

COUNCIL PLANNING AGENDA - REVISED



DATE MARCH 7, 2011 @ 7:00 p.m.

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

O Canada

Silent Prayer

Disclosure of Pecuniary Interest

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

| Application | Staff Presentation | Applicant or Designate | Delegations (maximum of 10 minutes) | Staff Summary |
|---|------------------------------|---|--|----------------------|
| a) 132 Clair Road West – Proposed Zoning By-law Amendment (File OP0605/ZC0619) – Ward 6 | • Al Hearne | • Astrid Clos • David Rezmovitz • Matt West • Rob Merwin | • Hudson Merritt <u>Correspondence:</u> • Shawn Connolly & Robyn Loree | |
| b) 68-70 and 76 Wyndham Street South: Proposed Zoning By-law Amendment (File ZC1101) – Ward 1 | APPLICATION WITHDRAWN | | | |

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

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 Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

| COUNCIL AS COMMITTEE OF THE WHOLE | | | |
|---|--------------------------|--------------------|------------------------|
| ITEM | CITY PRESENTATION | DELEGATIONS | TO BE EXTRACTED |
| COW-1 Citizen Appointment To The Guelph Police Services Board | | | |

Adoption of balance of the Council as Committee of the Whole Consent Report –

| COUNCIL CONSENT AGENDA | | | |
|---|----------------------|--|--------------------|
| ITEM | CITY PRESENTATION | DELEGATIONS <i>(maximum of 5 minutes)</i> | TO BE EXTRACTED |
| A-1) 83 Rodgers Road Upcoming Ontario Municipal Board Hearing File A-83/10 | | | |
| A-2) Part Lot Control Exemption – Hanlon Creek Business Park (PLC1003) | | | |

ANNOUNCEMENTS

ADJOURNMENT

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE March 7, 2011

**SUBJECT 132 Clair Road West- Proposed Zoning By-law
Amendment (File #OP0605/ZC0619) - Ward 6**

REPORT NUMBER 11-19

SUMMARY:

Purpose of Report:

To provide planning information on an application by Astrid J. Clos Planning Consultants on behalf of Sobeys Capital Incorporated c/o Fieldgate requesting approval of an Official Plan Amendment and a Zoning By-law Amendment affecting property at 132 Clair Road West. This report has been prepared in conjunction with the statutory public meeting on the application. The lands affected by this application are shown in Schedule 1.

Council Action:

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.

RECOMMENDATION

"THAT Report 11-19 regarding a proposed Zoning By-law Amendment application by Sobeys Capital Incorporated c/o Fieldgate (File #OP0605/ZC0619) applying to property municipally known as 132 Clair Road West, City of Guelph, from Planning & Building, Engineering and Environment dated March 7, 2011, be received."

BACKGROUND

The original application for Official Plan Amendment and a Zoning By-law Amendment was received by the City in 2006 and applied to property that involved 44.2 hectares (109.14 acres) of land (See Schedule 1). The 2006 application requested an amendment to the Official Plan to expand the existing 'Mixed-Use Node' land use designation to include 8.9 hectares (22 acres) of land along the frontage of Clair Road West. It was intended that the 8.9 hectares were to be rezoned to permit 19,044 square metres (205,000 square feet) of retail commercial floor space in addition to institutional uses. The 2006 Official Plan Amendment also proposed to re-designate the balance of the 44.2 hectare site to a new 'Mixed Use'

designation that would include open space, office, business and research services and residential land uses including live-work units.

The 2006 application was held in abeyance while Staff awaited the submission of additional support studies including a market impact study to justify the expansion of the commercial node. During 2010, Staff and the applicant discussed the resurrection of the application based on including only land at the southwest corner of Clair Road and Gordon Street that is currently designated as Mixed Use Node.

This updated resubmission of the application was received and deemed complete on February 2, 2011. The current application involves a Zoning Bylaw Amendment that applies to only 3.576 hectares (8.836 acres) of land adjacent to the Clair/Gordon intersection (See Schedule 1).

Location

The subject property is located at the southwest corner of Clair Road West and Gordon Street South (Schedule 1). The site has 149 metres (489 feet) of frontage on Gordon Street, 190 metres (623 feet) of frontage on Clair Road and a total site area of 3.576 hectares (8.836 acres).

The subject site is identified as Part of Lot 11, Concession 7, formerly Puslinch Township, City of Guelph.

The site is bounded by a mixed-density residential neighbourhood to the north across Clair Road in the Clairfields Subdivision. An existing commercial shopping centre is also located at the northwest corner of Clair Road and Gordon Street. To the east of the site across Gordon Street, the First Capital shopping centre is under construction while the future residential component of the subdivision has not proceeded. The Brock Road Nursery operation is located south of the First Capital lands. The house and property located at the southwest corner of the Clair/Gordon intersection (1819 Gordon Street) is not included in the current application. Lands to the south of the site are currently being reviewed for future residential development. The lands to the west of the site are currently vacant and a portion is proposed for construction as the road extension of Gosling Gardens south of Clair Road. The lands were annexed into the City in 1993 and designated for commercial and residential land use in the Official Plan in 1998 through the approval of the South Guelph Secondary Plan.

Existing Official Plan Land Use Designation and Policy

The property is designated 'Mixed Use Node' in the Official Plan (See Schedule 2). Mixed Use Nodes are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. This land use designation is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels and live-work studios. Medium and high density multiple unit residential development and apartments are also permitted. Section 7.4 (Commercial and Mixed Use) of the Official Plan applies to this application. This section includes urban design policies for commercial centres and mixed use areas (See Schedule 2).

Existing Zoning

The site is in the UR (Urban Reserve) Zone as described in Section 11 of the Zoning Bylaw as it relates to the Clair Road frontage of the lands. The existing UR (Urban Reserve) Zone identifies land that is not yet approved for development and is not connected to municipal services. The balance of the site is zoned Agricultural in the Puslinch Township Zoning Bylaw (Schedule 3).

REPORT

Description of Proposed Zoning Bylaw Amendment

The owner has applied for approval of a Zoning Bylaw Amendment to permit a Community Shopping Centre Zone and a Cluster Townhouse Zone on the site.

The owner has asked to rezone the main part of the site involving 3.13 hectares (7.73 acres) of land to a Specialized CC (Community Commercial) Zone to permit a community shopping centre according to Section 6.2.1.2 of the Zoning Bylaw. The application proposes a total retail floor space of 8,099 square metres (87,183 square feet) in a multi-building format. Detailed information regarding the site plan concept is included in Schedule 5.

Within the proposed zone, the applicant is asking for a special regulation that states that any internal side yard regulations shall be 0 metres to allow future severances of the lands and recognizing that the entire development will meet all other regulations in the zone.

The owner is also asking to rezone a small triangle of land at the south end of the site to the R.3A (Cluster/Stacked) Townhouse Zone. This part of the rezoning applies to .033 hectares (.08 acres) of land and will allow the small parcel to be added to an adjacent parcel of land to the south that is presently being considered for townhouse zoning as part of an application for a plan of subdivision and zoning bylaw amendment (Bird Property application File 23T-08505/OP0801/ZC0306). The proposed zoning is described more fully in Schedule 5.

The owner's conceptual site plan is included in Schedule 6 and preliminary building elevations are illustrated in Schedule 7.

Support Documents

In support of the application, the owner has submitted the following reports:

- Preliminary Servicing and Stormwater Management Report by R.J. Burnside & Associates Limited dated October 2010.
- Geotechnical Investigation Report by LVM Inc. dated June 21, 2010.
- Transportation Overview by BA Consulting Group Ltd. Dated December 10, 2010.
- Tree Assessment Report by Ron Koudys Landscape Architects Inc. dated December 2010.

Staff Review

The review of this application will address the following issues:

-
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
 - Evaluation of the proposal against the land use designations and policies of the Official Plan.
 - Community Energy Initiative (CEI) considerations.
 - Review of the proposed Zoning.

Once the application is reviewed and all issues are addressed, a report from Planning & Building, Engineering and Environment with a recommendation on the application will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future Planning & Building, Engineering and Environment recommendation report to Council.

COMMUNICATIONS

The Notice of Application and Public Meeting was mailed and advertised in the Guelph Tribune on February 11, 2011.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Existing Official Plan Land Use Designations and Policies
Schedule 3 – Existing Zoning
Schedule 4 – Proposed Zoning
Schedule 5 – Site Plan Concept
Schedule 6 – Preliminary Building Elevations

Prepared By:

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Original Signed by:

Original Signed by:

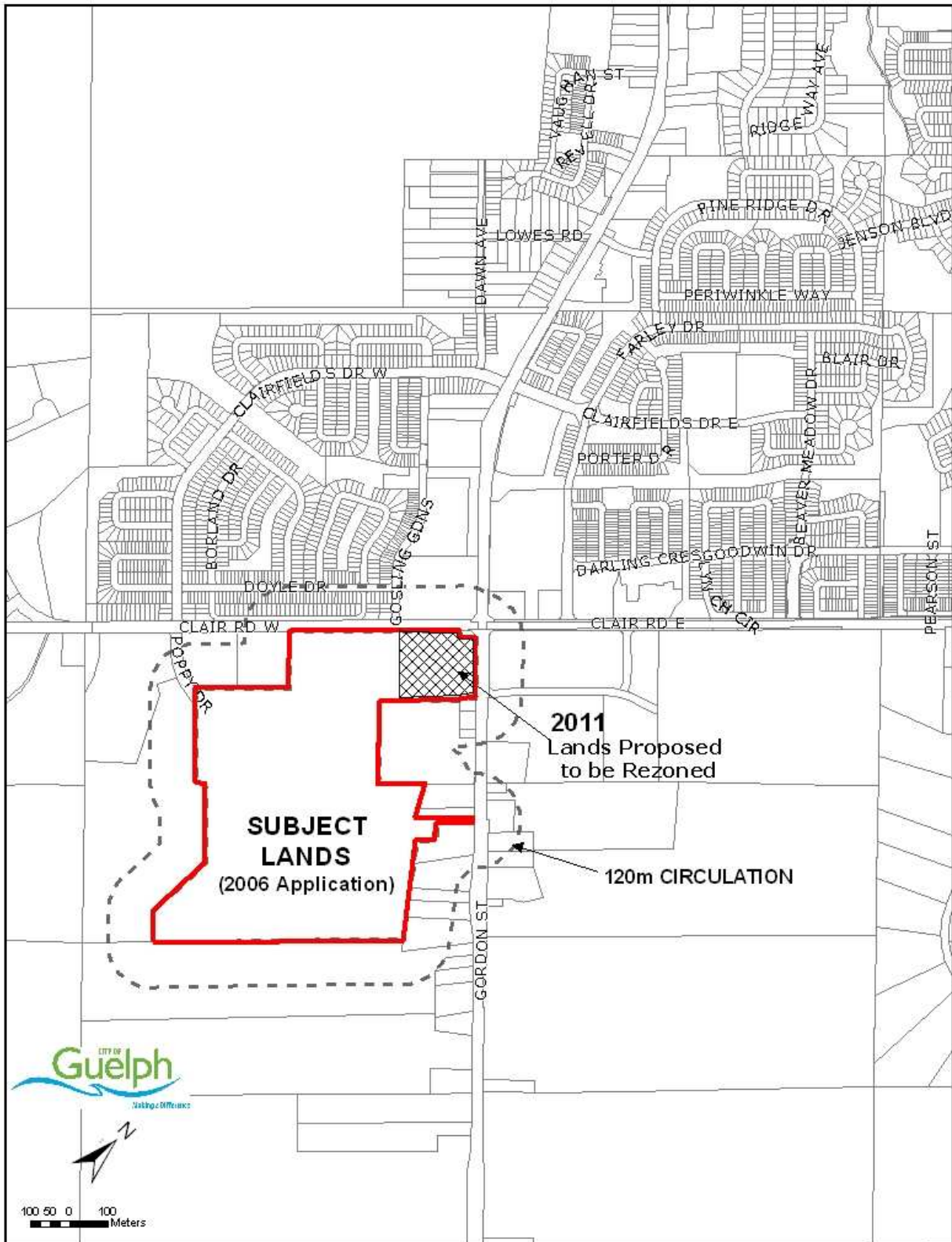
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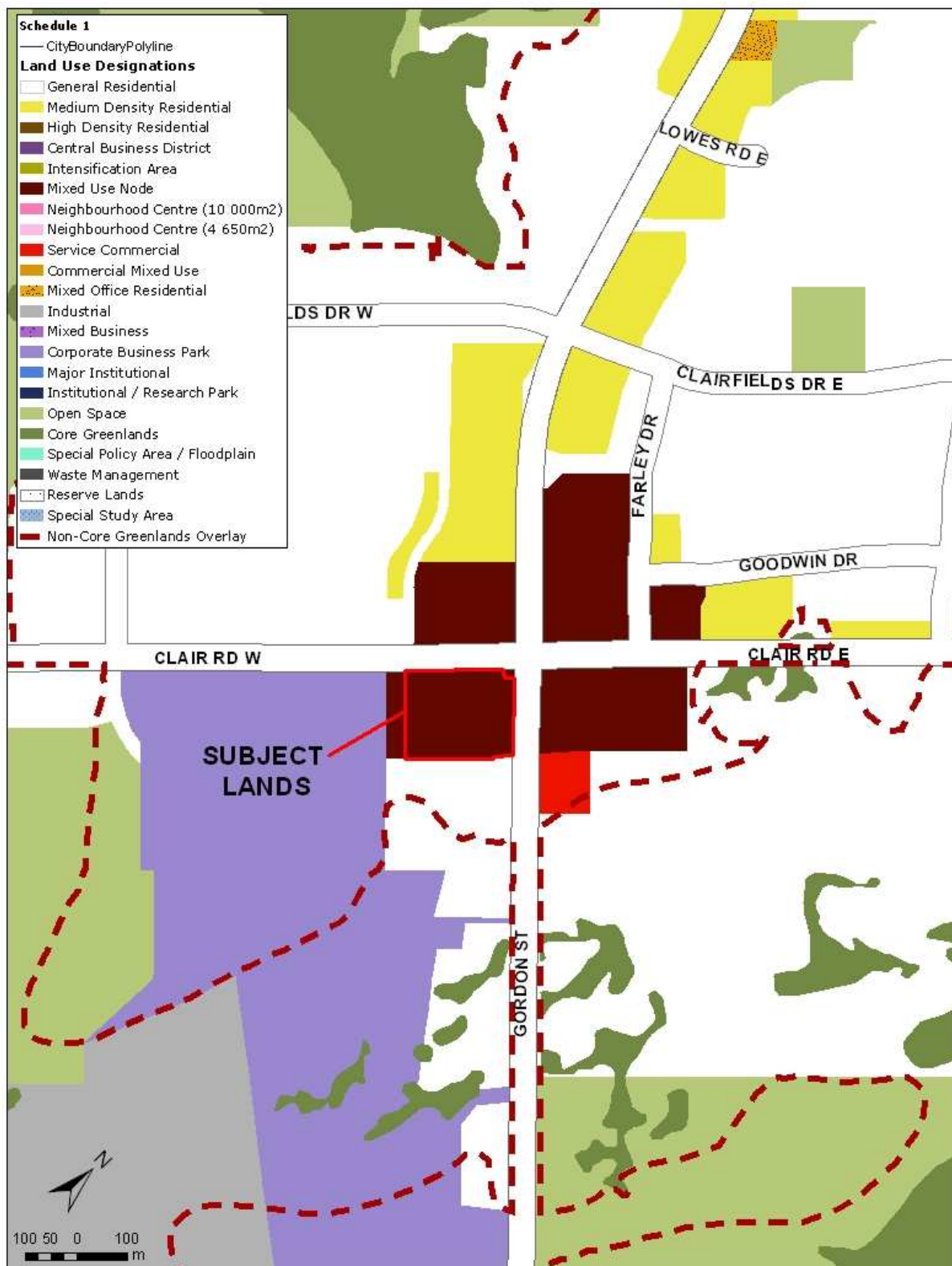
Recommended By:

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Schedule 1 Location Map



Schedule 2 Existing Official Plan Land Use Designations and Policies



Schedule 2

Existing Official Plan Land Use Designations and Policies

POLICY DESCRIPTION OF MIXED USE NODE LAND USE DESIGNATION

“7.4.5 The ‘Mixed Use Nodes’ identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole.

7.4.6 The intent of the ‘Mixed Use Node’ designation is to create a well defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base.

7.4.7 It is intended that where there are adjacent properties within the node that the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Mixed Use Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities.

7.4.8 The boundaries of the ‘Mixed Use Node’ designation are intended to clearly distinguish the node as a distinct entity from adjacent land use designations. Subject to the policies of Section 9.2, proposals to expand a ‘Mixed Use Node’ beyond these boundaries or to establish a new node shall require an Official Plan Amendment supported by impact studies as outlined in policies 7.4.48 to 7.4.52.

7.4.9 The ‘Mixed Use Node’ is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and livework studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2. Only small scale professional and medically related offices shall be permitted in this designation in order to direct major offices to the CBD, Intensification Area, Corporate Business Park and Institutional designations.

7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller

buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development.

7.4.11 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 the 'Mixed Use Node' designation to ensure such consistency.

7.4.12 The 'Mixed Use Nodes' incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each 'Mixed Use Node' designation it is the intent of this Plan that new *retail development* will be limited to the following floor area cumulatively of all buildings within the node:

- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node 28,000 sq. m.
- Gordon / Clair Node 48,500 sq. m.

7.4.13 No individual 'Mixed Use Node' shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*.

7.4.14 In accordance with Section 9.2, any proposal to exceed the retail floor area limitations within a 'Mixed Use Node' established in policy 7.4.12 or the number of large retail uses in policy 7.4.13 shall require impact studies as outlined in policies 7.4.48 to 7.4.52."

URBAN DESIGN POLICIES FOR MIXED USE NODES

"7.4.39 In addition to the policies of section 3.6, and any Council approved urban design guidelines, the following urban design policies will be applied to the design and review of commercial and mixed use *development* proposals to create distinctive, functional and high quality commercial and mixed use areas:

7.4.40 Intersections:

7.4.40.1 Where a commercial or mixed use area is located at the intersection of major streets the development or redevelopment of each corner property will incorporate gateway features, prominent landscaping and pedestrian amenities with linkages into the site at the intersection.

7.4.40.2 Emphasize intersections of major streets by placing buildings in close proximity to the intersection and ensuring that building entrances are visually accessible from that intersection.

7.4.40.3 Use corner building placement, massing and roof treatment in combination with landscaping to screen large buildings and parking areas located within the interior of the site from view at the intersection.

7.4.40.4 Corner buildings will be designed as 'signature buildings' to take into account exposure to multiple street frontages and high public visibility by

incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.

7.4.40.5 Where a use incorporates functions such as open storage, vehicle repair operations, gas bars, garden centres and drive-throughs, these functions shall not be permitted between the building and the street line or the building and an intersection of streets.

7.4.40.6 Surface parking and loading areas shall not be permitted immediately adjacent the four corners of an intersection.

7.4.41 Street Edges:

7.4.41.1 Generously sized landscape strips incorporating combinations of landscaping, berming, and decorative fencing or walls shall be provided adjacent the street edge to provide aesthetically pleasing views into the site and to screen surface parking areas.

7.4.41.2 Locate free-standing buildings close to the street edge and avoid, where possible, surface parking between a building and the street.

7.4.41.3 Avoid locating outdoor storage areas along or adjacent to street edges.

7.4.41.4 Buildings adjacent the street edge will be designed to take into account high public visibility by incorporating elements such as increased height, roof features, building articulation, windows and high quality finishes.

7.4.41.5 Buildings will be designed to screen roof-top mechanical equipment from visibility from the public realm.

7.4.41.6 Avoid locating outdoor storage areas, outdoor display areas or garden centres adjacent to street edges.

7.4.42 Driveways, Internal Roads and Parking Areas:

7.4.42.1 Main driveway entrances will be defined by landscaping on either side of the driveway and / or by landscaped medians.

7.4.42.2 Internal roads will be physically defined by raised landscaped planters where they intersect with parking area driveways. Internal roads will be used to divide large sites into a grid of blocks and roadways to facilitate safe vehicular movement. Internal roads will be designed to interconnect with adjacent commercial lands to create an overall cohesive and integrated node.

7.4.42.3 Divide large parking areas into smaller and defined sections through the use of landscaping and pedestrian walkways.

7.4.42.4 Provide bicycle parking in close proximity and convenient to building entrances.

7.4.43 Pedestrian Movement and Comfort:

7.4.43.1 Incorporate decoratively-paved, conveniently located and distinct pedestrian walkways which link to public boulevards, transit stops, trail systems, pedestrian systems in adjacent developments and which provide a continuous walkway along the frontage and between internal commercial uses.

7.4.43.2 Pedestrian systems shall incorporate landscaping and pedestrian scale lighting and shall be defined by distinct materials and / or grade separation from vehicular movement systems.

7.4.43.3 Pedestrian systems and buildings shall be designed to provide barrier-free accessibility and pedestrian movement systems shall be sufficiently wide enough to be functional and provide comfortable pedestrian movement.

7.4.43.4 Well defined pedestrian systems clearly distinctive from vehicular driveways shall be provided immediately adjacent to the main entrances of commercial buildings.

7.4.43.5 Where possible, main building entrances should incorporate weather protection measures such as canopies, awnings, building projections or colonnades.

7.4.43.6 Large developments will incorporate elements designed for people to rest such as parkettes, gazebos, pergolas, decorative walls that are separate and distinct from vehicular systems and parking areas.

7.4.43.7 Large developments within the nodes identified in the City's 2005 Transportation Study will incorporate a transit transfer terminal facility to the satisfaction of the City. Well defined pedestrian systems shall be provided linking these facilities to pedestrian movement systems internal and external to the site.

7.4.44 Large Buildings:

7.4.44.1 Where building facades are visible from a public street and are greater than 30 metres in length the building facades will incorporate recesses, projections, windows or awnings, colonnades and landscaping along at least 20% of the length of the façade to reduce the mass of such facades.

7.4.44.2 Large buildings will incorporate architectural elements which will reduce the visual effects of flat roof lines and which will conceal roof-top equipment.

7.4.44.3 Large buildings will be designed to enhance the visual built form and character of Guelph by incorporating architectural styles and elements and exterior building materials into building facades that reinforce the heritage character of the City of Guelph.

7.4.44.4 Where outdoor display areas are associated with a large building the use of landscape elements such as plantings, decorative fencing, pergolas and / or architectural elements such as façade extensions, and canopies shall be incorporated for effective integration with the overall development.

7.4.45 Adjacent Development:

7.4.45.1 Where commercial or mixed use development is located in proximity to residential and institutional uses the following urban design strategies will be employed to ensure compatibility:

7.4.45.1.1 Building massing strategies to reduce the visual effects of flat roof lines and blank facades or building height.

7.4.45.1.2 Where possible, the location of noise-generating activities away from sensitive areas.

7.4.45.1.3 Incorporating screening and noise attenuation for rooftop mechanical equipment and other noise generating activities situated in proximity to sensitive uses.

7.4.45.1.4 Providing perimeter landscape buffering incorporating a generously planted landscape strip, berming and / or fencing to delineate property boundaries and to screen the commercial use from the adjacent use.

7.4.45.1.5 Design exterior lighting and signage to prevent light spillage into the adjacent property.

7.4.45.1.6 Avoid the location of drive-through lanes adjacent a use that would be negatively affected by noise, light and activity levels associated with these facilities.

7.4.46 Environmental Design:

7.4.46.1 The design and orientation of the site and building development will support energy efficiency and water conservation through the use of alternative or renewable energy, storm water infiltration systems, 'green' building designs, landscaping and vegetative materials and similar measures. Stormwater management measures shall address both quantity and quality issues in accordance with recognized Best Management Practices.

7.4.46.2 Where possible buildings will be oriented to maintain vistas of natural features on lands adjacent to the site.

7.4.47 Implementation:

7.4.47.1 To ensure that the aesthetic character of site and building design in commercial and mixed use areas is consistent with the City's urban design objectives and policies, measures shall be incorporated into the Zoning By-law and the approval of site plans used to regulate development."

'General Residential' Land Use Designation

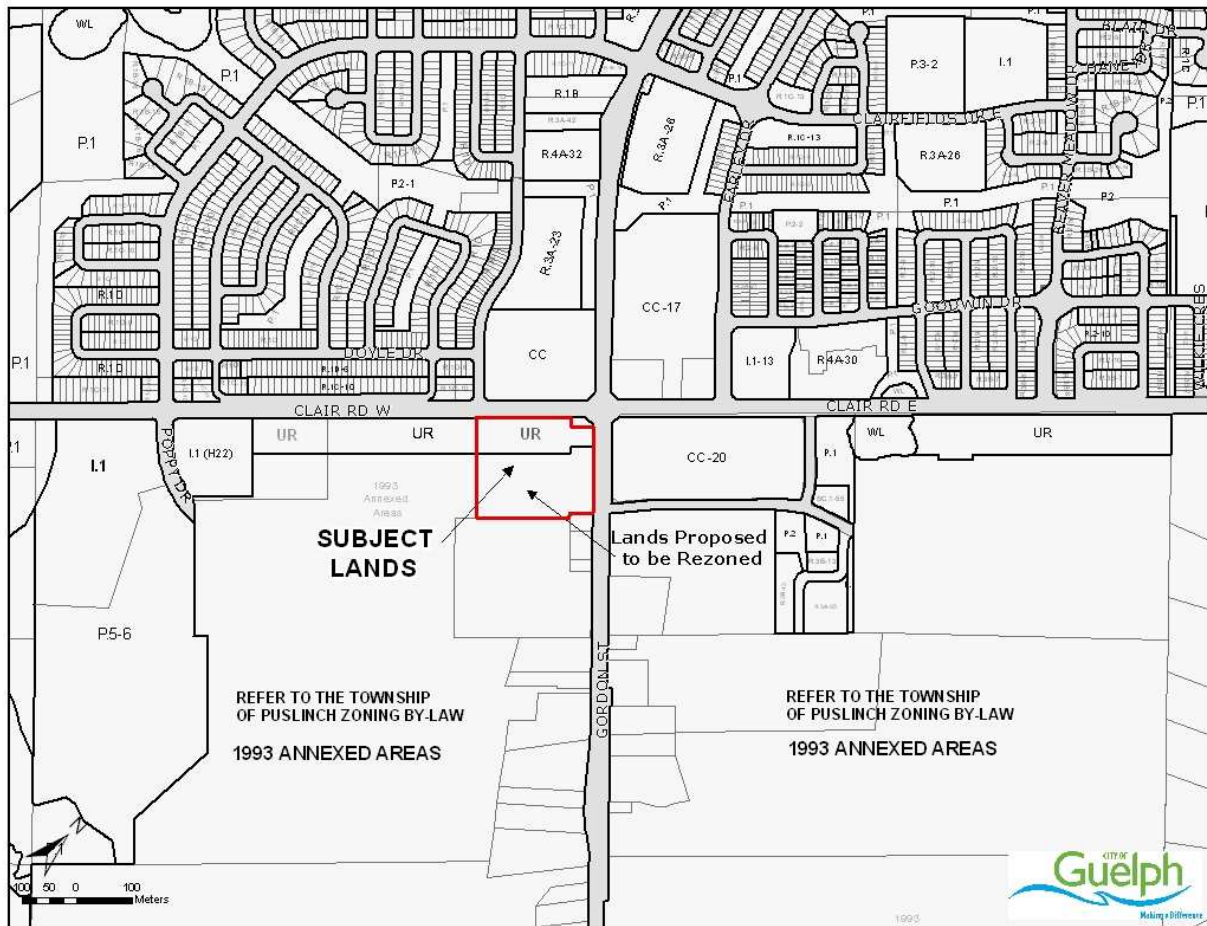
7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple 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.

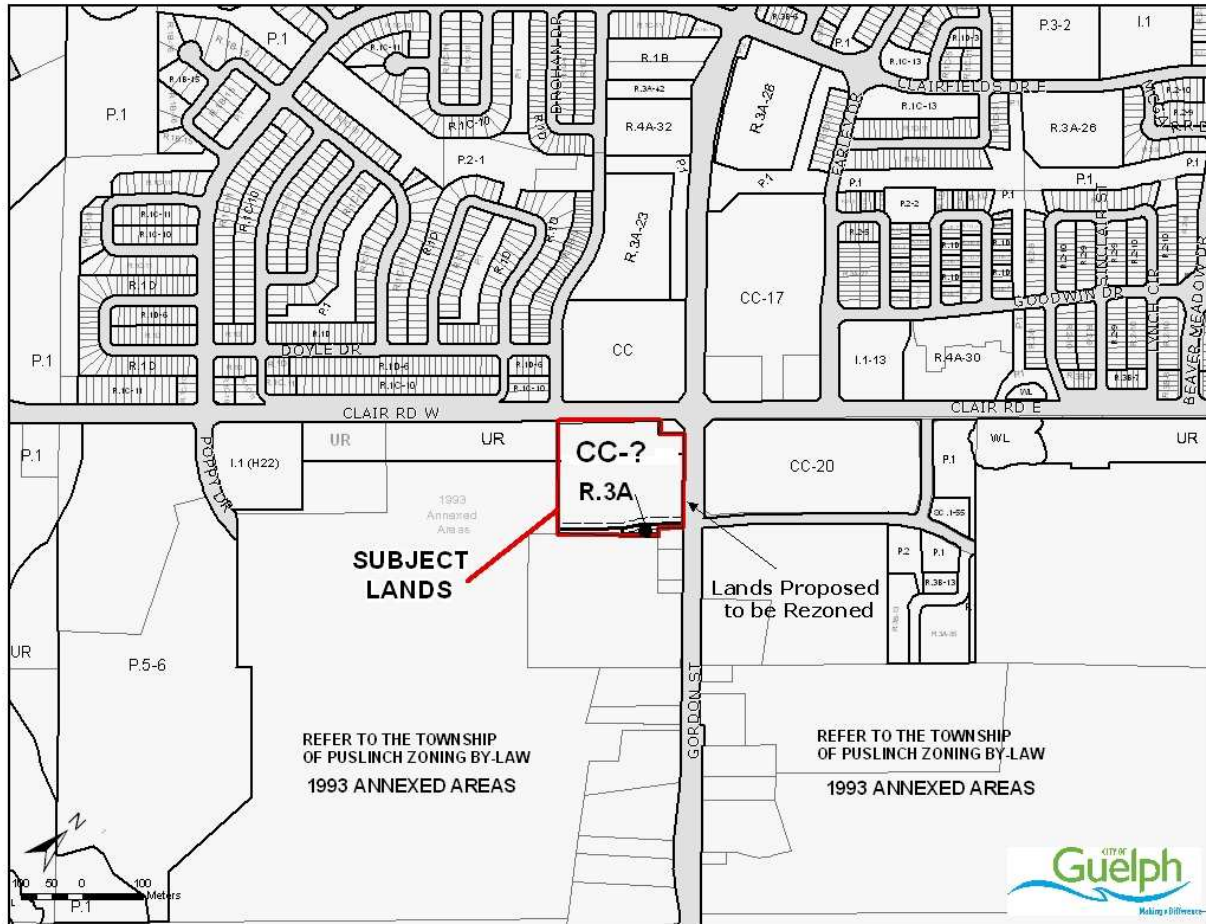
7.2.32 Within the 'General Residential' designation, the *net density of development* shall not exceed 100 units per hectare (40 units/acre).

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

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Schedule 4 Proposed Zoning



Schedule 4 Proposed Zoning

5.3.1.1 **R.3A – Cluster Townhouse Zone**

Permitted Uses

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

CC Zone Permitted Uses

6.2.1.1 Neighbourhood Shopping Centre - NC Zone

Dwelling Units with permitted commercial *Uses* in the same *Building* in accordance with Section 4.15.2

Art Gallery

Artisan Studio

Club

Day Care Centre in accordance with Section 4.26

Dry Cleaning Outlet

Financial Establishment

Group Home in accordance with Section 4.25

Laundry

Library

Medical Clinic

Medical Office

Office

Personal Service Establishment

Religious Establishment

Restaurant

Restaurant (take-out)

Retail Establishment

Vehicle Gas Bar

Veterinary Service

Accessory Uses in accordance with Section 4.23

Occasional Uses in accordance with Section 4.21

6.2.1.2 **Community Shopping Centre - CC Zone**

All *Uses* permitted in Section 6.2.1.1 subject to the regulations of the CC Zone with the following added permitted *Uses*:

Amusement Arcade

Carwash, Automatic

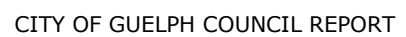
Carwash, Manual

Commercial Entertainment

Commercial School

*Funeral Home
Garden Centre
Public Hall
Recreation Centre
Rental Outlet
Tavern
Taxi Establishment*

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Schedule 5 Site Plan Concept

SITE DATA

| | |
|--------------|-----------------|
| SITE A | 1.586ha |
| SITE B | 1.356ha |
| SITE C | 0.191ha |
| TOTAL | 3.133 ha |

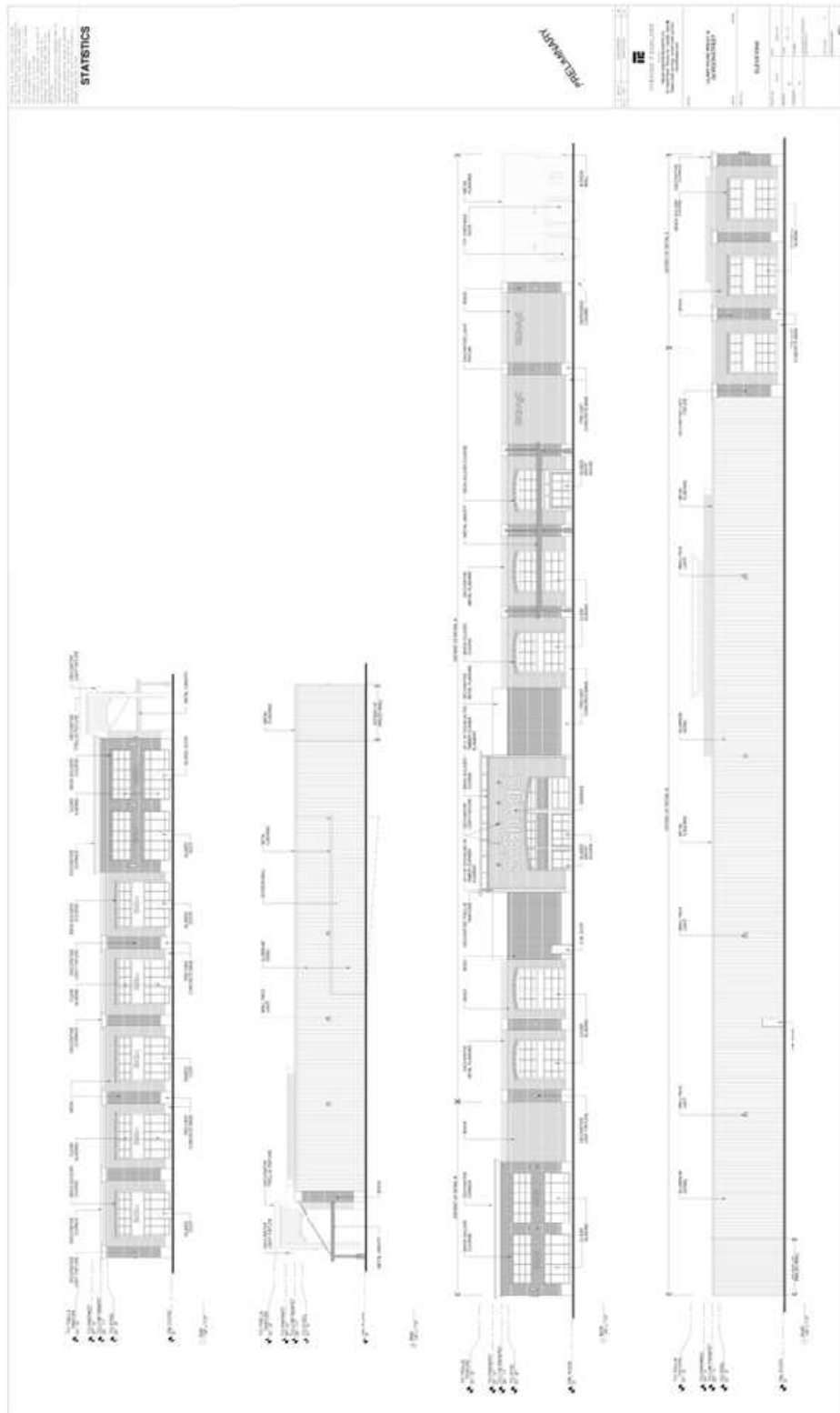
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| RETAIL A | 51,200ft ² | 4,757m ² |
| RETAIL B | 10,000ft ² | 929m ² |
| RETAIL C | 5,000ft ² | 465m ² |
| RETAIL D | 6,370ft ² | 592m ² |
| RETAIL E | 4,613ft ² | 429m ² |
| RETAIL F | 4,500ft ² | 418m ² |
| RETAIL G | 5,500ft ² | 511m ² |
| TOTAL RETAIL AREA | 87,183ft² | 8,099m² |

NOTE: ORIGINAL CONCEPT PLAN PREPARED BY TURNER FLEISCHER ARCHITECTS INC.

ZONING CHART

| Community Shopping Centre CC Zone | | | |
|---|---|-----------------------|------------|
| Zoning Regulation | Required | Provided | Compliance |
| Minimum Lot Area | 7,500 m ² | 31,331 m ² | Yes |
| Maximum Lot Area | 50,000 m ² | 31,331 m ² | Yes |
| Minimum Lot Frontage | 50 m | 149 m | Yes |
| Minimum Front and Exterior Side Yard (Section 4.24) | 3 m | 3 m | Yes |
| Minimum Side Yard | Half the building height, not less than 3 m | 3 m | Yes |
| Minimum Rear Yard | Half the building height, not less than 3 m | 3.6 m | Yes |
| Maximum Building Height (Sections 4.16 and 4.18) | 3 storeys, maximum 15 m | 1 storey | Yes |
| Minimum Gross Floor Area | 1,875 m ² | 8,099 m ² | Yes |
| Maximum Gross Floor Area (Section 6.2.2.1) | 12,500 m ² | 8,099 m ² | Yes |
| Minimum Landscaped Open Space | 9% | 11% | Yes |
| Planting Area | 3 m wide landscaped strip next to street | 3 m | Yes |
| Off-Street Parking (Section 4.13) | 1 per 18 m ² GFA 450 parking spaces | 450 parking spaces | Yes |

Schedule 6 Preliminary Building Elevations



Schedule 6 Preliminary Building Elevations

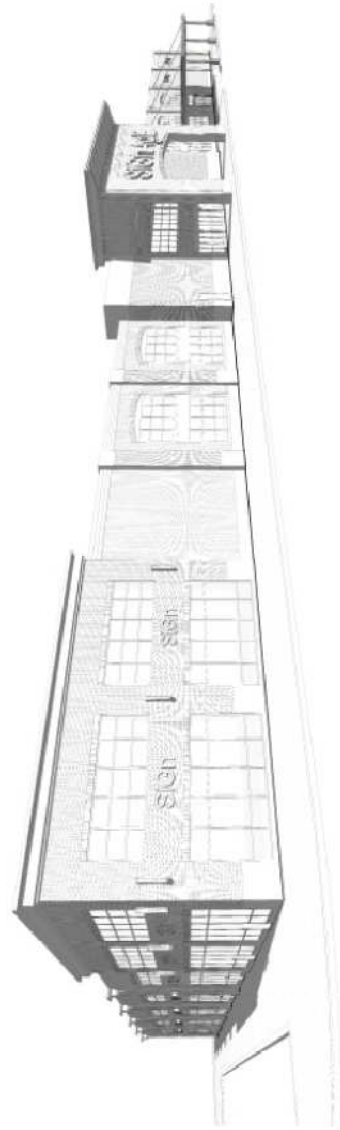


fieldgate

RETAIL A & B
CLAIR ROAD WEST & GORDON STREET
GUELPH, ON
JANUARY 27, 2011
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TURNER FLEISCHER

Schedule 6 Preliminary Building Elevations



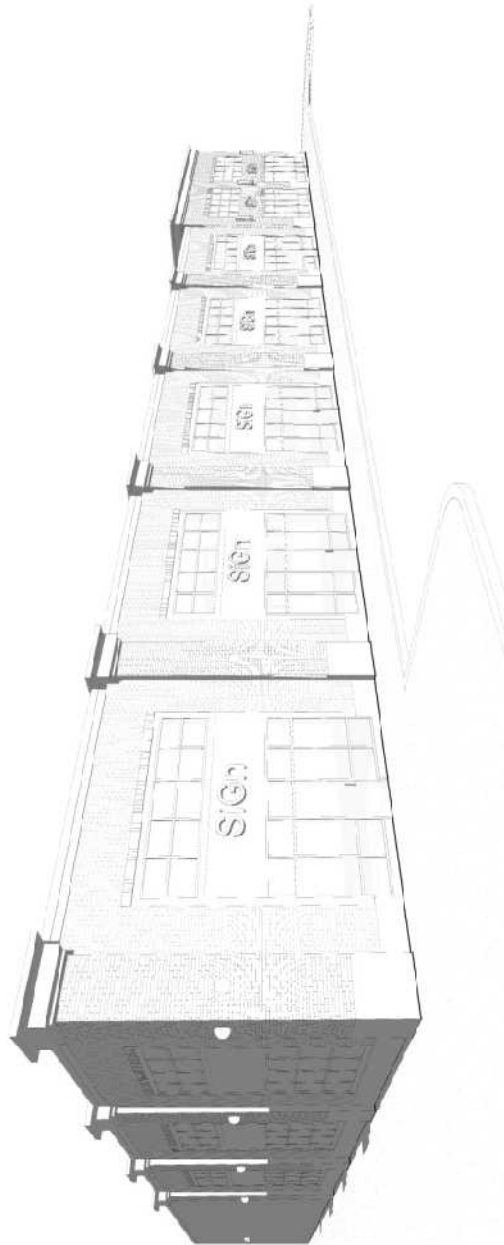
fieldgate

RETAIL A & B
CLAIR ROAD WEST & GORDON STREET
GUELPH, ON

JANUARY 2011
File # 03024/RENT AS-1/14

TURNER FLEISCHER

Schedule 6 Preliminary Building Elevations



fieldgate

RETAIL A & B
CLAIR ROAD WEST & GORDON STREET
GUELPH, ON

JANUARY 27, 2011
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TURNER FLEISCHER

**CONSENT REPORT OF THE
COUNCIL AS COMMITTEE OF THE WHOLE**

March 7, 2011

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Council as Committee of the Whole beg leave to present their First
CONSENT REPORT as recommended at its meeting of February 28, 2011.

*If Council wishes to address a specific report in isolation please identify
the item. The item will be extracted and dealt with immediately. The
balance of the Consent Report of the Council as Committee of the
Whole will be approved in one resolution.*

1) CITIZEN APPOINTMENT TO THE GUELPH POLICE SERVICES BOARD

THAT Len Griffiths be appointed to the Guelph Police Services Board for a term
ending November 2011.

All of which is respectfully submitted.

CONSENT AGENDA

March 7, 2011

Her 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

| REPORT | DIRECTION |
|---|------------------|
| <p>A-1) 83 RODGERS ROAD – UPCOMING ONTARIO MUNICIPAL BOARD HEARING FILE A.83/10</p> <p>THAT Report 11-18 regarding an appeal from the Committee of Adjustment Decision A-83/10 refusing a minor variance for a wider driveway at 83 Rodgers Road, City of Guelph, from Planning & Building, Engineering and Environment dated March 7, 2011 be received;</p> <p>AND THAT the City be a party at any upcoming Ontario Municipal Board proceedings regarding an appeal from the Committee of Adjustment's Decision A.83/10 refusing a minor variance to permit a wider driveway and that appropriate staff attend the hearing to support Council's direction.</p> | Approve |
| <p>A-2) PART LOT CONTROL EXEMPTION – HANLON CREEK BUSINESS PARK (PLC1003)</p> <p>THAT report (10-101) from Planning & Building, Engineering and Environment dated March 7, 2011 regarding a proposed Part Lot Control Exemption request for portions of the Hanlon Creek Business Park from Belmont Equity (HCDP) Holdings Ltd. be received;</p> <p>AND THAT City Council support the request to exempt Part of Lots 16, 17, 18 and 19, Concession 5, Geographic Township of Puslinch, now in the City of Guelph, more particularly described as Blocks 10, 11 and 14 on the draft Registered Plan from Part Lot Control as identified on Schedule 1 and subject to the conditions set out in Schedule 3 of the Planning &</p> | Approve |

Building, Engineering and Environment report (10-101) dated March 7, 2011.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE March 7, 2011

SUBJECT **83 Rodgers Road**
Upcoming Ontario Municipal Board Hearing
File A-83/10

REPORT NUMBER 11-18

SUMMARY

Purpose of Report:

To determine if the City wishes to be a party at an upcoming Ontario Municipal Board (OMB) hearing regarding the appeal of a decision refusing a minor variance application to permit a wider driveway at 83 Rodgers Road.

Council Action:

Council is being asked to direct staff to attend any future OMB proceedings relating to the appeal of a minor variance decision refusing to permit a wider driveway at 83 Rodgers Road.

RECOMMENDATION

"THAT Report 11-18 regarding an appeal from the Committee of Adjustment Decision A-83/10 refusing a minor variance for a wider driveway at 83 Rodgers Road, City of Guelph, from Planning & Building, Engineering and Environment dated March 7, 2011, be received;

ANDTHAT the City be a party at any upcoming Ontario Municipal Board proceedings regarding an appeal from the Committee of Adjustment's Decision A-83/10 refusing a minor variance to permit a wider driveway and that appropriate staff attend the hearing to support Council's direction."

BACKGROUND

Location: The subject property backs onto Preservation Park and is on the southwesterly side of Rodgers Road, west of Edinburgh Road South (see Schedule 1 – Location Map). This property is an on-street townhouse which was developed as part of a block of 5 townhouses in 1998.

Current Zoning: The subject property is zoned R.3A-18 which permits on-street, stacked and cluster townhouses, as well as maisonette dwellings. The maximum

driveway width permitted for on-street townhouses is the width of the garage for the unit, as measured from the outside walls of the garage.

Application Details: On December 14, 2010 the Committee of Adjustment considered an application (A-83/10) requesting a minor variance to permit a driveway width of 4.09 m (13.42 ft.), whereas the Zoning By-law would permit a driveway width of 3.48 m (11.42 ft.) in this instance (see Schedule 2 – Notice of Public Meeting). The applicant is requesting a wider driveway in order to accommodate additional parking, in the form of cars parking beside each other, for the tenants living in the unit.

The application was refused by the Committee. Subsequently, the applicant appealed the Committee's decision to the Ontario Municipal Board (OMB). The applicant appealed the Committee's decision on the basis that:

- There are other driveways on this street which are wider than the Zoning By-law permits and the City is not enforcing the By-law for those properties;
- The variance is not going to compromise the curb appeal of the neighbourhood, property, etc;
- The minor variance request is for 2 feet wider and 16 feet longer not blocking any sidewalks;
- None of the other residents have appealed or were challenged on the widening of their driveway and have been parking illegally for the life of the houses;
- The minor variance is being requested to deal with parking as it is restrictive; and,
- There are many other rental houses on Rodgers Road.

REPORT

At the December 14, 2010 Committee of Adjustment meeting, Planning staff recommended to the Committee of Adjustment that the application for minor variance for 83 Rodgers Road be refused. The Planning comments outlined that the intent of the Zoning By-law in restricting the maximum permitted driveway width to the outside width of the garage is to ensure that there is adequate vehicular access to the garage while still ensuring that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars (see Schedule 3 – Comments from Staff, Public and Agencies).

After considering staff comments, hearing from the applicant and reviewing correspondence received from area residents, the Committee of Adjustment refused the minor variance application (see Schedule 4 – November 9, 2010 Meeting Minutes and Schedule 5 – Committee of Adjustment Decision). The Committee's decision to refuse the minor variance request was in keeping with the recommendation from Planning staff.

The applicant submitted a letter of appeal on January 4, 2011 which in addition to the reasons listed above, submits that the requested minor variance meets all the

tests in the *Planning Act*; and, that the Committee erred in applying the tests in a number of ways (see Schedule 6 – Letter of Appeal).

An OMB hearing has not yet been scheduled for this appeal. It is anticipated that the OMB hearing will be scheduled for one day.

Planning staff recommend that the City be a party at any future OMB proceedings for this appeal as there is a municipal interest in the application.

Based on the information provided at the Committee of Adjustment meeting, it appears that there are other properties on Rodgers Road with the same zoning as the subject property which have driveways that are wider than permitted by the Zoning By-law. Staff from the Zoning Division will be conducting inspections to determine if there are additional properties that do not comply and following up with appropriate enforcement action as necessary. It is anticipated that there will be other applications similar to the current minor variance request submitted to the Committee of Adjustment.

Further, the amount of parking is an issue for this property because it is rented to four people each with cars and at the Committee of Adjustment meeting the owner indicated that the garage is used for storage purposes rather than parking (see Schedule 4 – Committee of Adjustment Meeting Minutes).

The intent of the Zoning By-law for townhouses is to have single width driveways as most on-street townhouse lots are only 6.0 m wide. In order to appropriately accommodate two cars side-by-side, a minimum driveway width of 5.0m is required. If driveways for on-street townhouses were widened to accommodate double wide driveways nearly all soft landscaping areas in front of on-street townhouses would be lost which is undesirable from an urban design; streetscape and drainage perspective.

CORPORATE STRATEGIC PLAN

N/A

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Legal Services have reviewed this report.

COMMUNICATIONS

N/A

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Notice of meeting
Schedule 3 – Comments from Staff, Public & Agencies
Schedule 4 – Committee of Adjustment Meeting Minutes
Schedule 5 – Committee of Adjustment Decision
Schedule 6 – Letter of Appeal

Prepared By:

Stacey Laughlin
Development & Urban Design Planner
519-837-5616, ext 2327
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Recommended By:

R. Scott Hannah
Manager of Development Planning
519-837-5616, ext 2359
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Original Signed by:

Original Signed by:

Recommended By:

James N. Riddell
General Manager
Planning & Building Services
519-837-5616, ext 2361
jim.riddell@guelph.ca

Recommended By:

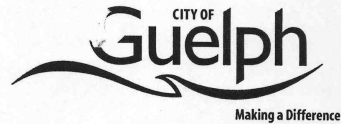
Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering
and Environment
519-822-1260, ext 2237
janet.laird@guelph.ca

SCHEDULE 1 – Location Map



SCHEDULE 2 – Notice of Meeting

COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC MEETING



An Application for Minor Variance(s) has been filed with the Committee of Adjustment.

LOCATION

of PROPERTY: 83 Rodgers Road

PROPOSAL:

The applicant proposes to extend the existing driveway to a total width of 4.09 metres (13.42 feet).

BY-LAW

REQUIREMENTS: The property is located in the Specialized Townhouse (R3A-18) Zone. A variance from Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, is being requested.

The By-law requires that the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage. [maximum width of 3.48 metres (11.42 feet)].

REQUEST:

The applicant is seeking relief from the By-law requirements to extend the driveway width 0.6 metres (2 feet) resulting in a total driveway width of 4.09 metres (13.42 feet).

The Committee of Adjustment for the City of Guelph will be holding a public hearing to consider an application under Section 45 of the Planning Act R.S.O. 1990 P.13, as amended.

DATE OF HEARING

December 14, 2010

APPLICATION WILL BE HEARD

**5:00 p.m.
City Hall
1 Carden Street, Guelph, Ontario**

APPLICATION NUMBER

A-83/10

How Do I Provide Comments?

You may provide your comments, in support or opposition, regarding this application:

By appearing at the Public Hearing:

Please advise the Secretary-Treasurer of the Committee of Adjustment of your intention to appear before the Committee.

In Writing:

Written comments received by December 9, 2010 will be forwarded to the Committee members. Comments submitted after this date will be summarized at the hearing.

By Mail: Secretary-Treasurer, Committee of Adjustment,
City of Guelph, 1 Carden Street, Guelph, ON N1H 3A1

By Fax: 519-822-4632

By Email: cofa@guelph.ca

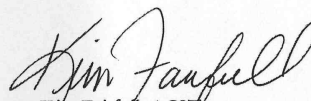
How Do I Get More Information?

In Person: City Hall, 1 Carden Street, 3rd Floor

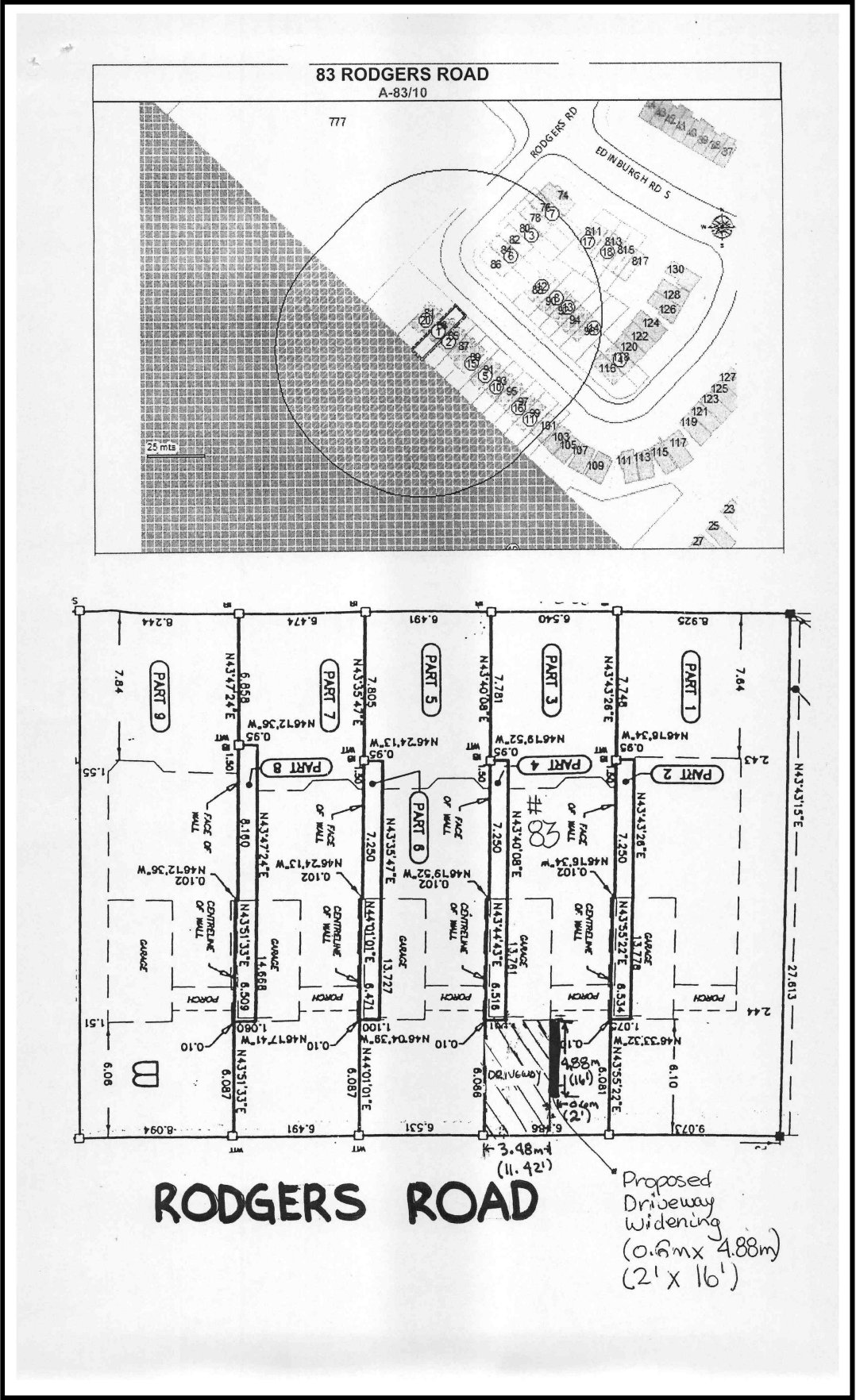
By Telephone: 519-837-5615, Ext. 2524

How Do I Receive Notification of the Decision?

You *must* make a written request for Notice of Decision to the Secretary-Treasurer, Committee of Adjustment.


Kim Fairfull, ACS
Secretary-Treasurer
Committee of Adjustment

Dated this 26th day of November, 2010



SCHEDULE 3 – Comments from Staff, Public & Agencies

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES



APPLICATION DETAILS

APPLICATION NUMBER: A-83/10
LOCATION: 83 Rodgers Road
DATE AND TIME OF HEARING: December 14, 2010 at 5:00 p.m.
APPLICANT: Kimberly Rose McCaw
AGENT: Kimberly Rose McCaw
OFFICIAL PLAN DESIGNATION: General Residential
ZONING BY-LAW: Specialized Residential Townhouse (R.3A-18) Zone

| | |
|--------------------------------|-----------------------------|
| REQUEST: | Variance for driveway width |
| CONDITIONS RECOMMENDED: | Not applicable. |

COMMENTS

ENGINEERING SERVICES:

Engineering have minor concerns with the requested driveway width variance, however, upon examining Planning staffs comments and recommendation and Zoning staffs comments and recommendation, Engineering staff can support their comments and recommendations for refusal.

PLANNING SERVICES:

Planning staff are not supportive of the requested variance to permit a driveway having a width of 4.09m (13.42 ft.). The subject property is only 6.48 m (21.25 ft.) wide which means that the driveway will occupy 63% of the front yard. The intent of the zoning by-law in limiting the maximum permitted driveway width in the R3B zone to the width of the garage is to ensure that there is adequate vehicular access to the garage while still ensuring that there is an appropriate amount of soft landscaped areas and that the streetscape is not dominated by driveways and cars. Planning staff conclude that the requested variance does not meet the intent of the Zoning By-law and recommend that it be refused.

PERMIT AND ZONING ADMINISTRATOR:

The Zoning Division of Community Design and Development Services have concerns with the variance application to permit a driveway width of 4.09 metres in lieu of the permitted 3.48 metres. Zoning notes that the standard width for two parking spaces is 5 metres. This application is requesting a widening that would not accommodate a second space beside the approved space in the driveway. Zoning recommends that this variance be refused to limit the ability to park two vehicles side by side in the driveway.

GUELPH HYDRO:

No comment.

GRAND RIVER CONSERVATION AUTHORITY:

No comment.

REPORT COMPILED BY: LINDA CHAPMAN
LETTER ATTACHED

Sophia Podrozny
81 Rodgers Road
Guelph, ON
Dec 9, 2010

Dear Committee Members,

I am the owner resident of 81 Rodgers Road and I am writing to express my opposition to application A-83/10 to vary the driveway width at 83 Rodgers Road. The applicant is seeking this variation in an attempt to widen a single lane driveway to accommodate 2 vehicles side by side, for the purpose of parking a total of 4 vehicles (2 trucks and 2 cars) belonging to the student tenants, who are temporary and seasonal residents.

I object for the following reasons:

1. The driveway is already wider than the by-law allows. The driveway at 83 Rodgers is not straight; it tapers from the garage to the street so that at the garage it measure 3.51m wide but at the curb it measures 4.30m. This already reduces the proper amount of green space between our units. The proposal suggests widening a length of only 4.88m, which is not the full length of the driveway. At the terminal end of the proposed widening, the driveway will be 4.51m which is wider than stated in the application. (The request was for a total width of 4.09m).
2. Although the purpose of this application is to facilitate side by side parking, the proposed variance does not widen the driveway to the proper 5m width for side by side parking. (Neither does it lengthen the proposed driveway to the roadway, although the tenants are currently using the full length of the additional 0.6m width for parking.) The proposed widening reflects the area in which the tenants are currently illegally parking. They also parked in this manner part of last year. I have witnessed the following results of this arrangement:
 - a. The degradation of the landscaped area (which was professionally landscaped and carefully cared for by the previous owner).
 - b. An overcrowded, unattractive appearance of the property which
 - suggests a commercial property rather than residential
 - gives an impression of poverty and scarcity of space
 - has the appearance of a parking lot
 - advertises that this is a rental property, which tends to discourage owner residents from living here, reducing the stability of the neighbourhood
 - detracts from the residential atmosphere and thereby lowers the property values of our area.
 - c. The residents and their visitors routinely trespass on my driveway to enter and exit their unit, as there is no room for passage on their driveway.
 - d. The residents trespass on the lawn of #85 Rodgers Road in order to enter and exit their vehicles as there is no room to step on the driveway.

For these reasons, the proposed variance is undesirable. It goes against the City of Guelph's mission to be "an appealing, attractive City", and the Official Plan goal of an "attractive urban landscape".

3. Although widening the driveway to 5m or more would alleviate some of these problems, it is not an acceptable alternative. On this lot, a double driveway of 5m would take up 78% of the front yard area,

sacrificing a significant amount of landscaped area and leaving only 1.4m of landscaped area between our driveways. This is not a minor variance. This is a significant departure from the original plan of the neighbourhood, which appears (from the survey drawing) to be for approximately equal areas of driveway and landscaped area. More parking spaces also encourages more vehicles, which is not compatible with the Official Plan goal of promoting energy conservation.

4. The purpose of the existing by-law is to preserve the landscaped areas on our street. Although the survey drawing on the application makes it look like the driveway areas are equal to the landscaped areas, this is not the case. On most of the lots, driveways are typically more than 60% of the front area. At 83 Rodgers Road, the single width driveway is already approximately 64% of the front yard. In contrast to other areas of Guelph, our paved streetscape is already larger than the landscaped areas.

According to the City of Guelph website, "the maximum driveway width is 50 or 40% of the front yard area." This applies to neighbourhoods where the lot sizes are much larger than they are on our street. If it is important to limit the driveway area in a neighbourhood where the lot sizes are 40, 50 or 60 feet, it is even more important to limit the driveways in a neighbourhood of 20 to 30 foot lots, where the green space is already at a minimum. This is important for the beauty and quality of life in our vicinity. For this reason I don't believe the proposal maintains the intent and purpose of the Official Plan or the Zoning By-laws.

5. This application for variance is unnecessary. The tenants have a total of 4 vehicles. They have 3 legal parking spaces, one of which is their garage.
 - a. The tenants were aware of the number of parking spaces when they leased the unit. It was their choice to rent there, and it was their choice to renew their lease after having the parking by-law enforced last year.
 - b. They have never used their garage for parking and have refused that suggestion.
 - c. They have refused parking space offered by the owner at her residence, one block away, on Edinburgh Street.
 - d. Last winter, when the by-law officer enforced the current by-law, the tenants found other places to park near-by and were not greatly inconvenienced by the enforcement of the existing by-law.
6. This application was motivated by temporary residents who don't think they should have to abide by the existing by-laws. The committee is no doubt aware of the strained relationships between permanent and temporary residents in Guelph, especially in the south end. This is an example of the kind of attitude and behaviour that causes problems, and the reason why city council recently approved a strengthened by-law enforcement program.

The residents at 83 Rodgers Road are here for only part of the year, and they are here for only a few years, yet they expect the neighbourhood to change character and appearance so they will not have to be inconvenienced by the existing by-laws. This is totally inappropriate.

I am writing to you because I am a permanent resident, here all year round. I live here, work here and volunteer here. I am raising my family here and I am active in the community. In addition, my home is my life savings. It is a financial investment and an investment of time and love. I have a stake and an interest in maintaining the beauty and quality of the neighbourhood, and the quality of life in Guelph as a whole.

Unfortunately, the owner of 83 Rodgers Road and her tenants do not have the same connection to this neighbourhood as I do. The tenants do not consider this residence their home. They told me they “need” their 4 vehicles so they can “go home” on the weekends and holidays. They are absent all summer, between semesters and many weekends. Similarly, the landlord recently purchased a farm and intends to live in the country. Neither the owner nor tenants plan to live here long term. They are not concerned with our community or the quality of life here.

Like many residents in the south end, I am disappointed that I have been deprived of real neighbours with whom I can develop a relationship. Instead, I am in a position of policing the tenants and dealing with parking, trespassing, shopping carts, garbage and other issues. I am not against students – I was a student myself recently, and have rented to students as well, but I do believe they need to abide by the law. Neighbourhoods with a mixture of permanent and temporary residents get along best when temporary residents try to fit in.

I urge the committee to deny the application and maintain the current driveway width, as it was intended, for a single width driveway. By upholding the current zoning by-law, the committee will be maintaining the appearance and character of our neighbourhood. Please do not sacrifice the quality of life of permanent, engaged citizens for the convenience of temporary residents who have no interest or investment in our community.

Thank you very much for considering my comments,

Sophia Podrozny

Kim Fairfull

From: SHIRLEY SZILVASY [szilvasy@rogers.com]
Sent: December 1, 2010 4:29 PM
To: Committee of Adjustment
Subject: Application for variance 83 Rodgers road

I am writing to respond to the application for a minor variance for 83 Rodgers Road. I am a home owner on this street and oppose the requested variance.

83 Rodgers road is being used as student rental housing as of this year and as a home owner on this street I do not wish to see the neighbourhood further eroded by student housing and changes made to residential homes to accommodate them. As an aside the students currently renting this home have already had several noisy late night parties that have been disruptive to the neighbourhood and they currently park 4 vehicles in the driveway. I think parking space for 4 vehicles is more than adequate for a RESIDENTIAL home. Also the green space between houses on our street is quite small and if they were to expand the driveway two feet in either direction the driveway would almost be extending into the neighbours driveway which I would consider entirely unacceptable. The property also has a tree located on one side of the driveway where they are potentially proposing to expand the driveway which would not be feasible unless they plan on removing the tree which would decrease the shade canopy on the street. Also having alot of vehicles parked outside of a home decreases the aesthetics and curb appeal of the neighbourhood which in my opinion devalues our properties.

So I vehemently oppose this proposed amendment and think clear boundaries and guidelines need to be established to prevent residential homes from being devalued because they have been converted to student housing. I have had enough of students running our neighbourhoods.

For privacy purposes I request that my address be withheld at the public hearing and if possible my name. Should you need to reference my name than if you could just address the meeting with my first name.

Shirley Szilvasy
95 Rodgers Road

This e-mail may contain confidential and/or privileged information for the sole use of the intendend recipient. Any review or distribution by anyone other than the person for whom it was originally intended is strictly prohibited. If you have received this e-mail in error please contact the sender and delete all copies.

Sophia Podrozny
81 Rodgers Road
Guelph, ON
Dec 13, 2010

Dear Committee Members,

I am the owner resident of 81 Rodgers Road and I am writing to express my opposition to application A-83/10 to vary the driveway width at 83 Rodgers Road. The applicant is seeking this variation in an attempt to widen a single lane driveway to accommodate 2 vehicles side by side, for the purpose of parking a total of 4 vehicles (2 trucks and 2 cars) belonging to the student tenants, who are temporary and seasonal residents.

I object for the following reasons:

1. The proposed widening reflects the area in which the tenants are currently illegally parking. They also parked in this manner part of last year. I have witnessed the following results of this arrangement:
 - a. The degradation of the landscaped area (which was professionally landscaped and carefully cared for by the previous owner).
 - b. An overcrowded, unattractive appearance of the property which
 - suggests a commercial property rather than residential
 - has the appearance of a parking lot
 - advertises that this is a rental property, which tends to discourage owner residents from living here, reducing the stability of the neighbourhood
 - detracts from the residential atmosphere and thereby lowers the property values of our area.
 - c. The residents and their visitors routinely trespass on my driveway to enter and exit their unit, as there is no room for passage on their driveway.
 - d. The residents trespass on the lawn of #85 Rodgers Road in order to enter and exit their vehicles as there is no room to step on the driveway.

For these reasons, the proposed variance is undesirable. It goes against the City of Guelph's mission to be "an appealing, attractive City", and the Official Plan goal of an "attractive urban landscape".

2. Although widening the driveway to 5m or more would alleviate some of these problems, it is not an acceptable alternative. On this lot, a double driveway of 5m would take up 78% of the front yard area, sacrificing a significant amount of landscaped area and leaving only 1.4m of landscaped area between our driveways.
3. The purpose of the existing by-law is to preserve the landscaped areas on our street. Although the survey drawing on the application makes it look like the driveway areas are equal to the landscaped areas, this is not the case. On most of the lots, driveways are typically more than 60% of the front area. At 83 Rodgers Road, the single width driveway is already approximately 64% of the front yard. In contrast to other areas of Guelph, our paved streetscape is already larger than the landscaped areas.
4. This application for variance is unnecessary. The tenants have a total of 4 vehicles. They have 3 legal parking spaces, one of which is their garage.

- a. The tenants were aware of the number of parking spaces when they leased the unit. It was their choice to rent there, and it was their choice to renew their lease after having the parking by-law enforced last year.
- b. They have never used their garage for parking and have refused that suggestion.
- c. They have refused parking space offered by the owner at her residence, one block away, on Edinburgh Street.
- d. Last winter, when the by-law officer enforced the current by-law, the tenants found other places to park near-by and were not greatly inconvenienced by the enforcement of the existing by-law.

5. This application was motivated by temporary residents who don't think they should have to abide by the existing by-laws. The residents at 83 Rodgers Road are here for only part of the year, and they are here for only a few years, yet they expect the neighbourhood to change character and appearance so they will not have to be inconvenienced by the existing by-laws. This is totally inappropriate.

I urge the committee to deny the application and maintain the current driveway width, as it was intended, for a single width driveway. By upholding the current zoning by-law, the committee will be maintaining the appearance and character of our neighbourhood. Please do not sacrifice the quality of life of permanent, engaged citizens for the convenience of temporary residents who have no interest or investment in our community.

Thank you very much for considering my comments,

Sophia Podrozny

SCHEDULE 4 – Committee of Adjustment Meeting Minutes

The Committee of Adjustment for the City of Guelph held its Regular Meeting on Tuesday December 14, 2010 in Committee Room 112, City Hall, with the following members present:

R. Funnell, Chair
L. McNair (from 4:10 p.m.)
J. Andrews
D. Kelly
P. Brimblecombe
B. Birdsell

Regrets: A. Diamond

Application: A-83/10
Applicant: Kimberly McCaw
Agent: Kimberly McCaw
Location: 83 Rodgers Road
In Attendance: Kimberly McCaw
Sophia Podrozny

The Secretary-Treasurer advised there were two letters received in objection to the application, one being circulated with the comments and another received on December 13th, including pictures which were distributed to the Committee.

Chair R. Funnell questioned if the sign had been posted in accordance with Planning Act requirements.

Ms. McCaw replied the notice sign was posted and comments were received from staff. She noted the letters were received from the owners of 81 and 95 Rodgers Road. She distributed pictures of other properties in the neighbourhood identifying parking at many houses with widened driveways and noted her request is not out of character with the existing parking along Rodgers Road.

Committee member L. McNair noted the property has the same frontage as a typical R.1D lot which allows driveway width up to 55% of the front yard. He noted 63% is too excessive.

Chair R. Funnell questioned how many residents reside in the house and if the garage is being utilized for parking.

Ms. McCaw replied there are four residents in the house and the garage is being used for storage.

Committee member L. McNair questioned if they would be encroaching on the City right-of-way if two cars are stacked in the driveway.

Planner S. Laughlin replied the second stacked space would be partially located on the City boulevard.

Committee member D. Kelly noted because other individuals are breaking the By-law is not relevant to the application as the Committee has to deal with these applications on an individual basis.

The Committee requested staff forward the properties to the attention of By-law enforcement staff.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kelly and seconded by P. Brimblecombe,

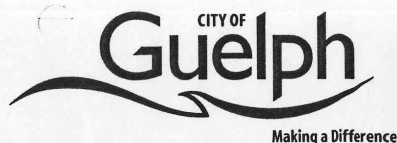
“THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 83 Rodgers Road, to extend the existing driveway to a total width of 4.09 metres (13.42 feet) when the By-law requires the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage [maximum width of 3.48 metres (11.42 feet)], be refused for the following reasons:

1. Widening the driveway to 63% of the front yard does not meet the intent of the By-law to provide landscaped open space in front yards.
2. The variance has a negative impact on the streetscape.
3. The variance does not meet the required tests in the Planning Act.”

SCHEDULE 5 – Committee of Adjustment Decision

DECISION

COMMITTEE OF ADJUSTMENT
APPLICATION NUMBER A-83/10



The Committee, having considered whether or not the variance(s) are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, passed the following resolution:

"THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 5.3.2.8 of Zoning By-law (1995)-14864, as amended, for 83 Rodgers Road, to extend the existing driveway to a total width of 4.09 metres (13.42 feet) when the By-law requires the driveway width shall not exceed the garage width of the unit, as measured from the outside walls of the garage [maximum width of 3.48 metres (11.42 feet)], be refused for the following reasons:

1. Widening the driveway to 63% of the front yard does not meet the intent of the By-law to provide landscaped open space in front yards.
2. The variance has a negative impact on the streetscape.
3. The variance does not meet the required tests in the Planning Act."

Members of Committee
Concurring in this Decision

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on December 14, 2010.

Dated: December 17, 2010

Signed:

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is January 4, 2011.

Committee of Adjustment

T 519-837-5615
F 519-822-4632
E cofa@guelph.ca

SCHEDULE 6 – Letter of Appeal



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elt.o.gov.on.ca

APPELLANT FORM (A1) PLANNING ACT

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED

JAN 04 2011

Community Design & Development Services

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

| SUBJECT OF APPEAL | TYPE OF APPEAL | PLANNING ACT REFERENCE (SECTION) |
|---|---|--|
| Minor Variance | <input checked="" type="checkbox"/> Appeal a decision | 45(12) |
| Consent/Severance | <input type="checkbox"/> Appeal a decision | 53(19) |
| | <input type="checkbox"/> Appeal conditions imposed | |
| | <input type="checkbox"/> Appeal changed conditions | 53(27) |
| | <input type="checkbox"/> Failed to make a decision on the application within 90 days | 53(14) |
| Zoning By-law or Zoning By-law Amendment | <input type="checkbox"/> Appeal the passing of a Zoning By-law | 34(19) |
| | <input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days | 34(11) |
| | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality | |
| Interim Control By-law | <input type="checkbox"/> Appeal the passing of an Interim Control By-law | 38(4) |
| Official Plan or Official Plan Amendment | <input type="checkbox"/> Appeal a decision | 17(24) or 17(36) |
| | <input type="checkbox"/> Failed to make a decision on the plan within 180 days | 17(40) |
| | <input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days | 22(7) |
| | <input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality | |
| Plan of Subdivision | <input type="checkbox"/> Appeal a decision | 51(39) |
| | <input type="checkbox"/> Appeal conditions imposed | 51(43) or 51(48) |
| | <input type="checkbox"/> Failed to make a decision on the application within 180 days | 51(34) |

Part 2: Location Information

83 Rodgers Road, Guelph, Ontario N1G 4Z5

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Guelph

A1 Revised April 2010

Page 2 of 5

Part 3: Appellant InformationFirst Name: Kimberly Last Name: M'CAWN/A

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): N/A

E-mail Address: _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____

Street Address

Apt/Suite/Unit#

GUELPH
City/TownONTARIO
ProvinceCANADA
Country (if not Canada)N1G 4Y7
Postal CodeSignature of Appellant: _____ Date: DECEMBER 30th

(Signature not required if the appeal is submitted by a law office.)

2010

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Ted Last Name: Young

Company Name: _____

Professional Title: _____

E-mail Address: _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____

Street Address

Apt/Suite/Unit#

Guelph
City/Townontario
ProvinceCANADA
Country (if not Canada)N1L 1S6
Postal CodeSignature of Appellant: _____ Date: December 31st, 2010

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER A - 83/10

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

PLEASE SEE ATTACHED DOCUMENT

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

- a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES ☐ NO ☒

Are there other planning matters related to this appeal? YES ☐ NO ☒
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☒ half day ☐ 1 day ☐ 2 days ☐ 3 days
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation? YES NO ☒

(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO ☒

(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

PLEASE SEE ATTACHED LETTER

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: ☐ Certified cheque ☒ Money Order ☐ Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**

[REDACTED]
Guelph, Ontario
N1G 4Y7

December 30th, 2010

Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
(416)212-6349

RE: Appeal for Committee of Adjustment File A-83/10

Dear Ontario Municipal Board:

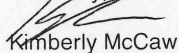
The purpose of this letter is to appeal the decision made by the City of Guelph, Committee of Adjustment on December 14th, 2010. Listed below are the reasons for the grounds to appeal:

- The City is not enforcing the other 11 plus non-declared permits for a minor variance for driveway width on the same Zoning of R3B housing
- This is not going to compromise curb appeal of the neighbourhood, property, etc.
- Asking for a minor variance of 2 feet wider and 16 feet longer not blocking any sidewalks
- Non of the other residents have appealed or were challenged on their widening of their driveway – they have been parking illegally for the life of the houses
- Reason for asking for the minor driveway width variance is to deal with parking as it is restrictive – if there was a family that had 3 cars they would be in violation of the City of Guelph By-laws (stacking)
- Many other rental houses on this street of Rodgers Road, Guelph, Ontario

Section 45(1) of the Planning Act provides that any variance must meet three tests- it must be minor in nature, desirable for the appropriate development or use of the land and maintain the general intent and purpose of the zoning by-law and official plan. My variance request meets all three tests. The committee erred in applying the tests in a number of ways. They treated minor as if it was a mathematical formula instead of looking at its impact overall on the streetscape and value of the properties. It is not about the size of the variance or percentage change but its overall impact which is very minor in this case. The intent of the zoning by-law is to provide off-street parking for residential properties that is appropriate and my variance meets that intent. The variance is reasonable and appropriate development of the residential property and consistent with the uses that exist in the neighbourhood. The variance meets all the tests of Section 45(1) of the Planning Act and should be allowed.

Please do not hesitate to contact me at (519) 993-7321 if you have any questions regarding this letter or the accompanying documents.

Sincerely,


Kimberly McCaw
[REDACTED]

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Planning & Building, Engineering and Environment
DATE March 7, 2011

SUBJECT Part Lot Control Exemption – Hanlon Creek Business Park (PLC1003)

REPORT NUMBER 10-101

SUMMARY

Purpose of Report:

To provide background and a staff recommendation related to the approval of a Part Lot Control exemption request from Belmont Equity (HCBP) Holdings Ltd affecting certain lands within the Hanlon Creek Business Park.

Council Action:

Council is being asked to approve the Part Lot Control exemption request.

RECOMMENDATION

“THAT report (10-101) from the Planning & Building, Engineering and Environment dated March 7, 2011 regarding a proposed Part Lot Control Exemption request for portions of the Hanlon Creek Business Park from Belmont Equity (HCBP) Holdings Ltd be received;

AND THAT City Council support the request to exempt Part of Lots 16, 17, 18 and 19, Concession 5, Geographic Township of Puslinch, now in the City of Guelph, more particularly described as Blocks 10, 11 and 14 on the draft Registered Plan from Part Lot Control as identified on Schedule 1 and subject to the conditions set out in Schedule 3 of the Planning & Building, Engineering and Environment report (10-101) dated March 7, 2011.”

BACKGROUND

The City is in receipt of a request from Belmont Equity (HCBP) Holdings Ltd for a Part Lot Control exemption affecting Parts 10, 11 and 14 on the draft Registered Plan for the first phase of the Hanlon Creek Business Park. The subject lands are located west of the Hanlon Expressway, north of Laird Road

and east and west of the future road to be known as Hanlon Creek Boulevard (see Schedule 1).

The subdivision control provisions of the Planning Act, related to the conveyance of a Part of a Lot or Block in a plan of subdivision, generally require the approval of a consent (for severance) application prior to the conveyance. Alternatively, the municipal Council may by a by-law passed under Section 50 (7) of the Planning Act to exempt a parcel of land from the part lot control provisions of the Planning Act. Effectively, this Council exemption allows the conveyance of a part of a lot or block without the need for a consent (for severance) application.

At the beginning of 2003, City Council approved new administrative procedures for part lot control applications which authorized the General Manager of Planning and Building Services to prepare part lot control exemption by-laws for semi-detached and on-street townhouse dwellings where certain conditions were met (see Schedule 2). These standard procedures apply to recurring Part Lot Control applications and ensure a timely review without the need for a report to Council.

The procedures, however, also allowed for the consideration of other, less common, Part Lot Control exemption requests (e.g. for industrial and commercial lots). For these applications a staff report to Council is required (**see area highlighted in bold on Schedule 2**). In keeping with these procedures a staff report has been prepared for this application.

REPORT

Description of Part Lot Control Exemption

The applicant (Belmont Equity (HCBP) Holdings Ltd) is requesting that a blanket Part Lot Control exemption Bylaw be passed for certain Blocks in the first phase of the Hanlon Creek Business Park. A covering letter expressing the rationale for the request is set out in Schedule 4. More specifically, the exemption request will:

- allow the ability to divide the blocks in response to a particular purchaser and/or user's requirements, thus attracting business to the Hanlon Creek Business Park in a timely and efficient manner;
- allow the conveyance of a part of a block without the need for a time consuming (more than 3 month) consent to sever application;
- provide for a process which is utilized for industrial development in other municipalities in similar situations.

At present, the lands affected by the Part Lot Control exemption are being serviced and are anticipated to be registered during 2011. The subdivision

agreement for this phase of the development (Phase 1) has also been executed and was registered December 20, 2010 as Instrument No. WC299562.

The properties are designated Corporate Business Park in the Official Plan and are zoned B.5 (Corporate Business Park) in the City of Guelph Zoning By-law. The part lot control application does not contravene the Official Plan designation or alter the current zoning.

Planning Staff Recommendation

Staff support the proposed Part Lot Control Exemption application subject to the conditions set out in Schedule 3. The need to divide larger lots to respond to an individual purchaser and to close deals in an expeditious manner is understood and encouraged. Exempting these properties from the Part Lot control provisions of the Planning Act will allow the applicant to provide this service which also has a direct benefit to the City from a business and retention perspective.

Exempting properties from Part Lot Control, however, does provide the owner with the power to subdivide and convey parcels in any shape without input from the City. The worst case scenario is the conveyance of a parcel of land which does not comply with the zoning by-law or provide sufficient lot area to implement the environmental conditions applicable to the Hanlon Creek subdivision (e.g. Storm water infiltration rates).

The conditions recommended on Schedule 3 are intended to avoid this scenario and also follow the process the City uses when it conveys City employment lands to willing purchasers. These conditions include:

1. That the part lot control by-law not be passed until following the registration of the Plan;

This is standard requirement for Part Lot Control Exemption by-laws.

2. That the part lot control by-law be enacted for a period not to exceed 5 years from the date of the passing of the by-law;

This will ensure that the by-law will lapse at the end of 5 years and the Part Lot Control provisions of the Planning Act will be reinstated. Staff anticipate that this length of time will be sufficient time for property transactions to occur. An extension to the by-law could be considered at the end of 5 years, if necessary.

3. That prior to the passing of the part lot control By-law, the proponent (Belmont Equities or current owner) provide the City with a written

undertaking committing to allow City Staff to review all draft reference plans prior to the conveyance of lands in keeping with the Part Lot Control exemption.

The review of draft reference plans by City Planning and Engineering staff is a standard protocol that Economic Development staff uses prior to the sale of City lands to ensure that the lot configuration will comply with the provisions of the Zoning by-law and also ensure that there are no anticipated servicing issues.

City staff have reviewed these conditions with representatives from Belmont Equity (HCBP) Holdings Ltd and they are in full support. City Staff would therefore encourage Council to approve the recommendation provided in this report.

DEPARTMENTAL CONSULTATION

The agency comments received during the review of the application are included on Schedule 5

COMMUNICATIONS

Dates for notification are included on Schedule 5

ATTACHMENTS

Schedule 1 – Location Map

Schedule 2 – Part Lot Control Administrative Procedures

Schedule 3 – Conditions

Schedule 4 - Correspondence (Letter from Belmont)

Schedule 5 - Circulation Summary

Prepared By:

Julie Owens
Senior Planning Technician

Recommended By:

R. Scott Hannah
Manager of Development
Planning

Original Signed by:

Original Signed by:

Recommended By:

James N. Riddell
General Manager
Planning & Building Services
519-837-5616, ext 2361
jim.riddell@guelph.ca

Recommended By:

Janet L. Laird, Ph.D.
Executive Director
Planning & Building,
Engineering and Environment
519-822-1260, ext 2237
janet.laird@guelph.ca

[illegible]

Schedule 2 - Part Lot Control Administrative Procedures

"That City Council approve applications for Part Lot Control exemption and authorize the Director of Planning to prepare By-laws exempting the properties from Section 50(7) of The Planning Act, R.S.O. 1990, c.P. 13 (Part Lot Control) for a period not to exceed three years, where the following conditions have been met.

For applications involving Semi-detached Dwellings:

1. A complete application is received together with the appropriate fee;
2. The property is included in a registered plan and appropriately zoned for the development of semi-detached dwellings;
3. A building permit has been issued (NB: where a building permit has been issued the Engineering Department will have cleared the grading, drainage, driveway location and servicing of the lot); and
4. A reference plan and/or a Surveyors Real Property Report showing the location of the building, the legal off street parking space and driveway and the centre foundation wall to describe the intended conveyance of the lots, has been received (NB: to confirm compliance with the Zoning By-law).

For applications involving On-street Townhouse Dwellings:

1. A complete application is received together with the appropriate fee;
2. The property is included in a registered plan and appropriately zoned for the development of On-street Townhouse dwellings;
3. Site Plan approval has been granted for the property;
4. A building permit has been issued (NB: where a building permit has been issued the Engineering Department will have cleared the grading, drainage, driveway location and servicing of the lot and checked this against the approved Site Plan); and
5. A reference plan and/or a Surveyors Real Property Report showing the location of the building and the foundation walls to describe the intended conveyance of the lots, has been received (NB: to confirm compliance with the Zoning By-law)."

And

"For all other Part Lot Control exemption requests (e.g. dealing with conveyance of property for industrial/ commercial purposes or detached dwellings) that the Director of Planning prepare a report for the consideration of the Planning, Environment and Transportation Committee (PET) following appropriate input from the Planning and Engineering Departments."

Schedule 3 - Conditions

1. That the part lot control by-law not be passed until following the registration of the Plan;
2. That the part lot control by-law be enacted for a period not to exceed 5 years from the date of the passing of the by-law;
3. That prior to the passing of the part lot control By-law, the proponent (Belmont Equities) provide the City with a written undertaking committing to allow City Staff to review all draft reference plans prior to the conveyance of lands in keeping with the Part Lot Control exemption.

Schedule 4 – Correspondence (Letter from Belmont)

BELMONT EQUITY
P A R T N E R S

and Development Services

July 9, 2010 JUL 12 2010

City of Guelph
Community Design and Development Services
City Hall, 1 Carden Street
Guelph, Ontario

Attention: Mr. R. Scott Hannah, Manager of Development and Parks Planning

RE: Hanlon Creek Business Park, Application for Removal of Part Lot Control

Dear Mr. Hannah,

Further to our recent discussion in which we, Belmont Equity (HCBP) Holdings and Guelph Land Holdings, the other private developer within the HCBP, requested the City consider establishing part lot control exemption for our land holdings.

Belmont Equity (HCBP) Holdings understand the City, as the other significant land holder and developer in the park, effectively has this planning procedure already in place.

We have three blocks of land which we will own in Phase 1, north of Laird Road, as described in the application documents. Until we have commitments from purchasers and/or user's it is not possible to know how the blocks will be divided into individual lots.

The ability to divide the blocks in response to a particular purchaser and/or user's requirements in an efficient manner is viewed as necessary to attract businesses to the Hanlon Creek Business Park. We would think that the collective success of all developers in the Hanlon Creek Business Park is of interest to the City as each developer has different types of product offerings than the others and development of lots will translate into development charge revenues and increased realty taxes for the City.

At present the City has a competitive advantage as their lots can be established without the need of a severance process, we, as private developers would like the same ability. In addition, part lot control exemption in this type of situation is common in other municipalities for similar reasons as above.

Please note that we have an agreement in principle with the City to swap certain portions of lands and as such the application herein contemplates the part lot control exemption being applied to the lands that Belmont Equity (HCBP) Holdings will ultimately own. To ensure no confusion, we are requesting the part lot control exemption be applied to the following blocks: Block 10, 11 & 14.

1301 Fewster Drive Mississauga, Ontario L4W 1A2 • Telephone 905 602 8553 Fax 905 602 9993

We have enclosed our application for the removal of part lot control in accordance with the following documentation;

- Application Form
- Cheque in the amount of \$1,390.00, based on the application fee and three blocks, identified as Blocks 10, 11 and 14 on the Plan of Subdivision.
- Plan of Subdivision, dated May 13, 2009
- Plan of Subdivision reduced size

We understand that there may be further administrative fees when the lots are established.

We trust the information is complete and you can proceed to process our application.

Please contact the undersigned should you need additional information.

Yours sincerely,

Per: Belmont Equity (HCBP) Holdings Ltd.

A handwritten signature in black ink, appearing to read 'David Kemper', written over a horizontal line.

David Kemper
President

CC: Peter Cartwright, Director, Economic Development Office, City of Guelph

Schedule 5 – Circulation

June 23, 2010 Application received by the City of Guelph from Guelph Land Holdings Inc.

July 12, 2010 Application received by the City of Guelph from Belmont Equity (HCBP) Holdings Ltd.

September 1, 2010 Notice of Application mailed to agencies as a courtesy

| <u>RESPONDENT</u> | <u>NO OBJECTION OR COMMENT</u> | <u>CONDITIONAL SUPPORT</u> | <u>ISSUES/CONCERNS</u> |
|------------------------------------|---|---------------------------------------|---|
| Development Planning | | ✓ | • conditions |
| Engineering Services | | ✓ | • conditions |
| Parks Planning | ✓ | | |
| Fire Department | ✓ | | |
| Guelph Police Services | ✓ | | |
| Grand River Conservation Authority | | ✓ | • Consistent with draft plan |
| Canada Post | ✓ | | |
| County of Wellington | | ✓ | • Plans be registered prior to bylaw being passed |
| Ministry of Transportation | | ✓ | • Plan review • Permits grading/construction |
| Guelph Transit | ✓ | | |

From: Shawn Connolly

Sent: March 2, 2011 1:19 PM

To: Lois Giles

Cc: Al Hearne

Subject: Public Meeting Notice File OP0605/ZC0619, development of 132 Clair Road West

To: Guelph City Council

Re: Public Meeting Notice File OP0605/ZC0619, development of 132 Clair Road West

We are the owners and residents of the property located at Gordon Street, on the southwest corner of the intersection of Clair Road and Gordon Street. We are interested in the future development of 132 Clair Road West, as it directly impacts us.

Our questions and concerns are listed below:

Currently, there is a well located on the property beside us (previously 1827 Gordon Street, before it was included in the surrounding land) that provides us with our water. There is a legal easement on the property deed that stipulates our water access and rights to this property. On the proposed plan, the existing structure that contains that well has been replaced by a "Retail Building E", and no mention of the well, or what has been done with the existing house that contains it. We also have not been informed of any environmental studies that show the impact of this development on that water source.

The plan also does not show any fences or greenspace between our property and the development. The positioning of "Retail Building E", would have the back facing our property, and likely have the garbage refuse and dumpsters too close to our residence.

Whenever construction does commence, we are concerned on the impact on our daily living. The previous development in the Shoppers/Food basics plaza generated a significant amount of dust and garbage that blew into our property. Since this is even closer, the impact will be much greater.

We have not been contacted by anyone at Sobeys Capital, or any of their agents in regards to this development. Knowing that proper urban planning would prefer a homogeneous plan for this corner, we are surprised that no contact has been made, and that a plan would be drafted without consideration of the corner property to be part of it. In addition, the property has been listed for sale since mid-January, and we have received multiple offers from other vendors, and are considering our options.

We will be in attendance of the meeting on March 7th, and will be available for questions or comments.

Shawn Connolly

Robyn Loree