

Council Chambers
October 10, 2006

Council reconvened in formal session at 6:30 p.m.

Present: Mayor Quarrie, Councillors Baily, Birtwistle, Burcher, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar and Schnurr.

Absent: Councillors Billings

Staff Present: Mr. L. Kotseff, Chief Administrative Officer; Mr. J. Riddell, Director of Planning & Development Services; Ms. M. Castellan, Senior Development Planner; Mr. C. DeVriendt, Senior Development Planner; Mr. S. Hannah, Manager of Development Planning; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello, Deputy City Clerk; Ms. N. Marino, Assistant Council Committee Coordinator.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PLANNING PUBLIC MEETING

Mayor Quarrie 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.

REGULAR MEETING

66, 70 and 72 York Road, 1 Richardson Street: Proposed Official Plan and Zoning By-law Amendment (OP0601, ZC0518)

A presentation was made by Melissa Castellan, Senior Development Planner. This application was originally before Council on August 28, 2006 where it was referred back to staff to engage a mediator to resolve the concerns of area residents.

She advised that the mediation sessions were successful and that the revised application before Council includes changes agreed upon by local residents. Changes in the design of the townhouse complex, the method of waste collection and the inclusion of a larger drainage pipe have all been included in the application and staff recommends approval of the application.

Ms. Castellan also advised that no further public notice is required related to this application.

Councillor Kovach arrived at 6:55 p.m.

Delegations

Marie Denham was present on behalf of Magee McGuire to express to Council that the plans to address the storm water runoff concerns are dependent on the City following through. She requested that Council adjust the priority of this project in the planning of the next budget.

Mr. J.J. McMurtry expressed gratitude to Councillor Downer for recommending engaging a mediator and advised that the community is pleased with the results. He requested that City Council help the plans come to fruition by approving future funding from the capital budget to support the recommendations.

Andrew Lambden advised of the changes that have been made to the design of the townhouse development, the additional landscaping that will be done and the how the drainage issues on the site have been addressed. He stated that he was pleased with the results of the mediation sessions and thanked the community members for their cooperation.

Brian Lauder acknowledged that the successful results of the mediation was due to the commitment of City staff and the developer but believes the results reflect a compromise and not a win-win solution. He expressed his thanks to Councillor Downer for initiating the mediation process. He requested that Council use this approach in the future.

1. Moved by Councillor Furfaro
Seconded by Councillor Baily

THAT Report 06-74 dated August 28, 2006 and Report dated October 10, 2006 regarding Official Plan and Zoning By-law Amendments for property municipally known as 66, 70, and 72 York Road and 1 Richardson Street from Planning and Development Services be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Terra View Homes for a site specific policy amendment to the "Medium Density Designation" of the Official Plan affecting properties municipally known as 66, 70 and 72 York Road and 1 Richardson Street and legally described as Lot

159 and Part of Lots 157, 160, Registered Plan 113, and Part of Lot 10, Registered Plan 306, City of Guelph, be approved, in the form outlined in Schedule 1 of the Planning Report 06-89 dated October 10, 2006;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Terra View Homes for a Zoning By-law Amendment from the R.3A-2 (Residential Cluster Townhouse) Zone to a new Specialized R.3A (Residential Cluster Townhouse) Zone and to the R.1B (Residential Single Detached) Zone, the R.1D (Residential Single Detached) Zone and the R.2 (Residential Semi-detached) Zone affecting properties municipally known as 66, 70 and 72 York Road and 1 Richardson Street and legally described as Lot 159 and Part of Lots 157, 160, Registered Plan 113, and Part of Lot 10, Registered Plan 306, City of Guelph, be approved, in accordance with the regulations and conditions set out in Schedule 1 of the Planning Report 06-89 dated October 10, 2006;

AND THAT the request by Terra View Homes to demolish the detached dwelling located on the property municipally known as 72 York Road be approved;

AND THAT City Council directs the Director of Planning and Development Services to advise property owners directly adjacent to the site in writing when a formal application for site plan approval has been filed with the City to allow residents the opportunity to view the plans and make suggestions, if necessary, for the consideration of the Director of Planning and Development Services prior to granting site plan approval;

AND THAT in accordance with section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 66, 70 and 72 York Road and 1 Richardson Street (file ZC0518) as set out in Report (06-89) from the Department of Planning and Development Services dated October 10, 2006.

2. Moved in Amendment by Councillor Burcher
Seconded by Councillor Baily

THAT City Council directs the Director of Planning and Development Services to advise property owners directly adjacent to the site, residents and all citizens involved in the mediation to date, in writing when a formal application for site plan approval has been filed with the City to allow residents the opportunity to view the plans and make suggestions, if necessary, for the consideration of the Director of Planning and Development Services prior to granting site plan approval;

Carried

3. Moved by Councillor Furfaro
Seconded by Councillor Baily

THAT Report 06-74 dated August 28, 2006 and Report dated October 10, 2006 regarding Official Plan and Zoning By-law Amendments for property municipally known as 66, 70, and 72

Ms. N. Shoemaker
Mr. J. Riddell

York Road and 1 Richardson Street from Planning and Development Services be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Terra View Homes for a site specific policy amendment to the “Medium Density Designation” of the Official Plan affecting properties municipally known as 66, 70 and 72 York Road and 1 Richardson Street and legally described as Lot 159 and Part of Lots 157, 160, Registered Plan 113, and Part of Lot 10, Registered Plan 306, City of Guelph, be approved, in the form outlined in Schedule 1 of the Planning Report 06-89 dated October 10, 2006;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Terra View Homes for a Zoning By-law Amendment from the R.3A-2 (Residential Cluster Townhouse) Zone to a new Specialized R.3A (Residential Cluster Townhouse) Zone and to the R.1B (Residential Single Detached) Zone, the R.1D (Residential Single Detached) Zone and the R.2 (Residential Semi-detached) Zone affecting properties municipally known as 66, 70 and 72 York Road and 1 Richardson Street and legally described as Lot 159 and Part of Lots 157, 160, Registered Plan 113, and Part of Lot 10, Registered Plan 306, City of Guelph, be approved, in accordance with the regulations and conditions set out in Schedule 1 of the Planning Report 06-89 dated October 10, 2006;

AND THAT the request by Terra View Homes to demolish the detached dwelling located on the property municipally known as 72 York Road be approved;

AND THAT City Council directs the Director of Planning and Development Services to advise property owners directly adjacent to the site, residents and all citizens involved in the mediation to date, in writing when a formal application for site plan approval has been filed with the City to allow residents the opportunity to view the plans and make suggestions, if necessary, for the consideration of the Director of Planning and Development Services prior to granting site plan approval;

AND THAT in accordance with section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 66, 70 and 72 York Road and 1 Richardson Street (file ZC0518) as set out in Report (06-89) from the Department of Planning and Development Services dated October 10, 2006.

Carried

806 Gordon Street: Proposed Official Plan and Zoning By-law Amendment (OP0602, ZC0606)

There was a presentation by Melissa Castellan, Senior Development Planner. The applicant proposes to amend the Official Plan and Zoning By-law to permit office and/or residential uses.

She advised that application meets the criteria for non-residential uses in a non-residential area. Ms. Castellan addressed concerns from the public that include the retention of trees and the increased traffic on Gordon Street. She advised that a tree and landscaping plan were added to the conditions of approval and that to reduce traffic the site will have only one driveway access.

Delegations

Nancy Shoemaker was present on behalf of the applicant and she advised that efforts have been made to accommodate concerns from nearby residents including the driveway location and the size of the side yard. The side yard adjacent to the residential area will be increased to 10 metres and there will be privacy fencing around the parking area. She requested that Council approve this application.

Bill McKinnon expressed concerns that the proposed development will decrease the privacy he currently has in his backyard which backs onto the site. He suggested to Council that not only should the site plan be to the satisfaction of the Director of Planning and Development Services, but also to the nearby residents whose properties are adjacent to the site.

Judith McKenzie was present and suggested that the land use for the proposed site should be infill residential. She expressed concern with the proposed volume of parking spaces and with the increase in traffic that will occur. She suggested that a traffic calming plan should be considered.

Valerie Robinson suggested that the adjacent property values will decrease as a result of the proposed development and expressed concerns that her backyard will be ruined by a large 3 storey building behind her property.

Councillor Baily retired from the meeting at 7:20 p.m.

Julie Petrella suggested that the proposal is too open-ended and does not feel comfortable not knowing what will be built on the site. She also has concerns with storm water drainage and how runoff will be handled.

4. Moved by Councillor Burcher

Seconded by Councillor Laidlaw

THAT the application be deferred and that staff report back within 60 to 90 days when plans for the usage of the site is further developed.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Burcher, Downer, Kovach, and Laidlaw (4)

VOTING AGAINST: Councillors Birtwistle, Ferraro, Furfaro, Hamtak, Moziar, Schnurr and Mayor Quarrie (7)

The motion was defeated.

5. Moved in by Councillor Ferraro
Seconded by Councillor Furfaro

THAT Report 06-84 regarding Official Plan and Zoning By-law Amendments for property municipally known as 806 Gordon Street from Planning and Development Services dated October 10, 2006 be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Mar-cot Homes Ltd. for a site specific policy amendment to the “General Residential” designation of the Official Plan affecting property municipally known as 806 Gordon Street and legally described as Part of Lots 1 and 2, Concession 8, City of Guelph, be approved, in the form outlined in Schedule 2 of the Planning Report 06-84 dated October 10, 2006;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Mar-cot Homes Ltd. for a Zoning By-law amendment from the R.1B (Residential Single Detached) Zone to a new Specialized OR (Office - Residential) Zone affecting property municipally known as 806 Gordon Street and legally described as Part of Lots 1 and 2, Concession 8, City of Guelph, be approved, in accordance with the regulations and conditions set out in Schedule 2 of the Planning Report 06-84 dated October 10, 2006;

AND THAT the request by Mar-cot Homes Ltd to demolish the detached dwelling located on the property municipally known as 806 Gordon Street be approved;

AND THAT City Council directs the Director of Planning and Development Services to advise property owners and residents directly adjacent to the site, residents and all citizens involved to date, in writing when a formal application for site plan approval has been filed with the City to allow residents the opportunity to view the plans and make suggestions for the consideration of the Director of Planning and Development Services prior to granting site plan approval;

AND THAT the minimum Side Yard for the west side of the property shall be 10 metres for non-residential uses.

6. Moved in Amendment by Councillor Kovach
Seconded by Councillor Burcher
THAT the site plan be brought back to Council for approval and that no precedent be set.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Burcher, Downer, Hamtak, Kovach, Laidlaw and Mayor Quarrie (6)

VOTING AGAINST: Councillors Birtwistle, Ferraro, Furfaro, Moziar and Schnurr (5)

The motion was carried.

7. Moved by Councillor Birtwistle
Seconded by Councillor Burcher
THAT “medical clinic” be removed as a permitted use in the specialized OR Zone in Schedule 2.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Birtwistle and Burcher (2)

VOTING AGAINST: Councillors Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar, Schnurr and Mayor Quarrie (9)

The motion was defeated.

8. Moved by Councillor Ferraro
Seconded by Councillor Furfaro
THAT Report 06-84 regarding Official Plan and Zoning By-law Amendments for property municipally known as 806 Gordon Street from Planning and Development Services dated October 10, 2006 be received;

Ms. N. Shoemaker
Mr. J. Riddell

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Mar-cot Homes Ltd. for a site specific policy amendment to the “General Residential” designation of the Official Plan affecting property municipally known as 806 Gordon Street and legally described as Part of Lots 1 and 2, Concession 8, City of Guelph, be approved, in the form outlined in Schedule 2 of the Planning Report 06-84 dated October 10, 2006;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of Mar-cot Homes Ltd. for a Zoning By-law amendment from the R.1B (Residential Single Detached) Zone to a new Specialized OR (Office - Residential) Zone affecting property municipally known as 806 Gordon Street and legally described as

Part of Lots 1 and 2, Concession 8, City of Guelph, be approved, in accordance with the regulations and conditions set out in Schedule 2 of the Planning Report 06-84 dated October 10, 2006;

AND THAT the request by Mar-cot Homes Ltd to demolish the detached dwelling located on the property municipally known as 806 Gordon Street be approved;

AND THAT City Council directs the Director of Planning and Development Services to advise property owners and residents directly adjacent to the site, residents and all citizens involved to date, in writing when a formal application for site plan approval has been filed with the City to allow residents the opportunity to view the plans and make suggestions for the consideration of the Director of Planning and Development Services prior to granting site plan approval;

AND THAT the minimum Side Yard for the west side of the property shall be 10 metres for non-residential uses.

AND THAT the site plan be brought back to Council for approval and that no precedent be set.

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar, Schnurr and Mayor Quarrie (9)

VOTING AGAINST: Councillors Birtwistle and Burcher (2)

The motion was carried.

Simon Wood Limited: Proposed Redline Amendment and Zoning By-law Amendment to permit a rezoning from Institutional (I.1) Zone and Specialized Residential (R.2-6) Zone to the R.1C (Single Detached Residential) Zone to permit

35 single detached dwellings (City of Guelph, File: ZC0602) - Ward 1.

There was a staff presentation by Chris DeVriendt, Senior Development Planner. The applicant proposes a Redline Amendment to permit 35 lots for detached dwellings on 2.2 hectares of land.

Mr. DeVriendt advised that a traffic calming plan has been added as a condition of approval and that the application is an appropriate infill project which staff recommends for approval.

Delegations

Nancy Shoemaker was present on behalf of the applicant and requested that Council consider the importance of flex zoning.

Ms. N. Shoemaker
Mr. J. Riddell

9. Moved by Councillor Furfaro
Seconded by Councillor Moziar

THAT Report 06-83 regarding the Redline Amendment to a portion of Draft Plan of Subdivision 23T-98501 and Zoning By-law Amendment for property municipally known as 129 Watson Parkway North from Planning and Development Services dated October 10, 2006 be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Simon-Wood Limited for a Redline Amendment to a portion of Draft Plan of Subdivision 23T-98501 on lands municipally known as 129 Watson Parkway North and legally described as Part Lot 6, Concession 4, Division C (Parts 4, 5, 6 and 7 of Plan 61R-9482), City of Guelph be approved, subject to the conditions outlined in SCHEDULE 3 of Planning report #06-83 dated October 10, 2006;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Simon-Wood Limited for a Zoning Bylaw Amendment from the Institutional (I.1) Zone and Specialized Residential (R.2-6) Zone to the R.1C (Single Detached Residential) Zone affecting the property municipally known as 129 Watson Parkway North and legally described as Part Lot 6, Concession 4, Division C (Parts 4, 5, 6 and 7 of Plan 61R-9482), City of Guelph be approved in the form outlined in SCHEDULE 3 of Planning report #06-83 dated October 10, 2006.

Carried

365 Watson Parkway North – Proposed Zoning By-law Amendment (City of Guelph File ZC0603) – Ward 1

Chris DeVriendt, Senior Development Planner gave a brief presentation. The applicant proposes to amend the zoning for the subject property from the current Specialized Residential Single Detached Zone to the Specialized Cluster Townhouse Zone to permit the development of 12 townhouse units.

Mr. DeVriendt advised that the application represents reasonable intensification but that staff does not agree upon the concept plan. He advised that it is contrary to the City's urban design guidelines and that the staff recommended concept plan ensures that the building entries are visible from the street and that the rear laneway and detached garages minimizes the public view of the parking area and garages. He further advised that staff recommends approval of the staff concept plan (Schedule 5).

Delegations

Nancy Shoemaker was present on behalf of the applicant and addressed the concerns that the applicant has with the staff recommended concept plan. She advised that by using the staff recommended concept plan, the open area behind the site will be locked from view with detached garages and the houses will be situated closer to the road, allowing an increase in noise from busy traffic. She stated that the neighbouring residents also prefer the applicants design as they would be looking onto backyards as opposed to a garage laneway. She recommended that Council approve the application with the applicants' concept plan (Schedule 4b).

Rob Wood, the applicant, suggested that his concept plan takes advantage of the desirable features of the site and that he has received letters from adjacent landowners supporting this design. He expressed concerns with the staff recommended concept plan and believes that detached garages are less desirable to home buyers. He advised that by building detached instead of detached garages, the cost of the units will have to increase, making them less affordable to home buyers.

10. Moved by Councillor Hamtak

Seconded by Councillor Furfaro

Ms. N. Shoemaker
Mr. J. Riddell

THAT report 06-65 regarding 365 Watson Parkway North from Planning and Development Services dated October 10, 2006 be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd. Planning Consultants on behalf of Simon Wood Limited for a zoning amendment from the Specialized Residential Single Detached (R.1C-15) Zone to the Specialized R.3A-? Cluster Townhouse Zone affecting the property municipally known as 365 Watson Parkway North and legally described as Block 66, Registered Plan 61M-111 in the City of Guelph, be approved, in accordance with the regulations and conditions set out in SCHEDULE 4 of the Planning Report dated October 10, 2006 as amended to delete the words "Schedule 5..." onwards, in Condition 2 and replace with the following: "Schedule 4b of this report with road laneway access to Watson Road eliminated."

A recorded vote was requested, which resulted as follows:

VOTING IN FAVOUR: Councillors Birtwistle, Downer, Ferraro, Furfaro, Hamtak, Kovach, Laidlaw, Moziar, Schnurr and Mayor Quarrie (10)

VOTING AGAINST: Councillor Burcher (1)

The motion was carried.

ADJOURNMENT

The meeting adjourned at 9:35 o'clock p.m.

Minutes read and confirmed November 20, 2006.

.....
Mayor

.....
Deputy Clerk

Proposed Official Plan Amendment

Amend the Official Plan text by the addition of a new site specific sub-policy. Amend Official Plan Policy 7.2.36, Medium Density Residential Land Use Designation, by adding the following clause:

- 7.2.36 a) Within the Medium Density Residential designation at the northeast side of the intersection of York Road and Wyndham Street South, detached and semi-detached housing forms are permitted with frontage onto York Road, Wyndham Street South and Richardson Street provided that the overall density of development within the Medium Density Residential designation in this location complies with Section 7.2.38.

Proposed Zoning By-law Amendment Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 66, 70 and 72 York Road and 1 Richardson Street and legally described as Lot 159 and Part of Lots 157, 160, Registered Plan 113, and Part of Lot 10, Registered Plan 306, City of Guelph.

The following zoning is proposed:

Specialized R.3A (Residential Cluster Townhouse) Zone
R.1B (Residential Single Detached) Zone
R.1D (Residential Single Detached) Zone
R.2 (Residential Semi-detached) Zone

Regulations

For the Specialized R.3A Zone

Permitted Uses

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

Regulations

In accordance with Section 5.3.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Despite the definition of Townhouse in Section 3 (58) (i), this development may contain a **Building** that is divided vertically into a minimum of 2 separate **Dwelling Units**.

Minimum **Front Yard**

10 metres.

Minimum **Side Yard**

The Minimum *Side Yard* shall be:

- 2 metres for the east and west *Side Yard*, except where *private amenity areas* face the east lot line in which case the minimum side yard shall be 8 metres; and
- 6 metres for the south *Side Yard*.

Despite Section 5.3.2.2.2, windows to *Habitable Rooms* shall be permitted to face onto the *Side Yards*.

Minimum *Rear Yard*

4.5 metres

Despite Section 5.3.2.2.2, windows to *Habitable Rooms* shall be permitted to face onto the rear yard.

Minimum *Lot Area* per *Dwelling Unit*

The Minimum *Lot Area* per *Dwelling Unit* shall be 250 square metres.

Minimum Distance between *Buildings*

Despite Section 5.3.2.3.1, the minimum distance between one *Building* and the face of another *Building*, each of which contain windows to Habitable Rooms, shall be 2.4 metres.

Access to *Private Amenity Area*

Despite Section 5.3.2.5.1, access to the *Private Amenity Area* may be provided by exterior stairs.

Maximum Density of Site

Despite Section 5.3.2.6.1, the maximum density of the *Cluster Townhouse* development shall be 40 dwellings per hectare.

Off-Street Parking

Despite Section 4.13.2.2, *Parking Spaces* located in the *Side* or *Rear Yard* may be located within 1.5 metres of the *Lot Line*.

For the R.1B Zone

Permitted Uses

In accordance with the provisions of Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended.

For the R.1D Zone

Permitted Uses

In accordance with the provisions of Section 5.1.1 of Zoning By-law (1995) – 14864, as amended.

Regulations

In accordance with Section 5.1.2 of Zoning By-law (1995) – 14864, as amended.

For the R.2 Zone

Permitted Uses

In accordance with the provisions of 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.

Conditions

The following conditions will be imposed through Site Plan Approval or as conditions of consent:

1. The Owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of 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 plan.
 - a. Further, the Owner commits and agrees that the details of the layout, elevations and design for development of the subject lands shall be generally in accordance with and conform to the Owner's concept plans attached to the October 10, 2006 Planning Staff Report (Site Plan, prepared by BSRD Project 04-5891-5, Landscape Plan, prepared by Landplan, Project #04-5891-6) and the owner shall address all of the elements of good urban design as outlined by the City of Guelph Urban Design Guidelines 1995 Manual, to the satisfaction of the Director of Planning and Development Services and the City Engineer.
 - b. The owner acknowledges and agrees that a wood privacy fence with a minimum height of 1.8 metres will be constructed along the rear and side yard.
 - c. That the Landscaping Plan indicate a maximum of 8 trees to be planted on adjacent properties with a maximum of 4 trees situated in the rear yard of 5

Richardson Street and a maximum of 4 trees situated in the rear yard of 74 York Road. The landscaping plan shall also indicate site perimeter plantings that provide screening to adjacent properties to the east.

2. That the consent applications B-11/0, B-12/04, B-13/04, B-14/04 and B-15/04 receive Committee of Adjustment approval and that the registration of the deeds occurs in a proper sequence to ensure amalgamation of the parcels to the satisfaction of the City Solicitor prior to the issuance of any building permits.
3. That prior to site plan approval or the endorsation of the deeds, the owner grants to the City a 6.0-metre wide easement across the lands, centred on the storm sewer, satisfactory to the City Solicitor.
4. That prior to any demolition, grading or construction on the lands the owner shall retain a Professional Engineer to inspect and report on the condition of the 450mm storm sewer from the site to its outlet, satisfactory to the City Engineer.
5. That the owner agrees to replace the existing storm sewer with a new storm sewer at an appropriate size to the satisfaction of the City Engineer.
6. Prior to the submission of any site plan showing a connection to the 750mm trunk sanitary sewer in the park, the owner shall pay the City's cost of having a geotechnical investigation report done of the soils along the sanitary service lateral route. Furthermore, the owners shall acknowledge and agree that a connection through the park to the 750mm trunk sanitary sewer will only be permitted if landfill materials and gases are not going to be encountered during the construction of the sanitary sewer lateral.
7. That the owners shall acknowledge and agree that a connection through the park to the 750mm trunk sanitary sewer will only be permitted by the City during certain times of the year when construction will not disrupt the use of the park.
8. Prior to site plan approval for the lands, the owner shall have a Professional Engineer design a grading plan and storm water management system for the said lands incorporating a control flow weir and a connection to the existing storm sewer, satisfactory to the City Engineer.
9. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. The storm water management facilities will be designed to contain the 1 in 5 year storm on site with no drainage running off the property to the east. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
10. 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. Furthermore, the owner 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 erosion and sediment control plan on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.

11. The owner shall pay the actual cost of constructing any service laterals required to service the lands, prior to issuance of any building permit.
12. The owner shall pay the actual cost of constructing any works including backflow preventors on the storm sewer serving the lands, prior to site plan approval.
13. That the owner enters into a Storm Sewer Agreement as established by the City, providing for a grading and drainage plan that is registered on the title of the single detached and semi detached lands, prior to the endorstation of the deeds.
14. That the owner constructs all the buildings at such an elevation that the lowest habitable level of the buildings can be serviced with a gravity sewer connection to the sanitary sewer.
15. That the owner shall confirm that any fill placed to raise the elevation of the lands shall have similar drainage characteristics to the native soil on the lands. Gradation testing or other acceptable testing procedures will be required to confirm the acceptability of the fill material to the satisfaction of the City Engineer.
16. 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.
17. That the owner pays to the City, the watermain frontage charge of \$8.00 per foot for 21.98-metres (72.12 feet) of frontage on Wyndham Street, prior to site plan approval or the endorstation of the deeds.
18. That the owner shall pay to the City, the watermain frontage charge of \$8.00 per foot for 15.85-metres (52.0 feet) of frontage on York Road, prior to site plan approval or the endorstation of the deeds.
19. That the owner pays the tree frontage charge of \$8.00 per metre of frontage for the entire frontage on Wyndham Street and York Road, prior to site plan approval or the endorstation of the deeds.
20. That the owner shall be responsible to pay for all required curb cuts and fills, prior to the issuance of any building permit.
21. That the owner prepares a tree conservation plan identify trees to be retained and removed, to the satisfaction of the Director of Planning and Building Services, prior to site plan approval or the endorstation of the deeds.

22. That the owner applies for, and receives, a permit from the Grand River Conservation Authority, prior to the issuance of any building permit.
23. That the owner deeds to the City free of all encumbrances and satisfactory to the City Solicitor, a parcel of land 3.0-metres wide for a road widening across the entire Wyndham Street frontage of the lands, prior to site plan approval or the endorsation of the deeds.
24. That a legal off-street parking space, including any easements for right-of-way that are required for access, be created, satisfactory to the Director of Planning and Development Services for 70 York Road, prior to the endorsation of the deeds.
25. 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 site plan approval or prior to the endorsation of the deeds, at the rate in effect at the time of the endorsation.
26. That the proposed severed parcel of land be conveyed to the abutting owner as a lot addition only (Form 3 Certificate).
27. Prior to the site plan approval or endorsation of the deeds, 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.
28. The developer acknowledges and agrees that waste collection for the proposed townhouse development shall involve the municipal waste collection program in effect at the time of development. The actual collection of waste shall be by City forces or by private contractor and will be reviewed at the time of site plan approval. The site plan agreement will stipulate the method of collection.
29. That the Developer/Owner shall, as part of Site Plan Approval, prepare and implement a monitoring program to evaluate the hydraulic performance of the stormwater management system and groundwater elevations within the site for comparison with the baseline information collected as part of the Zone Change Approval. The monitoring program will commence with the completion of area grading of the site and will extend for a period of 4 years beyond the build out of the townhouse units. An annual monitoring report will be prepared and submitted to the City Engineer and the Grand River Conservation Authority.
30. That the owner enters into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

Proposed Official Plan Amendment

Amend the Official Plan text by the addition of a new site specific sub-policy. Amend Official Plan Policy 7.2.26, Non-residential Uses in Residential Areas, by adding the following clause:

7.2.30.? In addition to the provisions of policy 7.2.26, office, medical clinic and medical office uses shall be permitted on property known municipally as 806 Gordon Street to a maximum gross floor area of 2500 square metres.

Proposed Zoning By-law Amendment Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 806 Gordon Street and legally described as Part of Lots 1 and 2, Concession 8, City of Guelph.

The following zoning is proposed:

Specialized OR-? (Office Residential) Zone

Regulations

Permitted Uses

In addition to the Uses listed in Section 6.5.1 of Zoning By-law (1995) – 14864, as amended, the following Uses shall also be permitted:

- *Cluster Townhouse* developed in accordance with Section 5.3.2
- *Stacked Townhouse* developed in accordance with Section 5.3.2
- *Medical Clinic*

Regulations

In accordance with Section 5.3.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Minimum Density for *Cluster Townhouses* or *Stacked Townhouses*

26 units per hectare

Maximum *Gross Floor Area* for Non-residential Uses

2500 square metres

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, 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 plan.

2. That the owner prepares a tree conservation plan identifying trees to be retained and removed, to the satisfaction of the Director of Planning and Building Services, prior to site plan approval.
3. That the Developer shall prepare a replanting plan that includes details about the species, size and location of new plantings on the site to the satisfaction of the Director of Planning and Development Services. The replanting plan shall address perimeter planting.
4. That the developer shall be responsible for paying cash-in-lieu of parkland for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to site plan approval.
5. Prior to the site plan approval, 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.
6. That the owner provide a Heritage Documentation Report, to include a recording of the interior and exterior of the house as well as the existing gardens, to the satisfaction of Heritage Guelph, prior to the issuance of a demolition permit.
7. Prior to site plan approval, the owner shall pay to the City the sum of \$40,438.70 for the owner's share of the actual cost of constructing the existing municipal services on Gordon Street across the frontage of the lands including roadworks, storm sewer, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer.
8. 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.
9. That prior to the site plan approval, the owner shall have a Professional Engineer design a grading plan and storm water management system for the site, satisfactory to the City Engineer.
10. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore the 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.

11. 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.
12. That the property be developed with only one driveway to Gordon Street and that the driveway be located on the southerly halve of the site.
13. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above.

REGULATIONS AND CONDITIONS

PART A

“THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Simon-Wood Limited for a Redline Amendment to a portion of Draft Plan of Subdivision 23T-98501 on lands municipally known as 129 Watson Parkway North and legally described as Part Lot 6, Concession 4, Division C (Parts 4, 5, 6 and 7 of Plan 61R-9482), City of Guelph, be approved, subject to the following conditions:

CITY CONDITIONS:

1. That this approval applies only to the redline amendment to a portion of draft plan of subdivision plan 23T-98501 prepared by Black, Shoemaker, Robinson and Donaldson Ltd. dated April 12, 2006 (project No. 03-4869-6).

Conditions to be met prior to grading and site alteration

2. That the Developer enters into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
3. That the developer prepare a **site drainage and grading plan** for the entire subdivision, satisfactory to the City Engineer.
4. That the developer constructs, installs and maintains **erosion and sediment control** facilities, satisfactory to the City Engineer, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the developer shall provide a qualified **Environmental Inspector**, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the Environment Impact Study on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
5. The developer shall prepare and follow an **Environmental Implementation Report** based on Terms of Reference prepared by the applicant and approved by the City and the Grand River Conservation Authority (GRCA) which includes a monitoring program to assess the performance of the storm water management facilities. Furthermore, the report shall address the information and implementation process to get details to the home owners concerning the storm sewer and storm water management process.
6. That the developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the developers cost.

7. That the developer shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which show how stormwater 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.
8. 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.
9. That the developer agrees that no work, including, but not limited to tree removal, grading or construction, will occur on the lands until such time as the developer has obtained **written permission** from the City Engineer or has entered into a Subdivision Agreement with the City.
10. That any **domestic wells and boreholes** for hydrogeological or geotechnical investigations be properly abandoned in accordance with the current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.

Conditions to be met prior to execution of the subdivision agreement

11. That 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.
12. That the Developer agrees to pay the costs related to the installation of 1- second order, second level **Geodetic Benchmarks** in locations within the proposed subdivision to the satisfaction of the City Engineer.
13. That the developer is responsible for the total cost of the design and construction of any **road works, including sidewalks, boulevards and curbs**, within or surrounding the plan of subdivision.
14. That the developer shall prepare and implement a **traffic calming plan** that will address the possible short cutting of traffic on Davis Street between Grange Street and Eastview Road to the satisfaction of the City.
15. That the developer pays the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
16. That the developer pays to the City the flat rate charge established by the City per metre of road frontage to be applied to **tree planting** within the proposed subdivision.
17. That the developer is responsible for the total **cost of the design and construction of all services** required to service all lands within the plan of subdivision, including sanitary, storm and water facilities, the distance and alignment to be determined by the City of Guelph, with such costs to include services required to service the subdivision which are located outside the limits of the subdivision.
18. That the developer pays the cost of all **existing services** within and abutting the proposed subdivision, as determined by the City Engineer.
19. 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.

20. That the developer shall be responsible for the **cost of design and development of the demarcation of the park block** in accordance with the City of Guelph Demarcation Policy. This shall include submitting drawings completed by a registered Ontario Association of Landscape Architect (OALA) member for approval 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 "Property Demarcation" improvements and works for the City lands to the satisfaction of the Director of Planning and Development Services.
21. That the developer shall be responsible for paying **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the registration of the plan.

Conditions to be met prior to registration

22. That the Developer enters into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
23. That the developer shall pay any **outstanding debts** owed to the City, prior to the registration of the plan.
24. 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.
25. That any **dead ends and open sides of road allowances** created by this plan, or the phasing thereof, be terminated in 0.3 metre reserves which shall be conveyed to the City.
26. The developer shall pay **development charges** to the City in accordance with the City's Development Charges By-law, as amended from time to time, or any successor thereof and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board as amended from time to time, or any successor by-laws thereto.
27. That all **easements and rights-of-way** required within or adjacent to the proposed subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro and other Guelph utilities.
28. That **street lighting and underground wiring** shall be provided throughout the subdivision at the developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro.
29. That the **road allowances** included in the draft plan be shown and 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".
30. 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 design by a Professional Engineer. Furthermore, the Developer shall ensure that all sump pumps are discharged to the rear yard and the Developer shall notify all purchasers that the discharge shall be to the rear yard.
31. 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.
32. That the Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
33. That the developer shall include in the subdivision agreement and insert in all agreements of purchase and sale or lease for each dwelling unit abutting the common boundary between the City and the Township of Guelph Eramosa the following **warning clause**:
- “The land adjacent to this subdivision is being actively farmed which includes activities such as herbicide application, planting and harvesting of various crops which may affect the living environment of residents living in close proximity to the farming operations.”
34. That the developer agrees to place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and in the City's subdivision agreement to be registered on title:
- “Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Grange Road within the subdivision at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages”.
 - “Purchasers and/or tenants of all lots and units are advised that the Park Block has been designed for active public use and may include sports fields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions”
 - “Purchasers and/or tenants of all lots and units are advised that the boundaries of the park block will be demarcated in accordance with the City of Guelph Demarcation Policy. This demarcation will consist of living fences and property demarcation markers adjacent to proposed lots 20 through 35, and black vinyl chain link fence adjacent to lots 23 and 16 (Registered Plan 61M-111) on both sides of the park access from Shackleton Drive.

Conditions to be met prior to issuance of a building permit

35. 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.
36. That 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.
37. That **site plans for all corner building lots**, as determined by the City Engineer, shall be submitted to the City Engineer for approval of driveway location.
38. That prior to the release of building permits for any Phase containing a Park, the developer shall demarcate the boundary of the Park Block(s) 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 Blocks.
39. 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 Department of Planning and Development Services, City Hall". Further, the signs shall also advise that Watson Road will be upgraded to four lanes of traffic and may be used as a truck route.

AGENCY CONDITIONS:

40. That all telephone service and cable TV service in the plan be underground and the developer shall enter into a servicing agreement with **Bell Canada** providing for the installation of underground telephone service prior to registration of the plan of subdivision.
41. That the developer and the **Wellington Catholic School Board** reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
42. 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.
43. That the developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
 - "Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be

available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.

44. 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.
45. The developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. The concrete pads are to be poured at the time of curb installation within each phase of the subdivision.
46. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.
47. 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 41 has been satisfied.
48. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 42, 43 and 44 have been satisfied.
49. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 27 and 28 have been satisfied.
50. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 45 has been satisfied.

AND

PART B

“That the Zoning By-law amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer the subject lands from the current UR (Urban Reserve) Zone and Specialized Residential (R.2-6) Zone to the following zoning categories as follows:

LOTS OR BLOCKS	PROPOSED ZONING
Lots 1-35	R.1C Detached Dwellings – minimum frontage of 12 metres

REGULATIONS AND CONDITIONS

The property affected by this zoning amendment is municipally known as 365 Watson Parkway North and legally described as Block 66, Registered Plan 61M-111 in the City of Guelph.

The following zoning is proposed:

Specialized R.3A-? Cluster Townhouse Zone

Permitted Uses

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

Regulations

In accordance with Section 5.3.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

1. Side Yard Setback for Buildings with Windows to Habitable Room

Despite Section 5.3.2.2.2, the building with windows to a habitable room shall be permitted 3 metres from the southerly side yard lot line.

Conditions

1. 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, 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.
2. 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, grading, drainage, and servicing for the said lands, to the satisfaction of the Director of Planning and Development Services, prior to the issuance of the building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan. Further, the Owner agrees that the design shall be consistent with the concept plan illustrated on **Schedule 5** of this report to the satisfaction of the Director of Planning and Development Services.
3. That the owner shall pay the actual cost of abandoning and disconnecting, at the watermain, any of the existing water services that cannot be used and furthermore, prior to issuance of a building permit, the owner shall pay to the City the estimate cost of abandoning and disconnecting the existing water services at the watermain as determined by the City Engineer.

4. The owner shall pay the actual cost of abandoning and plugging any of the existing sewer laterals, that cannot be used, in accordance with the City's standard and furthermore, prior to issuance of a building permit, the owner shall pay to the City the estimate cost of abandoning and plugging the existing sewer laterals as determined by the City Engineer.
5. The owner shall pay the actual cost of constructing any service laterals required to service the lands, prior to issuance of any building permit.
6. That prior to the granting of site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above.