

Meeting of Guelph City Council

Council Chambers

June 5, 2007, 7:00 p.m.

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

Absent: Councillors Burcher & Farrelly

Staff Present: Chief S. Armstrong, Director of Emergency Services; Dr. J. Laird, Director of Environmental Services; Ms. Tricia Sinclair, Assistant City Solicitor; Mr. J. Riddell, Director of Community Design & Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; Mr. C. Walsh, Manager of Wastewater Services; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

With the concurrence of Council, the Mayor advised that the agenda be revised to hear the non public meeting items first.

AWARD OF TENDER 07-25 – GUELPH WASTEWATER TREATMENT PLANT DIGESTER NO. 5 AND COGENERATION UPGRADE

1. Moved by Councillor Billings
Seconded by Councillor Laidlaw

Mr. D.A. Kennedy
Dr. J. Laird

THAT the bid of Detra Builders Inc. be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 07-025 for the Guelph Wastewater Treatment Plan Digester No. 5 And Cogeneration Upgrade, for a tendered price of \$5,360,152 (6% GST included), with actual payment to be made in accordance with the terms of the contract.

Carried

GUELPH MULTICULTURAL FESTIVAL – FIREWORKS DISPLAY JUNE 16, 2007

2. Moved by Councillor Kovach
Seconded by Councillor Findlay

Guelph & District
Multicultural Festival
Mr. D.A. Kennedy
Chief S. Armstrong

THAT the request from the Guelph and District Multicultural Festival to provide a fireworks display in Riverside Park on June 16, 2007 between 10 pm and 11 pm, be approved subject to the Guelph and District Multicultural Festival meeting the terms and

Chief R. Davis

conditions of the Guelph Fire Department;

AND THAT the Guelph Multicultural Festival obtain liability coverage in the amount of \$5,000,000 with the City of Guelph named as an additional insured party, and provide a certificate indicating such coverage, be submitted to the City of Guelph prior to the event.;

AND THAT the City accepts no responsibility for any liability that arises out of the granting of this permission for use of City property and facilities.

Carried

PESTICIDE BY-LAW

3. Moved by Councillor Laidlaw

Seconded by Councillor Hofland

THAT the correspondence from David Cox, Lawn-a-Mat of Guelph, Owner and Operator, dated June 1, 2007 be received.

Carried

4. Moved by Councillor Kovach

Seconded by Councillor Salisbury

THAT staff review the issues stated in the correspondence from Mr. Cox, Lawn-a-Mat of Guelph, Owner and Operator, dated June 1, 2007, along with previous items for consideration with respect to the pesticide by-law and report back.

Mr. D. McCaughan
Mr. D. Cox

Carried

BY-LAWS

5. Moved by Councillor Salisbury

Seconded by Councillor Hofland

THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2007)-18307 to (2007)-18311, inclusive.

Carried

The By-laws were read a first and second time at 7:17 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2007)-18307 to (2007)-18311, inclusive.

Mayor Farbridge in the Chair.

At 7:18 o'clock p.m., the Committee rose and reported By-laws Numbered (2007)-18307 to (2007)-18311, inclusive, passed in Committee without amendment.

6. Moved by Councillor Wettstein
Seconded by Councillor Bell
THAT By-laws Numbered (2007)-18307 to (2007)-18311,
inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 7:20 o'clock
p.m.

PLANNING PUBLIC MEETING

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

3 & 5 JOHNSTON STREET – proposed zoning amendment to permit a semi-detached dwelling (ZC0704)-Ward 1

The Manager of Development and Parks Planning explained the history of this application and summarized the report (07-40, dated June 5, 2007). He informed Council that the required documents to be registered are in the hands of the applicant for signature, and not registered to date as the report currently states; and he also stated that the applicant has until February, 2008 to register the agreement. He advised that the planning staff is in full support of this application.

The applicant stated that he believes the application makes good planning sense, that it is a good use of the property and thanked Council for its consideration.

7. Moved by Councillor Kovach
Seconded by Councillor Billings

Mr. J. Riddell
Mr. D.A. Kennedy
Ms. L. Payne

“THAT Report 07-40 dated June 5, 2007 regarding a Zoning By law Amendment for property municipally known as 3 and 5 Johnston Street from Community Design and Development Services be received;

AND THAT the application by 785412 Ontario Limited for a Zoning By-law Amendment from the R.1B (Residential Single Detached) Zone to the R.2 (Residential Semi-detached/Duplex) Zone affecting property municipally known as 3 and 5 Johnston Street and legally described as Lots 37 and 38, Registered Plan 375, designated as Part 1 of Reference Plan 61R-10533, City of Guelph be approved in accordance with the regulations set out in Schedule 1 hereto attached.”

Carried

The Mayor outlined the new procedure for handling Planning Applications which allows public input and an opportunity for staff to incorporate the input into the final recommendations to Council.

0 WOODLAWN ROAD WEST: proposed zoning amendment (ZC0701) – Ward 3

The Manager of Development and Parks Planning provided a brief outline of the application and explained the difference between which part of the development of this property was approved with the initial application against what the applicant is seeking with this application. He also explained the concept plan to date and briefly described the supporting documents being reviewed with this application. He further explained the process the Planning Department will follow for preparing the report to come back to Council at a future date.

The Director of Development for 6 & 7 Developments, Mr. P. David, presented information with respect to the concept plan and potential development of the property. He outlined some of the environmentally-friendly aspects of the concept plan and stated they have made a commitment to implement economical and environmentally responsible development. He stated that the property and access will be pedestrian and transit friendly, that the development will pay one million dollars in development charges and have a grocery component. He also stated that the phasing in will not begin before April 2008 and the future development is anticipated to be completed by 2012. He advised that they anticipate the creation of 200 full time jobs once the balance of the site is developed.

Mr. R. Glover, Planning Consultant for the applicant stated that they understand and are sympathetic to the City's goals and objectives of urban design in the Official Plan. He stated that they plan to focus on how they can take the existing elements and better respond to issues and provide a cohesive and integrated node to defined sections. He also stated they want to enhance pedestrian movement and comfort.

Ms. S. Watson was present to express opposition to the zoning application and advised she was also speaking on behalf of the Residents for Sustainable Development. She stated that there was a great deal of opposition to the original application for this property and there is strong opposition to this application. She raised concerns with respect to the amount of development around the City and that it is not balanced and the public is opposed to "big box" growth. She felt that the proposal is not in keeping with the Official Plan, Places to Grow legislation or SmartGrowth. She would like to see a minimum threshold put in place for store size as well as a maximum size to protect the smaller businesses, especially those in the downtown core. She requested that the impact on the downtown core be studied further and wants

development to be Council driven and not developer driven. She pointed out that this development does not conform to goals previously set by the City and strongly urged Council to refuse the expansion request.

Ms. L. Pagnan was present to vocalize her opposition to this development. She explained to Council that she is concerned that less than a year after being open Walmart is looking for an expansion. She doesn't believe this application is in keeping with the intensification goals of the Places to Grow policy and feels there are many more overpopulated areas that are underserved. She believes the City needs to plan development more and develop in the areas of greater need. She asked Council to revisit the Commercial Policy Review and review their development plans and refuse this application at this time.

Mr. B. Holstein stated that although he is not opposed to getting a grocery store in the north end of town, he does have concerns about using this location. He believes there has been a negative ripple effect of increased traffic as a result of the current development and does not wish to see this increase further. He stated that he opposes any expansion of large stores on Woodlawn Road.

Ms. M. McGuire also did not dispute the need for a grocery store at the north end of the City, but disputes the timing of the expansion because she sees unfinished business of phase 1 of the development. She stated the City needs to set a standard for any and all developers that if there is incompatibility, then they must have a pre-approval agreement with the public. She also asked City staff to ensure a clear and neighbourly process was undertaken and consideration is given to the Jesuits needs, and to the cemetery needs. She suggested a corridor of terraced walls, weeping trees and/or natural sound inhibitors be put in place.

Dr. T. MacIntosh expressed concerns about the impact this development would have on diversity and locally-owned operations currently downtown. He believes the big box stores would increase reliance on the automobile, thus increasing respiratory issues and undermining our health. He asked the City to reject the proposal and lead the way in being progressive and environmentally friendly to discourage excessive vehicular use, and to support diverse locally-owned businesses.

Ms. E. Snell was present to oppose the application. She believes it does not meet the requirements of the Places to Grow Policy and she supports the comments of the other delegates. She stated there is a need for more compact growth with no major road expansions. She stated concern over the climate change and wants the City to focus on minimizing vehicular use. She expressed the view that the net effect of the development would be the opposite of the goals the City has set. She suggested that large developments such

as this should be charged a yearly fee to offset the costs the extra traffic and runoff would create and that developments encouraging other modes of traffic could receive a fee structure.

Mr. B. Shapka stated he has no objection to the expansion of a grocery store but expressed concerns with respect to the increase in vehicular traffic. He is worried that Woodlawn Road would become congested like highway 24 in Cambridge. He stated that the noise level and traffic levels have increased with the development on this property and would like to see an analysis done to monitor the increase in levels if the development expands. He would like an acceptable noise level determined and suggested that monitoring be done at incremental stages so expansion could be stopped when that predetermined level is reached. He also raised the issue of the noise level affecting cemetery visitation and would like that concern addressed during the review of this development. He also believes that the developers should pay for any changes to the road that incur as a result of the development.

Ms. G. McCormack agreed with the concerns addressed by the previous delegates and then raised the issue of the ripple affect. She is concerned about where the development in this area will stop. She expressed concern about the possibility of the Guelph Curling Club selling off their property and this site expanding and developing even further. She feels the commercial developer land needs will override the needs of the surrounding neighbourhood. She suggested the proposal be delayed and phased in more slowly, especially in light of other developments. She feels the City needs more time evaluate City-wide needs before allowing any new development.

Mr. E. Pickersgill stated that although the developers are using all the right terms with respect to environmental issues, big box developments and the environment are mutually exclusive.

Mr. F. Nagy and Ms. K. Somos stated that they were students from G.C.V.I. doing a study of urban design and they were there to represent their classmates. They acknowledged that the development site itself is pedestrian friendly but no bike racks were available. Access to the site is geared to vehicular traffic. They also stated that the big box takes away from the individuality and feel the downtown businesses may close down if the development goes ahead. They also agreed with an earlier delegate that the ripple effect of increased traffic has reached the Exhibition Park area. They informed Council that their school sports teams use Exhibition Park for practices and games and they have found it increasingly difficult to safely cross at Kathleen St. and London Road. They also expressed disappointment that the green spaces have been fenced off or hidden by berms. They asked Council to reject the new proposal and would like to see them create a more urban inner city development.

Mr. Rodd stated that in his opinion, the expansion is excessive. He said that developers are not looking to serve the neighbourhood but looking to increase the value of their land. He stated the Commercial Policy Review was flawed and that the process was not understandable when presented. He believes there should be a fully independent study analysis to see how this meets the Places To Grow, the Community Energy Plan and Smart Growth policies. He raised the issue of distributing retail equitably throughout the City instead of certain nodes and that the focus should be on neighbourhood commercial and not retail giants. He also would like to see details of the mixed use development.

Councillor Billings left the meeting at 9:52 p.m.

Ms. A. Bishop also opposed the development application. Her concerns focused on the affect the big retailers would have on the stores downtown. She would rather see the identity and character of the downtown retailers represent the City rather than the big box stores. She does not feel there is a need for a grocery store in that area of the City.

Ms. C. Woods is a co-owner and operator of a business in the Speedvale Mall and stated that the proposed development would negatively impact the health of the businesses at Speedvale Mall. She believes this development is not in keeping with the growth timing that the City has already determined. She asked Council to consider the effect on small businesses in retail nodes and not just the downtown core.

Mrs. V. Morgan expressed her concern about the extra vehicular traffic for deliveries that would result in the expansion of the grocery store. She also stated that the City needs to focus on smaller business establishments and said that big is not good.

Mr. S. Maharaj stated his concerns about the increase of traffic and the difficulty of accessing this development by other means such as cycling. He also stated he would rather see smaller stores to maintain the small town feel of Guelph and would like the City to stay as close to the identity it has now as possible.

Mr. H. Barber asked Council to consider what the development would add to the quality of the neighbourhood and stated he did not believe it would be a positive addition. He would like the City to do a traffic study over the summer to discover the impact the development has on the neighbourhood. He suggested the City needs to protect the surrounding neighbourhood in a reasonable way.

Mr. H. Whiteley would like the City to concentrate on the Community Energy Plan and stated that if the City is serious about the plan, then it is too early to consider this zoning application. He

stated that the City needs to get a process in place as soon as possible and keep development in abeyance until one is in place.

Ms. H. Arntz stated that she believes we live in a society of isolation already and that the big box developments will just contribute to that further and is concerned about the health of society as a result. She believes one stop shopping is a detriment and doesn't feel it is easier, more convenient or cheaper in the long run.

8. Moved by Councillor Kovach
Seconded by Councillor Beard

Mr. J. Riddell

“THAT Report 07-53 dated June 5, 2007 regarding a zoning by-law amendment for property municipally known as 0 Woodlawn Road West from Community Design and Development Services be received;

AND THAT the Zoning By-law amendment application from 6 & 7 Developments Ltd. For property municipally known as 0 Woodlawn Road West and legally described as Part of Lots 4, 5, 6 and 7, Registered Plan 169, designated as Part 2, 3, 4, 5, 6 and 7 of Reference Plan 61R-9980, City of Guelph be placed on a future City Council meeting agenda for decision.”

Carried

Councillor Findlay
Councillor Laidlaw
Mr. D. McCaughan

In response to a request from Councillor Findlay, Councillor Laidlaw advised that the issue of parks maintenance will be placed on the Emergency Services, Community Services and Operations meeting agenda for June 13, 2007.

MAYOR'S ANNOUNCEMENTS

The Mayor announced that the Building Department has extended their hours on Wednesdays until 6:00 p.m. May 2nd, 2007 to September 26, 2007.

The Mayor advised that the City received direction from the Ministry of the Environment to do lead testing of the City's water and that testing has been completed. She then asked the Director of Environmental Services to provide a verbal report to Council.

The Director of Environmental Services advised that the testing of the City water supply, as directed by the Ministry of the Environment, has been completed and that no samples from Guelph's distribution system had lead levels in excess of provincial standards, but four samples from the taps in private homes exceeded the standard. She emphasized that the homes tested were not based on a random selection, but rather targeted homes in the older areas of Guelph most likely to have lead pipes or plumbing.

She also outlined the information that has been provided to the public and the many means by which the Environmental Services Department plans to continue to inform the public on issues related to drinking water and lead. She provided information for the public with steps to follow if they suspect they may have lead pipes or plumbing and indicated that the City will test, free of charge, the water in any homes where lead servicing exists. She reminded Council that the local Health Unit has advised the public that trace levels of lead are not a concern to the general public. She outlined options available to home owners with lead servicing (ie. in-home filtration units certified to remove lead).

In response to questions from Council, the Director of Environmental Services advised she will follow up on issues of level of risk of exposure through showers, etc., and the possibility of programs to be made available to offset costs involved for owners to replace their lead pipes. Staff will monitor the success of communicating information to the public with respect to the public with respect to lead testing and will adjust the communication program accordingly.

ADJOURNMENT

The meeting adjourned at 10:25 o'clock p.m.

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Mayor

.....
Deputy Clerk

3 & 5 Johnston Street
Proposed Zoning By-law Amendment Regulations

The property affected by this Zoning By-law Amendment is municipally known as 3 and 5 Johnston Street and legally described as legally described as Lots 37 and 38, Registered Plan 375, designated as Part 1 of Reference Plan 61R-10533, City of Guelph.

The following zoning is proposed:

R.2 (Residential Semi-Detached / Duplex) Zone

Regulations

Permitted Uses

In accordance with Section 5.2.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.2.2 of Zoning By-law (1995) – 14864, as amended.