars and drive-through facilities from within 50 metres of the corners of the subject site.

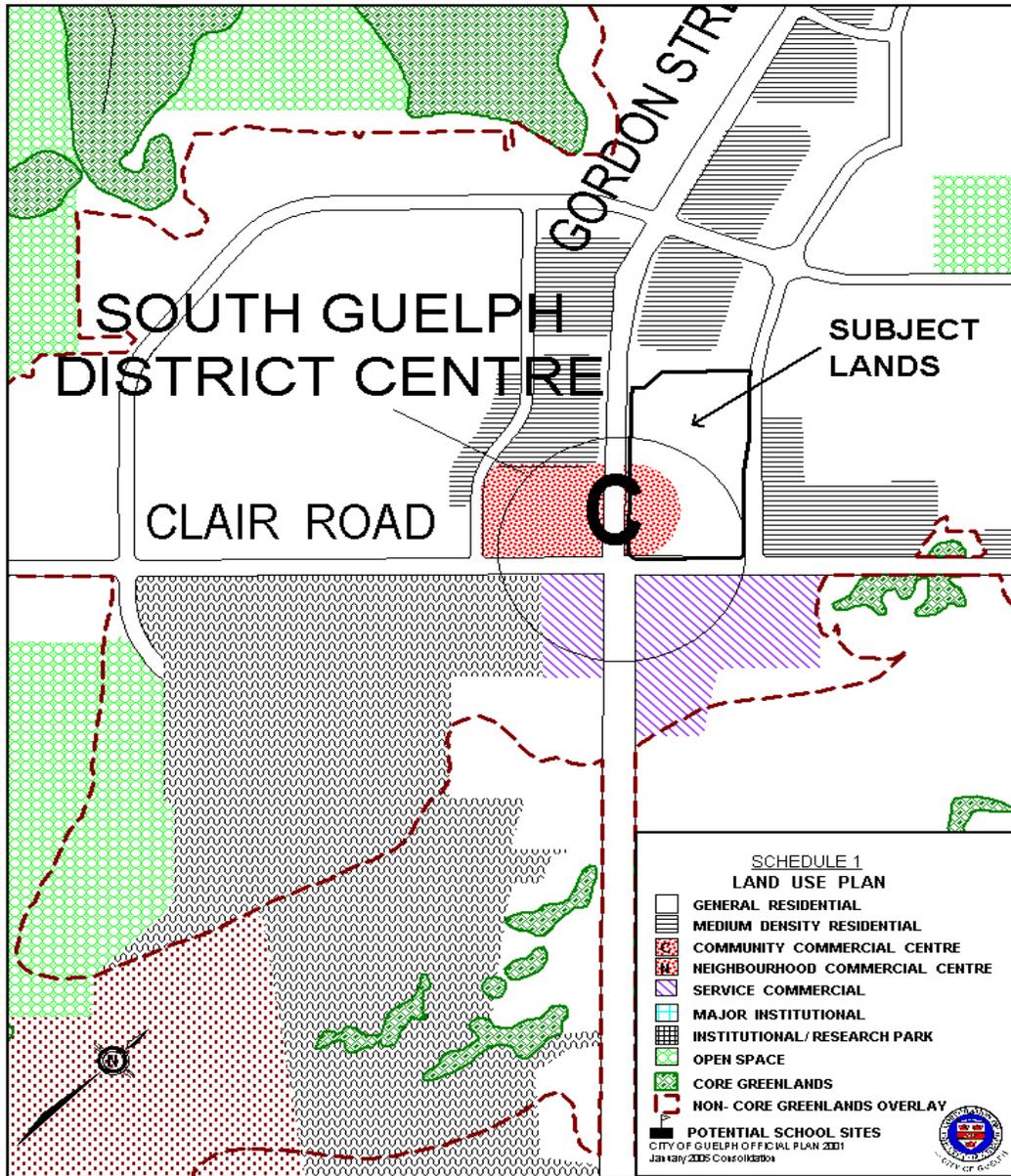
- Require a minimum building height restriction of two storeys at the corner of Gordon Street and Clair Road.
- Add ‘institutional’ uses in accordance with Section 8.1.1 (Institutional Zone Uses).”

Conditions

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, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Development Services, prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
2. The developer, prior to the approval of any site plan for the subject lands, shall satisfy all goals and objectives of the following list of applicable urban design guidelines, to the satisfaction of the Director of Planning and Development Services, as follows:
 - City Urban Design Guidelines
 - SGCP guidelines
 - SGDC guidelines
 - CPR guidelines
3. The Owner commits and agrees that the details of the layout and design for development of the subject lands shall be generally in accordance with the concept plan attached to the February 13, 2006 report by Loblaw Properties Limited dated January 2006 and shall address all of the elements of good urban design as outlined by the City of Guelph Urban Design Guidelines including the City Urban Design Guidelines, the SGCP guidelines, the SGDC guidelines and the proposed CPR guidelines, to the satisfaction of the Director of Planning and Development Services.
4. The owner shall pay the actual cost of constructing and installing any service laterals required to service the lands.
5. The owner shall pay the actual cost of designing and constructing traffic signals including interconnections, turning lanes, utility relocations, driveway entrances and openings in existing medians all within municipal right-of-ways in accordance with City standards. This shall include signalization and traffic calming at the Goodwin Drive intersection to ensure public safety.
6. The owner shall install signage that ensures that appropriate traffic movements are made at each access to the site.
7. That no access onto Gordon Street or Farley Drive from the lands be constructed closer than 60m to Clair Road in accordance with City of Guelph standards.
8. Prior to the granting of site plan approval by the City, the owner shall submit to the City for approval, a noise assessment report, to confirm that the proposed commercial use and activity, especially the truck loading and delivery area on site, in hand with the proposed zoning restrictions and regulations, mitigate impacts on the adjacent residential neighbourhood, to the satisfaction of the Director of Planning and Development Services.

9. 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 development.
10. The owner shall execute and have registered on title to the lands, a Site Plan Agreement containing all conditions approved by City Council.”

**SCHEDULE 3
Existing Official Plan Land Use Designations**



SCHEDULE 3
Existing Official Plan Land Use Designations

**Excerpts from the Official Plan relating to the Community Commercial Land Use Designation
and the South Guelph District Centre (March 2002).**

“Community Commercial Centre

7.4.10 A ‘Community Commercial Centre’, comprised of one or several commercial plazas on one or more properties within a "node", is intended to serve the day to day needs of residents living and working in the various neighbourhoods and employment districts of the City.

City of Guelph Official Plan 2001 Page 105
January 2005 Consolidation

7.4.11 A ‘Community Commercial Centre’:

- a) Shall provide retail, office and service facilities to Guelph residents, primarily to those living and/or working in proximity to the Centre;
- b) May include complementary uses such as open space, institutional, residential, recreational, cultural and entertainment facilities;
- c) Shall be limited to a maximum size of 10,000 square metres (108,000 square feet) of *gross leasable floor area* of all buildings within the specific centre designation.

1. In spite of the intended commercial planning function of the ‘Community Commercial Centre’ as outlined in policy 7.4.11, the ‘Community Commercial Centre’ at Kortright Road and the Hanlon Expressway may be primarily used as a city-wide recreational complex and *day care centre*.

7.4.12 The ‘Community Commercial Centre’ designations on Schedule 1 recognize the existing centres within the City, the anticipated expansion of existing centres, and the general location of new ‘Community Commercial Centres’.

a) The need for, and specific location of ‘Community Commercial Centres’ designated on Schedule 1 shall be determined more precisely by amendment to the *Zoning By-law*.

b) Applications to amend the *Zoning By-law* for the purpose of a new ‘Community Commercial Centre’ may be permitted in accordance with the following criteria:

- i. Located at an arterial road intersection;
- ii. Designed in a manner that promotes compatibility of the centre with adjacent properties;
- iii. Contains adequate site area to provide for parking, loading, screening, landscaping and all other required facilities; and
- iv. Adequate municipal services are available.

7.4.13 Where there is no Official Plan designation, proposals for new ‘Community Commercial Centres’ shall require an amendment to this Plan and the implementing *Zoning By-law*.

7.4.14 This Plan intends that a ‘Community Commercial Centre’ shall not be extended or enlarged to provide more than 10,000 square metres (108,000 square feet) of *gross leasable floor area*, except by amendment to this Plan and in accordance with the provisions of policy 7.4.24.

SCHEDULE 3
Existing Official Plan Land Use Designations

**Excerpts from the Official Plan relating to the Community Commercial Land Use Designation
and the South Guelph District Centre (March 2002).**

South Guelph District Centre (SGDC) – South Guelph Secondary Plan Area

7.4.34 Schedule 1 identifies an area generally surrounding the intersection of Gordon Street and

Clair Road as the South Guelph District Centre (SGDC). The City encourages the development of these lands as a focal point for the local area with respect to commercial,

open space, institutional, residential and other community uses.

City of Guelph Official Plan 2001 Page 111

January 2005 Consolidation

1. The SGDC is located at the intersection of two arterial roads, one of which is a major gateway route into the City. It is centrally located within the South Guelph area and has a

high level of visibility and accessibility. By virtue of these attributes, new land uses and buildings are encouraged to develop with a distinctive and high standard of design in order to establish a focal point for the South Guelph area.

2. Although the SGDC is not itself a specific land use designation, it establishes an approximate locational boundary which encompasses a mix of land use designations including 'General Residential', 'Open Space', 'Service Commercial', and 'Community Commercial Centre'. Collectively, it is intended that these designations and associated policies will guide *development* in a cohesive and complementary manner on lands identified as SGDC, to result in establishing a community nucleus and attractive landmark

for the South Guelph area.

3. In addition to all other applicable goals, objectives, and policies contained in this Plan, the

following additional policies shall apply for each land use designation located within the South Guelph District Centre.

South Guelph District Centre (SGDC) - Community Commercial Centre

4. This Plan encourages the development of 'Community Commercial Centres' to serve a

nodal function. Land identified within the South Guelph District Centre (SGDC) area which is designated 'Community Commercial Centre' will become part of a node serving residential and employment areas in South Guelph. Land designated 'Community Commercial Centre' which is within the area identified as SGDC is generally located along the northerly frontage of Clair Road, split between the east and west corners of the

Gordon Street intersection. SGDC land, which is designated 'Community Commercial Centre' will be developed pursuant to policies 7.4.12 to 7.4.14 of the Plan. Any *development* proposals on these lands should also have regard for the following:

A Great Place to Call Home

- a) 'Community Commercial Centre' uses should be developed in a manner which is compatible and complementary to other uses intended within the SGDC area;
- b) Site and landscape design should reinforce natural attributes of the area, and provide continuity between uses, which may be located in other quadrants of the SGDC;
- c) Building and site layout should be designed to establish an attractive and definable gateway pursuant to subsection 3.6 of this Plan.

SCHEDULE 3a Existing Zoning

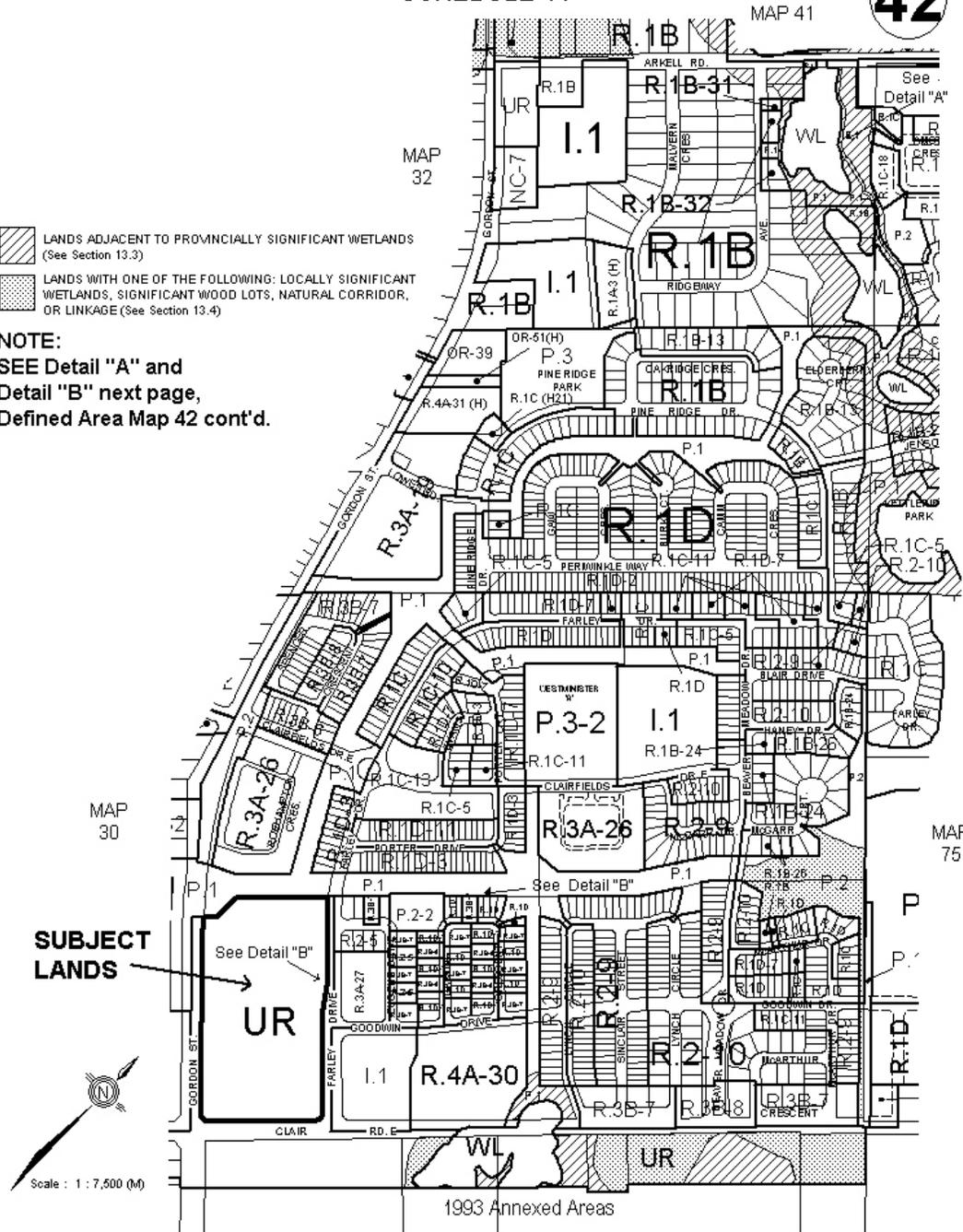
**CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2005) - 17900
SCHEDULE "A"**

DEFINED AREA
MAP NO.

42

-  LANDS ADJACENT TO PROVINCIAALLY SIGNIFICANT WETLANDS (See Section 13.3)
-  LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOOD LOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)

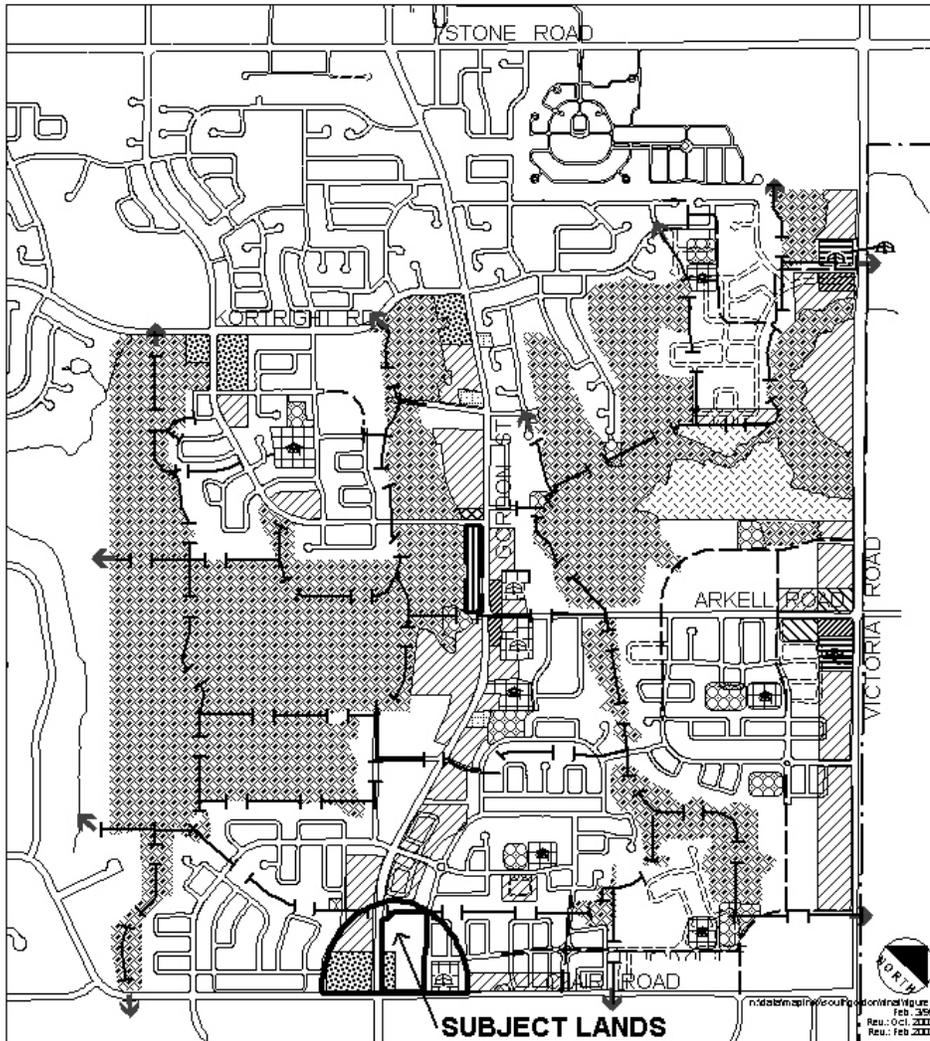
NOTE:
SEE Detail "A" and
Detail "B" next page,
Defined Area Map 42 cont'd.



SCHEDULE 4

South Gordon Community Plan Land Use Concept

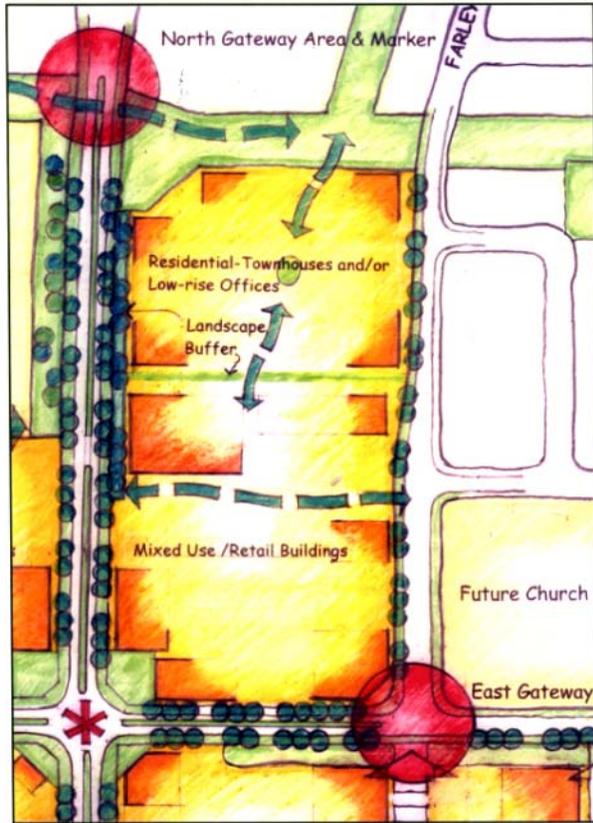
FIGURE 1
SOUTH GORDON COMMUNITY PLAN LAND USE CONCEPT



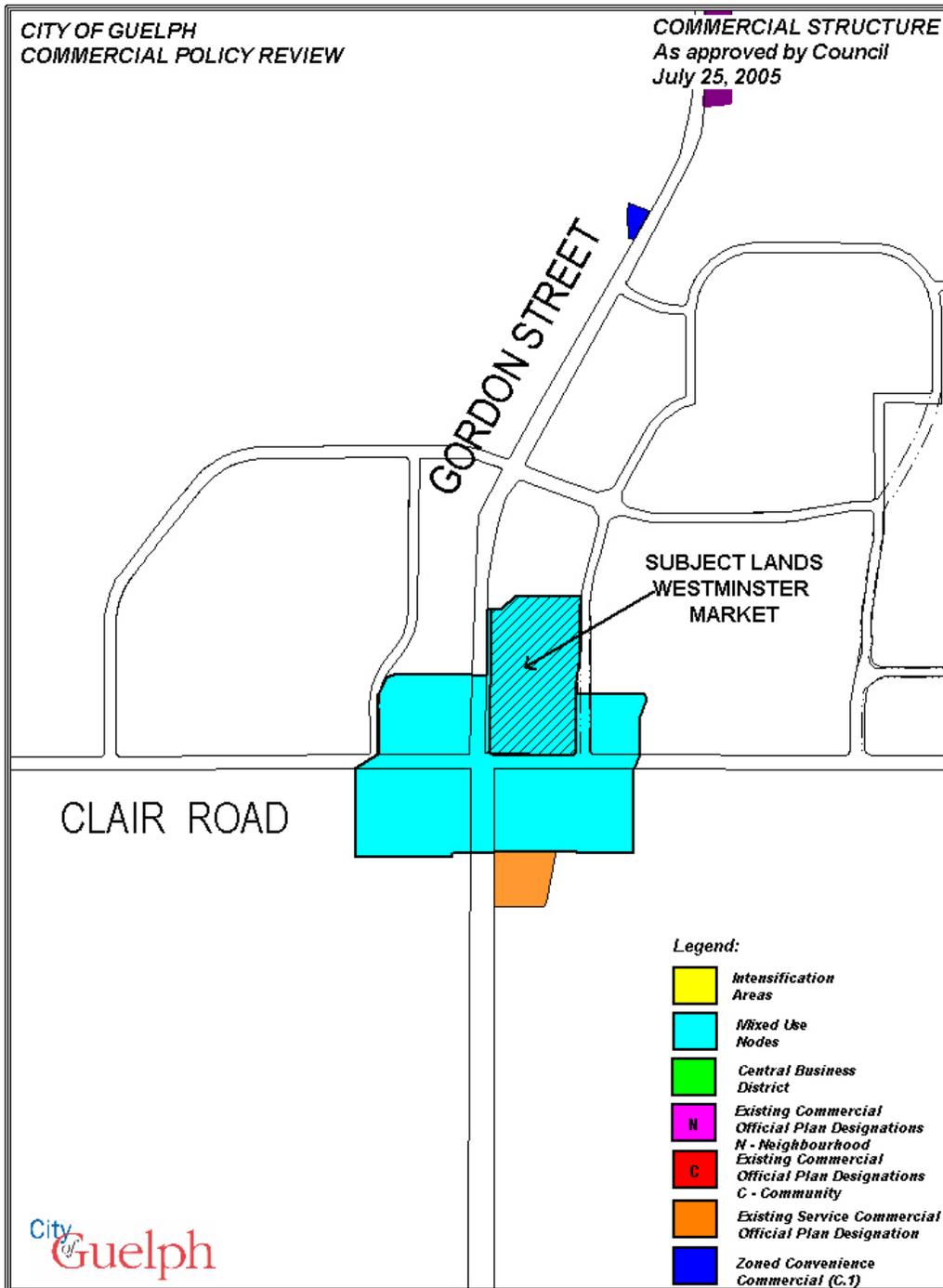
LEGEND:

RELIGIOUS FACILITY	LOW DENSITY RESIDENTIAL	COMMUNITY COMMERCIAL	GOLF COURSE	CITY OF GUELPH PLANNING DEPARTMENT
EDUCATIONAL FACILITY	MEDIUM DENSITY RESIDENTIAL	CONVENIENCE COMMERCIAL	PARK	Proposed Roads
INSTITUTIONAL	MID-RISE MULTIPLE RESIDENTIAL	OFFICE	NATURAL AREA/ OPEN SPACE	SOUTH GUELPH DISTRICT CENTRE
URBAN RESERVE	HIGH DENSITY RESIDENTIAL	NEIGHBOURHOOD COMMERCIAL		COMMUNITY TRAIL CONCEPT

SCHEDULE 5
South Guelph District Centre Urban Design Guidelines (March 2002)
North East Quadrant - Gordon Street/Clair Road Intersection



SCHEDULE 6
Commercial Policy Review (CPR) Council Approval
For Gordon Street/Clair Road Intersection



SCHEDULE 8
Circulation Comments and Correspondence

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning and Development Services		✓	Urban design and compatibility
Environment & Transportation Group		✓	Servicing and traffic
Community Services (Recreation and Parks)		✓	Trails and urban design
Heritage Guelph	✓		
Chamber of Commerce	✓		
Guelph Development Association	✓		Supports applications
Finance		✓	Development Charges
Upper Grand District School Board	✓		
Wellington Catholic District School Board	✓		
Canada Post	✓		
Downtown Board of Management	✓		Consider application along with CPR
Conceil Scolaire de District Catholique Centre-Sud	✓		
Wellington Dufferin Guelph Health Unit	✓		
Guelph Hydro	✓		

All correspondence received from area residents is compiled and is available for viewing in the Planning Division offices during business hours. Copies of some letters and examples of petition forms are attached in this Schedule. The resident's concerns have been summarized by Staff in the minutes of the Public Information Meeting attached in this Schedule.

SCHEDULE 8

Correspondence from E&T Group

File No.

16.131.001

To: Al Hearne, Senior Development Planner
From: Peter Linn, Manager of Development Services
Department: Engineering **Division:** Development Services
Date: October 6, 2005
Subject: Proposed Official Plan and Zoning Bylaw Amendment (OP0401,ZC0402)
1750 Gordon Street – Westminister Market

Development Services staff have reviewed the proposed Official Plan and Zoning Bylaw amendment for the property located at 1750 Gordon Street to permit a new Community Commercial Centre. Municipal services are present within the Gordon Street and Farley Drive right-of-way and are available to service this proposed land use.

Farley Drive was constructed as part of the Westminister Woods subdivision. A 200mm dia watermain, a 250mm dia sanitary sewer approximately 3.5-metres deep, a 450mm dia trunk sanitary sewer approximately 8-metres deep and a 450mm to 750mm dia storm sewer approximately 2.5-metres deep were constructed within the roadway. The road consists of 2 traffic lanes with curb and gutter on both sides of the road. Between Clair Road and Goodwin Drive the two traffic lanes are separated by a 5.6-metre landscaped median that is intended to provide an entranceway feature to the Westminister Woods subdivision. Sidewalks will be constructed on both sides of Farley Drive as building progresses.

During the servicing of the Westminister Woods Subdivision, 200mm dia water and sanitary laterals were installed on Farley Drive opposite Eugene Drive to service this site. Storm drainage from this property was designed to drain to the forebay in the Stormwater Management Greenway along the northerly boundary of the property. The drainage design assumed a forty-five percent impervious surface for the subject lands. This is much less than what will be required for a major commercial development. It will therefore be necessary to provide additional stormwater storage on the subject lands. In accordance with the EIR for the subdivision a Stormceptor will be required for quality control.

An environmental assessment for Clair Road has been completed and the detailed design for the reconstruction and widening of the road east of Gordon Street is underway. Clair Road is to be built to a four lane arterial standard complete with left-turn lanes and center medians at intersections. Traffic signals will be installed at the Farley Road intersection when warrants have been met. The only existing municipal service east of Gordon Street is a 400mm dia watermain. The reconstruction of Clair Road will include the installation of a storm sewer to drain the roadway. The owner will be responsible for a share of the actual cost of these municipal services as determined by the Commissioner of Environment and Transportation.

On Gordon Street abutting the subject site there is an existing 400mm dia watermain and a 525mm to 675mm dia storm sewer that varies in depth between 1.5 to 4.5 metres. Gordon Street has been built to a four lane arterial standard with left-turn lanes at the Clair Road intersection. A continuous center median has also been installed. The owner will be responsible for a share of the actual cost of these municipal services as determined by the Commissioner of Environment and Transportation.

A Great Place to Call Home

The Traffic Impact Study dated January 2004 prepared by Paradigm Transportation Solutions Ltd for the subject lands proposes six access locations to the site. In order to accommodate these accesses, modifications to the existing municipal roads will be required.

The proposed northern access on Gordon Street will be limited to truck traffic accessing the loading docks serving the major retail store. This unsignalized all-way access will require the construction of a south-bound left turn lane and an opening in the existing median. In order to ensure that no employee or customer access will occur at this location, signage will be required.

The proposed middle access on Gordon Street will allow all turning movements and will be signalized. This will require the construction of a south-bound left turn lane and an opening in the existing median. The Traffic Impact Study recommends that the traffic signals at this location be interconnected with the signals at the intersection of Gordon Street and Clair Road. The signals should also be interconnected with the pedestrian crossing signals at the SWM Greenway to the north of the site.

The proposed southern access on Gordon Street will be limited to right-in and right-out turns. Due of its proximity to Clair Road, the Traffic Impact Study recommends that this access on be constructed with a northbound right turn flare. It is our opinion that a right turn lane would be more appropriate. A flare often results in vehicles entering the driveway at a higher than normal speed which can create a hazard to pedestrians. A turning lane would allow vehicles to slow down without impeding through traffic on Gordon Street before entering the driveway. A turning lane may require a localized right-of-way widening on the east side of Gordon Street.

The proposed access to Clair Road will also be limited to right-in and right-out turns. No conflicts are expected at this location.

The proposed southern access on Farley Drive will be un-signalized and will allow all turning movements. It will require the construction of a north-bound left turn lane and an opening in the existing median.

The proposed northern access on Farley Drive will be un-signalized and will allow all turning movements. There are no modifications required on Farley Drive

The Development Concept Plan included with the application indicates that the southern access on Gordon Street and the southerly access on Farley Drive are located closer to Clair Road than the City's minimum standard of 60 metres. The site plan submitted for this development should indicate the location of these accesses in accordance with City standards.

The Official Plan specifies a right-of-way width of 30 metres for both Gordon Street and Clair Road. Gordon Street is presently 30.48-metres wide. Along Clair Road, a 5.1-metre widening has been obtained from this property as part of the subdivision process. The specified right-of-way width for Clair Road will be achieved when a road widening has been obtained from the south side of the road.

The applicant was required, as part of the subdivision agreement for the Westminster Woods subdivision, to pay a share of the actual cost of reconstructing Gordon Street and Clair Road and to pay the actual cost of constructing Farley Drive and the Stormwater Management Greenway along the north boundary of the subject lands. The applicant submitted a letter of credit to cover the estimated costs of these works. If this proposed development is constructed there will be additional costs incurred that are not covered by the subdivision agreement. These costs are related to the design and construction of traffic signals, turning lanes and openings in the existing centerline medians. The applicant will be responsible for the entire actual cost of these works.

We have no objection to the approval of the proposed Official Plan and Zoning By-law Amendment, subject to the imposition of the following condition;

A Great Place to Call Home

The owner shall submit and receive approval from the City for a site plan under Section 41 of the Planning Act, and shall enter into a Site Plan agreement with the City prior to the issuance of a building permit for the property.

In addition to any other relevant conditions, prior to the Engineering Department recommending approval of a site plan application for the property, the following conditions must be addressed or included in the Site Plan Agreement;

1. The owner shall pay the actual cost of constructing and installing any service laterals required to service the lands.
2. The owner shall pay the actual cost of designing and constructing traffic signals including interconnections, turning lanes, utility relocations, driveway entrances and openings in existing medians all within municipal right-of-ways in accordance with City standards.
3. The owner shall install signage that ensures that appropriate traffic movements are made at each access to the site.
4. That no access onto Gordon Street or Farley Drive from the lands be constructed closer than 60m to Clair Road in accordance with City of Guelph standards.

SCHEDULE 8
Examples of Resident's Petitions and Letters

SCHEDULE 8

RESIDENTS' ISSUES LIST DERIVED FROM MINUTES OF PUBLIC INFORMATION MEETING

- -Is this a 24 hour operation with disturbance to area? Noise? No. Not 24 hour operation -delivery truck activity more in the morning hours – 5 to 10 large delivery trucks per day expected
- -consider study of noise impact
- -mandatory truck delivery times possible? Yes but hard to enforce daily. Owner has control over this.
- -City Noise Bylaw applicable for certain noise during certain hours.
- -consider screen walls to block noise from residential – 3 metre high wall in 8 inch concrete with stone or brick veneer and softening by landscape material - want noise barrier walls to fit character of existing walls in neighbourhood
- -OK to Loblaws Food Store but don't want it replaced by a Walmart or other Big Box store
- -why do we need food store this large with smaller food stores historically closing?
- -Walmart could sell food and Loblaws want to compete with Walmart
- -why loading and trucks directly adjacent to residential?
- -could be a commercial operation noise echo next to residential
- -too many traffic signals planned – multi-interruptions just driving down Gordon Street
- -use stop signs on Farley Drive to control traffic
- -traffic signals should be synchronized for efficiency of traffic on public roads
- -Residents along Farley Drive and side streets concerned with traffic volumes and speeds, safety of children and residents
- -no traffic light on Farley Drive will attract cars and people to use Farley Drive more – path of least resistance
- -many children in area with young families, school, bus stops, park etc.
- -concerns with traffic speeding
- -main through traffic aisle of project could act as a shortcut between Gordon Street and Farley Drive
- -are two driveways really needed on Farley Drive? Yes, two are preferable with one servicing food store and one servicing gas bar
- -traffic on Farley Drive a major concern
- -some bought homes in area based on 20,000 square feet commercial – Were not expecting so much commercial
- -concern about potential drive-through as they attract traffic from other areas of City
- -landuses can change and a less desirable store could replace food store under the proposed zoning
- -several people glad food store is proposed closer to their neighbourhood
- -'no parking' signage needed to add safety. Look at safety comprehensively as area has school buses, City Transit buses, children's pick-up zones, etc.
- -possible truck traffic conflict with school buses
- -interested in mechanism to express concerns at site plan stage of process – Site plan process at end of planning process does normally not involve public however site plans are available for public to view during process
- -four traffic signals in a row on Gordon Street too much – eliminate north Farley entrance and widen gas bar entrance a suggestion
- -suggest possibly no entrances at Farley Drive
- -focus on pedestrian movement ie: linking walking trails to main food store entrance
- -need to complete City's Commercial Policy Review before this application goes to Council
- -Was told block would be developed for church and townhouses, not told so much commercial and gas bar. Feel mislead by Westminster Woods when purchased home in area

- -site is a gateway site to City – Gordon Street City entrance – special treatment of site
- pedestrian lights can't be synchronized with traffic lights
- -question how bright parking lot will be and impact on residential – Loblaws does look at this
- -will this project replace Hartsland? Loblaws corporate decision on store banner changes
- -project will create a hangout for kids ie: litter, nuisance, etc. – Pergola lands might be more suitable for large scale commercial as does not impact existing residential
- -will project impact landscape medians on public roads – yes possibly
- -shopping facilities are welcome in south end – there is a considerable need for food store and other services

SCHEDULE 9

Public Notification

January 19, 2004	Official Plan Amendment and Zoning Bylaw Amendment Applications including fees filed with the City of Guelph
May 21, 2004	Courtesy Notice of PET Meeting in Tribune
May 26, 2004	Staff report to PET Committee for authorization to circulate
June 7, 2004	Council approves circulation of application for technical comments
July 20, 2004	Notice of Application mailed to all property owners within 120 metres of the site and prescribed agencies. The City encouraged public participation and requested comments on the applications.
July 2004	Notice of Application public signage erected on site
September 19, 2004	Notice of Public Information Meeting mailed
September 29, 2004	Public Information Meeting held at City Hall.
July 25, 2005	Council approval of Commercial Policy Review
January 23, 2006	Notice of Public Meeting mailed to all property owners within 120 metres of site and prescribed agencies. The City encouraged public participation and requested comments on the applications.
January 23, 2006	Notice of Public Meeting ad placed in Tribune.
February 13, 2006	Public Meeting of Guelph City Council and anticipated decision.

Note: This report may include hard-copy insertions.

N:\WW Market opa&ZC\February 13 2006 Planning ReportCity of Guelph.doc



elph

Report:

PLANNING AND DEVELOPMENT SERVICES

Planning Division

(Report # 06-16)

TO: Guelph City Council

DATE: 2006/02/13

SUBJECT: PERGOLA DRIVE-IN LIMITED - Proposed Residential and Commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-03507 / ZC9912) - Ward 6.

RECOMMENDATION:

"That the applications by Black, Shoemaker, Robinson and Donaldson Limited on behalf of Pergola Drive-In Limited for approval of a residential and commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (Files 23T-03507 / ZC9912), applying to lands municipally known as 1820 Gordon Street South, be placed on the agenda for the March 20, 2006 City Council meeting for a decision."

(The Staff recommendation for Council's consideration is outlined in **Schedule 2**).

SUMMARY OF APPLICATION:

Request for approval of a Residential and Commercial Draft Plan of Subdivision and associated Zoning By-law Amendment to permit two Service Commercial Blocks, five Townhouse Blocks, a Park Block, four Storm Water Management Blocks, two Open Space Blocks and a Road Widening Block on lands at 1820 Gordon Street South.

BACKGROUND:

The application applies to approximately 11.238 hectares (27.76 acres) of land legally described as Part of the Southwest Part of Lot 11, Concession 8, and Part 1, Plan 61R-3599, City of Guelph. The site is located at the southeast corner of Gordon Street South and Clair Road East and has 447.58 metres (1,468 feet) of frontage on Clair Road and 182 metres (597 feet) of frontage on Gordon Street (See **Schedule 1** for Location Map).

The site is occupied by a private commercial recreation establishment in the form of a restaurant, golf driving range, batting cages and mini-golf operation. Land uses surrounding the site include zoned commercial lands within the Clairfields Subdivision at the northwest corner of the intersection, vacant lands proposed for commercial development (Westminster Market – File OP0401/ZC0402) within the Westminster Woods Subdivision at the northeast corner of the intersection and primarily single-detached residential rural estate properties to the east along Clair Road. Single-detached rural estate properties and the Brock Road Nursery establishment are located south of the site along Gordon Street. Environmentally sensitive lands including wetlands are dispersed throughout the area to the east and south of the site.

The original application, involving only a zoning amendment, was received by the City in September of 1999. Since 1999, several public processes and studies have been completed to assist in the

A Great Place to Call Home

planning and development of the subject site and surrounding neighbourhood. These studies include the South Guelph District Centre Urban Design Guidelines Study (SGDC), the Gordon Street Environmental Assessment Study, the Clair Road Environmental Assessment Study and the City-wide Commercial Policy Review (CPR). These City-initiated studies formed the basis for the owner's re-submissions of this application in September 2003 and September 2004. Also during this timeframe, municipal services were extended southerly to Clair Road to reach the Pergola site through the development of the Westminster Woods Subdivision (23T-98502).

The South Guelph District Centre Study was initiated in April 2001 to plan a strategy to implement a distinct and unified development design at the four quadrants of the South Guelph District Centre intersection of Gordon Street and Clair Road. Urban design guidelines and transportation planning became key components of the District Centre Study. With the District Centre Study identifying the need for public road allowances on the subject lands (See **Schedule 4**) to accommodate the ring road system surrounding the district centre and intersection, the 2003 and 2004 resubmissions of the application involved the inclusion of a draft plan of subdivision application (See **Schedule 6**).

REPORT

Official Plan Designations

The lands were annexed into the City in 1993 and designated for commercial, residential and environmental land uses in the Official Plan in 1998 through the approval of the South Guelph Secondary Plan. The lands are designated "Service Commercial" forming part of the "South Guelph District Centre" (SGDC), "General Residential", "Core Greenlands" and "Non-core Greenlands Overlay" in Schedule 1 of the Official Plan along with "Provincially Significant Wetlands" and "Other Natural Heritage Features" overlays in Schedule 2 of the Plan (See **Schedule 3**).

Commercial Policy Review

The comprehensive Commercial Policy Review process was re-initiated in July 2004 and on July 25, 2005 Council approved a policy framework for commercial land use throughout the City. As such, the necessary groundwork studies have been completed to bring this application forward to Council for consideration. It is expected that the implementing Official Plan Amendment document for the Commercial Policy Review will be presented to City Council in March 2006 for consideration (See **Schedule 5**). The CPR July 2005 approval by Council also clarified that individual development applications that were already in process could be brought forward on their merits as long as they complied with the overall framework approved by Council.

The subject site forms part of the planned southeast quadrant of the Mixed Use Node within the SGDC Land Use Concepts (**Schedule 4**) and in the recommended framework of the CPR. Section 7.4.34 of the Official Plan highlights specific policies that apply to development within the SGDC (**Schedule 3**). Objectives include the creation of a focal point for the local neighbourhood and an attractive and distinct gateway feature for the City. The policy also promotes development with a high standard of design and landscaping and allows a mix of uses while ensuring compatibility amongst SGDC uses and with surrounding uses.

Description of Proposed Plan of Subdivision

The developer is asking to subdivide the subject property according to the last revised draft plan of subdivision attached in **Schedule 6**. This plan proposes a variety of blocks that will accommodate a range of uses including service commercial on Blocks 1 and 2, on-street townhouses on Blocks 3, 4, 5 and 6 that will accommodate approximately 26 townhouse units, cluster townhouses on Block 7 with a range of 23 to 29 dwelling units, parkland on Block 8, storm water management facilities on Blocks 9, 12, 13 and 14, open space linkage on Blocks 10 and 11, a road widening on Block 15 along Clair Road frontage, and 0.3 metre reserves on Blocks 16, 17 and 18. The total proposed dwelling unit range is between 49 to 55 units (See **Schedule 6**).

The major entrance to the large commercial Block 1 from Clair Road is proposed opposite Farley Drive by way of a private road. Along the easterly side of the commercial block, a north/south local

A Great Place to Call Home

road (Street 2) is planned to provide future road access to residential blocks in the plan and to accommodate future development on lands to the south and east of the site.

Description of Proposed Zoning Bylaw Amendment

The northerly part of the subject site adjacent to Clair Road is zoned UR (Urban Reserve) in Guelph's Zoning By-law (1995)-14864 and the balance of the site annexed into the City in 1993 is zoned A (Agriculture) in the Puslinch Township Zoning By-law.

To implement the existing Official Plan land use designations, existing residential, commercial and park zones outlined in the City Zoning By-law are proposed. The proposed zoning concept in **Schedule 7** illustrates the SC.2 (Highway Service Commercial) Zone on Blocks 1 and 2 and the R.3A and R.3B (Townhouse) Zones on Blocks 7 and 3 to 6 respectively. Excerpts of the R.3A and R.3B (Townhouse) Zones and the SC.1 and SC.2 (Service Commercial and Highway Commercial) Zones are attached in **Schedule 7**.

PLANNING ANALYSIS

Planning and Development Services supports the proposed subdivision and rezoning applications as described in **Schedules 6 and 7** in principle, subject to additions and modifications incorporated by Staff into the recommendation in **Schedule 2**. There have been several issues associated with the application that have affected the design components of the subdivision, related zoning and the timing of the application. The issues and modifications recommended by Staff are briefly outlined as follows:

Proposed Land Uses

- Residential:

The Official Plan promotes service commercial development on the west part of the site next to the Gordon Street and Clair Road intersection and residential development on the remainder of the site (**Schedule 3**). The General Residential designation allows all forms of residential development to a maximum density of 100 units per hectare (40 units per acre). Both the SGDC and the CPR recommend mixed commercial uses surrounded by or incorporating medium to high density residential uses for this quadrant of the mixed use node. The plan proposes to create a range of cluster townhouses and on-street townhouses.

Staff Recommendation

To provide the opportunity for higher density residential uses, Staff is proposing flexible zoning on cluster townhouse Block 7, to include apartment dwellings as an alternative housing form within the node. Based on the dual or flexible zoning to include apartment dwellings on Block 7, the potential unit count for the subdivision is increased to 103 units total. The net residential density achieved at 49 units is 32 u/ha (12.9 u/ac) and this minimum residential density is added as a requirement in the recommendation in **Schedule 2**. Staff is recommending the flex zoning to achieve a potential density of 67 u/ha (27 u/ac) at 103 units. This change meets the intent of the proposed Places to Grow legislation by the Province.

- Commercial:

Commercial Blocks 1 and 2 developed at 25% coverage could result in approximately 13,006 square metres (140,000 square feet) of commercial floor space. While the Official Plan promotes Service Commercial development, the owner has requested an SC.2 (Highway Service Commercial) Zone which includes uses that involve outdoor storage that are usually encouraged in proximity to industrial areas. Some of the uses allowed in the SC.2 Zone could jeopardize compatibility of residential land uses planned within and surrounding the mixed use node (See **Schedule 7**).

Staff Recommendation

To better meet the intent of the SGDC and CPR policy, Staff are limiting the range of commercial land uses on the site by recommending the SC.1 (Service Commercial) Zone rather than the requested SC.2 (Highway Service Commercial) Zone. The SC.1 Zone is usually found next to

residential areas. The range of uses in these two zones can be compared in **Schedule 7**. The location of specific uses is also restricted to meet the intent of the SGDC and CPR policies. Uses such as gas bar and drive-through facilities are prohibited within 50 metres of the corners of the site (See **Schedule 2**).

Also, to better meet the intent of the SGDC and CPR policy, Staff are recommending the addition of institutional and residential uses within the SC.1 zoning. This also supports the goals of the Places to Grow policy (See **Schedule 2**).

Urban Design

Based on the SGDC and the CPR, a distinctive and high standard of building and landscape design is expected on this site and the other three quadrants of the intersection. The site is highly visible and development at this location will likely function as an entrance feature or gateway to the City for the near future. While the subject application is for a subdivision and rezoning only, site plan design considerations have been analyzed by Staff. A conceptual version of the owner's site plan is attached in **Schedule 8**. While the plan is very preliminary, one of the challenges to implementing the Urban Design Guidelines is the elongated storm water infiltration Blocks 13 and 14 adjacent to Clair Road. These infiltration galleries are identified on the Urban Design Concepts (See **Schedule 4**) but they were expected to be located further east of the Gordon/Clair intersection. These blocks are in a location that interferes with the placement of buildings close to the Gordon Street/Clair Road intersection and the Farley Drive/Clair Road intersection and adjacent to Clair Road. The importance of building and architectural presence at this quadrant is stressed in the SGDC and CPR documents.

Staff Recommendation

Staff has asked the owner to investigate the re-shaping of storm Blocks 13 and 14 to enable more building presence on Block 1 closer to public road allowances. This may mean red-line revisions to the plan which will be discussed when the plan is brought back to Council for a decision. Staff has added a "build to line" zoning regulation of 3 metres applying to Gordon Street, Clair Road and Streets 1 and 2 to help achieve this urban design goal. A zoning regulation requiring a minimum building height restriction of the equivalent of two storeys at the corner of Gordon Street and Clair Road has been added to meet the intent of the SGDC and CPR policies and promote the placement of signature buildings with architectural presence close to the intersection of Gordon Street and Clair Road. Rather than the requested P.1 zoning for storm Blocks 13 and 14, Staff is recommending that the blocks be included in the Specialized SC.1 Zone to allow more flexibility in their final shape and location, to better accommodate the placement of buildings along Clair Road.

The SGDC Concept also illustrates the extension of Farley Drive from Clair Road south to connect to Street 1. This will be the main traffic entrance to commercial Block 1. This road connection is proposed as a private road rather than a public road and this private road connection must be secured as part of the site plan approval for the site.

Environmental Impact

The Environmental Impact Study submitted with the applications has been accepted by the Grand River Conservation Authority, the Environmental Advisory Committee and City Staff. The Preliminary Servicing and Storm Water Management Report submitted with the applications incorporating the four storm water management and infiltration blocks has been accepted by the agencies and Staff. Condition 9 in Schedule 2 requires the submission of an Environmental Implementation Report that will describe all final design details for the subdivision and this document will be circulated to the GRCA and EAC for further approvals.

Timing of Development

The timing for consideration of the application is consistent with the 2006 Development Priorities Plan. The 2006 Development Priorities Plan identifies that the subdivision would be considered for draft plan approval in 2006 with expected development including registration in 2006. The sanitary sewer outlet is complete to Clair Road limit of the site from Farley Drive and the extension of watermain on Clair Road and/or Gordon Street is required. The Clair Road reconstruction is

forecasted for 2006/2007 in the 2005 Capital Budget and Gordon Street improvements south of Clair Road are forecasted for 2009 in the 2005 Capital Budget.

Fire and Emergency Services have provided comments about fire response time to this subdivision as follows: *"It should be noted that initial response times in the development application areas are beyond the current initial response standards as approved by Council. Plans are underway to improve the response times to those areas with additional fire stations in the east and south end of the City. Once the approved fire study recommendations are completed, these areas will receive consistent services to Council approved standards."*

On July 14, 2003, City Council supported a City Wide Fire Services study that recommended a scenario with five Fire Stations in the City including the addition of an east end station and the development of a south end fire facility to comprise a fire station, administrative and communication centre and training complex. When this south end station is developed, the Pergola subdivision will meet the approved response times. The east end fire station has been constructed. The development of the south end station is in the City's 5 year Capital budget for consideration.

Engineering Issues

The Environment and Transportation Group (E&T) have confirmed there is adequate water and wastewater capacity to service the proposal (See **Schedule 8**). With respect to the limits of the water pressure zone for this site applying to lands above an elevation of 344 metres, Engineering has added a condition (#19 in Schedule 2) that requires confirmation of grading and final elevations to determine adequate pressure on Blocks 4, 5, 6 and 7 prior to development.

The recommendation in Schedule 2 has included E&T red-line amendments to the plan for traffic control and intersection improvements. These red-line changes are described in the E&T memo in Schedule 9.

Public Comments

Four letters were received from surrounding property owners in response to the City circulations (See **Schedule 9**). Their concerns have been addressed as follows:

Street 3 Width

The owner at 1992 Gordon Street (See **Schedule 1**) has asked for assurance that Street 3 is sufficiently wide enough to accommodate future development to the south of the subject site on lands at 1992 Gordon Street.

Staff Response: Street 3 is shown on the plan at a width of 18 metres. The amount of developable lands to the south of the subject site is limited by surrounding wetlands and natural features. City Engineering has asked for a 17 metre width on the road allowance of Street 3 and this width is considered adequate.

Street 1 Location & Design

The owner at 1858 Gordon Street has expressed a concern that Street 1 is proposed too close to Clair Road and proper sight lines may not be possible.

Staff Response: City Engineering has confirmed in **Schedule 9** that there may be restrictions on the construction of Street 1 if it is completed prior to the upgrading of Gordon Street along the frontage of the site. Prior to the upgrading of Gordon Street, the connection of Street 1 and Gordon Street will be restricted to a temporary 'right in/right out' connection for safety reasons. The Gordon Street improvements funding is in the City's Capital Forecast for 2009 and should the owner require the upgrading to be constructed earlier, the owner will be asked to front-end the City's share of the cost. Once Gordon Street has been upgraded, a complete intersection with Street 1 is possible.

The owner at 1861 Gordon Street is questioning the impact of the location of Street 1 on

their property.

Staff Response:

Street 1 is generally located in compliance with the Transportation Study conducted for the SGDC and is required to ensure that the four lane intersection at Clair and Gordon functions properly. The main reason for the ring road is that it helps avoid a six lane intersection at Gordon Street and Clair Road. This property may be affected by the future extension of Street 1 on the west side of Gordon Street but it is too early to determine the specific impact, if any. If Street 1 is extended on the west side of Gordon Street according to the SGDC loop road design, it would likely result in 1861 Gordon Street becoming a corner property.

Street 1 Grades and Tree Preservation

The owner at 1858 Gordon Street has expressed a concern about the final grades and tree preservation along the common boundary of Street 1.

Staff Response:

With respect to final grades of Street 1 and the preservation of trees along this boundary, it is difficult to provide details at this time. Usually existing grades on abutting properties are met and if this is not possible, abutting property owners are contacted. In Condition # 5 of Schedule 2, a tree and hedgerow inventory and protection plan is a standard requirement applying to all vegetation on site and this information is often included as part of the Environmental Implementation Report (Condition # 9) for approval of details. Vegetation on 1858 Gordon Street lands would only be removed with the owner's permission and only if necessary.

Screen Buffer along Blocks 4, 5 and 6

The owner of 1858 Gordon Street is asking for a 3 metre high solid wood fence and a 1.5 metre wide landscaped buffer along the common boundary of these three proposed on-street townhouse blocks.

Staff Response:

City requirements and policies do not require that fences need to be constructed between the two properties. Since the future land use of 1858 Gordon Street is unknown, it is premature to require a special buffer to the degree requested in the zoning of these blocks. However, Section 5.3.2 of the Zoning Bylaw requires the provision of a buffer strip depending on the adjoining zone or land use. As the use of the property at 1858 Gordon Street is both residential and commercial, a buffer strip including fencing and screen tree planting will be required at the time of site plan approval for these blocks.

Lighting on Commercial Block 1

The owner of 1858 Gordon Street is asking that lighting on the commercial block not be directed toward their abutting residential property.

Staff Response:

Section 4.8.3 of the Zoning Bylaw would address this concern and compliance would be reviewed during the site plan approval process for Block 1.

Staff recommends approval of the subdivision and rezoning applications subject to the conditions, zoning and modifications outlined in **Schedule 2**. The agency comments and recommended conditions summarized in **Schedule 9** have been incorporated into the Staff recommendation in **Schedule 2**. The application is consistent with Council's direction with respect to the CPR policy. The proposal is in conformity with Section 7.4.34 South Guelph District Centre policies in the Official Plan. This subdivision proposal and associated rezoning conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning.

Staff recommends that this development application be placed on the agenda for the March 20, 2006 City Council meeting for a decision.

A Great Place to Call Home

CORPORATE STRATEGIC PLAN:

Implements Strategic Direction 1: To manage growth in a balanced, sustainable manner.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

See **Schedule 9**

COMMUNICATIONS:

The Notice of Public Meeting letter has been circulated to prescribed agencies and the neighbourhood in accordance with the requirements of the Planning Act, prior to the mandatory Public Meeting of February 13, 2006.

FINANCIAL IMPLICATIONS

Based on a range of total residential unit potential of 49 to 103 dwelling units and the two service commercial blocks developed at 25% coverage at 13,006 square metres (140,000 square feet) commercial floor space:

Population Projections:

127 persons (49 units total yield) to 266 persons (103 units total yield) range using 2.58 persons per multiple unit.

Projected Taxation:

Residential – \$104,321 based on 49 units to \$219,287 based on 103 units, using projected taxation of \$2129.00 per dwelling unit.

Commercial - \$220,147 using projected taxation of \$17,199 per acre for 12.8 acres.

Development Charges:

Residential – \$440,216 based on 49 units to \$925,352 based on 103 units, using \$8,984 per multiple unit.

Commercial - \$875,954 based on 13,006 sq.metres GFA at \$67.35 per sq. metre.

ATTACHMENTS:

Schedule 1 – Location Map

Schedule 2 – Recommended Subdivision Conditions, Zoning Land Uses and Regulations

Schedule 3 – Existing Official Plan Land Use Designations

Schedule 4 – South Guelph District Centre Land Use Concepts

Schedule 5 – Commercial Policy Review Framework Plan

Schedule 6 – The Proposed Subdivision

Schedule 7 – The Proposed Rezoning

Schedule 8 – Planning and Development Services Recommendation

Schedule 9 – Circulation Comments and Correspondence

Schedule 10 - Public Notification

Prepared By:

Allan C. Hearne
Senior Development Planner
837-5616, ext. 2362
al.hearne@guelph.ca

Recommended By:

R. Scott Hannah
Manager of Development Planning
837-5616, ext. 2359
scott.hannah@guelph.ca



Recommended By:

James N. Riddell

Approved for Presentation:

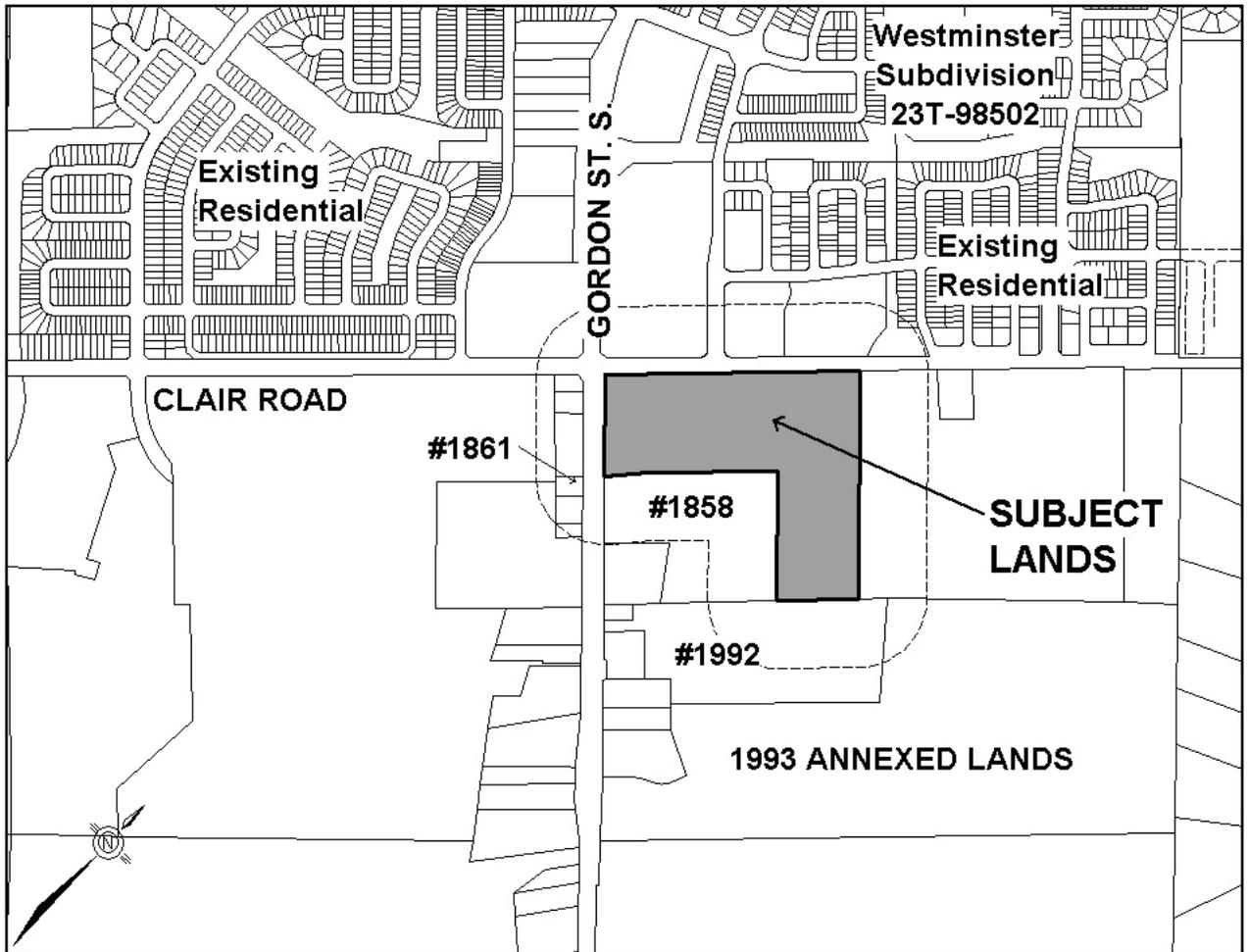
Larry Kotseff

Director of Planning and Development Services
837-5616, ext. 2361
jim.riddell@guelph.ca

Chief Administrative Officer

SCHEDULE 1

Location Map



SCHEDULE 2
Recommended Subdivision Conditions &
Zoning Land Uses and Regulations

"That the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of Pergola Drive-In Limited for approval of a residential and commercial Draft Plan of Subdivision and associated Zoning By-law Amendment (File 23T-03507/ZC9912) applying to approximately 11.23 hectares of land legally described as Part of the Southwest Part of Lot 11, Concession 8, and Part 1, Plan 61R-3599, municipally known as 1820 Gordon Street South, City of Guelph, by rezoning the lands from the City's Urban Reserve Zone and the Puslinch Township's Agricultural Zone , to the proposed zoning outlined in Schedules 6 and 7 as modified by the Staff recommendations in Schedules 2 of the February 13, 2006 Planning and Development Services planning application report, **be approved**, subject to the following conditions:

City Conditions

1. That this approval applies only to the draft plan of subdivision for Pergola Drive-In Limited Subdivision, prepared by BSRD, Project No. 96-0299-15, dated August 17, 2004, including the red-line amendments outlined in the February 13, 2006 Planning and Development Services planning application report, including but not limited to the following:
 - Road geometric changes and widening dedications.
 - Intersection improvement turning lane dedications.
 - Reserves to be dedicated including along Gordon St. and Clair Rd. frontages of Block 1.
 - Further red-line amendments requested by E&T Group.

Conditions to be met prior to grading and site alteration

2. 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.
3. That 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.
4. That the developer submits a detailed **stormwater management report and plans** 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 plans shall address the issue of water quality in accordance with recognized Best Management Practices and Provincial Guidelines. Maintenance and operational requirements for any control and/or conveyance facilities must be described in a format to be made available to the City's Public Works Department.
5. That the developer completes a **tree inventory and conservation plan** in accordance with the City of Guelph Tree By-law (1986)-12229, satisfactory to the Director of Planning and Development Services and City Engineer, prior to any grading or construction on the site. This report shall outline the protection and preservation of hedgerows and treatment of all woodlands.

6. 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.
7. That the developer constructs, installs and maintains **erosion and sediment control** facilities, satisfactory to the City, 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.
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 Environmental Impact Study and the Environment 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.
9. 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). Such report will include a monitoring program to assess the performance of the storm water management facilities and a public education program for residents. The report shall also address the Environmental Advisory Committee's comments dated February 9, 2005, the Guelph Field Naturalist's comments dated November 17, 2004 and the former City Environmental Planner's comments dated January 15 and 30, 2004. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
10. 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. Any costs related to the implementation of such a plan shall be borne by the Developer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the developers cost.
11. 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.
12. That any **domestic wells and boreholes** drilled for hydrogeological or geotechnical investigations be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. 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.
14. 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.

Conditions to be met prior to execution of subdivision agreement

15. 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 consistency with the approved Development Priorities Plan, 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.
16. The developer is responsible for the cost of the **design and construction of all municipal services** required to service the lands 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 the City's Development Charges Bylaw (2004)-17361, as amended, the Local service Bylaw (1994)-14553, as amended, or 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. Municipal services external to the plan for which the Developer will be required to pay a share of the cost include, but are not limited to:
 - (a) reconstruction of Gordon Street within the limits of the Lands to full urban standards.
 - (b) reconstruction of Clair Road within the limits of the Lands to full urban standards.
 - (c) a share in the actual cost of traffic signals at the Street 4/Farley Drive/Clair Road intersection.All costs for the design and construction of the northbound right turn lane at the Gordon/Clair intersection will be borne by the Developer.
17. The developer is responsible for the total cost of the design and construction of all **roadwork, including sidewalks, boulevards and curbs**, within or surrounding the plan of subdivision.
18. The developer shall pay a share of the cost of all **existing municipal services** within and abutting the proposed subdivision including, but not limited to, the existing watermain on Clair Road and the existing traffic signals at the Gordon Street/Clair Road intersection, as determined by the City Engineer.
19. The developer agrees that no development will be permitted on Blocks 1 to 7 inclusive unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the **maximum proposed elevation** on the block to be developed is less than 344 metres.
20. That the developer makes arrangements, satisfactory to the City Engineer, concerning the **scheduling of the development** and the developer's payment of costs for services within the subdivision.
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.
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.

23. That the developer agrees to provide two second order, second level **Geodetic Benchmarks** in locations within the proposed subdivision to the satisfaction of the City Engineer.

Conditions to be met prior to registration

24. That the developer shall pay any outstanding **debts** owed to the City, prior to the registration of the proposed Plan of Subdivision.
25. That the registration of the plan, or any part thereof, shall require approval of the City with respect to **adequate water supply and sewage treatment capacity** being available, prior to the registration of the plan.
26. That any **dead ends and open sides of road allowances** created by this Draft Plan, or the phasing thereof, be terminated in 0.3 metre reserves which shall be conveyed to the City.
27. That the **road allowances** included in the Draft Plan be dedicated 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 any exceptions.
28. That any lots or blocks to be identified by the City, shall be deeded to the City and held until specific roads in the plan can be constructed and extended beyond the **terminus of the road** as shown on the Draft Plan, or it is demonstrated that the lots can be graded to final elevations to the satisfaction of the City Engineer.
29. The developer shall notify all prospective purchasers and homeowners of any lots in the subdivision with frontage or flankage along roads proposed as transit routes, that these streets may be used as part of a **transit route** to provide public transit service through the subdivision.
30. The developer shall pay to the City the cost of installing **bus stop pads and transfer facilities** in the subdivision, if required, at the locations to be determined by Guelph Transit, prior to the registration of the plan.
31. The developer shall build all streets proposed as a transit route with a roadway having a **minimum pavement width** of 10 metres and sidewalks on both sides of these streets to the satisfaction of the City.
32. That the developer makes all necessary arrangements to have all lands required by the City for **stormwater management facilities** deeded to the City including Blocks 9, 12, 13 and 14, including any lands outside of the plan of subdivision. Furthermore, 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.
33. That the developer shall **erect signs** at all entrances to the subdivision advising that the storm sewer system has been designed and constructed using the principles of storm water detention. The exact wording and size of the sign and lettering is to be provided by the City.
34. The developer shall notify all purchasers 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 certified design by a Professional Engineer. Furthermore, the developer shall ensure that all sump pumps

A Great Place to Call Home

- are discharged to the rear yard and the developer shall notify all purchasers that the discharge shall be to the rear yard.
35. That the developer pays the cost of erecting **street name and traffic control signs and traffic signals** in the subdivision, to the satisfaction of the City.
 36. That the developer is responsible for the total cost of preparing a **tree planting plan** for the roadways shown on the plan of subdivision and implementing such plan to the satisfaction of the City Engineer.
 37. That all **easements, blocks, reserves and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
 38. 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 and Guelph Hydro Electric Systems Inc.
 39. That the developer shall notify all prospective purchasers and homeowners that **on-street parking measures** will be implemented in the subdivision. Further, the developer shall provide an **on-street parking plan** to the satisfaction of the City Engineer, prior to the registration of the proposed plan of subdivision.
 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, prior to the issuance of a building permit, at the rates in effect at the time of the issuance of a building permit.
 41. The developer shall **obtain written approval** from the owner of the abutting lands to the south for the construction of a portion of Street 1 and the removal of an existing fence and hedgerow on the abutting lands.
 42. The developer shall construct Street 1 as a **right-in, right-out only access** to Gordon Street until such time as Gordon Street is constructed to an urban standard.
 43. The developer shall deed to the City a **5 metre widening abutting Clair Road** across the entire frontage of the lands in which the Developer has an interest prior to the registration of the first phase of development within the lands.
 44. The developer shall deed to the City a **0.3 metre wide reserves** across the frontages of Block 1 abutting Gordon Street and abutting Clair Road.
 45. The developer shall deed to the City a block with a maximum width of 4 metres and a maximum length of 60 metres abutting Gordon Street for the purposes of **intersection improvements**.
 46. That the developer shall at its expense implement and address all recommendations contained in the latest **Environmental Impact Study** that has been approved by the City and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.

47. 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 the Planning Division, Planning and Development Services, City Hall".
48. That the developer shall **dedicate** to the City Block 8 for park purposes, in accordance with the provisions of City of Guelph By-law (1989)-13410 as amended by By-law (1990)-13545, or any successor thereof, and shall further dedicate Blocks 10 and 11 for open space. These lands shall be ultimately **dedicated to the City** and be free of any encumbrance and in a form that is satisfactory to the City Solicitor and the developer shall pay the cost of all demarcation and fencing of these lands, as required by the City. Furthermore, the developer shall demarcate, grade, drain, landscape and fence (living and or chain link) the boundaries of all lands conveyed to the City in accordance with the policies of the City.
49. The developer shall demarcate the boundary of the Park Block in accordance with the "City of Guelph **Property Demarcation Policy**". This shall include submitting drawings for approval, identifying the concrete markers and living fences, to the satisfaction of the Director of Planning and Development Services. The developer shall be responsible for the cost of design and development of the living fence and property demarcation for the Park Block.
50. The developer shall be responsible for the cost and development of the "**Basic Park Development**" as per the City's "Specifications for Parkland Development", which includes clearing, grubbing, top-soiling, grading and sodding to the satisfaction of the Director of Planning and Development Services. The developer shall provide the City with cash or letter of credit to cover the City's estimate for the cost of the 'basic' parkland improvements and works for the Park Block to the satisfaction of the Director of Planning and Development Services.
51. The developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, phasing, interpretative signage and trail design details, to the satisfaction of the Director of Planning and Development Services.
52. The developer shall provide the Director of Planning and Development Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks.
53. The developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the "Design Principles for Storm Water Management Facilities" to the satisfaction of the Director of Planning and Development Services and the City Engineer.
54. The developer shall meet all conditions and recommendations of the **Traffic Impact Study** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision. Further, the developer shall submit a **Traffic Calming Management Plan** to the City for approval and shall incorporate the recommendations into the final subdivision design and shall implement all conditions and recommendations to the satisfaction of the City.
55. Prior to the registration of the subdivision plan or any part thereof, the developer shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents'**

Environmental Handbook, to all future homeowners or households within the plan, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City.

56. That the developer agrees to **locate and construct all driveways** accessing municipal streets to the satisfaction of the City Engineer.
57. That all existing **roads to be closed** and all roads to be used for emergency access be constructed to a standard acceptable to the City Engineer at the expense of the developer.
58. That the developer acknowledges that the suitability of the land for the proposed uses is the responsibility of the landowner. The developer 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 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.
59. That the developer agrees to erect **signage** at all entrances to the subdivision prior to the sale of any lots and prior to commencement of subdivision construction which provides notification of the proposed land use within and surrounding the subdivision, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities and stormwater management facilities, and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism.
60. That the developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or units and in the City's subdivision agreement to be registered on title:
 - a) "Purchasers and/or tenants of lots or units adjacent to or near the Stormwater Management Block are advised that the Stormwater Management Block has 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 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."
 - c) "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on streets 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."
 - d) "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 and construction traffic".
 - e) "Purchasers and/or tenants of 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".

Conditions to be met prior to Site Plan Approval

61. Prior to the approval of any site plan for the subject lands, the developer shall satisfy all goals and objectives of the urban design policies outlined in Section 7.4.34 of the Guelph Official Plan, the SGDC urban design concepts and guidelines and the proposed urban design requirements of the Commercial Policy Review implementing documentation, as approved by Council, to the satisfaction of the Director of Planning and Development Services.

Conditions to be met prior to issuance of a building permit

62. 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.
63. 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.

Agency Conditions

64. The developer agrees to meet all 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.
65. That all telephone service and cable TV service in the plan shall be underground and the developer shall enter into a Servicing Agreement with **Bell Canada** providing for the installation of underground telephone service prior to registration of the Plan of Subdivision.
66. That 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.
67. That 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.
68. That the developer and the **Wellington Catholic District School Board** reach an agreement regarding the supply and erection of signage, at the developer's expense and according to the Board's specifications, 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 school in the area be at capacity.

69. That the developer provides the **Wellington Catholic District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing parcel fabric and street network.
70. 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/sub divider/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. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
71. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:
- a) A detailed storm water management report and plans in accordance with the Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual, 2003. This report should include geotechnical information addressing the infiltration potential of the site. In addition, a storm servicing plan for the site should be included.
 - b) A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades including a Tree Conservation Plan.
 - c) An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and Sediment Control for construction sites, indicating the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan.
72. 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, to the satisfaction of the GRCA.
73. That the developer enters into a **Subdivision Agreement** with the City, registered on title, satisfactory to the City Solicitor that covers the conditions of approval.
74. Draft Plan Approval of the Pergola Drive-In Limited Subdivision, shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval.
75. 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 64 has been satisfied.
76. That prior to the registration of all, or any portion of, the plan, **Bell Canada** shall advise the City in writing, how condition 65 has been satisfied.
77. That prior to the registration of all, or any portion of, the plan, the **Upper Grand District School Board** shall advise the City in writing, how conditions 66 and 67 have been satisfied.

78. 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 68 and 69 have been satisfied.
79. That prior to the registration of all, or any portion of, the plan, the **Canada Post** shall advise the City in writing, how condition 70 has been satisfied.
80. That prior to the registration of all, or any portion of, the plan, the **Grand River Conservation Authority** shall advise the City in writing, how conditions 9, 46, 71 and 72 have been satisfied.
81. That prior to the registration of all or any portion of the plan, the **Ministry of Citizenship, Culture and Recreation** shall advise the City in writing how condition 14 has been satisfied.”

AND

“THAT the proposed rezoning of the lands be approved and City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1994)-14864, as amended, to rezone the subject lands as follows:

DESCRIPTION	NO. OF LOTS/UNITS	PROPOSED ZONING	AREA
On Street Townhouses Blocks 3-6	26+	R.3B	.763 ha.
Cluster Townhouse/ Apartments Block 7	23-29 towns or 77 apartments	Flex R.3A & R.4A	.765 ha.
Service Commercial Blocks 1&2		SC.1**	5.188 ha.
Park/Open Space Blocks 8, 10 & 11		P.2/P.1	.785 ha.
Roads			1.69 ha.
Road Widening & Reserves Blocks 15, 16, 17, 18			0.236 ha.
Stormwater Management Block 9, 12, 13 and 14		P.1 &WL on Blk. 12. SC.1 on Blks.13&14	1.802 ha.
TOTAL	49-55-103		11.238 Ha.

- Include a minimum net residential density requirement for the residential portion of the plan of 49 units at 32 u/ha (12.9 u/ac).

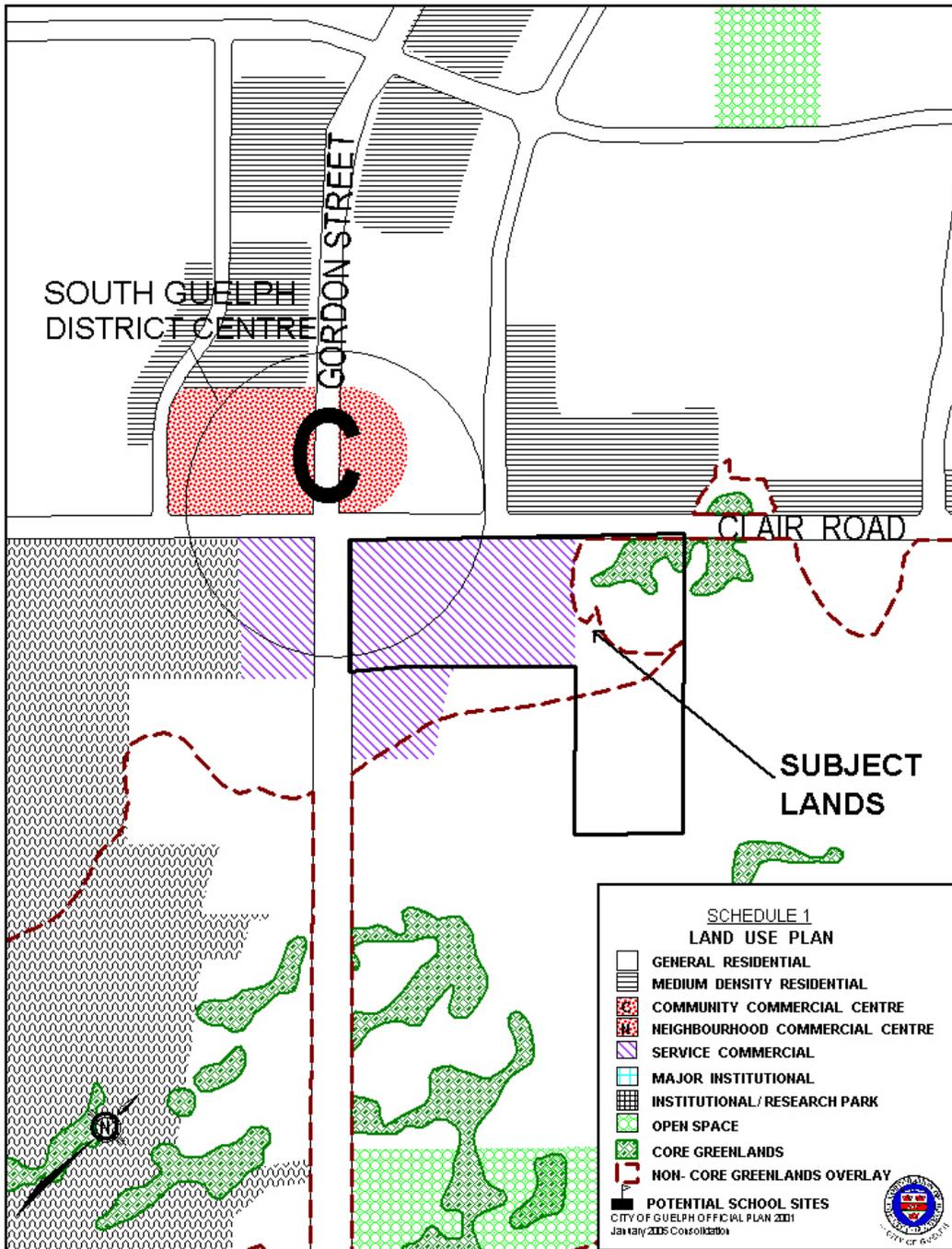
() – Additional regulations for SC.1 Zoning of Block 1**

A Great Place to Call Home

- For commercial Blocks 1 & 2, add 'institutional' and 'residential uses' in accordance with Section 8.1.1 (Institutional Zone Uses) and Section 4.15.2 (Dwelling Units with Commercial Uses), similar to as is currently permitted in the NC and CC Zone.
- Include a "build to line" regulation of 3 metres applying to Gordon Street, Clair Road and Streets 1 and 2.
- Prohibit gas bars and drive-through facilities from within 50 metres of the corners of the subject site.
- Require a minimum building height restriction of two storeys at the corner of Gordon Street and Clair Road."

SCHEDULE 3

Existing Official Plan Land Use Designations on Schedule 1



SCHEDULE 3

Excerpts from Section 7.4.34 of the Official Plan relating to the South Guelph District Centre Urban Design Study (March 2002).

“South Guelph District Centre (SGDC) - Service Commercial

5. Land designated 'Service Commercial' by this Plan within the South Guelph District Centre (SGDC) is intended to provide for *service commercial* uses serving the South Guelph area. *Service commercial* uses within the SGDC area will develop pursuant to policies 7.4.26 to 7.4.33 of this Plan. *Development* proposals on this land shall also have regard for the following:

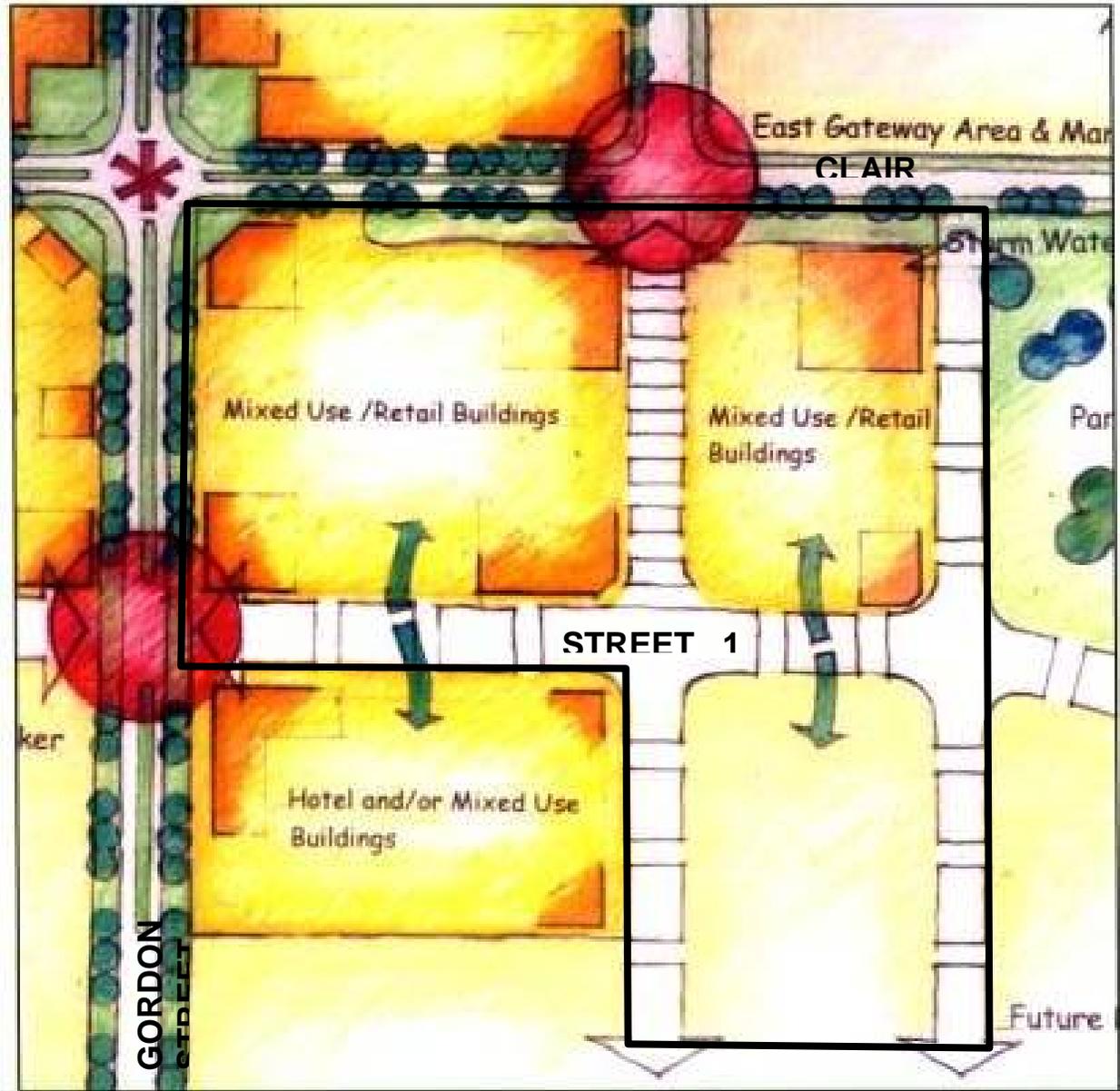
- a) Service commercial uses should be developed in a manner, which is compatible and complementary to other uses intended within the SGDC area;
- b) In addition to uses generally permitted by the 'Service Commercial' designation, major new recreation facilities such as indoor swimming pools, arenas, and active open space areas, or new school facilities are permitted and encouraged within the SGDC;
- c) Site and landscape design should reinforce natural attributes of the area, and provide continuity between uses which may be located in other quadrants of the SGDC;
- d) Building and site layout of development proposals should be designed to establish an attractive and definable gateway pursuant to subsection 3.6 and more particularly policy 3.6.31 of this Plan;
- e) Permitted uses will be strictly controlled through the implementing Zoning By-law to prohibit new retail uses, and new format or big box retail/warehouse uses pursuant to policy 7.4.5. of this Plan;

South Guelph District Centre (SGDC) - General Residential

6. Land located within the South Guelph District Centre (SGDC) which is designated General Residential' shall be developed pursuant to all applicable policies of subsection 7.2 of this Plan. The development of *multiple unit residential buildings* is encouraged within the identified SGDC area, generally located north of Clair Road surrounding the 'Community Commercial Centre' land. New school facilities are also encouraged to locate within the identified SGDC 'General Residential' area, and to be developed in conjunction with adjacent open space/park uses. In addition to all other applicable policy of this Plan, new residential proposals within the SGDC area shall have regard for the following:

- a) Residential uses should be developed in a manner, which is compatible and complementary to other uses intended within the SGDC area;
- b) Site and landscape design should reinforce natural attributes of the area, and provide continuity between uses, which may be located in other quadrants of the SGDC;
- c) Building and site layout should be designed to establish an attractive and definable gateway pursuant to subsection 3.6 and more particularly policy 3.6.31 of this Plan.”

SCHEDULE 4
South Guelph District Centre Urban Design Guidelines (March 2002)
South East Quadrant – Gordon Street/Clair Road Intersection

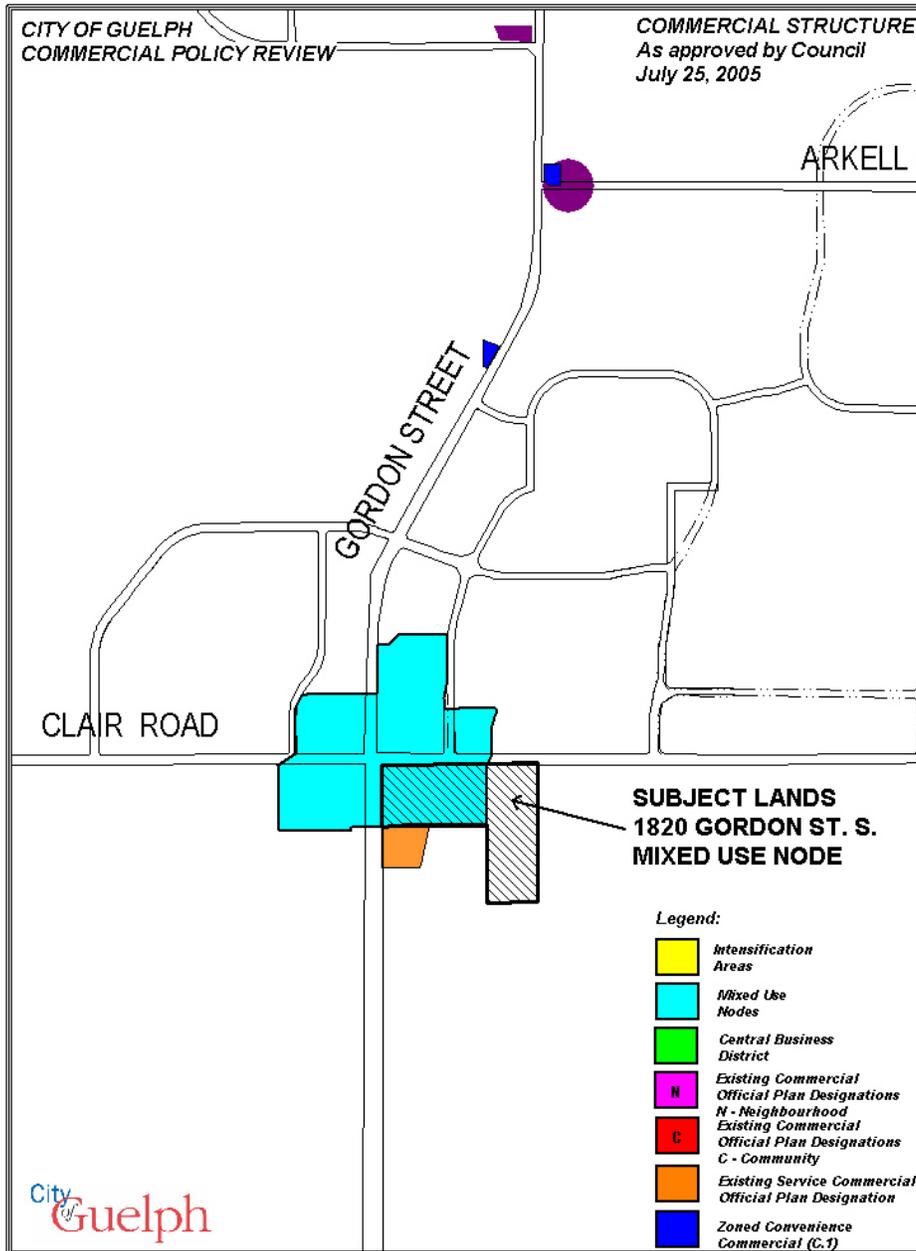


SCHEDULE 4

South Guelph District Centre Urban Design Guidelines (March 2002) District Centre Plan illustrating loop road – Gordon Street/Clair Road Intersection

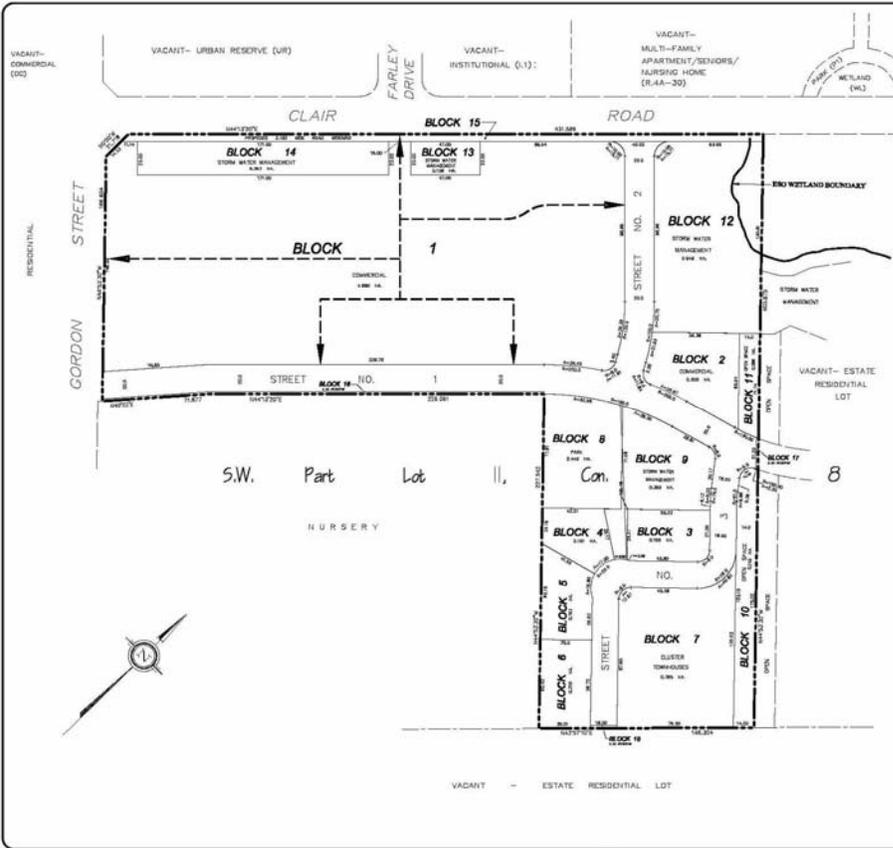


**SCHEDULE 5
Commercial Policy Review (CPR) Council Approval
For Gordon Street/Clair Road Intersection**



SCHEDULE 6

THE PROPOSED SUBDIVISION



KEY PLAN NOT TO SCALE

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

OWNERS CERTIFICATE

SURVEYOR'S CERTIFICATE

METRIC

RELEVANT INFORMATION

BLOCK	USE	AREA
BLOCK 1 & 2	COMMERCIAL	1,100 m ²
BLOCK 3 - 4	RESIDENTIAL - SINGLE TOWNHOMES	2,100 m ²
BLOCK 5	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 6	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 7	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 8	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 9	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 10	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 11	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 12	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 13	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 14	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
BLOCK 15	RESIDENTIAL - SLURRY TOWNHOMES	1,500 m ²
TOTAL AREA		15,000 m ²

DRAFT PLAN OF SUBDIVISION
OF PART OF
SOUTHWEST PART LOT 11, CONCESSION 8
CITY OF GUELPH
COUNTY OF WELLINGTON

SCALE 1:1,000

BLVD, SHAWHAN, TORRES & DONALDSON

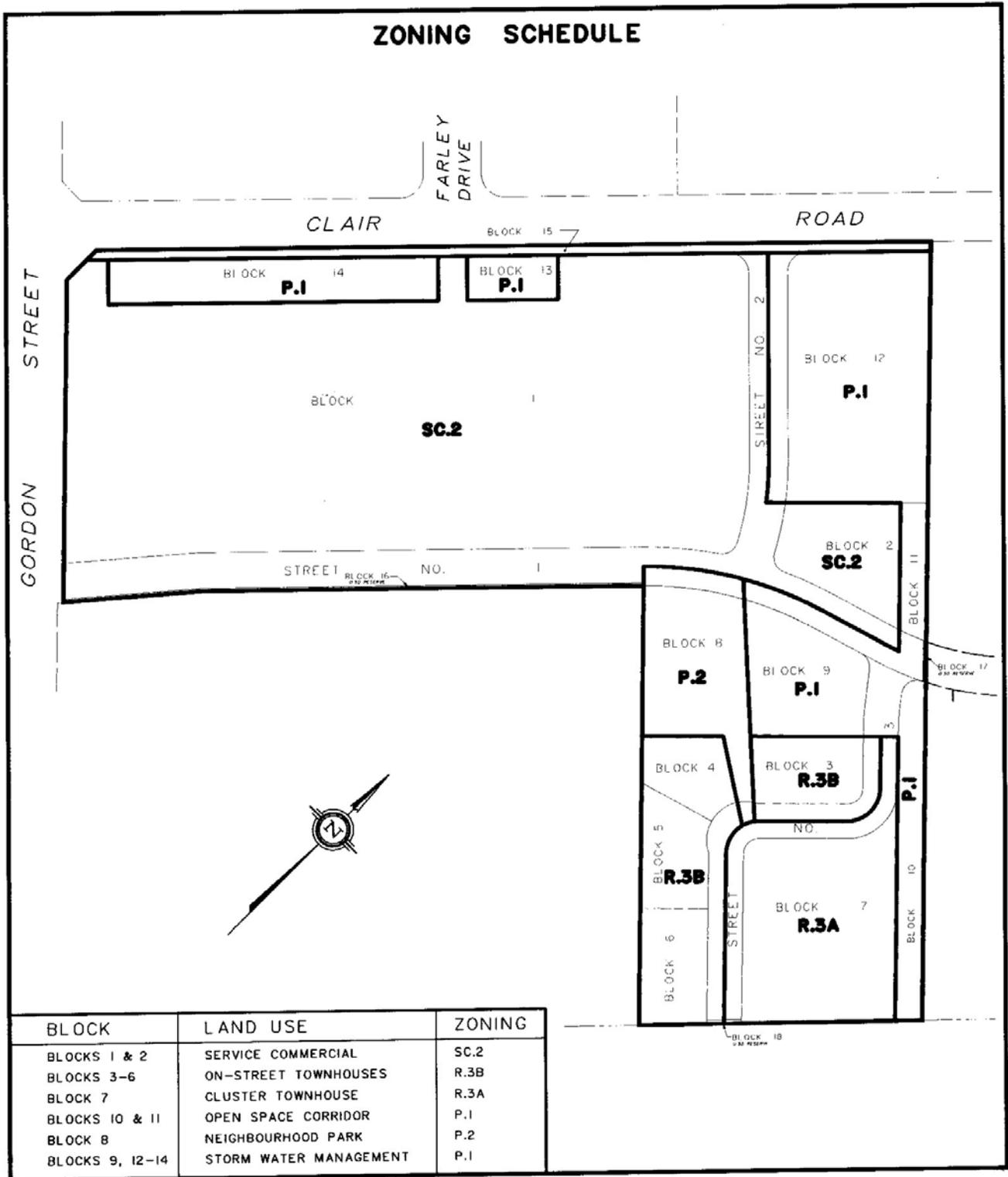
BSRD

A Great Place to Call Home

**SCHEDULE 6
THE PROPOSED SUBDIVISION**

DESCRIPTION	NO. OF LOTS/UNITS	PROPOSED ZONING	AREA
On Street Townhouses Blocks 3-6	26+	R.3B	.763 ha.
Cluster Townhouse Block 7	23-29	R.3A	.765 ha.
Service Commercial Blocks 1&2		SC.2	5.188 ha.
Park/Open Space Blocks 8, 10 & 11		P.2/P.1	.785 ha.
Roads			1.69 ha.
Road Widening & Reserves Blocks 15, 16, 17, 18			0.236 ha.
Stormwater Management Block 9, 12, 13 and 14		P.1	1.802 ha.
TOTAL	49-55		11.238 Ha.

SCHEDULE 7 THE PROPOSED REZONING



**SCHEDULE 7
EXCERPTS OF THE PROPOSED REZONING**

SECTION 5.3 RESIDENTIAL TOWNHOUSE (R.3) ZONES

5.3.1 PERMITTED USES

The following are permitted *Uses* within the Residential *Townhouse R.3 Zone*:

5.3.1.1 R.3A – *Cluster Townhouse Zone*

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

5.3.1.2 R.3B – *On-Street Townhouse Zone*

- ***On-Street Townhouse***
- ***Home Occupation*** in accordance with Section 4.19
- ***Accessory Use*** in accordance with Section 4.23

REGULATIONS

Subject to Section 5.3.2 of the Zoning Bylaw

6.4 SERVICE COMMERCIAL (SC) ZONES

6.4.1 PERMITTED USES

The following are permitted Uses within the Service Commercial – SC.1 and SC.2 Zones:

6.4.1.1 Service Commercial – SC.1 Zone:

- | | |
|---|--|
| Auto-oriented Department Store | Car wash, Automatic |
| Car wash, Manual | Catalogue Sales Outlet |
| Club | Commercial School |
| Commercial Entertainment
with Section 4.26 | Day Care Centre in accordance |
| Financial Establishment | Funeral Home |
| Group Home in accordance with Section 4.25 | Hardware Store |
| Hotel | Liquor Store |
| Lodging House in accordance with Section 4.25 | Medical Clinic |
| Office Supply | Parking Facility |
| Print Shop | Public Hall |
| Recreation Centre | Religious Establishment |
| Research Establishment | Restaurant |
| Restaurant (take-out) | Retail sales, service and rental of:
electrical/lighting supplies |
| Tavern | electronic and audio-visual |
| Tourist Home
equipment | furniture and appliances |
| Vehicle Specialty Repair Shop | Vehicle Gas Bar |
| Vehicle Service Station | |
| Veterinary Service | |

6-16 Within a Mall:

All Uses listed in Section 6.4.1.1 and the following:

- Artisan Studio
- Bake Shop
- A Great Place to Call Home*

Cleaning Establishment
Dry Cleaning Outlet
Laundry
Office
Pharmacy
Postal Service
Repair Service
Vehicle Parts Establishment

Convenience Store
Florist
Medical Office
Personal Service Establishment
Photofinishing Place
Rental Outlet
Taxi Establishment
Video Rental Outlet

6.4.1.2 Highway Service Commercial – SC.2 Zone

Any Use permitted in Section 6.4.1.1 subject to the regulations of the SC.2 Zone plus the following additional Uses:

Amusement Park
Building Supply
Contractor's Yard
Garden Centre
Monument Sales

Auction Centre
Catering Service
Courier Service
Kennels

Retail sales, service and rental of:

Recreational Vehicles
Construction and farm equipment
Small Motor Equipment Sales
Storage Facility
Taxi Establishment
Tradesperson's Shop
Transportation Depot
Trucking Operation
Vehicle Body Shop
Vehicle Establishment
Vehicle Sales Establishment

REGULATIONS

Subject to Section 6.4.2 of the Zoning Bylaw.

**SCHEDULE 8
PLANNING AND DEVELOPMENT SERVICES RECOMMENDATION
AND BACKGROUND**

PLANNING ANALYSIS AND RECOMMENDATION

Planning and Development Services recommends approval of this application, subject to the recommended modifications related to red-lining the plan for traffic control purposes and amendments to the proposed service commercial zoning on Blocks 1 and 2 and the addition of apartment zoning on the cluster townhouse Block 7, to better meet the intent of the South Guelph District Centre Urban Design Guidelines Study (March 2002) which has been enshrined in the Official Plan. Staff recommends approval of the applications with conditions and zoning outlined in Schedule 2 of this report.

Provincial Policy Statement 2005

The application is consistent with the Provincial Policy Statement 2005 as it provides the opportunity for much needed employment lands, shopping facilities and services in close proximity to a growing population in south Guelph. The application also provides the opportunity for additional medium density residential housing in the immediate vicinity of these shopping services for the convenience of future residents. The development will add to the City's non-residential economic base while respecting the site's natural features and environment.

The Guelph Official Plan

The proposal, as modified by Staff, conforms to the goals and objectives of the Guelph Official Plan. Sections of the Plan considered during the application review include:

Section 2.3 Major Goals - #4 directing development to areas where municipal services are available - #7 encouraging balanced economic growth and #11 the protection of the natural environment. See conditions 8, 9 and 16.

Section 3.5.9 Archaeological Resources will be implemented through Condition 14 in Schedule 2.

Section 3.6 Urban Design will be addressed through the requirements of both the South Guelph District Centre Urban Design Guidelines Study (March 2002) and the Commercial Policy Review (CPR) Framework implementing documents. See condition 61.

Section 3.6.31 South Guelph Secondary Plan Area #2 is met by providing mixed uses that minimize travel requirements between home and work or shopping.

Section 7.2.31 General Residential has been addressed and the proposed density of development meets the net density maximum limit of 100 units/hectare (40 units/acre).

Section 7.4.26 Service Commercial Land Use Designation has been addressed and in particular, Section 7.4.34 South Guelph District Centre which plans the Gordon/Clair intersection and four quadrants as a focal point for the surrounding community and a major gateway or landmark for the City. The policies promote continuity in the development of the quadrants and an attractive, well-defined node with a high standard of urban design.

While Section 7.4.34 # 1, 2 and 3 outlines general policy objectives as a guide to development within the District Centre, Sections 7.4.34(5 and 6) outline objectives specifically addressing both Service Commercial and General Residential development within the defined District Centre lands.

A Great Place to Call Home

These Official Plan objectives are attached in Schedule 3.

Changes to the application recommended by Staff include:

- adding red-line amendments to the plan for traffic control and improvement purposes including a north-bound right-turn lane on Gordon Street, reserves on Block 1.
- limiting the range of proposed land uses on the site by recommending the SC.1 (Service Commercial) Zone rather than the requested SC.2 (Highway Service Commercial) Zone, and,
- increasing the potential density of the proposal by adding flex zoning on the cluster townhouse block to include the opportunity for apartments dwellings as an alternative housing form.
- Adding a condition requiring the developer to satisfy all goals and objectives of the urban design policies outlined in both the Guelph Official Plan and the Commercial Policy Review implementing documentation approved by Council.

Commercial Policy Review (CPR) Framework

On July 25, 2005, Council approved a policy framework for the Commercial Policy Review strategy for the City. An excerpt of this Council resolution reads as follows:

...”THAT Appendix 5 of the Planning and Building Services Report 05-83 dated June 27, 2005 be revised to change the South Guelph District Centre Commercial Need in Square Feet in the Medium Growth Category from 400,000 square feet to 500,000 square feet and in the High Growth Category from 450,000 square feet to 520,000 square feet;”...

The subject site forms part of the planned south east quadrant of the Mixed Use Node within the South Guelph District Centre (SGDC) in the recommended framework of the CPR (See **Schedule 5**).

The subject application is consistent with Council’s direction and will not conflict with the future implementing documents of the CPR. The total commercial floor space considered in the applications for the three active quadrants at this intersection (Clairfield’s north west corner, Westminister’s north east corner and Pergola’s south east corner is approximately 38,702 square metres (416,600 square feet).

Servicing & 2005 DPP Water/Wastewater Capacity

2006 DPP Water/Wastewater Capacity

Explanation: These charts show the determination of how many units can be serviced (line 3) after subtracting the actual capacity used and the theoretical commitments (line 2) from the total available capacity (line 1). Line 4 shows how many units are proposed in the 2006 Development Priorities Plan and line 5 confirms whether there is capacity available for these units.

	October 31, 2005 *	Water	Wastewater
1	Firm Capacity	63,000 m ³ /day	64,000 m ³ /day
	Actual Average Annual Flow *	52,036m ³ /day	52,893 m ³ /day
2	Committed Firm Capacity	54,979 m ³ /day	56,903 m ³ /day
3	Free Registered Dwelling Unit Capacity	6,962 units	6,082 units
4	Units to be registered in 2006	1,287 units	1,287 units

	based on the approved Development Priorities Plan		
5	Capacity Available	YES	YES

Firm Capacity represents the physical capacity of the constructed water and wastewater infrastructure to deliver an annual daily flow of 63,000 m³/day of water supply and 64,000 m³/day of wastewater treatment.

Committed Firm Capacity is the actual average annual daily flow for water and wastewater treatment averaged over the past three years plus a theoretical commitment of capacity for any registered lots that have not yet been constructed. The figure for wastewater treatment also includes a total of 1200 m³/day committed to the Village of Rockwood.

Pergola Subdivision (23T-03507, ZC9912)

	October 31, 2005 *	Water	Wastewater
1	Planning Capacity	75,260 m ³ /day	73,000 m ³ /day
2	Committed Planning Capacity (most recent allocation given to 23T-04501)	59,820 m ³ /day	61,775 m ³ /day
3	Free Registered Dwelling Unit & Draft Plan Approval Capacity	17,167 units	13,356 units
4	Units to be Draft Plan Approved	49-103 units	49-103 units
5	Capacity Available	YES	YES

Planning Capacity for water supply includes the sum of all existing water pumping certificates of approval. Not all of our approved capacity is currently available. Planning capacity for wastewater is based upon the approved assimilative capacity of the Speed River. Plant expansion to provide an additional 9,000 m³/day of treatment capacity in order to reach the approved assimilative capacity is planned for 2008.

Committed Planning Capacity is the sum of Committed Firm Capacity plus a theoretical commitment of capacity for any draft approved units that have not yet been registered

Traffic Impact Study

Staff has accepted the Traffic Impact Study which acknowledges Gordon Street and Clair Road are planned as major arterial roads with four lanes, divided cross-sections, left turn lanes and consideration of channelized right turn lanes. Based on the upgrades of both arterial roads, the study concludes that the draft plan is supported from a transportation perspective. The intersection of Farley Drive and Clair Road will be signalized.

In support of this application, the applicant has submitted the following reports:

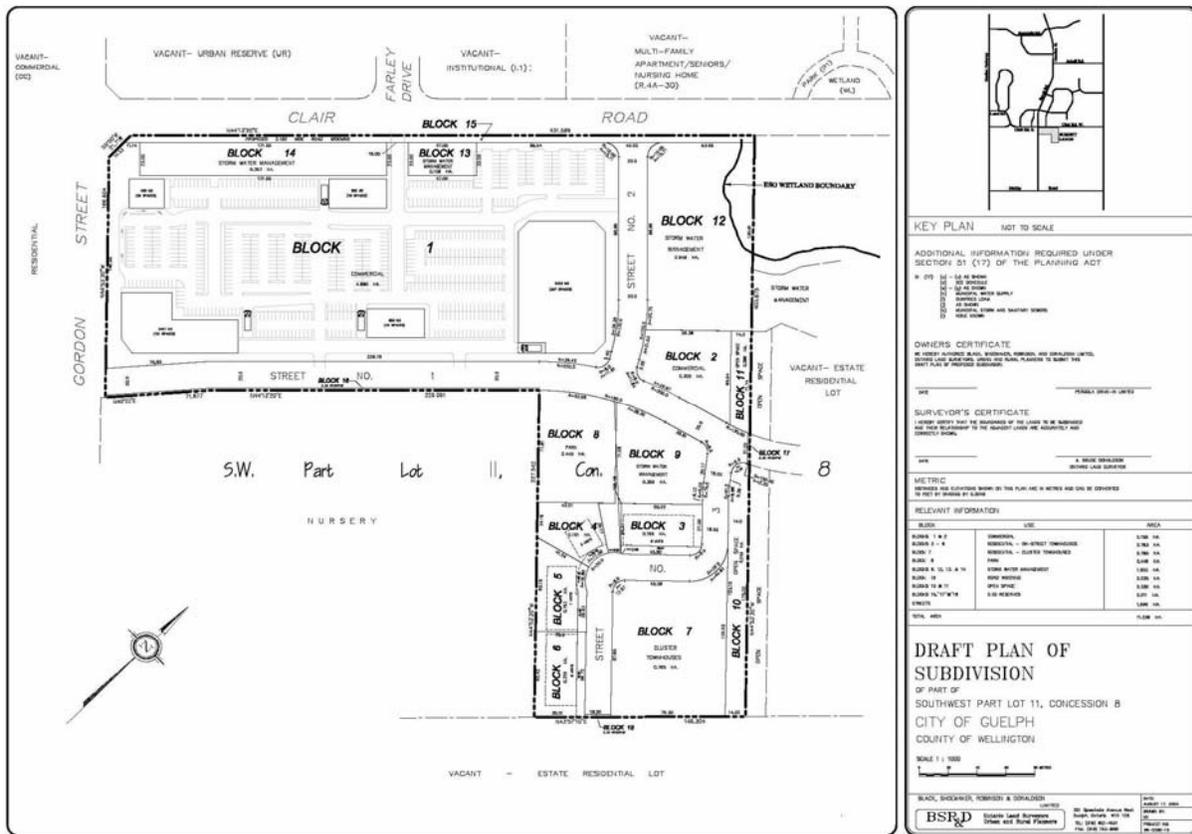
- Scoped Environmental Impact Study Report by Stantec Consulting Ltd. Dated September 2003.
- Preliminary Servicing and Stormwater Management Report by Braun Consulting Engineers dated August 2003, updated September 2004.
- Traffic Impact Study by Paradigm Transportation Solutions Ltd. dated August 29, 2003.
- Preliminary Geotechnical Investigation by Naylor Engineering Associates Ltd. dated December 2000.

The applicant also submitted papers addressing agency comments on January 6, 2004, February 3, 2004 and August 27, 2004.

Summary

This subdivision proposal and associated rezoning conforms to the goals and objectives of the Official Plan, is in the public interest and represents good planning. Staff recommend that this development application be placed on the agenda for the March 20, 2006 City Council meeting for a decision.

SCHEDULE 8 Preliminary Site Plan Concept



A Great Place to Call Home

**SCHEDULE 9
CIRCULATION COMMENTS AND CORRESPONDENCE**

Note: The following summary of comments is a compilation of comments received from agencies in response to both the 2003 and 2004 Notices of Application.

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Finance	✓		Development Charges
Wellington Catholic District School Board		✓	Standard conditions
Police Services	✓		No concerns
Fire Department		✓	Emergency response times consideration
G.R.C.A.		✓	Standard conditions
Heritage Guelph	✓		No concerns
G.D.A.	✓		Support
Chamber of Commerce	✓		Support
Upper Grand District School Board			Standard conditions
Economic Development	✓		Support
Community Services		✓	Standard conditions for parkland
Guelph Hydro		✓	Standard conditions
Guelph Field Naturalists			Watershed comments
Canada Post			Standard conditions
E.A.C.			Support with request for further detail in design
Environment and		✓	Standard conditions &

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Transportation Group			water pressure condition
Planning and Development Services		✓	Standard conditions & modifications and additions

The following correspondence was received from key agencies and neighbouring property owners:

- E&T Memo dated November 15, 2005.
- Letter from Eugene Valeriotte at 1992 Gordon Street
- Letter from Astrid Clos, Planning Consultant for Mr. Fritz Marthaler, owner of Brock Road Nursery (Complete Landscaping) at 1858 Gordon Street.
- Letter from Arnold and Shirley Ryder at 1861 Gordon Street
- Letter from Steven Zakem, Aird & Berlis LLP for Westminister Woods Subdivision.

SCHEDULE 9
Environment and Transportation Group Comments

File No. 16.152.292

To: Al Hearne, Planning Department

cc: Peter Linn, Julius Bodai, Rajan Phillips

From: Mary Angelo, Engineering Department

Date: November 15, 2005

Subject: Pergola Draft Plan of Subdivision & Zoning By-law Amendment, 23T-03507 & ZC9912

Further to our June 2/05 comments to you with respect to the above-noted development, the following are updated comments as a result of a meeting that you had with Peter Linn and Scott Hannah on July 25/05. We have also included our draft plan conditions for your use.

Road Geometrics

Street No. 1

- Corner rounding radius of 10 metres is required.
- Written approval from the Nursery lands for radius and road construction is required and for removal of a portion of the existing fence and hedgerow for sight line purposes.
- We have sight line concerns with respect to the location of the proposed intersection of Street 1 and Gordon Street. The present vertical alignment of Gordon Street, at this location, would not allow adequate stopping sight distance for vehicles entering/exiting the road at this location. This constraint will not be present once Gordon St is reconstructed to the profile proposed in the Gordon St EA Study. Funding for this project is identified in the City's Capital Forecast for 2009. In order to allow the intersection of Street 1 and Gordon St to operate safely, Gordon Street should be reconstructed across the frontage of the Pergola lands when Street 1 is built. If this happens prior to the availability of City funding, the developer would have to "front-end" the City's share of the cost. Failing this, a temporary driveway (right in/right out only) at the Street 1 intersection location may be possible to access Block 1.

Street No. 4 (as red-lined on the plan we previously gave you)

- If Block 1 is entirely zoned commercial then we will consider a private road through Block 1. However, if Block 1 is divided by the zoning outlined in the Commercial Policy Review, then Street 4 (as red-lined) will need to be a public road.

Street No. 3

- This street only needs to be 17.0 metres wide.
- For a 17 metre road, the centreline radius of the curve by Block 9 must be 70 metres, or larger, so the inside radius must be 61.5 metres and the outside radius must be 78.5 metres.
- The second elbow bend should have an outside radius of 23 metres and an inside radius of 8.5 metres.
- At temporary turnaround is required at the end of this street. The developer can build it on

A Great Place to Call Home

Blocks 6 or 7 or the developer could obtain written approval from the adjacent property owner to the south in order to construct a temporary turnaround on the adjacent lands. Detailed design will need to confirm that the road construction and drainage will work across the frontage of those Blocks.

Abutting Roads

Clair Road immediately abuts this plan to the north. It is presently a two-lane rural cross-section road and is scheduled to be reconstructed in 2006 to a four-lane urban standard road from Gordon Street to Beaver Meadow Drive complete with bicycle lanes, curb and gutter, asphalt pavement and sidewalk. To the east of Beaver Meadow Drive, Clair Road will be reconstructed to a two-lane urban standard road complete with bicycle lanes, curb and gutter, asphalt pavement and sidewalk.

Gordon Street also abuts this plan to the west. It is presently a two-lane rural cross-section road with no municipal services. The Gordon Street Class Environmental Assessment, completed in 2000, recommended that Gordon Street, south of Clair Road, be widened to a four-lane urban cross-section complete with bicycle lanes. Clair Road/Gordon Street intersection is scheduled to be reconstructed in 2009 and at the same time, Gordon Street will be reconstructed to a four-lane urban standard road complete with bicycle lanes.

Road Widening

- The draft plan shows a 5.182 metre road widening across the entire Clair Road frontage.
- Land for a northbound right turn lane at the Gordon/Clair intersection is required (30 metre storage plus taper is suggested).

Water

The existing 400mm diameter watermain at the intersection of Farley Drive and Clair Road will supply this development with municipal water.

- The limits of the pressure zone (lands above an elevation of 344 metres) should be clearly shown on Figure 6 in the preliminary servicing report. We may need to hold Blocks 4, 5, 6 & 7 unless proposed site grading details can confirm that those Blocks will not be affected by the water pressure restriction.
- The current proposal has three dead-ends. Investigation should be completed to try and loop the system.

Sanitary

In 2002, a 375mm diameter trunk sanitary sewer was extended south on Farley Drive to Clair Road in order to provide service for development of these lands.

- The preliminary servicing report should discuss pipe slopes within the subdivision to ensure that City and MOE criteria can be met.

Storm (as red-lined on the report we previously gave you)

A Great Place to Call Home

- Confirm the overland flow route for the Regional event.
- The Erosion & Sediment Control Plan should reference GRCA Guidelines.
- The preliminary stormwater report should be amended to include the changes as written in “red” in the report; including the schematic diagrams for the existing drainage conditions and the proposed drainage conditions.

0.3metre Reserves

The 0.3m reserves shown on the Aug/04 draft plan are acceptable. We will also require a 0.3m reserve along the Gordon Street frontage of the proposed Block 1 and along the Clair Road frontage of the proposed Block 1.

Engineering Draft Plan Conditions

(Note: For brevity, the author of this report has deleted the conditions as they have been included in the recommendation in Schedule 2 of this report).

We trust that this is helpful for now. Please do not hesitate to call me if you have any questions.

Yours truly,

M. Angelo, P. Eng.
Development Project Engineer

copy: Planning
Clerks (B.B)

5495 Parker Avenue
Victoria, B.C., V8Y 2N2
October 25, 2004
PLANNING AND
BUILDING SERVICES

NOV 01 2004

Lois Giles
Guelph City Clerk,
59 Carden Street
Guelph, Ontario, N1H3A1

Re: 1820 Gordon Street - Pergola Drive-In Limited.....(File 23T-03507, ZC9912)

Dear Ms. Giles:

In response to your Notice of: Revised Application for A Plan of Subdivision, dated October 4, 2004, we do wish to be notified of the decision of Guelph City Council in respect of the proposed plan of subdivision.

We also would like assurance that Road No. 3, as shown on the draft plan, is sufficiently wide to provide access to future subdivisions when the land to the south (and, in particular, our land at 1992 Gordon Street) is developed. On the draft plan that I was sent, the southernmost leg of this road appears to be somewhat narrower than the normal 20 metre width.

Yours sincerely,

E. Valeriote

Eugene M. Valeriote
Estate Trustee for 1968 and 1992 Gordon Street.

RECEIVED
NOV - 1 2004
PLANNING SERVICES DEPT.

Nov. 3/04. FYI re: Road #3.
cc: Peter Linn, E+T
Nancy Shoemaker, BSRD. / *[Signature]*
Cheryl Counts. please add to circulation list, re

City of Guelph
59 Carden Street
Guelph, Ontario
N1H 3A1

November 16, 2004

Project No. 9980.30



SHAPING GREAT COMMUNITIES

Attention: Al Hearne, Planning and Building Services
Lois Giles, City Clerk

**Re: 1820 Gordon Street (Pergola)
Proposed Residential/Commercial Draft Plan of Subdivision
and Associated Zoning By-law Amendment
File 23T-03507, ZC 9912**

Dear Ms. Giles
and Mr. Hearne:

Thank you for circulating the above-referenced applications (October 4, 2004 circulation) for comment. Please be advised that we wish to be notified of a Public Meeting regarding this application and also to be notified of any decision of Guelph Council with respect to this application.

The following comments have been prepared on behalf of the abutting landowner to the south, Brock Road Nursery (Complete Landscaping). Mr. Fritz Marthaler, is the owner of the Brock Road Nursery located at 1858 Gordon Street, Guelph and with his family also resides on the property.

Mr. Marthaler has provided his concerns regarding the Pergola application to the City through correspondence dated December 9, 2003 and November 11, 1999 and also with respect to the South Guelph Transportation Overview in correspondence dated August 24, 2003.

Mr. Marthaler's concerns with these applications as circulated on October 4, 2004 are as follows:

1. Schedule 2 included within the Notice of Application shows Street No. 1 abutting Mr. Marthaler's northerly property boundary. Will Street No. 1 be constructed to match the existing grade at this common property boundary?
2. Will the existing trees along the common property boundary (where Street No. 1 is proposed) be able to be retained as has been requested by Mr. Marthaler?
3. Schedule 2 in the Notice of Application indicates that Blocks 4, 5 and 6 are proposed to be used as on-street townhouse blocks. Mr. Marthaler is requesting that a requirement for a 6 foot high solid wood fence and 1.5 metre wide landscaped buffer be included in the zoning for these on-street townhouse blocks where they back onto his property.

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

KITCHENER OFFICE

GSP Group Inc.
72 Victoria Street S., Suite 201
Kitchener, ON N2G 2Y9
P 519.569.8883
F 519.569.8643

GUELPH OFFICE

GSP Group Inc.
295 Southgate Drive, P.O. Box 1112
Guelph, ON N1H 6N3
P 519.837.8547
F 519.837.1951

HAMILTON OFFICE

GSP Group Inc.
21 Hunter Street East, Suite 102
Hamilton, ON L8N 1M2
P 905.522.4847
F 905.522.5280

www.gspgroup.ca

00/2004 1061 158 615 1

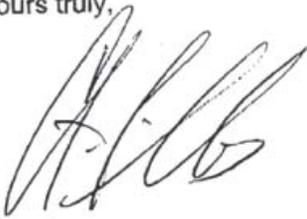
00000 0000000000000000

00 000 0000-00-0000

4. We continue to question the distance between the intersections of Clair Road and the proposed Street 1 intersecting with Gordon Street. Have the required turning lanes been designed for these two intersections? Has it been determined that the operation of these intersections would not conflict? Have adequate sight lines been identified at Street 1 and Gordon Street? Will Street 1 and Gordon Street be a signalized intersection? Mr. Marthaler observes traffic frequently backing up on Gordon Street at a point beyond his driveway now. I have requested a copy of the Traffic Study for the Pergola application but have not yet received a response to this request.
5. Mr. Marthaler is requesting that a condition of draft plan approval be imposed that a condition be imposed at the time of site plan approval that lights on the commercial block be directed on the commercial site only and not be directed toward his property.

Thank you for the opportunity to provide these comments for your consideration when reviewing this application.

Yours truly,



Astrid Clos, MCIP, RPP
Senior Associate
Guelph Office

cc: Peter Linn, Environment and Transportation
Rajan Phillips, Environment and Transportation
Fritz Marthaler, Brock Road Nursery

*Nov 18/04. May I have your comments on conditions #:
cc: Peter Linn (1, 2 + 4).
Nancy Shoemaker, BSRD. (1, 2, 3 + 5). /ae*

Allan C. Hearne,
Planning and Building Services
City of Guelph,
59 Carden Street,
Guelph, Ontario, N1H 3A1
November 18, 2003



Dear Mr. Hearne:

REVISED APPLICATION FOR A PLAN OF SUBDIVISION AND A ZONING BY-LAW AMENDMENT
DATED NOVEMBER 5, 2003.

With reference to the above application which was mailed to the property owners, please refer to the enclosed copy of a letter delivered to Michael Crechiolo several years ago, also copy of Figure 3: Collector Road Concept.

We understand such application has not been approved. As you can see from Figure 3, we are concerned as to the location of the Collector Road, where it will cross Gordon Street, and if it will interfere with our property.

Please keep us informed of future developments, and notify us of the decision made by the Guelph City Council.

Yours truly,

Arnold Ryder

Shirley Ryder



RECEIVED
DEC 22 2003

INFORMATION SERVICES DEPT

December 19, 2003

BY FAX #519.763.1269 AND MAIL

Our File #82455

Ms. Lois A. Giles
Clerk/Director of Information Services
City of Guelph
City Hall, 59 Carden Street
Guelph, ON
N1H 3A1

Dear Ms. Giles:

**Re: 1820 Gordon Street – Pergola Drive-In Limited
Proposed Residential/Commercial Draft Plan of Subdivision and
Associated Zoning By-law Amendment (File 23T-03507, ZC9912)**

We act on behalf of Westminister Woods Ltd., a member of Reid's Heritage Group which owns lands located at the northeast corner of Clair Road and Gordon Street in the City of Guelph, located immediately across Clair Road East from the above-noted property. Our client is in receipt of a notice dated November 5, 2003 with respect to this proposal, and this letter is intended to constitute our client's written comments on this application.

Our client's lands, the above-noted lands and other lands are identified as the "South Guelph District Centre" in the City of Guelph Official Plan. Our client will be submitting an Official Plan Amendment and Zoning By-law with respect to its lands in order to permit retail commercial uses of up to 190,000 ft² on its property. This application will be filed very shortly and will be supported by planning, market and transportation analyses. As such, the above-noted application should be considered with knowledge of our client's proposal.

We may have further and additional comments once our client has filed its planning applications and has received comments from Planning staff as a result of the circulation of those applications. We look forward to working with City staff and with adjacent landowners in order to advance the various applications.

BCE Place, Suite 1800, Box 754, 181 Bay Street, Toronto, Ontario, Canada M5J 2T9 T: 416.863.1500 F: 416.863.1515

www.airdberlis.com

Affiliated with Owen, Bird / Vancouver

December 19, 2003

Page 2

We thank you for this opportunity to provide the foregoing comments and would ask that the undersigned be listed for the purposes of obtaining notice with respect to the Zoning By-law and Plan of Subdivision applications noted above.

Yours very truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/mn

cc: Alfred Artinger (by fax)
Hugh Handy (by fax)

::ODMA\PCDOCS\DOCS\1596713\1

Dec. 22/03.

cc: Scott H.
Craig M. /ae



AIRD & BERLIS LLP
Barristers and Solicitors
Patent and Trade Mark Agents

SCHEDULE 10 PUBLIC NOTIFICATION

September 24, 1999	Application (1 st submission) received by City of Guelph.
October 14, 1999	Public Notification sign erected and Notice of Application mailed to prescribed agencies and surrounding property owners within 120 metres (400 feet) of subject lands. The Notice encourages public participation and comment.
September 9, 2003	Revised application (2 nd submission) received by City.
November 5, 2003	2 nd Notice of Application mailed to prescribed agencies and surrounding property owners within 120 metres (400 feet) of subject lands. The Notice encourages public participation and comment.
September 3, 2004	Revised application (3 rd submission) received by City.
October 4, 2004	3 rd Notice of Application mailed to prescribed agencies and surrounding property owners within 120 metres (400 feet) of subject lands. The Notice encourages public participation and comment.
February 9, 2005	EAC approves application at public meeting.
January 23, 2006	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres (400 feet) of subject lands. The Notice encourages public participation and comment.
February 13, 2006	Public Meeting of Guelph City Council
March 20, 2006	Anticipated decision of City Council

Note: This report may include hard-copy insertions.



elph

Report:

06-09

PLANNING AND DEVELOPMENT SERVICES
Planning

TO: Council

DATE: February 13, 2006

SUBJECT: ALDO & LUGIA GOEGAN - Proposed Zoning By-law Amendment for lands known municipally as 78 Eastview Road, legally described as Part Lot 2, Concession 5, Division C, City of Guelph (File ZC0507) – Ward 2.

RECOMMENDATION:

"THAT the application (ZC0507) by John E. Valeriote on behalf of Aldo and Luigia Goegan for a Zoning By-law Amendment from the existing Urban Reserve UR Zone to a Specialized Residential Single Detached R.1B-? (H) Holding Zone for property known as 78 Eastview Road and legally described as Part Lot 2, Concession 5, Division C, City of Guelph, BE APPROVED in accordance with the regulations and conditions set out in SCHEDULE 2 of the Planning Report dated February 13, 2006."

BACKGROUND:

Location

The subject lands are located north of the intersection of Eastview Road and Auden Road and west of Starwood Drive (see Location Map on **Schedule 1**). The subject property is 1.53 hectares in size with a frontage of 54.8 metres and a depth of 279 metres. A single detached dwelling is located on the western portion of the property. A Provincially Significant Wetland is located on the rear portion of the subject property and on adjacent lands to the west. The adjacent property to the east at 82 Eastview Road contains an existing single detached dwelling (see **Schedule 6**). The area subject to the zoning by-law amendment application is limited to the front portion of the property at a depth of 80 metres, consisting of a total area of 0.44 hectares (see **Schedule 4**).

Official Plan

The front portion of the property that is subject to the rezoning application is designated "General Residential" in the Official Plan (see **Schedule 5**). The rear portion of the property containing the Provincially Significant Wetland (PSW) is designated "Core Greenlands". The entire property is within the Official Plan's "Non-Core Greenlands Overlay" designation. The preparation of an Environmental Impact Statement (EIS) is required for development within the "Non-Core Greenlands Overlay" designation where the proposal may negatively impact a natural heritage feature or its ecological function.

The preparation of an EIS to demonstrate that the proposed development would not negatively impact the Provincially Significant Wetland located on the rear portion of the property was not considered necessary for this application. This determination was on the basis that the rezoning application is limited to the front portion of the property that is entirely contained within a previously disturbed area.

REPORT:

Description of Proposed Zoning By-law Amendment

The purpose of the application is to rezone the front portion of the subject property from the current Urban Reserve (UR) Zone to a Specialized Residential Single Detached R.1B-? (H) Holding Zone (see **Schedule 4**). The UR Zone generally applies to properties where adequate services are not available or where there is insufficient information to establish a specific zoning category.

The owner wishes to sever the subject property to create two additional single detached residential lots fronting onto Eastview Road, each with a lot frontage of 14 metres (45.9 ft). The new lots would need to be created through a separate consent to sever application at the Committee of Adjustment. The requested zoning by-law amendment is required prior to the consideration of this severance application.

The single detached dwelling located west of the two lots proposed to be severed would remain on the retained portion of the property. The existing dwelling is currently recognized as a legal non-conforming use in the UR Zone and is also included in the area proposed to be rezoned (see **Schedule 6**). The balance of the subject property, consisting of approximately 1.1 hectares, would remain within the Urban Reserve Zone. Development would continue to be restricted on the rear portion of the property that contains the wetland features.

The specialized zoning regulations requested include a minimum lot frontage of 14 metres and a minimum front yard setback of 12 metres for any new dwellings. The increased front yard setback is intended to enhance compatibility with adjacent dwellings that are currently setback a similar distance from Eastview Road. The specific lot dimensions for the proposed lots would be outlined in the consent to sever application in accordance with the proposed R.1B-? zoning regulations.

Planning Comments

The proposal is considered an appropriate and compatible infill development to allow two additional residential lots between two existing residential dwellings along Eastview Road. The application is not expected to preclude opportunities for the future comprehensive development of surrounding vacant lands. In particular, the proposal will not impact the logical and orderly future development of the adjacent vacant lands to the east and west that are designated "General Residential" in the Official Plan.

The existing house is currently serviced by a private well and septic system. Municipal services are available along Eastview Road to accommodate the existing house and the two additional lots proposed. When the municipal services were constructed, sanitary sewer and water service laterals were installed to the streetline to service the existing house on the subject property. The existing house and the two new dwellings proposed on the subject property would be required to connect to the existing sanitary sewer and watermain on Eastview Road. This requirement would be secured through conditions imposed through the subsequent severance application (see **Condition 1** in **Schedule 3**).

The proposed development is not expected to result in any further impacts to the wetland area since the lands proposed to be rezoned are located approximately 100 metres from the wetland edge. The Grand River Conservation Authority and the City's Environmental Planner have reviewed the zone change application and have no objection, stating that no negative impacts to the wetland are anticipated (see comments from the GRCA in **Schedule 7**).

Comments were received from one resident located directly east of the subject site at 82 Eastview Road during the circulation of this application. The resident does not object to the application but did request that any new building be setback the same distance from Eastview Road as their existing dwelling. This request has been addressed through the proposed specialized R.1B-? zoning that includes a minimum front yard setback of 12 metres. This resident expressed a second concern regarding the prevention of additional runoff towards the rear of the property. The draft conditions that would be imposed during the subsequent severance application include a requirement that a stormwater management report be prepared to address drainage to the rear of the property (see **Condition 1** in **Schedule 3**).

A number of draft conditions related to the development of the lands have been recommended (see **Schedule 3**). These conditions would be imposed as conditions of consent when the related applications to severance are considered by the City of Guelph Committee of Adjustment. The conditions included in **Schedule 3** are provided for the information of Council. The Holding Zone is being recommended to ensure that these final conditions pertaining to an approved consent to sever application are fulfilled or secured prior to the lifting of the Holding Zone to allow the development of the new lots.

CORPORATE STRATEGIC PLAN:

The application supports Strategic Direction #1: The management of growth in a balanced and sustainable manner.

FINANCIAL IMPLICATIONS:

There are no financial implications.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

There were no objections or concerns received through the circulation of this zone change application. The comments received are included in **Schedule 6**.

COMMUNICATIONS:

N/A

ATTACHMENTS:

- Schedule 1** - Location Map
- Schedule 2** - Regulations and Conditions
- Schedule 3** - Draft Conditions of Consent
- Schedule 4** - Area Subject to Proposed Rezoning
- Schedule 5** - Official Plan Designations
- Schedule 6** - Proposed Severance Sketch
- Schedule 7** - Circulation Comments
- Schedule 8** - Public Notification

Prepared By:
Chris DeVriendt
Senior Development Planner

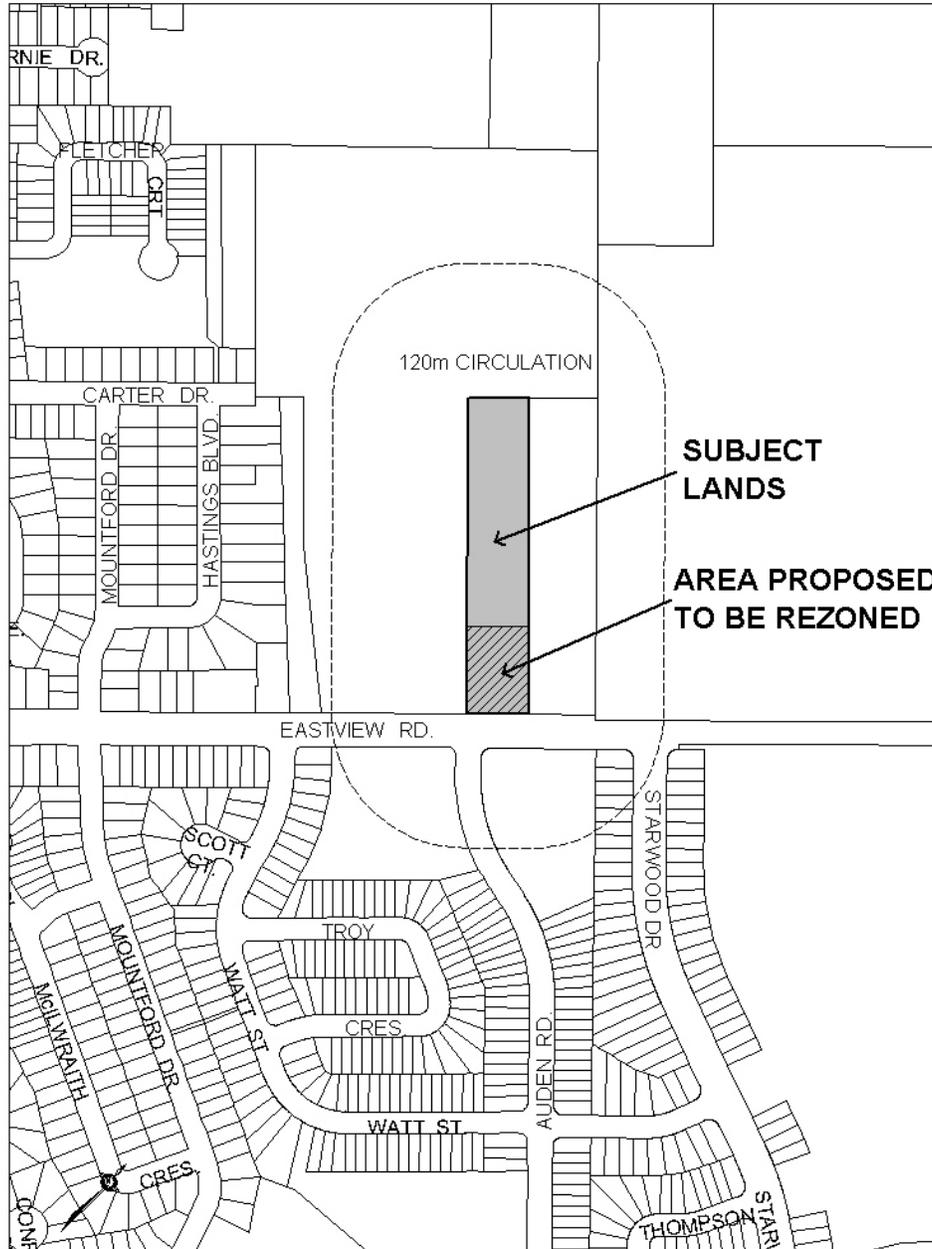
Recommended By:
R. Scott Hannah
Manager of Development Planning

Recommended By:
James N. Riddell
Director of Planning and Development
Services

Approved for Presentation
Larry Kotseff
Chief Administrative Officer

SCHEDULE 1

LOCATION MAP



SCHEDULE 2

REGULATIONS AND CONDITIONS

"THAT the application by John E. Valeriote on behalf of Aldo and Luigia Goegan for a Zoning By-law Amendment from the existing UR (Urban Reserve) Zone to a Specialized R.1B-? (Residential Single Detached) Zone **BE APPROVED** in accordance with the following Regulations and Conditions:

Regulations for the Specialized Residential Single Detached R.1B-? Zone

R.1B-? (H)

78 Eastview Road

As shown on Defined Area Map Number 50 of Schedule "A" of this By-law.

Regulations

In accordance with Section 4 (General Provisions), Section 5.1.2 and Table 5.1.2 (Residential Single Detached) Zone regulations, with the following exception:

- minimum lot frontage of **14 metres** (where 15 is required in the R.1B Zone)
- minimum front yard setback of **12 metres** (where 6 metres is required in the R.1B Zone)

Holding Provision

As shown on the Defined Area Map Number 50 of Schedule "A" of this By-law.

Purpose

To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Holding Provision Conditions

Prior to the removal of the holding symbol "H?", the owner shall complete the following conditions to the satisfaction of the City:

1. That the owner shall receive approval for the necessary consent applications (ie. severances) to create the lots and the deeds shall be endorsed.
2. That the owner enters into an **Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements for the development of the lands, financial and otherwise to the satisfaction of the City of Guelph.

SCHEDULE 3

DRAFT Conditions of Consent (Subject to Change)

(provided for information to City Council)

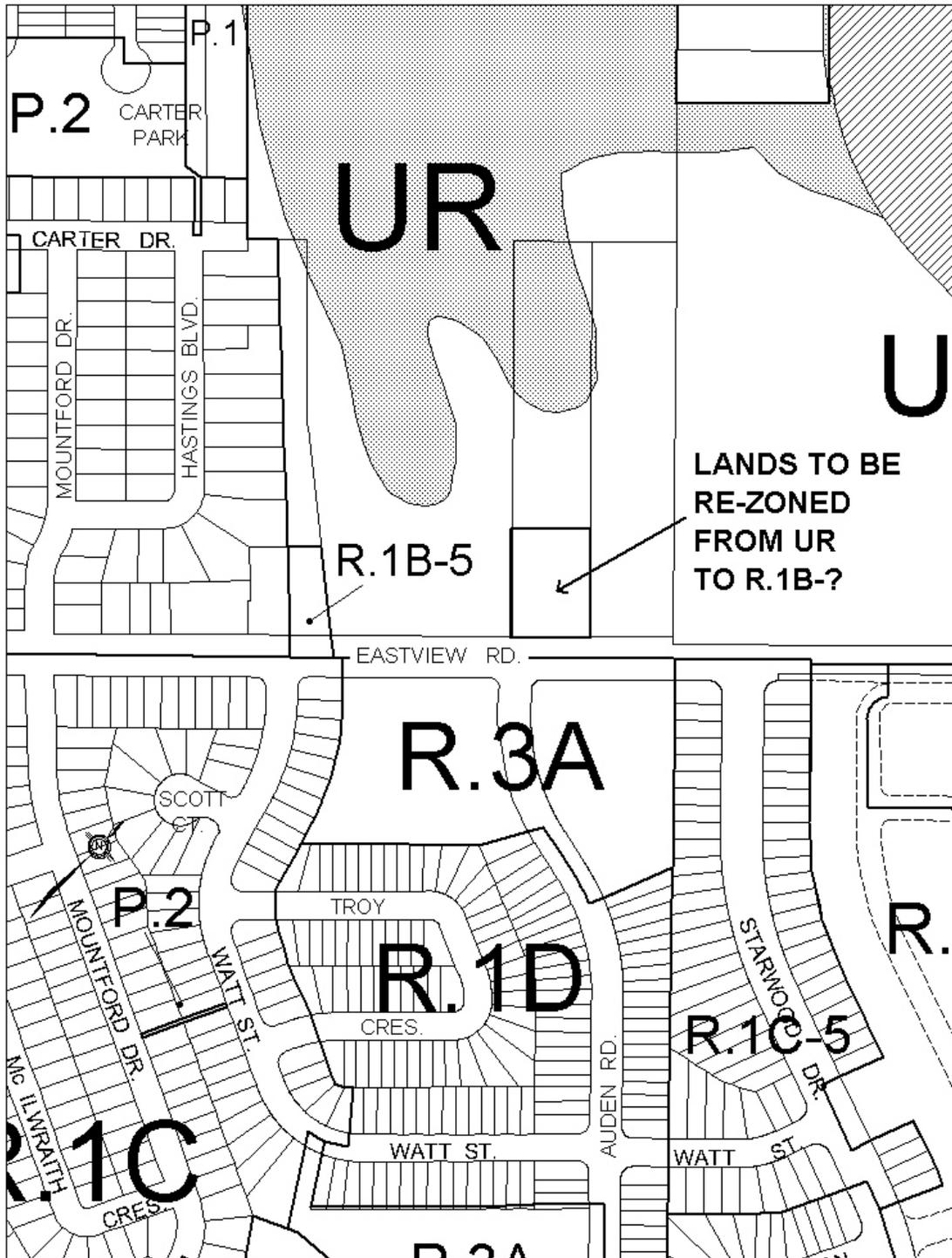
1. That the owner shall have prepared a detailed **stormwater management report**, satisfactory to the City Engineer. The owner shall implement any recommendations contained in the approved report.
2. That prior to any severance of the lands, the owner shall pay to the City its share of the **actual cost of constructing and installing the existing municipal services on Eastview Road** across the entire 54.8-metre frontage of the lands including roadworks, watermain, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer.
3. That prior to the issuance of any building permit on the lands and prior to any grading or construction on the lands, the owner shall have a Professional Engineer design a **grading plan** satisfactory to the City Engineer.
4. That the owner constructs, installs and maintains **erosion and sediment control facilities**, satisfactory to the City Engineer, prior to any grading or construction on the lands in accordance with a plan that has been submitted to and approved by the City Engineer.
5. That prior to the severance of the lands, the owner enters into a **Development Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements for the development of the lands, financial and otherwise to the satisfaction of the City of Guelph.
6. That the owner shall pay the actual cost of constructing and installing any **new service laterals** required and furthermore, prior to issuance of a building permit, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
7. That the owner pays the actual costs of reconstructing **curbs and sidewalks** on Eastview Road abutting the property where required due to the development of the lands to the satisfaction of the City Engineer.
8. That the owner 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.
9. That the owner agrees to provide **written certification** from a licensed Professional Engineer that all stormwater management measures have been constructed in accordance with the approved Stormwater Management Report, to the satisfaction of the City Engineer.

10. That the owner agrees to provide **written certification** from a licensed Professional Engineer that the grading of the lots for which a building permit has been requested have been completed in accordance with the approved overall site drainage and grading plan to the satisfaction of the City Engineer.
11. That prior to any severance of the lands, 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.
12. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
13. Prior to the issuance of any building permit 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 homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City."
14. That prior to any severance of the lands, **the existing house**, if it is to remain, shall be connected to the municipal sanitary sewer and watermain to the satisfaction of the City Engineer.
15. That the elevation and design for the new dwellings on the severed parcels be submitted to, and approved by the Director of Planning and Development Services, prior to the issuance of a building permit for any new dwellings.
16. That a site plan be prepared for the severed parcel indicating:
 - a. The location and design of the new dwelling;
 - b. All trees impacted by the development, identifying trees to be retained or removed and methods to protect the trees to be retained during all phases of construction;
 - c. Driveway and garage location where the driveway is located on the west side of the lot and any attached garage must be either in line with the front wall of the house or recessed behind the front wall.
 - d. Grading, drainage and servicing information as required by the City Engineer.

All of the above to be submitted to and approved by the Director of Planning and Development Services and the City Engineer prior to the issuance of a building permit for the new dwelling.

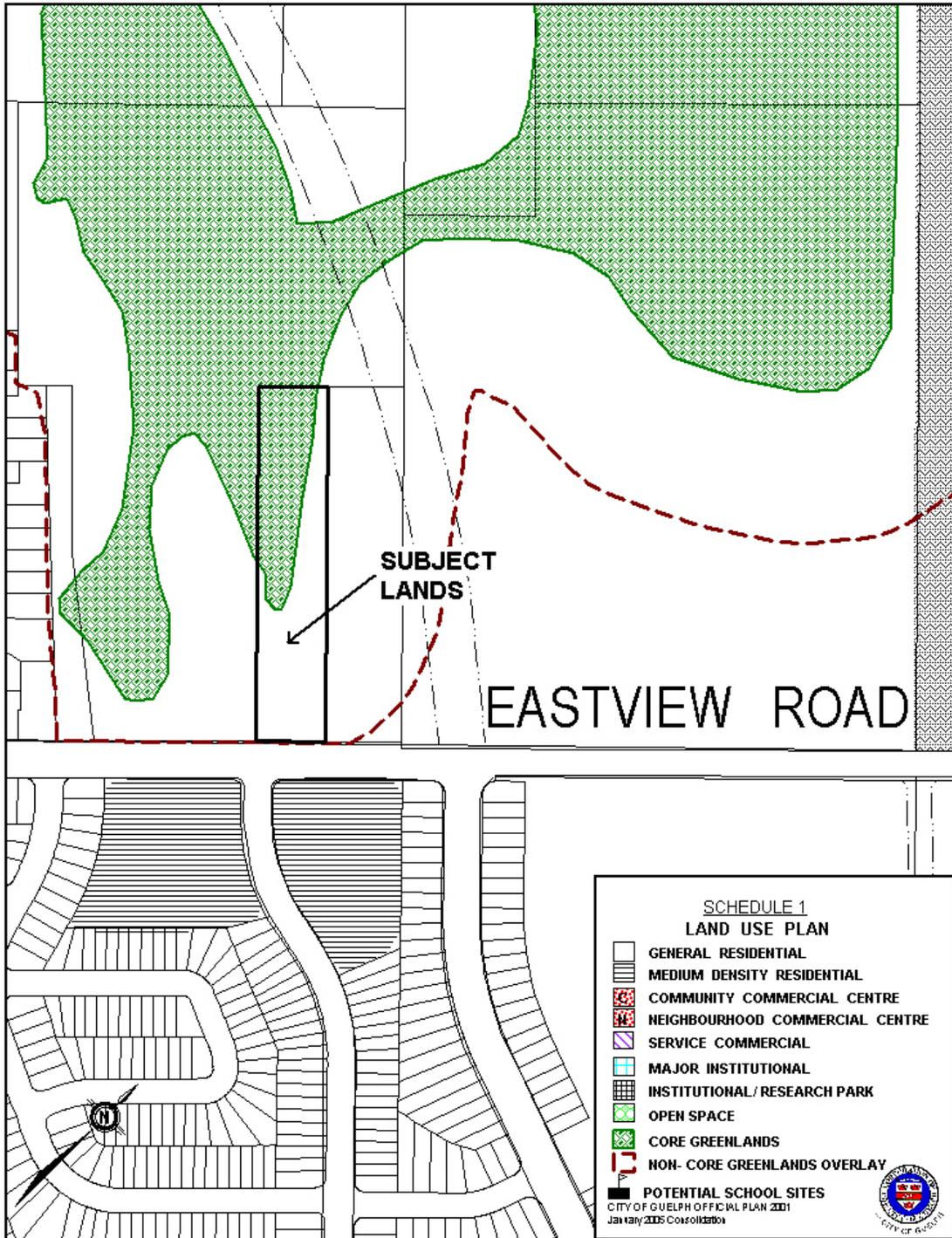
SCHEDULE 4

AREA SUBJECT TO PROPOSED REZONING



SCHEDULE 5

OFFICIAL PLAN DESIGNATIONS



SCHEDULE 6

PROPOSED SEVERANCE SKETCH

SCHEDULE 7

CIRCULATION COMMENTS

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning and Development Services		✓	<ul style="list-style-type: none"> Support proposal subject to conditions outlined in Schedule 2
City Engineer		✓	<ul style="list-style-type: none"> Support proposal subject to conditions outlined in Schedule 2 (see attached letter)
Community Services	✓		
G.R.C.A.	✓		(see attached letter)
Heritage Guelph	✓		
Guelph Field Naturalists	✓		
Guelph Development Association			<ul style="list-style-type: none"> Support proposal
Finance		✓	<ul style="list-style-type: none"> Development charges
Fire	✓		
Police	✓		
Health Unit	✓		
Upper Grand School District	✓		
Wellington Catholic School Board	✓		
Guelph Hydro	✓		<ul style="list-style-type: none"> Conditions would be imposed on subsequent severance application
Silvano and Massimina Zilio (82 Eastview Road)		✓	<ul style="list-style-type: none"> Request that new dwellings be setback from Eastview Road the same distance as their existing home and that stormwater drainage be addressed (see attached letter)

SCHEDULE 8

PUBLIC NOTIFICATION

March 2, 2004	Application received by the City of Guelph.
August 3, 2005	Notice of Application sign erected on the property.
September 1, 2005	Notice of Application mailed to prescribed agencies and property owners within 120 metres of subject property.
January 20, 2006	Notice of Public Meeting circulated.
February 13, 2006	Public Meeting of City Council.



Report:

PLANNING AND DEVELOPMENT SERVICES

Planning Division

(Report 06-19)

TO: Council

DATE: 2006/02/13

SUBJECT: 165 DUNLOP DRIVE: PROPOSED ZONING BY-LAW AMENDMENT (FILE ZC0112 - WARD 1)

RECOMMENDATION:

“THAT the application by SmithValeriotte Law Firm LLP on behalf of Cargill (Better Beef Ltd) for a Zoning By-law amendment from the I.2 (Institutional – Guelph Correctional Centre) Zone to the B.4-4 (Industrial) Zone for property municipally known as 165 Dunlop Drive and legally described as Part Lot 3, Concession 2, Division C, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8 and 9 on Reference Plan 61R-8107 and Parts 1, 2, 3, 4, and 5 on Reference Plan 61R-8838, City of Guelph, BE APPROVED, in accordance with the regulations and conditions set out in SCHEDULE 2 of the Planning Report dated February 13, 2006.”

BACKGROUND:

The subject site is located immediately north of the existing Cargill (Better Beef) facility on Dunlop Drive (see Location Map – **Schedule 1**). The site is 1.88 ha in area. Adjacent properties include the former Guelph Correctional Centre to the north and the City of Guelph’s Waste Resource Innovation Centre to the east. The Eramosa River is immediately southwest of the site.

The Cargill (Better Beef) property was originally acquired from the Province and zoned for industrial uses including the abattoir use in 1989. Since that time, a number of building additions were constructed as the operation in Guelph expanded. The current site zoned for abattoir use is essentially built out and further additions require additional land area. In recent years, Cargill (Better Beef) has been seeking to acquire additional lands.

In 2002, the subject site was declared surplus by the Government of Ontario and Cargill (Better Beef) purchased the land to accommodate planned future expansions of their operation in Guelph.

In 2004, site plan approval and a building permit were issued for a private wastewater treatment facility on the Cargill (Better Beef) property. This wastewater treatment facility is considered an accessory use within the I.2 (Institutional) Zone. As of August 31, 2005, the City was satisfied that the wastewater treatment facility was operating as designed and is in compliance with the Overstrength Surcharge Compliance Agreement.

The submission requirements for this application included an environmental impact study given the site’s proximity to the Eramosa River and a preliminary stormwater management report.

REPORT:

Official Plan Designation and Applicable Policies:

The Cargill (Better Beef) property is designated “Special Study Area” in the Official Plan which permits changes in land use, lot additions and expansions of existing non-residential uses without amendment to the Official Plan provided that the development proposal does not compromise the potential outcomes or original rationale for undertaking the planning study. This clause allows for the consideration of the proposed expansion of the abattoir use prior to the completion of the York District Study (see **Schedule 3**).

Provincial Policy Statement:

This application is consistent with the Provincial Policy Statement 2005 policies for Employment Areas, specifically:

- 1.3.1 b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
- 1.3.1 c) planning for, protecting and preserving employment areas for current and future uses.

Description of Proposed Zoning By-law Amendment

The subject site is currently zoned I.2 (Institutional – University of Guelph and Guelph Correctional Centre). This zoning permits the operations of the Guelph Correctional Centre; the facility closed in 2002.

The applicant proposes to change the zoning of the subject site to the B.4-4 (Industrial) Zone which is the zoning on the balance of the Cargill (Better Beef) property to accommodate an addition to the existing plant and associated parking area. The B.4-4 Zone permits an abattoir and meat packing and processing plant in addition to the uses permitted in the standard B.4 (Industrial) Zone.

A site plan application has been submitted to the City of Guelph for the proposed 26 515 square metre addition (see **Schedule 4**). The addition will be built on the portion of the property that is currently zoned B.4-4. The site area that is the subject of this zoning amendment application will be developed as a parking area for the building expansion.

Planning Analysis

This application can be considered within the policies for the “Special Study Area” designation of the Official Plan. Section 7.17.1.2.2 of the Official Plan (see **Schedule 3**) indicates that the expansion of existing non-residential uses may be permitted provided that the development proposal does not compromise the potential outcomes of the York District Study. The York District Study recognizes the location of the existing abattoir and sensitive land uses will not be permitted in close proximity. This proposed zoning amendment represents a minor expansion of an existing zone and it fits within the established criteria for considering development applications prior to the completion of the land use study.

A scoped Environment Impact Study was submitted with the zoning amendment application because the proposed development is within 30 metres of the Eramosa River Corridor which is designated “Core Greenlands” in the Official Plan. The EIS concluded that the proposed plant expansion would not result in significant impacts to the Eramosa River Corridor. Implementation of the recommendations of the EIS is included in the conditions in **Schedule 2** of this report. The Grand River Conservation Authority (GRCA) has reviewed this application and commented that based on the findings of the EIS and the incorporation of stormwater management facilities that they have no objection to the proposed zone change. The Environmental Advisory Committee (EAC) also reviewed the EIS and provided their support.

One letter of concern was received during the circulation of this application from Bousfields Inc. on behalf of the Ontario Realty Corporation. They expressed the following concerns about the proposed expansion land area zoned for the abattoir use:

1. the nature of the use and its impact on any non-industrial uses on the ORC lands (former Guelph Correctional Centre);
2. the northerly extension of the abattoir permission; and
3. the prematurity of the proposed by-law amendment given the ongoing York District Study.

This proposal to include the 1.88 ha site in the B.4-4 Zone represents a minor expansion of employment lands which can be accommodated by and would not jeopardize the direction of the York District Study. The York District Study is considering a combination of employment and institutional/research lands in the vicinity of the Cargill (Better Beef) lands. As noted previously in this report, the Official Plan designation for the subject lands provides for the consideration of this zoning amendment and Planning Staff have determined that it is appropriate to proceed with this amendment at this time. The concern about the extent of the abattoir permission relates to provincial guidelines for sensitive land uses within the vicinity of an industrial operation. This policy will be considered in the recommendations of the York District Study for a land use strategy for the area.

This application represents a logical extension of permitted land use and supports an existing local business which is consistent with the Provincial Policy Statement and meets the goals of the City of Guelph's Strategic Plan. This application would result in a minor expansion of an existing industrial zone in an area that has traditionally been used for employment lands. Planning and Building Services recommends approval of this zoning amendment application to permit the expansion of the existing abattoir at 165 Dunlop Drive subject to the regulations and conditions contained in **Schedule 2** of this report.

CORPORATE STRATEGIC PLAN:

Supports Strategic Plan Direction 1 and 2.

1. To manage growth in a balanced, sustainable manner.
2. Diversifying and building upon our competitive strengths to create a positive environment for business investment.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

The public and agency comments received during the review of the application are included on **Schedule 5**.

Environment and Transportation Group: The Cargill (Better Beef) wastewater pre-treatment facility was completed during the summer of 2005. City Staff have been tracking the progress of the facility and as of August 31, 2005 were satisfied that the pre-treatment facility is operating as designed and is in compliance with the conditions of the Overstrength Surcharge Compliance Agreement.

Grand River Conservation Authority: GRCA indicated that they have no objection to this proposed zone change as the proposed development incorporates stormwater management facilities to control stormwater quality and quantity.

ATTACHMENTS:

- Schedule 1: Location Map
Schedule 2: Regulations and Conditions

Schedule 3: Existing Official Plan designation and Official Plan Policies for Special Study Area

Schedule 4: Proposed Zoning

Schedule 5: Circulation Comments

Schedule 6: Public Notification Summary

Prepared By:
Melissa Castellan, Senior Development Planner

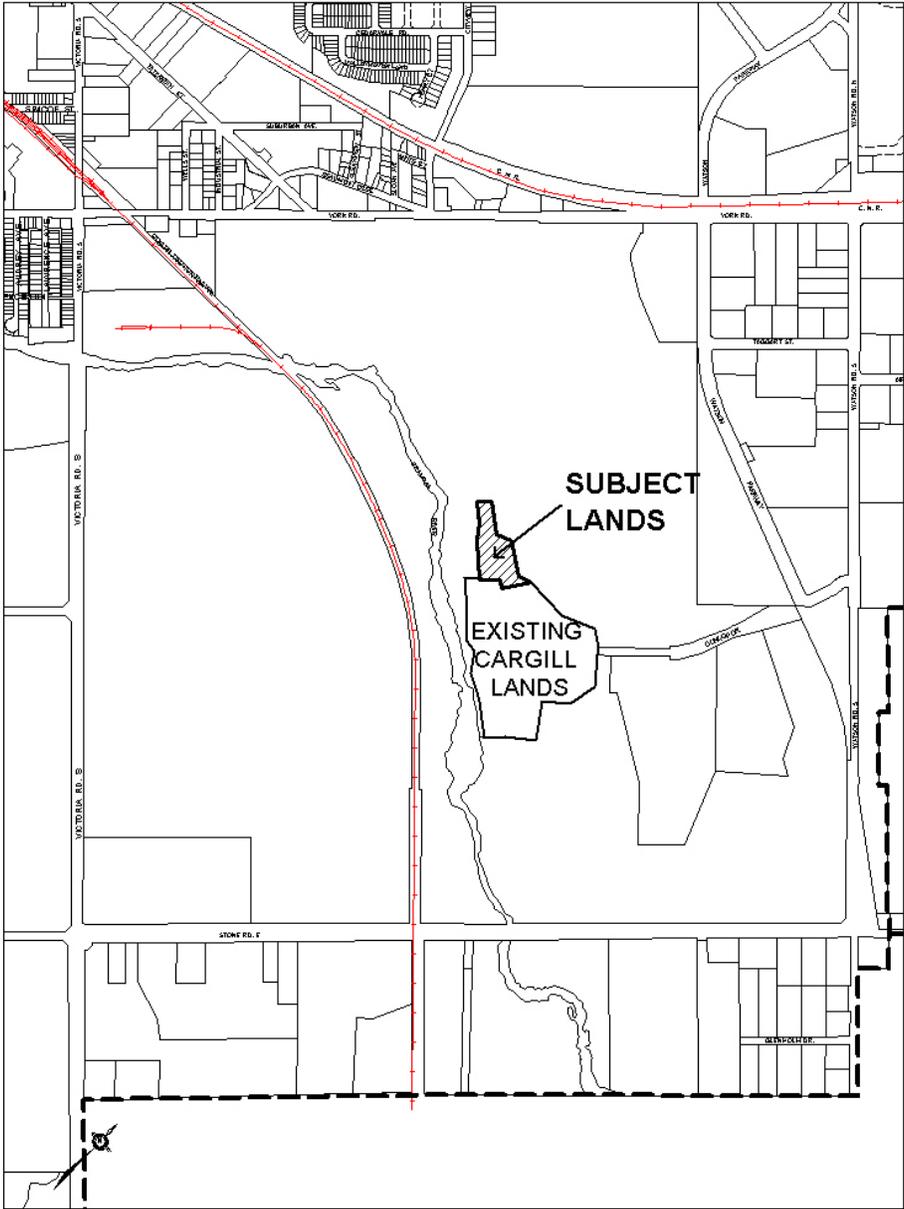
Recommended by:
R. Scott Hannah,
Manager of Development Planning

Recommended By:
James N. Riddell
Director of Planning and Development Services

Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

SCHEDULE 1

Location Map



* The circulation area for this application is the area bounded by Watson Road, Stone Road, Victoria Road and York Road.

SCHEDULE 2

Regulations and Conditions

Regulations

This zoning amendment is for the property municipally known as 165 Dunlop Drive and legally described as Part Lot 3, Concession 2, Division C, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8 and 9 on Reference Plan 61R-8107 and Parts 1, 2, 3, 4, and 5 on Reference Plan 61R-8838, City of Guelph.

The following zoning is proposed:

Industrial (B.4-4)

Permitted Uses

In accordance with the provisions of Section 7.3.4.4 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 7.3 of Zoning By-law (1995) – 14864, as amended.

Conditions

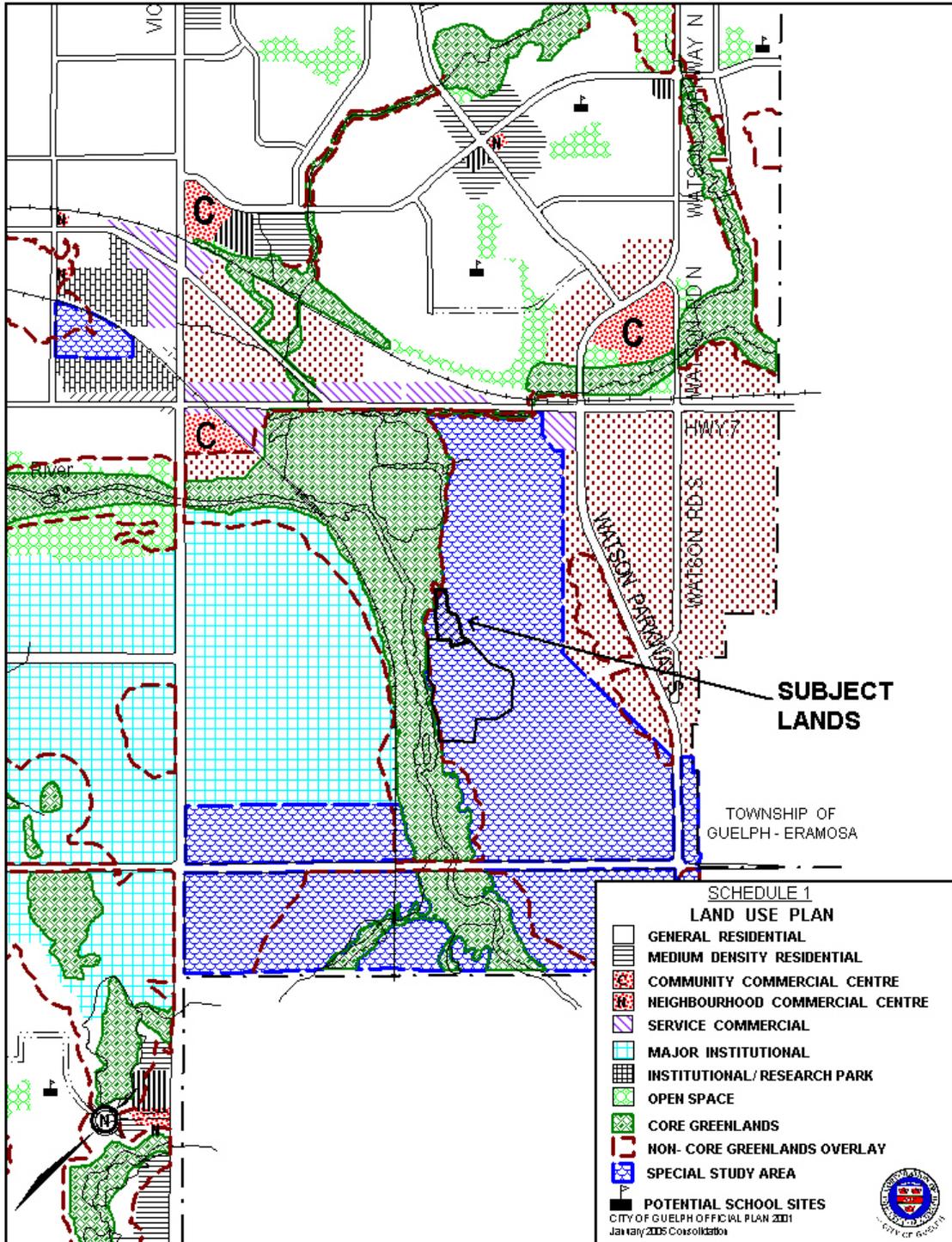
1. That the Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning 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 site plan.
2. That the Owner implements and adheres to the recommendations and monitoring requirements contained in the Scoped Environmental Impact Study for the Better Beef Limited Expansion (165 Dunlop Drive, City of Guelph) prepared by Stantec Consulting Ltd. December 20th, 2004.
3. That the Owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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 thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. That the Owner grades, develops and maintains the lands including any storm water management facilities in accordance with a stormwater management report and plans that have 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 built as it was approved by the City and that it is functioning properly.
5. The Owner shall pay the actual cost of constructing and installing any service laterals

required and furthermore, prior to issuance of a building permit, the owner shall pay to the City the estimate cost of the service laterals, as determined by the City Engineer.

6. 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. Such agreement shall include, but not be limited to, the conditions outlined in Schedule 2 of the Planning Report dated February 13, 2006.

SCHEDULE 3

Existing Official Plan Designation



SCHEDULE 3 (continued)

Official Plan Policies – Special Study Area

7.17 Special Study Area

This designation applies to an area of the City that is experiencing pressure for significant land use change. A planning study will be completed, with public consultation involving landowners, government agencies and the general community to determine a future land use concept for these identified areas. These areas have a diversity of existing and potential land use activities and a holistic examination of land use, servicing, transportation and community needs is required.

Objectives

- a) To define an area of the City which, is undergoing significant change and where the need for a co-coordinated future land use concept is required.
- b) To specify an area of the City where the application of the land use policy framework of this Plan does not provide sufficient clarity regarding future land use.
- c) To provide for a planning study mechanism whereby existing land uses are permitted to continue and expand while planning for the future is undertaken.
- d) To plan for future land uses while recognizing the need to minimize impacts on *significant natural heritage features* and *cultural heritage resources*, where applicable, in this area.

General Policies

7.17.1 A 'Special Study Area' designation applies to lands that are situated within the general area comprising the Guelph Correctional Centre and Wellington Detention Facility, the City's wet/dry waste management complex, the Eramosa River valley, and lands to the south of Stone Road, (east of Victoria Road). This 'Special Study Area' designation is outlined on Schedule 1.

7.17.1.3 The designated 'Special Study Area' is located within an area of the City where there are a number of future land use uncertainties. The matters creating uncertainty include:

- a) The closing of the Guelph Correctional Centre and the Wellington Detention Facility in the central area of this designation;
- b) Lands within the 'Special Study Area' are located within the "Arkeil Springs Water Resource Protection Area" and special land use considerations are required to protect this major water source for the City;
- c) The majority of these lands – lands north of Stone Road – are within a Stage 3 servicing area of this Plan, (see subsection 4.2). This staging area requires the completion of a secondary plan prior to *development* occurring in the area;

- d) An aggregate operation to the south of Stone Road has ceased operation and a future land use for this area is required;
- e) Significant *natural* and *cultural heritage* features exist in the area, and careful land use planning is required to minimize impacts;
- f) A major industrial operation – an abattoir, meat packing and processing plant – is located centrally to this area and creates potential land use compatibility issues;
- g) The City's wet/dry waste management facility and associated Subbor waste processing operation, which is also centrally located in the area, is undergoing expansion and requires special consideration to fit into the surrounding area.

7.17.1.3 A planning study completed by the City shall examine future land uses, servicing, phasing of development, transportation and impact assessment on *natural heritage features* and *cultural heritage resources*. The overall intent is to derive a holistic land use plan for the area.

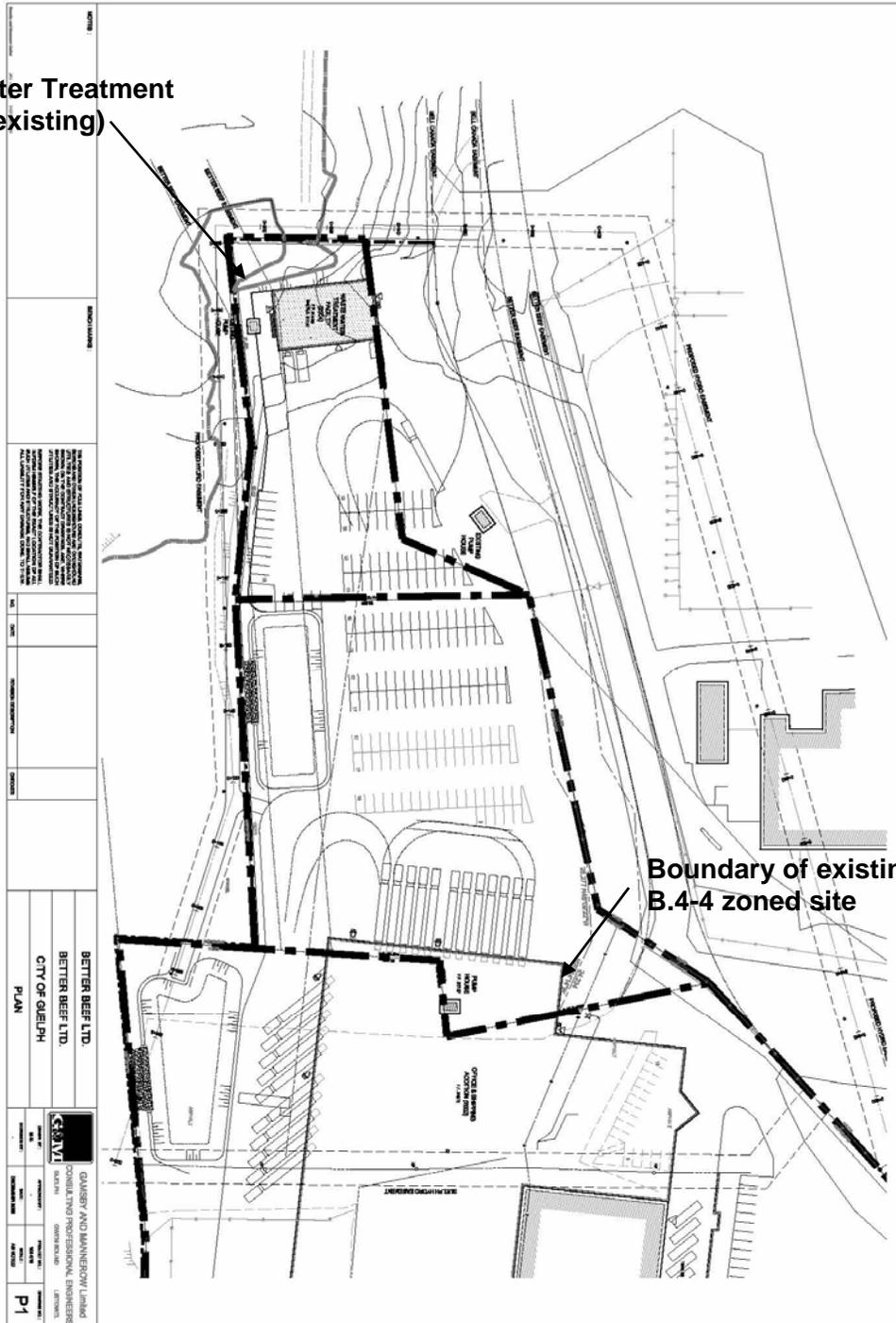
- 1. Existing uses of the area shall be permitted to continue in accordance with the provisions of the implementing *Zoning By-law* in effect on December 17, 2001.
- 2. **Changes in land use, lot additions and expansions of existing non-residential uses may be permitted without amendment to this Plan provided that the *development* proposal does not compromise the potential outcomes or original rationale for undertaking the intended planning study.**

7.17.1.3 The completion of the land use concept for this study area will be a prioritized planning action of the City.

SCHEDULE 4

Preliminary Site Plan – Subject Site

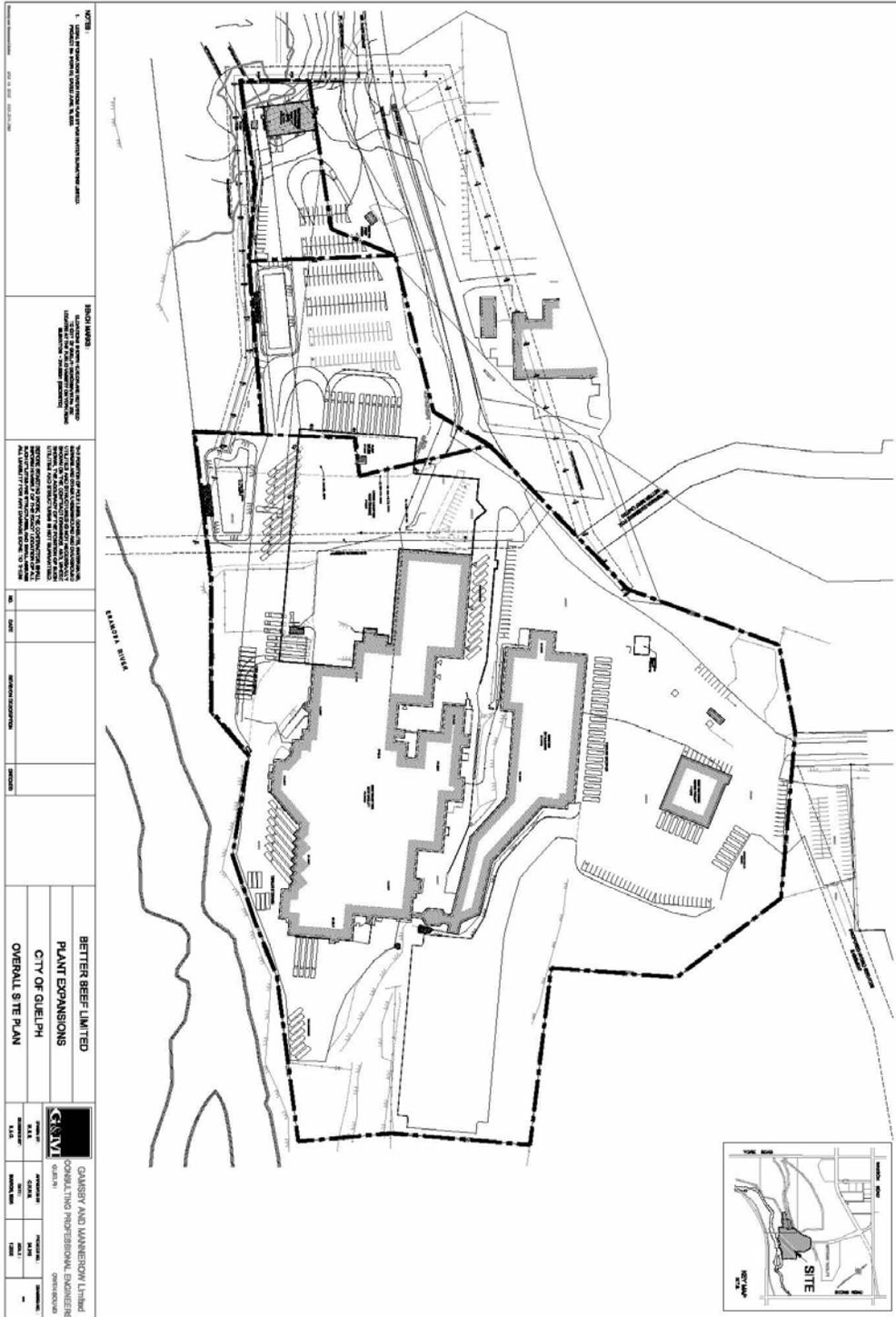
Wastewater Treatment Facility (existing)



Boundary of existing B.4-4 zoned site

SCHEDULE 4 (continued)

Preliminary Site Plan - Complete site at 165 Dunlop Drive



SCHEDULE 5

CIRCULATION COMMENTS

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning and Building Services		✓	<ul style="list-style-type: none">• Support subject to Schedule 2.
Environment & Transportation Group		✓	<ul style="list-style-type: none">• Support subject to Schedule 2.
G.R.C.A.	✓		<ul style="list-style-type: none">•
Community Services (Recreation and Parks)	✓		
Bousfields Inc (on behalf of the Ontario Realty Corporation)*			<ul style="list-style-type: none">• Concerns with application.
Heritage Guelph	✓		
E.A.C.		✓	<ul style="list-style-type: none">• Implementation of EIS recommendations
Guelph Development Association	✓		
Finance		✓	<ul style="list-style-type: none">• Development Charges
Guelph Hydro		✓	<ul style="list-style-type: none">• Relocation of hydro lines; provision of easements
Guelph Police Service	✓		
Guelph Chamber of Commerce	✓		
Guelph Field Naturalists	✓		

RESPONDENT

**NO OBJECTION
OR COMMENT**

**CONDITIONAL
SUPPORT**

ISSUES/CONCERNS

Wellington Dufferin
Guelph Health Unit

✓

Emergency Services /
Fire Department

✓

Wellington Catholic
District School Board

✓

Upper Grand District
School Board

✓

*Comments attached

SCHEDULE 6

Public Notification Summary

September 2001	Application submitted to the City of Guelph (Note: application deemed to be incomplete as EIS was not submitted)
Fall 2001	Notice of Application sign erected on the property.
January 11, 2005	Complete Application received including EIS and Preliminary Stormwater Management report.
March 15, 2005	Notice of Application mailed to prescribed agencies and surrounding property owners.
January 23, 2006	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners.
February 13, 2006	Public Meeting of City Council.



Report:

PLANNING AND DEVELOPMENT SERVICES

Planning

(Report 06-05)

TO: Council

DATE: 2006/13/02

SUBJECT: 170 SOUTHGATE DRIVE: PROPOSED ZONING BY-LAW AMENDMENT (FILE ZC0511 - WARD 6)

RECOMMENDATION:

“THAT the application by Miller Thomson LLP on behalf of Gateway Pet Memorial Services Inc for a zoning amendment from the B.2 Industrial Zone to a specialized B.2-? Industrial Zone for property municipally known as 170 Southgate Drive and legally described as Part Lot 31, Plan 680, being Part 1 on Reference Plan 61R-9657, City of Guelph, BE APPROVED, in the form of a Holding Zone and in accordance with the regulations and conditions set out in SCHEDULE 2 of the Planning Report dated February 13, 2006.”

BACKGROUND:

The subject property (municipally known as 170 Southgate Drive and legally described as Part Lot 31, Plan 680, being Part 1 on Reference Plan 61R-9657, City of Guelph) is located in the Hanlon Business Park on the west side of Southgate Drive, North of Laird Road (see Location Map – **Schedule 1**).

The subject site is a vacant parcel of land; approximately .56 ha in area with a frontage of 45 metres on Southgate Drive and a lot depth of 136 metres. The property is zoned B.2 Industrial which permits a range of uses such as cleaning establishment, manufacturing, trucking operation, tradesperson’s shop, warehouse, etc. Gateway Pet Memorial Services Inc. recently purchased the property at 170 Southgate Drive to construct a free-standing industrial building from which to operate a crematorium for companion animals and pet funeral operation. Site plan approval for an industrial building with uses now permitted by the Zoning By-law was granted in September 2005. The site plan is attached as **Schedule 3**.

The dictionary definition of cremation is the process of incinerating the body of a dead person or animal. It has also been defined as a rapid rate of oxidation accelerated by intense heat. The temperature ranges between 1400 and 2100 degrees Fahrenheit. All substances are consumed and vaporized except bone fragments. The skeletal framework is reduced to bone fragments and particles (not ashes), called cremated remains. There is no waste associated with the process as the cremated remains are generally stored in an urn or interred in a cemetery following cremation.

REPORT:

Official Plan Designation and Applicable Official Plan Policy:

The subject property is designated Industrial in the City of Guelph Official Plan and is also within the Aggregate Resource Area on Schedule 2 of the Official Plan.

This designation permits a range of industrial uses including manufacturing, fabricating, processing, warehousing, research and development, and complementary uses.

Section 7.1.5 of the Official Plan

7.1.5 Where there is some question as to the adverse effects a proposed land use may have on the environment, the City will consult with appropriate authorities to be satisfied that any such effect or risk of effects can be appropriately mitigated through Federal or Provincial legislative requirements and associated regulations prior to permitting such use. City Council will not permit industrial uses or development when such consultation indicates that the use represents a significant health or safety risk to the public, employees or the environment.

Description of Proposed Zoning Amendment:

The applicant is proposing a zoning by-law amendment for 170 Southgate Drive from the B.2 Industrial Zone to a Specialized B.2 Industrial Zone to permit a crematorium for companion animals. Also, a new definition is proposed for inclusion in the specialized B.2 Zone in the Zoning By-law that specifically defines a crematorium for companion animals. This definition has been adapted from the crematorium definition provided in the Provincial Cemeteries Act:

Animal Crematorium: Means a building fitted with appliances for the purpose of cremating companion animal remains and includes everything incidental and ancillary thereto. This type of crematorium specifically excludes the cremation of livestock and undomesticated animal remains.

A zoning amendment is required to allow the animal crematorium use because staff have determined that the use falls under Section 4.3 of the Zoning By-law "Uses Prohibited in All Zones". Specifically Section 4.3.2 states the uses that are prohibited including "the incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes".

This application is the result of an application for site plan approval for a new structure for the crematorium use at 170 Southgate Drive. Upon review of the application for site plan approval, Staff determined that a zoning amendment was required to permit the crematorium as a site-specific use at 170 Southgate Drive.

Planning Analysis:

Gateway Pet Memorials propose to operate a companion animal crematorium at 170 Southgate Drive. This operation provides a service to individual pet owners and veterinary clinics for the cremation of deceased companion animals. The deceased animals will arrive at Gateway Pet Memorials sealed individually in plastic bags. The proposed building includes bays for loading and unloading of vehicles within the building. The proposed operation will have 4 natural gas fired cremators which allow for individual and communal cremations. The only product from this activity is cremated remains which are either returned to the pet owner in an urn or are interred at the Pet Cemetery in Ancaster, Ontario.

The operation of a crematorium requires a Certificate of Approval from the Ministry of the Environment related to air emissions. The guidelines for performance requirements, operation and maintenance, and monitoring are contained within the Certificate of Approval (see **Schedule 4**). The Certificate of Approval requires continuous emission monitoring of the stacks. The Certificate of Approval states "The Company shall install, operate and maintain a CEM System to continuously monitor the temperature, oxygen, carbon monoxide and opacity of the undiluted combustion gases leaving the Equipment. The continuous monitors shall be equipped with continuous recording devices." As long as the facility is operating within the parameters set out by the Certificate of Approval it is expected that there would not be any odour issues. The Certificate of Approval will

also specifically state the volume of non-infectious animal waste that can be processed within one hour.

Planning staff conclude that the proposed crematorium for companion animals can demonstrate that it satisfies the criteria of the Official Plan Section 7.1.5 related to adverse effects of a proposed land use through the applicable Ministry of the Environment Certificate of Approval (Air). To ensure that the required approvals are obtained prior to operation of the crematorium, the use of a Holding Zone is recommended.

In addition, a Holding Zone is recommended to ensure that certain actions take place prior to the use of the subject lands for an animal crematorium including:

- The submission to the City of a Certificate of Approval (Air) that has been approved by the Ministry of the Environment.

If this requirement cannot be met then the site can only be used for uses that are permitted in the standard B.2 Industrial Zone.

During the circulation of the application, two comment letters were received (see **Schedule 5**).

The following concerns were expressed:

- Air pollution / Odour
- Ground Water pollution.

The issue of air pollution is specifically addressed through the Ministry of Environment Certificate of Approval (Air) that is required for the operation of a crematorium. Gateway Pet Memorials Inc is required to demonstrate to the MOE that their crematorium meets MOE guidelines as outlined in the Certificate of Approval. Further, the MOE responds to any complaints about odour.

The groundwater pollution concern is related to a concern about wastewater from the cleaning of vehicles and equipment. Any wastewater used for cleaning vehicles or equipment must be directed to the City's sanitary system. Directing this type of wastewater to the storm drainage system would be in contravention of the Storm Drainage Bylaw 1993-14515 and could result in prosecution by the City. This issue could also result in a complaint to the MOE.

To date, the MOE has no incident reports or records of complaints for Gateway Pet Memorials in Guelph.

Planning and Building Services concludes that industrially designated and zoned land is appropriate for a crematorium. The recommended use of a Holding Zone will ensure that the appropriate approvals are obtained prior to the use being permitted on the property.

CORPORATE STRATEGIC PLAN:

Supports Strategic Plan Directions 1 and 2:

- 1) To manage growth in a balanced and sustainable manner.
- 2) Diversifying and building upon our competitive strengths to create a positive environment for business investment.

DEPARTMENTAL CONSULTATION/CONCURRENCE:

The public and agency comments received during the review of the application are included on **Schedule 5**.

ATTACHMENTS:

- Schedule 1 – Location Map
- Schedule 2 – Regulations and Conditions
- Schedule 3 – Approved Site Plan
- Schedule 4 – Certificate of Approval (Air)
- Schedule 5 – Circulation Comments
- Schedule 6 – Proposed Zoning
- Schedule 7 – Public Notification Summary

Prepared By:
Melissa Castellan, Senior Development Planner

Recommended by:
R. Scott Hannah, Manager of
Development Planning

Recommended By:
James N. Riddell
Director of Planning and Development Services

Approved for Presentation:
Larry Kotseff
Chief Administrative Officer

SCHEDULE 1

LOCATION MAP



SCHEDULE 2

REGULATIONS AND CONDITIONS

This zoning amendment is for the property municipally known as 170 Southgate Drive and legally described as, Part Lot 31, Plan 680, being Part 1 on Reference Plan 61R-9657, City of Guelph.

The following zoning is proposed:

Specialized Industrial B.2-? Zone (H)

Permitted Uses

In addition to the permitted **Uses** listed in Section 7.1.1, the following additional **Use** shall be permitted in the B.2-? **Zone (H)**:

- Animal Crematorium - means a building fitted with appliances for the purpose of cremating companion animal remains and includes everything incidental and ancillary thereto. This type of crematorium specifically excludes the cremation of livestock and undomesticated animal remains.

Regulations

In accordance with Section 7.3 of Zoning By-law (1995) – 14864, as amended.

Holding Zone Provisions

170 Southgate Drive

Purpose

To ensure that the use of the lands for an animal crematorium does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Interim Uses

In accordance with Section 7.1.1

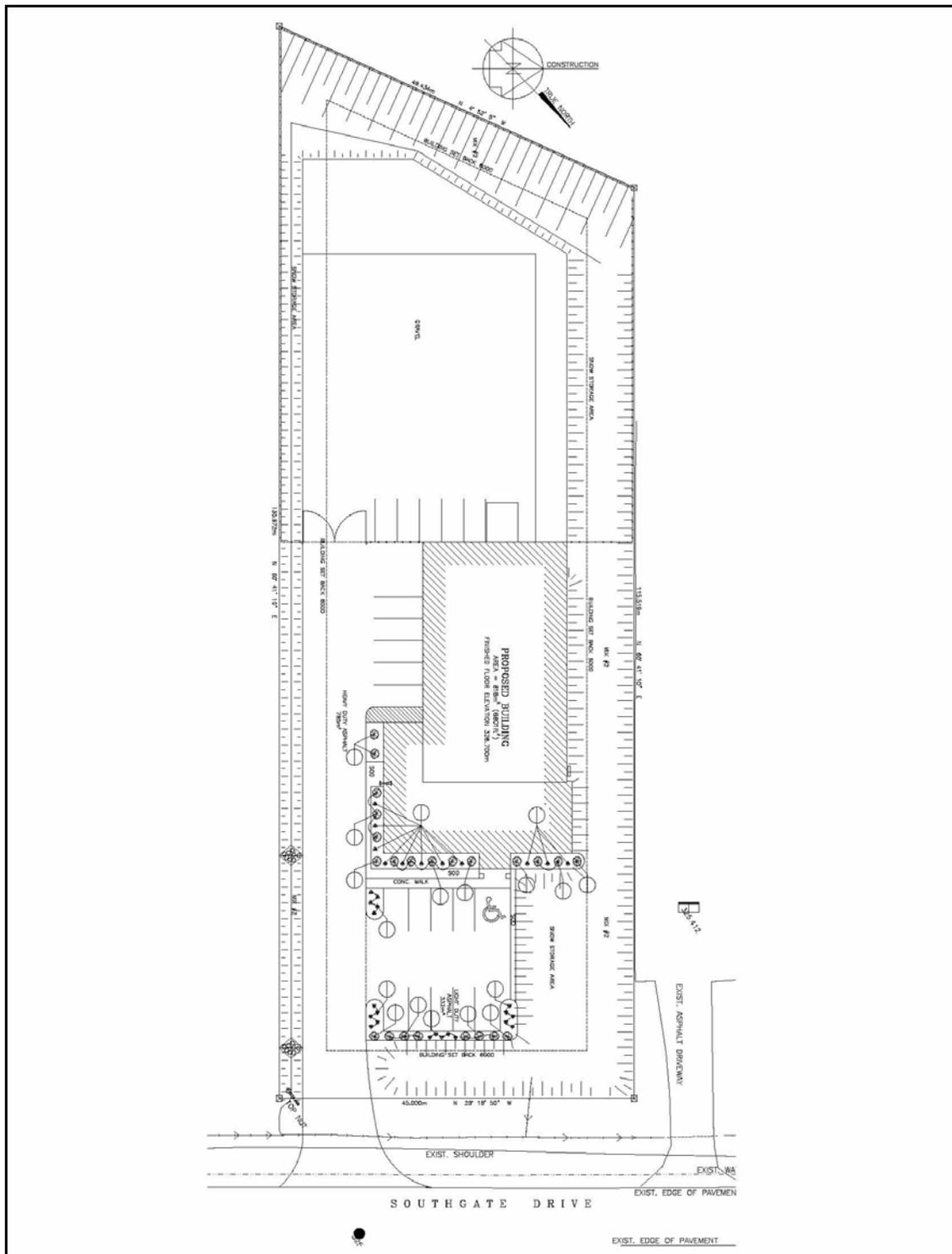
Conditions

Prior to the removal of the Holding symbol (H), the owner shall complete the following conditions to the satisfaction of the City:

- The Owner shall demonstrate to the City that the requirements for approval of the Ministry of Environment Certificate of Approval (Air) have been met.

SCHEDULE 3

Approved Site Plan



SCHEDULE 4

**Ministry of the Environment
Certificate of Approval (Air)**

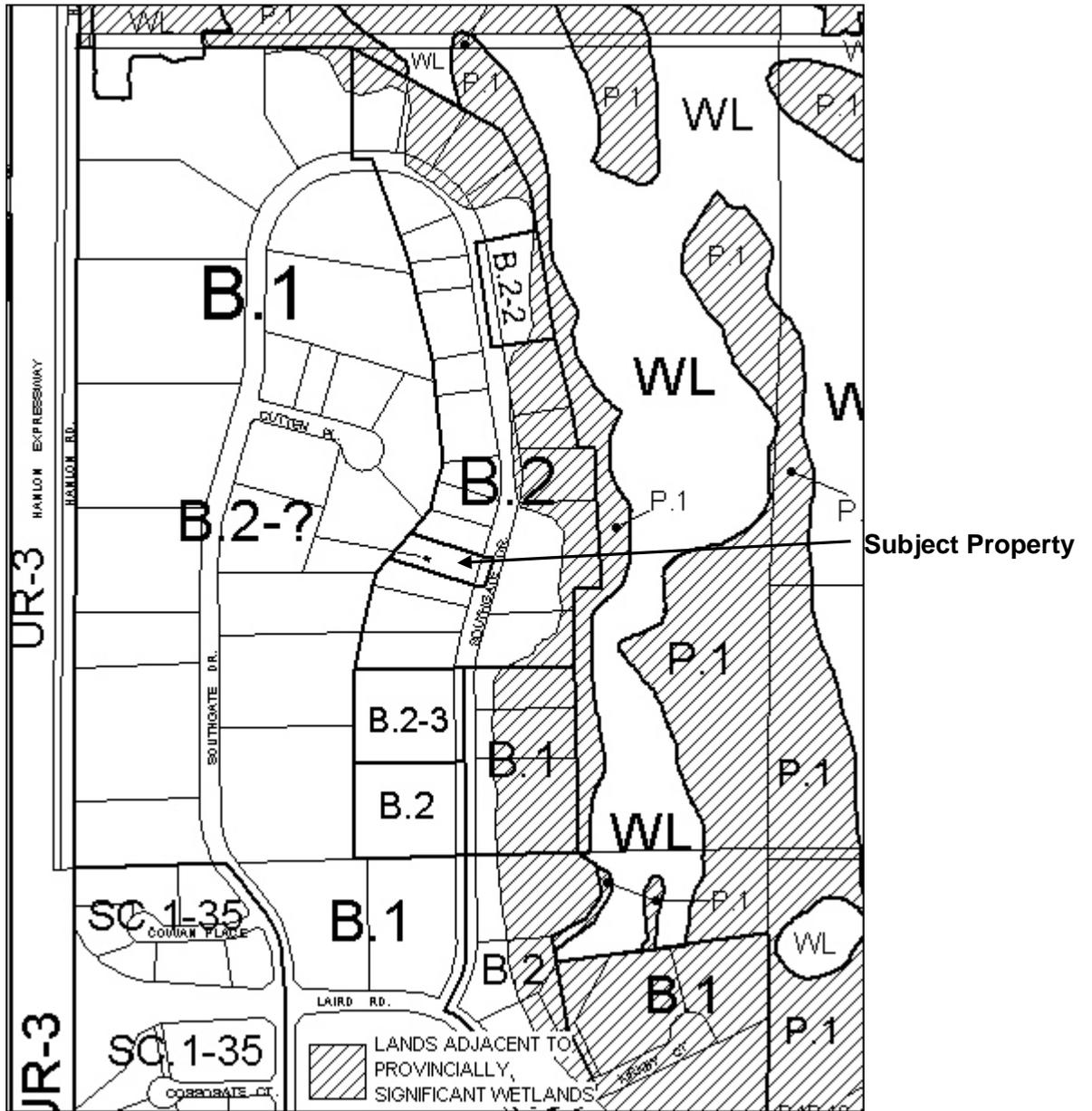
SCHEDULE 5

CIRCULATION COMMENTS

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning and Building Services		✓	<ul style="list-style-type: none"> • Subject to Schedule 2
Environment & Transportation Group*		✓	<ul style="list-style-type: none"> • Subject to Schedule 2
G.R.C.A.	✓		
Community Services (Recreation and Parks)	✓		
Heritage Guelph	✓		
Guelph Development Association	✓		
Finance		✓	<ul style="list-style-type: none"> • Development Charges
Economic Development	✓		
United Way Community Services	✓		
Wellington Catholic District School Board	✓		
Chamber of Commerce	✓		
Wellington Dufferin Guelph Public Health	✓		
Fire Department	✓		
Wellington County	✓		
Guelph Field Naturalists	✓		
John Olsthoorn*			<ul style="list-style-type: none"> • Concerns have been addressed.
John Valeriotte* SmithValeriotte			<ul style="list-style-type: none"> • Opposes application.
Neighbouring Businesses* *comments attached	✓		

SCHEDULE 6

Proposed Zoning



SCHEDULE 7

Public Notification Summary

July 19, 2005	Application submitted to the City of Guelph
August 30, 2005	Notice of Application sign erected on the property.
August 31, 2005	Notice of Application mailed to prescribed agencies and surrounding property owners within 120 metres.
January 23, 2006	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners with 120 metres.
February 13, 2006	Public Meeting of City Council.