

# COUNCIL PLANNING AGENDA



**Council Chambers, City Hall, 1 Carden Street**

**DATE Monday, February 8, 2016 5:00 p.m.**

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

## **AUTHORITY TO MOVE INTO CLOSED MEETING**

***THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to The Municipal Act, to consider:***

**C-2015.5 January 21<sup>st</sup> Correspondence Follow-Up**  
Section 239 (2) (b) personal matters about an identifiable individual

**C-2015.6 New GMHI Board Progress Report**  
Section 239 (2) (a) and (b) security of the property of the municipality or local board; personal matters about an identifiable individual including municipal or local board employees

## **CLOSED MEETING**

## **OPEN MEETING – 7:00 P.M.**

**O Canada  
Silent Reflection  
Disclosure of Pecuniary Interest and General Nature Thereof**

## **PRESENTATION**

- a) Volunteer Long-term Service Award – Mayor Guthrie will present the award

**PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT**

<b>Application</b>	<b>Staff Presentation</b>	<b>Applicant or Designate</b>	<b>Delegations (maximum of 10 minutes)</b>	<b>Staff Summary</b>
492 Michener Road Proposed Zoning By-law Amendment (File: ZC1514) - Ward 4	Tim Donegani, Development Planner	• Astrid Clos		
287 Waterloo Avenue Proposed Zoning By-law Amendment (File: ZC1511) - Ward 3	Michael Witmer, Development Planner II	• Astrid Clos	<u>Correspondence:</u> • Jane Tompkins	
55 and 75 Cityview Drive North Proposed Modification to Draft Plan 23T-12501 and Zoning By-law Amendment (File: ZC1512) - Ward 1	Chris DeVriendt, Senior Development Planner	• Hugh Handy		
Blocks 221-223, Registered Plan 61M-18 (Silurian Drive / Starwood Drive) Proposed Zoning By-law Amendment (File: ZC1513) - Ward 1	Chris DeVriendt, Senior Development Planner	• Hugh Handy		

**CONSENT AGENDA**

"The attached resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda can be approved in one resolution."

<b>COUNCIL CONSENT AGENDA</b>			
<b>ITEM</b>	<b>CITY PRESENTATION</b>	<b>DELEGATIONS (maximum of 5 minutes)</b>	<b>TO BE EXTRACTED</b>
CON-2016.2 1511-1517 Gordon Street and 15 Lowes Road Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP1402/ZC1408) - Ward 6			
CON-2016.3 139 Morris Street Proposed Zoning By-law Amendment (File: ZC1110) - Ward 1		<u>Correspondence:</u> • Arthur Hanna	
CON-2016.4 Proposed Demolition of 176 York Road - Ward 1			
CON-2016.5 Proposed Demolition of 115 Dawn Avenue			

### **BY-LAWS**

Resolution – Adoption of By-laws (*Councillor Salisbury*)

### **MAYOR'S ANNOUNCEMENTS**

*Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.*

### **NOTICE OF MOTION**

### **ADJOURNMENT**

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT** **Statutory Public Meeting Report**  
**492 Michener Road**  
**Proposed Zoning By-law Amendment**  
**(File: ZC1514)**  
**Ward 4**

REPORT NUMBER 16-01

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment to allow a broader range of service commercial uses at 492 Michener Road. No development of the subject site is proposed at this time. This report has been prepared in conjunction with the statutory public meeting for this application.

### KEY FINDINGS

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### ACTION REQUIRED

Council will hear public delegations regarding the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 16-01 regarding a proposed Zoning By-law Amendment application (File: ZC1514) submitted by Astrid J. Clos Planning Consultants on behalf of Four Woods Group Inc. to allow a broader range of service commercial uses on the property municipally known as 492 Michener Road, and legal described as Part of Lot 6, Registered Plan 661, Part 2 of Reference Plan 1403, City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, be received.

# STAFF REPORT

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## BACKGROUND

An application to amend the Zoning By-law was received for the property municipally known as 492 Michener Road from Astrid J. Clos Planning Consultants on behalf Four Woods Group Inc. If approved, the application would permit a broader range of service commercial uses on the subject property. The Zoning By-law Amendment application was deemed to be complete pursuant to Section 34(10.4) of the *Planning Act* on November 20, 2015. The application is supported by the following materials:

- Planning Report, Prepared By Astrid J. Clos Planning Consultations Dated October 16, 2015; and
- Site Plan prepared by Briestensky Architects Ltd. and dated December 16, 1993.

## Location

The subject site is on the west side of Michener Road, north of Woodlawn Road (see Location Map in Attachment 1). The site area is 0.8 ha. The subject lands currently contain a vacant 1,129 m<sup>2</sup> one-storey building. The building was last occupied by the Guelph Place banquet facility. An associated parking area provides approximately 170 parking spaces. A northern portion of the site is also subject to an easement in favour of the City of Guelph and Guelph Hydro. A sketch of the existing site condition is included in Attachment 5.

Adjacent land uses include:

- To the north: University Library archives;
- To the south: a car dealership;
- To the east: a car dealership; and
- To the west: office and warehouse uses.

## Existing Official Plan Land Use Designation and Policies

The subject lands are designated "Service Commercial" in Schedule 1 of the Official Plan, which permits highway-oriented and service commercial uses that do not normally locate within downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses. The existing land use designations and relevant policies for the Service Commercial Land use designation are included in Attachment 2.

## Official Plan Amendment 48 Land Use Designations and Policies

Official Plan Amendment 48 (OPA 48, currently under appeal), a comprehensive update to the City's Official Plan, proposes to maintain the subject property's current "Service Commercial" land use designation. This designation permits highway-oriented and service commercial uses. Staff must have regard to the Council adopted policies and designations of OPA 48 even though it is currently under appeal. The relevant proposed land use designations and policies for the "Service Commercial" land use designation are included in Attachment 3.

# STAFF REPORT



## Existing Zoning

The subject property is zoned "Specialized Highway Service Commercial" (SC.2-1) in the Zoning By-law. The SC.2-1 applies throughout much of the "Guelph Auto Mall" area of Woodlawn Road, and permits a variety of vehicle oriented uses. Additional details of the existing zoning are included in Attachment 4.

## REPORT

### Description of Proposed Zoning By-law Amendment

The applicant is requesting to rezone the subject property from the "Specialized Highway Service Commercial" (SC.2-1) Zone to the "Highway Service Commercial" (SC.2) Zone to add additional permitted uses. No other zoning provisions are proposed to be modified and no physical redevelopment of the site is proposed at this time. Further details of the proposed zoning are provided in Attachment 4.

### Staff Review

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Consideration of the Planning Justification Report;
- Review of the proposed zoning
- Address all comments and issues raised during the review of the application.

Once the application is reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise with a recommendation will be considered at a future meeting of Council.

## CORPORATE STRATEGIC PLAN

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## COMMUNICATIONS

The Notice of Complete Application a was mailed on December 4, 2015 to local boards and agencies, City service areas and all property owners with 120 metres of the subject site for comments. Notice was also provided by signage installed on the site, which was posted by the applicant on December 11, 2015. A notice of public meeting was mailed on January 15, 2016 was also advertised in the Guelph Tribune on January 14, 2016.

## FINANCIAL IMPLICATIONS

Financial implications will be reported in the future staff recommendation report to Council.

# STAFF REPORT



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## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
- Attachment 4 – Existing and Proposed Zoning and Details
- Attachment 5 – Existing Site Conditions

### Report Author

Tim Donegani  
Development Planner

A handwritten signature in black ink, appearing to read "Tim Donegani".

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### Approved By

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

Sylvia Kirkwood  
Manager of Development Planning

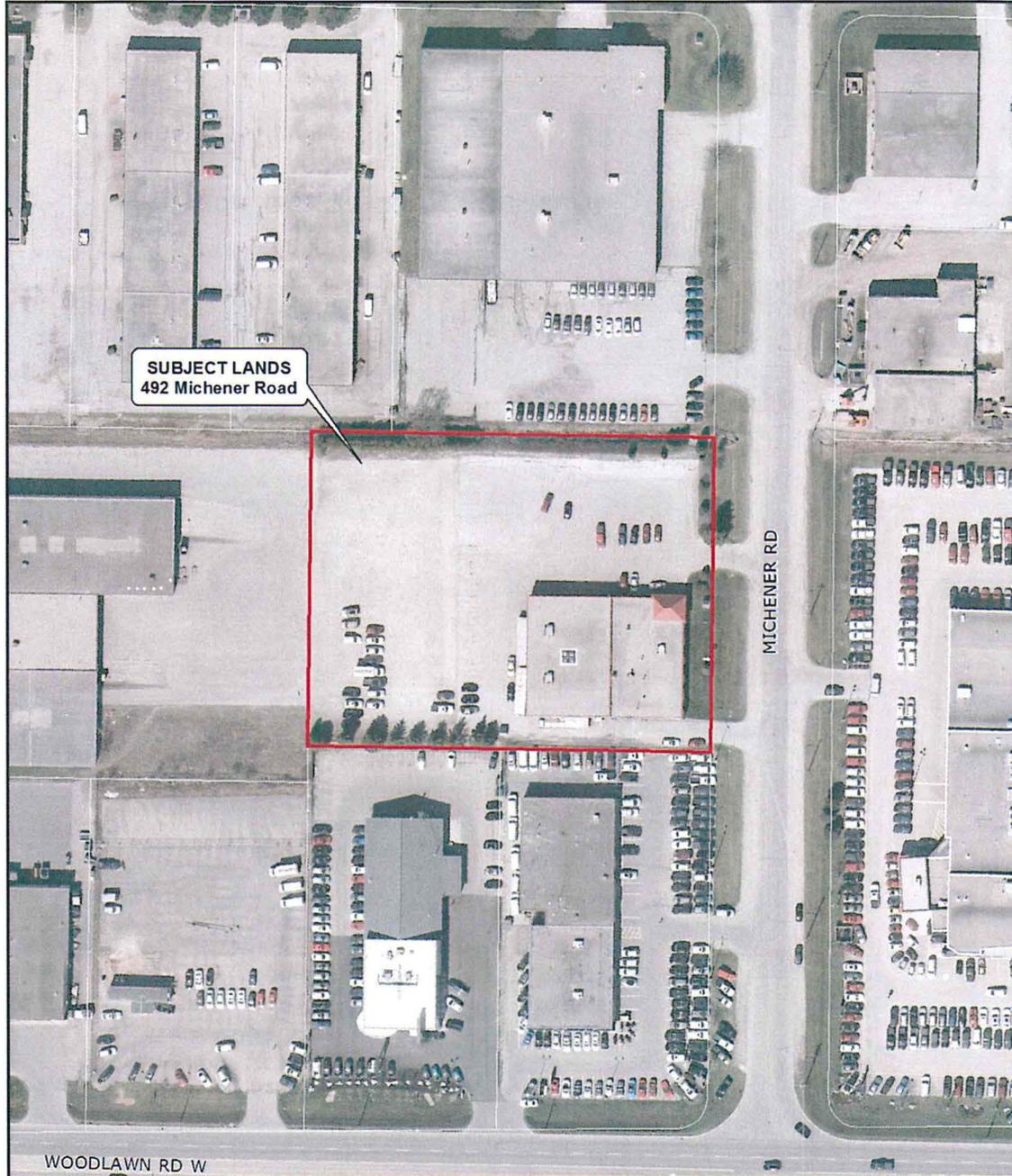
A handwritten signature in blue ink, appearing to read "Sylvia Kirkwood".

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### Recommended By

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
scott.stewart@guelph.ca

## Attachment 1 Location Map



0 5 10 20 30 40 m



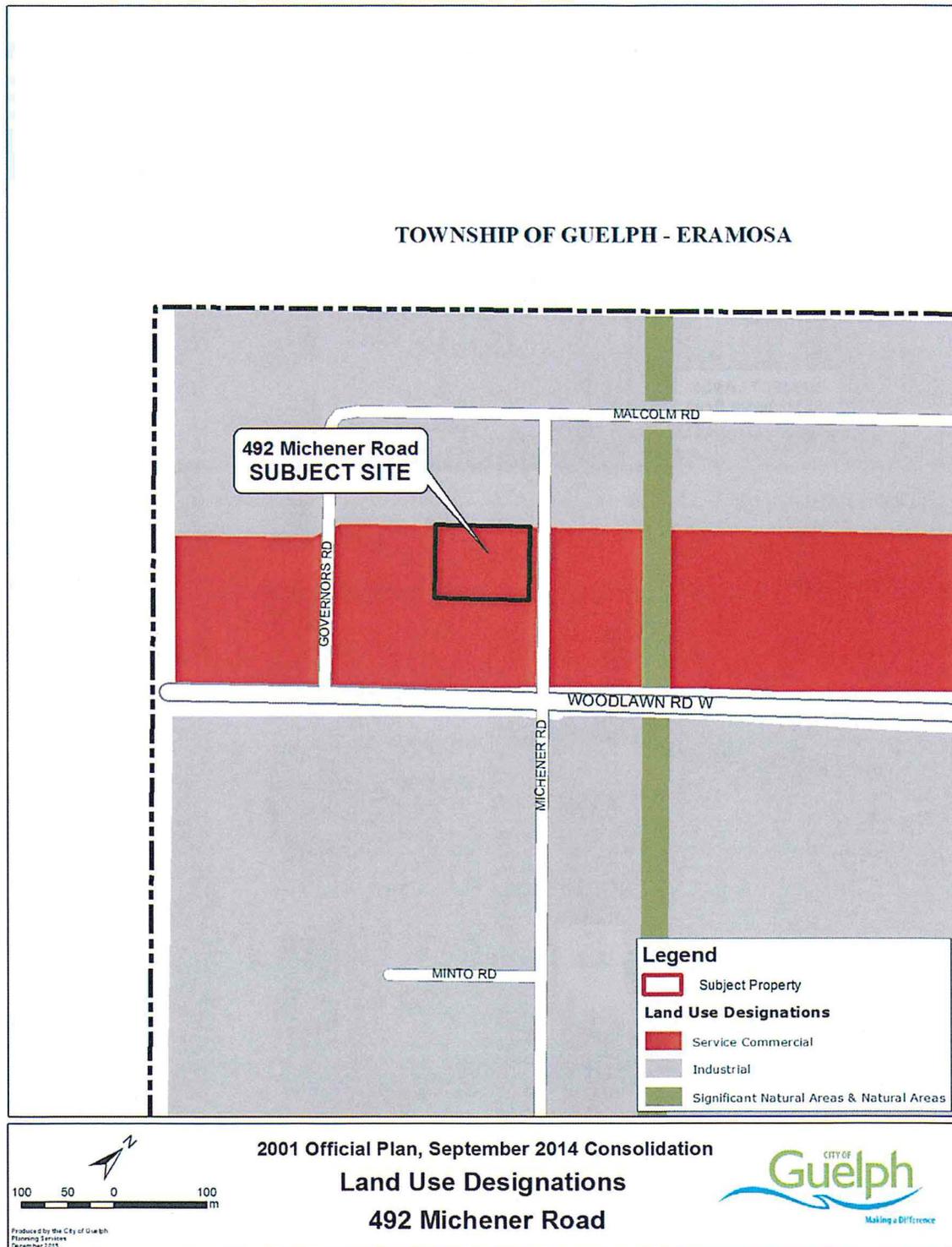
2012 Orthophoto  
492 Michener Road



Produced by the City of Guelph  
Infrastructure, Development and Enterprise  
Development Planning  
December 2015

Document Path: I:\gis\_staging\Planning\Report\Map\492 Michener - ORTHO.mxd

## Attachment 2 Existing Official Plan Land Use Designations and Policies



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## Attachment 2 (continued) Existing Official Plan Land Use Designations and Policies

### Service Commercial Land Use Designation

- 7.4.32 The 'Service Commercial' designation on Schedule 1 is intended to provide a location for *highway-oriented* and *service commercial* uses that do not normally locate within a downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
- 7.4.33 In order to promote continued commercial viability of the City's C.B.D. (Downtown) and planned mixed use and commercial areas, the City will limit the range of *retail commercial* uses that may locate within the 'Service Commercial' designation.
- 7.4.34 Complementary uses may be permitted in the 'Service Commercial' designation provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes. Complementary activities include uses such as small scale offices, *convenience* uses, institutional, multiple-unit residential and commercial recreation or entertainment uses.
- 7.4.35 *Development* proposals within 'Service Commercial' designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
- Specific *developments* within 'Service Commercial' designations may not necessarily be provided direct access to arterial roads. The City shall encourage, where feasible, the development of integrated centres between adjacent *service commercial* uses in terms of internal access roads, entrances from public streets, common parking areas, grading, open space and storm water management systems in order to minimize points of access, municipal *infrastructure* provision, parking, and to promote the efficient use of the land base.
- 7.4.36 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within designated 'Service Commercial' areas to ensure such consistency.

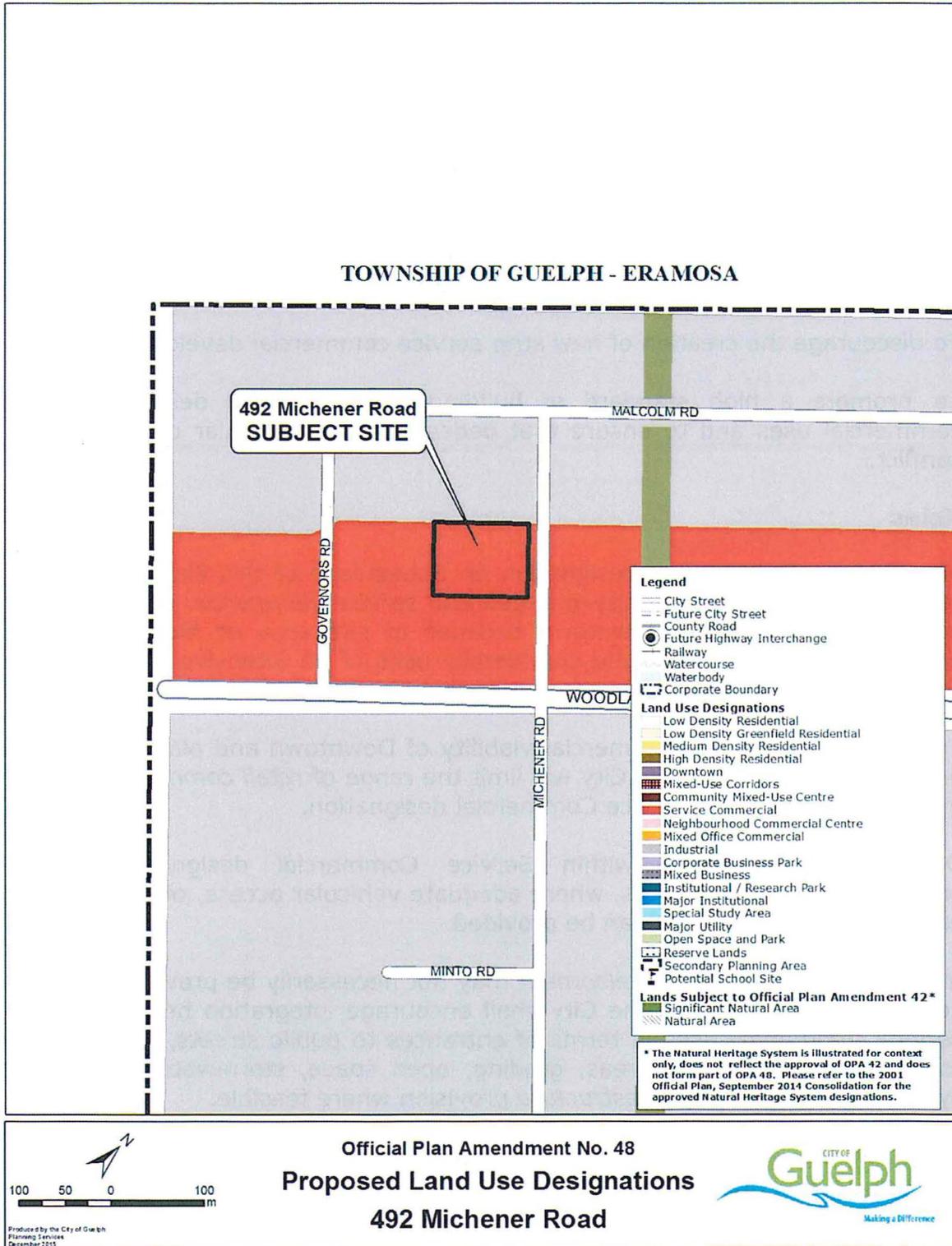
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## Attachment 2 (continued)

### Existing Official Plan Land Use Designations and Policies

- 7.4.37 Where *service commercial uses* are adjacent to designated 'Residential' areas, adequate design mechanisms shall be used to reduce potential incompatibilities. These design mechanisms will be specified in the implementing *Zoning By-law* and *site plans* and may include building location, buffering, screening and landscaping requirements.
- 7.4.38 This Plan will promote the retention of *service commercial uses* within well-defined areas by:
- 7.4.38.1 Discouraging the further establishment of new commercial strips and the conversion of residential and industrial lands, located outside of those areas designated for 'Service Commercial' use on Schedule 1, to commercial use; and
  - 7.4.38.2 Promoting the retention of 'Service Commercial' designations along only one side of arterial roads in the City.

## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies



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## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies

### 9.4.5 Service Commercial

#### Objectives

- a) To ensure an adequate supply of service commercial uses throughout the City at appropriate locations.
- b) To concentrate highway-oriented and service commercial uses within well-defined designated areas, generally along arterial roads.
- c) To discourage the creation of new strip service commercial development.
- d) To promote a high standard of building and landscape design for service commercial uses and to ensure that pedestrian and vehicular circulation do no conflict.

#### Policies

1. The 'Service Commercial' designation on Schedule 2 of this Plan is intended to provide a location for highway-oriented and *service commercial* uses that do not normally locate within Downtown because of site area or highway exposure needs and which may include commercial uses of an intensive nature that can conflict with residential land uses.
2. To promote continued commercial viability of Downtown and planned Mixed-use and Commercial areas, the City will limit the range of *retail commercial* uses that may locate within the Service Commercial designation.
3. *Development* proposals within Service Commercial designations will be considered only in instances, where adequate vehicular access, off-street parking and all municipal services can be provided.
4. In some circumstances *development* may not necessarily be provided with direct access to arterial roads. The City shall encourage integration between adjacent *service commercial* uses in terms of entrances to public streets, internal access roads, common parking areas, grading, open space, stormwater management systems and municipal *infrastructure* provision where feasible.
5. The City will require the aesthetic character of site and building design to conform to the Urban Design policies of this Plan and applicable guidelines and will incorporate measures into the approval of *Zoning By-laws* and Site Plans to ensure conformity.

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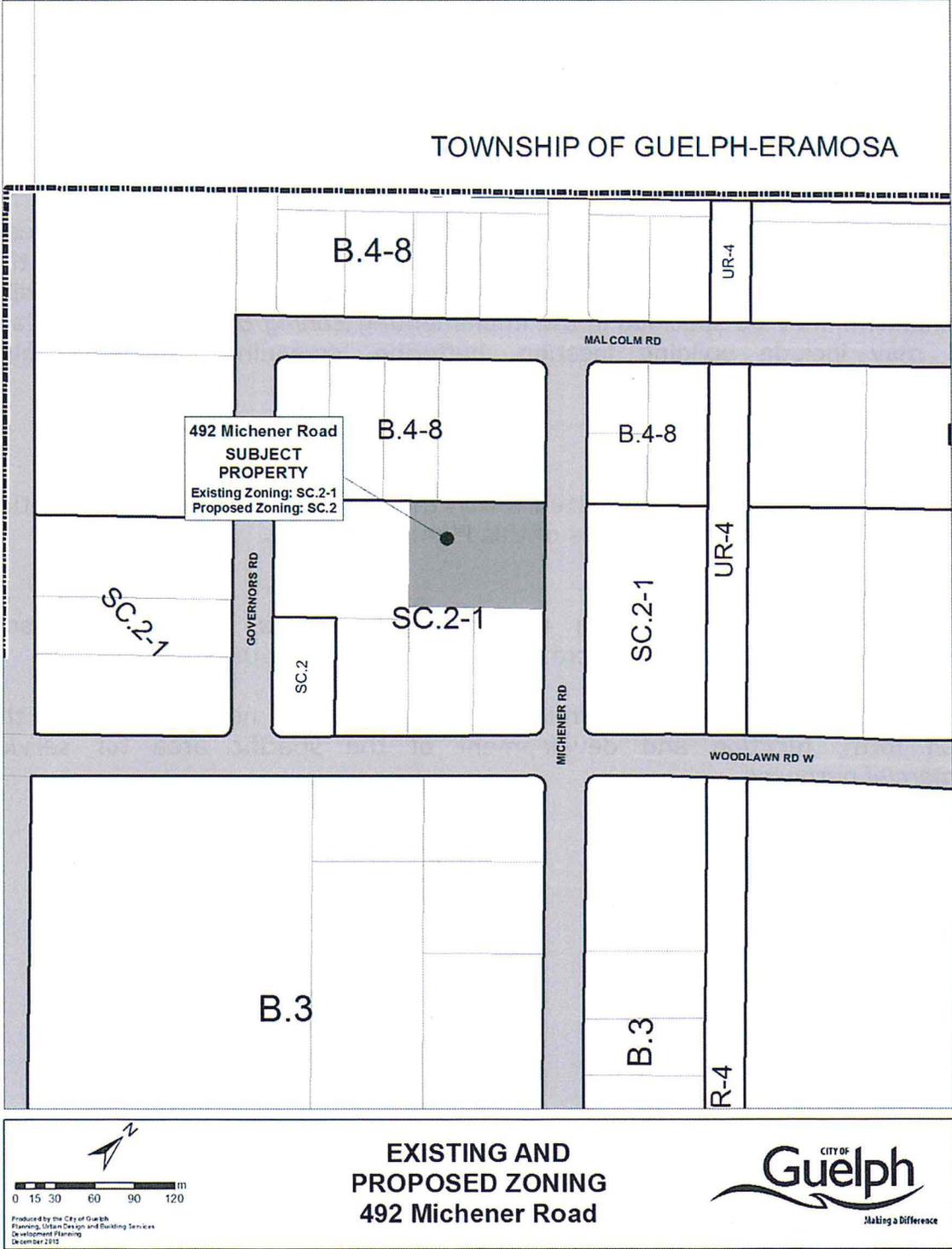
## Attachment 3 (continued) Official Plan Amendment #48 Land Use Designations and Policies

6. This Plan will promote the retention of *service commercial* uses within the well-defined areas as identified on Schedule 2 by:
- i) discouraging the further establishment of new commercial strips and the conversion of lands, located outside of those areas designated Service Commercial on Schedule 2 to commercial use; and
  - ii) promoting the retention of Service Commercial designations along only one side of arterial roads in the City.
7. Where *service commercial* uses are adjacent to designated residential areas, design mechanisms, including those outlined in the Urban Design policies of this Plan shall be applied to reduce potential incompatibilities. These design mechanisms may be specified in the implementing *Zoning By-law* and Site Plans and may include building location, buffering, screening and landscaping requirements.

### Permitted Uses

8. The following uses may be permitted within the Service Commercial designation subject to the applicable provisions of this Plan:
- i) *service commercial* uses;
  - ii) complementary uses such as small-scale offices, convenience uses, institutional and commercial recreation or entertainment uses.
9. Complementary uses may be permitted provided they do not interfere with the overall form, function and development of the specific area for *service commercial* purposes.

## Attachment 4 Existing and Proposed Zoning and Details



## Attachment 4

### Existing and Proposed Zoning and Details (continued)

#### Existing Zoning: Specialized Highway Service Commercial (SC.2-1)

875-953, 995 Woodlawn Rd. W., 510, 515, 530 Governors Rd., 1, 11, 10 Malcolm Rd., 492 Michener Road

As shown on Defined Area Map Number 1 of Schedule "A" of this **By-law**.

6.4.3.2.1.1

#### Permitted Uses

- **Vehicle Body Shop**
- **Vehicle Establishment**
- **Vehicle Gas Bar**
- **Vehicle Parts Establishment**
- **Vehicle Sales Establishment**
- **Vehicle Service Station**
- **Vehicle Specialty Repair Shop**
  
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

[regulations are in accordance with the SC.2 zone show excerpted later]

#### Proposed Zoning: Highway Service Commercial (SC.2)

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***
- ***Day Care Centre*** in accordance with Section 4.26
- ***Financial Establishment***
- ***Funeral Home***
- ***Group Home*** in accordance with Section 4.25
- ***Hardware Store***

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Attachment 4 (continued)  
Existing and Proposed Zoning and Details

- **Hotel**
- **Liquor Store**
- **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, electronic and audio-visual equipment. furniture and appliances
- **Tavern**
- **Tourist Home**
- **Vehicle Specialty Repair Shop**
- **Vehicle Service Station**
- **Vehicle Gas Bar**
- **Veterinary Service**

Within a **Mall**:

All **Uses** listed above and the following:

- **Artisan Studio**
- **Bake Shop**
- **Cleaning Establishment**
- **Convenience Store**
- **Dry Cleaning Outlet**
- **Florist**
- **Laundry**
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **Pharmacy**
- **Photofinishing Place**
- **Postal Service**
- **Rental Outlet**
- **Repair Service**
- **Taxi Establishment**
- **Vehicle Parts Establishment**
- **Video Rental Outlet**

## Attachment 4 (continued) Existing and Proposed Zoning and Details

### 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**
- **Auction Centre**
- **Building Supply**
- **Catering Service**
- **Contractor's Yard**
- **Courier Service**
- **Garden Centre**
- **Kennels**
- **Monument Sales**
- 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**
  
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

### 6.4.2 REGULATIONS

Within the Service Commercial (SC) **Zones**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 – General Provisions, the regulations set out in Table 6.4.2, and the following:

#### 6.4.2.1 Regulations Governing **Car washes, Automatic** and **Car washes, Manual**

##### 6.4.2.1.1 Entry Ramps

There shall be no more than one entry ramp for each 15 metres of **Street** frontage and the width of any entry ramp shall not exceed 9 metres at the **Street Line**.

##### 6.4.2.1.2 Number of **Vehicle** Standing Spaces

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## Attachment 4 (continued) Existing and Proposed Zoning and Details

In accordance with Section 4.13.4.2.

- 6.4.2.1.3 Surfaces  
The surfaces of all ramps, **Driveways**, service areas, and off-**Street** loading areas shall be surfaced with a capped, hard top substance such as asphalt, or other stable surface treated to prevent the raising of dust and/or loose particles.
- 6.4.2.1.4 Enclosed Operations  
Despite Section 4.22, the following shall apply to car wash establishments in the SC **Zones**:
- 6.4.2.1.4.1 All of the operations of a **Car wash, Automatic** or **Car wash, Manual** shall be conducted within an enclosed **Building** except for the moving and storage of **Vehicles**.
- 6.4.2.1.4.2 Despite Section 6.4.2.1.4.1, on-site vacuuming devices, and wiping or drying areas, where provided may be located outside the **Main Building**.
- 6.4.2.1.5 Vehicle Storage Space  
A minimum of 2 **Vehicle** storage spaces per bay shall be provided.
- 6.4.2.1.6 Vehicle Standing Space Dimensions  
Each **Vehicle** standing space shall have minimum dimensions of not less than 6 metres by 2.4 metres.
- 6.4.2.1.7 Location of Vehicle Area
- 6.4.2.1.7.1 Despite the provisions of Section 4.13.2.3, required **Vehicle** standing spaces and **Vehicle** storage spaces may be located ahead of the **Setback** line.
- 6.4.2.1.7.2 **Vehicle** standing spaces shall be arranged in a continuous line or lines leading into the washing bay or bays in such a way so as not to interfere with the movement of traffic on public **Streets** and the normal functioning of the site.
- 6.4.2.1.7.3 **Vehicle** storage, standing, loading and wiping areas shall not be permitted within 3 metres of any public **Street**.

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## Attachment 4 (continued) Existing and Proposed Zoning and Details

6.4.2.1.7.4 Public **Streets**, lanes and other public places shall not be **Used** for the storage, standing, wiping and maneuvering of motor **Vehicles** in any manner as if they were part of the car wash premises.

6.4.2.2 Special Regulations for **Vehicle Gas Bars** and **Vehicle Service Stations** - All SC Zones

**Vehicle Gas Bars** and **Vehicle Service Stations** shall be developed in accordance with the following:

6.4.2.2.1 Minimum **Setback** of Pump Islands - 7.5 metres from the curbing of the pump islands to the **Street** Line or the designated **Street Line** as set out in Section 4.24.

Despite the above, canopies over pump islands and underground storage tanks are allowed to project up to 1.5 metres from the **Street Line**.

6.4.2.2.2 Entry Ramps  
In accordance with Section 6.4.2.1.1.

6.4.2.2.3 Minimum **Front** or **Exterior Side Yard**  
Despite Row 4 of Table 6.4.2, the minimum **Front** or **Exterior Side Yard** for a **Vehicle Gas Bar** or **Vehicle Service Station** shall be 15 metres and as set out in Section 4.24

6.4.2.2.4 Minimum **Rear Yard**  
Despite Row 6 of Table 6.4.2, the minimum **Rear Yard** for a **Vehicle Gas Bar** or **Vehicle Service Station** shall be 1.5 metres.

6.4.2.2.5 Surfacing  
In accordance with Section 6.4.2.1.3.

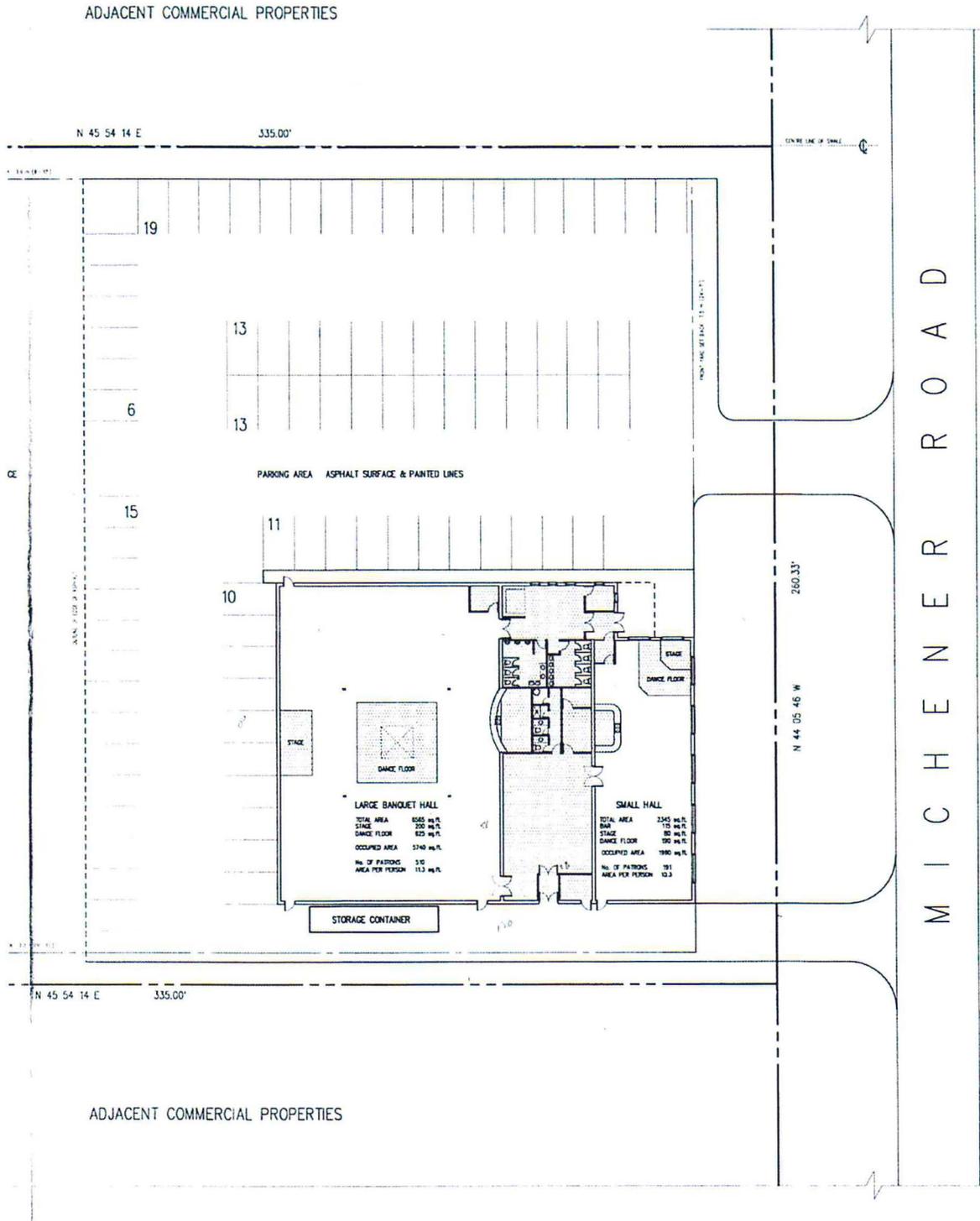
## Attachment 4 (continued) Existing and Proposed Zoning and Details

**TABLE 6.4.2 – REGULATIONS GOVERNING SERVICE COMMERCIAL (SC) ZONES**

	<b>Highway Service Commercial (SC.2)</b>
Minimum Lot Frontage	30 metres
Minimum Front and Exterior Side Yard	6 metres and in accordance with Section 4.24.
Minimum Side Yard	3 metres except where adjacent to any residential zones in which case the minimum side yard shall be no less than 6 metres or one half the building height, whichever is greater.
Minimum Rear Yard	One-half the building height but not less than 6 metres.
Maximum Building Height	5 storeys and in accordance with Sections 4.16 and 4.18.
Buffer Strips	Where a SC zone abuts any residential, institutional, park, wetland, or urban reserve zone, a buffer strip shall be developed.
Off-Street Parking	In accordance with Section 4.13.
Off-Street Loading	In accordance with Section 4.14.
Minimum Landscaped Open Space	10% of the Lot Area.
Outdoor Storage	In accordance with Section with Section 4.12.
Fences	In accordance with Section 4.20.
Accessory Buildings or Structures	In accordance with Section 4.5.
Enclosed Operations	In accordance with Section 4.22.
Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
Planting Area	A landscaped strip of land, 3 metres in width shall be maintained adjacent to the Street Line, except for those areas required for entry ramps.

# STAFF REPORT

## Attachment 5 Existing Site Conditions



# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT Statutory Public Meeting Report  
287 Waterloo Avenue  
Proposed Zoning By-law Amendment  
(File: ZC1511)  
Ward 3**

REPORT NUMBER 16-03

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide Planning information on an application requesting approval of a Zoning By-law Amendment to change the zoning from the current Single Detached Residential (R.1B) Zone to a specialized Office Residential (OR-36) Zone at 287 Waterloo Avenue.

The applicant has requested this amendment in order to establish a medical office in the existing dwelling on the subject property, however, the specialized Office Residential (OR-36) Zone requested would also permit additional office residential uses. This report has been prepared in conjunction with the statutory public meeting for this application.

### KEY FINDINGS

Key findings will be reported in the future, following staff review of the application.

### FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### ACTION REQUIRED

Council will hear public delegations on the application, ask questions of clarification and identify Planning issues. The report is to be received and no decisions are to be made at this time.

# STAFF REPORT



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## RECOMMENDATION

1. That Report 16-03 regarding a Zoning By-law Amendment application (File ZC1511) by Astrid J. Clos Planning Consultants (on behalf of Butterscotch Ltd.) to change the zoning from the current Single Detached Residential (R.1B) Zone to a specialized Office Residential (OR-36) Zone at 287 Waterloo Avenue, legally described as Lot 1, Registered Plan 262, City of Guelph, County of Wellington from Infrastructure, Development and Enterprise dated February 8, 2016 be received.

## BACKGROUND

An application to amend the Zoning By-law was received for the property municipally known as 287 Waterloo Avenue from Astrid J. Clos Planning Consultants (on behalf of Butterscotch Ltd.). The application is seeking to change the zoning from the current Single Detached (R.1B) Zone to a specialized Office Residential (OR-36) Zone (See Attachment 4). The applicant has indicated that the intention of the Zoning By-law Amendment application is to establish a medical office within the existing two storey house on the property, however the OR-36 Zone being requested would also permit additional office residential land uses. A parking lot with seven (7) off-street parking spaces is proposed to be added to the rear of the existing house, and the existing driveway off Waterloo Avenue with one (1) off-street parking space is proposed to be maintained (see Attachment 5).

The Zoning By-law Amendment application was received on September 21, 2015, and deemed to be complete pursuant to Section 34(10.4) of the *Planning Act* on November 13, 2015.

## Location

The subject property has a total site area of 500 m<sup>2</sup> (0.12 acres), and is 15.3 metres (50.2 feet) in width and 32.9 metres (107.0 feet) in depth. It is currently occupied by a two storey single detached dwelling. The subject property is within a block bound by Chadwick Avenue to the north, St. Arnaud Street to the east, Waterloo Avenue to the south, and Alma Street South to the west (See Location Map in Attachment 1). The subject property is within a predominantly residential neighbourhood, and surrounding land uses include:

- To the north: single and semi-detached dwellings along St. Arnaud Street;
- To the east: single detached dwellings along the north side of Waterloo Avenue and apartment buildings with some integrated small scale commercial along the south side of Waterloo Avenue;
- To the south: apartment buildings and single detached dwellings along Waterloo Avenue; and
- To the west: single detached dwellings along Alma Street South and Waterloo Avenue.

# STAFF REPORT



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## **Existing Official Plan Land Use Designations and Policies**

The Official Plan land use designation that applies to the subject property is “General Residential”, which permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings. The land use designation and relevant policies are included in Attachment 2. The Natural Heritage System policies within the Official Plan do not identify any natural features on or immediately adjacent to the site.

## **Official Plan Amendment No. 48: Land Use Designations and Policies**

Official Plan Amendment 48 (currently under appeal), is a comprehensive five-year update to the City’s Official Plan, proposes to designate the subject site as “Low Density Residential”. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations and relevant policies contained in OPA 48 are included in Attachment 3.

## **Existing Zoning**

The subject property is within the Residential Single Detached (R.1B) Zone. The R.1B zone permits single detached dwellings along with other residential and accessory uses such as an accessory apartment, bed and breakfast establishment, day care centre, group home, type 1 lodging house and home occupations. Each of the additional residential uses to single detached dwellings and accessory uses are permitted subject to properties meeting related provisions in Section 4 of the Zoning By-law. Details of the existing R.1B zoning are included in Attachment 4.

## **REPORT**

### **Description of Proposed Zoning By-law Amendment**

The applicant is requesting to rezone the subject property from the R.1B (Residential Single Detached) Zone to a specialized Office Residential (OR-36) Zone. The OR-36 Zone permits the following uses:

- Accessory Apartment (in accordance with Section 4.15.1 of the Zoning By-law);
- Artisan Studio;
- Day Care Centre (in accordance with Section 4.26 of the Zoning By-law);
- Duplex Dwelling;
- Dwelling Units with permitted commercial uses in the same building in accordance with Section 4.15.2 of the Zoning By-law;
- Group Home (in accordance with Section 4.25 of the Zoning By-law);
- Home Occupation (in accordance with Section 4.19 of the Zoning By-law);
- Medical Office;
- Office;
- Personal Service Establishment;
- Semi-Detached Dwelling; and
- Single Detached Dwelling.

# STAFF REPORT

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The OR-36 Zone does not apply any specialized provisions to the parent OR zone. Further, the applicant has not requested any special regulation provisions for the subject property. Therefore, all standard zoning provisions of the OR zone and Zoning By-law as a whole would apply to any properties zoned OR-36.

The applicant has specifically indicated that the property owner's intention with this Zoning By-law Amendment application is to establish a medical office in the existing two (2) storey dwelling, with a maximum of one (1) medical practitioner. To support the medical office, the applicant has further indicated that they propose to establish a parking lot to the rear of the existing dwelling, along with maintaining the existing driveway off Waterloo Avenue to provide a total of eight (8) off-street parking spaces. These parking modifications would require site plan approval, and will be evaluated further and at a later date by the City's Site Plan Review Committee (SPRC).

As the applicant has indicated that they wish to establish a medical office, it is important to distinguish between a medical office and a medical clinic, as defined in the City's Zoning By-law. A medical office (as indicated is the property owner's intention) is defined as "a place in which 2 or fewer medical practitioners provide consultative, diagnostic and treatment service for humans," whereas a medical clinic is defined as "a place where 3 or more medical practitioners are located and provide medical, dental, chiropractic, optic or other human health treatment on an out-patient basis and which may include an accessory administrative office, laboratory, dispensary or other similar use, but does not include a medical treatment facility or other facility in which is provided overnight patient accommodation." Further, the Zoning By-law requires a total of seven (7) off-street parking spaces for each practitioner in a medical office. Therefore, as the applicant is proposing to provide a maximum of eight (8) off-street parking spaces, the medical office will be limited to one (1) practitioner.

It should be noted that the specialized OR-36 zone currently applies to the property immediately adjacent to the west at 291 Waterloo Avenue. This neighbouring property also currently contains a single detached dwelling.

The existing and proposed zoning details are provided in Attachment 4.

## **Supporting Documents**

The application is supported by the following:

- Covering Letter and Planning Justification, Prepared by Astrid J. Clos Planning Consultants, September 2015;
- Draft By-law, Prepared by Astrid J. Clos Planning Consultants, September 2015;
- Existing Conditions and Removals Plan, Prepared by GM BluePlan, August 2015;
- Preliminary Grading and Servicing Plan, Prepared by GM BluePlan, August 2015;
- Notes and Details, Prepared by GM BluePlan, August 2015; and
- Preliminary Site Servicing and Stormwater Management Letter, Prepared by GM BluePlan, August 2015.

# STAFF REPORT

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## **Staff Review**

The review of these applications will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement (PPS) and *Places to Grow: Growth Plan for the Greater Golden Horseshoe*;
- Evaluation of how the application conforms to the applicable Official Plan "General Residential" land use designation and all associated policies, including any related amendments;
- Review of the proposed zoning, including the need for any specialized regulations;
- Review of the proposal's compatibility within the existing and established residential neighbourhood in accordance with established criteria in the Official Plan;
- Review of the proposed site layout;
- Review of stormwater management and traffic issues;
- Confirm support for the City's Community Energy Initiative (CEI); and
- Address all comments and issues raised during the review of this application.

Once the application is reviewed and all issues addressed, a report from Infrastructure, Development and Enterprise (IDE) staff with a recommendation will be put forward and considered at a future meeting of Council.

## **CORPORATE STRATEGIC PLAN:**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## **FINANCIAL IMPLICATIONS:**

Financial implications will be reported in the future staff recommendation report to Council.

## **COMMUNICATIONS:**

The Notice of Complete Application was mailed on November 27, 2015 to local boards and agencies, adjacent municipalities, City service areas, and all property owners within 120 metres of the subject site for comments. Notice was also provided by signage on the site, which was posted on November 19, 2015. The Notice of Public Meeting was mailed to local boards and agencies, adjacent municipalities, City service areas and property owners within 120 metres of the subject site for comments on January 21, 2016 and also advertised in the *Guelph Tribune* on January 21, 2016. All material received with the application was made available to the public for review at City Hall and on the City's website on November 27, 2015.

# STAFF REPORT

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## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
- Attachment 4 – Existing and Proposed Zoning
- Attachment 5 – Proposed Development Concept

### Report Author

Michael Witmer  
Development Planner II

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### Approved By

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

Sylvia Kirkwood  
Manager of Development Planning

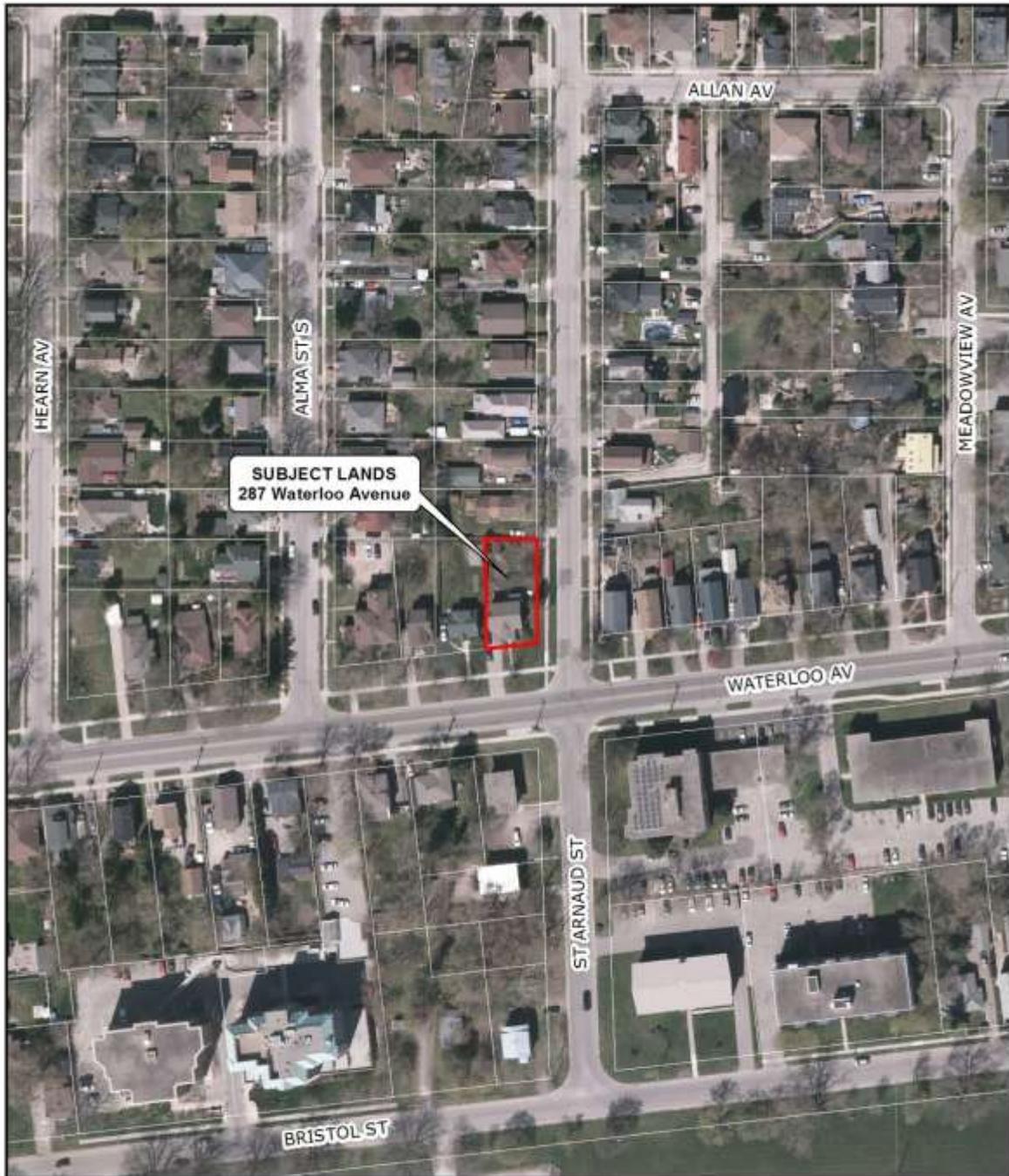
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### Recommended By

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development  
and Enterprise  
519.822.1260, ext. 5606  
scott.stewart@guelph.ca

# STAFF REPORT

## Attachment 1 Location Map



0 10 20 40 60 80 m

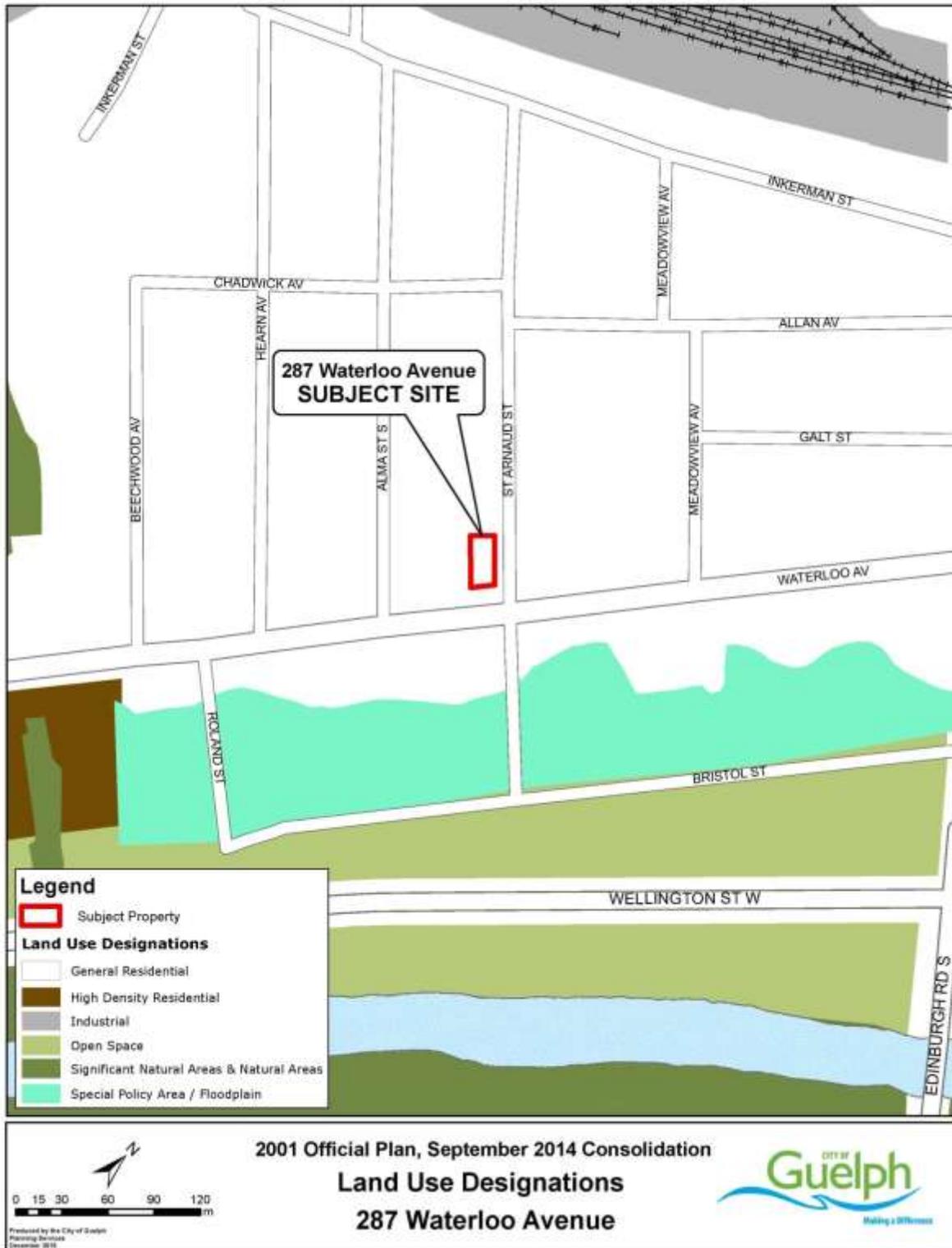
2012 Orthophoto  
287 Waterloo Avenue

**Guelph**  
Making a Difference

Prepared by the City of Guelph  
Planning, Urban Design and Building Services, Development Planning  
November 2015

Document Path: I:\gis\_wg\GIS\Planning\Reports\app\Waterloo - 287,287 Waterloo Av - Ortho.mxd

## Attachment 2 Existing Official Plan Land Use Designations and Policies



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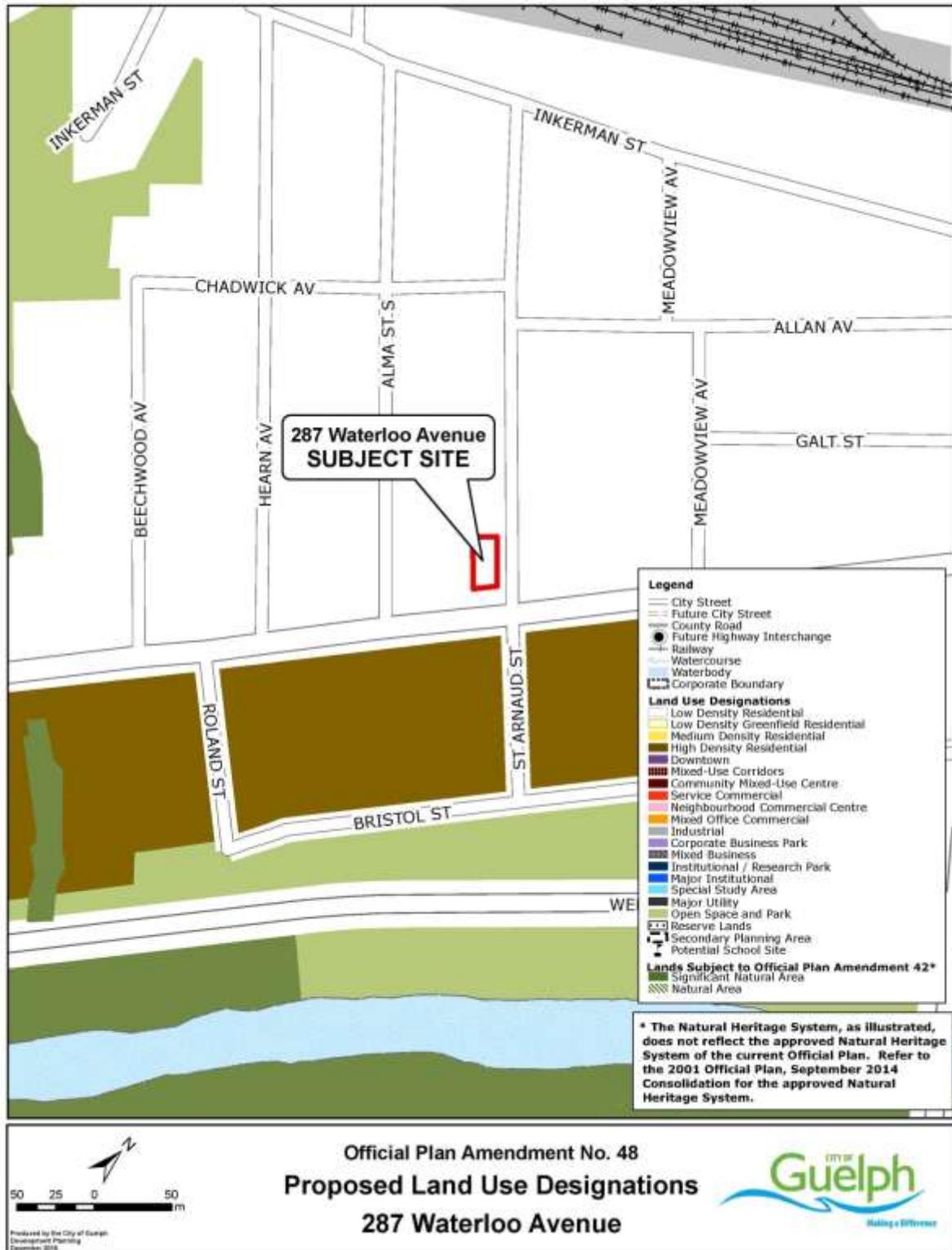
## Attachment 2 (continued) Existing Official Plan Land Use Designations and Policies

### 'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, *coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

# STAFF REPORT

## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies



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## Attachment 3 (continued) Official Plan Amendment #48 Land Use Designations and Policies

### 9.3.2 Low Density Residential

This designation applies to residential areas within the *built-up area* of the City which are currently predominantly low-density in character. The predominant land use in this designation shall be residential.

#### Permitted Uses

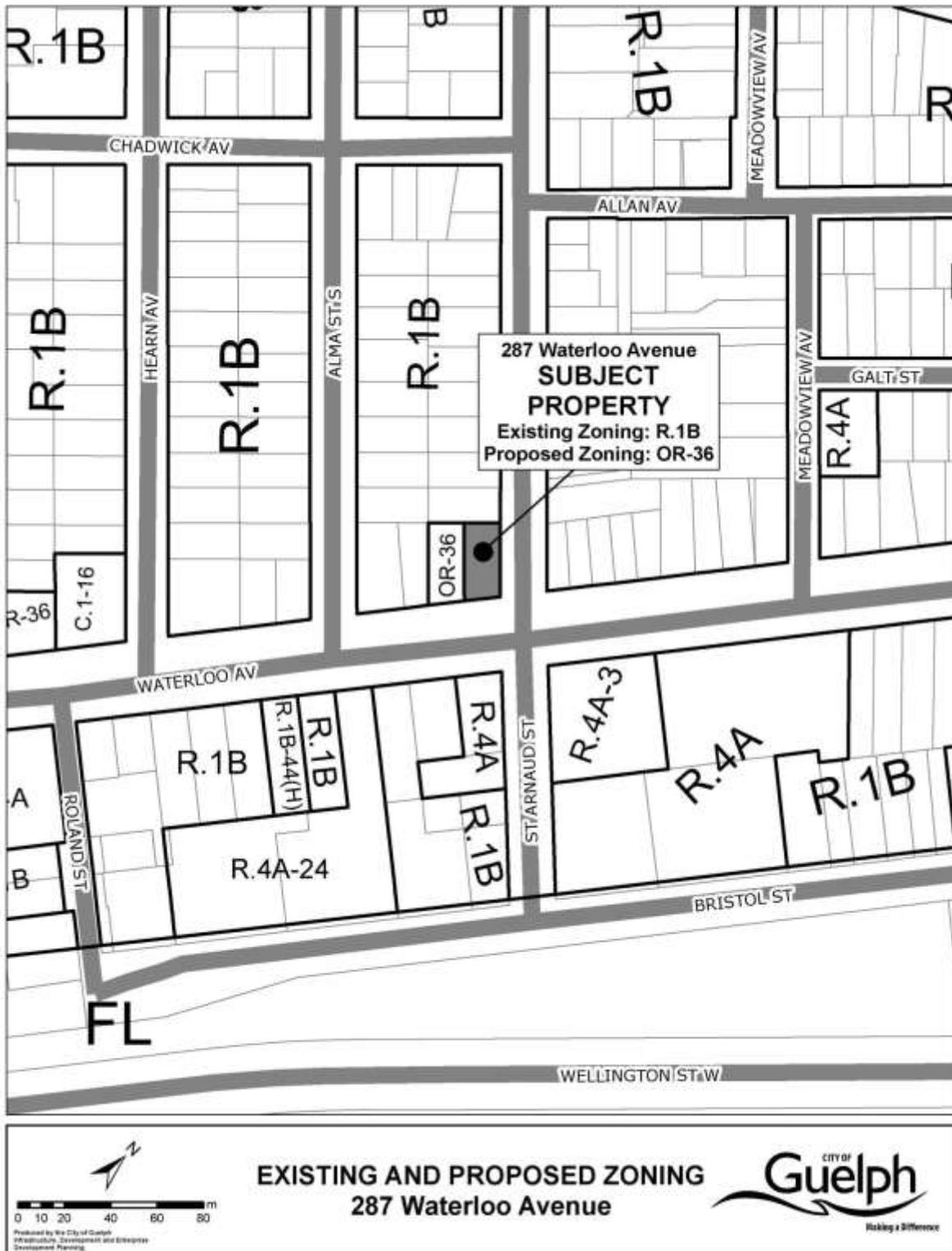
1. The following uses may be permitted subject to the applicable provisions of this Plan:
  - i) detached, semi-detached and duplex dwellings; and
  - ii) multiple unit residential buildings, such as townhouses and apartments.

#### Height and Density

The *built-up area* is intended to provide for *development* that is *compatible* with existing neighbourhoods while also accommodating appropriate *intensification* to meet the overall *intensification target* for the *built-up area* as set out in Chapter 3. The following height and density policies apply within this designation:

2. The maximum height shall be three (3) storeys.
3. The maximum *net density* is 35 units per hectare and not less than a minimum *net density* of 15 units per hectare.
4. Notwithstanding policies 9.3.2.2 and 9.3.2.3, increased height and density may be permitted for *development* proposals on arterial and collector roads without an amendment to this Plan up to a maximum height of six (6) storeys and a maximum *net density* of 100 units per hectare in accordance with the Height and Density Bonus policies of this Plan.

## Attachment 4 Existing and Proposed Zoning



## Attachment 4 (continued) Existing Zoning and Details

- 5.1 RESIDENTIAL SINGLE DETACHED (R.1) ZONES
- 5.1.1 PERMITTED USES

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

  - **Single Detached Dwelling**
  - **Accessory Apartment** in accordance with Section 4.15.1
  - **Bed and Breakfast** establishment in accordance with Section 4.27
  - **Day Care Centre** in accordance with Section 4.26
  - **Group Home** in accordance with Section 4.25
  - **Home Occupation** in accordance with Section 4.19
  - **Lodging House Type 1** in accordance with Section 4.25
- 18116 5.1.2 REGULATIONS

Within the Residential 1 (R.1) **Zones**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations listed in Table 5.1.2, and the following:
- 15378 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.
- 15006 5.1.2.2 Despite any required **Side Yard** on a residential **Lot, Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.
- 5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.
- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.

## Attachment 4 (continued) Existing Zoning and Details

15006	5.1.2.6	Despite Row 4 of Table 5.1.2, the <b>Lots</b> located within Defined Area Map Number 66 of Schedule "A" of this <b>By-law</b> shall have a minimum <b>Lot Frontage</b> of the average <b>Lot Frontage</b> established by the existing <b>Lots</b> within the same <b>City Block Face</b> , but in no case less than 9 metres. Nothing in this section shall require the minimum <b>Lot Frontage</b> to be greater than the minimum <b>Lot Frontage</b> established in Table 5.1.2. Where the average <b>Lot Frontage</b> of the existing <b>Lots</b> on the <b>Block Face</b> cannot be determined, the minimum <b>Lot Frontage</b> shall be as indicated in Table 5.1.2.
15006	5.1.2.7	Despite Row 6 of Table 5.1.2, the minimum <b>Front</b> or <b>Exterior Side Yard</b> for dwellings located within Defined Area Map Number 66 of Schedule "A" of this <b>By-law</b> , shall be:
15006		i) The minimum <b>Front Yard</b> or <b>Exterior Side Yard</b> shall be 6 metres or the average of the <b>Setbacks</b> of the adjacent properties. Where the off-street <b>Parking Space</b> is located within a <b>Garage</b> or <b>Carpport</b> , the <b>Setback</b> for the <b>Garage</b> or <b>Carpport</b> shall be a minimum of 6 metres from the <b>Street Line</b> .
15378		
17187		
19691		
		ii) In accordance with Section 4.6 and 5.1.2.3; and
		iii) In accordance with the <u>Ontario Building Code</u> , as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to <b>Buildings</b> .
		Where a road widening is required in accordance with Section 4.24, the calculation of the required <b>Front</b> or <b>Exterior Side Yard</b> shall be as set out in Section 5.1.2.7, provided that the required <b>Front</b> or <b>Exterior Side Yard</b> is not less than the new <b>Street Line</b> established by the required road widening.
15006	5.1.2.8	Despite Row 7 of Table 5.1.2, properties <b>Zoned</b> R.1B or R.1C with <b>Buildings</b> over 2 <b>Storeys</b> located within Defined Area Map Number 66 of Schedule "A" of this <b>By-law</b> shall have a minimum <b>Side Yard</b> requirement of 1.5 metres.
15006	5.1.2.9	Deleted.
15692	5.1.2.10	Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a <b>Building</b> has a one <b>Storey</b> portion and a 1.5 to 2 <b>Storey</b> portion, the required <b>Side Yard</b> shall be 1.5m from the <b>Side Lot Line</b> to the foundation wall of the 1 <b>Storey</b> portion and 2.4m from the <b>Side Lot Line</b> to the wall of the 1.5 to 2 <b>Storey</b> portion.
17187	5.1.2.11	Where <b>Lots</b> have less than 12 metres of <b>Frontage</b> , the <b>Garage</b> is limited to a maximum of 55% of the <b>Lot</b> width (as measured at the <b>Front Yard Setback</b> ).
18116		

## Attachment 4 (continued) Existing Zoning and Details

15006, 15378, 17187, 18116, 19063, 19691

**TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES**

1	Residential Type	<b>SINGLE-DETACHED DWELLINGS</b>			
2	<b>Zones</b>	R.1A	R.1B	R.1C	R.1D
3	Minimum <b>Lot Area</b>	555 m <sup>2</sup>	460 m <sup>2</sup>	370 m <sup>2</sup>	275 m <sup>2</sup>
4	Minimum <b>Lot Frontage</b>	18 metres and in accordance with Section 5.1.2.6.	15 metres and in accordance with Section 5.1.2.6.	12 metres and in accordance with Section 5.1.2.6.	9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.
5	Maximum <b>Building Height</b>	3 <b>Storeys</b> and in accordance with Section 4.18.			
6	Minimum <b>Front Yard</b>	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
6a	Minimum <b>Exterior Side Yard</b>	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
7	Minimum <b>Side Yard</b> 1 to 2 <b>Storeys</b> Over 2 <b>Storeys</b>	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	1.2 metres 1.2 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum <b>Rear Yard</b>	7.5 metres or 20% of the <b>Lot Depth</b> , whichever is less and in accordance with Section 5.1.2.4.			
9	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.			
10	<b>Fences</b>	In accordance with Section 4.20.			
11	Off-Street Parking	In accordance with Section 4.13.			
12	Minimum <b>Landscaped Open Space</b>	The <b>Front Yard</b> on any <b>Lot</b> , excepting the <b>Driveway (Residential)</b> shall be landscaped and no parking shall be permitted within this <b>Landscaped Open Space</b> . Despite the definition of <b>Landscaped Open Space</b> , a minimum area of 0.5 metres between the <b>Driveway (Residential)</b> and nearest <b>Lot Line</b> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.			

# STAFF REPORT

## Attachment 4 (continued) Existing Zoning and Details

13	Garbage, Refuse and Storage	In accordance with Section 4.9.
14	<b>Garages</b>	For those <b>Lots</b> located within the boundaries indicated on Defined Area Map Number 66, attached <b>Garages</b> shall not project beyond the main front wall of the <b>Building</b> . Where a roofed porch is provided, the <b>Garage</b> may be located ahead of the front wall of the dwelling (enclosing <b>Habitable Floor Space</b> on the first floor) equal to the projection of the porch to a maximum of 2 metres.

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## Attachment 4 (continued) Proposed Zoning and Details

15378 6.5.3.36

### **OR-36**

291, 343 and 371 Waterloo Ave., 222, 320 Eramosa Rd., 309, 317 and 319 Speedvale Ave. E., 409, 423, 459, 497, 535 and 595 Woolwich St.

As shown on Defined Area Map Numbers 15, 34 and 44 of Schedule "A" of this **By-law**.

18116 6.5.3.36.1

### **Permitted Uses**

- **Accessory Apartment** in accordance with Section 4.15.1
- **Artisan Studio**
- **Day Care Centre** in accordance with Section 4.26
- **Duplex Dwelling**
- **Dwelling Units** with permitted commercial **Uses** in the same **Building** in accordance with Section 4.15.2
- **Group Home** in accordance with Section 4.25
- **Home Occupation** in accordance with Section 4.19
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **Semi-Detached Dwelling**
- **Single Detached Dwelling**

## Attachment 4 (continued) Proposed Zoning and Details

6.5 OFFICE RESIDENTIAL (OR) ZONE

6.5.1 PERMITTED USES

The following are permitted **Uses** within the **Office-Residential (OR) Zone**:

18116

- **Accessory Apartment** in accordance with Section 4.15.1
- **Artisan Studio**
- **Bed and Breakfast** establishment in accordance with Section 4.27
- **Day Care Centre** in accordance with Section 4.26
- **Dwelling Units** with permitted commercial **Uses** in the same **Building** in accordance with Section 4.15.2
- **Duplex Dwelling**
- **Group Home** in accordance with Section 4.25
- **Home for the Aged** or rest home developed in accordance with R.4D **Zone** regulations
- **Home Occupations** in accordance with Section 4.19
- **Medical Office**
- **Office**
- **Personal Service Establishment**
- **School**
- **Semi-Detached Dwelling**
- **Single Detached Dwelling**
- **Tourist Home**
  
- **Accessory Uses** in accordance with Section 4.23
- **Occasional Uses** in accordance with Section 4.21

6.5.2 REGULATIONS

Within the **Office-Residential (OR) Zone**, no land shall be **Used** and no **Building** or **Structure** shall be erected or **Used** except in conformity with the applicable regulations contained in Section 4 - General Provisions, the regulations set out in Table 6.5.2, and the following:

6.5.2.1 Additional **Side Yard** Regulations

Despite Row 6 of Table 6.5.2, where the OR **Zone** abuts a Park, Wetland, or Residential **Zone**, the minimum **Side Yard** shall be 3 metres on the abutting side.

## Attachment 4 (continued) Proposed Zoning and Details

- 6.5.2.2 Location of Off-Street Parking  
Despite Section 4.13.2.3, off-street parking in the OR **Zone** shall not be permitted in the **Front Yard**.

**TABLE 6.5.2 - REGULATIONS GOVERNING THE OR ZONE**

Row 1	Commercial Type	<i>Office-Residential</i>
2	Minimum <b>Lot Area</b>	370 m <sup>2</sup>
3	Minimum <b>Lot Frontage</b>	12 metres
4	Minimum <b>Front</b> or <b>Exterior Side Yard</b>	3 metres and in accordance with Sections 4.24 and 4.6.
5	Maximum <b>Front</b> or <b>Exterior Side Yard</b>	7.5 metres and in accordance with Sections 4.24 and 4.6.
6	Minimum <b>Side Yard</b>	1.5 metres and in accordance with Section 6.5.2.1.
7	Minimum <b>Rear Yard</b>	10 metres
8	Access to <b>Rear Yard</b>	Vehicular access to the <b>Rear Yard</b> from a public <b>Street</b> shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres.
9	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.
10	<b>Fences</b>	In accordance with Section 4.20.
11	Maximum <b>Building Height</b>	3 <b>Storeys</b> and in accordance with Sections 4.18.
12	Off-Street Parking	In accordance with Section 4.13 and 6.5.2.2.
13	Enclosed Operations	In accordance with Section 4.22.
14	Off-Street Loading	In accordance with Section 4.14.
15	Outdoor Storage	In accordance with Section 4.12.
16	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
17	<b>Buffer Strips</b>	Where an OR <b>Zone</b> abuts any Residential, Institutional, Park or Urban Reserve <b>Zone</b> , a <b>Buffer Strip</b> shall be developed.



**From:** KEN GORDON TOMPKINS  
**Sent:** January 25, 2016 1:00 PM  
**To:** Clerks  
**Cc:** Phil Allt; June Hofland  
**Subject:** Proposed Zoning Amendment Application for 287 Waterloo Avenue

To Whom It May Concern:

In regard to the proposed zoning amendment application for 287 Waterloo Avenue from single detached residential to a specialized office residential (OR-36) zone, please note this e-mail as my opposition to the amendment for the following reasons:

- St. Arnaud Street is a residential street. While parking spaces are proposed in the current backyard of this property, no doubt parking on the street will occur. I am not in favour of replacing any green space with asphalt
- The entrance to the parking lot on St. Arnaud Street will negatively impact traffic on this residential street.
- An increase in traffic on Waterloo Avenue and St. Arnaud Street will occur. These streets will become busier if/when the Lafarge property is developed also.
- The streets on the north side of Waterloo Avenue are residential, and I think as such properties on the north side of Waterloo Avenue should be kept as residential with the exception, of course, of those businesses already rezoned for other uses.
- There is presently a vacant medical/dental building on the south side of Waterloo Avenue.
- I am concerned about future use of the building if the zoning is changed.
- I am not in favour of replacing the lawn with asphalt for parking.

Sincerely,

Jane Tompkins

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT** **Statutory Public Meeting Report**  
**55 and 75 Cityview Drive North**  
**Proposed Modification to Draft Plan 23T-12501 and**  
**Zoning By-law Amendment**  
**(File: ZC1512)**  
**Ward 1**

REPORT NUMBER 16-05

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

To provide planning information on an application requesting approval of a modification to Draft Plan 23T-12501 and associated Zoning By-law Amendment at 55 and 75 Cityview Drive to allow revisions to the lot and block layout within the plan. This report has been prepared in conjunction with the statutory public meeting for this application.

### KEY FINDINGS

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### ACTION REQUIRED

Council will hear public delegations regarding the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 16-05 regarding proposed modifications to Draft Plan of Subdivision 23T-12501 and an associated Zoning By-law Amendment application (File: ZC1512) submitted by GSP Group Inc. to permit modifications to the lot and block layout within the plan on the property municipally known 55 and 75 Cityview Drive and legally described as Parts of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3,

# STAFF REPORT



Division "C", City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, be received.

## **BACKGROUND**

An application to modify approved Draft Plan of Subdivision 23T-12501 and an associated application to amend the Zoning By-law was received for the property municipally known as 55 and 75 Cityview Drive from GSP Group Inc. The purpose of the applications is to permit minor modifications to the block and lot layout within the approved draft plan and to implement the associated zoning changes. The current applications were received by the City on October 5, 2015 and deemed complete on November 4, 2015.

Draft Plan of Subdivision 23T-12501 and associated Zoning By-law Amendment ZC1202 were approved by City Council on February 9, 2015. The Zoning By-law was appealed to the Ontario Municipal Board (OMB). On June 24, 2015 the OMB approved the Zoning By-law Amendment. The draft plan, as shown in Attachment 4, includes a total of 249 to 324 residential units, consisting of 103 single detached dwellings, 28 semi-detached dwellings, 14 on-street townhouse units, and 105-180 multiple residential dwellings. The associated approved Zoning By-law applied various zoning categories for the lots and blocks to implement the draft plan, which are shown in Attachment 5.

## **Location**

The subject property is approximately 15.21 hectares in size and located on the east side of Cityview Drive, north of York Road and west of the intersection of Starwood Drive and Watson Parkway North (see Location Map in Attachment 1). Adjacent land uses include:

- existing residential development to the west;
- an elementary school and existing residential development to the north;
- Provincially significant wetlands and vacant lands part of the Starwood/Watson Mixed Use Node to the east; and
- vacant lands subject to a separate draft plan of subdivision application (23T-12502) to the south.

## **Existing Official Plan Land Use Designation and Policies**

The subject lands are designated "General Residential" and "Open Space" in Schedule 1 of the Official Plan. The "Mixed Use" Node land use designation applies to the southeasterly portion of the subject site, which would not be developed due to identified environmental constraints. The existing Official Plan land use designations are illustrated in Attachment 2.

The "General Residential" land use designation permits all forms of residential development, including multiple unit residential buildings subject to the satisfaction of specific development criteria. The Official Plan land use designations and related policies are also included in Attachment 2.

# STAFF REPORT



Official Plan Amendment 42 (OPA 42), the City's new Natural Heritage System, identifies portions of the Clythe Creek Provincially Significant Wetland Complex as 'Significant Natural Areas' on the subject lands. The "Natural Areas" identified on the subject property include the wooded easterly area as 'cultural woodlands' and a small valleyland feature as 'other valley lands'. OPA 42 came into effect on June 4, 2014. While approved Draft Plan of Subdivision 23T-12501 was processed prior to OPA 42 coming into effect, this new application is subject to the land use designations and policies established under OPA 42.

## **Official Plan Amendment 48 Land Use Designations and Policies**

Official Plan Amendment 48 (under appeal), a comprehensive update to the City's Official Plan, designates the subject site "Low Density Greenfield Residential". This designation permits residential development at a density between 20 to 60 units per hectare. Other portions of the site are designated Significant Natural Area, Natural Area, Open Space and Park and Community Mixed Use Centre.

Although the application is being processed under the 2001 Official Plan, staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations contained in Official Plan Amendment 48 are shown in Attachment 3.

## **Existing Zoning**

The existing zoning of the subject property that was applied through the OMB approval of the zoning by-law amendment in association with approved Draft Plan of Subdivision 23T-12501. The details of the existing zoning are included in Attachment 5.

## **REPORT**

### **Description of Proposed Modification to Draft Plan 23T-12501 and Associated Zoning By-law Amendment**

The applicant is requesting to modify Draft Plan of Subdivision 23T-12501 to permit revisions to the block and lot layout within the plan. These proposed modifications will still maintain the same road pattern and limits of development that were established through the original draft plan approval. The total number of residential dwelling units in the modified draft plan proposed is between 244-324 units, while the earlier approved draft plan contained a range of 249-324 dwelling units. The modified draft plan and zoning schedule that are proposed are included in Attachment 6. The modifications generally include the following:

- an increase in the number of single detached dwellings and corresponding reduction in semi-detached lots;
- a reduction in the size of the multiple residential block on the east side of Hallock Drive (Block 130) with the incorporation of on-street townhouses fronting on the south side of Hallock Drive; and

# STAFF REPORT



- a reduction in the size of Park Block 133 from 0.51 ha to 0.47 ha to accommodate slightly deeper single detached lots along the southerly frontage of MacAuley Street.

The applicant is requesting the zoning by-law amendment to reflect and implement the proposed modifications to the draft plan of subdivision. Proposed revisions to the zoning regulations of the R.3A-57 and R.4A-48 Zones are also proposed to address site specific development regulations within the multiple unit residential blocks (Blocks 120-122). The proposed zoning schedule and associated details of the zoning regulations are provided in Attachment 6.

## **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control);
- Review of the proposed zoning; and
- Address all comments and issues raised during the review of the application.

Once the application is reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise with a recommendation will be considered at a future meeting of Council.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## **COMMUNICATIONS**

The Notice of Complete Application was mailed on November 17, 2015 to local boards and agencies, City service areas and all property owners with 120 metres of the subject site for comments. Notice was also provided by signage installed on the site. A notice of Public Meeting was mailed on January 18, 2016 and was also advertised in the Guelph Tribune on January 14, 2016.

## **FINANCIAL IMPLICATIONS**

Financial implications will be reported in the future staff recommendation report to Council.

## **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Existing Official Plan Land Use Designations and Policies

# STAFF REPORT



- Attachment 3 – Official Plan Amendment #48 Land Use Designations and Policies
- Attachment 4 – Approved Draft Plan of Subdivision 23T-12501 and Details
- Attachment 5 – Board Approved Zoning and Details
- Attachment 6 – Proposed Modifications to Draft Plan 23T-12501 and associated Zoning Changes

**Report Author**

Chris DeVriendt  
Senior Development Planner

**Approved By**

Sylvia Kirkwood  
Manager of Development Planning

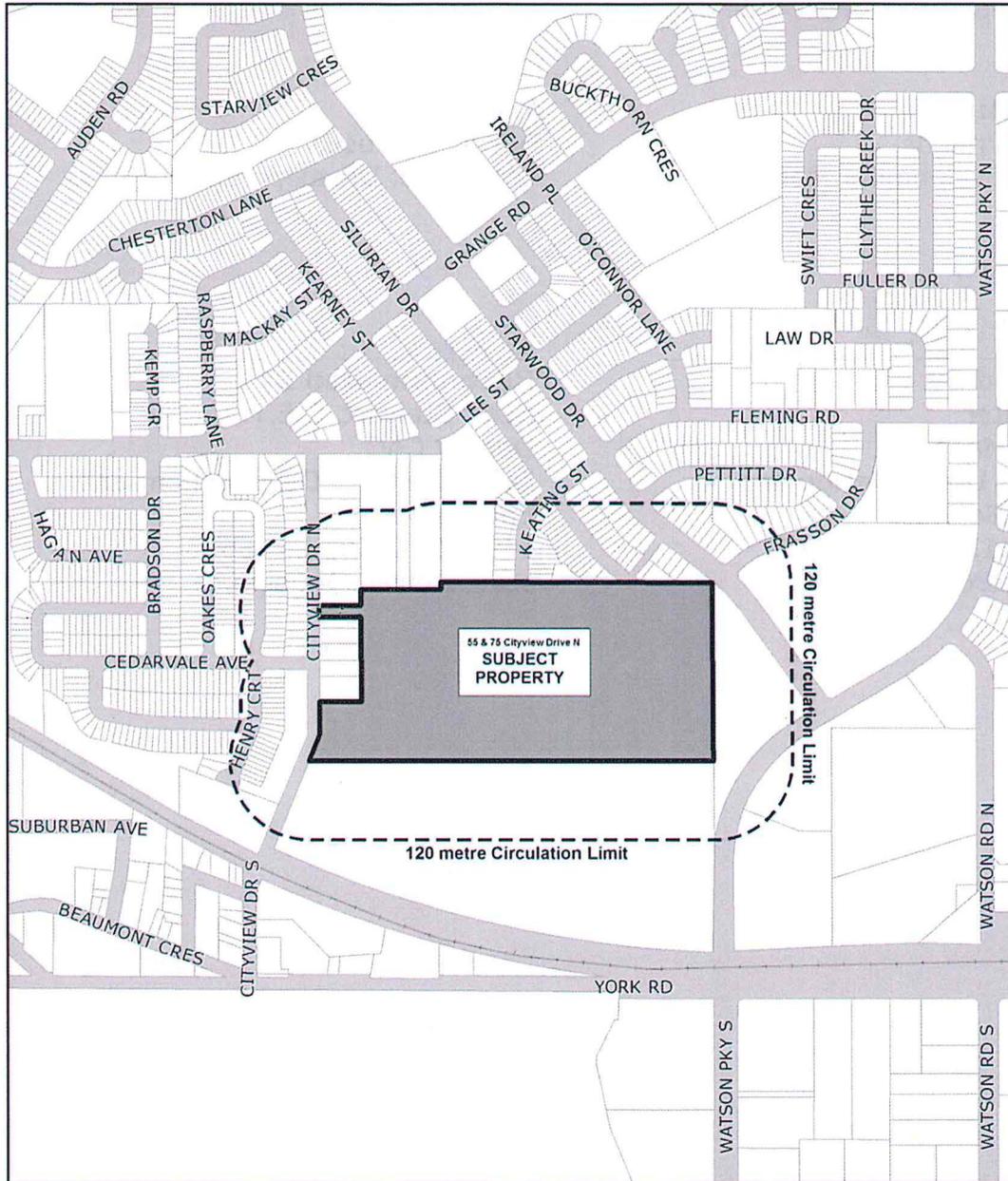
**Approved By**

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**Recommended By**

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
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scott.stewart@guelph.ca

## Attachment 1 Location Map



  
100 50 0 100 Meters  
Prepared by the City of Guelph  
Planning & Building, Engineering and Environment  
Planning Services

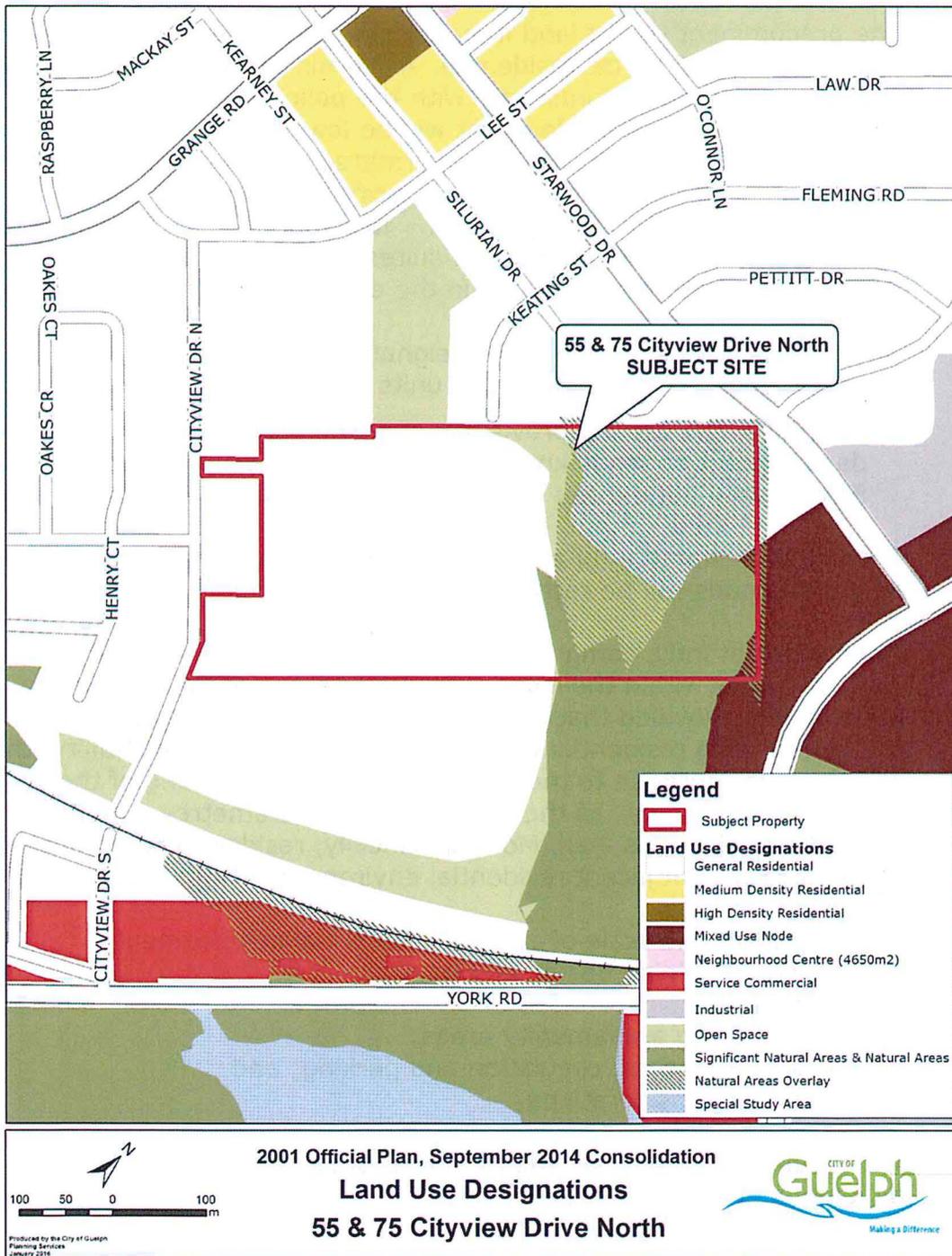
### Location Map 55 & 75 Cityview Drive N



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I:\gis\_staging\Planning\Reports\Maps\05 and 75 Cityview Dr N

## Attachment 2 Existing Official Plan Land Use Designations and Policies



**Attachment 2 (continued)**  
**Existing Official Plan Land Use Designations and Policies**

**'General Residential' Land Use Designation**

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, lodging houses, coach houses and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
  
- 7.2.32 Within the 'General Residential' designation, the net density of development shall not exceed 100 units per hectare (40 units/acre).
  - 1. In spite of the density provisions of policy 7.2.32 the net density of development on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
  
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
  
- 7.2.34 Residential lot infill, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed development is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot infill shall be compatible with adjacent residential environments with respect to the following:
  - a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
  
- 7.2.35 Apartment or townhouse infill proposals shall be subject to the development criteria contained in policy 7.2.7.

## 7.12 Open Space

### Objectives

- a) To develop a balanced distribution of open space and recreation facilities that are conveniently accessible and safe to meet the needs of all residents.
- b) To recognize a hierarchy of open space areas based on size, function and the population to be served.
- c) To develop a continuous linear open space system connecting diverse natural, cultural and recreational land uses within the City and with links to surrounding municipalities.
- d) To assist in protecting areas comprising *natural heritage features* and *cultural heritage resources*.
- e) To encourage indigenous biological diversity in appropriate open space areas.
- f) To co-operate with other public, quasi-public and private organizations in the provision of open space, recreation and cultural facilities.
- g) To develop a walking and cycling trail system within the open space system that is accessible to the public utilizing paths, trails, streets and other public open spaces.
- h) To provide for a wide range of cultural and fine arts facilities.
- i) To promote tourism potentials and attractions in the City.

### General Policies

7.12.1 The predominant use of land designated 'Open Space' on Schedule 1 shall be for public and private recreational uses and facilities, parks, golf courses, conservation lands, school sites, and cemeteries. The designation is also intended to support the protection of natural heritage features and cultural heritage resource conservation.

7.12.2 Complementary uses that are compatible to, and which do not detract from or restrict, the primary function of the area, may be permitted within the 'Open Space' designation. Such complementary uses may include, but are not necessarily restricted to: forestry resources, horticulture, and public utilities. Other complementary uses for private and public recreational uses and facilities may include restaurants, club houses, pro shops, public halls and other accessory buildings and uses that are normally associated with the main recreational use.

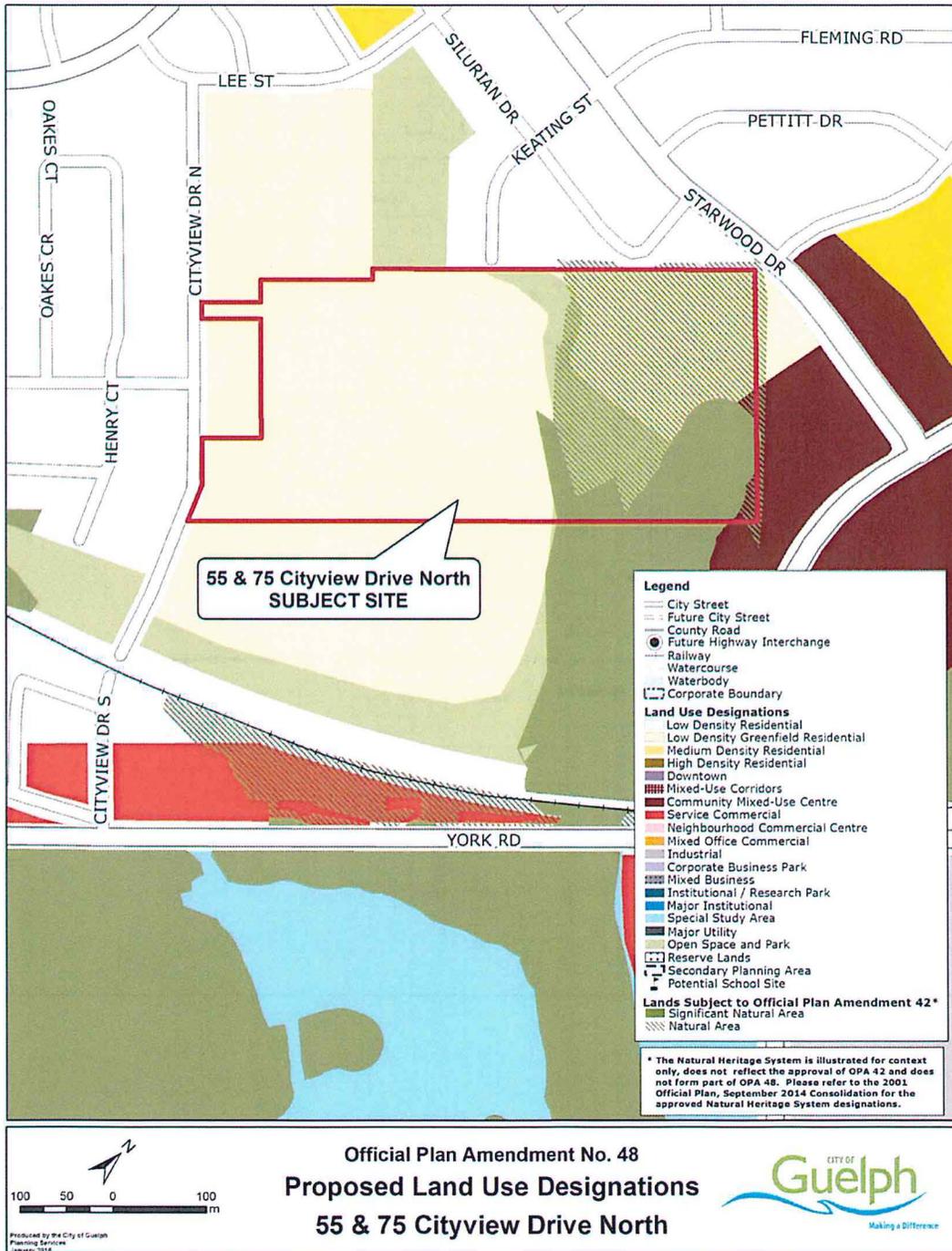
7.12.3 Where any land designated 'Open Space' is under private ownership, this Plan does not imply that such land is open to the general public or that the land will be purchased by the Municipality or any other public agency.

1. Where lands designated 'Open Space' are in private ownership and application is made requesting a change to a land use other than open space, due consideration shall be given by Council to the following:

- a) Council shall consider the acquisition of the subject lands, having regard for the following:

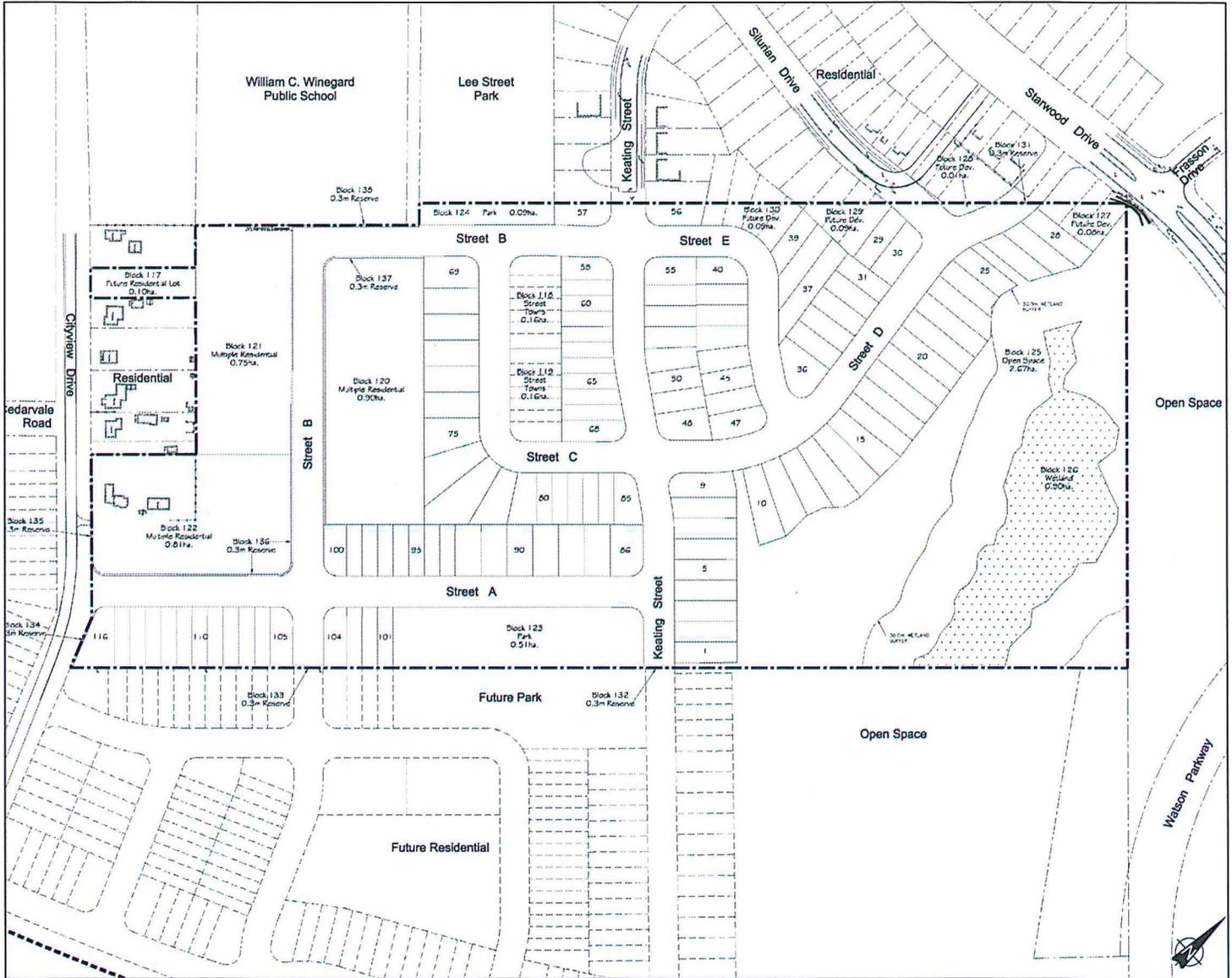
- 
- i. The provision of adequate open space and recreational areas, particularly in the vicinity of the subject lands;
      - ii. The existence of cultural heritage resources or natural heritage features on the site;
      - iii. The recreational service that is provided by the existing use and the benefits and costs accruing to the City through the public acquisition of the property;
      - iv. The possibility of any other government agency purchasing or sharing in the purchase of the subject lands; and
      - v. The ability of the City to purchase the lands and the priority of the lands in relation to the City's overall open space acquisition plan.
    - b) If acquisition of lands is not deemed appropriate, Council shall consider other arrangements to retain the lands in an 'Open Space' designation by such means as management agreements or easements, where applicable.
  2. Where the City or any other government agency does not wish to purchase the subject lands, and suitable alternative arrangements to secure the lands in an 'Open Space' designation have not been derived, due consideration shall be given by Council to amending the Official Plan. When considering such amendments, the City may require a comprehensive study be conducted to determine the most desirable function and use of the lands. In spite of the above, there is no public obligation either to redesignate or purchase any areas designated 'Open Space'.
- 7.12.4 When developing major recreation facilities such as indoor swimming pools, arenas, or major open space areas, consideration shall be given to locating such facilities in association with major community shopping, educational or cultural facilities

## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies



# STAFF REPORT

## Attachment 4 Approved Draft Plan of Subdivision 23T-12501 and Details



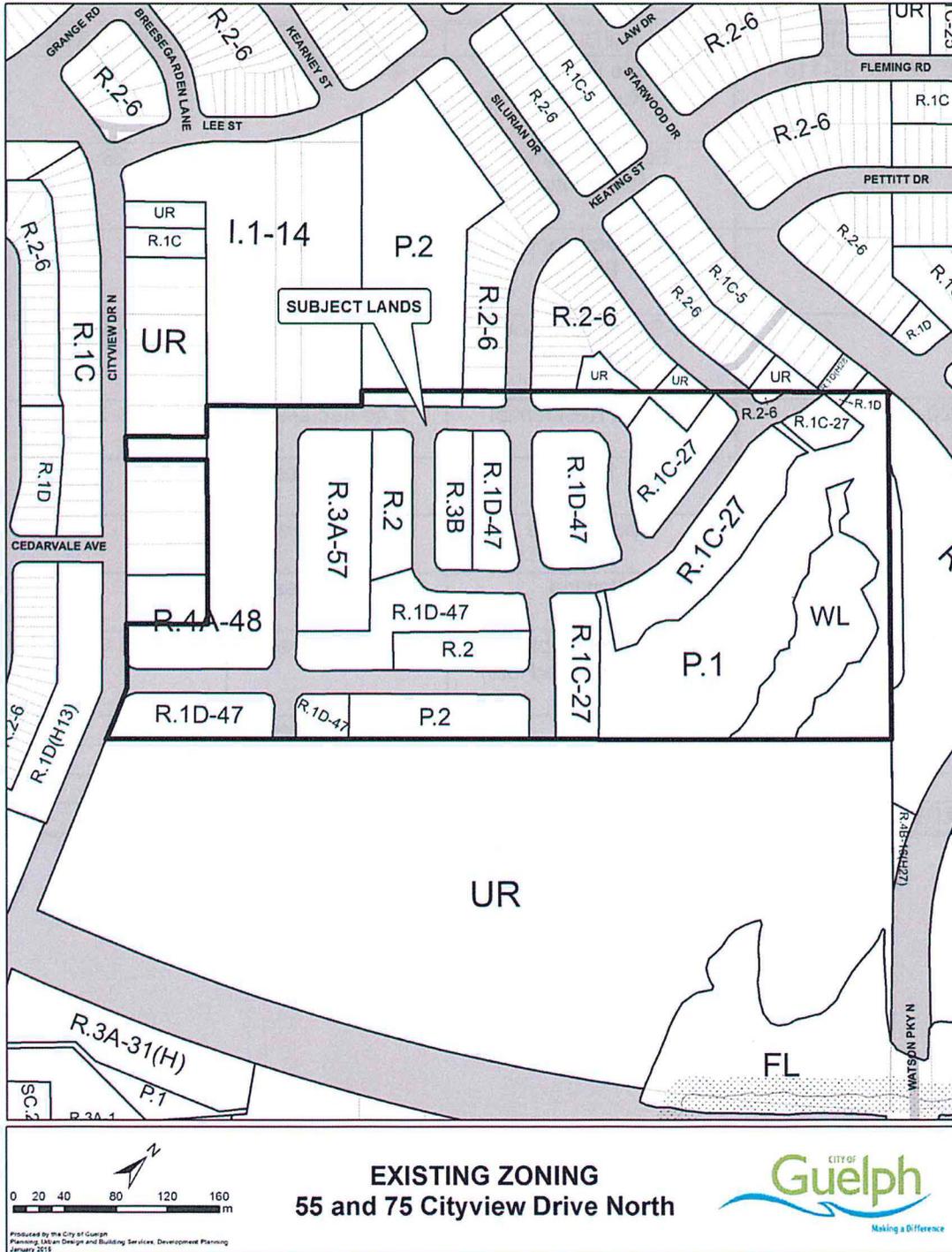
# STAFF REPORT



## Attachment 4 (continued) Approved Draft Plan of Subdivision 23T-12501 and Details

LOTS/BLOCKS	LAND USE	AREA	# OF UNITS
Lots 1-68, 76-85, 93-116	Single Detached Residential	4.39 hectares	102
Lots 69-75, 86-92	Semi-Detached Residential	0.67 hectares	28
Block 117	Future Development Block	0.10 hectares	
Blocks 118, 119	On-Street Townhouse Dwellings	0.32 hectares	14
Blocks 120-122	Multiple Residential	2.46 hectares	105-180
Blocks 123-124	Park	0.6 hectares	
Block 125	Open Space	2.67 hectares	
Block 126	Wetland	0.9 hectares	
Blocks 127-130	Future Development (single detached lots)	0.27 hectares	11
	Roads	2.63 hectares	
<b>TOTAL AREA</b>		<b>15.2 hectares</b>	<b>249-324</b>

## Attachment 5 Board Approved Zoning and Details



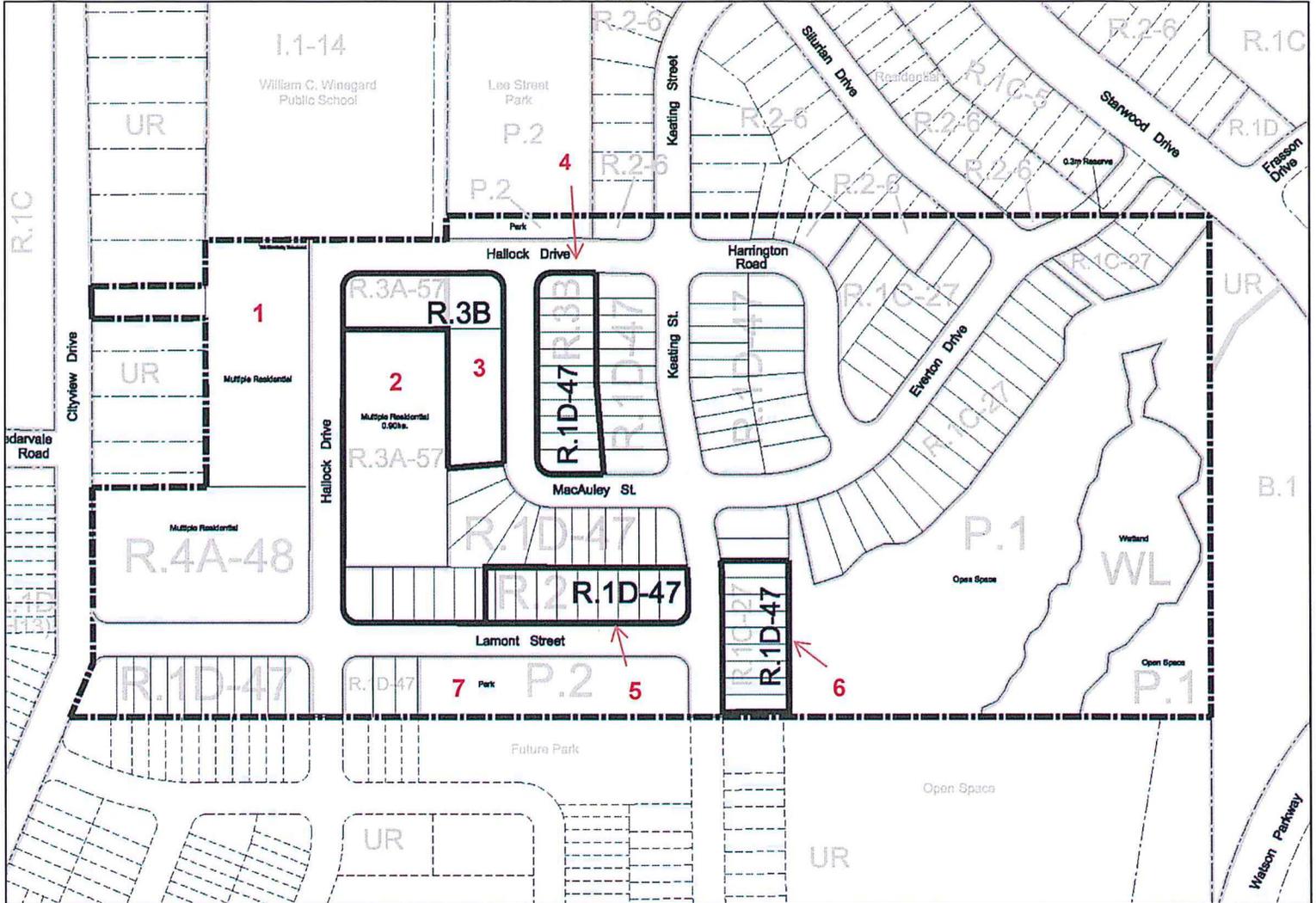
# STAFF REPORT

## Attachment 5 Board Approved Zoning and Details (continued)

<b>LOTS/BLOCKS</b>	<b>LAND USE</b>	<b>ZONING</b>
Future Development Block 127	<b>Single Detached Residential</b>	R.1D
Lots 58-68, 76-85, 93-116	<b>Single Detached Residential</b>	R.1D-47
Lots 1-55	<b>Single Detached Residential</b>	R.1C-27
Lots 56-57, Future Development Blocks 128-130	<b>Semi-Detached/Single Detached Residential</b>	R.2-6
Lots 69-75, 86-92	<b>Semi-Detached Residential</b>	R.2
Blocks 118, 119	<b>On-Street Townhouse Residential</b>	R.3B
Blocks 120	<b>Multiple Unit Residential</b>	R.3A-57
Block 121, 122	<b>Multiple Unit Residential</b>	R.4A-48
Blocks 123, 124	<b>Neighbourhood Park</b>	P.2
Block 125	<b>Conservation Land</b>	P.1
Block 126	<b>Wetland</b>	WL

# STAFF REPORT

## Attachment 6 Proposed Modifications to Draft Plan of Subdivision 23T-12501 and associated Zoning Changes



Corresponding Description of Modifications (Numbered 1-6) provided in following Table

# STAFF REPORT

## Attachment 6 (continued) Proposed Modifications to Draft Plan of Subdivision 23T-12501 and associated Zoning Changes

Approved Draft Plan	Draft Plan Modification	Proposed Zoning
Blocks 121 and 122	<b>Modification 1:</b> Block 131 and 132 - To add permit cluster townhouses subject to the R.3A-57 regulations	Modified R.4A-48
Multiple Residential Townhouse Block (Block 120)	<b>Modification 2:</b> Reduce the block from 0.90 ha to 0.72 ha to create 7 street townhouse lots on Hallock Drive;  To add the following site specific zoning regulations to the R.3A-57 Zone: <ul style="list-style-type: none"> <li>To permit a minimum distance of 3.0 metres between the face of one Building and the face of another Building, each of which contains windows of Habitable Rooms;</li> <li>To permit a minimum setback of 6.0 metres from any Private Amenity Area to a wall in another Building containing windows of Habitable Rooms which face the Private Amenity Area;</li> <li>To permit a minimum Private Amenity Area for Stacked Townhouse units above grade of 4.4 square metres; and,</li> <li>To permit the required Ground Level Private Amenity Area to be located above grade, with a minimum area of 16 square and subject to the requirements of Section 5.3.2.5.2 b) and c)</li> </ul>	R.3A-57 to R.3B (modified from cluster townhouses to on-street townhouses)  Modified R.3A-57 Zoning
Semi-Detached Lots (Lots 69-75)	<b>Modification 3:</b> 14 on-street townhouses (portion of Block 128 and Block 129)	R.1D-47 to R.3B (from single detached dwellings to on-street townhouses)
Multiple Residential Townhouse Blocks (Blocks 118 and 119)	<b>Modification 4:</b> Single detached lots (Lots 73-83)	R.3B to R.1D-47 (from on-street townhouses to single detached dwellings)
Single Detached Lots with 12m frontage (Lots 76-79)	Single detached lots with 9.7m frontage (Lots 84 to 88)	N/A
Semi-Detached Lots (Lots 86-92)	<b>Modification 5:</b> 10 single detached lots (Lots 96 to 105)	R.2 to R.1D-47 (from semi-detached to single detached dwellings)
Single detached lots with 12m frontage (Lots 1 to 9)	<b>Modification 6:</b> Single detached lots with 9m frontage (Lots 1 to 9)	R.1C-27 to R.1D-47
Park Block 123	<b>Modification 7:</b> Reduction in block size from 0.51 ha to 0.47 ha	N/A
Single Detached Lots with 12 m frontage Lots 76-79	Single detached lots with 9.7 m frontage (Lots 84 to 88)	N/A

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT** **Statutory Public Meeting Report  
Blocks 221-223, Registered Plan 61M-18  
(Silurian Drive / Starwood Drive)  
Proposed Zoning By-law Amendment  
(File: ZC1513)  
Ward 1**

REPORT NUMBER 16-06

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

To provide planning information on an application requesting approval of a Zoning By-law Amendment for Future Development Blocks 221, 222 and 223 within Registered Plan 61M-18 to permit the development of nine single detached dwellings and one semi-detached dwelling in consolidation with adjoining lands within Draft Plan of Subdivision 23T-12501. This report has been prepared in conjunction with the statutory public meeting for this application.

### KEY FINDINGS

Key findings will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Infrastructure, Development and Enterprise recommendation report to Council.

### ACTION REQUIRED

Council will hear public delegations regarding the application, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

## RECOMMENDATION

1. That Report 16-06 regarding a Zoning By-law Amendment application (File: ZC1513) submitted by GSP Group Inc. to rezone Future Development Blocks 221, 222 and 223 within Registered Plan 61M-18 from the UR (Urban Reserve) Zone to the R.2-6 (Residential Semi-Detached/Duplex) Zone to facilitate the development of nine single detached dwellings and one semi-

# STAFF REPORT



detached dwelling in consolidation with adjoining blocks within Draft Plan of Subdivision 23T-12501, from Infrastructure, Development and Enterprise dated February 8, 2016, be received.

## **BACKGROUND**

An application to amend the Zoning By-law was received for the lands known legally as Blocks 221, 222 and 223 in Registered Plan 61M-18 from GSP Group Inc. The purpose of the application is to rezone the subject lands from the UR (Urban Reserve) Zone to the R.2-6 (Residential Semi-Detached/Duplex) Zone to permit the development of nine single detached dwellings and one semi-detached dwelling in consolidation with adjoining blocks within Draft Plan of Subdivision 23T-12501. The application was received by the City on October 5, 2015 and deemed complete on November 4, 2015.

## **Location**

The subject lands, consisting of three separate parcels, are located south of Starwood Drive and east of Keating Street (see Attachment 1). The subject lands are three remnant future development blocks within the Grangehill Phase 3A Subdivision that was registered in 1999 as Plan 61M-18. These lands are vacant and border the northerly property line of Draft Plan of Subdivision 23T-12501 at 55 and 75 Cityview Drive, which was approved by City Council on February 9, 2015.

## **Existing Official Plan Land Use Designation and Policies**

The subject lands are designated "General Residential" in Schedule 1 of the Official Plan. The "General Residential" land use designation permits all forms of residential development, including multiple unit residential buildings subject to the satisfaction of specific development criteria. The Official Plan land use designations and related policies are included in Attachment 2.

## **Official Plan Amendment 48 Land Use Designations and Policies**

Official Plan Amendment 48 (under appeal), a comprehensive update to the City's Official Plan, designates the subject site "Low Density Greenfield Residential". This designation permits residential development at a density between 20 to 60 units per hectare. The land use designations contained in Official Plan Amendment 48 are shown in Attachment 3. Although the application is being processed under the 2001 Official Plan, staff must have regard to the Council adopted policies and designations of OPA 48.

## **Existing Zoning**

The subject lands are zoned UR (Urban Reserve) Zone. Details of the existing zoning are included in Attachment 4.

## **REPORT**

### **Description of Proposed Zoning Bylaw Amendment**

The applicant is requesting the Zoning By-law Amendment to rezone the subject lands from the current UR (Urban Reserve) Zone to the R.2-6 (Residential Semi-

# STAFF REPORT



Detached/Duplex) Zone to permit the ultimate development of nine (9) single detached dwellings and one (1) semi-detached dwelling. The R.2-6 Zone permits both single detached dwellings and semi-detached dwellings. Further details of the proposed zoning are provided in Attachment 4.

In order to provide sufficient lot area and lot frontage for the proposed lots, the subject lands would be consolidated with Blocks 137, 138 and 139 within adjacent Draft Plan of Subdivision 23T-12501 at 55 and 75 Cityview Drive. The proposed lot pattern is illustrated in Attachment 5. It is noted that an application to modify Draft Plan of Subdivision 23T-12501 and an associated Zoning By-law Amendment has been submitted concurrently with this application.

The proposed zoning of the subject lands would be consistent with the R.2-6 zoning of the adjoining blocks within Draft Plan of Subdivision 23T-12501 to facilitate the creation of the nine single detached lots and one semi-detached dwelling to complete the lotting pattern between Registered Plan 61M-18 and Draft Plan 23T-12501.

## **Staff Review**

The review of this application will address the following issues:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluation of the proposal's conformity with the Official Plan; including any Official Plan Amendments;
- Review criteria outlined in Section 51(24) of The Planning Act (subdivision control);
- Review of the proposed zoning; and
- Address all comments and issues raised during the review of the application.

Once the application is reviewed and all issues are addressed, a report from Infrastructure, Development and Enterprise with a recommendation will be considered at a future meeting of Council.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## **COMMUNICATIONS**

The Notice of Complete Application was mailed on November 17, 2015 to local boards and agencies, City service areas and all property owners with 120 metres of the subject site for comments. Notice was also provided by signage installed on the site. A notice of Public Meeting was mailed on January 18, 2016 was also advertised in the Guelph Tribune on January 14, 2016.

# STAFF REPORT

## FINANCIAL IMPLICATIONS

Financial implications will be reported in the future staff recommendation report to Council.

## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Existing Official Plan Land Use Designations and Policies
- Attachment 3 – Official Plan Amendment #48 Land Use Designations
- Attachment 4 – Existing Zoning and Details
- Attachment 5 – Proposed Zoning and Details
- Attachment 6 – Proposed Lot Pattern

### Report Author

Chris DeVriendt  
Senior Development Planner



### Approved By

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

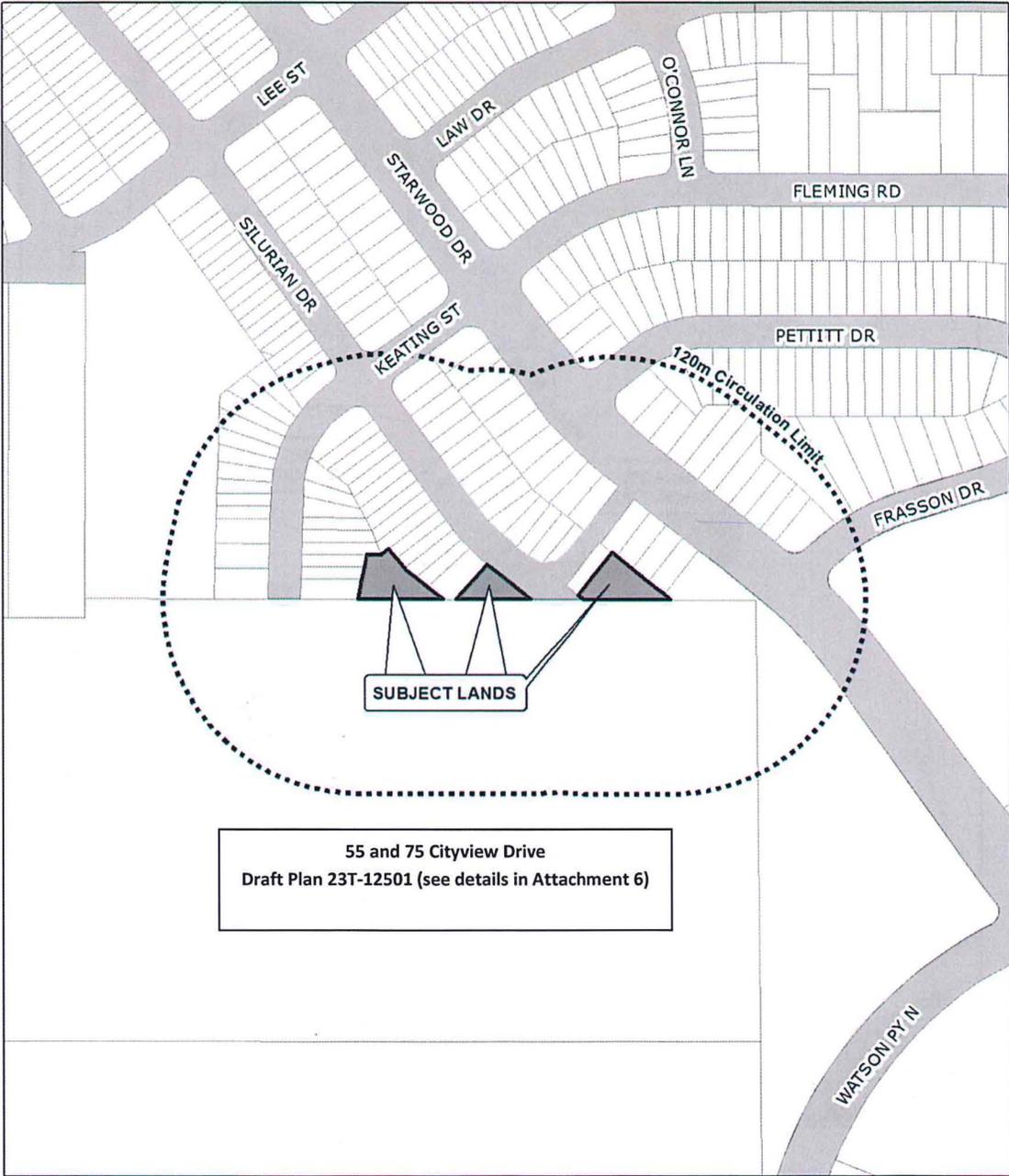
Sylvia Kirkwood  
Manager of Development Planning



### Recommended By

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
scott.stewart@guelph.ca

## Attachment 1 Location Map



0 15 30 60 90 120 m

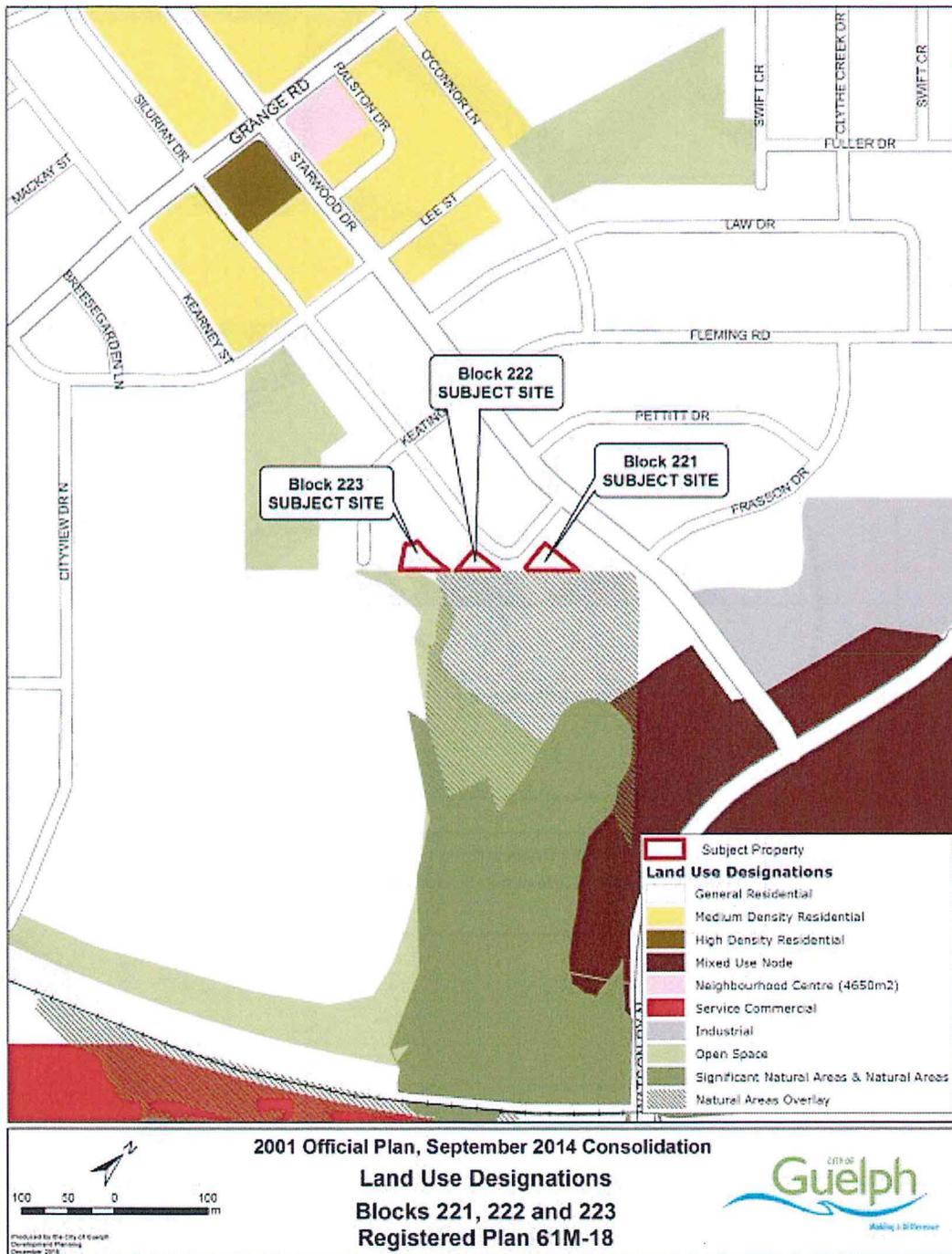
Produced by the City of Guelph  
Planning, Urban Design and Building Services, Development Planning  
November 2012

### Location Map Blocks 221 - 223, 61M-18



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## Attachment 2 Existing Official Plan Land Use Designations and Policies



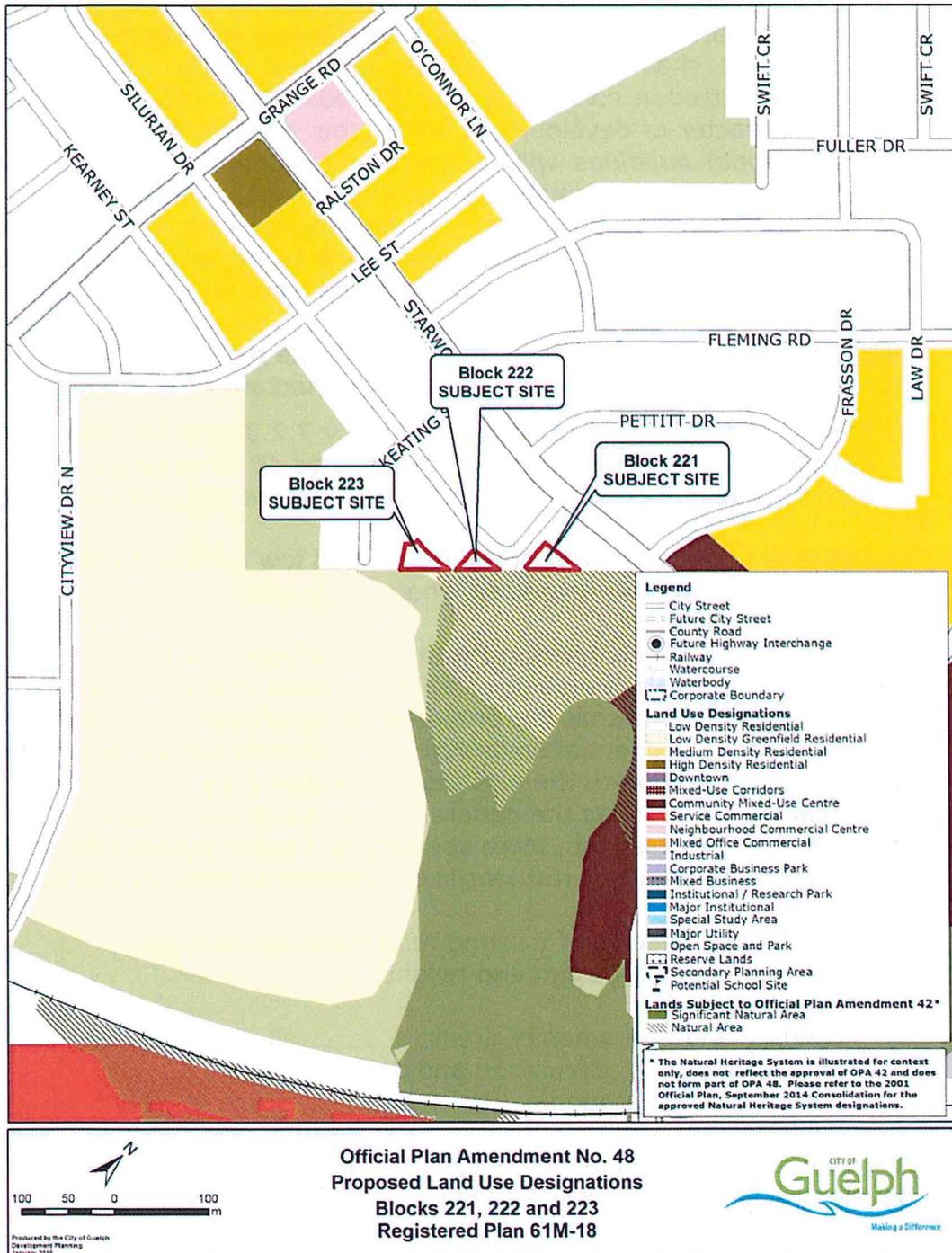
## Attachment 2 (continued)

### Existing Official Plan Land Use Designations and Policies

#### 'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, lodging houses, coach houses and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the net density of development shall not exceed 100 units per hectare (40 units/acre).
1. In spite of the density provisions of policy 7.2.32 the net density of development on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot infill, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed development is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot infill shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
- 7.2.35 Apartment or townhouse infill proposals shall be subject to the development criteria contained in policy 7.2.7.

## Attachment 3 Official Plan Amendment #48 Land Use Designations and Policies





## Attachment 4 (continued) Existing Zoning Details

### UR (Urban Reserve) Zone

#### Permitted Uses

- Agriculture, Livestock Based
- Agriculture, Vegetation Based (mushroom farms shall not be permitted)
- Conservation Area
- Flood Control Facility
- Outdoor Sportsfield Facilities
- Recreation Trail
- Wildlife Management Area
- Accessory Uses in accordance with Section 4.23

#### Regulations

Within the Urban Reserve (UR) Zone, no land shall be Used and no Building or Structure shall be erected or Used except in conformity with the applicable regulations contained in Section 4 – General Provisions and the following regulations:

#### Minimum Separation Distances Regulating Livestock Based Agriculture

Minimum separation distances for Livestock Based Agriculture operations shall be based on the Minimum Separation Distance requirements for livestock farms required by the Ontario Ministry of Agriculture and Food.

#### Permitted Building or Structure

In addition to all other provisions of this Section, a permitted Building or Structure shall only be permitted in accordance with all of the following regulations:

#### Minimum Side Yard

Equal to one-half the Building Height but in no case less than 3 metres.

#### Minimum Rear Yard

Equal to one-half the Building Height but in no case less than 7.5 metres.

#### Minimum Front Yard

7.5 metres or as set out in Section 4.24, whichever is greater.

#### Off-Street Parking

No off-Street parking shall be located within 3 metres of any boundary of an UR Zone.

#### Off-Street Loading

No off-Street loading shall be located within 3 metres of any boundary of an UR Zone.

# STAFF REPORT

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## Accessory Building or Structure

Despite Section 4.5, an accessory Building or Structure shall be permitted only in accordance with the following regulations:

No accessory Building or Structure shall be used for human habitation.

No accessory Building or Structure shall be located between the Street Line and any Setback line.

No accessory Building or Structure shall be located in any Side Yard.

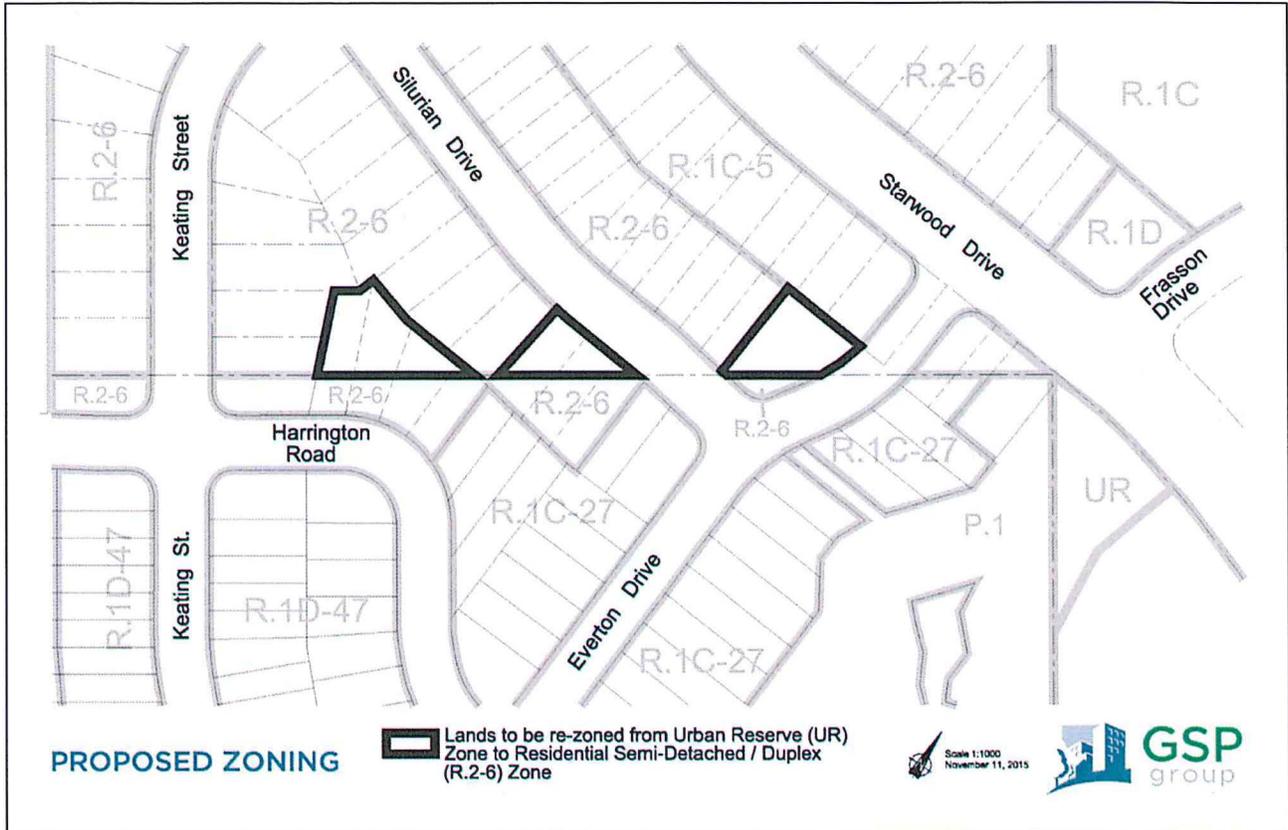
No accessory Building or Structure shall be located closer to any Lot Line than one-half Building Height or 7.5 metres, whichever is greater.

## Lighting of Outdoor Sportsfield Facilities

Outdoor Sportsfield Facilities shall be permitted to have lighting facilities developed in accordance with Section 4.18.1

# STAFF REPORT

## Attachment 5 Proposed Zoning



## Attachment 5 (continued) Proposed Zoning

### R.2-6 (Residential Semi-Detached/Duplex) Zone

As shown on Defined Area Map Numbers 56, 57, 61 and 62 of Schedule "A" of this *By-law*

#### Permitted Uses

Notwithstanding the Uses permitted by Section 5.2.1 of By-law Number (1995)-14864, as amended, the permitted Uses in the R.2-6 Zone shall be limited to the following:

- Single-Detached Dwelling
- Semi-Detached Dwelling
- Accessory Apartment in accordance with Section 4.15.1
- Bed and Breakfast establishment in accordance with Section 4.27
- Day Care Centre in accordance with Section 4.26
- Group Home in accordance with Section 4.25
- Home Occupation in accordance with Section 4.19
- Building or Structure accessory to the foregoing permitted uses

#### Regulations

Notwithstanding the provisions of Section 5.2.2 of By-law Number (1995)-14864, as amended, the following provisions shall apply:

##### Regulations for Single Detached Dwellings

In accordance with the provisions of Sections 4 and 5.1.2 of By-law (1995)-14864, as amended, with the following additions or exceptions:

Minimum Lot Area – 285 m<sup>2</sup>

Minimum Lot Frontage – 9.5 metres

Maximum Lot Frontage – 14.5 metres for all lots other than a Corner Lot

##### Minimum Front Yard

- i) From Grange Road, Watson Road, and Starwood Drive: 7.5 metres from the Street Line;
- ii) From all other Streets: 6 metres from the Street Line

Minimum Exterior Side Yard – 4.5 metres

##### Location of Legal Off-Street Parking Space

Notwithstanding Sections 4 and 5.1.2 of this By-law, the legal off-street Parking Space shall be located to the rear of the Setback line and a minimum distance of 6 metres from the Street Line

# STAFF REPORT

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## Minimum Side Yard

0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2

## Regulations for Semi-Detached Dwellings

In accordance with the provisions of Sections 4 and 5.2.2 of this By-law (1995)-14864, as amended, with the following additions or exceptions:

Minimum Lot Area – 485 m<sup>2</sup>

### Minimum Side Yard (Each Side\*)

1 to 2 storeys – 1.2 metres

Over 2 storeys – 2.4 metres

\* Notwithstanding the above, where a garage, carport or off- Street Parking Space is not provided for each Dwelling Unit, each Side Yard shall be a minimum width of 3 metres

### Minimum Front Yard

i) From Grange Road, Watson Road and Starwood Drive: 7.5 metres from the Street Line

ii) From all other Streets: 6 metres from the Street Line

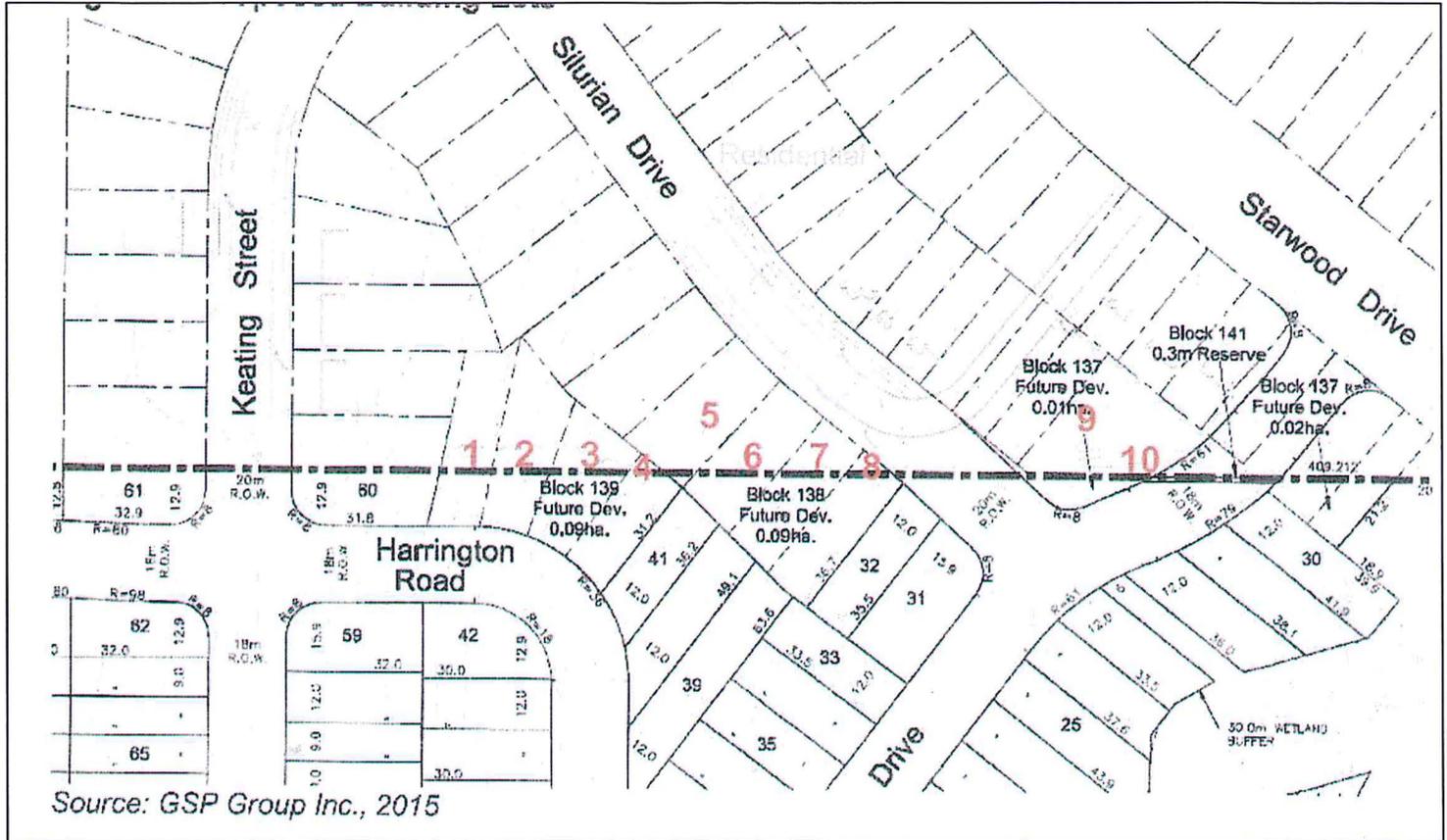
Minimum Exterior Side Yard – 4.5 metres

### Location of Legal Off-Street Parking Space

Notwithstanding Sections 4 and 5.2.2 of this By-law, the legal off-street Parking Space shall be located to the rear of the Setback line and a minimum distance of 6 metres from the Street Line

# STAFF REPORT

## Attachment 6 Proposed Lot Pattern



## CONSENT AGENDA

Monday, February 8, 2016

His Worship the Mayor  
and  
Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

### **A REPORTS FROM ADMINISTRATIVE STAFF**

<b>REPORT</b>	<b>DIRECTION</b>
<p><b>CON-2016.2 1511-1517 GORDON STREET AND 15 LOWES ROAD PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT (FILE: OP1402/ZC1408) - WARD 6</b></p> <ol style="list-style-type: none"><li>1. That the application submitted by Astrid J. Clos Planning Consultants on behalf of 2320339 Ontario Inc. for an Official Plan Amendment to change the land use designation from "General Residential" to "Commercial Mixed Use" to permit the development of a mixed office/commercial development on the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road, and legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph be approved in accordance with Attachment 3 of Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.</li><li>2. That the application submitted by Astrid J. Clos Planning Consultants on behalf of 2320339 Ontario Inc. for approval of a Zoning By-law Amendment to change the zoning from the "Residential Single Detached" (R.1B) Zone to the specialized "Commercial Residential" (CR-14(H)(H)29) Zone with a holding symbol to permit the development of a mixed office/commercial development on the properties municipally known as 1511-1517</li></ol>	Approve

Gordon Street and 15 Lowes Road, legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph be approved in accordance with the conditions and zoning regulations contained in Attachment 3 of Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.

3. 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 the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road as set out in Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.

**CON-2016.3      139 MORRIS STREET PROPOSED ZONING BY-LAW AMENDMENT (FILE: ZC1110) - WARD 1**

Approve

1. That the application submitted by Ray Ferraro on behalf of the Owner, 139 Morris Street Limited for approval of a Zoning By-law Amendment to change the zoning from "Specialized Industrial" (B.4-21) to a "Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H)) Zone and a "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H)) Zone to permit the development of 20 on-street townhouse units and a 3-storey, 42 unit apartment building on the property municipally known as 139 Morris Street, legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664, be approved in accordance with the conditions and zoning regulations outlined in Attachment 3.
2. 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 the subject lands.

**CON-2016.4      PROPOSED DEMOLITION OF 176 YORK ROAD - WARD 1**

Approve

1. That Report 16-02 regarding the proposed demolition of one (1) single detached dwelling at 176 York Road, legally described as Plan 113, Pt. Lot 56; City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, be received.
2. That the proposed demolition of one (1) detached dwelling at 176 York Road be approved.

3. That the applicant be requested to prepare and submit a Tree Preservation Plan in accordance with the City of Guelph Official Plan (Urban Forest policies) prior to undertaking activities which may injure or destroy trees.
4. That the applicant be requested to erect protective fencing at one (1) meter from the drip line of any existing trees to be retained on the property or on adjacent properties, which may be impacted by demolition or construction activities.
5. That the applicant be requested to contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

**CON-2016.5          PROPOSED DEMOLITION OF 115 DAWN AVENUE**

Approve

1. That Report 16-08 regarding the proposed demolition of one (1) single detached dwelling at 115 Dawn Avenue, legally described as Plan 555, Lot 4 Pt. Lot 1 Pt. Lot 5; City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, is received.
2. That the proposed demolition of one (1) detached dwelling at 115 Dawn Avenue be approved.
3. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law (2010)-19058 prior to undertaking activities which may injure or destroy regulated trees.
4. That the applicant be requested to erect protective fencing at one (1) meter from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and associated activities.
5. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to commencement of demolition and/or site alteration.

6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

attach.

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT Decision Report  
1511-1517 Gordon Street and 15 Lowes Road  
Proposed Official Plan Amendment and Zoning By-law  
Amendment  
(File: OP1402/ZC1408)  
Ward 6**

REPORT NUMBER 16-04

## EXECUTIVE SUMMARY

### SUMMARY OF REPORT

This report provides a staff recommendation to amend the Official Plan and Zoning By-law to permit the development of a mixed office/commercial development on the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road.

### KEY FINDINGS

Planning staff support the proposed Official Plan Amendment and Zoning By-law Amendment, subject to the regulations and conditions set out in Attachment 4.

### FINANCIAL IMPLICATIONS

Estimated Development Charges: \$99.24 per square metre of gross floor area (GFA) (2015 DC Rates). With a proposed GFA of 1,770 m<sup>2</sup>, Development Charges are estimated to be \$175,654.80.

Estimated Annual Tax Levy: Based on assumptions and information available at this time, approximately \$31,302 (this number may differ significantly from the final assessment and taxation based on the ultimate development of the subject properties).

### ACTION REQUIRED

Council is being asked to approve the Official Plan Amendment and Zoning By-law Amendment with a holding ('H') symbol for the subject lands.

## RECOMMENDATION

1. That the application submitted by Astrid J. Clos Planning Consultants on behalf of 2320339 Ontario Inc. for an Official Plan Amendment to change the

land use designation from "General Residential" to "Commercial Mixed Use" to permit the development of a mixed office/commercial development on the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road, and legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph be approved in accordance with Attachment 3 of Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.

2. That the application submitted by Astrid J. Clos Planning Consultants on behalf of 2320339 Ontario Inc. for approval of a Zoning By-law Amendment to change the zoning from the "Residential Single Detached" (R.1B) Zone to the specialized "Commercial Residential" (CR-14(H)(H)29) Zone with a holding symbol to permit the development of a mixed office/commercial development on the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road, legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph be approved in accordance with the conditions and zoning regulations contained in Attachment 3 of Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.
3. 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 the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road as set out in Infrastructure, Development and Enterprise Report 16-04 dated February 8, 2016.

## **BACKGROUND**

Applications for an Official Plan Amendment (File OP1402) and Zoning By-law Amendment (File ZC1408) have been received for the properties municipally known as 1511-1517 Gordon Street and 15 Lowes Road from Astrid J. Clos Planning Consultants on behalf of 2320339 Ontario Inc. The applications are seeking to amend the land use designation and zoning to permit a two-storey, 1,770 square metre mixed office and commercial development (see Concept Plan and Elevations in Attachment 11). The applications were received on May 30, 2014 and deemed to be complete pursuant to the *Planning Act* on August 11, 2014. The statutory public meeting for these applications was held before City Council on December 8, 2014. At the Public Meeting, report 14-66 from Infrastructure, Development and Enterprise provided background information related to the proposed Official Plan and Zoning By-law Amendment applications.

The Official Plan Amendment application is required to redesignate the subject lands to the "Commercial Mixed Use" designation, while the Zoning By-law Amendment application is required to rezone to a specialized Commercial Residential (CR) Zone to permit a range of primarily commercial uses and residential/commercial uses in the same building. Planning staff are recommending

# STAFF REPORT



that a holding symbol ('H') be added in conjunction with the specialized CR-14(H) zoning to require a development agreement be executed and registered on title, prior to the zoning coming into force and effect (See Attachment 10).

The applicant submitted a building permit application to demolish the existing single detached dwellings at 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road. These demolitions were approved by Council on December 8, 2014 (for 1511 Gordon Street) and July 20 2015 (for 1517 Gordon Street and 15 Lowes Road).

## **Location**

The three (3) subject properties at 1511-1517 Gordon Street and 15 Lowes Road collectively have a site area of 0.429 hectares and are irregular in shape. The lands are situated directly at the northwest corner of the intersection of Gordon Street and Lowes Road (see Location Map in Attachment 1). The subject lands are legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph. The single detached dwellings at 1511 and 1517 Gordon Street have been demolished, and these properties are currently vacant. A single detached dwelling is still presently located at 15 Lowes Road, and although the demolition for this dwelling was approved by Council on July 20, 2015, the applicant has indicated to staff that it is their intent that this dwelling will be demolished in the spring of 2016. Generally the lands are surrounded by existing ground-oriented residential uses, with some existing commercial office uses located along Gordon Street.

In particular, to the east and west of the lands are existing single detached dwellings on Lowes Road, Revell Drive and Gordon Street. To the east, across Gordon Street are cluster townhouses. To the north is a one-storey office commercial building on Gordon Street.

## **Existing Official Plan Land Use Designations and Policies**

The current Official Plan land use designation that applies to the subject property is "General Residential", which permits a range of housing types including single, semi-detached residential dwellings and multiple unit residential buildings. The City's Natural Heritage System policies in the Official Plan do not identify any features on or immediately adjacent to the subject lands.

The Official Plan also identifies the site as being within the "Built-Up Area" of the City and also within the Gordon Street Intensification Corridor. The "Built-Up Area" and Intensification Corridor specifically are intended to accommodate a significant portion of new residential and employment growth through intensification along major roads or higher order transit corridors. The relevant Official Plan policies are included in Attachment 5.

# STAFF REPORT



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## **Official Plan Amendment No. 48: Land Use Designations and Policies**

Official Plan Amendment No. 48 (OPA 48 - under appeal), a comprehensive update to the City's Official Plan, proposes to designate the subject site as "Mixed Office Commercial", which would permit a variety of freestanding or small-scale commercial, office, residential and mixed use buildings. If this designation were to be in effect, it would have enabled this development to proceed without an Official Plan Amendment. However, as OPA 48 is currently under appeal in its entirety, a site specific Official Plan Amendment is required to enable the proposed mixed office commercial development. Although the application is being processed under the 2001 Official Plan, Staff must have regard to the Council adopted policies and designations of OPA 48. The land use designations and policies contained in OPA 48 are included in Attachment 8.

### **Existing Zoning**

The subject properties are all zoned R.1B (Residential Single Detached). This zone permits single detached dwellings, among other accessory uses. Details of the existing zoning are included in Attachment 9.

## **REPORT**

### **Description of Proposed Official Plan Amendment**

The applicant is requesting an Official Plan Amendment to redesignate the subject lands from the current "General Residential" land use designation to the "Commercial Mixed Use" land use designation. The proposed amendment is known as Official Plan Amendment No. 62 (OPA 62).

The "Commercial Mixed Use" designation is intended to recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses are located. The applicant has requested the Commercial Mixed Use designation and to limit the maximum gross floor area for the building to 1,770 m<sup>2</sup>. By way of comparison, the current "General Residential" land use designation limits the maximum gross floor area of commercial uses to 300 m<sup>2</sup>.

Although the applicant requested a limit on the gross floor area of the proposed building at 1,770 m<sup>2</sup> in their Official Plan Amendment application, Planning staff do not feel that introducing such a site specific policy into the Official Plan is necessary. The Commercial Mixed Use policies in the Official Plan do not limit the size (area) of commercial development on lands with this designation. Rather, for the proposed development, the limitation of the proposed size of the building is recommended to be implemented through site specific zoning provisions (See Attachment 10). The applicant also requested such a specialized provision on their Zoning By-law Amendment application.

# STAFF REPORT



The proposed language of the Official Plan Amendment is in Attachment 3. The proposed Official Plan land use designation and relevant policies are included in Attachment 6.

The applicant initially requested to amend the current "General Residential" land use designation on the property to the "Mixed Office Commercial" designation found in OPA 48. If this initial request was to be approved, that would have effectively introduced the new "Mixed Office Commercial" designation in OPA 48 into the current Official Plan, prior to OPA 48 coming into full force and effect. Upon further discussion, both staff and the applicant agreed that changing the Official Plan land use designation to an existing designation found in the current Official Plan would be more appropriate for the development proposed on subject lands at this time. The applicant formally responded to these discussions with a letter confirming a modification to their Official Plan Amendment request to redesignate the lands to the "Commercial Mixed Use" designation rather than the "Mixed Office Commercial" designation found within OPA 48 (See Attachment 7).

The proposed Official Plan Amendment (OPA 62) is included in Attachment 3.

## **Description of Proposed Zoning Bylaw Amendment**

The applicant is requesting to rezone the subject lands from the current R.1B (Residential Single Detached) Zone to a Specialized Commercial Residential (CR) Zone. In addition to the uses permitted in the parent CR zone (See Attachment 4), the applicant has requested additional uses, including:

- Pharmacy;
- Live-Work Units;
- Retail Establishment; and
- Bake Shop.

Further, the applicant has requested to develop the property in accordance with the permitted regulations of the standard CR Zone, with the following exceptions:

- To use a blended off-street parking ratio of one (1) space per 24 m<sup>2</sup> of gross floor area for all permitted commercial uses;
- That, not including the blended off-street parking ratio for commercial uses, the required off-street parking for 'Dwelling Units' shall be a minimum of one (1) parking space per 'Dwelling Unit' in accordance with Section 4.15.2.4;
- That the 'Office' uses shall be permitted only on the second floor;
- That a maximum of one (1) 'Restaurant (take-out)' shall be permitted with a maximum floor area of 140 m<sup>2</sup>;
- To permit a minimum front and exterior side yard of one (1) metre; and
- To permit a maximum gross floor area of 1,770 m<sup>2</sup>.

Under the authority of Section 36 of the *Planning Act* and Section 9.10.7.1 d) of the Official Plan, Staff are recommending that a Holding Symbol ('H') be placed on the

# STAFF REPORT

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specialized CR-14(H) Zoning due to the requirement to enter into a development agreement that is registered on title to the lands prior to the zoning coming into effect. Engineering staff have requested the developer enter into a development agreement to secure financial contribution for several public infrastructure provisions in relation to the subject lands. Once the development agreement has been executed and registered on title, the property owner can apply to amend the zoning to have the Holding Symbol lifted.

The existing and proposed zoning details are provided in Attachments 9 and 10 respectively.

## **Proposed Development Concept**

The applicant's most current (October 2015) development concept is shown in Attachment 11. The proposed development is for a two-storey mixed use commercial building located at the northwest corner of Gordon Street and Lowes Road. The two-storey building is proposed with a total of approximately 1,770 square metres (19,052.12 square feet) of gross floor area (GFA) and is oriented to both the Gordon Street and Lowes Road right-of-ways, with a surface parking area located to the rear of the proposed building. A total of 75 off-street parking spaces are proposed. Vehicular site access will be from Lowes Road only. The intersection of Gordon Street and Lowes Road is currently controlled with a traffic signal. The existing driveways for the three (3) single detached dwellings that were originally on the subject lands will be removed. Further, the three (3) single detached dwellings be demolished -two (2) of which have been removed, and the remaining dwelling at 15 Lowes Road to be removed in 2016.

## **Minor Application Modifications**

After reviewing the application, Planning staff requested further information from the applicant regarding residential uses, in particular Dwelling Units as permitted in the parent CR Zone and the respective residential parking requirements. Following these discussions, the applicant further refined their initial request for a blended off-street parking ratio of 1 space per 24 m<sup>2</sup> of gross floor area for all permitted uses, rather than requesting 1 off-street parking space per Dwelling Unit, as required in Section 4.15.2.4 of the Zoning By-law. The blended parking ratio of 1 space per 24 m<sup>2</sup> of gross floor area would continue to apply to the commercial uses. Additional notification to this effect was mailed to property owners within the 120 m circulation radius as shown on Attachment 1 on November 17, 2014.

Further, with regards to residential uses that would be permitted in the proposed specialized CR-14(H) zone, staff confirmed with the applicant regarding the uses that could occupy the second storey of a building on the subject lands. In the applicant's initial Zoning By-law Amendment application, it was requested as a special provision in the CR-14(H) zoning that "office is the exclusive permitted use on the second floor". Upon further discussion with the applicant, it was agreed that the proposed residential uses could also locate on the second floor in addition to office uses. As such, the specialized provision terminology regarding uses on the

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# STAFF REPORT

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second floor was modified to permit residential uses in addition to any office uses. The applicant confirmed with Planning staff via email on December 22, 2015 that this was acceptable.

## **Supporting Documents**

The application is supported by the following:

- Planning Justification Report, Prepared by Astrid J. Clos Planning Consultants, May 2014
- Preliminary Concept (Site) Plan, Prepared by Astrid J. Clos Planning Consultants and BJC Architects Inc., May 2014
  - *UPDATED* Concept (Site) Plan, Prepared by BJC Architects Inc., October 2015
- Preliminary Gordon Street Elevations, Prepared by BJC Architects Inc., May 2014
- Tree Inventory and Management Report and Plan, Prepared by The Landplan Collaborative Ltd., May 2014
  - *REVISED* Tree Inventory and Management Report and Plan, Prepared by The Landplan Collaborative Ltd., October 2015
- Preliminary Site Servicing and Stormwater Management Letter, Prepared by GM BluePlan Engineering, May 2014
- Preliminary Site Grading and Servicing Plan, Prepared by Gamsby and Mannerow Engineers, May 2014
- Traffic Impact Study, Prepared by Paradigm Transportation Solutions Limited, August 2014

## **Staff Review and Planning Analysis**

The staff review and planning analysis for these applications is provided in Attachments 12 and 14. Planning staff's analysis addresses the issues and questions that were raised during the public review of the applications, including any issues raised by Council at the statutory Public Meeting held on December 8, 2014. The staff review and planning analysis addresses the following:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments
- Consideration of the merits of the Official Plan Amendment;
- Review of the proposed zoning and specialized regulations;
- Review of the proposed site design and building elevations;
- Review of servicing and traffic issues;
- Environmental and natural heritage review;
- Confirm support for the Community Energy Initiative; and

# STAFF REPORT



- Questions raised by Council at the December 8, 2014 Public Meeting including drive-throughs on the subject lands, tree preservation, and intensification in the surrounding area.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

**Strategic Direction 3.2:** Be economically viable, resilient, diverse and attractive for business.

## **Planning Staff Recommendation**

Planning staff support the proposed Official Plan Amendment and Zoning By-law Amendment applications subject to the recommended permitted uses, regulations and conditions in Attachment 4. The applications are consistent with the 2014 Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe. The redesignation of the subject site to the "Commercial Mixed Use" designation is appropriate, as the application meets the criteria in Section 9.3 of the Official Plan for the consideration of Official Plan Amendments.

## **FINANCIAL IMPLICATIONS**

Based on a total of 1,770 square metres of GFA for commercial and office use, the Development Charges (2015 rates) are estimated to be \$175,654.80.

Based on assumptions and information available at this time, annual property taxes are estimated to be approximately \$31,302. It should be noted that this number may differ significantly from the final assessment and taxation based on the ultimate development of the subject properties.

## **DEPARTMENTAL CONSULTATION**

Comments received from Agencies and City Departments during the review of the application as well as associated recommended conditions are included as well as summarized in Attachment 14.

## **COMMUNICATIONS**

The Notice of Complete Application was mailed on December 22, 2014 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. Notice was also provided by signage on the property. The Notice of Public Meeting was mailed on January 19, 2015 and advertised in the Guelph Tribune on January 15, 2015. Key dates for the public process regarding this planning application are included in Attachment 15. No members of the public attended the Public Meeting. Several written requests were received by Planning staff recommending notification of when this recommendation was scheduled to go before Council for a decision, and notification to all individuals requesting notification was mailed on January 15, 2016.

# STAFF REPORT

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## ATTACHMENTS

- Attachment 1 – Location Map and 120 m Circulation Area
- Attachment 2 – Orthophoto
- Attachment 3 – Proposed Official Plan Amendment No. 62
- Attachment 4 – Recommended Conditions and Zoning Regulations
- Attachment 5 – Existing Official Plan Land Use Designations and Policies
- Attachment 6 – Proposed Official Plan Designation and Policies
- Attachment 7 – Official Plan Amendment Application Revision – Applicant’s Letter
- Attachment 8 – Official Plan Amendment No. 48 Land Use Designations and Policies
- Attachment 9 – Existing Zoning and Details
- Attachment 10 – Proposed Zoning and Details
- Attachment 11 – Proposed Site Plan and Elevations
- Attachment 12 – Staff Review and Planning Analysis
- Attachment 13 – Community Energy Initiative Commitment
- Attachment 14 – Agency and City Department Comments
- Attachment 15 – Public Notification Summary

### Report Author

Michael Witmer  
Development Planner II



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### Approved By

Todd Salter  
General Manager  
Planning, Urban Design and Building  
Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

### Approved By

Sylvia Kirkwood  
Manager of Development Planning

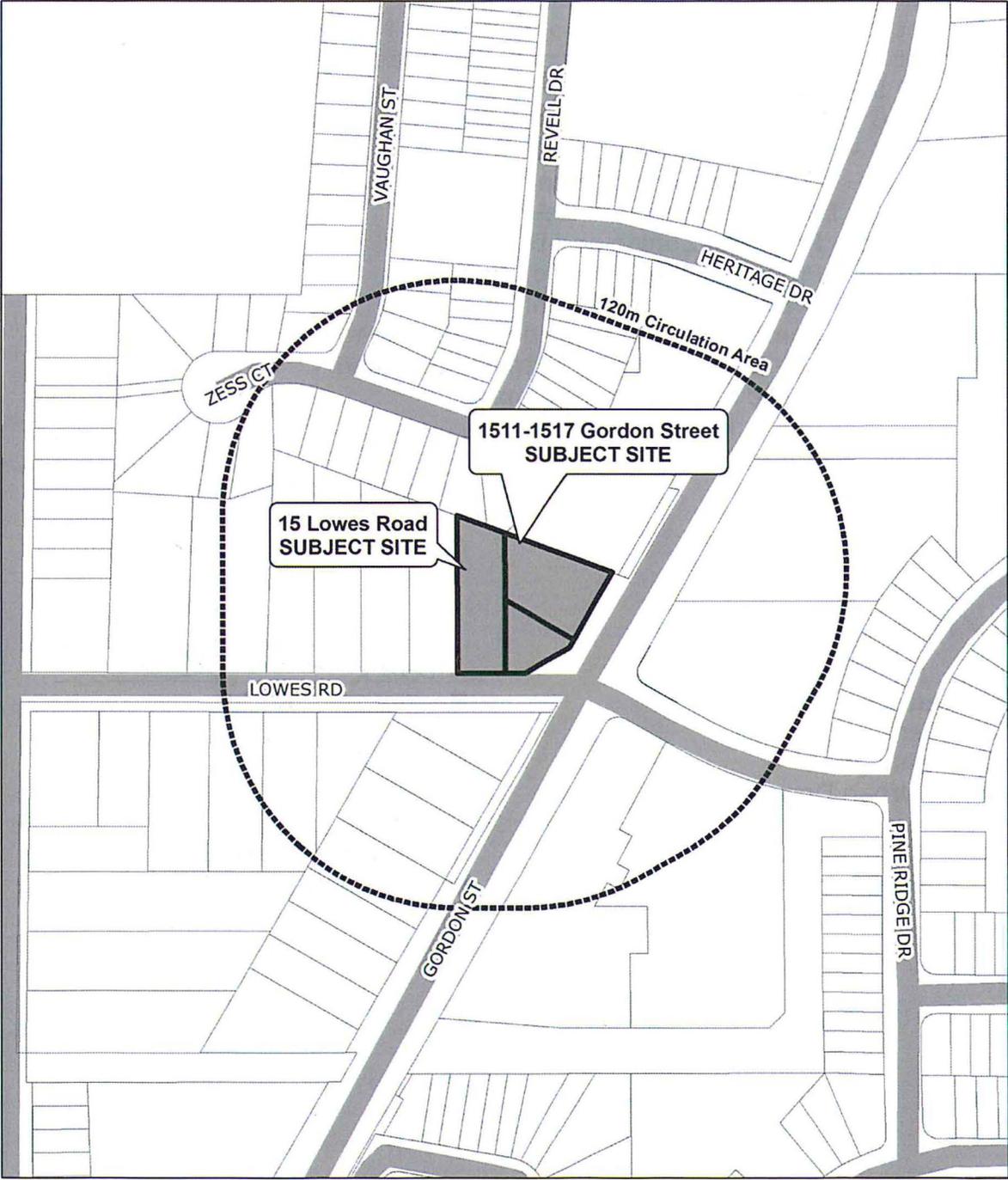


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### Recommended By

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
scott.stewart@guelph.ca

## Attachment 1 Location Map and 120 m Circulation Area



  
0 15 30 60 90 120 m

**LOCATION MAP**  
**15 Lowes Road,**  
**1511-1517 Gordon Street**

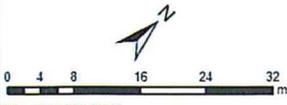


CITY OF  
**Guelph**  
Making a Difference

Produced by the City of Guelph  
Planning, Building, Engineering and Environment, Development Planning  
August 2014

## Attachment 2 Orthophoto



  
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Produced by the City of Guelph  
Planning, Building, Engineering and Environment Development Planning  
October 2014

**ORTHOPHOTO**  
**1511, 1517 Gordon Street**  
**& 15 Lows Road**

CITY OF  
**Guelph**  
Making a Difference

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**Attachment 3**  
**Proposed Official Plan Amendment No. 62**

**O.P.A. 62:**

The purpose of Official Plan Amendment #62 is to amend Schedule 1: Land Use Plan for the land use designation of a 0.429 hectare parcel, municipally known as 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road and legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph from the "General Residential" designation to the "Commercial Mixed Use" designation.

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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

### PART A: PROPOSED CONDITIONS:

The following conditions are provided as information to Council and will be imposed through a development agreement and/or site plan approval with the City, registered on title for the subject lands.

1. That the Owner/Developer shall submit to the City, in accordance with Section 41 of the *Planning Act*, a fully detailed **site plan**, indicating the location of the building, elevations and building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That the Owner/Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Further, the Owner/Developer shall retain a Qualified Person as defined in Ontario Regulation 153/04 to prepare and submit a **Phase One Environmental Site Assessment** and any other subsequent phases required, in accordance with Ontario Regulation 153/04, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
3. If contamination is found, the Owner/Developer shall:
  - a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (RSC) (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b) complete any necessary **remediation work** in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards or Site Specific Standards of the intended land use; and
  - c) **file RSC** on the Provincial Environmental Registry for lands to be developed.
4. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following **studies, plans and reports** that may be requested by the General Manager/City Engineer:
  - i) a **stormwater management report** and plans certified by a Professional

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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

- Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
- ii) a **geotechnical report** certified by a Professional Engineer that analyzes the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
  - iii) a **grading, drainage and servicing plan** prepared by a Professional Engineer for the site;
  - iv) a detailed **erosion and sediment control plan**, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction.
5. That the Owner/Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the **recommended measures contained in the plans**, studies and reports outlined in subsections 4 i) to 4 iv) inclusive.
6. That prior to Site Plan approval, the Owner/Developer must pay proportionate costs associated with construction of a continuous **centre turning lane** on Gordon Street.
7. That the Owner/Developer shall pay to the City, their share of the actual cost of constructing a **sidewalk on the north side of Lowes Road** across the frontage of the subject lands. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Developer's share of the cost of the sidewalk.
8. That the Owner/Developer shall be responsible for the actual cost of any **service laterals required** for the lands and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of any service laterals.
9. That the Owner/Developer shall pay to the City, their share of the actual **cost of constructing the sanitary sewer**, including the provision of the existing sanitary lateral to property line, on Lowes Road across the frontage of 1517
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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

Gordon Street as determined by the General Manager/City Engineer, prior to site plan approval.

10. That the Owner/Developer pay the actual cost of **removing or decommissioning** to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manhole and/or watermains that are not going to be used for service laterals. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Developer's share of the cost of the removals and decommissioning works.
11. That the Owner/Developer shall pay to the City the actual cost of the **construction of the new driveway entrance** and required curb cut and/or curb fill. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrance and required curb cut and/or curb fill.
12. That the Owner/Developer shall pay the actual cost of the **removal of the existing driveway entrance** including the asphalt pavement and gravel within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to site plan approval and prior to any construction or grading on the lands.
13. That the Owner/Developer constructs, installs and maintains **erosion and sediment control measures**, satisfactory to the General Manager/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 General Manager/City Engineer.
14. That the Owner/Developer constructs the new building at such an elevation that the lowest level of the new building can be **serviced with a gravity connection** to the sanitary sewer.
15. That the Owner/Developer grades, develops and maintains the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Owner/Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water

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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.

16. That the Owner/Developer will ensure that any **existing domestic wells** as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment and Climate Change regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
17. That the Owner/Developer acknowledges that the City does not allow **retaining walls** higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
18. That all **electrical services** to the lands are underground and the Owner/Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
19. That the Owner/Developer agrees to maintain a minimum 1.5 metre distance between any driveways/entrances and hydro distribution poles, streetlight poles or pad-mounted transformers. Further, any relocations of **hydro infrastructure** will be at the Owner/Developer's sole expense.
20. That the Owner/Developer agrees to reserve a minimum area of 6.5 metres by 5.0 metres for Guelph Hydro to provide a three-phase, **pad-mounted transformer** to service the development.
21. That the Owner/Developer makes satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
22. That the Owner/Developer shall ensure that all **telephone service and cable TV service** on the Lands shall be underground. The Owner/Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to site plan approval and prior to any construction or grading on the lands.
23. That the Owner/Developer shall pay **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as

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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.

24. That the Owner/Developer shall provide **compensation plantings** on 375 Southgate Drive in accordance with Drawings TCP-1 and TCP-2 prepared by Aboud and Associates and approved by the General Manager of Planning, Urban Design and Building Services (August 14, 2015).
25. That the developer shall provide **long term protection of the trees** and hedgerows to be retained, as shown on LP-1 Tree Inventory & Preservation Plan submitted by Landplan Collaborative Ltd., (last updated October 5, 2015) through a site plan application under Section 41 of the *Planning Act* for the subject property.
26. That prior to the passing of the Official Plan and Zoning Amendment By-law, the Owner/Developer shall enter into a **development agreement** with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

**AND**

### **PART B: ZONING REGULATIONS**

The property affected by Official Plan Amendment No. 62 and Zoning By-law Amendment No. ZC1408 is municipally known as 1511-1517 Gordon Street and 15 Lowes Road, and is legally described as as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph.

That the Zoning By-law Amendment application be approved and that City Staff be instructed to rparpare the necessary amendment to Zoning By-law (1995)-14864, as amended, to transfer the subject lands from the "Residential Single Detached" (R.1B) Zone to the following:

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## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

### **PROPOSED ZONING – “Specialized Commercial Residential with Holding Provision” (CR-14(H))**

The following zoning is proposed for the subject property:

“Specialized Commercial Residential with Holding Provision” (CR-14(H))

In accordance with Section 6.1 of Zoning By-law (1995)-14864, as amended.

#### Permitted Uses

In addition to the permitted uses in Section 6.1 of Zoning By-law (1995)-14864, as amended, the following additional use shall also be permitted:

- Pharmacy;
- Live-Work Units;
- Retail Establishment; and
- Bake Shop.

For the purposes of the CR-14(H)Zone, the following definitions will apply:

**Drive-Through Facility** shall mean a use which involves or is designed to encourage a customer to remain in a vehicle while receiving a service, obtaining a product or completing a business transaction. The use shall include vehicular stacking spaces and a serving window, and may include an intercom order box.

**Live-Work Unit** shall mean a Dwelling Unit, part of which may be used as a business establishment and the Dwelling Unit is the principal residence of the business operator.

**Street Entrance** shall mean the principal entrance to a business which shall be located in a part of the Building facing a public street or public square which is at or within 0.2 metres above or below grade.

#### Proposed Zoning Regulations

In accordance with Section 4 (General Provisions) and Section 6.1 and Table 6.6.2, Commercial-Residential (CR) Zone regulations of Zoning By-law (1995)-14864, as amended, with the following exceptions and additions:

- Off-street parking:
  - One (1) space per 24 m<sup>2</sup> of gross floor area for all permitted commercial uses;
  - Not including the blended off-street parking ratio for commercial uses of one (1) space per 24 m<sup>2</sup> of gross floor area, the required off-street

## Attachment 4 (continued) Recommended Conditions and Zoning Regulations

- parking for the 'Dwelling Unit' use shall be a minimum of one (1) parking space per 'Dwelling Unit' in accordance with Section 4.15.2.4;
- Not including the blended off-street parking ratio for commercial uses of one (1) space per 24 m<sup>2</sup> of gross floor area, the required off-street parking for the 'Group Home' use shall be a minimum of one (1) per building plus one (1) for staff in accordance with Section 4.13.4.3.
  - Office Uses:
    - That 'Office' uses shall be permitted on the second floor of a building only.
  - Dwelling Units:
    - That 'Dwelling Units' shall be permitted on the second floor of a building only.
  - Restaurant Uses:
    - That a maximum of one (1) 'Restaurant (take-out)' shall be permitted with a maximum floor area of 140 m<sup>2</sup>;
  - Medical Office and Medical Clinics:
    - That any 'Medical Office' or 'Medical Clinic' uses located on the subject property shall collectively have an aggregated maximum number of four (4) practitioners on the subject lands;
  - Drive-through Facilities:
    - Drive-through facilities shall not be permitted;
  - Building Entrances
    - The Street Entrance(s) shall be located facing Gordon Street and/or Lowes Road;
  - Ground Façade
    - A minimum of 50% of the first storey facing Gordon Street shall include clear glazing;
  - Front & Exterior Side Yard:
    - Minimum of one (1) metre;
  - Maximum Gross Floor Area (GFA):
    - Maximum of 1,770 m<sup>2</sup>.

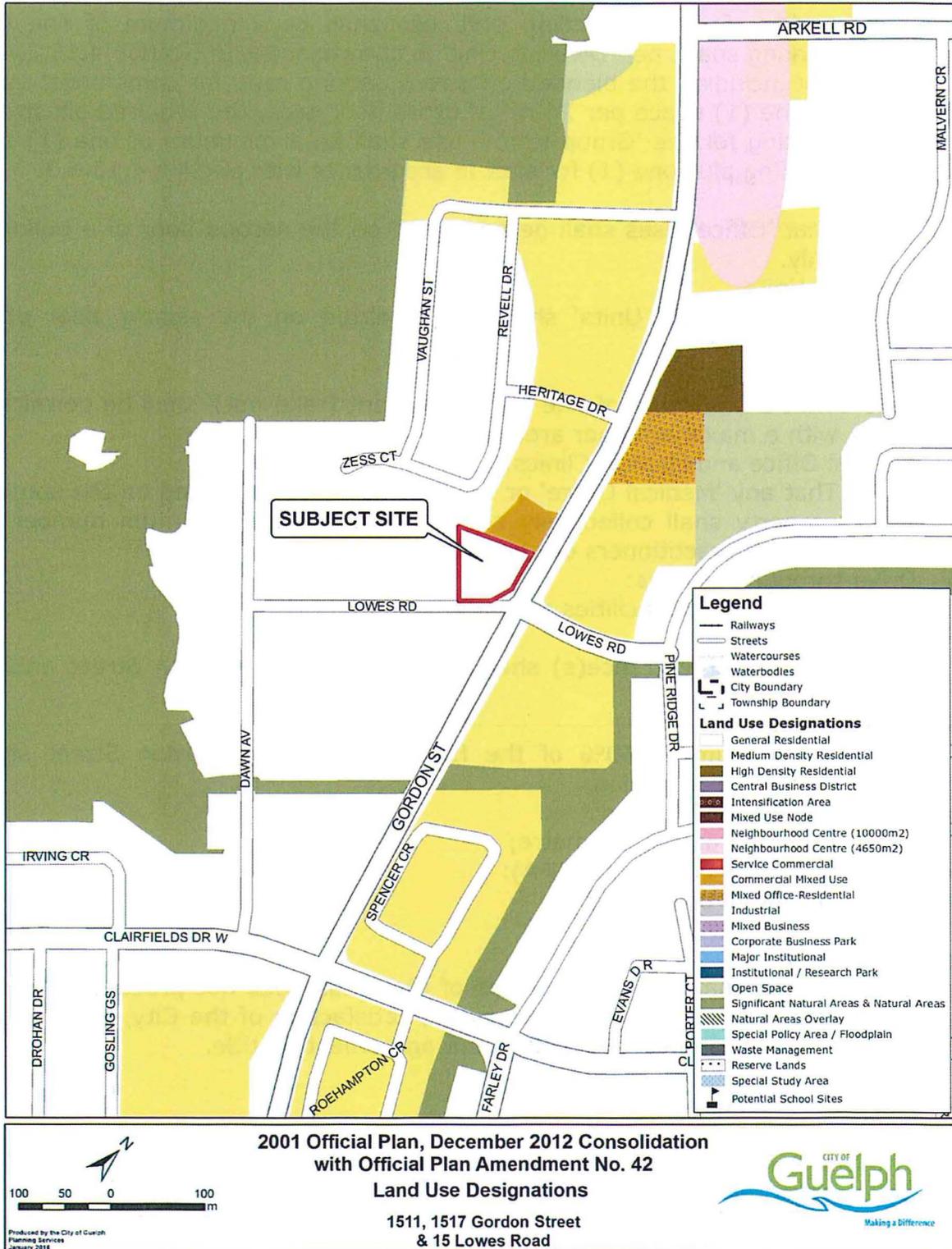
### Holding Provision

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, namely the completion and registration of a development agreement on title.

### Holding Provision Condition:

1. The Owner/Developer shall enter into a development agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering conditions 1-25 in Attachment 4 of Report 16-04 and agrees to develop the site in accordance with the approved plans.

## Attachment 5 Existing Official Plan Land Use Designations and Policies



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## Attachment 5 (continued) Existing Official Plan Land Use Designations and Policies

### 2.4.5 *Built-up Area* and General Intensification

- 2.4.5.1 Within the *built-up area* the following general intensification policies shall apply:
- a) By 2015 and for each year thereafter, a minimum of 40% of the City's annual residential development will occur within the City's *built-up area* as identified on Schedule 1B. Provisions may be made for the fulfillment of this target sooner than 2015.
  - b) The City will promote and facilitate *intensification* throughout the *built-up area*, and in particular within the *urban growth centre* (Downtown), the community mixed use nodes and the *intensification corridors* as identified on Schedule 1B "Growth Plan Elements".
  - c) Vacant or underutilized lots, *greyfield*, and *brownfield sites* will be revitalized through the promotion of *infill development*, *redevelopment* and expansions or conversions of existing buildings.
  - d) The City will plan and provide for a diverse and compatible mix of land uses, including residential and employment uses to support vibrant communities.
  - e) A range and mix of housing will be planned, taking into account affordable housing needs and encouraging the creation of secondary suites throughout the *built-up area*.
  - f) *Intensification* of areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas.
  - g) The City will plan for high quality public open space with site design and urban design standards that create attractive and vibrant spaces.
  - h) Development will support transit, walking, cycling for everyday activities.
  - i) The City will identify the appropriate type and scale of development within *intensification areas* and facilitate *infill development* where appropriate.

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## Attachment 5 (continued) Existing Official Plan Land Use Designations and Policies

### 2.4.8 Intensification Corridors

*Intensification Corridors* are identified on Schedule 1B of this Plan and will be planned to provide for mixed-use development in proximity to transit services at appropriate locations.

2.4.8.1 *Intensification corridors* will be planned to achieve:

- a) increased residential and employment densities that support and ensure the viability of existing and planned transit service levels;
- b) a mix of residential, office, institutional, and commercial development where appropriate; and
- c) a range of local services, including recreational, cultural and entertainment uses where appropriate.

### 'General Residential' Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).

1. In spite of the density provisions of policy 7.2.32 the *net density of development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).

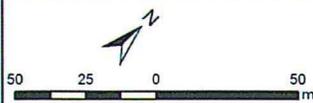
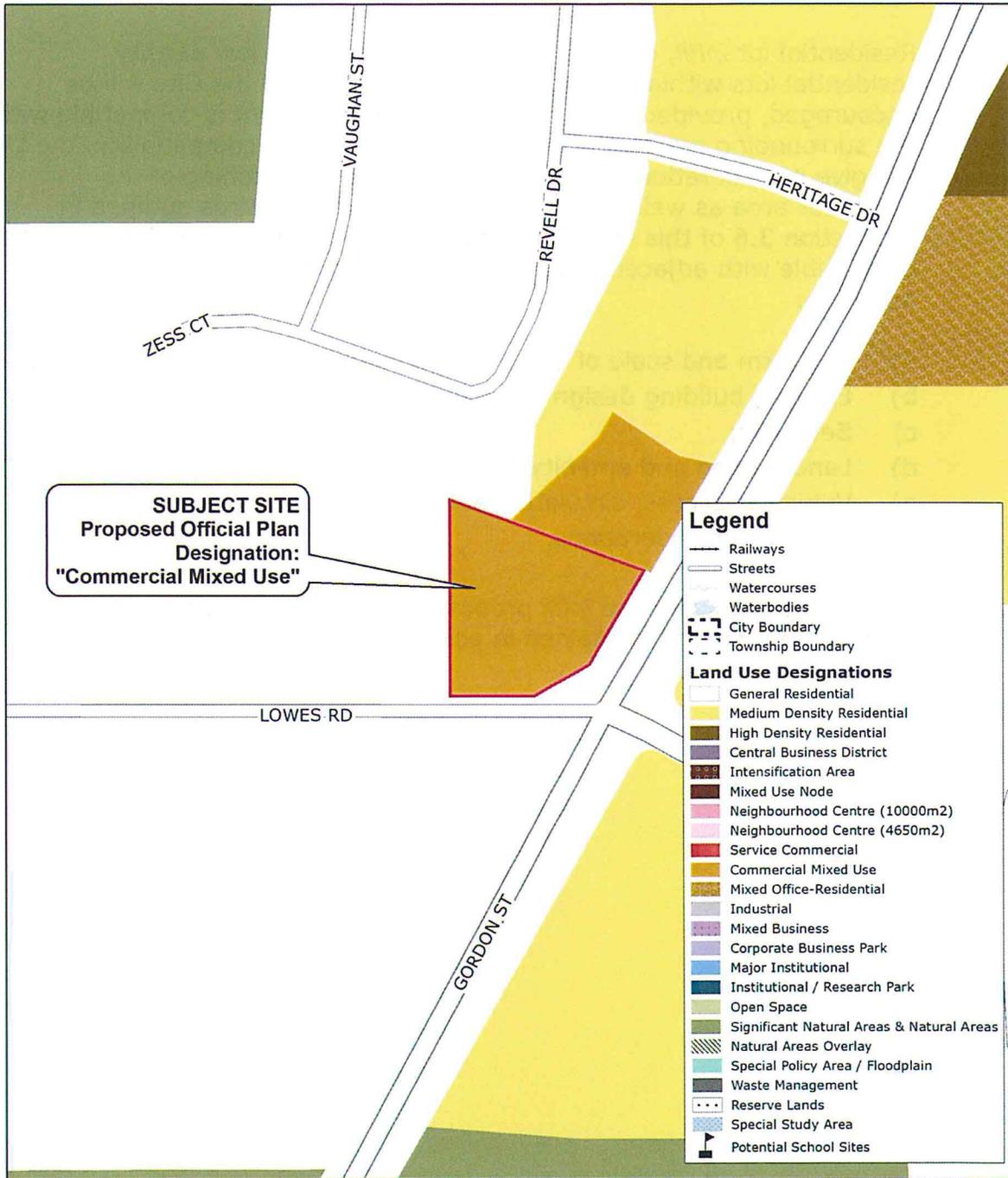
7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

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## Attachment 5 (continued) Existing Official Plan Land Use Designations and Policies

- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
- a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7

## Attachment 6 Proposed Official Plan Designation and Policies



**Proposed Official Plan  
Land Use Designations**  
1511, 1517 Gordon Street  
& 15 Lowes Road

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## Attachment 6 Proposed Official Plan Designation and Policies

### 7.5 Commercial Mixed Use

#### Objectives

- a) To recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses have been concentrated.
- b) To promote the continued use and intensification of these well-defined areas.
- c) To allow for a range of compatible business land uses adjacent to residential areas within the St. Patrick's Ward neighbourhood as identified on Schedule A to the St. Patrick's Ward Community Improvement Project Area Designation By-law (2002)-16870).

#### General Policies

7.5.1 The 'Commercial Mixed Use' designation as outlined on Schedule 1 defines areas, peripheral to the downtown, where historically a variety of small-scale commercial operations or mixed commercial-residential uses have located. This Plan promotes the continued use and revitalization of these distinctive areas through the following policies:

- 1. York Road, north side between Smith Avenue and Victoria Road and the south side of York Road between Lawrence Avenue and Victoria Road; Elizabeth Street, both sides between Huron and Arthur Streets - these 'Mixed Use' areas are to function as local neighbourhood "focal points", physically and functionally integrating a mixture of commercial and residential uses in a compatible manner. The following sub-policies are applicable to these specific areas:
  - a) While a variety of commercial uses may be permitted by this 'Mixed Use' designation, office, convenience commercial, retail commercial and personal service uses that serve the needs of the surrounding neighbourhoods are specifically promoted; and
  - b) Commercial buildings incorporating residential units, either above or behind ground floor commercial space or freestanding residential buildings are encouraged. New sensitive land uses

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## Attachment 6 (continued) Proposed Official Plan Designation and Policies

(residential, institutional or park) shall satisfy the following land use compatibility criteria:

- i. Noise, vibration and safety requirements of the Canadian National Railway and Guelph Junction Railway as outlined in subsection 8.2.31 of this Plan can be satisfied by the proposal, where applicable.
  - ii. A land use compatibility analysis where industrial and sensitive uses are proposed in proximity to one another in accordance with subsection 7.7.7 of this Plan.
  - iii. The property has been cleaned up or decommissioned to the Provincial standard for the proposed sensitive land use and in accordance with subsection 5.6 of this Plan, where applicable.
2. Wyndham Street South, west side between the Speed River and York Road - this 'Mixed Use' area is to be used for a variety of retail, personal service and office commercial uses in conjunction with, or without residential units.

If residential units are contemplated, these units should be located above ground floor commercial space and meet the *floodproofing* requirements of subsection 7.14 of this Plan. Freestanding residential buildings shall also be permitted provided that the floodproofing requirements of subsection 7.14 of this plan can be met. In addition, the land use compatibility criteria outlined in subsection 7.5.1.1 (b) shall apply.

3. Southwest Corner of Gordon and Wellington Streets - this 'Mixed Use' area is considered a "gateway" to the 'C.B.D.'. A mixture of retail, service and office commercial uses will be permitted on these lands in consideration with the following specific sub-policies:
- a) In addition to any 'C.B.D.' "gateway" streetscape considerations for this 'Mixed Use' area, the design of any *development* proposal must consider the integral relationship of this property to the adjacent Royal City Park and the Speed River; and
  - b) *Development* proposals must be *floodproofed* to the requirements of subsection 7.14 of this Plan.

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## Attachment 6 (continued) Proposed Official Plan Designation and Policies

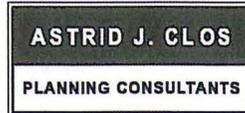
4. West side of Gordon Street, between Waterloo Avenue and Wellington Street - this 'Mixed Use' area is to be used for multiple-unit residential buildings, commercial activities including retail, service and office uses, and commercial uses with residential units above and/or behind ground floor commercial space.
  - a) In spite of the maximum density provisions of policy 7.5.3, the *net density* of a mixed commercial-residential development on the lands known municipally as 3 Gordon Street shall not exceed 393 units per hectare (159 units per acre) and be limited to a maximum of 70 dwelling units.
  
5. Northwest corner of Yorkshire Street South and Suffolk Street, this "Mixed Use" area is to be used for a variety of retail, convenience, service and commercial office type uses in conjunction with or without residential units as specified in the following sub-policies:
  - a) The lands on the corner known municipally as 200-208 Yorkshire Street may be occupied by a range of retail, service and commercial uses as specified in the *City's Zoning By-law*. Dwelling units above commercial uses may also be permitted.
  - b) The lands situated to the west of the corner known municipally as 155 Suffolk Street may be occupied by a select range of commercial uses that will be limited to the retail, service and storage of glass products, furniture, home improvements, fine art and other low traffic generating uses specified in the *Zoning By-law*. Dwelling units shall be permitted when the site has been decommissioned.
  
- 7.5.2 The existing uses located within the 'Commercial Mixed Use' designations on Schedule 1 will be recognized in the implementing *Zoning By-law*.
  
- 7.5.3 New *development* proposals within the 'Commercial Mixed Use' designation of this Plan may be permitted in consideration of the following general criteria:
  - a) The building design should have a street orientation, promote continuity in the streetscape and adhere to the urban design policies of subsection 3.6 of this Plan;

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**Attachment 6 (continued)**  
**Proposed Official Plan Designation and Policies**

- b) In instances where residential units are proposed, the maximum net density shall not exceed 100 units per hectare and the development criteria of policy 7.2.7 will be used to assess compatibility;
  - c) Adequate parking, loading and access are required;
  - d) Adequate municipal services are required; and
  - e) Lot development and building design should be consistent with the existing built-form conditions.
- 7.5.4 Complementary uses, as specified in policy 7.2.26 of this Plan, may be permitted within the 'Commercial Mixed Use' designation. These complementary uses may be permitted in instances where;
- a) Their presence will not interfere with the overall form, function and development of the specific 'Mixed Use' area where they are to be located; and
  - b) New *development* proposals may be permitted where the development criteria of policy 7.2.27 are satisfied.

## Attachment 7 Official Plan Amendment Application Revision – Applicant’s Letter



January 26, 2015

Project No. 1130

Guelph City Hall  
1 Carden Street  
Guelph, Ontario  
N1H 3A1

Attention: Michael Witmer, Development & Urban Design Planner, Development Planning

Re: **Official Plan and Zone Change Application**  
**2320339 Ontario Inc.**  
**1511 Gordon Street, 1517 Gordon Street, 15 Lowes Road**

Further to our meeting of today's date, I am able to confirm that the landowner has no objection to the current Official Plan being amended to extend the existing "Commercial Mixed Use" designation onto the subject property. Staff have confirmed that the proposed building with a gross floor area of 1,770 m<sup>2</sup> is permitted by the "Commercial Mixed Use" designation of the current Official Plan and is also permitted by the "Mixed Office Commercial" designation of OPA No. 48. Staff advised in our meeting today that upon the approval of OPA No. 48 by the OMB the "Mixed Office Commercial" designation would be in effect for the subject property which permits the proposal.

We look forward to this application being at the April 2015 Council Meeting for a decision. This decision report should also include a recommendation related to the two additional demolition requests for this property. The owner will also have a Preliminary Site Plan application prepared for submission to the next available Site Plan Review Committee Meeting.

Should you require any additional information please let me know.

Yours truly,

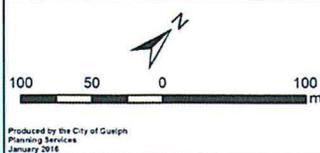
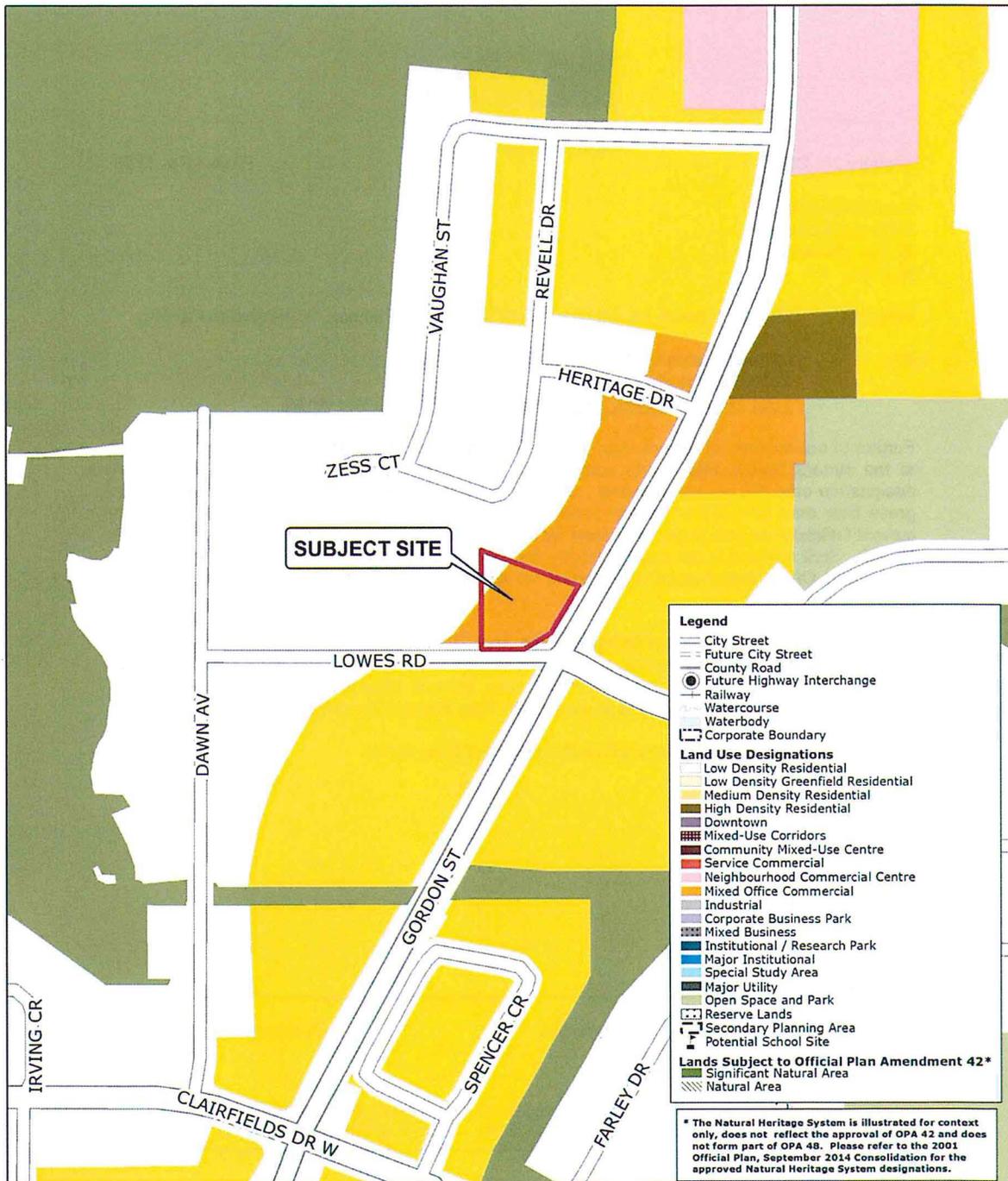
Astrid Clos, RPP, MCIP

cc: Mario Cotroneo, 2320339 Ontario Inc.

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423 Woolwich Street, Suite 201, Guelph, Ontario, N1H 3X3  
Phone (519) 836-7526 Fax (519) 836-9568 Email [astrid.clos@ajcplanning.ca](mailto:astrid.clos@ajcplanning.ca)

## Attachment 8 Official Plan Amendment #48 Land Use Designations and Policies



Official Plan Amendment No. 48  
Proposed Land Use Designations  
1511, 1517 Gordon Street  
& 15 Lowes

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**Attachment 8 (continued)**  
**Official Plan Amendment #48 Land Use Designations and Policies**

**9.4.6 Mixed Office/Commercial**

**Objectives**

- a) To allow for a variety of freestanding small-scale commercial, office, residential or mixed-use buildings.
- b) To ensure that a *compatible* transition in built-form is provided between uses in this designation and surrounding residential properties.
- c) To allow for a range of *compatible* business uses adjacent to residential areas.
- d) To promote the continued use, revitalization and *intensification* of these areas for a mix of uses.

**Policies**

- 1. The Mixed Office/Commercial designation as identified on Schedule 2 defines areas where a variety of small-scale commercial, office and mixed-uses including residential may be permitted.
- 2. While a variety of commercial uses may be permitted by the Mixed Office/Commercial designation, *office, convenience commercial, retail commercial* and personal service uses that serve the needs of the surrounding neighbourhoods are specifically promoted.
- 3. Commercial buildings incorporating *residential units*, either above or behind the ground floor commercial space or freestanding residential buildings are encouraged.
- 4. The Mixed/Office Commercial designation located peripheral to Downtown includes a variety of small-scale commercial and office operations or mixed commercial-residential uses. This Plan promotes the continued use and revitalization of these distinctive areas.

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## Attachment 8 (continued) Official Plan Amendments #48 Land Use Designations and Policies

5. New commercial, office or mixed-use *development* within the Mixed Office/Commercial designation will be subject to the following criteria:
  - i) building design should have a street orientation, promote continuity in the streetscape and adhere to the Urban Design policies of this Plan;
  - ii) building, property and ancillary structures are designed to be *compatible* with surrounding properties in terms of form, massing, appearance and orientation;
  - iii) adequate parking, loading and access are provided; and
  - iv) adequate municipal services are provided.

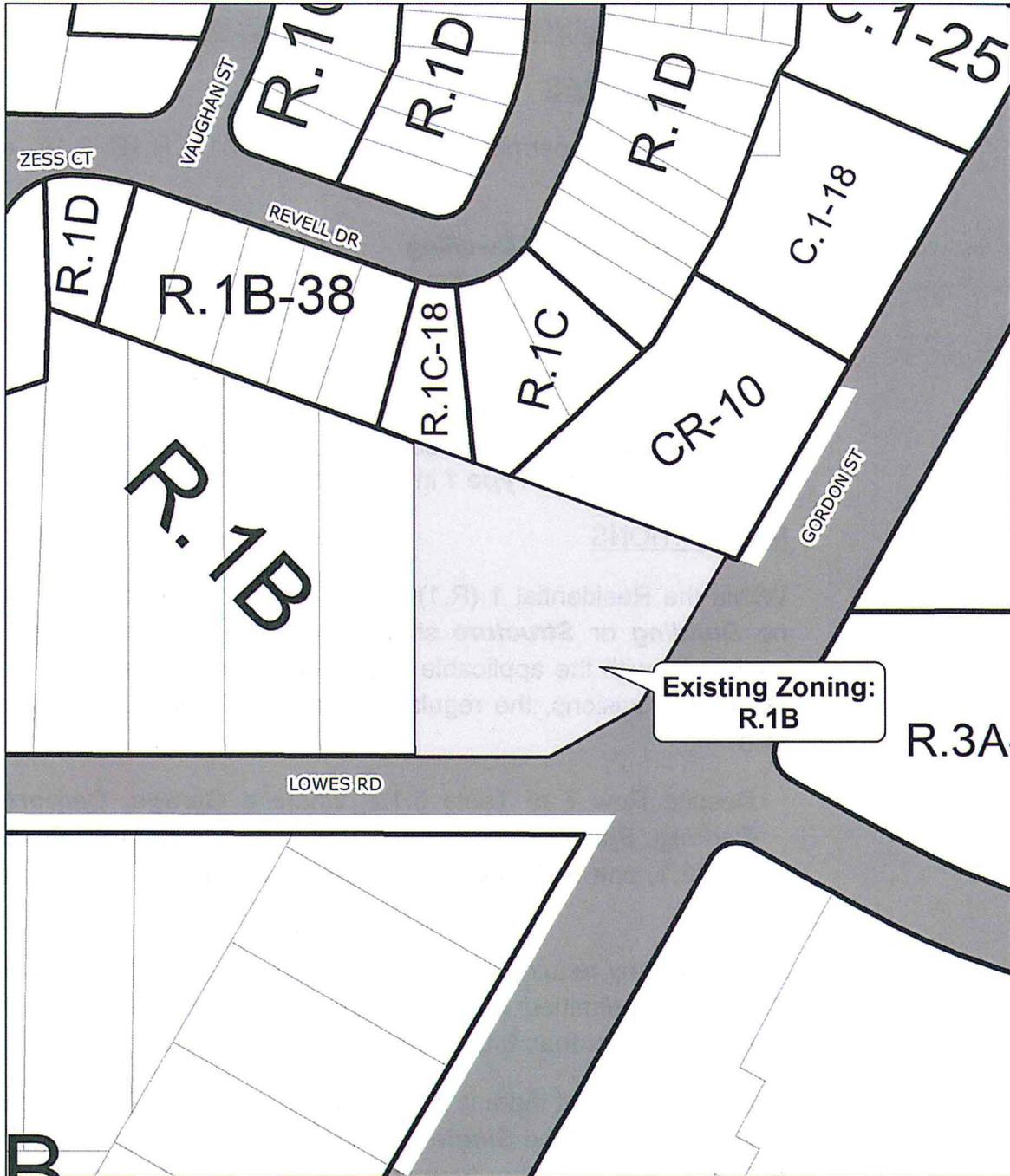
### Permitted Uses

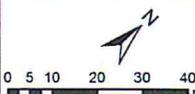
6. The following uses may be permitted within the Mixed Office/Commercial designation subject to the applicable provisions of this Plan:
  - i) *convenience commercial* and small-scale *retail commercial*;
  - ii) small-scale office;
  - iii) personal service; and
  - iv) detached, semi-detached, townhouses and apartments.

### Height and Density

7. The maximum height is four (4) storeys.
8. Residential *development* may be permitted to a maximum *net density* of 100 units per hectare.
9. Increased height and density may be permitted in accordance with the Height and Density Bonus policies of this Plan.

## Attachment 9 Existing Zoning and Details





**EXISTING ZONING**  
**1511, 1517 Gordon Street**  
**& 15 Lowes Road**



Produced by the City of Guelph  
Planning, Urban Design and Building Services, Development Planning  
January 2016

## Attachment 9 (continued) Existing Zoning and Details

### 5.1 RESIDENTIAL SINGLE DETACHED (R.1) ZONES

#### 5.1.1 PERMITTED USES

The following are permitted **Uses** within the R.1A, R.1B, R.1C, and R.1D **Zones**:

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

18116

#### 5.1.2 REGULATIONS

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

15378 5.1.2.1 Despite Row 7 of Table 5.1.2, where a **Garage, Carport** or **Parking Space** is not provided in accordance with Section 4.13.2.1, one **Side Yard** shall have a minimum dimension of 3 metres.

15006 5.1.2.2 Despite any required **Side Yard** on a residential **Lot**, **Carports** shall be permitted provided that no part of such **Carport** is located closer than 0.6 metres to any **Side Lot Line**.

5.1.2.3 In the event that there is a transformer easement on a particular **Lot**, portions of the **Single Detached Dwelling** may be required to be **Setback** further than specified in Row 6 of Table 5.1.2 in order that a minimum separation of 4.5 metres may be maintained between the transformer easement and any part of the dwelling.

## Attachment 9 (continued) Existing Zoning and Details

- 5.1.2.4 Despite Rows 6 and 8 of Table 5.1.2, **Buildings** or **Structures** located on **Through Lots** shall have a **Setback** the same as the nearest adjacent **Main Building** and in accordance with Section 4.24.
- 5.1.2.5 Despite Row 4 of Table 5.1.2, the minimum **Lot Frontage** for a **Corner Lot** in a R.1D **Zone** shall be 12 metres.
- 15006 5.1.2.6 Despite Row 4 of Table 5.1.2, the **Lots** located within Defined Area Map Number 66 of Schedule "A" of this **By-law** shall have a minimum **Lot Frontage** of the average **Lot Frontage** established by the existing **Lots** within the same **City Block Face**, but in no case less than 9 metres. Nothing in this section shall require the minimum **Lot Frontage** to be greater than the minimum **Lot Frontage** established in Table 5.1.2. Where the average **Lot Frontage** of the existing **Lots** on the **Block Face** cannot be determined, the minimum **Lot Frontage** shall be as indicated in Table 5.1.2.
- 15006 5.1.2.7 Despite Row 6 of Table 5.1.2, the minimum **Front** or **Exterior Side Yard** for dwellings located within Defined Area Map Number 66 of Schedule "A" of this **By-law**, shall be:
- 15006 i) The minimum **Front Yard** or **Exterior Side Yard** shall be 6  
15378 metres or the average of the **Setbacks** of the adjacent  
17187 properties. Where the off-street **Parking Space** is located within  
19691 a **Garage** or **Carport**, the **Setback** for the **Garage** or **Carport**  
shall be a minimum of 6 metres from the **Street Line**.
- ii) In accordance with Section 4.6 and 5.1.2.3; and
- iii) In accordance with the Ontario Building Code, as amended from time to time or any successor thereof, regulations for above ground electrical conductor clearances to **Buildings**.

Where a road widening is required in accordance with Section 4.24, the calculation of the required **Front** or **Exterior Side Yard** shall be as set out in Section 5.1.2.7, provided that the required **Front** or **Exterior Side Yard** is not less than the new **Street Line** established by the required road widening.

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## Attachment 9 (continued) Existing Zoning and Details

- 15006 5.1.2.8 Despite Row 7 of Table 5.1.2, properties **Zoned** R.1B or R.1C with  
**Buildings** over 2 **Storeys** located within Defined Area Map Number  
66 of Schedule "A" of this **By-law** shall have a minimum **Side Yard** requirement of 1.5 metres.
- 15006 5.1.2.9 Deleted.
- 15692 5.1.2.10 Despite Row 7 of Table 5.1.2 in the R.1A Zone, where a **Building** has a one **Storey** portion and a 1.5 to 2 **Storey** portion, the required **Side Yard** shall be 1.5m from the **Side Lot Line** to the foundation wall of the 1 **Storey** portion and 2.4m from the **Side Lot Line** to the wall of the 1.5 to 2 **Storey** portion.
- 17187 5.1.2.11 Where **Lots** have less than 12 metres of **Frontage**, the **Garage**  
18116 is limited to a maximum of 55% of the **Lot** width (as measured at the **Front Yard Setback**).

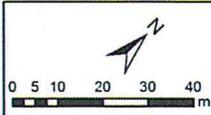
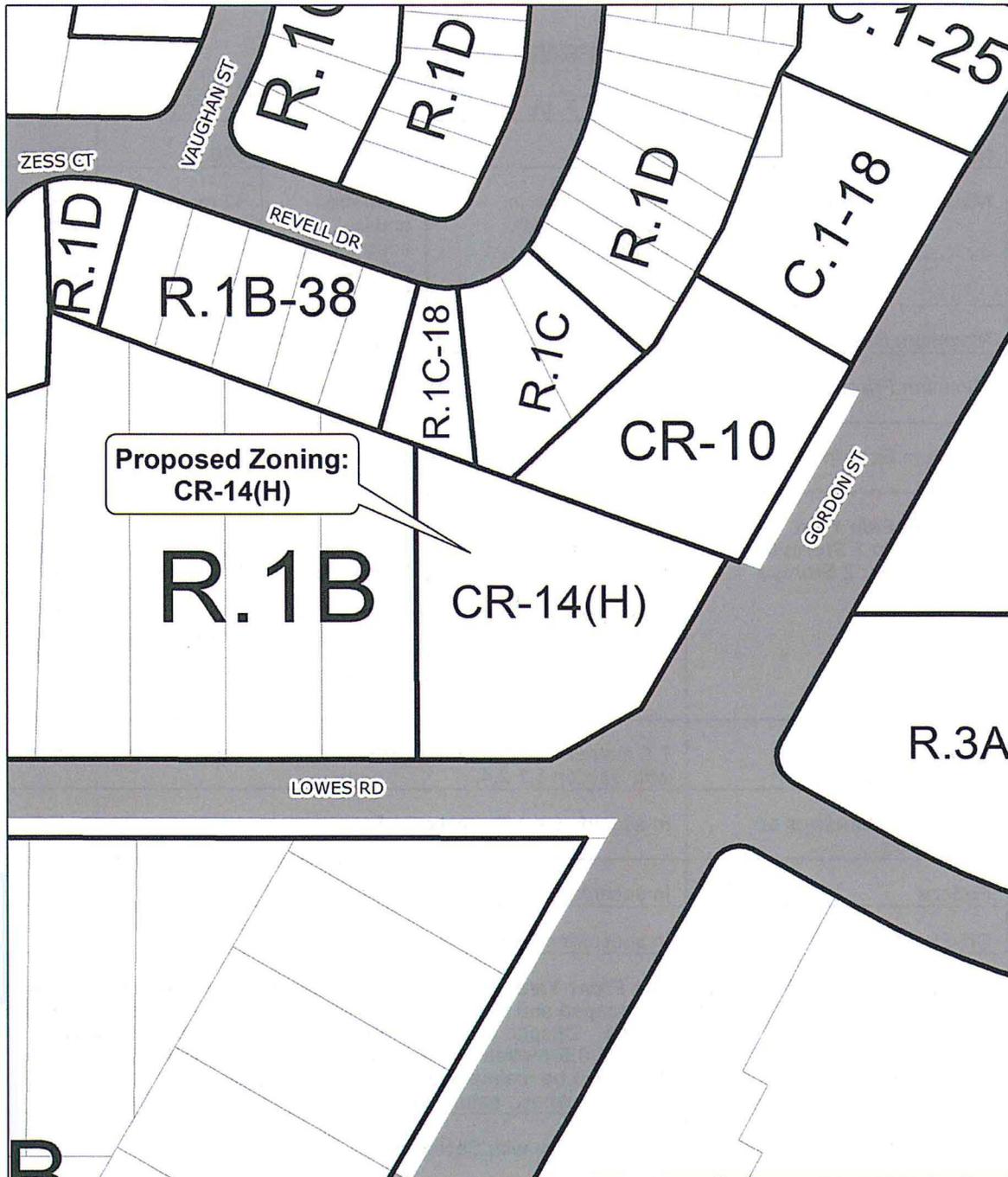
## Attachment 9 (continued) Existing Zoning and Details

15006, 15378, 17187, 18116, 19063, 19691

**TABLE 5.1.2 - REGULATIONS GOVERNING R.1 ZONES**

1	Residential Type	<i>SINGLE-DETACHED DWELLINGS</i>			
2	<b>Zones</b>	R.1A	R.1B	R.1C	R.1D
3	Minimum <i>Lot Area</i>	555 m <sup>2</sup>	460 m <sup>2</sup>	370 m <sup>2</sup>	275 m <sup>2</sup>
4	Minimum <i>Lot Frontage</i>	18 metres and in accordance with Section 5.1.2.6.	15 metres and in accordance with Section 5.1.2.6.	12 metres and in accordance with Section 5.1.2.6.	9 metres and in accordance with Sections 5.1.2.5 and 5.1.2.6.
5	Maximum <i>Building Height</i>	3 <i>Storeys</i> and in accordance with Section 4.18.			
6	Minimum <i>Front Yard</i>	6 metres and in accordance with Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
6a	Minimum <i>Exterior Side Yard</i>	4.5 metres and in accordance with Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7.			
7	Minimum <i>Side Yard</i> 1 to 2 <i>Storeys</i> Over 2 <i>Storeys</i>	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.	1.5 metres 2.4 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	1.2 metres 1.2 metres and in accordance with Sections 5.1.2.8, 5.1.2.1 and 5.1.2.2.	0.6 metres and in accordance with Sections 5.1.2.1 and 5.1.2.2.
8	Minimum <i>Rear Yard</i>	7.5 metres or 20% of the <i>Lot Depth</i> , whichever is less and in accordance with Section 5.1.2.4.			
9	Accessory <i>Buildings</i> or <i>Structures</i>	In accordance with Section 4.5.			
10	<i>Fences</i>	In accordance with Section 4.20.			
11	Off-Street Parking	In accordance with Section 4.13.			
12	Minimum <i>Landscaped Open Space</i>	The <i>Front Yard</i> on any <i>Lot</i> , excepting the <i>Driveway (Residential)</i> shall be landscaped and no parking shall be permitted within this <i>Landscaped Open Space</i> . Despite the definition of <i>Landscaped Open Space</i> , a minimum area of 0.5 metres between the <i>Driveway (Residential)</i> and nearest <i>Lot Line</i> must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species.			
13	Garbage, Refuse and Storage	In accordance with Section 4.9.			
14	<i>Garages</i>	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, attached <i>Garages</i> shall not project beyond the main front wall of the <i>Building</i> . Where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.			

## Attachment 10 Proposed Zoning and Details



Produced by the City of Guelph  
Planning, Urban Design and Building Services, Development Planning  
January 2016

**PROPOSED ZONING**  
1511, 1517 Gordon Street  
& 15 Lowes Road

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## Attachment 10 (continued) Proposed Zoning and Details

### **PROPOSED ZONING – “Specialized Commercial Residential with Holding provision” (CR-14(H))**

“Specialized Commercial Residential with Holding Provision” (CR-14(H))

#### **Permitted Uses**

In addition to the permitted uses in Section 6.6.1 of Zoning By-law (1995)-14864, as amended, the following additional use shall also be permitted:

- Pharmacy
- Retail Establishment
- Live-Work Units
- Bake Shop

For the purposes of the CR-14(H) Zone, the following definitions will apply:

**Drive-Through Facility** shall mean a use which involves or is designed to encourage a customer to remain in a vehicle while receiving a service, obtaining a product or completing a business transaction. The use shall include vehicular stacking spaces and a serving window, and may include an intercom order box.

**Live-Work Unit** shall mean a Dwelling Unit, part of which may be used as a business establishment and the Dwelling Unit is the principal residence of the business operator.

**Street Entrance** shall mean the principal entrance to a business which shall be located in a part of the Building facing a public street or public square which is at or within 0.2 metres above or below grade.

The following specialized provisions are being requested by the applicant or recommended by Staff:

- Off-street parking:
  - One (1) space per 24 m<sup>2</sup> of gross floor area for all permitted commercial uses;
  - Not including the blended off-street parking ratio for commercial uses of one (1) space per 24 m<sup>2</sup> of gross floor area, the required off-street parking for the ‘Dwelling Unit’ use shall be a minimum of one (1) parking space per ‘Dwelling Unit’ in accordance with Section 4.15.2.4;
  - Not including the blended off-street parking ratio for commercial uses of one (1) space per 24 m<sup>2</sup> of gross floor area, the required off-street

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## Attachment 10 (continued) Proposed Zoning and Details

- parking for the 'Group Home' use shall be a minimum of one (1) per building plus one (1) for staff in accordance with Section 4.13.4.3.
- Office Uses:
    - That 'Office' uses shall be permitted on the second floor of a building only.
  - Dwelling Units:
    - That 'Dwelling Units' shall be permitted on the second floor of a building only.
  - Restaurant Uses:
    - That a maximum of one (1) 'Restaurant (take-out)' shall be permitted with a maximum floor area of 140 m<sup>2</sup>;
  - Medical Office and Medical Clinics:
    - That any 'Medical Office' or 'Medical Clinic' uses located on the subject property shall together have an aggregated maximum number of four (4) practitioners;
  - Drive-through Facilities:
    - Drive-through facilities shall not be permitted;
  - Building Entrances
    - The Street Entrance(s) shall be located facing Gordon Street and/or Lowes Road;
  - Ground Façade
    - A minimum of 50% of the first storey facing Gordon Street shall include clear glazing
  - Front & Exterior Side Yard:
    - Minimum of one (1) metre;
  - Maximum Gross Floor Area (GFA):
    - Maximum of 1,770 m<sup>2</sup>.

### Holding Provision

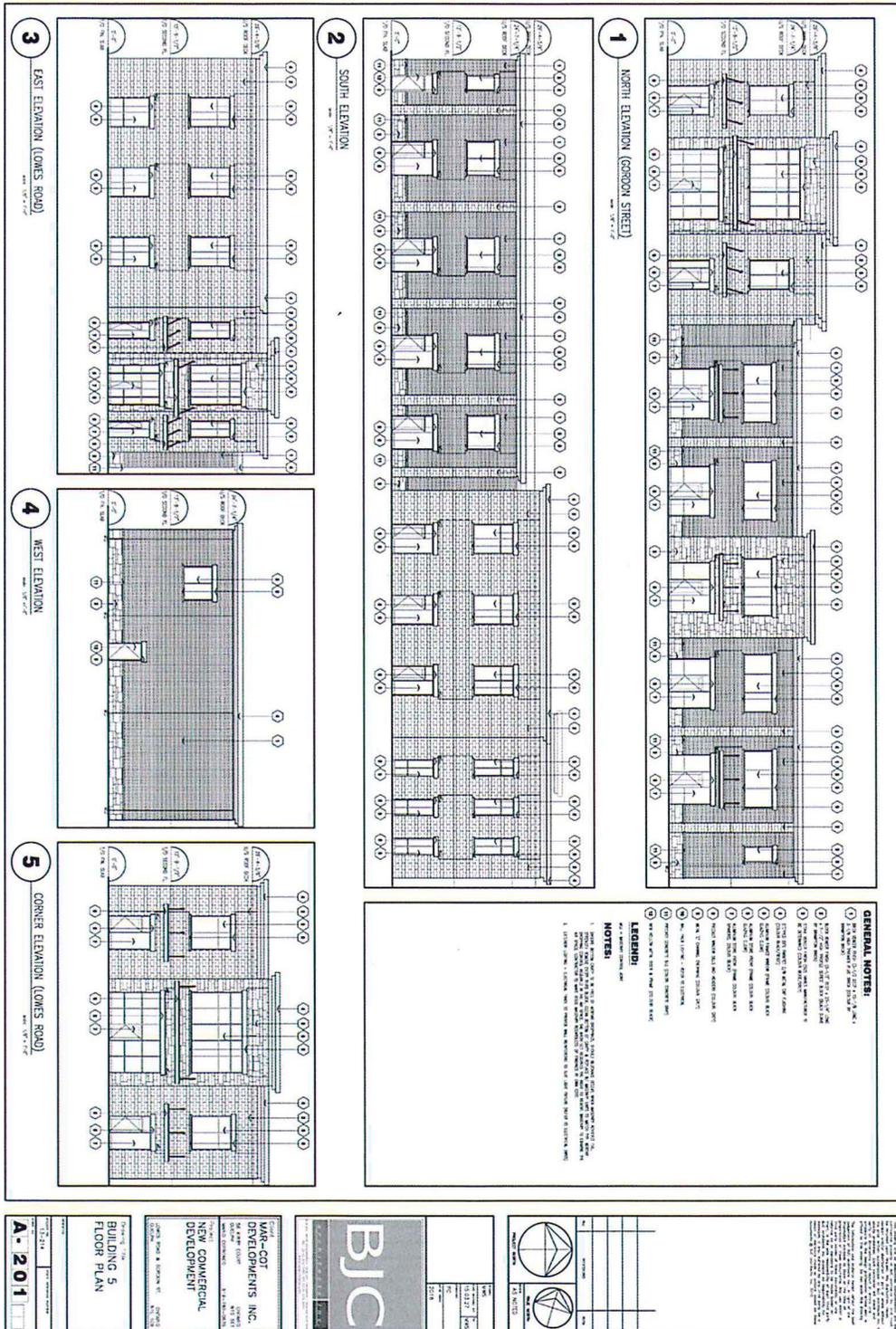
Purpose: To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph, namely the completion and registration of a development agreement on title.

### Holding Provision Condition:

1. The Owner/Developer shall enter into a development agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering conditions 1-25 in Attachment 4 of Report 16-04 and agrees to develop the site in accordance with the approved plans.



## Attachment 11 Proposed Site Plan and Elevations

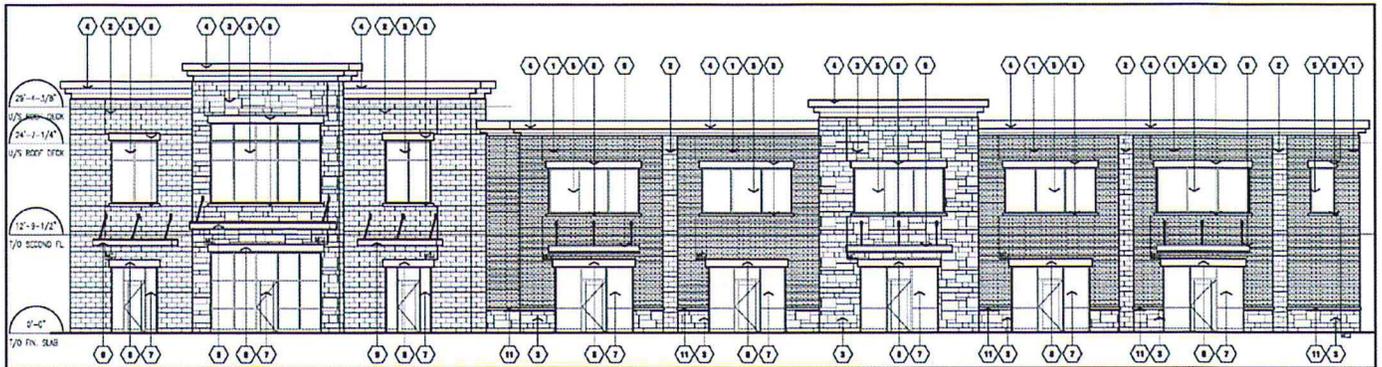


(as presented to the City's Site Plan Review Committee, October 2015)

# STAFF REPORT

## Attachment 11 (Continued) Proposed Site Plan and Elevations

Enlarged Elevations:



**1** NORTH ELEVATION (GORDON STREET)  
scale: 1/8" = 1'-0"



**5** CORNER ELEVATION (LOWES ROAD)  
scale: 1/8" = 1'-0"

(as presented to the City's Site Plan Review Committee, October 2015)

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## Attachment 12 Staff Review and Planning Analysis

### 2014 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development and is issued under the authority of Section 3 of the *Planning Act*. In general, the PPS promotes efficient use of land and development patterns and addresses matters of provincial interest in land use planning. As per section 4.2, all planning decisions shall be consistent with the PPS. Policy Section 1.0 – Building Strong Healthy Communities speaks to efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1 of the PPS promotes creating and sustaining healthy, liveable and safe communities. This is achieved in part by promoting efficient development and land use patterns with an appropriate range and mix of residential and employment (including commercial) and other uses to meet long term needs [1.1.1 a), b)]. Also, development must be cost-effective, ensuring the necessary infrastructure is in place to meet the projected needs [1.1.1 e), g)].

Policy 1.1.3 requires development in settlement areas to use land and resources wisely, considering opportunities for intensification and redevelopment. Specifically, densities are to be appropriate for and efficiently utilize the infrastructure and public service facilities that are planned or available. In addition, land use patterns in settlement areas are to be transit supportive and take into account existing building stock [1.1.3.1, 1.1.3.2 a), b), 1.1.3.3].

With the proposed Official Plan and Zoning By-law Amendment, the subject lands will be contributing to an emerging mix of employment uses along Gordon Street, as encouraged in Section 1.3 of the PPS. Further, economic development shall be promoted through encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities [1.3.1 c)].

Section 1.6.6 of the PPS outlines policies for planning for sewage, water and stormwater services. The proposed development will be on full municipal services, and Engineering staff have confirmed that capacity is available to service the proposed development [1.6.6.2] (See Engineering staff comments in Attachment 14).

To summarize the above, the proposed development will provide a mix of uses along the Gordon Street Intensification Corridor. The development will redevelop and consolidate three existing underutilized properties. The development is surrounded on Gordon Street by similar commercial developments and medium density residential developments, and will assist in providing additional neighbourhood commercial opportunities to the existing and planned residential

# STAFF REPORT

developments in the area. The requested Official Plan designation and zoning will provide flexibility in adding a residential component to the development. Engineering staff have confirmed that existing sanitary sewage capacity and water services are available to the subject site, including for a mixed use development with a residential component.

In Planning staff's opinion, the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the 2014 Provincial Policy Statement. As the City's Official Plan is to be the main instrument for implementation of the PPS in Guelph [4.7], a more detailed review on how the proposed Official Plan and Zoning By-law Amendments are consistent with the above PPS policies as well as policies in the City's Official Plan will be outlined below in this analysis.

### **Places to Grow: Growth Plan for the Greater Golden Horseshoe**

The *Growth Plan for the Greater Golden Horseshoe* (the Growth Plan) issued under the *Places to Grow Act* contains policies to direct development to settlement areas. The Growth Plan aims to plan and build compact, vibrant and complete communities. The subject lands are within the City of Guelph settlement area and are designated and available in the City's Official Plan for urban development.

The subject property is located within the Built-up Area of the City. Built-up Areas are lands that are within the Built Boundary, which is all land that was identified by the province as being within the developed urban area of Guelph as of June 2006 (time the Growth Plan initially came into effect). The Growth Plan aims to direct new growth to Built-Up Areas, where there is capacity to accommodate the population and employment growth [1.1]. The majority of new growth within the Built-Up Area is to be through intensification opportunities [2.1, 2.2.2 a)].

The proposed mixed use building for the subject site will direct new employment and multiple residential opportunities to the Built-up Area of the City on a designated Intensification Corridor (Gordon Street) and will continue the diversification of land uses in the surrounding area. Overall, the proposed development will help contribute to creating a complete community in providing the existing and future residents and businesses with additional neighbourhood-scale commercial services and new secondary residential units. The Official Plan Amendment and Zoning By-law Amendment conform to the *Growth Plan for the Greater Golden Horseshoe*.

### **Official Plan (December 2012 Consolidation)**

The property subject to the Official Plan Amendment (to be known as OPA 62) and Zoning By-law Amendment applications is currently designated as "General Residential" in the Official Plan (See Attachment 5).

Section 9.3 of the Official Plan provides eight criteria to evaluate when considering an application to amend the Official Plan. The proposed Official Plan Amendment to change the land use designation on the subject land from "General Residential" to

# STAFF REPORT

"Commercial Mixed Use" satisfies the criteria in Section 9.3 of the Official Plan, as outlined below.

- a) *The conformity of the proposal to the goals and objectives of the Official Plan.*

**Staff Comment:** The proposed Official Plan Amendment satisfies the goals and objectives of the Official Plan. The location of the subject property at the northwest corner of Gordon Street and Lowes Road is an appropriate location within a designated Intensification Corridor to accommodate a limited range and mix of commercial retail uses, office uses, personal service uses and residential uses on the same property. The proposed Official Plan Amendment will contribute to extending uses permitted in the "Commercial Mixed Use" designation further south to Lowes Road, which represents a logical terminus on Gordon Street of several existing commercial mixed use developments of a similar nature. Several other properties on Gordon Street between the Heritage Drive intersection with Gordon Street and Lowes Road to the south have been redeveloped in the past ten years into similar scale commercial developments. These properties include 1453 Gordon Street, 1467 Gordon Street, 1460-1474 Gordon Street, 1482 Gordon Street, and 1499 Gordon Street (directly north and adjacent to the subject lands).

Collectively, these properties along with the subject property are recognized in Official Plan Amendment No. 48 (OPA 48) as "Mixed Office Commercial" (See Attachment 8). The "Mixed Office Commercial" is a new land use designation proposed within OPA 48 that allows for a variety of freestanding and small-scale commercial, office or residential buildings. Areas proposed to be designated "Mixed Office Commercial" in OPA 48 permit convenience commercial and small scale retail commercial uses, small-scale offices, personal service establishments, and residential uses.

The proposed Official Plan Amendment will contribute to creating a complete community in the surrounding area, and in providing a full range of commercial uses to surrounding residents and businesses in a more compact form. The development will create a mix of commercial and residential land uses on the subject property, and concentrate these uses on a designated Intensification Corridor and major transit route. The variety of small scale commercial uses in close proximity to residential uses will contribute to reducing the need for and length of vehicular trips.

The proposed development is a form of infill within an existing built-up area and is intensification of the existing low density residential uses on the subject property. The proposed two-storey mixed use building is a form of development that is sympathetic and compatible with the built form of existing land uses in the surrounding area. The proposed site plan (Attachment 11) shows the building as oriented towards Gordon Street and

# STAFF REPORT

the intersection of Lowes Road with pedestrian entrances off the public sidewalk on Gordon Street, and off-street parking situated behind the building. The proposed building configuration and layout on the subject site will contribute to creating an attractive urban landscape, and has a strong presence along Gordon Street, particularly with the intersection of Lowes Road.

The Official Plan does not identify any designated natural heritage areas on or immediately adjacent to the surrounding lands. While several trees on the subject lands will be removed to accommodate the proposed development, through a Tree Management Plan provided by the applicant's Arborist, the loss of trees will be compensated for in new plantings in accordance with the City's Private Tree Protection By-law on the redeveloped subject lands as well as off-site on another property also owned by the developer currently being developed (375 Southgate Drive). As such, the natural environment is being adequately protected and enhanced through associated tree compensation measures. With the tree compensation, there will be no net loss of trees as a result of this application.

- b) *Suitability of the site or area for the proposed use, especially in relation to other sites or areas of the City.*

**Staff Comment:** The subject lands and surrounding area are appropriate and suitable for a two-storey mixed office commercial development with a possible residential component. Similar mixed office commercial developments exist along Gordon Street, immediately to the north of the subject lands. In addition, this section of Gordon Street is designated in Schedule 1B of the Official Plan as an Intensification Corridor. Section 2.4.8 of the Official Plan contains policies on designated Intensification Corridors in the City, and requires them to be planned to provide for mixed-use development, specifically a mix of residential, office, institutional and commercial development that is within proximity to transit services at appropriate locations.

The subject lands are located directly at the intersection of Gordon Street and Lowes Road. The commercial office development proposed for the subject lands will only have one (1) full movement driveway off of Lowes Road. Engineering staff have indicated (Attachment 14) that the location of the proposed driveway is acceptable from an operational perspective. The location of the driveway is also beneficial as traffic will be able to access the Gordon Street corridor from Lowes Road through the existing traffic control signals at the intersection.

The proposed site plan (Attachment 11) will incorporate appropriate buffer treatment to the existing single detached dwellings on Lowes Road to the west and Revel Drive to the north. Such buffer treatments may include

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fences, landscaping/vegetation or berms. In addition, the building is oriented along Gordon Street with parking in the rear.

In Planning staff's opinion, there will be no adverse impact on surrounding properties and land uses with the proposed development and associated land uses as a result of this Official Plan Amendment and Zoning By-law Amendment.

c) *Compatibility of the proposed use with adjacent land use designations.*

**Staff Comment:** The proposed commercial residential mixed use building is compatible with the mix of designated and zoned land uses along this section of the Gordon Street corridor. This includes the low rise residential neighbourhood to the west, the commercial uses to the north of the subject lands on both sides of Gordon Street. These commercial uses on Gordon Street to the north of the subject site are currently designated "Commercial Mixed Use" or "Mixed Office-Residential" in the Official Plan. Aside from these mixed commercial designations in the Official Plan, much of the remainder of the land use designations on Gordon Street between Arkell Road (to the north) and Clair Road West (to the south) are designated "Medium Density Residential" in the Official Plan. In designating the subject lands "Commercial Mixed Use", it will continue this designation as it currently exists on the adjacent properties further south, and be complimentary to the uses and intended urban form of this portion of Gordon Street.

A minimum three (3) metre wide buffer strip with appropriate landscaping and fencing will be provided along the westerly and northerly property lines to mitigate any impacts from the proposed development on abutting single detached residential properties. The Tree Management Plan (and associated amendments) submitted in support of the applications has also identified that there are approximately 32 existing trees near the westerly and northerly property lines that abut single detached dwelling lots on Lowes Road and Revell Drive. All but three (3) of these trees will be preserved, protected during construction and retained. Of these three (3) trees recommended by the applicant's Arborist to be removed, two (2) are due to poor health (one (1) of these trees is confirmed by the applicant's Arborist to be dead), and the other one (1) is a crabapple that is recommended for removal due to both its poor health and construction impacts for the proposed development. The 32 trees near and along these property boundaries being preserved will further enhance compatibility with the surrounding low rise residential land uses to the west and north, and contribute to providing a naturalized buffer to the adjacent properties.

Staff are recommending a provision be added to the specialized CR-14 zone that will not permit drive-through facilities on the subject property. As the

applicant has requested the land uses permitted in the specialized CR-10 zone on the property to the north (1499 Gordon Street) and is proposing a similar development, staff are of the opinion that this provision is reasonable, and will further ensure physical compatibility with surrounding uses. The preliminary site plan submitted by the applicant (Attachment 11) does not identify any drive-through facilities for the proposed development. In addition, the addition of drive-through facilities for the proposed development was a concern that was raised by Council during the statutory public meeting in December 2014. Council was specifically concerned that take-out restaurants proposed with the specialized CR zone could include drive-through facilities, and that such facilities may conflict and not be compatible with the adjacent single detached residential dwellings.

Finally, the site plan approval process will ensure that the site is developed appropriately and will meet the urban design and compatibility criteria in the Official Plan.

- d)-e) *The need for and the market feasibility of the proposed use, in light of projected population and employment targets.*

**Staff Comment:** The proposed Specialized Commercial Residential (CR-14(H)) Zone includes a limited range of retail uses (including a pharmacy, take-out restaurant, bake shop), office, personal service, institutional (such as a religious establishment or library), residential and live-work uses, which represents a flexible zoning category to respond to market demand. The scale and nature of the proposed mixed use commercial development is considered appropriate and viable to continue to introduce a greater mix of land uses to serve the immediate and established residential neighbourhoods through providing convenient access to goods and services.

- f) *The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.*

**Staff Comment:** The extent of commercial space proposed through this application is not expected to have a negative impact on the existing sites designated for commercial and office uses. The proposed "Commercial Mixed Use" designation for the subject property only exists in the City at select locations, often peripheral to the downtown. Each of the existing properties in the City that are designated as "Commercial Mixed Use" are occupied by existing mixed use commercial buildings, with some form of residential often included in the same buildings. Other designated commercial lands in the surrounding area include the Community Mixed Use Node to the south at Clair Road and Gordon Street. This development proposal represents a compatible, gradual and logical extension of surrounding development, especially the designated and zoned mixed use commercial properties immediately to the north on Gordon Street. The development proposal will further enhance the diversity of land uses in the immediate area, and provide

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additional variety and opportunities to meet residents' and employees' immediate needs through providing convenient access to jobs, services.

- g) *The impact of the proposed use on sewage, water and solid waste management systems, the transportation system, community facilities and the natural environment.*

**Staff Comment:** The proposal represents a cost-effective and compact form of development that will make efficient use of existing services and infrastructure. Engineering staff have confirmed that adequate water and sanitary capacity exists to service the proposed development (Attachment 14). Further, Engineering staff have reviewed a Traffic Impact Study (TIS) provided by the applicant, and agree with its findings and conclusion that the traffic generated by the proposed development, including at peak times, will be able to be accommodated by the existing road network. Through the site plan review process, staff will continue to evaluate solid waste management and tree preservation and protection measures with the applicant. The Official Plan does not identify any significant natural heritage features on or immediately adjacent to the subject lands.

- h) *The financial implications of the proposed development.*

**Staff Comment:** Planning staff have reviewed the proposed development with Finance staff, and the proposed development is estimated to generate \$175,654.80 in Development Charges (2015 rates), and \$31,302 in annual property taxes.

Engineering staff are recommending that a Holding ("H") provision be included in the By-law requiring the developer to enter into a development agreement with the City in regards to paying for all required upgrades and connections to water, stormwater and sanitary services as well as for the new curb cut and driveway access to Lowes Road. This payment would also include any disconnection of existing water and sanitary sewer connections for the three (3) single detached dwellings on the subject lands, and curb/sidewalk fills for the former driveways of the houses. Further, Engineering staff are requiring the developer to pay a proportionate contribution for a future centre left turn lane to be constructed on Gordon Street in front of the subject lands, as well as a future sidewalk along the north side of Lowes Road. Engineering staff's full assessment of these payments and financial implications can be found in Attachment 14.

In summary, the proposed Official Plan Amendment will allow appropriate mixed use intensification that is compatible with its surroundings, and will further enhance the designated Gordon Street Intensification Corridor. The development will make efficient use of existing infrastructure and provide additional employment, retail and residential opportunities for the surrounding community. The proposed amendment

# STAFF REPORT

satisfies all of the criteria required to be evaluated when considering an amendment to the Official Plan [Section 9.4].

## Official Plan "Mixed Use Commercial" Land Use Designation

Section 7.5 of the Official Plan outlines the objectives and policies that apply to lands designated "Commercial Mixed Use". Objectives of lands designated "Commercial Mixed Use" are to recognize areas of the City where a variety of freestanding commercial uses or mixed commercial-residential uses have been concentrated [7.5 a)] and also to promote the continued use and intensification of these well-defined areas [7.5 b)].

For new developments on lands designated "Commercial Mixed Use", the building design is to have a street orientation, and promote continuity in the streetscape, specifically adhering to the urban design policies in the Official Plan [7.5.3 a)]. Where residential uses are proposed and permitted, which would be the case with the CR-14(H) zoning being requested, the maximum net density for residential development in the "Commercial Mixed Use" designation is not to exceed 100 units per hectare [7.5.3 b)]. The applicant applied for a site plan application (File SP15C021) in 2015, which shows a two (2) storey commercial building oriented towards Gordon Street, and framing the northwest corner of the intersection of Gordon Street with Lowes Road (see Attachment 11). The site plan shows a building that is a total of 1,770 square metres (19,052 square feet). The applicant has not specifically indicated how much of the proposed building will be residential, or how many dwelling units are anticipated. However, with the subject lands having an area of 0.429 hectares (1 acre) and considering the size of the building indicated on the site plan application, it is not anticipated that a residential component of the mixed use building will exceed 100 units per hectare. This will be further verified and confirmed at time of site plan approval and building permit issuance, once a more specific interior configuration of the mixed use building is known.

The Official Plan and Zoning By-law Amendment applications request the development of mixed use commercial residential building that would be in conformity with the proposed "Commercial Mixed Use" land use designation in the Official Plan.

## Growth Management Strategy

Section 2.4 of the Official Plan has policies regarding the City's Growth Management Strategy. These policies collectively aim to build a compact, vibrant and complete community by directing growth to locations within the designated Built-up Area. Generally within the Built-up Area, vacant or underutilized lots, greyfields and brownfields will be revitalized through the promotion of infill development, redevelopment and expansions or conversions of existing buildings.

Similar to the PPS, the Official Plan Amendment and Zoning By-law Amendment would also be classified as *redevelopment* under the definition in the Official Plan. Redevelopment is defined in the Official Plan as "a form of development involving the removal of buildings or structures from land and the construction of new

# STAFF REPORT

buildings or structures on the said land...” Within the Built-Up Area of the City, Official Plan Section 2.4.5.1 c) specifically encourages the revitalization of vacant or underutilized lots through redevelopment.

The single detached dwelling that was at 1511 Gordon Street was constructed in 1948 and has since been demolished. Demolition for this dwelling was approved by Council in December 2014. The single detached dwelling that was at 1517 Gordon Street was constructed in 1964 and has also been demolished. Demolition was approved for this dwelling by Council on July 20, 2015. Finally, the single detached dwelling at 15 Lowes Road was constructed in 1961. This dwelling is presently occupied, but was also approved for demolition by Council on July 20, 2015. Neither of these three (3) dwellings were originally within the City of Guelph limits at the time they were initially constructed. The subject lands were eventually annexed into the City of Guelph from the neighbouring Township of Puslinch, and urban residential neighbourhoods have been constructed around the subject lands over the course of the past 50 years. It should be noted that the City’s Senior Heritage Planner has confirmed they have no concerns with the removal of these three (3) dwellings and overall redevelopment of the subject lands. This mixed use redevelopment proposal is a modest form of intensification and overall makes better use of underutilized lands within the City along the Gordon Street Intensification Corridor [2.4.8].

## **Official Plan Amendment #48**

On June 5, 2012, the City adopted Official Plan Amendment No. 48 (OPA 48), a comprehensive update to the Official Plan. OPA 48 is currently under appeal and not yet in effect. However, consideration is given to the policies of OPA 48 since these policies provide current guidance for development within the City and within the context of the Provincial Growth Plan.

OPA 48 proposes to designate the subject lands as well as the surrounding commercial developments discussed earlier as “Mixed Office Commercial”. Lands within the “Mixed Office Commercial” designation of OPA 48 are to allow for a variety of freestanding small-scale commercial, office, residential and mixed use buildings [9.4.6 a)]. A range of compatible business uses adjacent to and that serve the needs of surrounding residential areas are permitted and specifically promoted such as convenience commercial, small scale retail, small scale office, personal service establishments are permitted [9.4.6.2, 9.4.6.6]. The continued use, revitalization and intensification of these areas for a mix of uses is promoted [9.4.6 d)]. Commercial buildings that incorporate residential units either above or behind ground floor commercial space is encouraged [9.4.6.3].

It should be noted that the initial Official Plan Amendment application received requested to change the land use designation of the subject property from the current “General Residential” designation to the “Mixed Office Commercial” designation in OPA 48. If approved, this amendment would have introduced the “Mixed Office Commercial” designation into the current Official Plan. No other properties or lands in the City would have had the “Mixed Office Commercial”

# STAFF REPORT

designation. Upon further discussion with the applicant and property owner, Planning staff recommended the applicant amend their application to request the similar "Commercial Mixed Use" designation in the current Official Plan, especially given the property to the immediate north (1499 Gordon Street) had this designation. The applicant agreed with this recommendation, and provided a letter requesting this minor amendment to their Official Plan Amendment application (see Attachment 7).

The new "Mixed Office Commercial" land use designation proposed in OPA 48 is a new land use designation, and an evolution of both the "Commercial Mixed Use" and "Mixed Office-Residential" designations found in the current in effect Official Plan. As OPA 48 is not in full force and effect yet, the applicant originally requested to redesignate the property to the new "Mixed Office Commercial" designation so the proposed development could proceed prior to OPA 48 coming into effect. According to the applicant's Planning Justification Report, OPA 48 "is under appeal and not yet in effect which necessitates the submission of this Official Plan Amendment," (Astrid J. Clos Planning Consultants, 2014). If OPA 48 were to be in effect, an Official Plan Amendment would not be required to permit the proposed development.

The applicant has also indicated in their Planning Justification report that the Official Plan Amendment is necessary as the proposed mixed use building is to be 1,770 square metres of gross floor area, whereas the current "General Residential" land use designation limits commercial areas on properties to 300 square metres. Planning staff do not feel that introducing such a site specific policy into the Official Plan is necessary and are not recommending such a policy be included in Official Plan Amendment 62. Particularly, the Commercial Mixed Use policies in the Official Plan [Section 7.5] do not limit the size (area) of commercial development on lands with this designation. Rather, for the proposed development, the limitation of the proposed size of the building is recommended to be implemented through site specific zoning provisions (See Attachment 10). The applicant also requested such a specialized provision on their Zoning By-law Amendment application. Planning staff feel that this is a more appropriate mechanism for limiting the gross floor area of the proposed building on the subject lands.

Overall, the proposed mixed use commercial development conforms to the goals and objectives of OPA 48.

## **Review of Proposed Zoning**

The requested rezoning of the subject site to the CR-14(H) (Specialized Commercial Residential) Zone is appropriate to accommodate the development of the proposed two storey commercial building. The specialized zoning provisions include requiring that the building be a minimum of 1 metre from the front and exterior side yards (Gordon Street and Lowes Road), which will allow for the building to be located close to the Gordon Street corridor, and provide opportunity for good pedestrian access. The applicant has indicated in their Planning Justification Report that the

# STAFF REPORT

requested specialized CR-14(H) Zone was based and modeled on the abutting CR-10 Zone for 1499 Gordon Street.

## **Drive-through Facilities**

Staff are recommending that the CR-14(H) zoning also include a special provision that prohibits drive-through facilities on the subject property (see proposed provision with proposed Zoning in Attachment 10). The site plan submitted for the proposed development (Attachment 11) does not identify any drive-through facilities for the current development form. The property to the immediate north (1499 Gordon Street) that was rezoned in 2012 to a similar specialized CR-10 Zoning also has a provision that prohibits drive-throughs. Planning staff have reviewed a site specific restriction on drive-through facilities with the applicant. They confirmed the property owner had no objections to such restrictions.

At the statutory Public Meeting in December 2014, Council questioned whether drive-through facilities could be constructed with the proposed development and raised concerns of their compatibility with the adjacent low rise residential development. Planning staff feel that drive-through facilities on the subject property would not be consistent with the urban design policies in the Official Plan, and with respect to the size of the subject property and corner location on the Gordon Street Intensification Corridor, would impact the requirement in the Zoning By-law to provide adequate off-street parking and landscaped open space (i.e. buffers and setbacks).

## **Urban Design**

The City's Senior Urban Designer has reviewed the proposed Official Plan Amendment and Zoning By-law Amendment and has also been reviewing the site plan submission (File SP15C021) with the applicant, and has provided a memo summarizing their comments and recommended zoning provisions (Attachment 14). Specifically, the City's Senior Urban Designer is recommending specialized provisions be added to the zoning that requires principal entrances to future commercial units face and operate from Gordon Street, and that a minimum of 50% of the first storey façade facing Gordon Street be clear glazing (i.e. windows and doors). Further, Planning staff will work with the applicant through site plan control to ensure the clear glazing along Gordon Street does not become covered over with adhesive vinyl murals, black-out screening or the like.

Planning staff are recommending several provisions be added to the specialized CR-14(H) Zoning to orient the primary ground floor commercial entrances on the east and south façade onto Gordon Street and to ensure the building has a strong, pedestrian oriented presence along the Gordon Street Intensification Corridor. The recommended provisions are included in Attachment 10 with the proposed zoning. It should be noted that a similar provision regarding building entrance locations exists on the specialized CR-10 zoning on the property to the immediate north (1499 Gordon Street), to which the applicant has indicated they have modeled the specialized CR-14(H) zoning for this site off.

# STAFF REPORT

## **Off-Street Parking**

Zoning staff have expressed concerns with the blended parking ratio of one (1) off-street parking space for every 24 m<sup>2</sup> of gross floor area requested in relation to medical related uses permitted in the CR Zones (See Attachment 14). Planning and Zoning staff are aware of parking supply issues for similar and nearby developments on Gordon Street with concentrations of medical practitioners where the number of parking spaces provided may not be sufficient for the number of medical practitioners present in a commercial mall or mixed use building. Zoning staff have recommended that no medical related uses be permitted in the proposed development, or at the very least, to limit the scale and scope of medical related uses due to the reduced and blended off-street parking ratio being requested by the applicant. Planning staff understand that the property owner is proposing several medical related uses on the subject property and can support these uses, provided there is sufficient and adequate off-street parking provided.

As the applicant has requested a special provision to use a blended off-street parking ratio of one (1) off-street parking space for every 24 m<sup>2</sup> of gross floor area, to ensure there is adequate off-street parking for all uses proposed, Planning staff are recommending a condition limiting the total, cumulative number of medical practitioners, either in a medical office or medical clinic. The maximum number of medical practitioners recommended by Planning staff is four (4) for the entire development.

## **Holding Provision/Symbol**

Under the authority of Section 36 of the *Planning Act* and Section 9.10.7.1 d) of the Official Plan, Staff are recommending that a Holding Symbol ('H') be placed on the specialized CR-14(H) Zoning due to the requirement to enter into a development agreement that is registered on title to the lands prior to the zoning coming into effect. Engineering staff have requested the developer enter into a development agreement to secure financial contributions for several public infrastructure provisions in relation to the subject lands. These include a proportional payment for the construction of a future centre left turn lane on Gordon Street. Once the development agreement has been executed and registered on title, the property owner can apply to have the Holding Symbol lifted from the zoning.

## **Tree Preservation**

During the statutory Public Meeting, Council questioned how the existing trees and vegetation on the subject site would be maintained. In particular, Councillors requested more information on how existing trees and vegetation could act as a buffer to adjacent properties and what type of environmental review would be completed.

The site being greater than 0.2 hectares in area is subject to the City's Private Tree By-law (2010)-19058. As such, a Tree Inventory, Preservation and Compensation Plan is required as a condition to address all regulated trees on the site. The applicant has retained an Arborist and completed a Tree Inventory, Preservation and Compensation Plan that has been reviewed by Planning staff. The City's

# STAFF REPORT

Environmental Planner has recommended conditions (see Attachment 14) in part to implement the recommendations and findings of the Tree Inventory, Preservation and Compensation Plan.

The Official Plan does not identify any designated natural heritage areas on or immediately adjacent to the surrounding lands, and Planning staff determined that an Environmental Impact Study (EIS) was not required for the proposed development. While several trees on the subject lands will be removed to accommodate the proposed development, through a Tree Management Plan provided by the applicant's Arborist, the loss of trees will be compensated for in new plantings in accordance with the City's Private Tree Protection By-law on the redeveloped subject lands as well as off-site on another property also owned by the developer currently being developed (375 Southgate Drive). The trees proposed to be removed will be compensated for at a greater ratio than what currently exists on site.

As previously discussed in this analysis, the Tree Management Plan (and associated amendments) submitted in support of the applications has also identified that there are approximately 32 existing trees near the westerly and northerly property lines that abut single detached dwelling lots on Lowes Road and Revell Drive. All but three (3) of these trees will be preserved, protected during construction and retained. Of these three (3) trees recommended by the applicant's Arborist to be removed, two (2) are due to poor health (one (1) of these trees is confirmed by the applicant's Arborist to be dead), and the other one (1) is a crabapple that is recommended for removal due to both its poor health and construction impacts for the proposed development. The 32 trees near and along these property boundaries being preserved will further enhance compatibility with the surrounding low rise residential land uses to the west and north, and contribute to providing a naturalized buffer to the adjacent properties.

## **Density**

Council also raised concerns with higher residential and commercial densities 'creeping' into established neighbourhoods off Gordon Street. Planning staff do not believe that the subject application is an inappropriate form of density for the location on the designated Gordon Street Intensification Corridor. As previously discussed in the analysis, in Planning staff's opinion, the redevelopment proposed is a modest form of intensification that is consistent with Provincial and local Planning policies to concentrate higher densities and a mix of uses along designated corridors and within the built-up area. Any future applications in the immediate area that are a form of intensification will be evaluated on their own merits at the time of review.

## **Parkland Dedication**

A payment in lieu of parkland dedication is required for the proposed development of the subject property and will be collected prior to the issuance of a building permit in accordance with applicable By-laws. Parks staff have confirmed this in a memo to Planning staff (Attachment 14).

## Attachment 13 Community Energy Initiative Commitment



**Mar-Cot Group**  
2130269 Ontario Inc.  
**56 Kirkby Court**  
Guelph, ON N1G 5E1

January 6, 2016

Michael Witmer  
City of Guelph  
1 Carden St.  
Guelph, ON

Dear Michael,

Re: Proposed Development at Gordon/Lowes Road

In regard to the above-referenced project, Mar-Cot Developments is incorporating many features in the design of the building and property in compliance with the City's Community Energy Initiative .

1) General Building

- The building shell will be constructed of masonry bearing walls and concrete floor slabs for fire safety and to reduce noise transmission.
- Exterior walls will be masonry cavity wall constructed to meet the latest OBC standards for energy efficiency .

2) Sustainable Sites

- A compact and well utilized site to contain urban sprawl.
- A comprehensive erosion and sedimentations control plan throughout redevelopment of the site.
- Native tree planting will be coordinated with another development to compensate for any removal at this site. (See SP 14B 068)
- Exterior light fixtures with refractor and cut-off shields to control light pollution, with energy efficient operations controlled by light sensors.
- Bicycle racks will be provided.
- Pedestrian walks incorporated throughout development and connection to adjacent open space areas and walk ways.

**Ph: 519-780-0290**

**Fax: 519-780-0941**

## Attachment 13 (continued) Community Energy Initiative Commitment



**Mar-Cot Group**  
2130269 Ontario Inc.  
**56 Kirkby Court**  
**Guelph, ON N1G 5E1**

3) Water Efficiency

- Drought resistant soft landscape material will be specified as much as possible.
- Controlled roof drains provided to control flow rate of storm water where feasible.
- Low flow faucets and showerheads and low volume flush toilets (HET high efficiency toilets) where possible.

4) Energy & Atmosphere

- Project will comply with ban on ozone-depleting refrigerant gases.
- Tenant HVAC systems will be complete with heat recovery ventilators (HRV's or ERV's) incorporated in the majority of the central air return systems.
- Low E windows reduce heat gains and heat loss.
- High efficiency hot water tanks will be used.
- Cooling equipment will meet the MNEC and OBC requirement.
- Lighting for tenants will be energy efficient lighting.
- Insulated and sealed supply and return plenums will be specified in tenant units to ensure efficient distribution of heating/cooling ventilation.
- Occupancy sensors provided in service rooms with intermittent occupancy to reduce hydro consumption.
- Perimeter day lighting to have separate controls where possible to conserve hydro (lights turn off automatically when natural lighting is sufficient).
- Added levels of insulation to achieve greater R value in roof will be provided to reduce energy use.

5) Materials & Resources

- Low VOC emitting materials where feasible. Examples include, low VOC paints, recycled content carpet, etc.
- Collection of recyclables in compliance with City by-laws
- High recycled content material to be specified wherever possible
- A construction waste management plan will be implemented.

6) Indoor Environmental Quality

- Each tenant will have access to individual controls for Heating, Cooling, Lighting and Ventilation
- Mechanical Ventilation to OBC requirements
- The building provides natural light to 100% of regularly occupied spaces where possible.

**Ph: 519-780-0290**

**Fax: 519-780-0941**

**Attachment 13 (continued)  
Community Energy Initiative Commitment**



**Mar-Cot Group**  
2130269 Ontario Inc.  
**56 Kirkby Court**  
**Guelph, ON N1G 5E1**

Please do not hesitate to contact us if we can be of further assistance.

Yours truly,

Mario Cotroneo  
President

**Ph: 519-780-0290**

**Fax: 519-780-0941**

# STAFF REPORT



## Attachment 14 Agency and City Department Comments

Respondent	No Objection or Comment	Conditional Support	Issues /Concerns
Planning (including Urban Design)*		√	Drive-through restriction, provision for door locations; Subject to conditions in Attachment 4
Engineering*		√	Development Agreement Required; Subject to conditions in Attachment 4
Parks Planning*		√	Payment of Cash-in-Lieu of Parkland Dedication; Subject to conditions in Attachment 4
Environmental Planning*		√	Subject to conditions in Attachment 4
Zoning*		√	Parking concerns for number of medical practitioners
Guelph Hydro*		√	Underground hydro service provisions; Subject to conditions in Attachment 4
Upper Grand District School Board	√		
Wellington Catholic District School Board	√		
Guelph Police Service	√		
Guelph Fire	√		
Grand River Conservation Authority (GRCA)*	√		
Guelph Wellington Development Association (GWDA)	√		
Union Gas Ltd.	√		

\* letters attached

## Attachment 14 (continued) Agency and City Department Comments

# MEMO



FILE: 16.131.001

**TO:** Michael Witmer  
**FROM:** Development Engineering  
**DEPARTMENT:** Engineering Services  
**DATE:** May 15, 2015 (*revised January 6, 2016 – refer to section 4*)  
**SUBJECT:** 1511, 1517 Gordon Street & 15 Lowes Road  
Official Plan and Zoning By-law Amendment (OP1402/ZC1409)

The application is for an Official Plan Amendment and Zoning By-law Amendment to permit a mixed office-commercial use. The current OP designation is General Residential and all three properties are currently zoned R1.B.

The comments below are in response to the review of the following plans & reports:

- Concept Plan – Astrid J. Clos Planning Consultants (May 26, 2014)
- Preliminary Site Servicing and Stormwater Management (including drawings no. 1 & 2) – GM BluePlan Engineering Ltd. (May 27, 2014)
- Traffic Impact Study – Paradigm Transportation Solutions Ltd. (August 2014)

### 1. Road Infrastructure:

*Gordon Street* abutting the subject property is designated as a four (4) lane arterial road with a south bound left turn lane, asphalt pavement, curb and gutter and concrete sidewalk on both sides of the street. In front of the subject lands, the road right-of-way width is 35.0 metres (114.83 feet) and meets the ultimate width specified in the Official Plan therefore no road widening will be required. A centre turn lane is proposed for Gordon Street between Edinburgh Road and Lowes Road to accommodate traffic impacts due to development intensification along this corridor. The developer will be required to pay a proportionate share of the actual construction cost as a condition of this redevelopment.

*Lowes Road* abutting the subject property is designated as a two (2) lane local road with asphalt pavement, curb and gutter and concrete sidewalk on the south side of the street. In front of the subject lands, the road right-of-way width is 20.0 metres (65.62 feet) and meets the ultimate width specified in the Official Plan therefore no road widening will be required. A sidewalk on the north side of Lowes Road is proposed to connect Dawn Avenue to Gordon Street and as such, the developer will be responsible to pay a proportionate share of the actual cost to construct it.

### 2. Traffic Study, Access, Parking and Transportation Demand Management:

The provided Transportation Impact Study (TIS) was reviewed by the Transportation Planning Engineer who agreed with the study finding and conclusions as listed below:

- Access to the development will be provided via a single all-move driveway from Lowes Road which has an

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## Attachment 14 (continued) Agency and City Department Comments

### MEMO



acceptable setback from the signalized intersection at Gordon Street.

- The site generated traffic will be low with an approximate 33 new vehicle trips during the AM peak hour and 28 new vehicle trips during the PM peak hour. The new vehicle trips will not adversely impact the traffic operation on adjacent roadways and intersections.
- Parking demand and supply indicated in the study is to be reviewed by Planning/Zoning staff.

#### 3. Municipal Services:

##### *Gordon Street*

Existing services within the right-of-way along Gordon Street are as follows:

- 375mm diameter storm sewer approximately 1.5m in depth;
- 300mm diameter sanitary sewer approximately 5.2m in depth;
- 400mm diameter watermain approximately 2.5m in depth.

##### *Loves Road*

Existing services within the right-of-way along Loves Road are as follows:

- 450mm diameter sanitary sewer approximately 5.3m in depth;
- 150mm diameter watermain approximately 1.8m in depth.

According to our service records, the three existing single family homes were all provided 19mm water services and 100mm sanitary sewer lateral to property line during reconstruction of Loves Road (2003) and Gordon Street (2002). Both 1511 Gordon Street and 15 Loves Road have paid their share of the fees associated with the construction of the new municipal services and the cost of a sanitary lateral and therefore do not have any outstanding frontage charges required to be paid as a condition of redevelopment. However the dwelling at 1517 Gordon Street has an existing septic tank that is currently in use and as such the developer will need to properly decommission this tank and septic field as well as pay for both the sanitary frontage charge (\$ 1,337.28) and the fee for the existing sanitary lateral (\$ 885.73) as a condition of redevelopment.

The Developer shall be responsible for the entire cost of removal of the existing service laterals where they connect to the existing buildings, satisfactory to the Plumbing Inspector, prior to demolition. Should the existing services not be suitable for the development of the subject lands, the owner will be responsible for the costs associated with their complete removal. The Developer will also be responsible to pay for the estimated cost of any servicing upgrades including any curb cuts or curb fills if required, prior to site plan approval and prior to any construction or grading on the lands.

Design and Construction/Infrastructure Technical Analyst has confirmed that adequate sanitary and water capacities are available to service the proposed redevelopment as follows:

#### Sanitary Sewer Wastewater Collection System

Sufficient and adequate capacity is available in the existing sanitary sewer adjacent to the above noted site to accommodate discharge of sanitary flows for the referenced type development for the above noted zone change including existing loads according to the City's wastewater collection system model. The current condition of

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## Attachment 14 (continued) Agency and City Department Comments

### MEMO



underground infrastructure and sanitary sewer existing loads adjacent to the above noted site are not known at this time.

#### Water Supply and Distribution System

Sufficient and adequate capacity is available of the water supply and distribution system pressures, and fire flow at hydrants for the referenced type development at the above noted property for the above noted zone change can be expected for most scenarios. However, there is potential for marginal water supply pressures in proposed development under certain conditions such as peak hour demand scenario at locations with elevation greater than 347 m height above mean sea level (AMSL) and average day demand scenario at locations with elevation greater than 341 m height AMSL in the existing water system.

Water pressure in the water mains in vicinity of proposed development under certain conditions such as peak hour demand scenario at locations with elevation at 347 m height above mean sea level (AMSL) could range from 38.0 to 42.0 psi (40 psi +/- 2.0 psi) and average day demand scenario at locations with elevation at 341 m height AMSL could range from 47.5 to 52.5 psi (50 psi +/- 2.5 psi) in the existing water system.

Maximum serviceable elevation under peak hour demand scenario at the property is approximately 347m.

The referenced development would have no significant adverse impact to the City's water supply and distribution system according to the InfoWater water model.

Minimum water service size should be 25 mm for residential and all other services sized appropriately for demand based on potentially low pressures.

#### 3. Storm Water Management:

The storm water from the subject site currently sheet flows northwesterly towards the rear yards of the properties on Revell Drive. The proposed storm water management design for the property would be to contain and infiltrate the water on site for storm events up to and including the 100 year storm. As such, a detailed storm water management report will be required at the time of site plan application submission to ensure that the discharge from the site complies with an allowable outlet rate determined by City Engineering staff. On-site storage and control as proposed may be required to attenuate the flows. The cost of all the storm water management works and quality controls will be the responsibility of the owner. A grading, erosion/sedimentation control and servicing plan will also have to be submitted for review and approval as part of the site plan application.

#### 4. Environmental:

The Developer shall submit a Phase 1 Environmental Site Assessment in accordance with the Record of Site Condition regulation (O. Reg. 153/04 as amended), describing the current conditions of the subject properties to the satisfaction of the City. 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 site plan approval and prior to any construction or grading on the lands, the Developer shall complete the following:

- a) file a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site

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## Attachment 14 (continued) Agency and City Department Comments

### MEMO



Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 as amended, that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,

- b) submit the MOE acknowledgment letter for the RSC to the satisfaction of the City.

The Developer will be required to ensure that all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned prior to site grading and servicing in accordance with current MOE regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer.

#### 5. Recommended conditions of Approval

We recommend the following conditions for approval of this proposed Official Plan and Zoning By-law Amendment:

1. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, parking, traffic circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person as defined in Ontario Regulation 153/04 to prepare and submit a Phase One Environmental Site Assessment and any other subsequent phases required, in accordance with Ontario Regulation 153/04, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
3. If contamination is found, the Developer shall:
  - a) submit all environmental assessment reports prepared in accordance with the RSC (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards or Site Specific Standards of the intended land use; and
  - c) file a RSC on the Provincial Environmental Registry for lands to be developed.
4. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
  - i) a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the

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## Attachment 14 (continued) Agency and City Department Comments

### MEMO



- quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
- ii) a geotechnical report certified by a Professional Engineer that analyzes the permeability and hydraulic conductivity of the soils and recommends measures to ensure that they are not diminished by the construction and development;
  - iii) a grading, drainage and servicing plan prepared by a Professional Engineer for the site;
  - iv) a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction.
5. The Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 4 i) to 4 iv) inclusive.
  6. Prior to Site Plan approval, the Developer must pay proportionate costs associated with construction of a continuous centre turning lane on Gordon Street.
  7. That the Developer shall pay to the City, their share of the actual cost of constructing a sidewalk on the north side of Lowes Road across the frontage of the subject lands. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Developer's share of the cost of the sidewalk.
  8. The Developer shall be responsible for the actual cost of any service laterals required for the lands and furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of any service laterals.
  9. That the Developer shall pay to the City, their share of the actual cost of constructing the sanitary sewer, including the provision of the existing sanitary lateral to property line, on Lowes Road across the frontage of 1517 Gordon Street as determined by the General Manager/City Engineer, prior to site plan approval.
  10. That the Developer pay the actual cost of removing or decommissioning to the satisfaction of the General Manager/City Engineer, any existing sanitary sewers, storm sewers, manhole and/or watermains that are not going to be used for service laterals. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the Developer's share of the cost of the removals and decommissioning works.
  11. The Developer shall pay to the City the actual cost of the construction of the new driveway entrance and required curb cut and/or curb fill. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrance and required curb cut and/or curb fill.

**Engineering Services**  
Infrastructure, Development & Enterprise

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca

## Attachment 14 (continued) Agency and City Department Comments

### MEMO



12. The Developer shall pay the actual cost of the removal of the existing driveway entrance including the asphalt pavement and gravel within the road allowance, the restoration of the boulevard with topsoil and sod including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to site plan approval and prior to any construction or grading on the lands.
13. That the Developer constructs, installs and maintains erosion and sediment control measures, satisfactory to the General Manager/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 General Manager/City Engineer.
14. That the Developer constructs the new building at such an elevation that the lowest level of the new building can be serviced with a gravity connection to the sanitary sewer.
15. That the Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly.
16. That the Developer will ensure that any existing domestic wells as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment regulations (O.Reg. 903 as amended) and to the satisfaction of the General Manager/City Engineer, prior to site plan approval and prior to any construction or grading on the lands.
17. The Developer acknowledges that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the General Manager/City Engineer.
18. That all electrical services to the lands are underground and the Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
19. That the Developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval and prior to any construction or grading on the lands.
20. The Developer shall ensure that all telephone service and cable TV service on the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to site plan approval and prior to any construction or grading on the lands.
21. That prior to the passing of the Official Plan and Zoning Amendment By-law, the Developer shall enter into a development agreement with the City, registered on title, satisfactory to the City Solicitor and the

**Engineering Services**  
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# STAFF REPORT



## Attachment 14 (continued) Agency and City Department Comments

### MEMO



General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

**Terry Gayman, P. Eng.**  
Manager, Development and Environmental Engineering

**Michelle Thalen, C.Tech**  
Development Technologist

## Attachment 14 (continued) Agency and City Department Comments

### INTERNAL MEMO



DATE December 23, 2015  
TO **Michael Witmer**  
FROM Prachi Patel  
DIVISION Planning Services  
DEPARTMENT Infrastructure, Development and Enterprise  
**SUBJECT 1511-1517 Gordon and 15 Lowes Road – OPA 1402/ZC1408**

Michael,

I have had the opportunity to review the application for OPA and ZC at 1511-1517 Gordon and 15 Lowes Road and offer the following comments.

Overall:

The subject property is more than 0.2 hectares in size and, therefore is regulated by the Private Tree Protection By-law (2010)-19058. Additionally, the OPA 42 was approved by the OMB and came into effect on June 4, 2014. While it was under appeal at the time of writing of the Planning Justification, at the time of complete application it was in full effect and as such the policies under City of Guelph's 2014 Official Plan applies for this application. Thus in addition to the City's Tree By-law, the trees on and adjacent to the site are also afforded protection under the Urban Forest policies (section 6A.5) of the City's 2014 Official Plan. The Urban Forest policies require that development applications demonstrate maximization of tree preservation in an effort to integrate the existing hedgerows and trees into the urban landscape. A vegetation compensation plan may also be required through on-site or off-site plantings or cash-in-lieu where it has been demonstrated that tree protection is not feasible.

There are a large number of trees on and adjacent to the site (at least 266) which provide various benefits and services to the City including reduction of air pollution, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife and mental health benefits. Needless to say, the General Residential designation allows for increased tree retention and preservation over that of Mixed Commercial Use. With the conversion of General Residential to Mixed Office Commercial there is undoubtedly an impact to the urban forest. However, the Official Plan policies are flexible in that impacts to hedgerows and trees may be permitted provided it is demonstrated that they cannot be integrated into the urban landscape.

The Tree Inventory and Preservation Plan submitted in support of this application documented a total of 121 trees including 98 shared trees and 23 on-site trees and additional hedgerow trees occupying approximately 404.5 sq.m of canopy area. The hedgerow trees are mostly represented by dense plantings of eastern white cedar (*Thuja occidentalis*). There are twelve (12) trees exempt under the By-law, and 2 of the regulated trees were removed and compensated through cash-in-lieu as part of a previous demolition permit application dated January 16, 2015. In summary 99 of the total 107 regulated trees and approximately 17.10 sq.m of hedgerow canopy area has been proposed to be retained during future development, while the remaining 8 regulated trees and 387.4 sq.m of hedgerow canopy area has been proposed to be removed to accommodate the proposed Mixed Office Commercial Use.

## Attachment 14 (continued) Agency and City Department Comments

Michael Witmer  
December 21, 2015  
**RE: 1511-1517 Gordon and 15 Lowes Road – OPA 1402/ZC1408**  
Page 2 of 3

While the required compensation for the proposed tree removals at this site is 63 trees (including 24 trees at 3:1 compensation ratio for removal of 8 regulated trees and 39 trees based on compensation at the rate of 1 tree per 10 sq.m for the removal of 387.40 sq.m hedgerow canopy area), a total of 100 plantings have been recommended through off-site compensation on 375 Southgate Drive to offset the impacts to the trees and hedgerow canopy area to be removed. The property 375 Southgate Drive is owned by Mr. Mario Cotroneo, the same owner for the subject property of 1511-1517 Gordon and 15 Lowes Road. The 375 Southgate Drive was recently approved by the City Staff through a site plan application SP14B068. An opportunity to integrate the required compensation plantings for this subject property with landscaping plans for 375 Southgate Drive was explored and has been recommended in an effort to not only achieve the required compensation for 1511-1517 Gordon and 15 Lowes Road, but also enhance the buffer functions of the adjacent natural areas at 375 Southgate Drive.

In summary the development application has generally demonstrated maximization of tree preservation on and adjacent to the site, and has recommended compensation plantings over and beyond the required number in an effort to offset the future impacts to the proposed tree removals and to enhance the natural area buffer functions at the recommended off-site planting location.

### Staff Comments:

1. Staff is generally supportive of the proposed tree retention and protection measures in an effort to maximize tree preservation during future development and site alteration. However there are some concerns as to whether the 3 m buffer strip (measured from property line) will adequately protect the proposed trees to be retained for the long-term. Staff believes that there may be additional space required to ensure the long-term protection of the trees proposed to be retained. Given the conceptual plan indicates the site being 'maxed out' (i.e., 74 parking spaces required based on square footage) there may potentially need to be reduction of the building footprint (and associated parking) to allow for adequate tree protection (i.e., more than 3 m from property line).
  - a) Staff recommends that the long-term protection of the trees proposed to be retained be further investigated through recommendation of a wider buffer and appropriate design changes as may be required through detailed design as part of the site plan stage.
2. Staff note that the proposed off-site compensation planting in combination with the on-site proposed tree retention, and additional landscape plantings to be determined through the site plan process is anticipated to contribute significantly towards the City of Guelph's 40% canopy cover targets by 2031.

### Recommended Conditions of Approval:

The following conditions are recommended to be addressed through the site plan approval:

1. *THAT the developer explore the long-term protection of the trees and hedgerows to be retained through the site plan application, with consideration to achieving a wider buffer and integration of appropriate design changes as may be required.*

## Attachment 14 (continued) Agency and City Department Comments

Michael Witmer  
December 21, 2015  
**RE: 1511-1517 Gordon and 15 Lowes Road – OPA 1402/ZC1408**  
Page 3 of 3

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2. *THAT the developer shall provide compensation plantings on 375 Southgate Drive in accordance with Drawings TCP-1 and TCP-2 prepared by Aboud and Associates and approved by the City (August 14, 2015).*



**Prachi Patel**  
Environmental Planner

Planning  
**Infrastructure, Development and Enterprise**  
Location: City Hall

T 519-822-1260 x 2563  
E Prachi.patel@guelph.ca

- c. David deGrout, Senior Urban Designer  
Rory Barr Templeton, Landscape Planner

File #OP1402/ZC1408

## Attachment 14 (continued) Agency and City Department Comments

### INTERNAL MEMO



DATE November 24, 2014  
TO **Michael Witmer**  
FROM Helen White  
DIVISION Parks and Recreation  
DEPARTMENT Community and Social Services  
**SUBJECT 1511 – 1517 Gordon St. and 15 Lowes Rd W. – Proposed Zoning By-Law Amendment ZC 1408 and Official Plan Amendment OP 1402**

Park Planning & Development has reviewed the Notice of Complete Application dated August 18, 2014, Planning Report dated May 2014, Gordon Lowes Concept Plan dated May 2014, and Public Meeting Notice dated November 17, 2014 for the above noted Proposed Zoning By-Law and Official Plan Amendment and offers the following comments:

#### **Zoning Bylaw Amendment:**

Park Planning and Development has no objection to the proposed Zoning By-Law and Official Plan Amendment to rezone the property from R.1B Zone to a specialized CR-? Zone and to change the Official Plan designation from 'General Residential' to 'Mixed Office Residential' provided that the following items are addressed:

#### **Development Concept Plan**

#### **Parkland Dedication:**

Cash-in-lieu of parkland is recommended for this development in accordance with City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-law (2007)-18225. For the current proposed development the cash in lieu calculation would be based on 2% of the land involved.

#### **Conditions of Development:**

I recommend the following development approval conditions:

#### **Prior to Site Plan approval:**

The Developer shall pay 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, By-Law (2007- 18225), or any successor thereof.

## Attachment 14 (continued) Agency and City Department Comments

Michael Witmer  
November 24, 2014  
**RE: 1511 – 1517 Gordon St. and 15 Lowes Rd W. Proposed Zoning By-Law and  
Official Plan Amendment**  
Page 2 of 2

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**Summary:**

The above comments represent Park Planning & Development's review of the proposed development. Based on the current information provided, I would support the proposed development subject to the conditions outlined above.

Regards,

**Helen White**  
Park Planner

Parks and Recreation  
**Community and Social Services**  
Location: City Hall

T 519-822-1260 x 2298  
F 519-763-9240  
E helen.white@guelph.ca

C Karen Sabzali, Mary Angelo

File # P:\CommunityServices\Riverside\\_Park Planning\PLANNING\SOUTH DISTRICT\Zoning  
By-Law & Official Plan Amendments\1511 – 1517 Gordon St. and 15 Lowes Rd W.docx

## Attachment 14 (continued) Agency and City Department Comments

### INTERNAL MEMO



DATE August 27, 2014  
TO **Michael Witmer**  
FROM Pat Sheehy  
DIVISION Building and Zoning  
DEPARTMENT Planning, Building, Engineering & Environment  
**SUBJECT Zoning Comments OP1402/ZC1408**

The subject properties are zoned presently R.1B. The applicant is seeking an official plan and zoning amendment to create a mixed office commercial development.

Zoning has the following comments with respect to this application.

The notice states that as part of the zoning amendment, that office be the exclusive permitted use on the 2<sup>nd</sup> floor. Zoning urges that no medical related uses be allowed as previous files have led to parking issues when medical uses are permitted. It may also be considered to limit the medical related offices due to the reduced parking ratio. Zoning notes that the CR zone does permit residential dwelling units and these should only be allowed on the 2<sup>nd</sup> floor. Therefore, the permitted residential use should either be eliminated or also allowed on the 2<sup>nd</sup> floor.

The blended parking ratio is acceptable to zoning as it covers the range of uses from office (1 per 33m<sup>2</sup>) to retail (1 per 16.5m<sup>2</sup>).

The applicant should be made aware that the CR zoning does restrict signage. A freestanding sign for the CR zone is only allowed a height of 1.8 m and a maximum size of 3 square metres. It has to be setback at least 2.5 m from the sidewalk and be on private property. There are not opportunities for freestanding signage facing Gordon Street and with the reduced building setback. Zoning would also recommend that no mobile signage be permitted on this site due to the fact that the configuration would not allow mobile signs on Gordon Street and only really on Lowes Road which is still residential in nature.

Please contact Janet Gerrath for a specialized zone number.

Thanks  
Pat

## Attachment 14 (continued) Agency and City Department Comments

### INTERNAL MEMO



DATE January 7, 2016  
TO **Michael Witmer, Development Planner**  
FROM David de Groot, Urban Designer  
DIVISION Planning and Building Services  
DEPARTMENT Planning, Engineering & Environmental Services  
SUBJECT **1511-1517 Gordon Street and 15 Lowes Road: Official Plan  
Amendment, Zoning By-law Application**

The site is within an Intensification Corridor the design should reflect the design policies of the Official Plan (e.g. the commercial design policies of sections 7.4.39 – 7.4.47 of the Official Plan) and Urban Design Policy directions for intensification corridors in the Urban Design Action Plan.

Since the last submission elevations have been submitted. In addition, changes have been made to the site plan.

The City of Guelph, through documents such as the Urban Design Action Plan and the City's Official Plan, has emphasised the importance of good urban design. Good urban design requires conscious and co-ordinated efforts on the part of the public and private sectors.

An Urban Design Brief in support of this application should be submitted to support the development. The purpose of an Urban Design Brief is to allow for the urban design elements of development to be evaluated.

The Urban Design Brief is one of the City's tools to ensure that new development has been consciously examined and evaluated on sites, and provides design solutions that are context-sensitive and respond to urban design policy context. It will also help co-ordinate and articulate how the elements of the public and private realm will work together.

*Comments on Submitted Site Concept Plan (dated October 15, 2015) and Elevations (dated March 27, 2015)*

- The building should functionally front and face Gordon Street with principle entrances and glazed store fronts facing the street. To this end, positive changes to the design that have been made include improvements to the building elevations to better address the corner of the intersection including placing taller building elements at the corner and providing doors facing the street. Glazing is also shown against Gordon Street.

As part of the site plan process further detailed comments will be discussed including:

- As the design is refined maintaining functional doors facing Gordon Street, windows free from lifestyle stickers/wraps etc.
- Consider what trees can be integrated into the urban landscape in consultation with the arborist undertaking the Tree Inventory and Management Plan.
- As discussed previously, landscaping against Gordon Street should be consistent with 1499 Gordon Street.

## Attachment 14 (continued) Agency and City Department Comments

Michael Witmer, Development Planner  
January 7, 2016

**RE: 1511-1517 Gordon Street and 15 Lowes Road: Official Plan Amendment,  
Zoning By-law Application  
Page 2 of 2**

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- Review and finalization of building materials, landscaping materials and other site plan-level design elements will be completed through the site plan process. This includes:
  - Lighting fixtures
  - Hardscape materials
  - Brick and Stone types, colours
  - Siding materials, colour and type
  - Type of bicycle parking feature

### **Next Steps:**

My understanding is that a development agreement is required for this site, as part of that agreement, the applicant should agree to prepare an Urban Design Brief to support the site plan application. The brief should address provisions regarding minimum clear glazing requirements and the location of principal entrances to ensure that the building fronts onto Gordon Street.

Prepared By:



**David de Groot**  
Senior Urban Designer  
519.822.1260 ext. 2358  
David.deGroot@guelph.ca

## Attachment 14 (continued) Agency and City Department Comments

### **Michael Witmer**

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**From:** David deGroot  
**Sent:** January 22, 2016 3:23 PM  
**To:** Michael Witmer  
**Cc:** Sylvia Kirkwood  
**Subject:** Lowes/Gordon

Process changes made the through the complete application processes now require an Urban Design Briefs through a complete application. I understand this process was not in place at the time of this application. Moving forward similar applications will require an Urban Design brief as part of a complete application.

Without an Urban Design Brief the following conditions should be added:

- A minimum of 50% of the first storey facing Gordon Street will include clear glazing.
- The following note will be added to the site plan elevations and included in the site plan conditions:  
"Clear glazing shall not be covered from either the exterior or interior. If spandrel glazing is proposed where clear glazing is indicated on the approved elevation drawings, revised approval will be required from the Municipality."
- Principal building entrances facing Gordon Street shall be included to ensure that the building fronts onto Gordon Street.

**David de Groot, MCIP, RPP, MUDS** | Senior Urban Designer  
Planning Services

**Infrastructure, Development and Enterprise**  
**City of Guelph**

T 519-822 -1260 x 2358 |  
E [David.deGroot@guelph.ca](mailto:David.deGroot@guelph.ca)

## Attachment 14 (continued) Agency and City Department Comments



400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6  
Phone: 519-621-2761 Toll free: 866-900-4722 www.grandriver.ca

**PLAN REVIEW REPORT TO:** City of Guelph  
Michael Witmer, Development & Urban Design Planner

**DATE:** October 3, 2014 **YOUR FILE:** ZC1408 & OP1402  
**GRCA FILE:** ZC1408 and OP1402 1511-1517 Gordon St and 15 Lowes Rd W

**RE:** Zoning By-law Amendment ZC1408  
Official Plan Amendment OP1402  
1511-1517 Gordon Street and 15 Lowes Road West, Guelph  
2320339 Ontario Inc.

**GRCA COMMENT:\***

The Grand River Conservation Authority (GRCA) has no objection to the above noted zoning by-law amendment or official plan amendment.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject lands do not contain any features of interest to the GRCA.

**2. Legislative/Policy Requirements and Implications:**

Not applicable.

**3. Additional Information/Suggestions provided in an advisory capacity:**

This application is considered a 'minor' zoning by-law amendment application and the applicable plan review service fee is \$380.00. With a copy of this correspondence, the owner will be invoiced in the amount of \$380.00.

We trust these comments are of assistance. Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2236.

Yours truly,

Andrew Herreman  
Resource Planner  
Grand River Conservation Authority

**Attachment 14 (continued)**  
**Agency and City Department Comments**

\* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

Encl. (1)

cc. 2320339 Ontario Inc. c/o Mario Cotroneo – 56 Kirkby Court, Guelph, ON N1G 5E1  
Astrid J. Clos Planning Consultants (email)

## Attachment 14 (continued) Agency and City Department Comments



395 Southgate Drive  
Guelph, ON N1G 4Y1  
Tel: 519-837-4719  
Fax: 519-822-4963  
Email: mwittmund@guelphhydro.com  
www.guelphhydro.com

November 21, 2014

Michael Witmer  
Planning, Building, Engineering and Environmental  
City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1

Dear Sir:

**Re: 1511-1517 Gordon St and 15 Lowes Rd W (File No. OP1402/ZC1409)**

We would like to submit the following comments concerning this application:

1. The hydro services for this development will be underground. Supply for this development will be from Lowes Road West.
2. A minimum distance of 1.5 metres must be maintained between any driveways/entrances and distribution poles, streetlight poles, or pad-mounted transformers. Any relocations required would be done at the owner's expense.
3. An area of 6.5 metres by 5.0 metres will be required for a three-phase, pad-mounted transformer as required to service the development. Arrangements should be made with Guelph Hydro's Technical Services Department for the location of the transformer.
4. Arrangements must be made with Guelph Hydro's Technical Services Department prior to demolition of the existing buildings.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in black ink, appearing to read "Michael Wittemund".

Michael Wittemund, P.Eng.  
Director of Engineering

MW/gc

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## Attachment 15 Public Notification Summary

May 30, 2014	Applications received by the City of Guelph
June 26, 2014	Applications Deemed Incomplete
August 11, 2014	Applications Deemed Complete
August 15, 2014	Notice of Complete Applications mailed to prescribed Agencies and surrounding property owners within 120 metres
November 17, 2014	Notice of Public Meeting mailed to prescribed Agencies and surrounding property owners within 120 metres
November 13, 2014	Public Meeting Notice advertised in the <i>Guelph Tribune</i>
December 8, 2014	Statutory Public Meeting of City Council
January 15, 2016	Notice of Decision Meeting sent to parties that commented on applications or requested notice
February 8, 2016	City Council Meeting to consider staff recommendation

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT Decision Report  
139 Morris Street  
Proposed Zoning By-law Amendment (File: ZC1110)  
Ward 1**

REPORT NUMBER 16-07

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

This report provides a staff recommendation to approve an application to amend the Zoning By-law to permit the development of 20 on-street townhouse units and a 3-storey, 42 unit apartment building on the property municipally known as 139 Morris Street.

### KEY FINDINGS

Planning staff support the proposed Zoning By-law Amendment including Holding provisions subject to the conditions and zoning regulations in Attachment 3.

### FINANCIAL IMPLICATIONS

Estimated Development Charges: \$1,020,348 (Based on 2015 DC Rates of \$22,701 per townhouse unit and \$13,484 per apartment unit (may be higher depending on number of bedrooms in apartment unit)).

Estimated Annual Taxes Once Developed: Based on assumptions and information available at this time, approximately \$158,622 (this number may differ significantly from the final assessment and taxation based on the unit assessment value).

### ACTION REQUIRED

Council is being asked to approve the Zoning By-law Amendment for the subject property.

## RECOMMENDATION

1. That the application submitted by Ray Ferraro on behalf of the Owner, 139 Morris Street Limited for approval of a Zoning By-law Amendment to change the zoning from "Specialized Industrial" (B.4-21) to a "Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H)) Zone and a "Specialized

# STAFF REPORT

Residential Apartment with Holding Provisions" (R.4D-9(H)) Zone to permit the development of 20 on-street townhouse units and a 3-storey, 42 unit apartment building on the property municipally known as 139 Morris Street, legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664, be approved in accordance with the conditions and zoning regulations outlined in Attachment 3.

2. 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 the subject lands.

## **BACKGROUND**

On April 7, 2011, an application for a Zoning By-law Amendment was submitted by Ray Ferraro on behalf of the owner, 139 Morris Street Limited for the subject property municipally known as 139 Morris Street. The application requested a Zoning By-law amendment to change the zoning from the existing "Specialized Industrial" (B.4-21) Zone to the "Cluster Townhouse" (R.3A) Zone and "Commercial Residential" (CR) Zone to permit the development of a 64 unit townhouse development and an office/commercial/residential mixed-use building. The application was deemed to be complete on May 31, 2011. The application was presented at the Statutory Public Meeting of City Council held on July 4, 2011. A number of neighbourhood residents provided written correspondence and comments at the Statutory Public Meeting. The original concept plan can be found in Attachment 8.

A revised concept plan was submitted to the City in November of 2011. On June 13, 2012, City Staff hosted a neighbourhood meeting with the applicant, owner and interested neighbours and property owners, to discuss issues and concerns that had been expressed during the review of the application.

On August 30, 2013, a revised application proposing 20 townhouse units and 42 units in a 3-storey apartment building was submitted. As part of the revised application, a revised concept plan and building elevation drawings were submitted to the City. Since the revisions to the original application were not deemed to be minor, a second Statutory Public Meeting was held on March 17, 2014. The revised concept plan can be found in Attachment 9 and the proposed conceptual elevations can be found in Attachment 10.

## **Location**

The subject site is located at the north-west corner of the intersection of York Road and Morris Street (see Attachment 1 for Location Map and Attachment 2 for Orthophoto). The site is approximately 1.3 hectares in area and was formerly developed with an industrial building (occupied by Biltmore Hats) which was demolished in June of 2012. Surrounding land uses include:

# STAFF REPORT



- To the north: A small industrial carpentry shop, beyond which are lands zoned for industrial uses;
- To the east: Morris Street, beyond which are single-detached residential dwellings and the Guelph Little Theatre;
- To the south: York Road, beyond which is Lyon Park and an industrial building (Owens Corning); and,
- To the west: A Guelph Junction Railway spurline and parking lot.

## **Existing Official Plan Land Use Designations**

The application was submitted in 2011 and is therefore subject to the policies of the 2001 Official Plan. The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits all forms of residential development, including multiple unit residential buildings subject to the satisfaction of specific development criteria. The Official Plan land use designations and related policies are included in Attachment 4. An analysis of how the proposed development conforms to the "General Residential" land use designation can be found in the Planning Analysis in Attachment 12.

Official Plan Amendment #42 (OPA 42), the City's new Natural Heritage System, does not identify any natural heritage features or development constraints on the site (see Attachment 5).

On June 5, 2012, the City adopted Official Plan Amendment #48 (OPA 48), a comprehensive update to its Official Plan. OPA 48 is currently under appeal and is not yet in effect. Since the application for the subject property was submitted prior to the adoption of OPA 48, it is not required to conform to the policies of OPA 48. However, consideration and regard is given to the policies of OPA 48 since these policies provide current guidance for development within the City and within the context of the Provincial Growth Plan. OPA 48 proposes to designate the property as "Mixed Office Commercial". This designation permits: convenience commercial and small-scale retail commercial uses, small-scale office uses, personal service, detached, semi-detached, townhouses and apartments. The "Mixed Office Commercial" land use designation and policies can be found in Attachment 5.

## **Existing Zoning**

The subject property is currently zoned "Specialized Industrial" (B.4-21). Details of the existing zoning are included in Attachment 6.

## **REPORT**

### **Description of Proposed Zoning By-law Amendment**

The applicant is requesting to change the zoning on the subject property to a "Specialized Residential Townhouse" (R.3B-22) Zone and the standard "Residential Infill Apartment" (R.4D) Zone. Staff are recommending additional specialized regulations for both the townhouse zone and apartment zone along with 'Holding' (H) provisions. Further details of the proposed zoning can be found in Attachment 7. An analysis of the proposed zoning with staff recommendations can be found in

# STAFF REPORT

the Planning Analysis in Attachment 12.

## **Proposed Development**

The applicant is proposing to develop the subject property with 20 on-street townhouse units along Morris Street and a 42 unit, 3-storey apartment building along York Road. Vehicular access to the property is proposed via Morris Street with one main entrance/exit to the parking lot for the apartment building. A total of ten (10) shared driveways for the townhouse units are proposed along Morris Street. A 3.75 metre-high noise fence/berm structure is proposed along the west property line, adjacent to the Guelph Junction Railway tracks. The proposed development is subject to Site Plan Approval under Section 41 of the *Planning Act*. Prior to the issuance of a building permit, the Developer is required to submit and have approved a fully detailed site plan, including, but not limited to the location of the building, elevations and building design, landscaping, parking, traffic circulation, access, lighting, recommended noise attenuation measures, grading and drainage, and a waste management plan on the subject property.

## **Documents Submitted in Support of this Application**

The following information was submitted in support of the application:

- Preliminary Site Servicing and Stormwater Management Report, prepared by Gamsby and Mannerow Engineers, dated May 12, 2011
- Railway Safety Review, prepared by McCormick Rankin Corporation, dated November 28, 2011
- Baseline Vibration Monitoring Report, prepared by Inspec-Sol Engineering Solutions, dated July 10, 2012
- Noise Impact Study, prepared by Conestoga-Rovers & Associates, dated August 31, 2012, updated November 14, 2012
- Acoustical Model Peer Review Update Letter, prepared by Conestoga-Rovers & Associates, dated February 3, 2015
- Heritage Impact Assessment, prepared by The Landplan Collaborative Ltd., dated April 29, 2011, updated May 4, 2011, amended January 11, 2012

## **Staff Review/Planning Analysis**

The staff review and planning analysis for this application is provided in Attachment 12. The analysis addresses all relevant planning considerations, including the issues raised through review of the application. The issues generally include:

- Evaluation of the proposal against the 2014 Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe;
- Evaluate how the application conforms to the applicable Official Plan land use designations and policies including any related amendments;
- Environmental review;
- Review of proposed zoning;
- Parking;
- Traffic;
- Urban Design Review;
- Compatibility with Adjacent Industrial Uses;

# STAFF REPORT

- Guelph Junction Railway requirements;
- Noise Attenuation;
- Review of site servicing;
- Heritage Review;
- Brownfield Site Remediation considerations;
- Confirm support for the Community Energy Initiative; and
- Address all comments and issues raised during the review of the application, including those noted at both Statutory Public Meetings.

## **Planning Staff Recommendation**

Planning staff are satisfied that the Zoning By-law Amendment application is consistent with the 2014 Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. In addition, the application conforms to the objectives and policies of the Official Plan.

The revised application received in August 2013 requested a "Specialized Cluster Townhouse" (R3A-?) Zone for the subject property to permit townhouses and apartments. The applicant is now requesting that the property be zoned to a "Specialized On-Street Townhouse" (R.3B-22) Zone and the standard "Residential Infill Apartment" (R.4D) Zone. The change in the zoning category does not alter what was presented at the Statutory Public Meeting held on March 17, 2014. Staff are also recommending further specialized regulations for both zones to ensure the development is compatible with surrounding land uses (both industrial and residential). Staff are also recommending 'Holding' (H) provisions to ensure that the development does not occur until certain conditions are fulfilled to the satisfaction of the City. These revisions to the zone category and additional specialized regulations with 'Holding' provisions are considered minor and therefore staff recommend that an additional public meeting is **not** required in accordance with Section 34(17) of the *Planning Act*. Planning staff recommend that Council approve the application to amend the Zoning By-law subject to the conditions and zoning regulations outlined in Attachment 3.

## **Community Energy Initiative**

The proposed development will contribute towards implementing the Community Energy Initiative (CEI) in recognition that it satisfies many of the objectives and policies outlined in Section 3.8 of the Official Plan that promote energy conservation. The proposed development represents redevelopment of a former industrial property and will be integrated with the surrounding residential and industrial land uses. The Developer has made a commitment to implement specific CEI measures, as outlined in Attachment 13.

## **CORPORATE STRATEGIC PLAN**

**Strategic Direction 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

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## FINANCIAL IMPLICATIONS

**Estimated Development Charges:** \$1,020,348 (Based on 2015 DC Rates of \$22,701 per townhouse unit and \$13,484 per apartment unit (may be higher depending on number of bedrooms in apartment unit)).

**Estimated Annual Taxes Once Developed:** Based on assumptions and information available at this time, approximately \$158,622 (this number may differ significantly from the final assessment and taxation based on the unit assessment value).

## DEPARTMENTAL CONSULTATION

Comments received from the Agencies and City departments from the circulation of the original and revised applications are summarized in Attachment 14. Written correspondence received from the public and Owens Corning from the circulation of the original and revised applications are summarized in Attachment 15 and 16.

## COMMUNICATIONS

Key dates for the public process regarding the planning applications are included in Attachment 17.

## ATTACHMENTS

- Attachment 1 - Location Map and 120m Circulation Area
- Attachment 2 - Orthophoto
- Attachment 3 - Recommended Conditions and Zoning Regulations
- Attachment 4 - Existing Official Plan Land Use Designations and Policies
- Attachment 5 - Official Plan Amendment #42 and #48 Land Use Designations and Policies
- Attachment 6 - Existing Zoning and Details
- Attachment 7 - Proposed Zoning and Details
- Attachment 8 - Original Proposal Presented at July 4, 2011 Public Meeting
- Attachment 9 - Revised Concept Plan Presented at March 17, 2014 Public Meeting
- Attachment 10 - Proposed Conceptual Elevations
- Attachment 11 - Photos of the Biltmore Factory (now demolished)
- Attachment 12 - Planning Analysis
- Attachment 13 - Community Energy Initiative Commitment
- Attachment 14 - Department and Agency Circulation Comments Summary
- Attachment 15 - Written Correspondence Received from the Public Summary
- Attachment 16 - Correspondence with Owens Corning
- Attachment 17 - Public Notification Summary

# STAFF REPORT



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**Report Author**

Lindsay Sulatycki  
Senior Development Planner

**Approved By**

Sylvia Kirkwood  
Manager of Development Planning

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**Approved By**

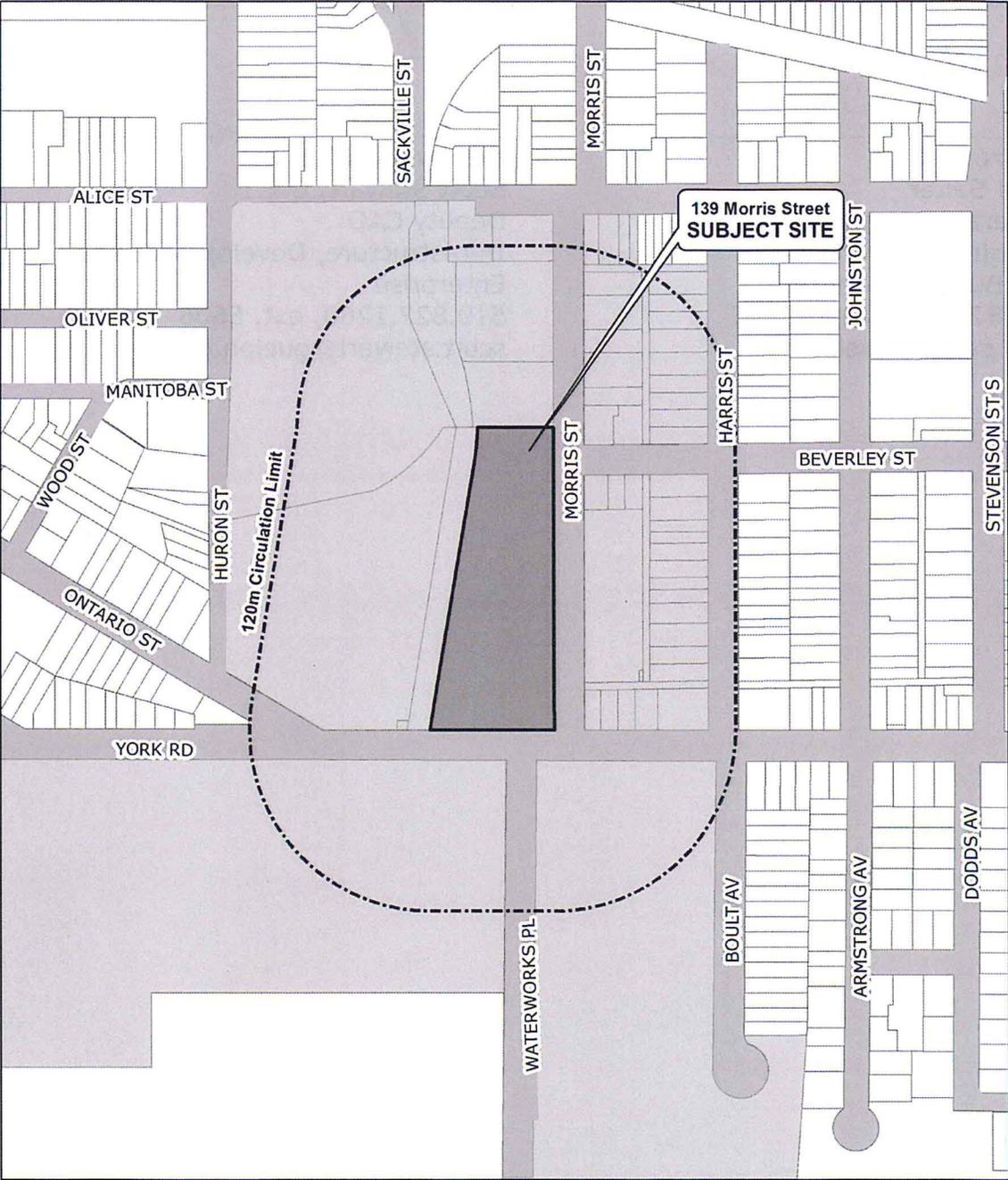
Todd Salter  
General Manager  
Planning, Urban Design  
and Building Services  
519.822.1260, ext. 2395  
todd.salter@guelph.ca

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**Recommended By**

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519.822.1260, ext. 5606  
scott.stewart@guelph.ca

## Attachment 1 Location Map and 120m Circulation Area



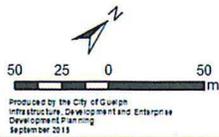
0 15 30 60 90 120 m

Produced by the City of Guelph  
Planning, Urban Design and Building Services, Development Planning  
September 2015

### Location Map and 120m Circulation Area 139 Morris Street



## Attachment 2 Orthophoto



2012 Orthophoto  
139 Morris Street



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## Attachment 3 Recommended Conditions and Zoning Regulations

### **PART A: PROPOSED CONDITIONS:**

The following conditions are provided as information to Council and will be imposed through site plan approval and a site plan agreement with the City registered on title for 139 Morris Street:

1. That the Owner/Developer shall submit to the City, in accordance with Section 41 of The *Planning Act*, a fully detailed site plan, including, but not limited to the location of the building, elevations and building design, landscaping, parking, traffic circulation, access, lighting, recommended noise attenuation measures, grading and drainage, and a waste management plan on the subject property to the satisfaction of the General Manager of Planning, Urban Design and Building Services and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That the site plan, elevations and building design drawings for the apartment building shall demonstrate the following to the satisfaction of the General Manager of Planning, Urban Design and Building Services:
  - a) That the main building entrance is located at the corner of York Road and Morris Street and the main entrance shall be architecturally emphasized to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
4. That the Owner/Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Owner/Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
5. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
6. That the Owner/Developer shall pay to the City the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, to the satisfaction of the General Manager/City Engineer and furthermore, prior to site plan approval, the Owner/Developer shall pay to the City the estimated cost, as determined by the General Manager/City

# STAFF REPORT

Engineer, of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development.

7. That the Owner/Developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the Owner/Developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access and the required curb cut.
8. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall deed to the City free of all encumbrances a 2.0-metre (6.56 feet) wide parcel of land for a road widening across the entire north side of the York Road frontage abutting the subject property.
9. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
10. That the Owner/Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.
11. That the Owner/Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the Owner/Developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
12. That the Owner/Developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
13. That all electrical services to the lands are underground and the Owner/Developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
14. That the Owner/Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Owner/Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
15. That prior to the issuance of a building permit, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Owner/Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
16. That the Owner/Developer acknowledges that the City does not allow retaining walls higher than 1.0 metre abutting existing residential properties without the permission of the General Manager/City Engineer.
17. That purchasers and/or tenants of all lots are advised 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, all sump pumps must be discharged to the rear yard.

# STAFF REPORT

18. That prior to the to the issuance of a building permit, the Owner/Developer shall pay cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007-18225), or any successor thereof.
19. That the Owner/Developer shall complete a tree inventory, preservation and compensation plan, satisfactory to the General Manager of Planning, Urban Design and Building Services and City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
20. That prior to site plan approval, the Owner/Developer shall provide documentation of the Biltmore building and the entire extent of the original (1907) factory building using a combination of photographs from the City's Heritage Planning files. Scaled floor plans and elevation drawings shall be provided by the Owner/Developer to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
21. That prior to site plan approval, the Owner/Developer, in consultation with Heritage Guelph, shall provide an appropriate amount of funding to enable the proponent to design, construct and install an appropriate signage/recognition on site that explains the cultural heritage significance of the Biltmore Company occupancy and previous significant use/occupants of the property.
22. That as part of site plan approval the recommendations provided in the Noise Impact Study prepared by Conestoga-Rovers Associates, dated November 14, 2012 shall be integrated into the design of the building, particularly with respect to noise mitigation specifications for upgraded windows/cladding, building materials, outdoor amenity areas and air-conditioning requirements to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
23. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all units in the apartment building facing York Road:

*"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria."*

24. That the following warning clauses shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse and apartment units:

*"Purchasers/Tenants are advised that despite the inclusion of noise control features in the development and with the building units, sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria. The*

# STAFF REPORT

*Guelph Junction Railway (GJR)/Ontario Southland Railway (OSR) shall not be held liable for noise level or vibration level increases."*

*"Purchasers/Tenants are advised that due to the proximity of the adjacent industry, sound levels from the industry may at times be audible."*

25. That prior to the issuance of a building permit, the Owner/Developer shall construct an acoustic barrier wall (berm and/or fence) being a total of 210 metres long with a maximum height of 3.85 metres along the Guelph Junction Railway property line.
26. That a 9-metre sight line triangle at the south-west corner of the property adjacent to the GJR corridor and York Road will be provided as part of the Site Plan approval for this property. No buildings, parking or landscaping taller than 0.5 metres above the level of the travelled portion of the street will be allowed in this sight line triangle. The Owner/Developer further agrees that any proposed landscaping will be reviewed and certified to be in accordance with the sightline requirements of Transport Canada's Canadian Railway-Roadway Grade Crossing Standards (CRRGCS).
27. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse and apartment units:

*"Purchasers/Tenants are advised that the Guelph Junction Railway will not accept any overland drainage from abutting properties and approved property line elevations are to be maintained."*

28. That prior to site plan approval, the Baseline Vibration Monitoring Report, prepared by Inspec-Sol Engineering Solutions, dated July 10, 2012, shall be updated to the satisfaction of the Guelph Junction Railway.
29. That prior to site plan approval, the Noise Impact Study, prepared by Conestoga-Rovers & Associates, updated November 14, 2012, shall be further updated to the satisfaction of the Guelph Junction Railway.
30. That the following warning clause shall be incorporated into a future site plan control agreement, offers of purchase and sale or lease/rent for all townhouse and apartment units:

*"Purchasers/Tenants are advised that disposal of any type of refuse along the Guelph Junction Railway tracks is strictly prohibited."*

31. That the Owner/Developer must follow Guelph Junction Railway's (GJR) policy document entitled, "Requirements for Contractors and Other Third Parties Entering onto and Working on GJR Property", or any successor thereof, when carrying out work involving machines within 15 metres of GJR track centreline.
32. That prior to site plan approval, the City's Risk Management Official shall be circulated site plan drawings/documents for review and comment.

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33. That prior to site plan approval, the Owner/Developer shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

**AND**

## **PART B: ZONING REGULATIONS**

The property affected by the Zoning By-law Amendment application is municipally known as 139 Morris Street and legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664, City of Guelph.

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 "Specialized Industrial (B.4-21) Zone to the following:

## **PROPOSED ZONING – "Specialized Residential Townhouse with Holding Provisions" (R.3B-22 (H)) and "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H))**

The following zoning is proposed for the subject property:

"Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H) – On-Street Townhouse Zone)

In accordance with Section 5.3 of Zoning By-law (1995)-14864, as amended.

### Permitted Uses

In accordance with Section 5.3.1.2 of Zoning By-law (1995) – 14864, as amended.

### Regulations

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

Despite Table 5.3.2, Row 9 and Sections 4.16 and 4.18, the maximum **Building Height** shall be two **Storeys**.

Despite Table 5.3.2, Row 14, a **Buffer Strip** is not required.

Despite Section 5.3.2.1, the maximum **Building** coverage (% of **Lot Area**) shall be 50 percent.

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## Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City:

## Holding Provision Conditions:

Prior to the removal of the 'H' provision, the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).
  
2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

## EXCERPT FROM TABLE 5.3.2 - REGULATIONS GOVERNING R.3 ZONES

Row	Residential Type	R.3B Zone On-Street Townhouse
1		
2	Minimum <b>Lot Area</b>	180 m <sup>2</sup>
3	Minimum <b>Lot Area Per Dwelling Unit</b>	180 m <sup>2</sup>
4	Minimum <b>Lot Frontage</b>	6 metres
5	Minimum <b>Front Yard</b>	6 metres and as set out in Section 4.24 and 5.3.2.7
5a	Minimum <b>Exterior Side Yard</b>	4.5 metres and in accordance with Sections 4.24, 4.28 and 5.3.2.7
6	Minimum <b>Side Yard</b>	1.5m from the side of the <b>Building</b> .
7	Minimum <b>Rear Yard</b>	7.5 metres
8	Maximum <b>Building Coverage</b> (% of <b>Lot Area</b> )	50
9	Maximum <b>Building Height</b>	3 <b>Storeys</b> and in accordance with Sections 4.16 and 4.18.

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<b>10</b>	Minimum Distance Between <b>Buildings</b>	--
<b>11</b>	Minimum <b>Common Amenity Area</b>	--
<b>12</b>	Minimum <b>Private Amenity Area</b>	--
<b>13</b>	Minimum <b>Landscaped Open Space</b> (% of <b>Lot Area</b> )	35
<b>14</b>	Buffer Strip	Where an R.3 <b>Zone</b> abuts any other Residential <b>Zone</b> or any Institutional, Park, Wetland, or Urban Reserve <b>Zone</b> a <b>Buffer Strip</b> shall be provided. Buffer strips may be located in a required <b>Side</b> or <b>Rear Yard</b> .
<b>15</b>	<b>Fences</b>	In accordance with Section 4.20
<b>16</b>	Off- <b>Street</b> Parking	In accordance with Section 4.13
<b>17</b>	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5
<b>18</b>	Maximum Number of <b>Dwelling Units</b> in a Row	8
<b>19</b>	Garbage, Refuse Storage and Composters	In accordance with Section 4.9
<b>20</b>	Maximum Density of Site	--
<b>21</b>	Maximum <b>Driveway (Residential)</b> width R.3B <b>Zone On-Street Townhouses</b>	See Section 4.13.7.2.5

The following zoning is proposed for the subject property:

“Specialized Residential Apartment with Holding Provisions” (R.4D-9(H) – Infill Apartment Zone)

In accordance with Section 5.4 of Zoning By-law (1995)-14864, as amended.

### Permitted Uses

In accordance with Section 5.4.1.4 of Zoning By-law (1995) – 14864, as amended.

### Regulations

In accordance with Section 5.4.2 of Zoning By-law (1995) – 14864, as amended (see excerpt of Table 5.4.2 below), with the following exceptions:

Despite Table 5.4.2, Row 10 and Sections 4.16, 4.18 and Defined Area Map No.68, the maximum **Building Height** shall be three (3) **Storeys**.

The minimum separation from the Railway right-of-way shall be 9.0 metres.

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## Severability Provision

The provisions of this By-law shall continue to apply collectively to the whole of the subject lands in this zone, despite any future severance, phase of registration, partition or division for any purpose.

## Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City:

## Holding Provision Conditions:

Prior to the removal of the 'H' provision, the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).
2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

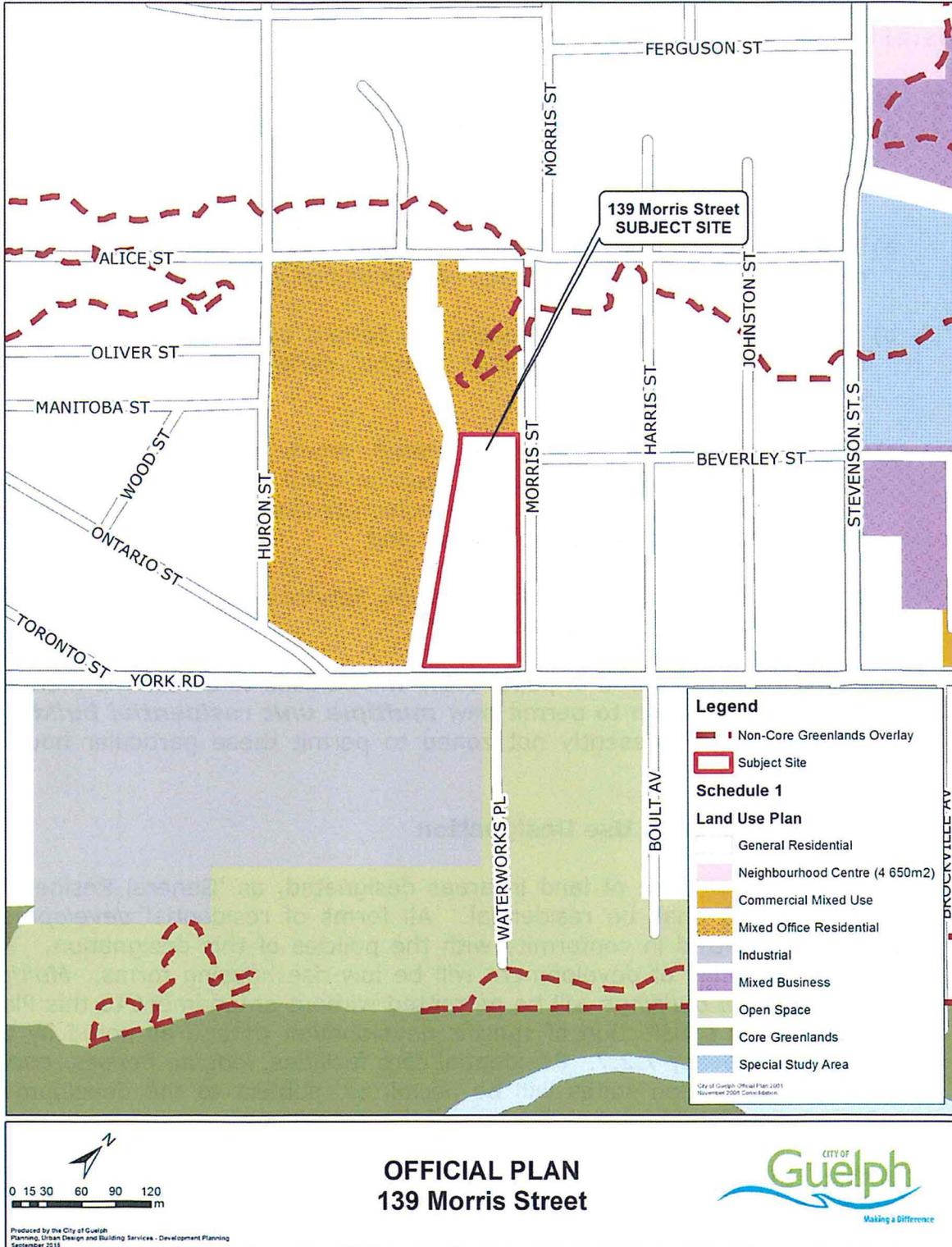
## **EXCERPT FROM TABLE 5.4.2 - REGULATIONS GOVERNING R.4 ZONES**

<b>Row</b>	<b>Residential Type</b>	<b>Infill <i>Apartment</i></b>
<b>1</b>		
<b>2</b>	<b><i>Zones</i></b>	R.4D
<b>3</b>	Minimum <b><i>Lot Area</i></b>	650m <sup>2</sup>
<b>4</b>	Minimum <b><i>Lot Frontage</i></b>	15 metres
<b>5</b>	Maximum Density (units/ha)	100
<b>6</b>	Minimum <b><i>Front Yard</i></b> and <b><i>Exterior Side Yard</i></b>	3 metres and in accordance with Section 4.24.
<b>7</b>	Maximum <b><i>Front Yard</i></b> and <b><i>Exterior Side Yard</i></b>	6 metres
<b>8</b>	Minimum <b><i>Side Yard</i></b>	Equal to one-half the Building Height but in no case less than 3 metres,

# STAFF REPORT

		except where adjacent to any other R.4, Commercial, Industrial or Institutional Zone. In these circumstances, a minimum of 3 metres is required.
<b>9</b>	Minimum <b>Rear Yard</b>	Equal to 20% of the Lot Depth or one-half the Building Height, whichever is greater, but in no case less than 7.5 metres, except where adjacent to Commercial, Industrial or Institutional Zones. In these circumstances, a minimum of 7.5 metres is required.
<b>10</b>	Maximum <b>Building Height</b>	4 Storeys and in accordance with Sections 4.16, 4.18 and Defined Area Map No. 68.
<b>11</b>	Minimum Distance Between <b>Buildings</b>	See Section 5.4.2.3.
<b>12</b>	Minimum <b>Common Amenity Area</b>	None required.
<b>13</b>	Minimum <b>Landscaped Open Space</b>	The Front Yard of any Lot, excepting the Driveway, shall be landscaped. In addition, no parking shall be permitted within this Landscaped Open Space.
<b>14</b>	Off-Street Parking	In accordance with Section 4.13.
<b>15</b>	<b>Buffer Strips</b>	Where an R.4 Zone abuts any other Residential Zone or any Institutional, Park, Wetland, or Urban Reserve Zone, a Buffer Strip shall be developed.
<b>16</b>	Accessory <b>Buildings</b> or <b>Structures</b>	In accordance with Section 4.5.
<b>17</b>	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.
<b>18</b>	<b>Floor Space Index</b> (F.S.I.)	2
<b>19</b>	<b>Fences</b>	In accordance with Section 4.20.

## Attachment 4 Existing Official Plan Land Use Designations and Policies



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## Attachment 4 (continued) Existing Official Plan Land Use Designations and Policies

### General Residential / Housing Policies

7.2.7 **Multiple unit residential buildings**, such as townhouses, row dwellings and apartments, may be permitted within designated areas permitting residential uses. The following development criteria will be used to evaluate a *development* proposal for *multiple unit* housing:

- a) That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity;
- b) That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit;
- c) That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided; and
- d) That adequate municipal *infrastructure*, services and amenity areas for the residents can be provided.

7.2.8 The development criteria of policy 7.2.7 will be used to assess the merits of a rezoning application to permit new **multiple unit residential buildings** on sites that are presently not zoned to permit these particular housing forms.

### 'General Residential' Land Use Designation

7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses*, **coach houses** and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.

7.2.32 Within the 'General Residential' designation, the *net density* of **development** shall not exceed 100 units per hectare (40 units/acre).

# STAFF REPORT

7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed **development** is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parameters outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:

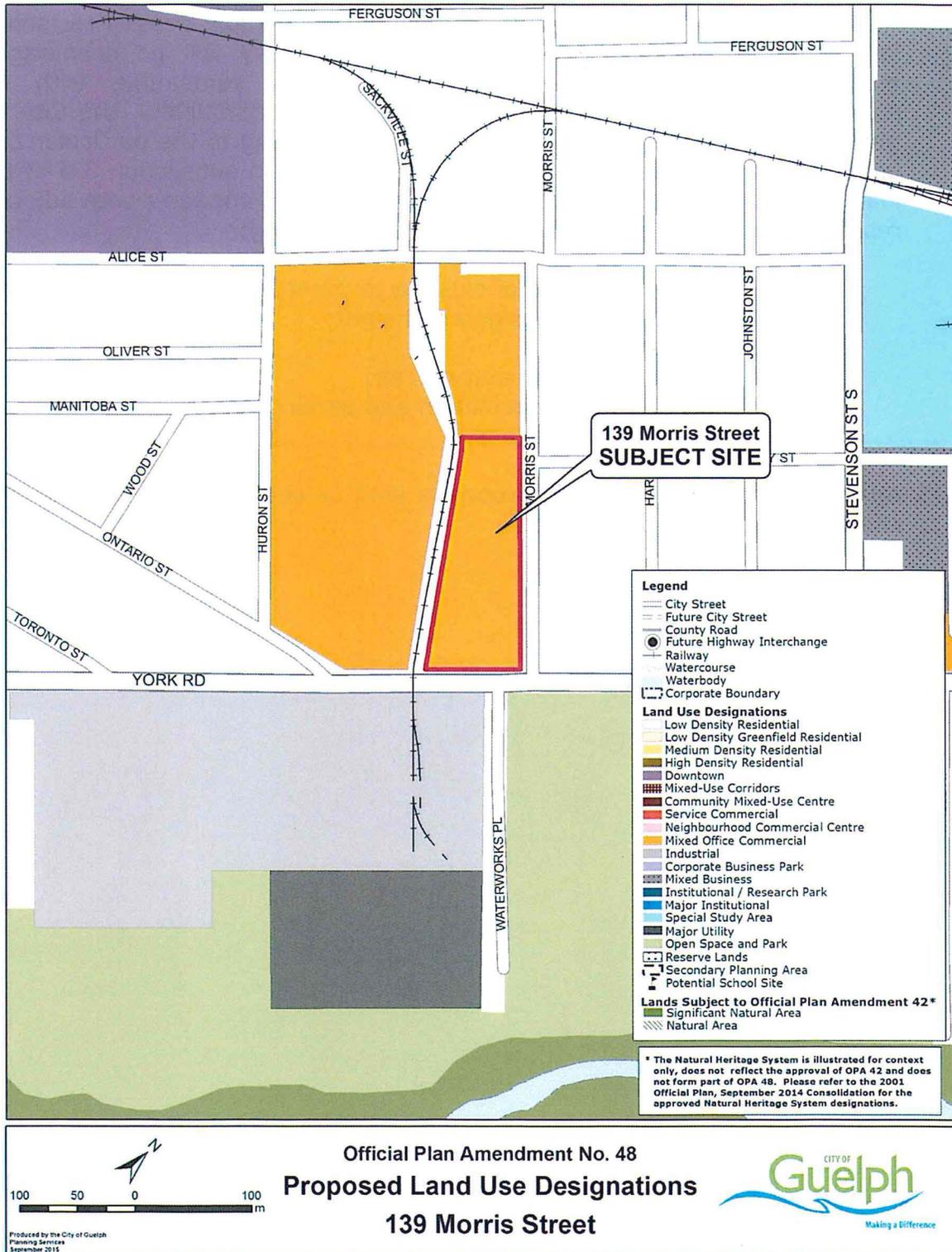
- a) The form and scale of existing residential development;
- b) Existing building design and height;
- c) Setbacks;
- d) Landscaping and amenity areas;
- e) Vehicular access, circulation and parking; and
- f) Heritage considerations.

7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.

# STAFF REPORT

## Attachment 5

### Official Plan Amendment #42 and #48 Land Use Designations and Policies



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## Attachment 5 Official Plan Amendment #42 and #48 Land Use Designations and Policies (continued)

### 9.4.6 Mixed Office/Commercial

#### Objectives

- a) To allow for a variety of freestanding small-scale commercial, office, residential or mixed-use buildings.
- b) To ensure that a *compatible* transition in built-form is provided between uses in this designation and surrounding residential properties.
- c) To allow for a range of *compatible* business uses adjacent to residential areas.
- d) To promote the continued use, revitalization and *intensification* of these areas for a mix of uses.

#### Policies

1. The Mixed Office/Commercial designation as identified on Schedule 2 defines areas where a variety of small-scale commercial, office and mixed-uses including residential may be permitted.
2. While a variety of commercial uses may be permitted by the Mixed Office/Commercial designation, office, *convenience commercial*, *retail commercial* and personal service uses that serve the needs of the surrounding neighbourhoods are specifically promoted.
3. Commercial buildings incorporating *residential units*, either above or behind the ground floor commercial space or freestanding residential buildings are encouraged.
4. The Mixed/Office Commercial designation located peripheral to Downtown includes a variety of small-scale commercial and office operations or mixed commercial-residential uses. This Plan promotes the continued use and revitalization of these distinctive areas.
5. New commercial, office or mixed-use *development* within the Mixed Office/Commercial designation will be subject to the following criteria:
  - i) building design should have a street orientation, promote continuity in the streetscape and adhere to the Urban Design policies of this Plan;
  - ii) building, property and ancillary structures are designed to be *compatible* with surrounding properties in terms of form, massing, appearance and orientation;
  - iii) adequate parking, loading and access are provided; and
  - iv) adequate municipal services are provided.

#### Permitted Uses

6. The following uses may be permitted within the Mixed Office/Commercial designation subject to the applicable provisions of this Plan:
  - i) *convenience commercial* and small-scale *retail commercial*;

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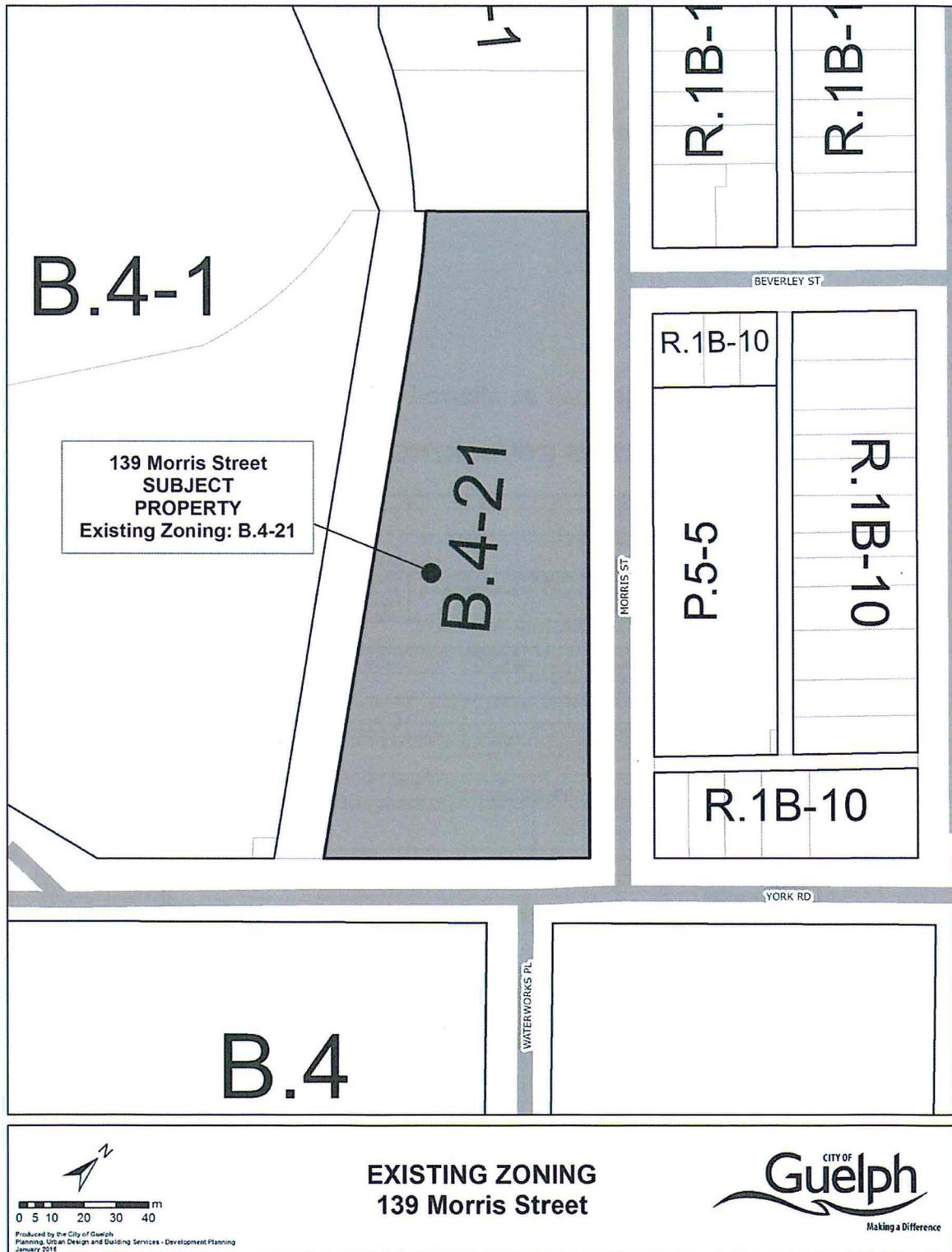
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- ii) small-scale office;
- iii) personal service; and
- iv) detached, semi-detached, townhouses and apartments.

## **Height and Density**

7. The maximum height is four (4) storeys.
8. Residential *development* may be permitted to a maximum *net density* of 100 units per hectare.
9. Increased height and density may be permitted in accordance with the Height and Density Bonus policies of this Plan.

## Attachment 6 Existing Zoning and Details



## Attachment 6 Existing Zoning and Details (continued)

### Existing Zoning: B.4-21 (Specialized Industrial)

7.3.4.21 B.4-21  
139 Morris St.  
As shown on Defined Area Map Number 46 of Schedule "A" of this By-law.

7.3.4.21.1 Permitted Uses  
**Manufacturing**

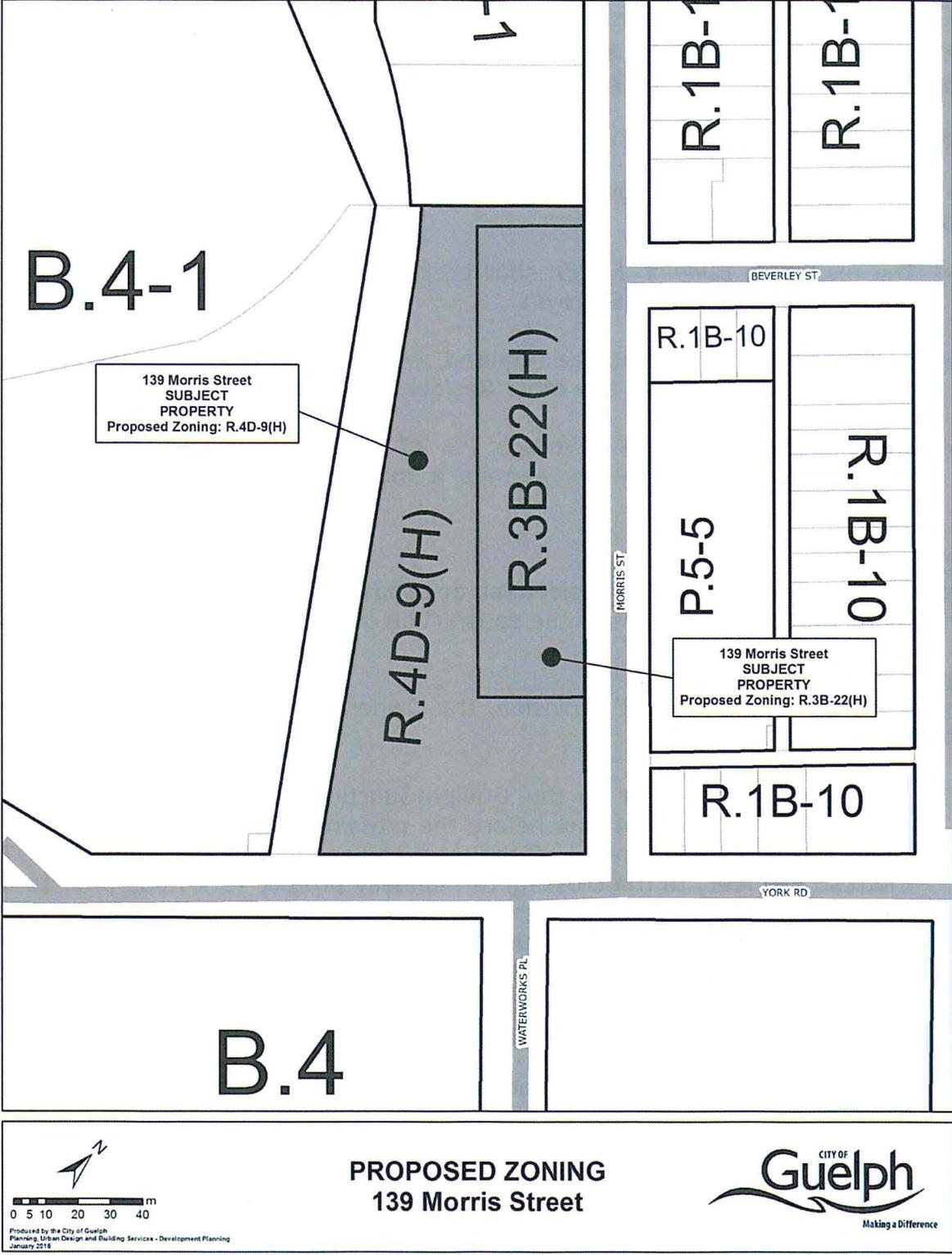
7.3.4.21.2 Regulations

7.3.4.21.2.1 Outdoor Storage  
No outdoor storage shall be allowed in the B.4-21 **Zone**.

**TABLE 7.3 - REGULATIONS GOVERNING INDUSTRIAL (B) ZONES**

1	Zones	B.1	B.2	B.3	B.4
2	Minimum Lot Frontage	30 metres			
3	Minimum Front and Exterior Side Yard	6 metres and in accordance with Section 4.24.			
4	Minimum Side Yard	One-half the <b>Building Height</b> but not less than 6 metres and in accordance with Section 7.3.1.		One-half the <b>Building Height</b> to a maximum of 9 metres, but not less than 3 metres and in accordance with Section 7.3.1.	
5	Minimum Rear Yard	6 metres and in accordance with Section 7.3.1.			
6	Accessory Uses	Not more than 25% of the <b>Building</b> floor area shall be <b>Used</b> for any <b>Accessory Use</b> permitted in a <b>B Zone</b> . See Section 7.3.2 for regulations governing <b>Malls</b> in the <b>B.2 Zone</b> .			
7	Off-Street Parking	In accordance with Section 4.13.			
8	Off-Street Loading	In accordance with Sections 4.14, 7.3.3 and 7.3.9.		In accordance with Sections 4.14 and 7.3.9.	
9	Outdoor Storage	In accordance with Sections 4.12.2 and 7.3.6.		In accordance with Section 4.12.2.	
10	Minimum Landscaped Open Space	The required <b>Front and Exterior Side Yard</b> on any <b>Lot</b> , excepting the <b>Driveway, Parking Areas</b> , or loading areas, shall be landscaped.			
11	Buffer Strips	Where a <b>B Zone</b> abuts any Residential, Institutional, Park, Wetland, or Urban Reserve <b>Zone</b> , a <b>Buffer Strip</b> shall be developed.			
12	Maximum Building Height	20 metres and in accordance with Sections 4.18 and 7.3.7.		20 metres and in accordance with Section 4.18.	
13	Fences	In accordance with Section 4.20.			
14	Garbage, Refuse Storage and Composters	In accordance with Section 4.9.			
15	Maximum Public Floor Space	None permitted.		A maximum of 30% of the <b>Gross Floor Area</b> of an industrial <b>Mall Building</b> may be <b>Used</b> for display and sales areas or assembly occupancies open to the public. In the case of phased construction, not more than 30% of the actual area shall be <b>Used</b> for display and sales area or public assembly occupancies at any time.	
16	Minimum Building Size Requirements	In accordance with Section 7.3.5.			
17	Accessory Buildings or Structures	In accordance with Section 4.5.		Despite Section 4.5.2.2, within the <b>B.3</b> and <b>B.4 Zones</b> , accessory <b>Buildings</b> or <b>Structures</b> may be constructed to the height of the <b>Main Building</b> .	

## Attachment 7 Proposed Zoning and Details



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## Attachment 7 Proposed Zoning and Details (continued)

### **PROPOSED ZONING – “Specialized Residential Townhouse with Holding Provisions” (R.3B-22(H)) and “Specialized Residential Apartment with Holding Provisions” (R.4D-9(H))**

#### “Specialized Residential Townhouse with Holding Provisions” (R.3B-22(H))

The following specialized regulations are being requested by the applicant or recommended by Staff:

- the maximum *Building Height* shall be two (2) *Storeys*, whereas the Zoning By-law allows three (3) *Storeys*;
- a *Buffer Strip* is shall not be required, whereas the Zoning By-law requires one where an R.3 abuts any other Residential Zone;
- the maximum *Building coverage* (% of *Lot Area*) shall be 50 percent, whereas the Zoning By-law permits a maximum *Building coverage* of 40 percent.

#### Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City.

#### Holding Provision Conditions:

Prior to the removal of the ‘H’ provision, the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).
2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change’s (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits

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may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

## "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H))

The following specialized regulations are being requested by the applicant or recommended by Staff:

- the maximum *Building Height* shall be three (3) *Storeys*, whereas the Zoning By-law permits a maximum of four (4) *Storeys*.
- The minimum separation from the Railway right-of-way shall be 9.0 metres.

### Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City.

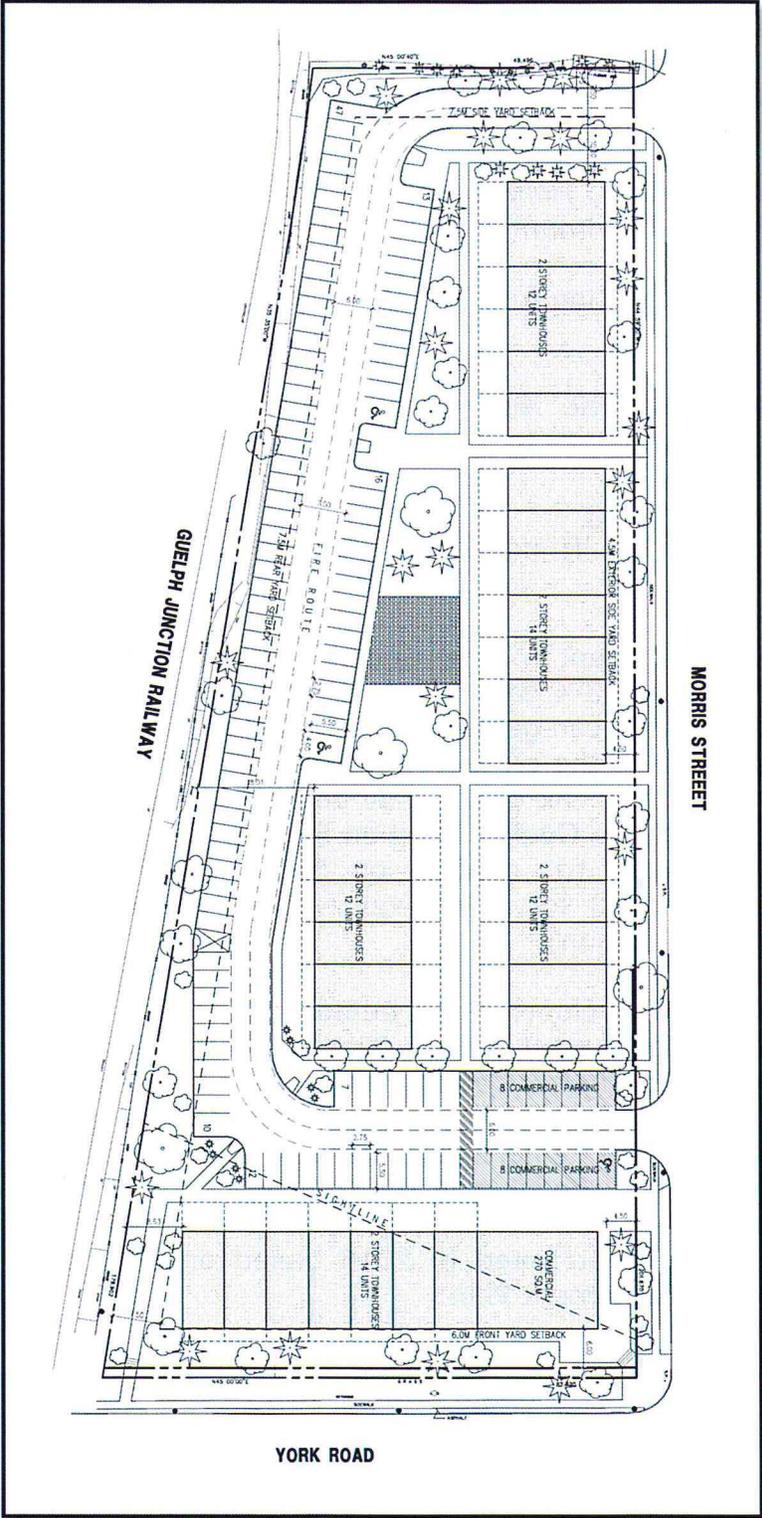
### Holding Provision Conditions:

Prior to the removal of the 'H' provision, the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).
2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

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## Attachment 8 Original Proposal Presented at July 4, 2011 Public Meeting





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## Attachment 10 Proposed Conceptual Elevations



**Attachment 11**  
**Photos of the Biltmore Factory (now demolished)**



## Attachment 12 Planning Analysis

### **2014 Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives of the PPS include: building strong communities; wise use and management of resources; and protecting public health and safety. The PPS promotes efficient land use and development patterns that support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Planning decisions are required to be consistent with the 2014 PPS.

The 2014 Provincial Policy Statement (PPS) refers to focusing growth within settlement areas with densities and a mix of land uses which efficiently use land and resources. PPS policies speak to accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) to meet long-term needs. Policy 1.1.3.3 directs Planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including *brownfield* sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The Zoning By-law Amendment proposes site specific zoning regulations which facilitate intensification, redevelopment and compact form as well as providing a different form of housing in this neighbourhood.

Policy 1.2.6 directs major facilities and sensitive land uses to be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term viability of major facilities. The proposed development will be appropriately designed and have appropriate mitigation in place to ensure land use compatibility with existing industrial land uses.

Policy 3.2.2 addresses sites with contaminants in land or water. Policies direct that these sites shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The Developer filed a Record of Site Condition (RSC) including certification by a Qualified person as defined by O.Reg 153/04, as amended, on the Ministry of the Environment's Environmental Site Registry for the property on October 1, 2015.

The subject application is consistent with the 2014 Provincial Policy Statement.

### **Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The Provincial Growth Plan for the Greater Golden Horseshoe Area (GGH) was prepared under the Places to Grow Act, 2005, and took effect on June 16, 2006.

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The Growth Plan builds on other provincial initiatives and is intended to guide decisions on growth, including policies to manage growth by building compact, transit supportive communities. In order to meet these provincial Growth Plan objectives, the City completed a Local Growth Management Strategy (LGMS) and ultimately the approval of Official Plan Amendment 39 (OPA 39) that implemented changes to the Official Plan to bring it into conformity with the Growth Plan.

The “Growth Plan for the Greater Golden Horseshoe” includes policies that direct a significant portion of growth to the built-up area of the community through intensification where the capacity exists to best accommodate the expected population and employment growth. More specifically, by the year 2015, a minimum of 40% of all residential development will be within the built-up area. In addition, the development of compact, vibrant and complete communities with a diverse mix of land uses, and a range and mix of employment and housing types is encouraged. This Plan envisions increasing *intensification* of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, *brownfield sites* and greyfields. Concentrating new development in these areas also provides a focus for transit and infrastructure investments to support future growth.

The proposed Zoning By-law Amendment allows for residential development within the City’s Built-Up Area on a brownfield site and introduces a new housing type to this neighbourhood. The introduction of additional density on this site makes efficient use of existing infrastructure and supports public transit. Overall, the proposed Zoning By-law Amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan Conformity**

The proposed development meets several of the major goals and objectives of the Official Plan. This includes efficiently utilizing the land base and establishing complementary and compatible land uses that are well integrated with adjacent lands.

Other major goals and objectives of the Official Plan satisfied by the proposed development include:

- directing development to an area where municipal services and related infrastructure are most readily or can be made available;
- assists in promoting a compact development pattern to avoid urban sprawl;
- ensuring development is sympathetic and compatible with the built form of existing land uses;
- assists in accommodating projected growth within the settlement area boundary;
- provides for additional residential land uses;
- assists in providing for an adequate supply and range of housing types;
- supports transit, walking and cycling for everyday activities.

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The application was submitted in 2011 and is therefore subject to the policies of the 2001 Official Plan. The subject property is designated "General Residential" in the Official Plan. The "General Residential" land use designation permits all forms of residential development, including multiple unit residential buildings subject to the satisfaction of specific development criteria. The net density of development is not to exceed 100 units per hectare within the "General Residential" land use designation. The subject application is proposing a density of 47.7 units/hectare which is within the permissible limits of the "General Residential" land use designation.

Policy 7.2.7 of the Official Plan allows multiple unit residential buildings, such as townhouses, row dwellings and apartments, within designated areas permitting residential uses subject to development criteria used to evaluate a development proposal for multiple unit housing as follows:

- a) *That the building form, massing, appearance and siting are compatible in design, character and orientation with buildings in the immediate vicinity.*

Site Plan under Section 41 of the Planning Act is required prior to the issuance of a building permit. Site Plan approval will ensure that the building form, massing and appearance are compatible with the existing area. In addition, staff are recommending specialized zoning regulations such as limiting the height of the townhouse units along Morris Street to 2-storeys and limiting the height of the apartment building to 3-storeys to ensure an appropriate transition between the existing single detached residential dwellings along Morris Street and York Road.

- b) *That the proposal can be adequately served by local convenience and neighbourhood shopping facilities, schools, parks and recreation facilities and public transit.*

The subject property is located within an existing neighbourhood with access to facilities and services.

- c) *That the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections and, in addition, vehicular circulation, access and parking facilities can be adequately provided.*

Consultation with the City's Transportation Engineer concluded that given the number of proposed units, a Traffic Impact Study was not warranted. In addition, the Developer will be providing parking in compliance with the requirements of the Zoning By-law. Parking for the apartment building will be located on the subject property and will not be visible from York Road.

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- d) *That adequate municipal infrastructure, services and amenity areas for the residents can be provided.*

Engineering Services has confirmed that municipal infrastructure and services are available to service the proposed development. Amenity areas for the apartment building will be provided and the on-street townhouse units will have individual private amenity areas.

In summary, the proposed development is in conformity with the "General Residential" land use designation and conforms to the policies of the Official Plan.

Official Plan Amendment #42 (OPA 42), the City's new Natural Heritage System, does not identify any natural heritage features or development constraints on the site.

On June 5, 2012, the City adopted Official Plan Amendment #48 (OPA 48), a comprehensive update to its Official Plan. OPA 48 is currently under appeal and is not yet in effect. Since the application for the subject property was submitted prior to the adoption of OPA 48, it is not required to conform to the policies of OPA 48. However, consideration and regard is given to the policies of OPA 48 since these policies provide current guidance for development within the City and within the context of the Provincial Growth Plan. OPA 48 proposes to designate the property as "Mixed Office Commercial". This designation permits: convenience commercial and small-scale retail commercial uses, small-scale office uses, personal service, detached, semi-detached, townhouses and apartments. Residential development within this designation is permitted to a maximum *net density* of 100 units per hectare. The proposed density of 47.7 units per hectare is within the permissible limit. The proposed development is in conformity with the policies of OPA 48.

## **Environmental Review**

Concern has been raised that the subject lands will require remediation because of the former industrial use prior to residential uses being developed on the site. The Province sets the environmental standards that must be met for remediation, as well as the assessment and processes required to demonstrate that a property is safe for redevelopment. The Developer filed a Record of Site Condition (RSC) including certification by a Qualified person as defined by O.Reg 153/04, as amended, on the Ministry of the Environment's Environmental Site Registry for the property on October 1, 2015.

## **Parkland Dedication**

A payment in lieu of parkland dedication is required for the proposed development of the subject property and will be collected prior to the issuance of a building permit in accordance with applicable By-laws.

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## **Road Infrastructure Road/Transportation**

Adjacent streets abutting the proposed site include York Road, Morris Street and the Guelph Junction Railway line to the west. The proposed development will be served by Morris Street immediately north of York Road.

The existing York Road frontage includes a 2 lane urban cross section with sidewalks on both sides and a boulevard on the south side of the street with an existing right-of-way width of 20.0m (66 ft.). The Official Plan (OP) specifies York Road as an arterial roadway with a 24.0m ultimate right-of-way. As indicated within the OP, a 2.0m road widening will be required along the entire York Road frontage.

The Morris Street frontage north of York Road is a 2 lane local roadway with sidewalks and boulevard on both sides of the street with a 20.0m (66 ft) ultimate right-of-way. It is to be noted that the sidewalk along the west side of Morris Street fronting the property only extends approximately 143m from the York Road/Morris Street intersection. The Developer shall be responsible for actual cost associated with the extension and or reconstruction of a sidewalk across the entire Morris Street frontage abutting the subject property if required.

Consultation with the City's Transportation Engineer concludes that given the number of proposed units, a Traffic Impact Study is **not** warranted.

## **Municipal Services**

### *York Road*

Existing services within the right-of-way along York Road includes a sanitary sewer, storm and 2 watermains as follows:

- 450mm diameter sanitary sewer approximately 3.0 m in depth;
- 600mm diameter storm sewer approximately 1.7m in depth;
- 150mm diameter watermain;
- 500mm diameter watermain trunk;

### *Morris Street*

Existing services within the right-of-way along Morris Street includes a sanitary sewer, storm and water as follows:

- 300mm sanitary sewer approximately 4.5m in depth;
- 300mm diameter storm sewer approximately 2.4m in depth;
- 150mm diameter watermain;

Adequate sanitary and water capacities are available.

## **Morris Street Reconstruction**

Morris Street between Alice Street and York Road has been reconstructed. The reconstruction included the replacement / upgrading of: sanitary sewers, storm sewers, watermain, curb and gutter, sidewalk and the asphalt roadway. The reconstruction is complete except for the sodding of boulevards which will be done

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this year.

## **Storm Water Management**

Stormwater quantity control for the 5 year design storm and an enhanced level of water quality will be required for the subject property. Controlled flow from the site will discharge via into an existing 600mm diameter storm sewer on York Road which flows eastward eventually discharging into the Eramosa River.

As noted within the City's stormwater management criteria dated 29<sup>th</sup> April 2011, the City expects low impact development mechanisms (i.e. clean roof water runoff to be infiltrated) to be incorporated into the SWM design if soil conditions are conducive to infiltration technology.

## **Source Water Protection**

The following information is offered from a Source Water Protection perspective:

- The property is located in a WHPA B with a vulnerability score of 10.
- The property is not located in an Issue Contributing Area.

The Source Protection Plan is approved and shall be in effect July 1, 2016, and the subject property will be subject to DNAPL policies in the Source Protection Plan. As such, it would be helpful to the RMO if the proponent could indicate what DNAPL products, if any (or other potentially significant drinking water threats) that will be stored or handled on the property.

If DNAPL products will be handled or stored, a risk management plan will have to be negotiated with the person engaged in the activity to ensure that such products are handled and stored in a safe and environmentally secure manner.

It is anticipated that the proponent would consider implementing a variety of best available technology and management practices for the proposed land use(s) to minimize potential impacts to the environment (i.e. application of road salt and storage of salt and storage of snow).

The Risk Management Official will be circulated the site plan drawings/documents and will provide further comment from a Source Water Protection perspective at that time as noted as a condition in Attachment 3.

## **Brownfield**

Brownfield properties are vacant or underutilized places where past industrial or commercial activities may have left contamination (chemical pollution) behind. The subject property is considered to be a brownfield. If a brownfield is being redeveloped for a new use, property owners and redevelopers must meet set requirements for:

- Assessing the environmental condition of a property through environmental site assessments;
- Ensuring that the site meets the applicable site condition standards or

standards specified in a risk assessment;

- Submitting a Record of Site Condition (RSC) for filing in Ontario's Environmental Site Registry. The RSC was filed on October 1, 2015.

The proposed development satisfies the applicable brownfield requirements.

### **Brownfield Tax Increment Based Grant Application**

The Brownfield Redevelopment Community Improvement Plan (CIP) includes financial incentive programs intended to stimulate investment in Brownfield properties and achieve environmental, economic and social benefits. The Owner of the subject property applied for the Tax Increment-Based Grant (TIBG) program to offset the cost of investigating and remediating the subject property. Staff reviewed the TIBG application and determined that it met the requirements of the program and provided a recommendation to Planning, Building, Engineering and Environment Committee (PBEE) on October 9, 2013. Staff recommendations were adopted by PBEE Committee on October 9, 2013 and ratified by Council on October 28, 2013.

### **Guelph Junction Railway and Transport Canada**

A Railway Safety Review prepared by McCormick Rankin Corporation, dated November 28, 2011 was submitted with the application. The subject property is adjacent to the Guelph Junction Railway (GJR) spur line which connects the GJR main track to the Owens Corning Plant on York Road. At the south end of the development site, there is an at-grade crossing of the spur track and York Road. The spur track runs directly into the Owens Corning Plant (located at 247 York Road) on the south side of York Road. The Railway Safety Review report dealt with building setbacks and concluded that the proposed development (residential or commercial) should be setback a minimum of 8.1 metres from the existing property line of the GJR corridor.

Transport Canada updated their Grade-Crossing standards in July 2014 and the 8.1 metre setback originally identified in the Railway Safety Review report is not considered to be adequate. Based on Transport Canada's (TC) updated standards, a sightline triangle of 109 metres (along York) by 45 metres (along the GJR track) is required for safety. This requirement would essentially eliminate the proposed 3-storey apartment building. TC identified that if an automated warning device were to be installed (at the Owner's expense) then the sightline triangle could be eliminated, and therefore the 3-storey apartment building could be maintained. The installation of an automated warning device was not accepted by the applicant. The applicant maintained that Section 1.7 "Exceptions to the Requirements" from Transport Canada's document "Determining Minimum Sightlines at Grade Crossing: A Guide for Road Authorities and Railway Companies" would apply in this location because of the "Manual Protection" (road users are stopped by a flag person) and therefore the 8.1 metre setback as previously identified should be adequate.

In an effort to resolve this setback issue and ensure the proposed development would not pose a threat to human life and safety, GJR requested an on-site meeting with Transport Canada. An on-site meeting was held on November 4, 2015 with

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representatives of the GJR, City of Guelph Planning Staff and Transport Canada (TC). Following the on-site meeting Transport Canada provided written comments which are included in Attachment 14.

Transport Canada comments note that the railway crossing is currently equipped with standard railway crossing signs only and given the road speed, road gradient, track speed and clearance distance, the "Safe Sighting Distance (SSD)" was calculated at being 109 metres. The SSD is the distance along the roadway (York Road) that the driver of the design vehicle must be able to see the railway crossing in order to safely stop before the passage of a train. The "Dssd" was calculated in accordance with Grade Crossing Standards and was determined to be 45m. The "Dssd" is the distance along the railway tracks that the design vehicle must be able to see from the SSD in order to safely stop before a train arrives at the crossing.

The "Dstopped" was calculated in accordance with the Grade Crossing Standards and was determined to be 106m. The "Dstopped" is the distance along the railway right of way that the design vehicle stopped at the railway crossing must be able to see in order to move over and clear the railway tracks before the arrival of a train.

Transport Canada concluded that with the current Standard Railway Crossing Sign only, it is unlikely that the recommended Dssd distance of 45m from an SSD of 109m can be maintained when the development is complete. However, if automated warning devices at the crossing were installed, there would be no requirement to maintain Dssd.

After receiving Transport Canada's comments, both City staff and the applicant contacted Transport Canada for clarification as to whether or not Section 1.7 "Exceptions to the Requirements" from Transport Canada's document "Determining Minimum Sightlines at Grade Crossing: A Guide for Road Authorities and Railway Companies" would or would not apply in this location because of the "Manual Protection" (road users are stopped by a flag person). In follow-up correspondence, Transport Canada confirmed that the Grade Crossing Regulations and Standards are *minimum* safety standards and are not intended to resolve the safety concerns at each and every crossing location. Each crossing should be assessed by the Railway and the Road Authority individually to determine if additional defenses are required.

GJR has advised that there have been two previous incidents on this spur line where the rail provider (Ontario Southland Railway (OSR)) slid down the grade during winter conditions. Currently OSR comes to a stop one half of a car to one car length from the crossing and manually protects York Road by stopping all traffic before proceeding. Transport Canada has advised that it is up to the Railway Authority (GJR) and the Road Authority to determine if the minimum level of safety set forth in the Grade Crossing Regulations is sufficient or if additional defenses are required in light of the known operational difficulties.

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GJR worked with the applicant to come up with an alternative to installing an automated warning device and still allow the proposed development to proceed. GJR has worked with the rail service provider (OSR) and OSR is agreeable to stopping 3-4 cars before the crossing at a designated Stop sign for the train, where the brakeman can get off the train and walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade. The owner is required to pay for these improvements adjacent to the track. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location). These improvements will allow the brakeman a safe walkway to the York Road crossing and a safe stop for the train before entering the 2% grade to York Road.

Staff are recommending a 'Holding' (H) provision to ensure that the improvements adjacent to the track are secured to the satisfaction of the Guelph Junction Railway prior to development occurring on site.

GJR has requested that the Baseline Vibration Monitoring Report, prepared by Inspec-Sol Engineering Solutions, dated July 10, 2012, be updated to reflect the revised proposed layout and current standards adjacent to tracks. A 9-metre sight line triangle at the south-west corner of the property adjacent to the GJR corridor and York Road is also required as part of the Site Plan approval for this property. No buildings, parking or landscaping taller than 0.5 metres above the level of the travelled portion of the street will be allowed in this sight line triangle. Staff have included appropriate conditions to address the above in Attachment 3.

## **Noise Concerns**

As part of a complete application, Conestoga-Rovers & Associates prepared a Noise Impact Study, dated August 31, 2012 and update dated November 14, 2012. Among other noise sources, this report addressed rail traffic noise impacts associated with the GJR. A number of recommendations regarding building materials, mitigation requirements and noise warning clauses are included in Attachment 3 and the noise warning clauses will be inserted in all offers of purchase and sale or lease/rent.

Further analysis regarding noise concerns is included in the next section.

## **Compatibility with Adjacent Industrial Uses**

The Owens Corning Glass Plant and NGF Canada facilities are located on the south side of York Road. Owens Corning (OC) has a Ministry of the Environment and Climate Change (MOECC) approved 8-year, 3-stage Noise Abatement Plan (NAP). The NAP has an MOECC issued Environmental Compliance Certificate (ECA), dated October 27, 2011. The purpose of the NAP is to significantly reduce noise from the OC site by October 2020.

# STAFF REPORT



As part of the subject application, a Noise Impact Study, dated August 31, 2012 and update dated November 14, 2012 was prepared by Conestoga-Rovers & Associates (CRA). A further Acoustical Model Peer Review Update Letter was prepared by CRA and dated February 3, 2015. The CRA review was a peer review of a CadnaA (noise prediction software) environmental noise model previously conducted by HGC Engineering on behalf of Owens Corning.

CRA subsequently completed a noise assessment for 139 Morris, based on updated December 15, 2014 noise data and predicted 2016 noise values. CRA's evaluation identified limited "predicted night-time noise impacts" in the December 2014 data set, which CRA indicated could be successfully mitigated using an industry standard silencer. CRA concluded that one noise control feature at the Owens Corning Facility is required in order to achieve the applicable noise criteria. The applicant for 139 Morris Street has indicated to Owens Corning that the Owner is agreeable to cost sharing of the noise control measure with Owens Corning.

The 2016 data did not produce any predicted noise concerns. The point source of the noise concern is Owens Corning's CFM Binder Cyclone Exhaust, which is a stack on the plant roof. Owens Corning is following an MOECC approved NAP, and the CRA model shows that by following the NAP, the Owens Corning site is not expected to pose a noise concern at 139 Morris as soon as 2016. December 2014 data predicted exceedances of the night-time noise limit to be marginal. The review concluded that only a single noise point source needs to be mitigated to ensure Owens Corning will not negatively impact 139 Morris Street from a noise perspective. The mitigation can be done with an industry standard silencer.

Staff are recommending a 'Holding' (H) provision to ensure that the site-specific noise performance limits are met prior to the removal of the 'H' provision. This provision is required in order to protect the Developer, Municipality and future residents to ensure that specific noise performance limits are met. The applicant can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may even be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

City staff contacted Owens Corning (see Attachment 16) and met with a representative from Owens Corning to address land compatibility concerns. Staff indicated that appropriate conditions of approval regarding building materials and noise warning clauses would be incorporated in a future site plan agreement. Further to meeting with Owens Corning, a letter from Owens Corning (see Attachment 16) was received on September 24, 2015. The letter concluded that Owens Corning will forego any future formal challenges to the development only on the basis of the inclusion of developer requirements in the site plan approval which are designed to mitigate the potential incompatibilities of the respective land uses. The appropriate conditions of approval addressing Owens Corning concerns have been included in Attachment 3.

# STAFF REPORT

## Review of Proposed Zoning

The subject property will be zoned with a "Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H)) and "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H)).

The following specialized regulations are being requested by the applicant or recommended by Staff for the townhouse units:

- **The maximum *Building Height* shall be two (2) Storeys, whereas the Zoning By-law allows three (3) Storeys.**  
Staff are recommending that the building height of the townhouses be limited to two (2) storeys to transition with the existing 1 to 2 storey dwellings along Morris Street.
- **A *Buffer Strip* is shall not be required, whereas the Zoning By-law requires one where an R.3 abuts any other Residential Zone.**  
Staff are satisfied with this request as a buffer strip will be provided on the portion of the property being zoned R.4D.
- **The maximum *Building coverage (% of Lot Area)* shall be 50 percent, whereas the Zoning By-law permits a maximum *Building coverage* of 40 percent.**  
Staff consider this request appropriate as this change is only a minimal increase to the requirement.

The following specialized regulations are being requested by the applicant or recommended by Staff for the apartment building:

- **The maximum *Building Height* shall be three (3) Storeys, whereas the Zoning By-law permits a maximum of four (4) Storeys.**  
Staff are recommending the building height be limited to three (3) storeys.
- **The minimum separation from the Railway right-of-way shall be 9.0 metres.**  
This separation distance was accepted by the GJR provided that the improvements adjacent to the track as noted earlier in this report are completed. A 'Holding' (H) provision has been included to ensure improvements are complete to the satisfaction of the Guelph Junction Railway prior to development occurring.

### Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City:

### Holding Provision Conditions:

Prior to the removal of the 'H' provision, the Owner/Developer shall complete the

# STAFF REPORT

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following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).
2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

**Severability Provision** The "severability provision" is a regulation that permits the site setbacks established when the site is a whole property, to be kept the same following any land division or severances of the property. If the property were ever to be severed in the future, this would avoid the need to apply for a minor variance application through the Committee of Adjustment.

## **Urban Design**

Site Plan under Section 41 of the Planning Act is required prior to the issuance of a building permit. Site Plan approval will ensure that the building form, massing and appearance are compatible with the existing area. In addition, staff are recommending specialized zoning regulations such as limiting the height of the townhouse units along Morris Street to 2-storeys and limiting the height of the apartment building to 3-storeys to ensure an appropriate transition between the existing single detached residential dwellings along Morris Street and York Road.

## **Heritage**

A Cultural Heritage Resource Impact Assessment (CHRIA) was submitted in support of the application. The original CHRIA was presented to Heritage Guelph and was amended in January 2012 to address Heritage Guelph comments.

When the subject application was submitted, the subject property was not designated under the *Ontario Heritage Act* nor listed in the *City's Municipal Register of Cultural Heritage Properties*. The property contained an industrial building that was occupied by Biltmore Hats. Heritage Guelph felt the property was a key

# STAFF REPORT

example of industrial development and working class history in Guelph. The original portion of the building was one of the first of eight factories in the Ward. The amended CHRIA indicated that it would be impossible to incorporate the 1907 portion of the building into the new development because of the required remediation for the environmental clean-up.

A demolition permit was applied for by the Owner and reviewed by Heritage Guelph.

At its May 14, 2012 meeting, Heritage Guelph passed the following resolution:

"THAT, having decided not to pursue designation of the original (1907) factory building at 139 Morris Street, Heritage Guelph will not oppose the application for the demolition of all buildings on the subject property; AND

THAT, should a Demolition Permit be approved by the Building Department for all buildings on the property located at 139 Morris Street, Heritage Guelph will continue to require through the current development planning (Zoning Amendment Application) process that the following four conditions be acknowledged and accepted by the owner of 139 Morris Street :

- That the owner, take inventory photographically and through measured floor plans and elevations documenting the entire original (1907) structure;
- That the owner be required to salvage whatever aspects of the buildings that is possible. (e.g. brick, wooden doors, windows, interior beams etc.);
- That the owner, in consultation with Heritage Guelph, provide an appropriate amount of funding to enable the proponent to design prepare, construct and install signage/recognition on site that explains the cultural heritage significance of the Biltmore Company occupancy and previous significant uses/occupants of the property;
- That the owner, invite staff from the Guelph Civic Museum to determine artifacts of significance from the subject property that would be donated to the museum."

A demolition permit was issued and the property is now vacant. The conditions have been or will be satisfied in the following ways:

- ***That the owner, take inventory photographically and through measured floor plans and elevations, document the entire original (1907) structure.***

This condition can be satisfied with photos and archival material that is available. The applicant is required to create approximate elevation and floor plans that show the Biltmore building and the entire extent of the original (1907) factory building. This recommendation has been included as a condition in Attachment 3 and will be satisfied prior to site plan approval.

# STAFF REPORT

- ***That the owner be required to salvage whatever aspects of the buildings that is possible. (e.g. brick, wooden doors, windows, interior beams etc.).***

Staff received an email from the applicant indicating that Kieswetter Demolition Limited confirmed the following:

- No catalogue of building items was produced and no items were taken to their yard in Kitchener.
  - The majority of materials were found to be contaminated with asbestos and were removed under MOE permit regulations.
  - Recyclable materials were removed by scrap dealers from the site.
  - The balance of building materials were delivered to the Waterloo land fill site.
- ***That the owner, in consultation with Heritage Guelph, provide an appropriate amount of funding to enable the proponent to design prepare, construct and install signage/recognition on site that explains the cultural heritage significance of the Biltmore Company occupancy and previous significant uses/occupants of the property***

This recommendation has been included as a condition in Attachment 3 and will be satisfied prior to site plan approval.

- ***That the owner, invite staff from the Guelph Civic Museum to determine artifacts of significance from the subject property that would be donated to the museum.***

Staff have received an email from the Curator of Guelph Museums stating museum staff have selected a number of items for the museum collection.

## **Statutory Public Meeting Comments and Written Correspondence**

The Statutory Public Meeting was held on July 4, 2011 and a second Public Meeting was held on March 17, 2014. Issues raised by Council and members of the public both at the public meeting and through written correspondence are summarized and addressed below:

### ***Traffic***

A number of residents expressed concern regarding the impact of traffic along Morris Street. The City's Transportation Engineer has advised that the City's Traffic Impact Study (TIS) Guidelines requires a Traffic Impact Study to be submitted in support of any proposed development where at least 100 additional (new) vehicle trips (inbound and outbound) would be generated during the adjacent roadways' peak hour or the development's peak hour. To generate 100 vehicular trips, at least 100 single detached units or 192 townhouses or 161 apartment units would have to be proposed.

The City's Transportation Engineer has advised that the proposed development is expected to generate less than 100 vehicle trips per hour in peak hours with the proposed 20 townhouse units and 42 apartment units. Therefore the development

# STAFF REPORT

does not warrant a TIS and the existing road network can accommodate the proposed development.

## ***Parking***

Concerns were expressed regarding parking for the residential uses and loss of on-street parking for the existing surrounding uses. Parking will be provided in accordance with requirements of the Zoning By-law. Parking for the apartment building will be provided in a parking lot that will be accessed via Morris Street. Visitor parking for the apartment building will also be provided on site. The on-street townhouses are proposed to have garages and driveways that can accommodate parking. Parking on Morris Street is currently allowed but not restricted for specific users. New residents in the townhouse units will be aware of the existing land uses and parking situation in the area.

The following are the existing on-street parking restrictions for Morris Street:

- No Parking Anytime – east side between York Road and Beverley Street;
- 2-hour Permissive Parking – west side between Alice Street and York Road.

Guelph Little Theatre raised concerns about residents using their parking lot. This is not a land use planning issue, as adequate parking for the development is being provided, but rather a By-law Compliance and Enforcement issue, if this occurs.

## ***Building Height***

There were concerns regarding proposed building heights being incompatible with the existing neighbourhood. Staff are recommending a maximum building height of 2-storeys for the townhouse units and a maximum building height of 3-storeys for the apartment building to address these concerns.

## ***Density***

Concerns were expressed regarding the proposed density. The net density of development is not to exceed 100 units per hectare within the "General Residential" land use designation in the Official Plan. The subject application is proposing a density of 47.7 units per hectare which is within the permissible limits of the "General Residential" land use designation and is compatible with the existing neighbourhood.

## ***Tenure and Occupancy***

Concerns were raised regarding the future occupants of the townhouses and apartment buildings. Concerns were also raised regarding the number of bedrooms in the apartment units. There were also concerns regarding the possibility of 'accessory' apartments in the townhouse units.

A Zoning By-law cannot control whether new dwelling units are rental or owned. It also cannot control who occupies a dwelling unit, whether they are students, a family or otherwise. A Zoning By-law cannot control the number of bedrooms in apartment units. 'Accessory' apartments are not permitted in townhouse units.

# STAFF REPORT

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## ***Loss of Industrial Land***

A concern was expressed regarding the loss of industrial land. Although the property is currently zoned for an industrial use, it is currently designated in the Official Plan as "General Residential". The long-term vision for the property is that it will be redeveloped in conformity with the Official Plan "General Residential" land use designation.

## ***Commercial Use could promote more walkable community***

Although a commercial use was originally proposed, the Owner revised the application and removed the commercial component. There were mixed opinions from the neighbourhood regarding the commercial use. Residential uses do also promote walkable communities and the property is located close to the downtown and on a transit route.

## ***School Accommodation***

There was a concern regarding schools being closed in the area and whether existing schools had the capacity to accommodate new residential development. School closures are evaluated by School Boards. The original and revised applications to amend the Zoning By-law were circulated to the School Boards as required by the Ontario Planning Act. The School Boards do not object to the application.

## ***Waste Management***

There were concerns regarding the location and storage of garbage and recycling bins. As part of site plan approval, a waste management plan will be submitted in accordance with the Waste Management By-law (2011)-19199 outlining how the three stream sorting requirements and provision of information to potential users of the program will be met. The waste management plan will be required to provide a description of the program including how storage, handling and collection of the anticipated volumes of waste will be conducted whether provided by the City or by a private collection service.

## ***York Road Environmental Assessment***

The York Road EA was completed to address travel needs along York Road from Wyndham Street to the eastern City limit, east of Watson Road. The majority of the major improvements on York Road will be east of Victoria Road to the City limits (widening from 2 lanes to 4 lanes and the relocation of certain segments of Clythe Creek). The current study which the City is undertaking, the York Road Environmental Design Study, focuses on this area. Detailed design has not been completed for proposed changes west of Victoria Road in the vicinity of Morris Street, but it is anticipated that bike lanes will be added to this section of York Road.

## ***Signage Concerns of Guelph Little Theatre***

Guelph Little Theatre is concerned about the proposed apartment building obstructing their signage from York Road and questioned if they could be given

# STAFF REPORT

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variances to the Sign By-law. The previous Biltmore Hats industrial building was built with a 1.82 metre front yard setback. The proposed front yard setback for the 3-storey apartment building is 3 metres.

## Attachment 13 Community Energy Initiative Commitment

### 139 Morris Street Holdings CEP Commitment 139 Morris Street

**The following list of energy conservation measures will also be incorporated into this mixed density townhouse and apartment development.**

		Standard Specification
<b><u>Sustainable Sites- Entire Property</u></b>		
Urban Development	A compact and well utilized site helps contain urban sprawl	X
Urban Development- erosion and sedimentation control	A comprehensive erosion and sedimentation control plan is in effect throughout redevelopment of the site.	X
Existing & Proposed Trees	New tree planting contributes to the overall rejuvenation of the urban forest.	X
Site Lighting	The project will incorporate exterior light fixtures with refractor and cut-off shields to control light pollution, with energy efficient operation controlled by light sensors.	X
Alternative Transportation	Existing bus route along York Road. Bicycle racks will be provided for the apartment site.	X
Landscape and Exterior Design	The project will incorporate the use of light colored surface paving and terrace/balcony materials where practical to increase reflectivity & decrease heat island effect	X
<b><u>Water Efficiency</u></b>		
Water efficient Landscaping	Drought resistant soft landscape material will be specified as much as possible	X
Landscape Irrigation	Automated drip irrigation systems which maximize utility of applied water will be specified and only in areas were it would be essentially required	X
Storm Water Management	Controlled roof drains provided to control flow rate of storm water where applicable	X
Reduced Water Consumption	Low flow faucets and showerheads and low volume flush toilets (HET high efficiency toilets) where possible	X
<b><u>Energy &amp; Atmosphere</u></b>		
Design Features	Project will comply with ban on ozone-depleting refrigerant gases	x
Design Features- mechanical systems	Building's HVAC systems will be centralized where possible and heat recovery ventilators (HRV's or ERV's) will be incorporated in the majority of the central air return systems.	X
Design Features	Low E windows will reduce heat gains and heat loss	X
Design Features- mechanical systems	High efficiency heating system will be used to save natural gas.	X
Design Features- mechanical systems	Cooling equipment will be min 10.9 seer capacity efficiency. This exceeds the MNEC and OBC requirement.	X
Design Features- Electrical	Lighting for residences will be min 75% CFL (or comparable energy efficient lighting alternative)	x
Design Features- Mechanical Systems	Sealed supply and return plenums will be specified in majority of units where possible. Ensures efficient distribution of heating/cooling ventilation.	x
Electrical Metering and	Individual real-time energy metering for gas and electrical. Makes occupants aware/conscious of energy use (kW & \$).	x

# STAFF REPORT

<b>Controls</b>		
<b>Electrical Metering and Controls</b>	Occupancy sensors provided in service rooms with intermittent occupancy to reduce hydro consumption	X
<b><u>Materials &amp; Resources</u></b>		
<b>Regional Materials</b>	The vast majority of materials utilized are available locally (800km radius as defined in the LEED standard) limiting environmental impact on source supply transportation.	X
<b>Low Emitting Materials</b>	Low VOC emitting materials where possible. Examples include, low VOC paints, recycled content carpet, etc.	X
<b>Collection of Recyclables</b>	In compliance with City by-laws	X
<b>Building Materials</b>	High recycled content material to be specified wherever possible	X
<b>Construction Waste Management</b>	A construction waste management plan will be implemented	X
<b><u>Indoor Environmental Quality</u></b>		
<b>System Controllability</b>	Each resident will have access to individual controls for the Heating, Cooling, Lighting and Ventilation	X
<b>Natural Ventilation</b>	All occupied spaces have access to an operable window	X
<b>Low VOC emitting materials</b>	See above (materials)	X
<b>Natural Light</b>	The building provides natural light to 100% of regularly occupied spaces	X
<b><u>Innovation &amp; Design Process</u></b>		
<b>Sustainable Consultants</b>	Residences and units will be designed/developed with input from accredited "sustainable" consultants (i.e. LEED AP's, Energy Auditors, etc)	x

August 2015

# STAFF REPORT



## Attachment 14 Department and Agency Circulation Comments Summary

Respondent	No Objection or Comment	Conditional Support	Issues /Concerns
Planning		✓	Subject to conditions in Attachment 3
Engineering*		✓	Subject to conditions in Attachment 3
Risk Management Official*		✓	Subject to conditions in Attachment 3
Parks Planning*		✓	Subject to conditions in Attachment 3
Environmental Planning*		✓	Subject to conditions in Attachment 3
Heritage Planner*		✓	Subject to conditions in Attachment 3
Upper Grand District School Board*		✓	Subject to conditions in Attachment 3
Guelph Junction Railway*		✓	Subject to conditions in Attachment 3
Guelph Hydro*		✓	Subject to conditions in Attachment 3
Wellington Catholic District School Board*		✓	Subject to conditions in Attachment 3
Transport Canada*		✓	Subject to conditions in Attachment 3
Hydro One	✓		
Guelph Police	✓		
City of Guelph Zoning	✓		
Guelph and Wellington Development Association	✓		
Union Gas Ltd.	✓		
Guelph Fire	✓		

\* Letters attached

## Attachment 14 Department and Agency Circulation Comments Summary (continued)

### Lindsay Sulatycki

**From:** Kime Toole  
**Sent:** September 3, 2015 11:58 AM  
**To:** Lindsay Sulatycki  
**Subject:** 139 Morris St: ZC1110 Engineering Conditions

Hi Lindsay,

Engineering has reviewed and is satisfied with the April 12, 2012 memo (ZC1110) for Engineering conditions provided the following conditions are included into your Decision Report:

- 1 - The Developer acknowledges that the City does not allow retaining walls higher than 1.0metre abutting existing residential properties without the permission of the General Manager/City Engineer.
- 2- Purchasers and/or tenants of all lots are advised 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, all sump pumps must be discharged to the rear yard.

Thanks,  
Kime

Kime Toole, C.E.T. | Engineering Technologist III Engineering and Capital Infrastructure Services | Infrastructure, Development & Enterprise

City of Guelph  
T 519-822-1260 x 2250 | F 519-822-6194 E [kime.toole@guelph.ca](mailto:kime.toole@guelph.ca) [guelph.ca](http://guelph.ca)

Please consider the environment before printing this e-mail.

-----Original Message-----

**From:** Lindsay Sulatycki  
**Sent:** August 24, 2015 2:53 PM  
**To:** Kime Toole  
**Subject:** FW: Emailing: 139 Morris St\_signed copy

Hi Kime,

The Decision Report for this application is scheduled for October 13. Do you have any changes to your comments/conditions?

Thanks,

Lindsay Sulatycki, MCIP, RPP  
Senior Development Planner  
Planning Services  
Infrastructure, Development and Enterprise City of Guelph  
(T) 519-822-1260 x 3313

-----Original Message-----

## MEMO



FILE: 16.131.001

**TO:** Al Heame, Senior Development Planner  
**FROM:** Development Engineering  
**DEPARTMENT:** Engineering Services  
**DATE:** 12<sup>th</sup> April 2012  
**SUBJECT:** 139 Morris Street -- Zoning By-law Amendment – ZC1110

The application is for a Zoning By-law Amendment that would redesignate the site from the existing B.4-21 (Industrial), to the R.3A/ CR (Townhouse and Commercial Residential) Zone as described in the City of Guelph Zoning Bylaw. The subject lands are located at the NW corner of Morris Street and York Road. The most recent proposal includes 20 townhouses units (2 storey) facing Morris Street and 42 apartment building units (3 storey) abutting York Road.

Engineering Services provides the following comments:

### 1. Road Infrastructure Road/Transportation:

Adjacent streets abutting the proposed site include York Road, Morris Street and the Guelph Junction Railway line to the west. The proposed development will be served by Morris Street immediately north of York Road.

The existing York Road frontage includes a 2 lane urban cross section with sidewalks on both sides and a boulevard on the south side of the street with an existing right-of-way width of 20.0m (66 ft.). The OP specifies York Road as an arterial roadway with a 24.0m ultimate right-of-way. As indicated within the OP, a 2.0m road widening will be required along the entire York Road frontage.

The Morris Street frontage north of York Road is a 2 lane local roadway with sidewalks and boulevard on both sides of the street with a 20.0m (66 ft) ultimate right-of-way. It is to be noted that the sidewalk along the west side of Morris Street fronting the property only extends approximately 143m from the York Road/ Morris Street intersection. The Developer shall be responsible for actual cost associated with the extension and or reconstruction of a sidewalk across the entire Morris Street frontage abutting the subject property if required.

Consultation with our Transportation Engineer concludes that given the number of proposed units, a Traffic Impact Study will not be warranted at this time.

**Engineering Services**  
Planning, Building, Engineering and Environmental Services

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca

## MEMO



### 2. Municipal Services

#### *York Road*

Existing services within the right-of-way along York Road includes a sanitary sewer, storm and 2 watermains as follows:

- 450mm diameter sanitary sewer approximately 3.0 m in depth;
- 600mm diameter storm sewer approximately 1.7m in depth;
- 150mm diameter watermain;
- 500mm diameter watermain trunk;

#### *Morris Street*

Existing services within the right-of-way along Morris Street includes a sanitary sewer, storm and water as follows:

- 300mm sanitary sewer approximately 4.5m in depth;
- 300mm diameter storm sewer approximately 2.4m in depth;
- 150mm diameter watermain;

Adequate sanitary and water capacities are available; however the condition of servicing infrastructure in the vicinity of the development is unknown, therefore further investigation will be required by the Developer. Under the Water and Wastewater Servicing Master Plan (2009), it recommends that any 100mm diameter watermain be replaced which is the case along a portion of Morris Street just northwest of Beverley Street. It is to be noted that the watermain along the Morris Street frontage is a 150mm diameter watermain. It is to be noted that Morris Street from York Road to Alice Street has been forecasted under the "City's Capital Works Projects" for future reconstruction.

### 3. Storm Water Management

Stormwater quantity control for the 5yr design storm and an enhanced level of water quality will be required for the subject property. Controlled flow from the site will discharge via into an existing 600mm diameter storm sewer on York Road which flows eastward eventually discharging into the Eramosa River.

As noted within the City's stormwater management criteria dated 29<sup>th</sup> April 2011, the City expects low impact development mechanisms (i.e. clean roof water runoff to be infiltrated) to be incorporated into the SWM design if soil conditions are conducive to infiltration technology.

### 4. Environmental

Changing the use from industrial to residential will require site remediation and MOE clearance. Prior to Site Plan approval, a Record of Site Conditions and approval letter from the MOE will be required.

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## MEMO



### 5. Recommended conditions of Approval

We recommend the following conditions for approval of this proposed Zoning By-law Amendment:

1. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. If contamination is found, the Developer shall:
  - a. submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
  - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
  - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. That the Developer 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 on the said lands to the satisfaction of the General Manager of Planning and Building Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
4. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
5. The Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
6. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General

**Engineering Services**  
Planning, Building, Engineering and Environmental Services

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engineering@guelph.ca

## MEMO



Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.

7. The Developer shall pay to the City the actual cost of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development, to the satisfaction of the General Manager/City Engineer and furthermore, prior to site plan approval, the Developer shall pay to the City the estimated cost, as determined by the General Manager/City Engineer, of replacing, extending, filling, repairing all curb and gutter and sidewalk/boulevard along the frontages of the subject site, that are required in order to service the proposed development.
8. The Developer shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the General Manager/City Engineer of constructing the new access and the required curb cut.
9. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall deed to the City free of all encumbrances a 2.0-metre (6.56 feet) wide parcel of land for a road widening across the entire north side of the York Road frontage abutting the subject property.
10. Prior to site plan approval and prior to any construction or grading on the lands, the Developer shall have an Ontario Land Surveyor prepare a reference plan identifying the road widening.
11. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.
12. The Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
13. That the Developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
14. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
15. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.

**Engineering Services**  
Planning, Building, Engineering and Environmental Services

T 519-837-5604  
F 519-822-6194  
engineering@guelph.ca

## MEMO



16. Prior to the issuance of a building permit, any monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
  
17. Prior to site plan approval, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

---

**Rajan Philips, M.Sc., P. Eng.**  
Manager of Transportation  
Planning and Development Services

---

**Kime Toole, C.E.T.**  
Engineering Technologist II

## Lindsay Sulatycki

**From:** Peter Rider  
**Sent:** November 12, 2015 3:35 PM  
**To:** Lindsay Sulatycki  
**Subject:** 139 Morris Street  
**Attachments:** map35162.pdf; ProvincialTable1\_CW10S.pdf; ProvincialTable9\_DWAS.pdf; ProvincialTable12\_PW10S.pdf

Hi Lindsay:

I have provided some comments from a source water protection perspective, below:

The property is:

- located in a WHPA B with a vulnerability score of 10.
- not located in an Issue Contributing Area.

Once the Source Protection Plan is approved and in effect (estimate July 2016), the subject properties will be subject to DNAPL policies (as will be any other properties in the City within a WHPA A through WHPA C). As such, it would be helpful to the RMO if the proponent could indicate what DNAPL products, if any (or other potentially significant drinking water threats) will be stored or handled on the property.

If DNAPL products will be handled or stored, a risk management plan would have to be negotiated with the person engaged in the activity to ensure that such products are handled and stored in a safe and environmentally secure manner.

It is anticipated that the proponent would consider implementing a variety of best available technology and management practices for the proposed land use(s) to minimize potential impacts to the environment (i.e. application of road salt and storage of salt and storage of snow). There will be opportunities for the RMO to comment on the proposed design(s) at a later stage in the Planning process.

I have attached information from the Lake Erie Source Protection website: [Source Water Protection - Lake Erie Region](#) that outlines relevant information for the proponent to consider.

Trusting this is sufficient.

Please contact me if further information or clarification is required.

Best regards,

**Peter G. Rider, P. Geo.**, Risk Management Official  
Engineering and Capital Infrastructure Services | Source Protection Planning  
**City of Guelph**  
T 519-822-1260 x 2368 | F 519-822-6194 | C 226-820-3608  
E [peter.rider@guelph.ca](mailto:peter.rider@guelph.ca)

[guelph.ca](http://guelph.ca)

# STAFF REPORT

**Al Hearne**

---

**From:** Jyoti Pathak  
**Sent:** September 2, 2014 4:24 PM  
**To:** Al Hearne  
**Subject:** 139 Morris Street - ZBLA and OPA application

Hi Al,

Are you taking a decision report to Council for the above application?

Just wanted to confirm that Parks will require Cash-in-lieu of parkland conveyance for 139 Morris Street –proposed townhouse development.

Please insert the following condition:

The Developer shall pay **cash in-lieu of parkland conveyance** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof, prior to issuance of any building permits.

Let me know if you have any questions.

Thanks

**Jyoti Pathak OALA CSLA MCIP RPP** | Parks Planner  
Community & Social Services | **Parks & Recreation**  
**City of Guelph**

T 519-822-1260 x 2431 | F 519-822-1751  
E [jyoti.pathak@guelph.ca](mailto:jyoti.pathak@guelph.ca)

# STAFF REPORT

## Al Hearne

**From:** Adele Labbe  
**Sent:** July 17, 2014 11:10 AM  
**To:** Al Hearne  
**Subject:** 139 Morris

Hi Al,

I have reviewed the Notice of Revised Application and Public Meeting #2 for 139 Morris Street.

The only comment I have is that I would suggest that a larger space between the railway tracks and the proposed impervious surfaces of the development area to facilitate a landscape buffer with deciduous tree cover and shrubs. This would be in keeping with the City's Urban Forest Management Plan goals and could also contribute to buffering noise.

I also recommend the following condition:

Prior to site plan approval:

A Tree Inventory, Preservation and Compensation Plan should be prepared to the satisfaction of the General Manager of Planning Services and in accordance with the Private Tree Protection Bylaw (2010)-19058.

Thanks,

**Adèle Labbé** | Environmental Planner  
Planning, Building, Engineering and Environment, **Planning Services**  
**City of Guelph**

T (519) 822-1260 x 2563  
E [adele.labbe@guelph.ca](mailto:adele.labbe@guelph.ca)  
guelph.ca



Please consider the environment before printing this email

# STAFF REPORT

## Lindsay Sulatycki

**From:** Stephen Robinson  
**Sent:** March 12, 2014 2:53 PM  
**To:** Al Hearne; nancy@bsrd.com  
**Subject:** RE: 139 Morris Street

Nancy,

Here is Heritage Guelph's resolution regarding 139 Morris Street:

**"THAT, having decided not to pursue designation of the original (1907) factory building at 139 Morris Street, Heritage Guelph will not oppose the application for the demolition of all buildings on the subject property; AND**

**THAT, should a Demolition Permit be approved by the Building Department for all buildings on the property located at 139 Morris Street, Heritage Guelph will continue to require through the current development planning (Zoning Amendment Application) process that the following four conditions be acknowledged and accepted by the owner of 139 Morris Street :**

- **That the owner, take inventory photographically and through measured floor plans and elevations documenting the entire original (1907) structure;**
- **That the owner be required to salvage whatever aspects of the buildings that is possible. (e.g. brick, wooden doors, windows, interior beams etc.);**
- **That the owner, in consultation with Heritage Guelph, provide an appropriate amount of funding to enable the proponent to design prepare, construct and install signage/recognition on site that explains the cultural heritage significance of the Biltmore Company occupancy and previous significant uses/occupants of the property;**
- **That the owner, invite staff from the Guelph Civic Museum to determine artifacts of significance from the subject property that would be donated to the museum."**

My understanding of the outcome of our last discussion with Al on this matter was that these four conditions could be satisfied by:

- with photos and archival material available, the proponent is required to create approximate elevation and floor plans that show the entire original 1907 extent of the building
- that the proponent explain in writing what building materials were salvaged
- that the proponent identify in writing an appropriate amount of funding to enable the proponent to design, prepare, construct and install signage/recognition on site that explains the cultural heritage significance of the Biltmore Company occupancy and previous significant uses/occupants of the property
- that the proponent explain in writing what building materials/equipment/items were donated to the Guelph Civic Museum collection

Stephen

**Stephen Robinson, MA, CAHP | Senior Heritage Planner**  
T (519) 837-5616 x 2496 |  
E [stephen.robinson@guelph.ca](mailto:stephen.robinson@guelph.ca)

**Are you interested in Urban Design?**  
Attend the [Guelph Urban Design Summit: Delivering Change on the Ground](#)  
May 5-6

# STAFF REPORT



UPPER GRAND DISTRICT SCHOOL BOARD  
500 Victoria Road North, Guelph, Ontario N1E 6K2  
Phone: (519) 822-4420 Fax: (519) 822-2134

Martha C. Rogers  
Director of Education

March 14, 2014

PLN: 14-15  
File Code: R14  
Sent by: mail & email

Al Hearne  
Planning, Building, Engineering, Environment  
City of Guelph  
1 Caden Street  
Guelph, Ontario N1H 3A1

RECEIVED

MAR 19 2014

CEE

Dear Mr. Hearne;

Re: Notice of Revised Application  
ZC1110 – 139 Morris Street

Planning staff at the Upper Grand District School Board has received and reviewed the above Notice of a Revised Application for a Proposed Zoning By-law Amendment to permit the development a 42 apartment unit building and 20 two-storey townhouse units.

The Planning Department at the Upper Grand District School Board **does not object** to the revised application, subject to the following conditions:

- Education Development Charges shall be collected prior to the issuance of a building permit;
- That adequate sidewalks, lighting and snow removal is provided to allow children to walk safely to school or to a congregated bus stop.

Should you require additional information, please feel free to contact me at (519)822-4420 ext. 863.

Sincerely,

Emily Bumbaco  
Planning Department

# STAFF REPORT

## Lindsay Sulatycki

**To:** Les Petroczi  
**Subject:** RE: 139 Morris Street

---

**From:** Les Petroczi  
**Sent:** January 8, 2016 3:12 PM  
**To:** Lindsay Sulatycki  
**Subject:** RE: 139 Morris Street

Hi Lindsay:

Tom's last correspondence attached March 5, 2014 he had requested an updated noise study dated (November 14, 2012), an updated vibration study dated (August 7, 2012) but there has been no further correspondence to this.

The 9 meter sight line triangle comes from the BSR&D Railway Risk Assessment dated (April 1, 2014) Item 4, Site Lines that GJR had completed.

After review of the gradient of the track moving southward across York Rd, the GJR (Guelph Junction Railway) and OSR (Ontario Southern Railway) are in agreement that the stopping distance be moved Northward to the highest point of gradient due to inclement weather conditions and reduced site lines at York Rd.

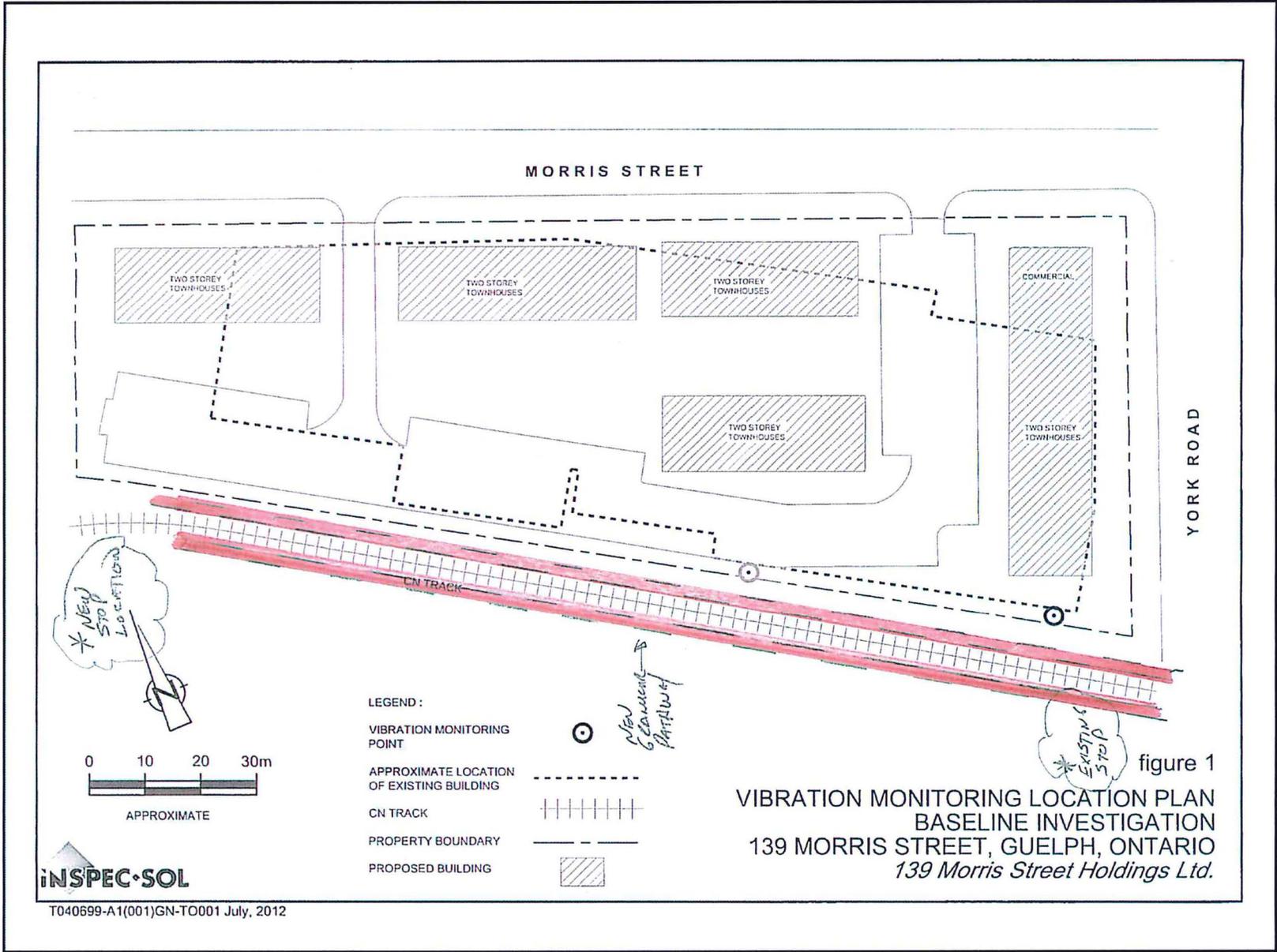
OSR will make a complete stop of freight cars at newly installed STOP sign at top of gradient, brakeman would then disembark the freight car and walk to the York Rd crossing, protect vehicular traffic East and West, STOP traffic and then continue down the gradient and across York road.

Two items are required for this to development to proceed as per attached.

1. A new stop sign for the train must be installed at the new STOP location at top of gradient.
2. A new pathway must be installed on both sides of track from top of gradient South to York Rd to allow for a safe and smooth walking surface for brakeman.

I believe all other items are covered in previous discussions Lindsay.

Thanks  
Les



# STAFF REPORT



395 Southgate Drive  
Guelph, ON N1G 4Y1  
Tel: 519-837-4719  
Fax: 519-822-4963  
Email: mwittmund@guelphhydro.com  
www.guelphhydro.com

March 6, 2014

Al Hearne  
City of Guelph  
Planning, Building, Engineering and Environment  
1 Carden Street  
Guelph, ON N1H 3A1

RECEIVED  
MAR 07 2014  
PBEE

Dear Sir:

**Re: 139 Morris Street (File No. ZC1110)**

We would like to submit the following comments concerning this application:

1. The hydro services for this development will be underground. Supply for this development will be from Morris Street.
2. A minimum distance of 3.0 metres must be maintained between any dwelling units and pad-mounted transformers.
3. A minimum distance of 1.5 metres must be maintained between any driveways/entrances and distribution poles or pad-mounted transformers. Any relocations required would be done at the owner's expense.
4. Arrangements must be made with Guelph Hydro's Technical Services Department prior to demolition of the existing Biltmore Hats building.
5. We will require a 4.2 metre by 4.2 metre space for one single-phase pad-mounted transformer on property, near block D to service the apartment building.
6. Low-profile, pad-mounted transformers may be located in boulevards on Morris Street to service cluster townhomes, provided the boulevard width is not less than 3.5 metres.

Sincerely,

GUELPH HYDRO ELECTRIC SYSTEMS INC.

A handwritten signature in black ink, appearing to read "Michael Wittmund", followed by the initials "MW/gc".

Michael Wittmund, P.Eng.  
Director of Engineering  
MW/gc

# STAFF REPORT



JUN-21-2011 16:22

MAC KINNON & ASSOC.

519 725 5144 P.01/01

## **MacKinnon & Associates**

Providing Solutions in Urban, Landscape and Environmental Planning  
550 Parkside Drive, Unit A-21, Waterloo, Ontario. N2L 5V4  
Phone: (519) 725-5140 Fax: (519) 725-5144  
E-Mail: general@mackinnonassociates.ca

## **FAX MEMO**

File: 2019

F:\JOB\2000\2019\City of Guelph\2019\011111.doc

**DATE:** June 20, 2011

**TO:** City of Guelph  
Attention: Ms. Tina Agnello, City Clerk

**FAX NO:** (519) 822-4632

**FROM:** Bill MacKinnon

**SUBJECT:** Zoning By-law Amendment – ZC1110  
Lots 21-30 inclusive on RP 322 and Part 1 on Plan 61R-2664  
139 Morris Street

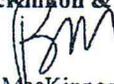
**TOTAL PAGES FAXED:** 1  
(Including Cover Page)

On behalf of the Wellington Catholic District School Board, we have reviewed the above noted application. The Board has **no objection** to the Zoning By-law amendment to rezone the subject site from the current B.4-21 (Industrial) Zone to a R.3A (Townhouse) and CR (Commercial Residential) to permit the development of a 64-unit townhouse development with a small mixed use building on the corner of the site nearest Morris Street and York Road.

We request that the Educational Development Charges be collected prior to the issuance of a building permit be included in the standard conditions of approval.

Should you have any questions with regard to the comments provided, please do not hesitate to contact our office.

Yours truly,  
**MacKinnon & Associates**

  
Bill MacKinnon  
Planner

cc: Mr. Rac Walton, Wellington Catholic District School Board

# STAFF REPORT



4900 Yonge St. 3<sup>rd</sup> Floor  
Toronto, Ontario  
M2N 6A5

Your file / Votre référence

Our file / Notre référence  
11269706

November 12, 2015

Mr. Les Petroczi, P. Eng  
General Manager  
Guelph Junction Railway  
City Hall  
1 Carden Street  
Guelph Ontario H1H 3A1  
Canada

Dear Sir,

At the request of the Guelph Junction Railway (GJR), a joint site meeting was held on November 4, 2015 between representatives of the Railway and Transport Canada (TC). The site meeting was held at Mile 0.37 Fiberglass Spur and Highway 7 (York Road) in the City of Guelph. The Railway has expressed concern regarding a planned development which is either underway, or being proposed in the north western quadrant of the crossing with respect to its impact on sightlines.

The Fiberglass Spur is a branch off the Goderich Subdivision located at Mile 30.89 Goderich Subdivision.

York Road runs roughly from Southwest to a Northeast Direction and is speed tabbed at 50 Km/h. York Road is also a designated truck route.

The Railway crosses York Road at approximately 90 degrees and has a track speed of 10MPH. Railway movements are required to stop before fouling the crossing surface. However, due to the downhill grade of the track leading to the crossing, there is a history of train movements not being able to stop before the crossing.

For the purposes of this email, York road is considered a north-south road while the track is considered an east-west line of railway.

In the South West Quadrant of the crossing, a private parking lot exists. In the South East and North East Quadrants, a private industry exists in which the Fiberglass spur serves and terminates in. In the North West Quadrant is a vacant parcel of land in which the development of concern is located.

The railway crossing is equipped with standard railway crossing signs only.

During the site meeting, a review of the sightlines was conducted by means of using a standard Transport Canada inspection process. During which, the following was measured or assumed;

1. Design Vehicle: WB-20 (assumed based on designated truck route and observed traffic)
2. Road Speed: 50Km/h



3. Road Gradient over the SSD and the Stopped Position: +1 degree (measured)
4. Clearance Distance estimated at 11m
5. Track Speed: 10 MPH (based on history of inability to bring train to a controlled stop during difficult environment)

The "Safe Sighting Distance (SSD)" was calculated at being 109m. The SSD is the distance along the roadway that the driver of the design vehicle must be able to see the railway crossing in order to safely stop before the passage of a train.

The "Dssd" was calculated in accordance with *Grade Crossing Standards* and was determined to be 45m. The "Dssd" is the distance along the railway tracks that the design vehicle must be able to see from the SSD in order to safely stop before a train arrives at the crossing.

The "Dstopped" was calculated in accordance with the *Grade Crossing Standards* and was determined to be 106m. The "Dstopped" is the distance along the railway right of way that the design vehicle stopped at the railway crossing must be able to see in order to move over and clear the railway tracks before the arrival of a train. A stop position of any vehicle is considered to be 2m in advance of the railway crossing sign or signal or 5m in advance of the railway tracks where no sign/signal exists.

In consideration of the above calculations, Transport Canada made the following comments/observations during the site meeting;

1. Under the *Grade Crossing Standards*, a minimum Dstopped distance of 30m must be maintained when railway equipment makes a STOP at a railway crossing. However, given the difficult grade conditions of the track and the history of non controlled movements at the crossing, minimum sightlines based on a track speed of 10 MPH should be considered for the North West and South West Quadrants.
2. At present, in the North West quadrant, a natural earth embankment along the railway right of way is restricting the Dstopped distance. With the removal of the earth embankment and having an appropriate set back of the proposed development, the Dstopped distance should be able to be obtained.
3. The Dstopped distance in the South West Quadrant was not an issue.
4. With the current Standard Railway Crossing Sign only, it is unlikely that the recommended Dssd distance of 45m from an SSD of 109m can be maintained when the development is complete. However, with the application of a STOP sign or Automated Warning Devices to the crossing, there will be no requirement to maintain Dssd.
5. The track inside the industrial plant served by the Fiberglas Spur (outside of the road allowance) is likely private track and is outside of Transport Canada's jurisdiction. Movements coming out of the plant likely have no issues making a proper stop before fouling the crossing; therefore Transport Canada has no concerns with the sightlines into the industrial plant.

After the site meeting, Transport Canada completed a standard crossing inspection and now offers the following additional comments;

1. With the parking lot located in the South West quadrant of the crossing, the required Dssd distance from an SSD of 109m is not present.

In addition to the site meeting, Transport Canada wishes to draw your attention to the following;

1. Section 21(1) of the "*Grade Crossing Regulations (GCR)*" governs required sightlines at existing public crossings equipped with Standard Railway Crossing Signs only. The requirement of Section 21(1) becomes effective 7 years after the coming into force of the GCR (See Section

# STAFF REPORT



Transport  
Canada

Transports  
Canada

- 21(3) of the GCR). It is in my opinion, given the history of train movement issues and the current parking lot in the South West Quadrant, the crossing will not meet the standards as of today nor will they with the development of the proposed property.
2. Currently, Section 24 of the GCR prohibits the obstruction of sightlines by any new construction of buildings or other obstructions on land adjoining the railway.
  3. Currently, Section 25 of the GCR prohibits the placement of anything on lands adjoining a railway that will obstruct sightlines.

In addition to the above, since Transport Canada completed an inspection of the crossing, a formal standard inspection report will be sent to the Railway in due course.

I trust the above will aid the Guelph Junction Railway with matters pertaining to the sightlines at this crossing.

Sincerely,

Jeffrey Young, CET  
Railway Safety Inspector, Badge 30010  
Transport Canada – Surface  
Ontario Region

# STAFF REPORT

## Lindsay Sulatycki

**From:** Young, Jeffrey <jeffrey.young@tc.gc.ca>  
**Sent:** November 24, 2015 2:52 PM  
**To:** Lindsay Sulatycki  
**Cc:** Les Petroczi; Oyelowo, Ola; Williams, Duwayne  
**Subject:** RE: Potential Sightline concern at Grade Crossing, Mile 0.37 Fibreglass Spur (HB 30.89 Goderich Subdivision) - Guelph Junction Railway

Good afternoon Linda.

Sorry for taking so long in getting back to you.

The applicant is correct in that a manually protected crossing only needs to maintain an SSD of 5m. However, during the course of the site meeting, it was learned that the operator of trains on the this spur has admitted that they have issues stopping before the crossing when certain environmental conditions exist and sometime have to run ahead of the train to stop traffic. As I understand it, this is partially due to the downhill grade of the tracks toward the crossing.

Therefore, despite the crossing meeting the current guideline and, as it exists now, would meet the year 7 sightline requirement, a threat to safe railway operations may yet develop in light of the current history of the problematic ability for the train to stop before entering the crossing.

Unless the Guelph Junction Railway can put into place measures to ensure that the train can reliability stop before entering the crossing surface under all environmental conditions, I recommend that a train speed of 10 MPH be used in determining sightlines as a mitigation measure.

Please also note that the land developer contacted myself, via email, today. I am still formulating a response to the developer.

Regards,

Jeffrey Young

---

**From:** [Lindsay.Sulatycki@guelph.ca](mailto:Lindsay.Sulatycki@guelph.ca) [<mailto:Lindsay.Sulatycki@guelph.ca>]  
**Sent:** Monday, November 16, 2015 11:51 AM  
**To:** Young, Jeffrey  
**Cc:** [Les.Petroczi@guelph.ca](mailto:Les.Petroczi@guelph.ca)  
**Subject:** RE: Potential Sightline concern at Grade Crossing, Mile 0.37 Fibreglass Spur (HB 30.89 Goderich Subdivision) - Guelph Junction Railway

Hi Jeffrey,

Thank you for sending this information.

The applicant believes they can use Section 1.7 "Exceptions to the Requirements" from the Transport Canada website document "Determining Minimum Sightlines at Grade Crossings..." in this location because of the "Manual Protection" (road users are stopped by a flag person). Can you please provide clarification on this item as to whether this exception would or would not apply here.

# STAFF REPORT

Thank you,

Lindsay Sulatycki, MCIP, RPP  
Senior Development Planner  
Planning Services  
Infrastructure, Development and Enterprise  
City of Guelph  
(T) 519-822-1260 x 3313

---

**From:** Young, Jeffrey [<mailto:jeffrey.young@tc.gc.ca>]  
**Sent:** November 12, 2015 2:15 PM  
**To:** Les Petroczi  
**Cc:** Lindsay Sulatycki; Sylvia Kirkwood; Peter Cartwright; Oyelowo, Ola; Young, Jeffrey  
**Subject:** Potential Sightline concern at Grade Crossing, Mile 0.37 Fibreglass Spur (HB 30.89 Goderich Subdivision) - Guelph Junction Railway

Les,

Please see the attached. Let me know if you need anything else.

I will send an inspection report shortly,

**Jeffrey Young, CET**  
Regional Signal Systems Safety Inspector

Transport Canada, Rail Safety  
4900 Rue Yonge Street  
North York, Ontario M2N 6A5

Telephone: Note that my office phone is being discontinued.  
Fax: (416) 973-9907  
Cell: (416) 985-5754  
Email: [Jeffrey.Young@tc.gc.ca](mailto:Jeffrey.Young@tc.gc.ca)

Road/Railway Grade Crossings  
<http://www.tc.gc.ca/eng/railsafety/railsafety-333.htm>

# STAFF REPORT



**Attachment 15  
Written Correspondence Received from the Public Summary**

<b>RESPONDENT</b>	<b>KEY ISSUES/CONCERNS</b>
Lorraine Pagnan and Fred Thoonen	Density, height, demographics in units (ie. number of bedrooms)
Arthur Hanna	Density
Maria Pezzano, The Ward Resident's Association	Heritage Value
Lucio and Mirella Scapin	Compatibility with existing industrial uses, parking
Magee McGuire	Garbage bin location, parking, ownership vs. rental
Robert Nixon, Owens Corning	Compatibility with existing industrial uses
Shawn Kroepelin	Density, tenure, proposed elevations, parking, garbage bin location
Robert M. Catteau	Compatibility with existing land uses
Nick Mostowy, NGF Canada Limited	Compatibility with existing land uses
Michael Brodie	Traffic, Parking
Robin Bennett (President) and Bruce Bennett of Guelph Little Theatre	Parking, Traffic, land use compatibility
Ryan Ritskes	Preferred commercial/residential proposal

## Attachment 16 Correspondence with Owens Corning

file



May 27, 2015

Mr. Rob Nixon  
Maintenance and Operations Leader  
Owens Corning Guelph Glass Plant  
247 York Road  
Guelph, ON  
N1E 3G4

CANADA POSTS POST CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
To Destinataire		FOR DELIVERY CONFIRMATION www.canadapost.ca		
Name Nom	200 NIXON			CONFIRMATION DE LA LIVRAISON www.postescanada.ca
Address Adresse	247 York Rd			1 888 550-6333
City / Prov. / Postal Code	Guelph, ON N1E3G4			CPC Tracking Number Numéro de suivi de la SCP
Declared Value déclaré \$				RN 073 039 387 CA
33-886-584 (14-08)		MAY 27 2015		

Sent via Registered Mail

Dear Mr. Nixon,

Re: Zoning By-law Amendment Application  
City File ZC1110  
139 Morris Street, Guelph

The City has received previous correspondence from you and understands you have concerns regarding the redevelopment of 139 Morris Street, particularly with respect to how it affects your Facility's ability to meet requirements under the Environmental Protection Act.

An Acoustical Model Peer Review Update Letter, prepared by Conestoga-Rovers and Associates, dated February 3, 2015 was forwarded to you on February 9, 2015 from Black, Shoemaker, Robinson and Donaldson Limited. This letter concluded that one noise control is needed at the Owens Corning Facility in order to achieve acceptable noise levels at proposed residential facades at the 139 Morris Street site. We are respectfully requesting that you provide your comments on the Acoustical Model Peer Review Update Letter and advise if you have any further comments or concerns with this application. A Decision Report to Council will include references to the following Site Plan Approval conditions that the City proposes to impose (among other conditions), which we understand have been agreed to between the Developer and Owens Corning:

1. Noise Warning Clause as per MOE D-6 land use compatibility requirements;
2. Fixed windows on York Road frontage;
3. Forced air heating/air conditioning system for apartment units facing York Road; and,
4. Enclosed noise buffer balconies on south and east facades of apartment building.

If there are any other concerns, we would like to address them through appropriate conditions in a future Decision Report.

City Hall  
1 Carden St  
Guelph, ON  
Canada  
N1H 3A1

T 519-822-1260  
TTY 519-826-9771

guelph.ca

# STAFF REPORT

Please provide your comments in writing to the undersigned either by regular mail or by email at [lindsay.sulatycki@guelph.ca](mailto:lindsay.sulatycki@guelph.ca). Alternatively, if you would like to discuss this project further, we are available to meet at your convenience.

If we do not hear from you within ten (10) business days from the date of this letter, we will proceed with the preparation of a Decision Report for Council.

Yours truly,

Lindsay Sulatycki, MCIP, RPP  
Senior Development Planner  
Development Planning Services  
Infrastructure, Development and Enterprise  
City of Guelph  
519-822-1260 ex. 3313

Copy: Ms. Nancy Shoemaker, Black, Shoemaker, Robinson and Donaldson Limited  
Mr. Terry Gayman, Manager, Development and Environmental Engineering

## Lindsay Sulatycki

**From:** Lindsay Sulatycki  
**Sent:** June 11, 2015 9:38 AM  
**To:** 'Nixon, Robert D.'  
**Cc:** 'Nancy Shoemaker'; Sylvia Kirkwood  
**Subject:** 139 Morris Street

Hi Rob,

Thank you for meeting with me on Monday June 8 regarding the proposed development at 139 Morris Street.

I understand that you will be contacting Nancy Shoemaker directly regarding the noise control measure required and the cost sharing agreement between Owens Corning and the owner of 139 Morris Street.

As discussed, I will be bringing a Decision Report to Council and will include the following conditions in my staff report to be implemented through site plan approval and a site plan agreement:

1. Noise Warning Clause as per MOE D-6 land use compatibility requirements;
2. Fixed windows on York Road frontage;
3. Forced air heating/air conditioning system for apartment units facing York Road; and,
4. Enclosed noise buffer balconies on south and east facades of apartment building.

If you have any additional items or comments, please forward them to me no later than July 10, 2015 as I am targeting either the September or October Council agenda.

Thank you,

Lindsay Sulatycki, MCIP, RPP  
Senior Development Planner  
Planning Services  
**Infrastructure, Development and Enterprise**  
**City of Guelph**  
(T) 519-822-1260 x 3313



## OCV™ Reinforcements

**Rob Nixon, BS**

Plant Manager, Guelph Glass Plant, Canada

September 24, 2015

Black, Shoemaker, Robinson & Donaldson Limited  
351 Speedvale Avenue West  
Guelph, Ontario  
N1H 1C6  
Phone: 519-822-4031  
Fax: 519-822-1220

Attn: Nancy Shoemaker

Re: 139 Morris Street Re-Zoning

Dear Ms. Shoemaker,

After much ongoing dialogue, analysis and review, we remain concerned about the potential conflict that could arise from the establishment of a residential development in close proximity to the Owens Corning facility which has long been established on industrial lands and is being operated in accordance with restrictions governing such use. We believe that there are inherent conflicts in having a residential development in close proximity to an industrial facility that, at the very least, prospective tenants or occupants should be made aware of and which should be mitigated to the greatest extent possible by design, construction and planning techniques.

However, since we have been clear in identifying our concerns to both the municipality and to the prospective developer(s), Owens Corning will forego any further formal challenges to the development only on the basis of the inclusion of developer requirements in the site plan approval which are designed to mitigate the potential incompatibilities of the respective land uses and your commitment that these conditions will be incorporated as requirements for the project, are adhered to by the developer and enforced by local officials.

Conditions around site plan approval for 139 Morris Street will, at a minimum, include:

1. Noise Warning Clause as per MOE D-6 land use compatibility requirements
2. Fixed, non-opening windows on south & west facades of structures with York Road frontage
3. Forced air heating/air conditioning system for apartment units facing York Road; and
4. Enclosed noise buffer balconies on south and west facades of apartment building.

It is the position of Owens Corning that these conditions are in the best interests of all parties including Owens Corning, the developer of 139 Morris Street and future occupants of 139 Morris St. These reasonable conditions, once implemented, should act to at least partially mitigate issues of incompatible land use. We further believe that the developers of the property should

OWENS CORNING COMPOSITE MATERIALS

247 YORK ROAD•GUELPH•ONTARIO•CANADA•N1E 3G4  
TEL: +1 519 823 7219•CELL:+1 519 820 4885  
[robert.d.nixon@owenscorning.com](mailto:robert.d.nixon@owenscorning.com)



## OCV™ Reinforcements

**Rob Nixon, BS**

Plant Manager, Guelph Glass Plant, Canada

be required to fully disclose to prospective buyers and/or tenants the existence of the potential of noise pollution and the measures that have been taken to mitigate the potential of disturbance. Site plan approval should be denied for any development proposal which fails to meet these conditions or amends the layout in a manner that detrimentally impacts those involved from a noise pollution perspective.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Nixon", with a stylized flourish at the end.

**Rob Nixon**

Plant Manager  
Owens Corning  
Guelph Ontario Canada

cc – Lindsay Sulatycki, MCIP, RPP - Senior Development Planner - City of Guelph

OWENS CORNING COMPOSITE MATERIALS

247 YORK ROAD-GUELPH-ONTARIO-CANADA-N1E 3G4

TEL: +1 519 823 7219 • CELL: +1 519 820 4885

[robert.d.nixon@owenscorning.com](mailto:robert.d.nixon@owenscorning.com)

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## **Attachment 17 Public Notification Summary**

April 7, 2011	Application received by the City of Guelph
May 31, 2011	Application deemed complete
June 7, 2011	Public Meeting Notice mailed to prescribed agencies and surrounding property owners within 120 metres
June 16, 2011	Notice of Public Meeting advertised in the Guelph Tribune
July 4, 2011	Statutory Public Meeting of City Council
June 13, 2012	Meeting with Interested Parties held at City Hall
August 30, 2013	Revised concept plan and building elevations received.
February 20, 2014	Notice of Public Meeting advertised in the Guelph Tribune
February 21, 2014	Notice of Revised Application and Public Meeting mailed to prescribed agencies, interested parties and property owners within 120 metres
March 17, 2014	Second Statutory Public Meeting of City Council
January 22, 2016	Notice of Decision Meeting sent to interested parties that commented at the Public Meetings or requested notice
February 8, 2016	City Council Meeting to consider staff recommendation

**From:** Arthur Hanna  
**Sent:** Wednesday, January 27, 2016 11:36 AM  
**To:** Bob Bell  
**Subject:** Hi Bob

This email is an objection to the zoning bylaw amendment at 139 Morris Street by Ray Ferraro. Coming before council on Feb 8. Previously there was one large building on this land, now they're proposing 62 units for 62 families. I believe this proposal is too dense for the area.

Mr Arthur Hanna

# STAFF REPORT



TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT Proposed Demolition of 176 York Road,  
Ward 1**

REPORT NUMBER 16-02

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide background and a staff recommendation related to a request for demolition approval of one (1) single detached dwelling.

### KEY FINDINGS

One (1) existing single detached dwelling is proposed to be demolished and to be replaced with one (1) single detached dwelling in the future resulting in 'no net loss' of residential dwelling units.

### FINANCIAL IMPLICATIONS

None.

### ACTION REQUIRED

Council is being asked to approve the demolition request.

## RECOMMENDATION

1. That Report 16-02 regarding the proposed demolition of one (1) single detached dwelling at 176 York Road, legally described as Plan 113, Pt. Lot 56; City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, be received.
2. That the proposed demolition of one (1) detached dwelling at 176 York Road be approved.
3. That the applicant be requested to prepare and submit a Tree Preservation Plan in accordance with the City of Guelph Official Plan (Urban Forest policies) prior to undertaking activities which may injure or destroy trees.
4. That the applicant be requested to erect protective fencing at one (1) meter from the drip line of any existing trees to be retained on the property or on adjacent properties, which may be impacted by demolition or construction activities.

# STAFF REPORT

5. That the applicant be requested to contact the City's Environmental Planner to inspect the tree protection fence prior to demolition and/or site alteration commencing.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

## BACKGROUND

The City received an application to demolish one (1) single detached dwelling at 176 York Road on December 11, 2015 through Infrastructure, Development and Enterprise.

The subject property is located on the north side of York Road, to the east of the Toronto Street-York Road intersection, and to the west of the Ontario Street-York Road intersection in a residential area. York Road is to the south, Ontario Street runs north of the property in an east/west direction with Huron Street, Wood Street and Manitoba Street running north from Ontario Street. Short Street is to the west of the property and connects Ontario Street and Toronto Street. Toronto Street connects with York Road to west of the property and runs in an east/west direction. Immediately opposite the property is the large Owens Corning industrial site.

The subject property is composed of a rectangular lot that is orientated in a northwest to southeast direction. The subject property is zoned Special Residential R.1B – 10 (Residential Single Detached), which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupations and lodging houses Type 1.

The applicant is requesting to demolish the existing dwelling and garage on the subject property, and eventually rebuild a single detached dwelling (see location map and site photos on Attachments 1, 2 & 3). The owner is proposing to replace the existing dwelling with a new building and has provided potential concept drawings for the new dwelling, which are included for information in Attachment 4.

## REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

# STAFF REPORT



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## Cultural Heritage Resources

176 York Road is not designated under the Ontario Heritage Act and is not listed (as non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act. However, the property was included in the Couling Inventory in 1974 and therefore, recognized as a built heritage resource according to Guelph's Official Plan.

The City of Guelph's Official Plan Policy 4.8.1 (4) states – the City recognizes that properties within the city that have been identified in the Couling Building Inventory may have cultural heritage value or interest. The properties identified in the Couling Building Inventory may be considered by Council for listing on the *Municipal Register of Cultural Heritage Properties* and designation under the *Ontario Heritage Act*. According to OP Policy 4.8.5 (5) - All properties identified on the Couling Building Inventory that have not been listed on the *Municipal Register* shall be considered as potential built heritage resources until considered otherwise by Heritage Guelph.

Section 27, Subsection 4 of Part IV of the *Ontario Heritage Act* states that restriction on demolition applies only if a property is listed in the register before any application is made for a permit under the *Building Code Act, 1992* to demolish or remove a building or structure located on the property.

The Senior Heritage Planner has conducted a site visit to assess the integrity of the property's potential heritage attributes. The property as it exists today has limited cultural heritage value when assessed using the three criteria for determining cultural heritage value or interest established by Regulation 9/06 under the *Ontario Heritage Act*. While the Senior Heritage Planner supports the retention of built heritage resources, staff do not recommend that Council move to protect the subject property by individual designation under the *Ontario Heritage Act*. Heritage Guelph considered the demolition application at their January 11, 2016 meeting and supported staff's recommendation.

## Tree Protection

The subject property is less than 0.2 hectares in size and, therefore is not regulated by the Private Tree Protection By-law. However, the site is subject to the Urban Forest policies under the City of Guelph's Official Plan, and staff strongly encourages the applicant to protect and retain as many trees as possible during demolition and construction of the new dwelling. The trees in close proximity to the structure that is proposed to be demolished are anticipated to provide various benefits and services to the neighborhood including reduction of air pollution, moderation of the urban heat island effect, carbon sequestration, shade and habitat for resident wildlife, and thus should be preserved, if feasible, to contribute to the City's targets to achieve and maintain 40% canopy cover.

The City requests a Tree Preservation Plan (TPP) prior to undertaking activities, which may injure or destroy trees. The Tree Preservation Plan should provide details on tree species, size, condition, mitigation measures and recommended action for all on-site and off-site trees including trees on neighbouring properties

# STAFF REPORT

within 6-10 m of the property limits. A Tree Protection Zone (TPZ) would need to be established where protective tree hoarding would be installed and should be generally in accordance with the City of Guelph's Standard Specification for tree preservation fencing (SD90-a). The City also requests that the owner erect protective hoarding around any trees outside the TPZ on the property prior to demolition activities and maintain the hoarding throughout the demolition process. There should be no equipment within or materials stored within the TPZ or the tree's root zone.

The City requests that the owner identify the proposed site access and stockpile location on a site plan or aerial photo. Further, if a stockpile location is not required a note specifying items requiring removal upon demolition should be included on the site plan or aerial photo.

If the demolition is to occur during breeding bird season (approximately May 1 to July 31), a wildlife biologist must undertake a nest search prior to demolition and any anticipated tree removal in order to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA). Removal of any tree will require compensation in accordance with current City Standards.

## Recommendation

The recommendation from City Staff is to approve this demolition permit, as the existing dwelling is not a significant cultural heritage resource. The anticipated proposal to replace the existing dwelling with one (1) new detached dwelling will result in 'no net loss' of residential stock proposed as a result of this application.

## **CORPORATE STRATEGIC PLAN**

**City Building – Strategic Directions 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## **FINANCIAL IMPLICATIONS**

None

## **DEPARTMENTAL CONSULTATION**

The City's Senior Heritage Planner and Environmental Development Planner were consulted regarding the proposed demolition permit.

## **COMMUNICATIONS**

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

## **ATTACHMENTS**

- Attachment 1 – Location Map
- Attachment 2 – Aerial Photograph
- Attachment 3 – Site Photographs
- Attachment 4 – Potential Concept Plans

# STAFF REPORT



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**Prepared By:**

Douglas McGlynn  
Planning Technician II  
Planning Technical Services

**Approved By:**

Sylvia Kirkwood  
Manager of Development Planning

A handwritten signature in black ink, appearing to read "Todd Salter", positioned above a horizontal line.

**Approved By**

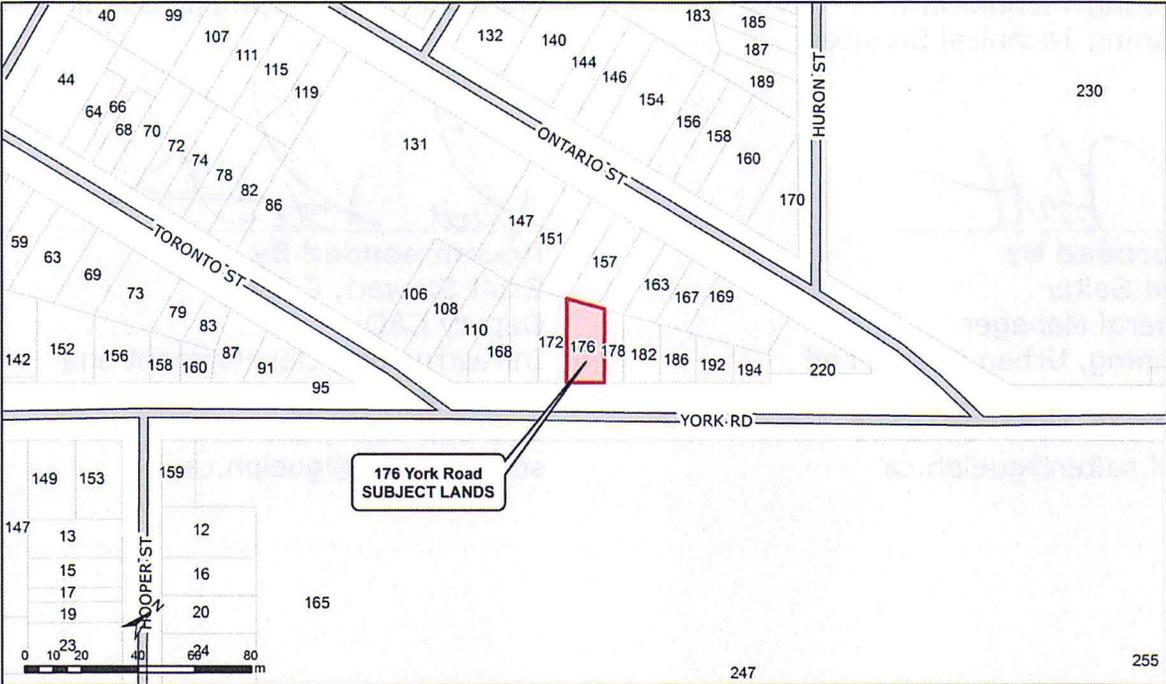
Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519-822-1260, ext.2395  
todd.salter@guelph.ca

A handwritten signature in blue ink, appearing to read "Scott Stewart", positioned above a horizontal line.

**Recommended By**

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519-822-1260, ext. 5606  
scott.stewart@guelph.ca

## ATTACHMENT 1 – Location Map



## ATTACHMENT 2 – Aerial Photograph



**ATTACHMENT 3 – Site Photos**  
**Photos of 176 York Road**



(Photographs taken by D. McGlynn, December 2015)

## ATTACHMENT 4 – Potential Concept Plans



For illustration purposes only.

# STAFF REPORT

TO City Council

SERVICE AREA Infrastructure, Development and Enterprise

DATE February 8, 2016

**SUBJECT Proposed Demolition of 115 Dawn Avenue  
Ward 6**

REPORT NUMBER 16-08

## EXECUTIVE SUMMARY

### PURPOSE OF REPORT

To provide background and a staff recommendation related to a request for demolition approval of one (1) single detached dwelling.

### KEY FINDINGS

One (1) existing single detached dwelling is proposed to be demolished to the foundation and to be replaced with a single detached dwelling with the eventual result in 'no net loss' of residential dwelling units.

### FINANCIAL IMPLICATIONS

None.

### ACTION REQUIRED

Council is being asked to approve the demolition request.

## RECOMMENDATION

1. That Report 16-08 regarding the proposed demolition of one (1) single detached dwelling at 115 Dawn Avenue, legally described as Plan 555, Lot 4 Pt. Lot 1 Pt. Lot 5; City of Guelph, from Infrastructure, Development and Enterprise dated February 8, 2016, is received.
2. That the proposed demolition of one (1) detached dwelling at 115 Dawn Avenue be approved.
3. That the applicant prepare and submit a Tree Preservation Plan in accordance with the Private Tree Protection By-law (2010)-19058 prior to undertaking activities which may injure or destroy regulated trees.
4. That the applicant be requested to erect protective fencing at one (1) meter from the dripline of any existing trees to be retained on the property or on adjacent properties which may be impacted by demolition and associated activities.

# STAFF REPORT

5. That the applicant contact the City's Environmental Planner to inspect the tree protection fence prior to commencement of demolition and/or site alteration.
6. That if demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA) prior to any works occurring.
7. That the applicant be requested to contact the Plant Manager of Solid Waste Resources, within Infrastructure, Development and Enterprise regarding options for the salvage or recycling of all demolition materials.

## BACKGROUND

The City received an application to demolish one (1) single detached dwelling at 115 Dawn Avenue on January 20, 2016 through Infrastructure, Development and Enterprise.

The subject property is located to the southwest of Dawn Avenue, northeast of the intersection between Dawn Avenue and Lowes Road in a residential area. Dawn Avenue runs to the north, Lowes Road and Gordon Street are to the east, Clairfields Road west and Clairfields Road east are to the south and intersect with Gordon Street. The intersection between Dawn Avenue and Lowes Road is to the south east of the property.

The property is an 'L' shaped lot that is orientated in a northeast to southwest direction. The subject property is zoned R.1B – (Residential Single Detached), which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupations and lodging houses Type 1.

The applicant is requesting to demolish the existing dwelling on the subject property down to the foundation and rebuild a single detached dwelling (see location map, aerial photograph and site photos on Attachments 1, 2 and 3). The owner is proposing to replace the existing dwelling with a new building and has provided potential concept drawings for the new dwelling that are included for information in Attachment 4 (see Attachment 4).

## REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

### Cultural Heritage Resources

115 Dawn Avenue is not designated under the Ontario Heritage Act and it has not been listed (as non-designated) in the City of Guelph's *Municipal Register of Cultural Heritage Properties* according to Section 27 of the Ontario Heritage Act and is not considered a built heritage resource. The property was not included in the

# STAFF REPORT



Couling Inventory and therefore is not recognized as a built heritage resource according to Guelph's Official Plan. Heritage Planning has no objection to the proposed demolition of buildings within the property known as 115 Dawn Street.

## Tree Protection

The subject property is in close proximity to trees associated with natural heritage features. The rear portion of the subject property supports the City's Natural Heritage System and Significant Natural Areas including but not limited to Significant Wetlands and Significant Woodland and the respective associated buffers in accordance with the 2014 City of Guelph Official Plan.

The subject property is more than 0.2 hectares in size and, therefore is regulated by the Private Tree Protection By-law (2010)-19058. Further the trees within and outside the City's Natural Heritage System are also afforded protection under the Urban Forest policies of the 2014 City of Guelph Official Plan. Hence trees on-site and off-site should be protected and retained during demolition. As such if tree preservation is not feasible, and tree removal is proposed a separate tree permit application will be required in accordance with the Private Tree By-law and in compliance with the Official Plan.

A Tree Preservation Plan undertaken by an arborist will be required prior to undertaking activities which may injure or destroy regulated trees. The Tree Preservation Plan (TPP) should provide details on tree species, size, condition, mitigation measures and recommended action for all on-site and off-site trees including trees on neighboring properties and within 6-10 m of the property limits. The TPP should clearly include the location of the tree protection fence, proposed site access and stockpile location or a note specifying fill/debris to be removed upon demolition on a site plan or survey. Removal of any regulated tree under the Private Tree By-law will require a separate 'Tree Permit Application' and may require compensation in accordance with current City Standards and the Private Tree By-law.

A Tree Protection Zone (TPZ) indicating where protective tree hoarding would be installed should be in accordance with City of Guelph's Standards as per SD90-a and SD90-c using a sediment fence. The owner will also be requested to erect protective hoarding around any trees outside the TPZ on the property prior to demolition activities and maintain the hoarding throughout the demolition process. There should be no equipment within or materials stored within the TPZ or the tree's root zone.

It should be noted that if the demolition is to occur during breeding bird season (approximately May 1 to July 31), a nest search must be undertaken by a wildlife biologist prior to demolition so as to protect the breeding birds in accordance with the Migratory Birds Convention Act (MBCA).

## Grand River Conservation Authority (GRCA)

The subject property is entirely within GRCA regulation limits under the O.Reg 150/06 of the Conservation Authorities Act. It is the applicant's responsibility to

# STAFF REPORT



contact the GRCA and receive any necessary GRCA permits related to the demolition and future building plans for the site.

## **Recommendation**

The approval of the demolition application is recommended, as the existing dwelling is not a significant cultural heritage resource. The anticipated proposal to replace the existing dwelling with one (1) new detached dwelling will therefore, result in no overall loss of residential stock proposed as a result of this application.

## **CORPORATE STRATEGIC PLAN**

**City Building – Strategic Directions 3.1:** Ensure a well-designed, safe, inclusive, appealing and sustainable City.

## **FINANCIAL IMPLICATIONS**

None

## **DEPARTMENTAL CONSULTATION**

The City's Senior Heritage Planner and Environmental Development Planner were consulted regarding the proposed demolition permit.

## **COMMUNICATIONS**

A sign is posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

## **ATTACHMENTS**

- Attachment 1 - Location Map
- Attachment 2 - Aerial Map
- Attachment 3 - Site Photos
- Attachment 4 - Proposed new residence

### **Prepared By:**

Douglas McGlynn  
Planning Technician II  
Planning Technical Services

### **Approved By**

Todd Salter  
General Manager  
Planning, Urban Design and  
Building Services  
519-822-1260, ext.2395  
todd.salter@guelph.ca

### **Approved By:**

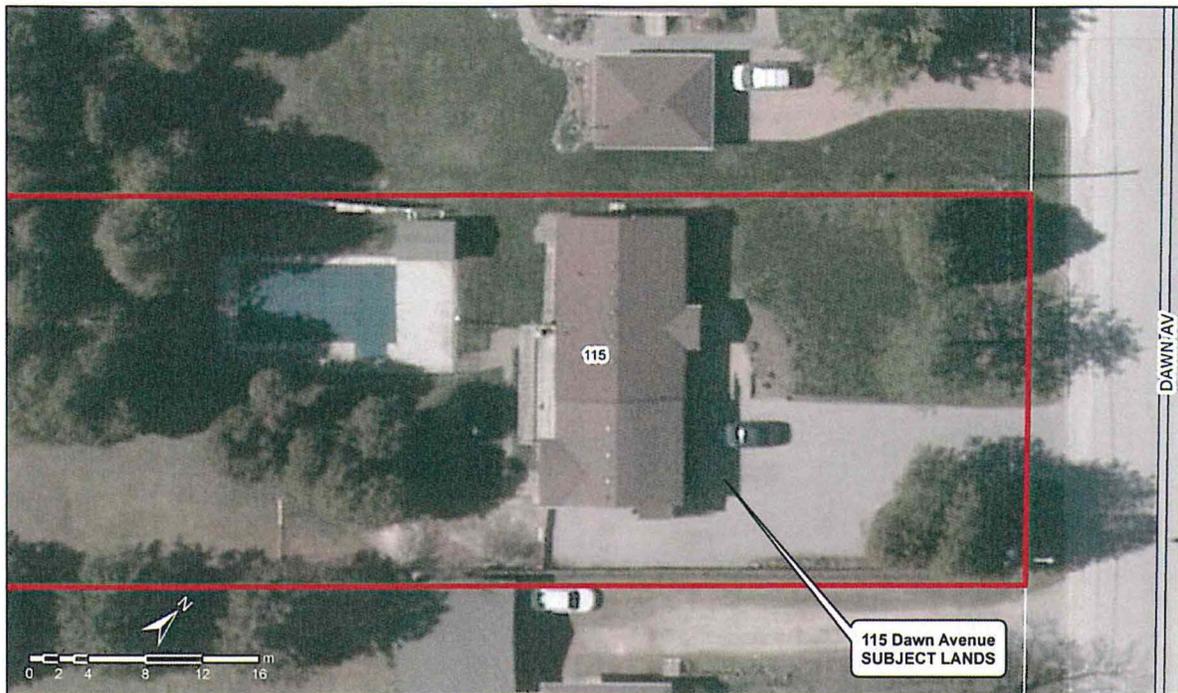
Sylvia Kirkwood  
Manager of Development Planning

### **Recommended By**

Scott Stewart, C.E.T.  
Deputy CAO  
Infrastructure, Development and  
Enterprise  
519-822-1260, ext. 5606  
scott.stewart@guelph.ca



## ATTACHMENT 2 - Aerial Photograph



## ATTACHMENT 3 – Site Photos Photos of 115 Dawn Avenue



(Photographs taken by M. Aldunate, January 2016)



- BYLAWS -

- February 8, 2016 -

<p>By-law Number (2016)-20009 A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 139 Morris Street, legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664, City of Guelph (File: ZC1110)</p>	<p>To amend the Zoning By-law for the property municipally known as 139 Morris Street.</p>
<p>By-law Number (2016)-20010 A by-law to amend the Official Plan for the Corporation of the City of Guelph as it affects properties municipally known as 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road (the 'subject lands') and legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph to redesignate the subject lands from the "General Residential" land use designation to the "Commercial Mixed Use" land use designation to permit the development of a 1,770 square metre mixed office commercial building (File: OP1402).</p>	<p>To amend the Official Plan with respect to the properties municipally known as 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road, as approved by Council as Official Plan Amendment No. 62 (OPA 62).</p>
<p>By-law Number (2016)-20011 A by-law to amend By-law Number (1995)-14864, as amended, known as The Zoning By-law for the City of Guelph as it affects property municipally known as 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road (the 'subject lands') and legally described as Lots 1 and 2, Registered Plan 508, more particularly described as Parts 1, 2 and 3, Reference Plan 61R-20695, City of Guelph to permit the development of a 1,770 square metre mixed office commercial building (File: ZC1408).</p>	<p>To amend the Zoning By-law with respect to the properties municipally known as 1511 Gordon Street, 1517 Gordon Street and 15 Lowes Road, as approved by Council.</p>

<p>By-law Number (2016)-20012  A by-law to authorize the execution of a Subdivision Agreement between 2382917 Ontario Inc., Northmanor Estates Inc. and The Corporation of the City of Guelph. (Northmanor-Fusion Subdivision)</p>	<p>To authorize the execution of a Subdivision Agreement with respect to Northmanor-Fusion Subdivision.</p>
<p>By-law Number (2016)-20013  A by-law to remove:  Block 92, Plan 61M182 designated as Parts 10 to 19, Reference Plan 61R20549 in the City of Guelph from Part Lot Control. (to create separate parcels for townhouse dwelling units at 17, 19, 21, 23, 25, 27, 29 and 31 Jeffrey Drive)</p>	<p>To remove lands from Part Lot Control. (17, 19, 21, 23, 25, 27, 29 and 31 Jeffrey Drive)</p>
<p>By-law Number (2016)-20014  A by-law to remove Block 57 and 58, Plan 61M197, designated as Parts 1 to 9 inclusive, Reference Plan 61R20752 in the City of Guelph from Part Lot Control. (157, 159, 161, 163, 165, 169, 171, 173 and 175 McCann Street)</p>	<p>To remove lands from Part Lot Control. (157, 159, 161, 163, 165, 169, 171, 173 and 175 McCann Street)</p>