

COUNCIL PLANNING AGENDA



DATE JUNE 7, 2010 @ 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 (<i>maximum of 10 minutes</i>)	Staff Summary
a) Proposed Administrative Amendment to Zoning By-law Number (1995)-14864, as amended (Guelph's Comprehensive Zoning By-law	Katie Nasswetter			

CONSENT AGENDA

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

COUNCIL CONSENT AGENDA			
ITEM	CITY PRESENTATION	DELEGATIONS (<i>maximum of 5 minutes</i>)	TO BE EXTRACTED
A-1) 146 DOWNEY ROAD: Proposed Zoning By-Law Amendment (File - ZC0906) – Ward 6	Al Hearne	<ul style="list-style-type: none">• Jeremy Grant• Shirley Greenwood• Hugh Whiteley	✓
A-2) 410 CLAIR ROAD EAST: Proposed Zoning By-Law Amendment File – ZC0912 – Ward 6	Katie Nasswetter	<ul style="list-style-type: none">• John Valeriotte• William Birdsell• Member representing the Sikh community (<i>available to answer questions</i>)	✓

		<ul style="list-style-type: none"> • Glen Carducci • Richard Hanif • Sam Moghimi • Adam Minnion <p><u>Correspondence:</u></p> <ul style="list-style-type: none"> • Reid Kreutzwiser 	
A-3) Proposed Demolition Of 108 Marlborough Road – Ward 2			
A-4) Proposed Demolition Of 1897 Gordon Street – Ward 6		<ul style="list-style-type: none"> • John Valeriotte 	√
A-5) The Elliott Credit Facilities			
A-6) Interim Control By-Law For Shared Rental Housing			

BY-LAWS

Resolution – Adoption of By-laws (Councillor Findlay)

BY-LAWS	
<p>By-law Number (2010)- 19018</p> <p>A by-law to authorize the execution of an agreement between Conestoga-Rovers & Associates and The Corporation of the City of Guelph. (resident inspection and contract administration related to the reconstruction of Stevenson Street, York Road to Elizabeth Street under Contract 2-1005.)</p>	<p>To execute an agreement for the resident inspection and contract administration related to the Stevenson Street, York Road to Elizabeth Street Reconstruction under Contract 2-1005.</p>
<p>By-law Number (2010)-19019</p> <p>An Interim Control By-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph, to prohibit a Lodging House Type 1 in R.1 zones and/or an Accessory Apartment in R.1 and R.2 zones as it affects property located within Ward 5 and Ward 6 in the City of Guelph.</p>	<p>An Interim Control By-law to amend the City's Zoning by-law to prohibit Lodging Houses Type 1 in R.1 zones and/or an Accessory Apartment in R.1 and R.2 zones within Wards 5 and 6 as requested by Council May 25, 2010.</p>

ADJOURNMENT

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

SUBJECT **Proposed Administrative Amendment to
Zoning By-law Number (1995)-14864
(Guelph's Comprehensive Zoning By-law)**

REPORT NUMBER 10-62

RECOMMENDATION

"THAT Report 10-62, regarding a proposed administrative amendment to Zoning By-law Number (1995)-14864 from Community Design and Development Services, dated June 7, 2010, BE RECEIVED."

BACKGROUND

Community Design and Development Services has initiated a process for review of Zoning By-law Number (1995)-14864 with the goal of bringing forward recommendations dealing with minor requested changes to various sections of the Zoning By-law.

In March of 2010, the Community Development and Environmental Services Committee (CDES) considered Report 10-18 from Community Design and Development Services which recommended that staff be directed to initiate the public notification procedures in accordance with the Planning Act to allow agency and public input into the proposed administrative changes to the Zoning By-law. This recommendation was adopted by CDES on March 15, 2010 and City Council on March 22, 2010.

This report provides information on the proposed minor amendments to various regulations within the City's Comprehensive Zoning By-law.

REPORT

History

In June of 1995, City Council adopted a new Comprehensive Zoning By-law for the City of Guelph. The Zoning By-law regulates the use of all land in the City and the erection, location and size of all buildings and structures.

Since 1995, three administrative amendments have been approved to the Zoning By-law, in 1997, 1998 and 2003. The purpose of these administrative amendments was to improve the use and implementation of the By-law. These amendments introduced minor wording changes clarifying the intent of certain regulations, corrected technical omissions and mapping errors and typographical mistakes. Uses were added to certain zones and some regulations were modified to ensure they were working as originally intended.

In 2008, the Guelph and Wellington Development Association (GAWDA) requested a number of additional changes to various regulations of the Zoning By-law based on difficulties they have encountered with current regulations (**See Schedule 1**). Additionally, an internal staff working group consisting of staff from Planning Services, Building Services and Engineering Services have been monitoring inconsistencies and deficiencies within the present By-law since 2003.

Description of the Zoning Amendment

The intent of this proposed amendment is to improve the usability of the By-law for the development community, the general public, as well as City Staff. Proposed changes include revised definitions, minor changes that clarify and improve existing regulations and remove inconsistencies, corrected technical omissions, mapping corrections and typographical mistakes. These minor omissions and problems are often only identifiable through use of the by-law. The entire list of staff concerns and proposed amendments have been added to this report as **Schedule 2**.

Many of the requested and staff initiated changes are intended to respond to frequently requested variances to zoning regulations through the Committee of Adjustment since 2003. The proposed amendments to the Zoning By-law will meet the demands of the public while maintaining regulatory objectives such as safety and urban design.

Process

Once the public has had an opportunity to provide input into the proposed changes, staff will review the comments and a final report from Community Design and Development Services with a recommendation will be presented to City Council for their consideration. This final report with recommendations is anticipated by August, 2010.

Following adoption of the new Official Plan, a more extensive study will be completed to develop a new Zoning By-law in conformance with the new Official Plan goals and policies.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

In house staff time and advertisements only.

DEPARTMENTAL CONSULTATION

Staff from Planning, Building and Engineering Services have reviewed the proposed amendments.

COMMUNICATIONS

The Notice of Public Meeting was advertised in the Guelph Tribune on May 13, 2010.

ATTACHMENTS

Schedule 1 - GAWDA Requests for Administrative Zoning Amendments
Schedule 2 - Proposed Administrative Amendments to the Zoning By-law

Original Signed by:

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Amendment Public Meeting (Katie N).docx

SCHEDULE 1

GAWDA Requests for Administrative Zoning Amendments

Please find a list of regulations which are recommended for amendment by the development and homebuilding industry. These are regulations that we have experienced difficulties with and feel that they could be revised to protect the public interest and remove the identified problem at the same time.

Could you please let us know the timing of the next housekeeping by-law and whether the proposed changes listed below can be accommodated by that by-law?

1. Section 4.20.10.1 – Delete the portion of the fence regulation **“and not within 4 metres of street line.”** This zoning regulation requires an unnecessary jog in the fence. This regulation has been varied many times by the Committee of Adjustment.
2. Table 4.7 – An uncovered porch or a deck should be permitted to be built to a zero lot line if it does not interfere with grading and drainage on the property, a privacy screen is provided to a minimum height and the deck is self supported and not tied into a common fence. The zoning regulation to have a setback for a deck makes no sense when a patio can be located right up to the fence line and is more likely to interfere with grading on the lot. This regulation has been varied many times by the Committee of Adjustment. When there are small lots or semis or side entrances to houses it makes no sense to have a setback for a deck from the side yard if the privacy and grading issues can be dealt with.
3. Section 4.15.1.4.1 – The minimum floor area of an accessory apartment should be 100 m² rather than 80 m². The by-law regulates the maximum number of bedrooms already. People living in accessory apartments are being penalized by this regulation. Council wants to promote intensification therefore this regulation should be amended. The apartment will still be accessory to the main unit if this minimum area is increased. This regulation is also at the Committee of Adjustment quite a bit.
4. Section 4.5.5.1 - a pool should be permitted in an exterior side yard when it is within a fenced area which has been constructed in compliance with the by-law.
5. Section 4.5.4 - an outdoor swimming pool should **not** be included in the 10% coverage calculation of lot area. A pool is an amenity area similar to a deck or patio and should not be considered as an accessory building or structure for the purpose of the 10% coverage calculation. Many applications come to the Committee of Adjustment due to this regulation. There are many non-complying pools throughout the City.
6. Section 4.8.3 - This section should be amended to require that “lighting be directed in such a way as to not shine onto an abutting property or natural area.”

7. Section 4.13.3.2.2 - The 3m x 6m minimum parking space size within a garage should permit an encroachment of 0.5 m into the required parking space for stairs into the garage.

8. Definitions – The by-law requires a definition of 0.5 storey. There are zoning regulations which rely upon knowing what a 0.5 storey is and yet it is not defined by the zoning by-law.

Regards,

Astrid

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SCHEDULE 2

Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

Legend for Source:

GAWDA – Guelph and Wellington Development Association

Staff – Planning, Building, Engineering

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
1	Interpretation	Phased Condominiums		no regulation	Notwithstanding any other provisions in this By-law, the lands comprising a proposed standard draft plan of condominium that is to be created in phases as a phased condominium corporation in accordance with the Condominium Act, 1998, as amended, shall be deemed to be one lot for the purposes of applying zoning provisions such that the zoning regulations shall apply to the external limits of the draft plan of condominium, not to interior boundaries resulting from the registration of each phase.	Staff	Agree with need for this regulation. This will lessen the requirement for Committee of Adjustment applications for temporary lot lines and setbacks for larger phased developments. Most municipal zoning by-laws contain this regulation.	Implement regulation as Section 2.1.3 Phased Condominiums
2	Definitions	Fence	60 (a)	no definition of fence. Need definition to differentiate between fence and shade structure	New Definition: "Fence"- means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every	Staff	Staff support this new regulation that was required to define what a fence actually is in terms of the Zoning By-law. There was never a defining term and staff felt this definition encompasses what is a fence and what is not.	New definition proposed. Number will be 60 (b)

SCHEDULE 2
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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					door, gate or other enclosure that forms part of a fence, but does not include a trellis or arbour. When a trellis is located within 0.6 metres of a lot line it shall be regulated as a fence.			
3	Definitions	Vehicle Establishment	169 (a)	General repair of vehicles is not permitted in B.3 and B.4 malls. Specialty Repair of vehicles is permitted. There have been numerous Committee of Adjustment approvals related to this use.	New Definition of Vehicle Repair Shop- means a place where the general repair or service of vehicles is conducted. Staff propose to permit this use in the B.3 and B.4 Industrial mall category.	Staff	Staff support this regulation and definition since there are been Committee of Adjustment approvals where there have been no concerns. Since Vehicle Specialty Repair is permitted, staff support this change as a general repair shop would be just as intense of use of the property.	New definition proposed. Number will be 169 (a). Add Vehicle Repair Shop to list of permitted uses for B.3 and B.4 Industrial malls.

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
4	Definitions	Food Preparation and Vending	72 (a)	No definition for hot dog carts and similar food vehicles in by-law. Definition to match licencing definition.	New Definition of Food Preparation and Vending: shall mean a vehicle in or from which food is prepared and/or provided and shall include a chip wagon, mobile barbeque facility, mobile food preparation vehicle , refreshment vehicle , refrigerated bicycle cart, and the like but does not include an itinerant catering truck	Staff	Staff support this new definition as previously this type of use was not defined in the by-law.	New definition 72 (a). Previous 72 (a) Fuel Supply Dept now becomes 72 (b)
5	Definitions	Half Storey	150 (a)	The Zoning By-law refers to half storey in specialized zones and in the zone regulations. The reference is being deleted in the R.1 zone regulations, however a definition is required to provide guidance in the specialized zoning regulations.	New Definition of Half Storey: A finished floor area within a roof space where the roof joists/rafters are directly supported by the floor system. When gables and/or dormers are incorporated, they shall not exceed 50% of the perimeter wall area of the storey directly below the half storey	Staff and GAWDA	Staff support new definition to provide clarity to the by-law	New definition 150 (b)

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
6	Definitions	Multiple Attached Dwellings	58 (j)	New types of multiple dwelling units have been proposed. This definition was created for a specialized zone on Mountford Drive and staff wanted to include it in our standard definitions. It they can be used for Committee of Adjustment applications if necessary	Multiple Attached Dwelling shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.	Staff	This use has not been classified as to where it will be permitted outright. More study is required to see where appropriate. Staff wanted a definition to be used if required.	New definition 58 (j)
7	Definitions	Structure	153	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container.	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container and outdoor swimming pool/hot tub.	GAWDA and staff	New definition of Structure is required to include the exemption for outdoor pools and hot tubs. Accessory building regulations are being revised and the definition of structure needs to be amended to recognize these changes.	Amend the existing definition to proposed definition

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
8	General Provisions	4.5 Accessory Buildings	4.5.1	An Accessory building or Structure, or part thereof, may occupy a Yard other than a required Front or Exterior Side Yard on a Lot provided that:	An accessory building or structure may occupy a yard other than a front yard or required exterior side yard on a lot...	GAWDA and staff	The way the present regulation is written would permit accessory buildings to be located in the front yard of a lot with a main dwelling that is set back deep in the lot. The intent of the regulation is to not allow accessory buildings in front of the main structure and this change will strengthen the regulation.	Amend regulation as proposed to delete the word "required".
9	General Provisions	4.5 Accessory Buildings	4.5.13	Add new regulation to restrict the size of all accessory buildings and structures on a residential lot.	In a residential zone, the total area of all accessory Buildings or Structures shall not exceed 70 square metres.	Staff	There have been a number of extremely large accessory buildings issued by way of permit that were permitted by Zoning. Neighbourhoods cannot understand how such large structures are permitted as of right. The former zoning allowed a certain percentage size with no cap in size. This ensures that very large lots are not allowed accessory structures that are larger than main buildings on other residential lots.	Renumber previous regulation 4.5.1.3 to 4.5.1.4 and number this new regulation as 4.5.1.3

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
10	General Provisions	Lot Coverage for accessory buildings and pools	4.5.4	No accessory Building or Structures, including an outdoor swimming pool, shall only occupy more than 10% of the lot area	Delete regulation from By-law	GAWDA and staff	There is already a regulation under 4.5.1.1 which restricts to coverage of the yard at 30%. The thirty percent was being varied at the Committee of Adjustment with staff support. There is also a new provision that will restrict the overall size to 70 square metres.	Delete regulation from by-law.
11	General Provisions	Accessory Buildings and Structures	4.5.4.1	Notwithstanding Section 4.5.4, an outdoor swimming pool not exceeding 93 square metres in area shall be permitted in addition to any accessory Building or Structure provided the total area of the Lot covered by accessory Buildings or Structures including the outdoor swimming pool does not exceed 20% of the Lot Area.	Delete regulation from By-law	Staff	The new regulations suffice in the restriction of the area of swimming pools and accessory buildings.	Delete regulation from by-law
12	General Provisions	Swimming Pools	4.5.5.1	Swimming Pools No outdoor swimming pool shall be located in any part of a required	Swimming Pools and Hot Tubs No outdoor swimming pool or hot tub shall be located in	Staff	Hot tubs have always been regulated under the Swimming Pool regulations, adding them under the title	Amend Section 4.5.5 to add Hot Tubs and delete "required" for front yard location.

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				front or exterior side yard	any part of a front yard or required exterior side yard		avoids confusion. The present regulation would allow a swimming pool to be located in a front yard behind the required front yard setback. Staff felt the amendment was necessary to prevent this situation.	
13	General Provisions	Swimming Pools	4.5.5.2	No regulation allowing a swimming pool to be permitted in an exterior side yard in certain instances	Despite Section 4.5.5.1, an outdoor swimming pool or hot tub shall be permitted in the exterior side yard when located behind the rear wall of the main building and in compliance with Section 4.6.2	GAWDA	GDA and Staff reason that if a fence can be located in the exterior side yard in a complying location, a swimming pool can be located within the fencing and not impact sight lines.	Add new regulation 4.5.5.2

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
14	General Provisions	Swimming Pools	4.5.5.3	New regulation regarding the distance from lot lines for all swimming pools	Every swimming pool or hot tub shall not be located within 1.5 metres from any lot line. Any decking associated with the pool that is above 0.15 metres above finished grade, shall not be located within 1.5 metres from a lot line	Staff	There have been concerns from Engineering staff regarding swimming pools and related decking/concrete that results in the swale being obstructed. The 1.5 metre setback allows for 0.8m of concrete around the pool while still protecting the drainage swale.	Add new regulation 4.5.5.3
15	General Provisions	Swimming Pools	4.5.5.4	New regulation regarding the decking around a pool and the percentage calculation for area	Despite Section 4.5.5.3, any decking located between the main building and the swimming pool shall not be subject to Section 4.5.1.1 and shall be located a minimum of 0.6 metres from all lot lines	Staff	This has been an internal staff policy that needed to be implemented into the Zoning By-law.	Add new regulation 4.5.5.4
16	General Provisions	General Sight Lines	4.6.2.2	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue or parked motor Vehicle shall be located	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue, swimming pool/hot tub shall be located	Staff and GAWDA	If allowing swimming pools and hot tubs to be located in exterior side yards in certain instances, then they needed to be added to the sight line triangle section to ensure conformity.	Add swimming pool/hot tub to Section 4.6.2.2
17	General Provisions	Permitted Yard Projections	Table 4.7, row 8	Balconies- permitted locations in front and side yard. At present a balcony is required to be	Balconies- applicable to floors above main floor/entry level. Front of R.1 and R.2 Zones Maximum Projection 2.4	Staff	Newer homes are featuring second floor balconies in the front of the dwelling as an architectural feature.	Amend Table 4.7 as required

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
				setback greater than the building setback in a side yard. This leads to a balcony being allowed in a front yard, however if wrapped around in a side yard, it requires a greater setback.	metres and minimum setback of 2 metres. The same projection and setback with Side of R.1 and R.2 Zones and Rear of R.1 and R.2 Zones		The present by-law requirements do not lend to a consistent setback for the balcony in the side yard when compared to the actual building. This setback provides consistency in regulation.	
18	General Provisions	Permitted Yard Projections	Table 4.7, Row 9	Central Residential Air Conditioners are required a minimum setback from 0.6 metres (2') from property line in all yards	delete regulation from By-law	Staff	New air conditioners are not as noisy as in past where the separation was required. Access to the rear yard can still be obtained through one side yard. We have not had a complaint regarding location in four years.	Delete regulation from by-law requiring air conditioners to be 0.6 metres (2 feet) from lot line.
19	General Provisions	Permitted Yard Projections	Table 4.7, Rows 1, 2, 3, 4 & 8	Deck projections into required yards now include ramps and stairs	Two notes to be added to Table: Note 1- Stairs associated with rows 1, 2, 3, 4 and 8 are permitted to project to the minimum setback from lot line. Note 2- a two (2) metre deep balcony at the front of a house does not require a 2.0 metre (6.6') setback from the side lot line when the balcony is within the proposed and/or existing	Staff	Revised regulation allows decking and other similar structure to have stairs project into required yards without the need for variances from the Committee of Adjustment	Add new notes to bottom of Table

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					building envelope			
20	General Provisions	Permitted Yard Projections	Table 4.7, Row 1	At present, interior side yards of townhouses and semi-detached require 0.6 metre setback from lot line for decks	No motor vehicle, excluding an automobile and a Recreational Vehicle shall be parked in a residential zone when such vehicle exceeds a gross empty vehicle weight of 3000 kilograms or if the vehicle or the vehicle and an attached equipment exceeds a height	Staff	On street townhouses and semi-detached structures have limited lot width. This regulation of an interior 2' setback (.6m) causes difficulty and there have been numerous variances supported by staff at the Committee of Adjustment.	New regulation recommended to be 5.2.2.4
21	General Provisions	Permitted Yard Projections	Table 4.7, Row 3	Regulation 4.7.4- an open roofed porch not exceeding 1 storey in height shall have a minimum setback from the side lot line equal to the minimum side yard requirements of the zone in which the dwelling and porch are located. Table 4.7 Row 3 allows it to	Change regulation to read: Open, Roofed Porch and delete the reference to Section 4.7.4 (delete this regulation also). Modify table to Minimum Setback from Lot Line- 0.6 metres	Staff	This provides consistency in regulations. The new regulation will permit a roofed porch in a side yard to be 0.6 metres (2') from the side property line. This is consistent with other forms of structures in the side yard.	Revise regulation as noted.

SCHEDULE 2
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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
				project 1.2 metres into the side yard, conflicting regulations				
22	General Provisions	Satellite Antennas within Residential Zones	4.11	Outdated set of provisions that regulated the large ground based satellite antennas. Need to update or to delete entirely from by-law.	delete regulation from By-law	Staff	The existing satellite dish regulations were in regards to the older very large dishes which are not being utilized any more. The new dishes are very small and not obtrusive and require placement where signals can be achieved. We have had no complaints on the new dishes.	Delete section 4.11 from by-law.
23	General Provisions	Outdoor Storage	4.12	Council direction regarding regulating the storage of porta-potty's within a certain distance from a residential property. New regulation required.	New Regulation: 4.12.2.5 The outdoor storage of portable toilets shall not be permitted in an Outdoor Storage Area within 250 metres of a residentially zoned property	Staff	A previous storage facility in the City resulted in numerous complaints in an older area with industrial zoning. This separation distance will ensure that this type of storage will not take place near residential properties in the older area of the City	Add new regulation 4.12.2.5

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
24	General Provisions	Parking	4.13.3.2.2	Permitted projections into required parking space within a garage- Zoning has a policy regarding permission for stairs within a garage to encroach into the required parking space. Need to formally implement this into the by-law.	New Regulation-4.13.3.2.5 For both interior and exterior parking spaces, the required parking space shall not be obstructed in any way except for a stair to the access door into the dwelling. The stair shall be wide enough to accommodate the width of the entrance and a maximum projection of 0.8 metres (2' 8") into the required parking space	GAWDA	This has been an internal staff policy that needed to be implemented into the Zoning by-law. Staff are fully supportive of this request to include in the by-law. Regulation implements policy.	Add new regulation 4.13.3.2.5
25	General Provisions	Parking	4.13.2.3	Site Plan Approval Guidelines requires a parking space size of 2.75m x 5.5 m for commercially zoned properties. Zoning By-law does not reflect this standard and there is a need to include this in the by-law for regulatory enforcement and consistency in site plans being submitted.	Amend Regulation 4.13.3.2.2 to read: 4.13.3.2.2 Despite Section 4.13.3.2.1, the minimum parking space dimensions for Single Detached, Semi-Detached, Duplex Dwellings or Home Occupations, Group Homes, Bed and Breakfast establishments, Accessory Apartments, Lodging House Type 1 and On-Street Townhouses are 3 metres by 6 metres within a Garage or	Staff	There has been some discrepancy between the Site Plan Approval Guidelines and the Zoning By-law in terms of exterior parking space sizing for commercial and industrial properties. This amendment corrects this and applies the standard that the City wants to implement in terms of high density residential, commercial and industrial	Amend regulation as proposed

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#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					Carport. The minimum exterior Parking Space dimensions are 2.5 metres by 5.5 metres. New 4.13.3.2.3 The minimum exterior Parking Space dimensions for all other uses is 2.75 metres by 5.5 metres		exterior parking areas	
26	General Provisions	Parking	4.13.4	Required parking standards for industrial zones need to be updated to reflect the approved regulations for Hanlon Creek Business Park. Need to match other parking regulations.	Implement B.5 parking standards for industrial properties into general parking standards. For 'manufacturing' and 'mall', the following parking requirements shall apply: -1 parking space per 50 square metres up to 1,000 square metres of gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area	Staff	By using the B.5 regulations for all industrial zones, this provides consistency for Site Plan Approval applications when determining parking load requirements.	Amend existing parking regulations for manufacturing (1 space per 50 m ²) and industrial mall (1 space per 33m ²) to -1 parking space per 50 square metres up to 1,000 square metres of gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area

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Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
27	General Provisions	Parking in Residential Zones	4.13.7.5	No motor vehicle, excluding an automobile and a Recreational Vehicle shall be parking in a residential zone when such vehicle exceeds a gross vehicle empty weight of 2290 kilograms or if the vehicle or the vehicle and any attached equipment exceeds a height of 2.2 metres above the ground surface	No motor vehicle, excluding an automobile and a Recreational Vehicle shall be parked in a residential zone when such vehicle exceeds a gross empty vehicle weight of 3000 kilograms or if the vehicle or the vehicle and an attached equipment exceeds a height of 2.6 metres above the ground surface or an overall length greater than 6 metres.	Staff	Staff optioned for best practices to ascertain what other municipalities are enforcing. Staff realize that larger personal vehicles may be subject to complaint and enforcement and this is not the intent of the regulation. Staff wanted to relax regulation in order to allow larger personal vehicle to be parked in residential zones while still prohibiting the parking of larger commercial and industrial type vehicles.	amend regulation as proposed
28	General Provisions	Parking	4.13.2.1	In a R.1, R.2 or R.3B zone, every parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	In a R.1, R.2 and R.3B zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	Staff	Staff note that this restriction may lead to unnecessary enforcement of this parking restriction. Mostly every property in the City has parking that is not setback 6 metres from the front property line.	add the word "required" to the regulation.

SCHEDULE 2
Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
29	General Provisions	Accessory Apartments	4.15.1.4.1	Maximum Floor Area of an Accessory Apartment is 80 sq m.	GAWDA is requesting 100 sq m.	GAWDA	This should be dealt with as part of the Shared Rental Housing Review that is currently underway.	No change at present. To be reviewed during the Shared Rental Housing review of zoning regulations.
30	General Provisions	Fencing	4.20	Review and modification for fencing regulations in regards to corner lots	<p>4.20.10.1 Not exceed 2.5 metres in height from the rear wall of the main Building to the rear property line, and not within 4 metres of a Street line.</p> <p>4.20.10.2 Not exceed 1.9 metres in height from the midpoint of the main Building to the rear property line and up to 0 metres from the Street line.</p> <p>4.20.10.3 Not exceed 0.8 metres in height in the remaining Exterior Side Yard</p> <p>4.20.11 located in the interior yard Side Yard shall not exceed 1.8 metres in height</p> <p>4.20.12 located in the Rear Yard shall not exceed 2.5 metres in height</p> <p>4.20.13 No fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-law, unless such fence is constructed with a gate at least 2.5 metres (8.2</p>	Staff	Existing regulations for corner lots have been the subject of many variance requests to the Committee of Adjustment. Staff has reviewed best practices with other municipalities and have formulated these modifications for corner lot fencing.	amend regulations as proposed

SCHEDULE 2
Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					feet) wide giving access to such parking space. 4.20.14 Height shall be measured from the ground elevation at the supporting posts on the property on which the fence is located and in the case of a mutual fence, such fence height shall be measured from the highest ground elevation or either property at the supporting posts. 4.20.15 Despite Section 4.5.1, one entrance arbour structure is permitted in each yard with a maximum height of 3 metres and a maximum area of 5 square metres provided the arbours are not located in the site line triangles and general site lines. This arbour structure may be located with a zero lot line setback.			
31	Residential Zones	Minimum Landscaped Open Space	Table 5.1.2 Row 12	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall no constitute more than 55% of the front yard in an R.1D zone.	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 56% of the front yard in an R.1D zone.	Staff	When the driveway width percentages were created, R.1D zones were restricted from creating accessory apartments due to the width of parking and the allowable percentages. Many variances have been approved to allow the small fraction of increase in percentage. Staff have supported these variances.	Amend Table % 1.2 Row 12 accordingly.

SCHEDULE 2
Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
32	Residential Zones	Minimum Landscaped Open space	Table 5.1.2 Row 12	Despite the definition of Landscaped Open Space, a minimum area of 0.6 metres between the driveway and the nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species	Amend Table 5.1.2 Row 12 and Table 5.2.2 Row 15 to read "Despite the definition of Landscaped Open Space, a minimum of 0.5 metres between the driveway and the nearest lot line must be maintained...."	Staff	Staff note that exterior parking spaces are permitted to be 2.5 metres and when adding the 0.6 metres, it requires a yard of 3.1 metres rather than the 3 metres that is stipulated elsewhere in parking regulations. Modify this to 0.5 metres brings consistency to regulations. There have been variance requests support by staff for this regulation.	Amend regulation as proposed
33	Residential Zones	Minimum Distance between buildings and private amenity areas	5.3.2.3	Overall review and update of the minimum distance between buildings in R.3A zoned cluster townhouses	Delete regulation 5.3.2.2- Despite the above, in any case where windows to a Habitable Room face on a required yard, such building shall not be located within 7.5 metres of that side or rear lot line. Delete regulation 5.3.2.3.2 The distance between the face of one building which contains windows to habitable rooms and the face of another building which does not contain windows to a habitable room shall in no case be less than 12 metres. Amend regulation 5.3.2.3.4 to read No part of a Private Amenity Area shall be located within 10.5 metres of a wall in another building containing	Staff	The separation setbacks for cluster blocks and the private amenity areas in some instances require conflicting requirements. Through various Site Plan Approval applications, it had become apparent that these regulations were not working as required. A thorough staff review of the regulations in regards to best practices and regulation intent has led to the proposed modifications. Less Committee of Adjustment applications will be necessary as a result.	Amend by-law as proposed

SCHEDULE 2
Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
					windows of habitable room which face the private amenity area. Add new regulation for private amenity areas 5.3.2.5.1 i) to be a minimum distance of 3.0 metres from a side or rear lot line			
34	Residential Zones	Minimum Side Yard	Table 5.1.2 Row 7	Table requires different setbacks for varying heights of buildings in residential zones. Request from GDA and staff to amend to simplify regulations.	Amend Table 5.1.2 Row 7 to have setbacks as follows: 1 to 2 storeys- R.1A 1.5m, R.1B 1.5m, R.1C 1.2m and R.1D 0.6m. For over two storeys, R.1A 2.4m, R.1B 2.4m, R.1C 1.2m and R.1D 0.6m	GAWDA and staff	Staff are supportive of the changes to allow more consistent setbacks. The standard two storey dwelling will not be required to step back the building design as previously required. If proposing three storeys, staff recommend a small degree of stepping back the structure as this greater height.	Revise Table 5.1.2 Row 7 to reflect the changes.
35	Defined Area Maps	Map #'s 24, 34, 36 49, 55, 60		Eastview Community Park, Joseph Wolfond Park West, Guelph Lakes Sports Field, Paisley/Edinburgh Park, Priory Park, IODE Fountain Park, Goldie Mill Park, 80 Simmonds Drive Park	Planning staff have identified a number of City owned parks that have outdated zoning that does not reflect the actual use of the parks. The Defined Area maps are to be amended to reflect the proper zoning.	Staff	This should be part of the administrative amendment process to correct the zoning	Amend the Defined Area Maps

SCHEDULE 2
Proposed Administrative Amendment to Zoning By-law No. (1995)-14864

#	Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
36	Defined Area Maps	All Defined Area Maps except #'s 63, 64, 65, 66, 67 and 79		All Defined Area Maps are to be replaced with new mapping. This is necessary because of a new GIS system rendering Map Info obsolete.		Staff		Insert new Defined Area Maps
37	Illustrations	Page 3-32		Add new illustration for Side/Rear Lot line interpretation	This has been an interpretation by the Zoning Administrator for a side and rear lot line. Staff wanted to add the illustration into the by-law for guidance.	Staff		Add new illustration
38	Parking	Pages 4-17 and 4-18	4.13.5	Special Vehicle Parking is an outdated term used to describe accessible parking spaces	The Facility Accessibility Design Manual uses the terminology "Designated Accessible Parking Spaces"	Staff	Staff brought forward this change to update the Zoning By-law	Change Section 4.13.5 to remove the wording "Special Vehicle Parking" and replace where necessary with "Designated Accessible Parking Spaces"
39	Zoning By-law	Various sections		Various by-law sections with incorrect addresses, spelling and grammatical errors, omissions and other general corrections	Staff have identified a number of errors and omissions in the Zoning By-law that will be corrected in the Administrative amendment	Staff		

CONSENT AGENDA

June 7, 2010

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) 146 Downey Road: Proposed Zoning By-law Amendment (File ZC0906) – Ward 6</p> <p>THAT Report 10-30 regarding a proposed Zoning By-law Amendment application applying to property municipally known as 146 Downey Road, City of Guelph, (File ZC0906) from Community Design and Development Services dated June 7, 2010, be received;</p> <p>AND THAT the application (ZC0906) by Seaton Ridge Communities Limited for approval of a Zoning By-law Amendment from the current UR (Urban Reserve) Zone to a Specialized R.3A (Townhouse) Zone to permit a multiple residential development including townhouses and multiple attached dwellings applying to property legally described as Part of Lot 16, Concession 5 and Part of the Road Allowance between Concessions 5 & 6, Geographic Township of Puslinch, City of Guelph (PIN 71219-0069LT), municipally known as 146 Downey Road, City of Guelph, be approved in accordance with the permitted uses, regulations and conditions outlined in Schedule 2 of the Community Design and Development Services Report 10-30 dated June 7, 2010;</p> <p>AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 146 Downey Road as set out in Report 10-30 from Community Design and Development Services dated June 7, 2010.</p>	Approve

A-2) 410 Clair Road East: Proposed Zoning By-law Amendment (File ZC0912) – Ward 6

Approve

THAT Report 10-32 dated June 7, 2010 regarding an application for a Zoning By-law Amendment for 410 Clair Road East from Community Design and Development Services be received;

AND THAT the application by Smith-Valeriotte LLP for a Zoning By-law Amendment (File ZC0912) from the Specialized R.4A-34 Zone and A Zone to a new Specialized R.4A-34 Zone and R.1D Zone affecting the property known as 410 Clair Road East and legally described as Part of Part Lot 10, Concession 8, Township of Puslinch and Parts 1 and 19 on 61R-10932 City of Guelph, be approved in accordance with the permitted uses, regulations and conditions set out in Schedule 2 of Community Design and Development Services Report 10-32, dated June 7, 2010.

A-3) Proposed Demolition of 108 Marlborough Road – Ward 2

Approve

THAT Report 10-64 regarding the proposed demolition of a detached dwelling at 108 Marlborough Road, City of Guelph, from Community Design and Development Services dated June 7, 2010, be received;

AND THAT the proposed demolition of the detached dwelling at 108 Marlborough Road, be approved.

A-4) Proposed Demolition of 1897 Gordon Street - Ward 6

Approve

THAT Report 10-57 regarding the proposed demolition of a detached dwelling at 1897 Gordon Street, City of Guelph, from Community Design and Development Services, dated June 7, 2010, be received;

AND THAT the proposed demolition of a detached dwelling at 1897 Gordon Street, be deferred until the Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications for a residential subdivision development for this property are considered by City Council.

A-5) The Elliott Credit Facilities

Approve

THAT Council approve The City of Guelph Guarantee of The Elliott Community's existing credit facilities as restructured in the amount of \$5,063,000.

AND THAT the Mayor and City Clerk be authorized to execute the Guarantee documentation with the Royal Bank and to execute a Credit Letter Agreement with the Royal Bank and The Elliott for the existing credit facilities as proposed.

A-6) Interim Control By-law for Shared Rental Housing

Approve

THAT Report 10-73, regarding authorization to undertake a review of Shared Rental Housing and pass an Interim Control By-law from Community Design and Development Services, dated June 7, 2010, be received;

AND THAT Council directs staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R1 and R2 zoned portions of Wards 5 and 6 for the purpose of recommending zoning amendments to address identified issues associated with the concentration of shared rental housing in addition to complementary strategic initiatives to address the identified issues;

AND THAT Council pass an Interim Control By-law to prohibit the establishment of accessory apartments and lodging houses within the specified portions of Wards 5 and 6 to be in effect for one year from June 7, 2010 to June 7, 2011.

B ITEMS FOR DIRECTION OF COUNCIL

C ITEMS FOR INFORMATION OF COUNCIL

attach.

COUNCIL REPORT

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

**SUBJECT 146 DOWNEY ROAD - Proposed Zoning Bylaw
Amendment (File ZC0906) Ward 6**

REPORT NUMBER 10-30.

RECOMMENDATION

"THAT Report 10-30 regarding a proposed Zoning By-law Amendment application applying to property municipally known as 146 Downey Road, City of Guelph, (File ZC0906) from Community Design and Development Services dated June 7, 2010, BE RECEIVED; and

THAT the application (ZC0906) by Seaton Ridge Communities Limited for approval of a Zoning By-law Amendment from the current UR (Urban Reserve) Zone to a Specialized R.3A (Townhouse) Zone to permit a multiple residential development including townhouses and multiple attached dwellings applying to property legally described as Part of Lot 16, Concession 5 and Part of the Road Allowance between Concessions 5 & 6, Geographic Township of Puslinch, City of Guelph (PIN 71219-0069LT), municipally known as 146 Downey Road, City of Guelph, BE APPROVED in accordance with the permitted uses, regulations and conditions outlined in **Schedule 2** of the Community Design and Development Services Report 10-30 dated June 7, 2010; and

THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 146 Downey Road as set out in Report 10-30 from Community Design and Development Services dated June 7, 2010."

BACKGROUND

This report provides a Staff recommendation (**Schedule 2**) on a Zoning Bylaw Amendment application (File ZC0906) received from Seaton Ridge Communities Limited on August 14, 2009 applying to property at 146 Downey Road (See **Schedule 1**).

The statutory Public Meeting of Guelph City Council was held on October 5, 2009. Report 09-76 from Community Design and Development Services dated October 5, 2009 provided background information related to the proposed zoning by-law amendment. The original formal application requested a rezoning that would permit

a range of between 29 to 60 residential dwelling units on the site, as illustrated in **Schedule 5**.

The issues and concerns expressed at the October 5, 2009 Public Meeting are generally summarized as follows:

- evaluation of the proposal against the policies of the Official Plan and Provincial policies including the Provincial Policy Statement and Places to Grow
- flexible zoning - needs to be tightened up with a more fixed site plan
- review the range of permitted uses and the proposed zoning regulations
- recognition that development will occur but would prefer lower density and exclude apartment building
- land use compatibility - need to address unit type, height, density, character, setbacks, privacy, buffering, parkland, on-site parking etc.
- protection of the environment – Environmental Impact Study, protect tributary A and tree preservation including heritage trees
- the sustainability of the proposed built project- Community Energy Initiative
- traffic impact - on Downey Road and Teal Drive
- growth management policy – how does it affect the site?
- is parkland dedication required
- storm water management and drainage impact on adjacent properties
- Union Gas easement – construction and safety concerns of pipeline
- proposed walkway to Teal Drive – impact on neighbours
- emergency access – is one required for safety?
- existing house - heritage status or value?
- public input - residents ask to be involved in the planning process

In addition to receiving the October 5, 2009 Staff information report that evening, Council passed the following additional resolution:

"THAT Council strongly encourages the applicant to work with representatives from the neighbourhood on the proposed application."

The Kortright Hills Community Association appointed a small ad-hoc committee of residents to represent the larger Kortright Hills residential community. At the suggestion of City Staff, the owner retained, at its cost, the services of Mr. Glenn Pothier of G. L. Pothier Enterprises Inc., to facilitate discussions between the owner and the residents' ad-hoc committee. Three facilitated meetings were held on November 17, 2009, December 10, 2009 and March 25, 2010.

At the first facilitated meeting held on November 17, 2009, the general issues list compiled by the ad-hoc committee (**Schedule 6**) was discussed in detail. The committee asked that the density of the maximum 60 unit plan (**Schedule 5**) be reduced and the apartments be removed from the plan. At the second facilitated meeting held on December 10, 2009, the owner presented a revised concept plan that replaced the apartment building with two smaller and lower stacked townhouse buildings at the east end of the site. This plan proposed a maximum of 46 units. The committee was still concerned about the high density and the massing of the buildings to achieve compatibility with the surrounding

neighbourhood. The third and last facilitated meeting was held on March 25, 2010. The owner submitted a revised plan for discussion that replaced the three proposed single-detached dwellings along Downey Road with more townhouses which effectively reduced the number of proposed driveways at Downey Road from four to one. This concept plan proposed 50 units. Density, mix of unit type and building mass, especially relating to the stacked townhouse buildings, remained as issues with the ad-hoc committee.

The owner and representatives of the ad-hoc committee continued to meet and discuss further site plan revisions. The owner submitted another revised plan for discussion that replaced the two stacked townhouse buildings containing 18 units at the east end of the site with four smaller buildings containing four multiple attached units per building. This plan also removed one townhouse unit and introduced additional bungalow townhouse units along the south side of the internal road to reduce both the proposed density and building mass. The plan proposed a total of 47 dwelling units.

Subsequent to further discussions, on April 19, 2010, the owner submitted 'Site Plan G' that proposes a total of 45 dwelling units including the 16 multiple attached dwellings at the east end of the site. Site Plan G represents the owner's current proposal and is attached in **Schedule 7**. This plan forms the basis of an agreement in principle reached between the owner and the residents' ad-hoc committee.

Schedule 10 provides additional background detail of how the proposal evolved since the October 5, 2009 statutory Public Meeting.

Location

The subject property is located on the east side of Downey Road between Teal Drive and Quail Creek Drive, just south of Ptarmigan Drive (See **Schedule 1**). The property has approximately 56 metres of frontage on Downey Road, an average lot depth of 193 metres and a total site area of 1.3 hectares (3.2 acres).

The site elevations generally increase from Downey Road, level off through the central part of the site and gently fall to meet the lower open space lands to the east. The site is presently occupied by an existing house, garage and barn and a substantial amount of trees and shrub vegetation. The existing house is currently occupied as a residential rental unit and the barn and garage are rented as storage units. An existing high-pressure natural gas main operated by Union Gas crosses the east end of the subject site along a registered easement which runs in a south to north direction. **Schedule 1** also includes an aerial photo intended to illustrate the area context of the subject lands.

Existing Official Plan

The existing land use designation on Schedule 1 of the Official Plan applying to the subject property is 'General Residential' including 'Non-Core Greenlands Overlay'. Schedule 2 of the Plan identifies the east end of the site as 'Other Natural Heritage Features' (See **Schedule 3**). Relevant land use policies applicable to this application are also included in **Schedule 3**.

Existing Zoning

The subject property is zoned UR (Urban Reserve) as illustrated in **Schedule 4**. The UR Zone permits agricultural, conservation land and recreational type uses on land that is not yet approved for development or redevelopment and is not connected to municipal services.

REPORT

The Original Public Meeting (October 5, 2009) Proposal

The original zoning bylaw amendment application requested a rezoning that would permit a minimum of 29 dwelling units and a maximum of 60 dwelling units on the site (**Schedule 5**). The proposal was created by the owner based on the earlier concepts that were presented at the Neighbourhood Information Meeting held on January 20, 2009.

The owner asked to rezone the property to a flexible and staged site specific zoning that would establish a range of permitted uses and housing types along with accompanying zoning regulations. The original proposal is described in more detail in **Schedule 5** and in Report 09-76 presented at the Statutory Public Meeting of October 5, 2009.

Description of Proposed Zoning Bylaw Amendment

The Current (June 7, 2010) Proposal

The owner's current proposal (**Schedule 7**) and many of the associated details are the result of a negotiated agreement reached between the owner and the residents' ad-hoc committee representing the general Kortright Hills residential community.

Site Plan G will yield an overall maximum residential dwelling unit count of 45 units composed of 1 existing single-detached dwelling, 28 cluster townhouse dwellings and 16 multiple attached dwellings.

The plan proposes a total of 12 new buildings on the site with either 3 or 4 dwelling units per building. The proposed density of the proposal is 34.6 units per hectare (14 units per acre). The Places to Grow density is calculated at 83.8 persons/jobs per hectare. It is the intention of the owner to register the entire project as a condominium corporation.

The owner is requesting a Specialized R.3A (Townhouse) Zone to allow the development of the proposal as illustrated and explained in more detail in **Schedule 7**.

The owner proposes to retain and renovate the existing single-detached dwelling and incorporate it into the future residential condominium corporation as a unit.

The 28 cluster townhouses proposed between Downey Road and the existing dwelling are comprised of 11 two-storey units, 5 lower bungalow-style units with lofts and 12 split level units with 3-storey front building facades and 2-storey rear facades. The cluster townhouses will be accommodated within 8 separate buildings positioned on both sides of the internal private road. The units proposed on the

south side of the internal road will all be 2 storeys maximum with the exception of the bungalows. On the north side of the internal road with the exception of the building located closest to Downey Road which will contain one bungalow unit and two 2-storey units, all other proposed units will have a maximum building height of 3 storeys at the front (south) façade and 2 storeys at the back (north) facade. At the east end of the site, 16 proposed multiple attached dwellings will be accommodated within 4 separate buildings containing a maximum of four units per building. The units designed for these four buildings do not meet the zoning definition of a stacked townhouse dwelling but do meet the definition of a multiple attached dwelling. These buildings are illustrated by sketches in **Schedule 7**. The two bungalow townhouses proposed adjacent to Downey Road are planned to have the appearance of two single-detached dwellings facing the public street. The other advantages of the proposal to replace the detached dwellings along the frontage of Downey Road with townhouses are listed in **Schedule 9**.

In support of the application, the owner has submitted a Planning and Development Report, a Preliminary Site Servicing and Storm Water Management Report, a Geotechnical Investigation Report including Water Budget, a Scoped Environmental Impact Study and Tree Inventory and Assessment including an Addendum and a Traffic Impact Assessment. The owner has also submitted a letter explaining how the proposal will support the objectives of the Guelph Community Energy Plan (CEP) (**Schedule 8**).

Schedule 11 contains information forming the basis of the agreement in principle between the owner and residents including a summary chart prepared by the owner intended to document how the owner will address the residents' issues and concerns during the site plan approval process. Many of these commitments were discussed during the facilitation process and are intended to address the original issues list (**Schedule 6**) that was compiled by the residents' ad-hoc committee at the first facilitation meeting. Also included in **Schedule 11** is a list of additional items that have been agreed to in principle during the facilitation process. In addition, letters supporting the agreement in principle and Site Plan G are provided from the Ad-hoc Committee and from its professional planning consulting team and are attached in **Schedule 11**. All items documented in **Schedule 11** will be addressed in further detail during the site plan approval process in consultation with the Kortright Hills Community Association and the 146 Downey Road Ad-hoc Committee.

Staff Review and Planning Analysis

The Official Plan

The 'General Residential' land use designation (**Schedule 3**) allows all forms of residential development with the general character of development being low-rise housing forms. In this designation, the net density of development is not to exceed 100 units per hectare (40 units per acre). The proposal at 45 units with a proposed density of 34.6 units per hectare (14 units per acre) conforms to this policy.

Of particular importance, Section 7.2.7 of the Official Plan outlines specific criteria to consider when permitting multiple unit residential buildings on lands in the General Residential designation. Section 7.2.7 of the Official Plan reads as follows:

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

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

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

The proposal conforms to these four evaluation criteria as discussed below:

Compatibility/Urban Design

Criteria a) has been addressed with the owner providing much detail with respect to built form including massing, building heights, siting and gapping of the proposed buildings to ensure compatibility with the adjacent single-detached dwellings and surrounding area (**Schedule 2**).

Since the October 5, 2009 Public Meeting, there has been considerable effort made to resolve the land use compatibility issues expressed by the neighbourhood residents. Throughout the process, it became clear that the policy direction was to achieve a reasonable and practical density for the new development while also ensuring land use compatibility with the established neighbourhood. While opinions often differed, the facilitation process resulted in clarity, understanding and general acceptance of the issues and how they could be addressed.

Schedule 9 summarizes the design detail that was considered and agreed to during the facilitation process. **Schedule 11** contains design details that form part of the agreement in principle reached between the owner and the ad-hoc committee.

The basis of the agreement in principle has been incorporated by Staff into the recommendation in **Schedule 2**. Zoning details and conditions have been added in **Schedule 2** to cover the basis of the agreement and these details will be included in the planning documents including a zoning bylaw and a site plan agreement, should Council approve the application.

The owner and residents have spent considerable time addressing resident's issues by redesigning site plan details and producing architectural renderings, building articulation details and colour schemes to illustrate that the project is compatible

and can fit well into the neighbourhood. These items have been incorporated into the recommendation in **Schedule 2** to assure residents that the site plan approval stage will incorporate the design details and implement them. These details will supplement the proposed zoning bylaw which will outline the standard and specialized regulations such as maximum number of units, maximum number of units by type, maximum building heights and minimum side and rear yard setbacks.

Local Conveniences and Services

With respect to Criteria b) and local conveniences and amenities, there is a full range of community amenities in the neighbourhood including the Kortright Hills Public School, Mollison Park, Kortright Hills Park, a neighbourhood commercial centre and trail connections to the open space associated with the Hanlon Creek Conservation lands. Downey Road along the frontage of the site is identified in the Official Plan as an arterial road and City transit route 10 services the neighbourhood.

Traffic and Parking

Criteria c) has been addressed through the acceptance by City Staff of the owner's Traffic Impact Assessment that confirms the vehicular traffic generated from the proposal can be accommodated with minimal impact on local residential streets and intersections. The report confirms that based on the originally proposed maximum dwelling unit count of 60, the additional traffic would represent a 1 to 4% increase on Downey Road which is a minimal amount of additional traffic on the arterial road. The report further states that Downey Road as a two-lane arterial, can accommodate up to 15,000 vehicles per day while the resultant volumes will be approximately 7150 vehicles per day north of the site's proposed internal driveway. Adequate vehicular circulation, access and parking will be available within the proposal.

Municipal Infrastructure

With respect to Criteria d), Engineering Services has confirmed the site can be provided with full municipal services. Parkland and community trails located on public open space land are located in the vicinity of the site and there will be both private amenity areas and a common amenity area to serve the new residents on the subject site.

Also Section 3.6.17 of the Official Plan titled 'Character of Development in Older, Established Areas' and Section 3.6.18 titled 'Character of Development Adjacent to the Rivers and Public Open Spaces' apply to this application. These policies have been considered during the detailed site plan facilitation discussions between the owner and the residents' ad-hoc committee.

The 'Non-Core Greenlands Overlay' applies to lands, including the subject site that may have development constraints such as natural heritage features, natural feature adjacent lands and natural hazard lands and these constraints may result in the lands being protected from development. The 'Other Natural Heritage Features' identifies lands that primarily comprise environmental corridors, ecological linkages and buffers to natural heritage features. These land

use designations and overlays are illustrated and explained further in **Schedule 3**. Section 6.3 of the Official Plan titled 'Environmental Impact Studies' requires an environmental impact study (EIS) 'to examine the potential negative impacts that development proposals may have on natural heritage features.' The EIS and associated servicing documents have been accepted by City Staff, the GRCA and EAC (See **Schedule 12**).

As this application represents a residential infill redevelopment opportunity in an established neighbourhood adjacent to natural heritage features, the Official Plan policies have been considered during the evaluation of this application (**Schedule 3**). The proposal, subject to the details recommended in **Schedule 2**, conforms to the goals and objectives of the Official Plan.

The Provincial Policy Statement and the Places to Grow Act

The Provincial Policy Statement 2005 requires the proposal to be consistent with the provincial policy and conform to provincial planning legislation. In particular, Section 1.1.3 (Settlement Areas/efficient land use patterns /intensification/compact form), Section 1.4 (Housing/appropriate range of housing types and densities), Section 2.1 (Natural Heritage protection), Section 2.2 (Water quality and quantity) and Section 2.6 (Cultural Heritage and Archeological) have been considered.

Section 1.1.3 (above) has been addressed by the proposed intensification of the site while Section 1.4 has been addressed by the proposal for townhouses and multiple attached dwellings being made available in a predominantly single-detached neighbourhood. Sections 2.1 and 2.2 are addressed through the acceptance of the environmental and servicing reports and Section 2.6 will be addressed by the retention of the existing dwelling and the requirement for an archeological assessment prior to development (Condition 23). This proposal, as recommended by Staff in **Schedule 2**, is consistent with the Provincial Policy Statement 2005 policy.

The proposal must support the principles of the Provincial Places to Grow Growth Plan. The subject site is located within the built-up area of the City. In particular, the application supports Section 2.2.3 General Intensification of the Growth Plan which states by the year 2015, and for each year thereafter, a minimum of 40% of the City's annual residential development must occur within the built-up area. The processing of this application has focused on intensification and density, in balance with 'an appropriate transition of built form to adjacent areas.' The application supports the principles of compact development connected to existing municipal services in an area that includes amenities.

The expected population of the project based on 45 units is approximately 109 persons. Although the site is located in the built-up area and is not a greenfields site, for comparison purposes, the Growth Plan density for the proposal is calculated at 83.8 persons per hectare. This density also equates to 34.6 units per hectare (14 units per acre) which is an average townhouse density under the City's current Zoning Bylaw regulations. The proposal meets the principles of the Places to Grow Growth Plan.

Guelph Local Growth Management Strategy and Official Plan Amendment 39

OPA 39 implements the recommendations of the City's Local Growth Management Strategy which was approved by Council on June 23, 2008 and responds to the Provincial Growth Plan for the Greater Golden Horseshoe. The Local Growth Management Strategy included the completion of a residential intensification analysis (**Schedule 3a**) which identified areas of the City, including the subject site, that were best suited to accommodate additional population growth. The recommended rezoning and intensification of the subject site supports the Local Growth Management Strategy goals of residential intensification within the built-up area and to plan for a steady 1.5% average annual population increase and a 175,000 population target by 2031. The proposal supports the goals and objectives of the City's Local Growth Management Strategy.

Official Plan Amendment 39 was adopted by City Council on June 10, 2009 and approved by the Minister of Municipal Affairs and Housing on November 20, 2009. While smaller intensification sites are not specifically identified within OPA 39, the amendment directs that vacant or underutilized properties will be revitalized through the promotion of infill development. The amendment also directs that intensification areas will be encouraged to generally achieve higher densities than the surrounding areas while achieving an appropriate transition of built form to adjacent areas. The proposal, as recommended in **Schedule 2**, conforms to OPA 39 as it represents the intensification of a recognized underutilized site within the built-up area. The proposal is in a form and at a density that has been reached as a result of a facilitated process between the owner and the neighbourhood residents to ensure compatibility with the character of the established neighbourhood.

The proposed infill development with 45 units represents intensification at a higher density than the surrounding neighbourhood which consists mainly of single-detached dwellings. The proposed density of 34.6 units per hectare (14 units per acre) equates to the average townhouse project in the City and the Places to Grow density of 83.8 persons/jobs per hectare is acceptable for an identified intensification site in the built-up area. The recommended zoning and site plan conditions (**Schedule 2**) will ensure land use compatibility between the existing neighbourhood and the new housing development.

Circulation Responses/ Public and Agency Comments

A considerable amount of correspondence from the neighbourhood was received by the City during the Public Meeting stage of the process in late 2009 and it is not practical to attach this correspondence to the report. All of the correspondence generally expressed concerns with the original application. This correspondence is available for viewing at the Community Design and Development Services offices. Departmental and agency comments are supportive of the application and are summarized in **Schedule 12**.

Community Energy Initiative (CEP)

Also forming part of the application, the owner has submitted a letter explaining how the proposal will support the objectives of the Guelph Community Energy Plan (CEP) (**Schedule 8**). This commitment letter confirms conformity with Section 3.8 of the Official Plan titled Energy Conservation and Climate Change Protection.

During the detailed design stage of the proposal and prior to site plan approval, the owner is asked to update the letter of commitment in **Schedule 8** to more specifically address the recommended 45-unit plan. The owner has committed to developing the proposal to meet the ENERGY STAR rating or an equivalent at minimum.

Planning Staff Recommendation

Planning Staff support the proposed Zoning By-law Amendment application and minor modifications, subject to the recommended zoning and conditions outlined in **Schedule 2**. The proposed residential infill project represents good planning and conforms to Official Plan policies for the "General Residential" designation and the intensification policies of the Provincial Policy Statement and Places to Grow Act that focus on increasing density in built-up areas.

Staff recognizes that Site Plan G is the result of negotiations between the owner and the ad-hoc committee and general neighbourhood. Staff attended the facilitated meetings and supports the proposal as a good infill project. It should be emphasized that some design detail like floor plans, building and unit details, final grading elevations, fencing and exterior cladding of buildings may need minor modifications during the site plan approval process. Rather than dictate specific regulations or design details prematurely, Staff has incorporated the spirit and intent of the agreement into the recommendation in **Schedule 2** with the understanding that any necessary minor changes would be discussed openly with the owner and in full consultation with the representatives of the ad-hoc committee and the Kortright Hills Community Association. **Condition 1a** requires that the site be developed generally in accordance with Site Plan G. **Condition 1b** requires the City and owner to provide the neighbourhood representatives the opportunity to review and comment on the site plan submission.

Staff supports the specialized zoning that incorporates variances to standard regulations that are necessary to allow the development of Site Plan G. The recommended specialized variances are technical in nature and include a front yard variance, side yard and rear yard variances and other regulations addressing maximum building heights, minimum common and private amenity areas and buffer strip and angular planes regulations. These variances will support the implementation of Site Plan G and along with the conditions of the site plan agreement, will protect against any major changes to the recommended plan.

The recommended development will help the City achieve its intensification targets outlined in the Growth Plan and the Local Growth Management Strategy while maintaining compatibility with the existing neighbourhood.

The rezoning proposal, subject to the details recommended in **Schedule 2**, conforms to the Official Plan, is in the public interest and represents good planning.

Minor Application Revisions

There has been a considerable amount of public involvement during the review of this application and while changes to the application have evolved throughout the facilitation process and beyond, these revisions to the proposal represent a minor change to the application presented to Council at the October 5, 2009 Public

Meeting. Section 34(17) of the Planning Act allows Council to determine the need for further Notice where a change is made in a proposed bylaw after the public meeting.

As the October 5, 2009 proposal (**Schedule 5**) and the current proposal (**Schedule 7**) have very much the same proposed building footprints and because the current and recommended proposal has been reduced to considerably less than the original 60-dwelling unit maximum proposed at the statutory meeting and, as the local neighbourhood has been engaged in a lengthy and detailed facilitation process to address all planning issues, Staff recommends that no further notice is required (See third resolution on Page 1 of this report).

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Based on 45 residential dwelling units:

Population Projection

109 persons

Projected Taxation

\$157,500 (estimated at \$3,500 per unit)

Development Charges

\$813,560

DEPARTMENTAL CONSULTATION

The departmental and agency comments received during the review of the application are included in **Schedule 12**.

COMMUNICATIONS

- January 20, 2009 – Staff attended owner’s Public Information Meeting.
- The Notice of Application and Public Meeting was circulated by mail on September 11, 2009 and an advertisement was placed in the Guelph Tribune on September 11, 2009 encouraging public participation and comments on the application.
- October 5, 2009 - Statutory Public Meeting of Guelph City Council.
- November 17, 2009 – First Facilitated Meeting with area residents committee.
- December 10, 2009 – Second Facilitated Meeting.
- March 25, 2010 – Third and last Facilitated Meeting.
- May 14, 2010 - The required Notice of Public Meeting was mailed on May 14, 2010 and an advertisement was placed in the Guelph Tribune on May 13, 2010 encouraging public participation.
- June 7, 2010 – Public Decision Meeting of City Council.

ATTACHMENTS

Schedule 1 – Site Location and Area Context
Schedule 2 – Recommended Zoning – Permitted Uses, Regulations and Conditions
Schedule 3 – Existing Official Plan Designations and Relevant Policies
Schedule 3a – Local Growth Management Strategy Residential Intensification
Schedule 4 – Existing Zoning
Schedule 5 – The Original Public Meeting (October 5, 2009) Proposal
Schedule 6 – Summary Issues List Compiled at First Facilitation Meeting
Schedule 7 – The Current (June 7, 2010) Proposal
Schedule 8 – Owner's Letter of Commitment to the Community Energy Initiative
Schedule 9 – Addressed Issues Details
Schedule 10 – Background
Schedule 11 – Agreement in Principle
Schedule 12 – Agency Circulation Responses

Original Signed by:

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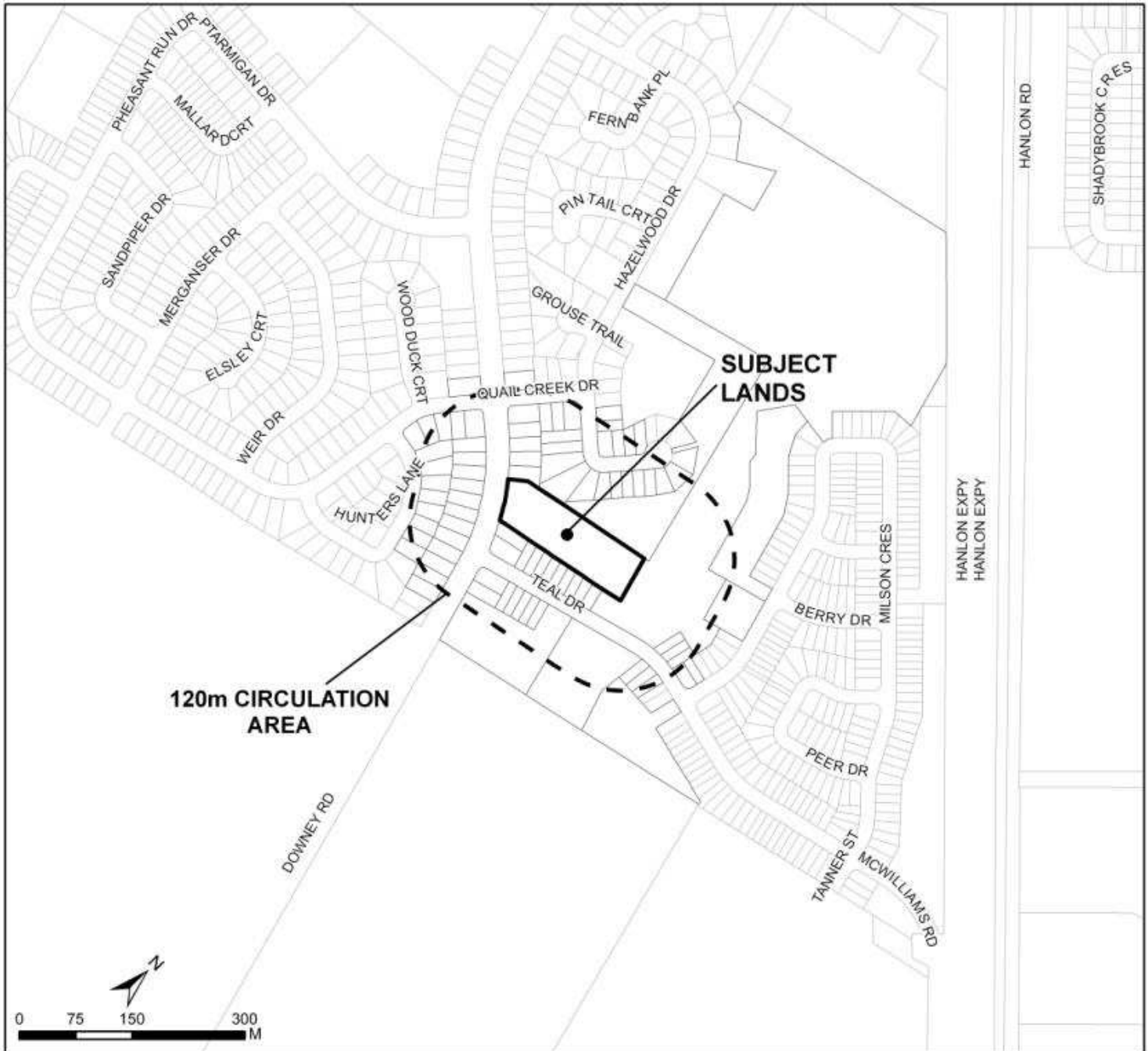

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Schedule 1 Location Map



**Schedule 1
Location Map
(Area Context)**



Note: Large-scale coloured plans of Site Plan G and this aerial photo are included in Council's agenda.

Schedule 2

Recommended Zoning – Permitted Uses, Regulations and Conditions

The property affected by this Zoning By-law Amendment is legally described as Part of Lot 16, Concession 5 and Part of the Road Allowance between Concessions 5 & 6, Geographic Township of Puslinch, City of Guelph (PIN 71219-0069LT), municipally known as 146 Downey Road in the City of Guelph.

The following zoning is proposed:

Specialized R.3A-? (Residential Townhouse) Zone

Permitted Uses

Despite the provisions of Section 5.3.1.1 of Zoning Bylaw (1995)-14864, as amended, only the following permitted uses shall be allowed:

A maximum of 45 dwelling units including:

- 1 single-detached dwelling
- 28 cluster townhouse dwellings
- 16 multiple attached dwellings in accordance with the R.3A (Stacked Townhouse) regulations in Section 5.3.2
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

For the purposes of this Zone, a *Multiple Attached Dwelling* shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors and/or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.

Regulations

In accordance with Section 5.3.2 of Zoning Bylaw (1995)-14864, as amended, with the following exceptions and additions:

Minimum Front Yard

4.5m

Minimum Side Yard

Despite Section 5.3.2.2:

- The minimum side yard for a cluster townhouse dwelling adjacent to a Residential Zone or a Park Zone shall be 7.5m.
- The minimum side yard for a multiple attached dwelling adjacent to a Park Zone shall be 1.9m.

Minimum Rear Yard

Despite Section 5.3.2.2, the minimum rear yard for a multiple attached dwelling adjacent to a Park Zone shall be 7.5m.

Maximum Building Height

Despite Row 9 of Table 5.3.2:

-The maximum building height for a cluster townhouse dwelling located on the north side of a private road in this zone shall be 3 storeys at the south wall of the building but a maximum of 2 storeys at the north wall of the building where dwelling units face a Residential Zone and a Park Zone.

-The maximum building height for a cluster townhouse dwelling located on the south side of a private road in this zone shall be 2 storeys excluding basement.

-The maximum building height for a multiple attached dwelling shall be 3 storeys at the west wall of the building and 4 storeys at the east wall of the building.

Minimum Distance Between Buildings

Despite Section 5.3.2.3, the minimum distance between any two buildings in this zone shall be 3m.

Minimum Common Amenity Area

In addition to the regulations in Section 5.3.2.4, one common amenity area having a minimum size of 800m² shall be provided.

Minimum Private Amenity Area

In accordance with Section 5.3.2.5 and in addition to Section 5.3.2.5.1h), the private amenity area with the exception of the first 3m from the building wall, may also be defined by a row of plantings, such plantings to be exempt from the requirements of Section 5.3.2.5.3.

Angular Planes

Section 4.16 shall not apply in this zone.

Conditions

1. The owner shall submit to the City, in accordance with **Section 41** of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan. The owner's submission for site plan approval shall include the following conditions and requirements:
 - a. The owner shall develop the site generally in accordance with the owner's **Site Plan 'G'** attached as Schedule 7 to the Community Design and Development Services Report 10-30 dated June 7, 2010, to the satisfaction of the Director of Community Design and Development Services. The owner shall also generally

adhere to the comparable building design photos and sketches attached in Schedule 7 to the Community Design and Development Services Report 10-30 dated June 7, 2010, to illustrate the conceptual architectural design of the proposed townhouses and multiple attached dwellings, to the satisfaction of the Director of Community Design and Development Services.

- b. The owner and the City agree that neighbourhood representatives designated by the **Kortright Hills Community Association** shall have an opportunity to review the owner's application for Site Plan Approval and all supporting materials as well as to provide comments on behalf of the Association with respect to the application prior to a final decision being made by the City with respect to Site Plan Approval.
- c. The owner shall retain and incorporate the **existing single-detached residential dwelling** as part of the residential project in the form of a single-detached dwelling and forming a unit within the proposed registered residential condominium to the satisfaction of Heritage Guelph.
- d. The owner agrees that the **exterior building cladding materials** for the proposed townhouses will include one full storey of brick or stone in addition to vinyl siding. The owner further agrees that the cladding materials for the proposed multiple attached units will include one full storey of brick or stone on the rear (east) wall but the front and side walls will be brick or stone only up to knee-wall height. The owner further agrees that the cladding materials for the proposed bungalow townhouses will be brick or stone only up to knee-wall height as shown in Schedule 7 of the Community Design and Development Services Report 10-30 dated June 7, 2010.
- e. The owner shall erect a 1.8m high screen **fence** with an additional 0.3m of lattice using either wood or vinyl materials, where such fence is required around the perimeter of the site. In cases where the owner and adjacent residential property owner agree to a reasonable alternative to the 1.8m high screen **fence** with an additional 0.3m of lattice, including a preference for a planted buffer rather than a fence, the owner shall finalize all preferred fencing details with the individual residential property owners and document the alternative fencing details for the City, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. A fence shall not be required within and to the east of the existing natural gas easement on this site.
- f. The owner shall include as part of the landscape plan submission, a detail of the area of the site directly to the north of **12, 14, 16 and 18 Teal Drive**, that illustrates proposed privacy fencing, buffering, screening and landscaping that would protect the privacy of the residential properties in addition to a wall or substantial plantings along the visitor parking area on the site, for the purpose of blocking vehicular lights from shining directly into the rear windows of the affected residences, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
- g. The owner shall include as part of the site plan approval submission, a detailed **outdoor lighting plan** that minimizes lighting glare, intensity and overall

- impact on adjacent properties and residences, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
- h. The owner agrees that there will be no buildings constructed within a 30m buffer from the center line of **Tributary A of the Hanlon Creek** located to the east of the site, however, it is recognized that an underground storm water infiltration structure will be constructed within the buffer in the rear yard of the four proposed multiple attached unit buildings. Further, the owner shall submit detailed information prior to site plan approval, of any required fill within the 30m buffer and any proposed fill is subject to the approval of the City and the GRCA.
 - i. The Owner shall submit **colour schemes** or ranges of colour that are proposed for the **exterior finishes of the buildings** and shall propose natural and soft colour tones that are complementary to the neighbouring properties, prior to site plan approval.
 - j. The Owner shall submit a plan detailing proposed **entrance features** at the Downey Road entrance to the site that incorporate the re-use of both stone and wood if in suitable condition, from the foundation of the existing barn located on the site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 - k. The Owner shall submit plans or details regarding the proposed method of individual **garbage pick-up** as opposed to providing a central garbage storage location on the site and shall submit plans or details illustrating proposed **snow removal and storage** on the site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. Further, the owner shall attempt to co-ordinate the same day pick-up as the City garbage pick-up day for the area.
 2. The owner commits and agrees that the proposed development will not be freehold and shall be registered as a **condominium corporation**.
 3. The owner shall prepare a detailed **tree inventory, protection, re-location, replacement and enhancement plan** to identify trees to be retained, relocated and replaced either on-site or off-site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. Further, the owner shall provide detailed information regarding the type, location, number, size and caliper of new plantings and shall include native species to the extent possible.
 4. The owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph **Development Charges** By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior

to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

5. The owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to site plan approval.
6. The owner shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the registration of the condominium plan.
7. The owner shall prepare and submit to the City for approval, an **addendum to the Environmental Impact Study** that addresses the comments of the GRCA, EAC, RSAC and Environmental Planner to the satisfaction of the Director of Community Design and Development Services, prior to the site plan approval.
8. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
9. That the owner grades, develops and maintains the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a site plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
10. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain **erosion and sediment control facilities**, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
11. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design a **grading and drainage plan** for the site, satisfactory to the City Engineer. The owner shall include grading and drainage information on both the Teal Drive and Hazelwood Drive sides of the site.
12. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design an **emergency access route** for the site, connecting the subject site to Teal Drive, to the satisfaction of the Director of Community Design and Development Services and the City Engineer. The owner will be responsible for the total cost of constructing the emergency access and for the associated easement documentation which will be registered on title prior to final site plan approval. The owner shall also submit a dual-purpose **pedestrian walkway** landscape plan for the area along

the proposed emergency access route, for the purpose of screening and protecting the privacy of the residents living at 18 Teal Drive from the walkway, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.

13. The owner shall pay to the City the actual cost of the construction of the **new driveway entrances and the required curb cut**, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
14. The owner shall pay to the City its share of the actual cost of constructing **municipal services on Downey Road** across the frontage of the lands including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and street lighting as determined by the City Engineer. Furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the municipal services as determined by the City Engineer.
15. The owner shall construct the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a **gravity connection** to the sanitary sewer.
16. Prior to the site plan approval, the owner shall pay to the City the owner's share of the **cost of the existing municipal services** on Downey Road, as determined by the City Engineer.
17. The owner shall pay to the City the actual cost of constructing, installing or removal of any **service laterals** required and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
18. That any **domestic wells, septic systems and boreholes** drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
19. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
20. That the owner makes satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
21. That all **telephone and Cable TV** service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service prior to site plan approval.

22. The owner shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations.
23. The owner shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
24. Prior to site plan approval, the owner acknowledges and agrees that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards, or the equivalent as described in the owners letter of commitment to the **Community Energy Initiative**, dated September 9, 2009, being Schedule 8 of the Community Design and Development Services Report 10-30 dated June 7, 2010, in order to comply with the Community Energy Plan, to the satisfaction of the Director of Community Design and Development Services.
25. Prior to site plan approval, the owner shall enter into a **Site Plan Agreement** with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

Schedule 3 Existing Official Plan Designations and Relevant Policy



Schedule 3

Existing Official Plan Designations and Relevant Policy

Section 3.3 – Urban Form Policies

3.3.1 The City will promote a compact urban form and gradual expansion of existing urban development by:

- a) Encouraging *intensification* and *redevelopment* of existing urban areas in a manner that is compatible with existing built form;
- b) Encouraging a gradual increase in the average residential density of the community;
- c) Maintaining and strengthening the Central Business District (Downtown) as the heart of the community.
- d) Encouraging intensification of residential, commercial, industrial and institutional areas to maximize efficient use of municipal services;
- e) Promoting mixed land uses in appropriate locations throughout the City to provide residents opportunities to live, learn, work, shop, recreate, gather and worship in close proximity.
- f) Encouraging the identification of specific locations suitable for mixed use development (e.g. arterial road corridors, major intersections, designated mixed use nodes) linked to each other by the major transportation and transit networks and integrated through pedestrian access to nearby neighbourhoods and employment areas;
- g) Promoting a range of building types and innovative designs to meet the diverse needs of the community and encouraging community buildings to be multi-functional;
- h) Maintaining an ongoing commitment to environmentally responsible development through an integrated approach that balances economic and cultural needs with environmental and social responsibilities;
- i) Promoting reuse, revitalization and *redevelopment* of commercial or industrial sites that are under-utilized or no longer in use;
- j) Continuing to support the geographic distribution of community facilities within the City to maximize the environmental benefits associated with access and integrated land use;
- k) Promoting the co-ordination of planning between all agencies and departments within the City.

3.5 Cultural Heritage Resources

General Policies

3.5.1 The City will encourage the restoration, protection, maintenance and enhancement of *cultural heritage resources* which include, but are not limited to, *archaeological resources, built heritage resources and cultural heritage landscape resources*.

3.5.2 This Plan promotes the design of *development* proposals in a manner, which preserves and enhances the context in which *cultural heritage resources* are situated.

3.5.3 *Development* proposals in the City shall be designed to be consistent with the maintenance of *cultural heritage resources* and, in addition, shall incorporate these resources into specific design proposals where possible.

Character of Development in Older, Established Areas

3.6.17 The City will encourage the design of public works and new *development* to strengthen and enhance the existing distinctive landmarks, neighbourhoods and

districts within Guelph.

1. The City shall ensure that new *development* located within existing, established neighbourhoods and districts is designed as an integral part of that area's existing larger pattern of built form and open spaces, and that it reinforces and complements the existing range of building mass, height, proportion and orientation of buildings relative to the street.
2. The City shall encourage the preservation of the existing pattern of setbacks in established areas of the City where road widths and parking facilities are adequate. This is to ensure that *development* proposals do not significantly alter the streetscape.
3. To provide as a unifying link, the City promotes the retention of vegetation in front yards along residential streets.
4. When a *development* proposal is considered in the older, established areas of the City, detailed plans may be required to illustrate the relationships of the proposal's built form to the existing natural and cultural environment, and to the public realm. The plans will address the physical integration of the project with surrounding areas and encourage the creation of an environment that is responsive to pedestrian, cyclist and public safety.
5. Special urban design studies may be prepared for existing neighbourhoods and districts to inventory basic distinctive characteristics which should be respected in the design of public works or possible future *development* proposals. The retention and promotion of these features will then be implemented by the regulations of the implementing *Zoning By-law* and through the application of urban design guidelines in accordance with policy 3.6.1
6. In order to promote the "sense of place" which is found in many older neighbourhoods and districts, the City will encourage the retention, reuse and intensification of existing prominent community facilities (e.g. neighbourhood schools, churches, recreational buildings).

Character of Development Adjacent to the Rivers and Public Open Spaces

3.6.18 This Plan places a high priority on promoting "excellence in urban design" for lands bordering the Speed and Eramosa Rivers and other public open space lands. Open space lands serve as the "backbone" of the Guelph community and are a critical, integral component of Guelph's image.

1. Urban design principles of subsection 3.6 will be used to promote compatible *development* in the valleylands associated with the Speed and Eramosa Rivers and adjacent to public open spaces.
2. The City requires *development* proposals to have "animated" ground level building facades when they are located along the Speed River in the downtown area. This is to be accomplished by:
 - a) Requiring buildings designs to have entrances and windows face the river;
 - b) Requiring parking areas to be not visually apparent from the river's edge; and
 - c) Requiring building functions that do not serve the public, such as loading bays, refuse and other storage areas, and blank walls not to face the river. Landscaping and screening may also be used to provide a visual buffer where these functions cannot be relocated.
3. This Plan promotes the improvement of riverfront lands that are available for public use, for pedestrian and cyclist amenity as well as the retention or restoration of *natural* and *cultural heritage* qualities.
4. This Plan promotes the retention and extension of view corridors to the rivers and landmarks within the river corridor.

5. This Plan promotes improved general public accessibility to the developed parks in the City's Speed and Eramosa River corridors.
6. This Plan encourages buildings and landscapes to be designed in a manner that respects the character of the adjacent park, river or public open space lands. Special building placement and design considerations may be required to protect as well as optimize views to the river or open space lands.
7. In order to promote public safety, active parks will be designed with adequate street frontage and placement of landscaping to permit visibility to and from the abutting street.

3.8 Energy Conservation and Climate Change Protection

Objectives

- a) To promote a compact urban form and develop an energy efficient pattern and mix of land use.
- b) To maximize opportunities for the use of energy efficient modes of travel and reduce energy consumption for motor vehicles within the City.
- c) To ensure efficient site planning and design for future subdivisions and development projects.
- d) To encourage energy efficient building design and construction techniques that minimizes space heating and cooling energy consumption.

Urban Form

3.8.4 It is the policy of this Plan to promote a compact urban form in order to reduce energy used for municipal services, transportation and space heating by:

- a) Phasing expansion and directing *development* to areas contiguous to the built-up edge of the City in order to optimize use of existing infrastructure;
- b) Encourage the *infill* of vacant and underutilized lands as well as residential *intensification*;
- c) Considering increased density of residential development; and
- d) Discourage the *down-zoning* of existing multiple-unit zoned land in instances where multiple-unit densities are appropriate.

Site and Design

3.8.6 In order to reduce artificial heating/cooling demands, it is the policy of the City to encourage energy efficient design in the preparation and approval of secondary plans, plans of subdivision and site plans.

1. The City will encourage more intensive development (higher density) for all forms of housing in plans of subdivision.
2. The City will encourage innovative design, that optimizes the potential for alternative energy technologies, energy production and conservation.

3.8.10 Since transportation is the largest user of energy, it is the policy of this Plan to reduce per capita energy consumption for motor vehicle travel by encouraging land use patterns which reduce travel needs, and maximizing the opportunity to use more energy-efficient modes of travel such as public transit, cycling and walking.

SECTION 4: MUNICIPAL SERVICES

4.2 Staging of Development Storm Water Management

SECTION 6: NATURAL HERITAGE FEATURES

Objectives

- 6.. To recognize and identify existing *natural features* and their associated

ecological functions in the City that should be preserved and/or enhanced.

- b) To provide ecologically-appropriate recreational and educational opportunities in the unique natural areas incorporated into the urban form and structure of the City.
- c) To protect, preserve and enhance land with unique or environmentally significant *natural features* and *ecological functions*.
- d) To maintain and enhance natural river valleys, vistas and other aesthetic qualities of the environment.
- e) To promote the continued integrity and enhancement of *natural features* by interconnecting these features with *environmental corridors* and *ecological linkages*, where possible.
- f) To establish a comprehensive systems approach to the protection and enhancement of *natural heritage features*.
- g) To ensure *development* activities on lands adjacent to *natural heritage features* do not detrimentally impair the *function* and ecological viability of the abutting heritage feature.
- h) To provide a clear and reasonable mechanism for assessing the impact of applications for land use change on *natural features* and *functions*.

7.2 Residential Objectives

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

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

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

'General Residential' Land Use Designation

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

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

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

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

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

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

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

7.12 Open Space

7.13 Greenlands System

Non-Core Greenlands Overlay

7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain *natural heritage features*, *natural feature adjacent lands* and *natural hazard lands* that should be afforded protection from *development*. The following *natural features* and their associated *adjacent lands* are found within the Non-Core Greenlands area: *fish habitat*, *locally significant wetlands*, *significant woodlands*, *significant environmental corridors and ecological linkages*, *significant wildlife habitat*. In many instances these *natural features* also have *hazards* associated with them which serve as development constraints.

6.. Policies relating to *natural heritage features* are contained in Section 6 of this Plan.

2. Policies relating to *natural hazard lands* are contained in Section 5 of this Plan.

7.13.6 *Development* may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no *negative impacts* will occur on the *natural features* or the *ecological functions* which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified *natural heritage feature* as part of such environmental impact study.

7.13.7 It is intended that the *natural heritage features* associated with the Non-Core Greenlands overlay are to be protected for their *ecological value* and *function*. The implementing *Zoning By-law* will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.

7.13.8 *Development* may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with *hazard lands* as noted in Section 5 can be safely addressed. In addition, *development* within the *flood fringe* areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.

SECTION 8: TRANSPORTATION

General Policies

Pedestrian Movement and Bicycles

Public Transit

2. Arterials

- a) Arterials are intended to move moderate volumes of traffic over moderate distances within the City and to collect traffic and feed it to the expressway and Provincial highway system.
- b) Arterials are medium speed design, having capacity for 2-6 lanes, usually undivided, with access restricted wherever possible to at-grade intersections with other arterial and collector roads.
- c) Direct access from local roads and individual properties shall be limited, where possible, to avoid interference with the primary function of moving through traffic.

SECTION 10: GLOSSARY

SCHEDULE 1 – Land Use Plan

SCHEDULE 1A – Secondary Plans & Water Features

SCHEDULE 2 – Natural Heritage Features & Development Constraints

SCHEDULE 3 – Areas of Potential Archaeological Resources

SCHEDULE 4 – Staging of Development

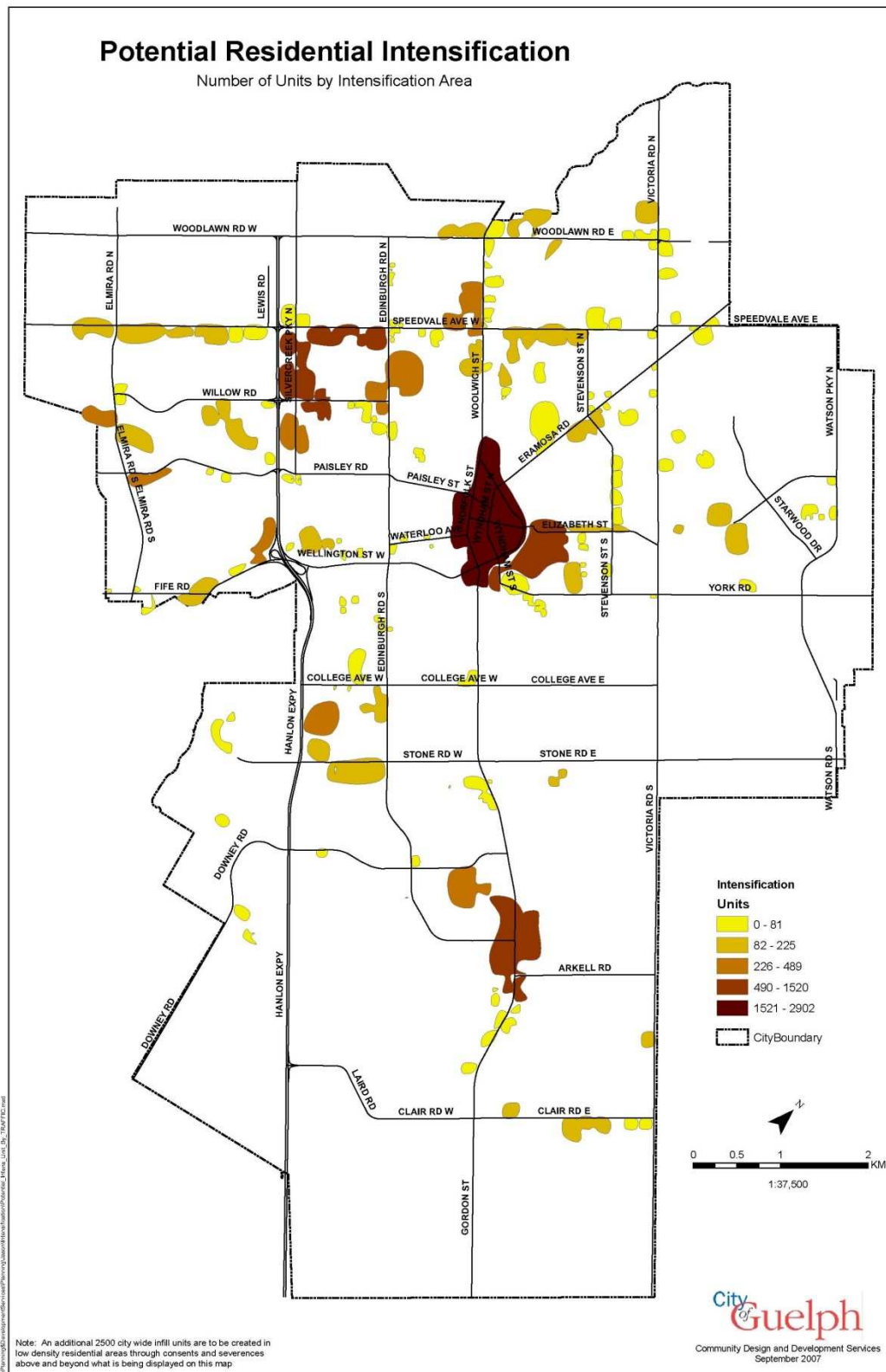
SCHEDULE 7 – Linked Open Space Concept

SCHEDULE 9A – Existing Road Network

SCHEDULE 9B – Recommended Road Plan

SCHEDULE 9C – Bicycle Network Plan

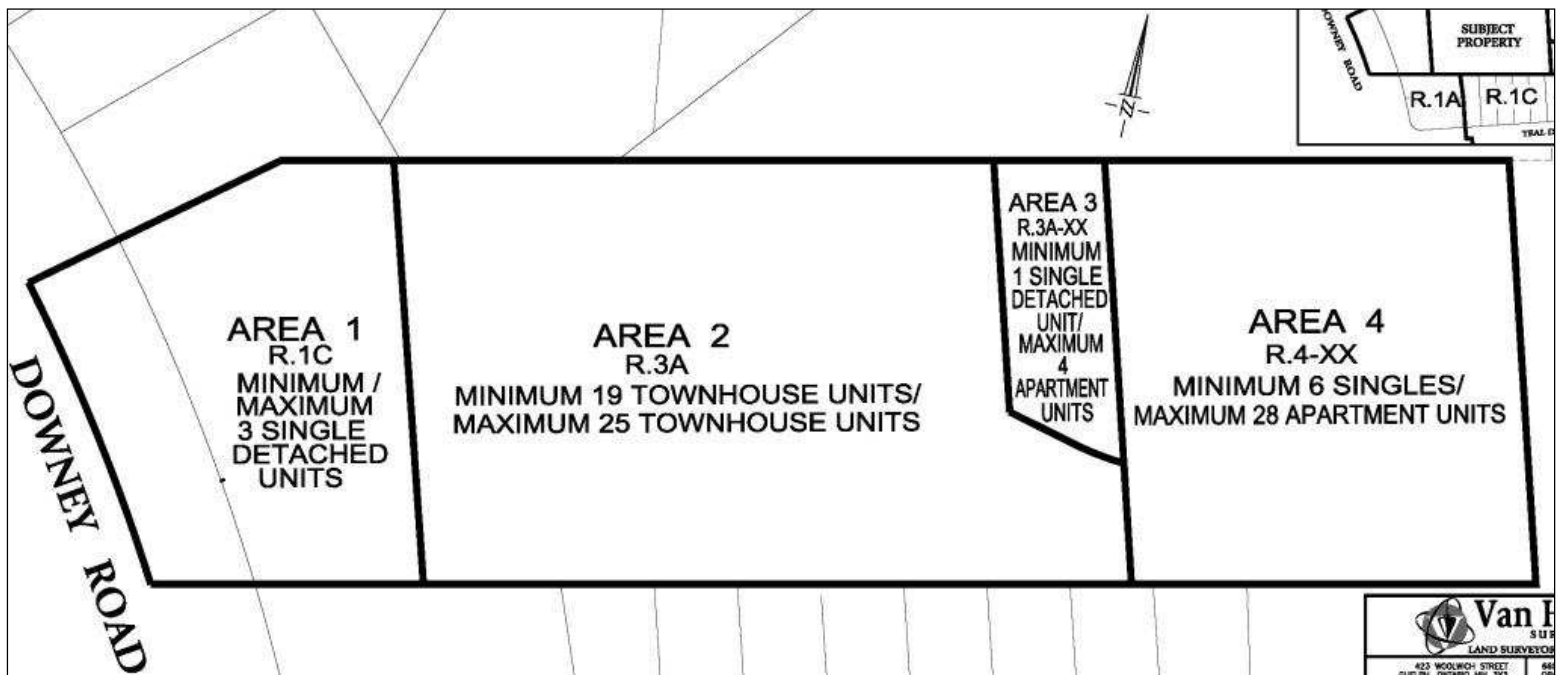
Schedule 3a Local Growth Management Strategy Intensification



Schedule 4 Existing Zoning



Schedule 5 **The Original Public Meeting (October 5, 2009) Proposal**



Schedule 5
The Original Public Meeting (October 5, 2009) Proposal

Location within Site	Proposed Uses/housing types	Proposed Zone Category
Area 1 West section fronting on Downey Road	Single family dwellings	R.1C
Area 2 Central section of site	Townhouses	R.3 - XX
Area 3 Lot to be created around existing house	to be renovated to contain from one to four units	R.4 - XX
Area 4 East section of site backing onto open space	Range of alternate unit types: single detached, cluster townhomes, stacked townhomes, low rise apartments	R.4 - XX

The original proposal is a mixed residential development, to be designed and ultimately implemented as a condominium project. A range of dwelling unit types and sizes is proposed including single-detached dwellings, cluster townhouses, street townhouses, stacked townhouses and apartment dwellings. The application is based on four distinct areas of the site. The proposal includes the following primary elements:

Area One - The front portion of the site facing Downey Road is proposed to be rezoned to the R.1C (Single-Detached Residential) Zone to permit a maximum of 3 single- detached dwellings facing Downey Road as illustrated in the Preliminary Site Plan Concept C attached in **Schedule 5**. This front portion of the site would be developed as separate freehold lots and will not be part of the proposed condominium.

Area Two - The main, central portion of the site is proposed to be rezoned to a specialized R.3 Zone to permit a minimum of 19 and a maximum of 25 townhouses with frontages ranging from a minimum of 6 metres to a maximum of 13.1 metres.

Area Three - Within the main, central portion of the site, the existing house will be retained, renovated and incorporated into a new lot. The proposed specialized R.4A zoning will permit this house to be occupied by a single-detached dwelling or up to a maximum of 4 apartment dwelling units.

Area Four - The lower east end of the site, east of the existing house is proposed to be rezoned to a specialized R.4 Zone to permit a range of housing types including single-detached dwellings, cluster townhouses, street townhouses, stacked townhouses and an apartment building consisting of a maximum of 28 units on four floor levels. Prior to the submission of Site Plan and Condominium applications, the owner proposes to decide which forms of housing will be built on this portion of the site.

Schedule 6
Summary Issues List Compiled at First Facilitation Meeting



Mapping the Issues

- A. Fit/compatibility with community character: site design/density; number/type of units; unit look/height; view blocking; garage placement; walkway; aesthetics
- B. Neighbour privacy: sight lines/overlook; shadowing/shading, separation and buffering
- C. Tree preservation: removal/loss; impact on natural environment and aesthetics; heritage landscape/trees requiring protection
- D. Landscaping: in and around the development; parkland on site
- E. Specificity: flexibility in/appropriateness of zoning; zoning along Downey; lack of a definitive site plan
- F. Environmental impact (streams, etc.): of construction; of ongoing habitation
- G. Traffic: congestion; safety; adequate onsite parking; noise; air quality
- H. Safety/emergency services: fire vehicle access/maneuverability
- I. Existing house: clarity regarding its status and use; heritage status
- J. Hydrological impact: grading and implications for drainage/stormwater mgmt.; impact on adjacent properties
- K. Gas pipeline: safety concerns; implications for construction, siting, etc.
- L. Services: garbage disposal/waste management; snow removal; maintenance
- M. Growth management strategy fit: designated site vs. intensification opportunity
- N. What else?

GLPi

Schedule 7
The Current (June 7, 2010) Proposal



Site Plan Coverage Breakdown

Item	m2	% of site
Buildings	3,476 m2	26.7%
Driveways	843 m2	6.5%
Sub-total	4,319 m2	33.2%
Road, curb, sidewalks	2,218 m2	17.1%
Green/Open space	6,463 m2	49.7%
Total	13,000 m2	100%

Schedule 7

The Current (June 7, 2010) Proposal

Bungalow with loft townhouses (end units). This rendering shows a variety of materials, colours and varied roof line. The elevation in this drawing is the side of the end unit, and is what would be visible from Downey Road. /Seaton Group

1. Bungalow plus loft units – corner and end units

Project: Uxbridge Townhouses at Foxbridge Golf Course
Developer/Builder: Seaton Group in partnership with Foxbridge Golf Course



Schedule 7

The Current (June 7, 2010) Proposal

Two storey townhouse units in central portion of the site. These units will be based on the townhouse units Ashton Ridge Homes is building in east Guelph (project known as Bloomfield) with potential modifications to their materials and colours to make them look similar to the other units illustrated herein. These units are shown in the two attached photos. /Seaton Group

2. Central portion of site – two storey townhouses

Project: "Bloomfield" east Guelph

Builder/Developer: Ashton Ridge Homes/Granite Homes



Schedule 7
The Current Proposal (June 7, 2010)



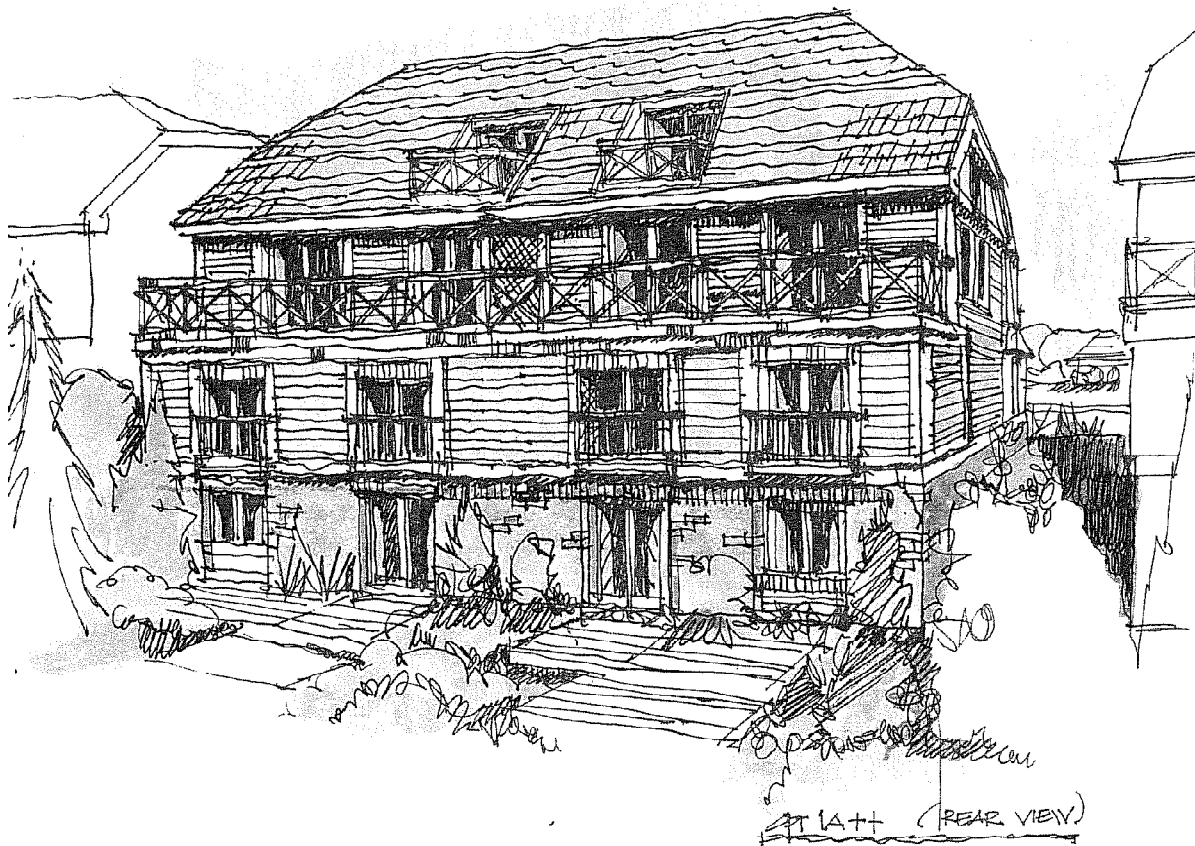
Schedule 7
The Current (June 7, 2010) Proposal
Multiple Attached Units

Fourplexes at the east end of the site. These updated renderings illustrate the front and back of a typical proposed fourplex building and shows a variety of materials, dormers at the front, articulated roof lines, balconies at the rear and how the upper floor unit fits into the roof structure. (note: the attached sketch is in black and white. Colour selection will be finalized and presented during Site Plan process).

The elevations, materials, colour selections and exact footprints are conceptual at this stage and will be finalized during the site plan process once the actual homes are designed. We will adhere substantially to the design approach contained in the illustrations attached herein, but must emphasize that some details will necessarily vary once the floor plans have been completed./ Seaton Group



Schedule 7
The Current Proposal (June 7, 2010)



Schedule 8
Owner's Letter of Commitment to the Community Energy Initiative



September 9, 2009

SENT VIA EMAIL

City of Guelph
Community Design and Development Services
1 Carden St.
Guelph, Ontario
N1H 3A1

Attention: Al Hearne, Senior Development Planner

Re: 146 Downey Road – Community Energy Plan

Dear Mr. Hearne;

We've had some internal discussions about various planning, development and construction features that could be realistically incorporated into the 146 Downey Road development that would contribute to the goals of the Community Energy Plan. We support the goals and objectives of the CEP and would like to do our part to reduce the footprint of our development in terms of energy, water use and other environmental impacts. It is important to note however that the site is relatively small and as such we do not have a lot of scope within which to work. Also, we are not anticipating a large range of singles and townhouse unit designs due to the realities of the market place and cost constraints. Therefore our scope for customized solutions is somewhat limited.

There are however several features that we think can be committed to at this stage, and other features that we will commit to undertake further research on prior to committing to implement as part of the Site Plan or Building Permit processes.

The following table summarizes the various features, design ideas, and technologies that are feasible or potentially feasible:

Project Component	Feature/Item that we can commit to at this time	Feature/item that we will do further research on prior to committing to implement as part of Site Plan/Building Permit processes
SINGLES, TOWNHOUSE, STACKED TOWNHOUSE INFRASTRUCTURE		
	1. <i>Energy Star</i> rating system – various measures can be implemented and there are different elements for different unit/housing types	2. geothermal heating systems
	3. water conservation devices (eg. low flow toilets, faucets); ultra low flow dual flush toilets to be used	4. Passive solar gain - the east-west orientation of the internal road makes this potentially feasible. Due to nature of townhouses, the amount of glazing is restricted to uniform locations, however the topography of the south side row of townhouse units may be able to be designed with raised basements in which the basement windows on south facing facades could be enlarged for passive solar gain
	5. rain water harvesting through provision of rain barrels as a standard feature	6. solar film or extended roof eaves on south facing windows to aid with summer time cooling
	7. if appliances are included in unit sales, energy efficient models will be used and optional super energy efficient models will be offered	
APARTMENT BUILDING INFRASTRUCTURE		
	8. exterior low level lighting to be solar fixtures	9. photovoltaic cells or solar hot water on the apartment building
	10. outdoor and/or indoor bicycle racks	11. green roof on apartment
	12. native grasses and other low water plant species to reduce the need for watering gardens	13. rainwater harvesting watering system for gardens (expected to be minimized due to items 12 & 15)
	14. if appliances included in unit sales, energy efficient models will be used and optional super energy efficient models will be offered	
LAND DEVELOPMENT FEATURES		
	15. stormwater management – infiltration either on a lot by lot basis, or more generalized basis	16. condo laneway streetlight fixtures and/or bulbs to be as energy efficient as reasonable
	17. tree planting – species, locations and other techniques for providing shade in the summer (reduce cooling) and	

	solar heating in winter	
	18. preservation of farmhouse; it's imbedded energy not being wasted and instead being preserved	
	19. entrance feature incorporating reclaimed stone (and timbers if available)	
	20. nearby bus stop at Ptarmagin and Downey (bus route no.10) makes site accessible for public transit users	
	21. it is anticipated a bus route will be extended to the future Hanlon Creek Business Park off of Downey Road, south of this site. If this is implemented within the time frame of this project, we would be receptive to incorporating a bus shelter into the entry feature on the north side of the entrance road	
	22. trail connection to Teal Drive to access existing public trail system along Hanlon Creek Park.	
	23. common area landscaping to include native grasses and other low water plant species	

We trust the above is useful at this stage in the process and if you have any questions or comments, please do not hesitate to contact me.

Sincerely;

SEATON RIDGE COMMUNITIES LIMITED



Jeremy Grant, BES, MCIP, RPP
Vice President, Planning and Development

Schedule 9 Addressed Issues Details

See Schedule 11 for two summary lists of planning issues that were agreed to during the facilitation process. This Schedule outlines some of the details and reasons associated with some of the particular issues and how they were addressed.

Fixed Unit Project rather than a Range

Residents did not like the range of units (27 to 60) presented at the Public Meeting and asked that the rezoning be tightened up to represent a fixed project and site plan concept.

Staff Comment: The recommended proposal has been tightened up and is titled Site Plan G, proposing a maximum total of 45 units (**Schedule 2**).

No Apartments zoning-removed

During the facilitation process, the committee requested that apartments and reference to the Specialized R.4A Zone be removed from the proposal.

Staff Comment: The Apartment building proposal has been removed and apartment dwellings are not included as permitted uses in the recommended zoning (**Schedule 2**).

Change from three singles to townhouses on Downey Road frontage

It was suggested by the committee during the facilitation process that the three single-detached units fronting on Downey Road could be replaced with cluster townhouses.

Staff Comment: The following is a list of the many advantages of this change as follows:

- the possible sideyard setback for a single house right beside 142 Downey Road is 1.5 m (5 ft) whereas the rear yard setback for the townhouses is 7.5 m (25 ft). This will provide more distance separation and increased protection of privacy for 142 Downey Road. The proposed buffer will add to this protection.
- the change creates the potential for the preservation of two mature trees. The proposed single-detached dwellings in earlier plans meant the removal of the mature trees.
- the change from 3 singles to towns means there will be two building facades facing Downey Road rather than three and the sides of the units would look like the fronts of two houses.
- the change results in one driveway entrance onto Downey instead of four as originally proposed. This is better from a traffic and safety point of view.
- the change means that instead of three single detached lots created by severance, the entire development can now be registered in condominium ownership which creates a uniform property management and maintenance system for the entire development.

Union Gas easement and pipeline safety concerns

Residents were concerned about safety regarding construction near the Union Gas pipeline.

Staff Comment: The owner has been meeting with Union Gas to discuss this proposal which is normal practice. Union Gas has supported the development subject to their standard practice of dealing with development adjacent to or on their easements (See **Schedule 12** letter and **Condition 20 in Schedule 2**).

Buffering and Fencing and the protection of privacy with emphasis on rear yard space, buffering and separation

Residents were concerned about rear yard privacy and the impact of the new buildings on the existing rear yards.

Staff Comment: The 7.5 metre side yard setback is standard for the R.3A Zone and the requirement for fencing will provide added protection to existing residents' privacy. As some residents have expressed different preferences for fencing and buffering, the final details will be established during site plan approval. The requirement for a buffer is established in the recommended zoning and in **Condition 1e**.

Teal Drive Residents

Residents had concerns about the impact (vehicular lights and noise) of the development with respect to their rear yard privacy and the impact the proposed walkway will have adjacent to 18 Teal Drive.

Staff Comment: **Conditions 1f and 12** have been added to the recommendation that will address both of these issues.

Tree preservation

During the facilitation process, residents were concerned about the loss of trees on site to accommodate the proposal. There was also concern that some trees could be moved and others should be replaced. Suggestions were also forwarded that tree compensation should occur off-site to benefit Tributary A.

Staff Comment: The owner has agreed to all of these suggestions and the details will be reviewed during the site plan approval process (See **Condition 3**).

Environmental Concerns

The Environmental Impact Study including the proposed site servicing and storm water management plan has been accepted by the Grand River Conservation Authority, the Environmental Advisory Committee and the City, subject to conditions and further information. This information will be provided by the owner through the submission of an addendum at the site plan approval stage (See **Condition 7**). The restriction that no buildings be constructed within the 30m buffer of Tributary A is also covered by **Condition 1h**.

Traffic Impact

Residents expressed concerns with traffic impact at the early stages of the application.

Staff Comment: The Traffic Impact Report has been accepted by the City and the report confirms that the impact will be minimal and the roads in the area can adequately handle the additional traffic volume.

Safety/emergency services access

Both Engineering Services and Emergency Services confirmed the need for an emergency access from the east end of the site to Teal Drive. In order to minimize impact on the adjacent property at 18 Teal Drive, the emergency access route will be planned to also be used as the pedestrian walkway connection to Teal Drive (**Condition 12**).

Status of the Existing House

The house was originally proposed to be renovated for a range of between 1 to 4 units and it has since been decided that the dwelling would be renovated as a single dwelling. Heritage Guelph support the retention of the house but have not asked for any conditions or designation under the Heritage Act.

Grading and Drainage implications for 12 Teal Drive

The owner of 12 Teal Drive is experiencing pooling of water in the rear yard and expressed the concern that the development would increase the drainage problem. It has since been determined by the owner, based on preliminary grading and drainage information, that the problem will be corrected with the re-grading and introduction of swales on the site. This issue will be addressed further in **Condition 11**.

Schedule 10 Background

The first facilitation meeting was held on November 17, 2009 at City Hall, attended by the facilitator, Staff, the owner and the ad-hoc committee. At this meeting, a more comprehensive issues list was compiled by the group (See Schedule 6) and the group committed to dialogue to attempt to resolve or reduce the outstanding issues.

A second facilitation meeting was held on December 10, 2009. At this meeting the owner presented a revised plan (Concept Plan D) that replaced the proposed 28-unit apartment building at the east end of the site with two, lower, stacked townhouse buildings containing 18 dwelling units. Concept D proposed a total of 46 dwelling units. With the ad-hoc committee also suggesting replacing the three proposed single-detached dwellings fronting on Downey Road with townhouse units, the owner revised the proposal to create Concept E. This plan proposed 50 total units comprising the existing single-detached dwelling, townhouses along the central area of the site and stacked townhouses at the east end of the site.

The third and last facilitation meeting was held on March 25, 2010. Concept E was discussed in detail and the ad-hoc committee summarized the following list of outstanding concerns:

- Density – too high and should be reduced - desire to have fewer than 50 units.
- Unit Mix - desire to not have all two storey townhouses and if possible more single detached dwellings.
- Building blocking and massing – -the block massing of the buildings should include more gaps/breaks to result in smaller buildings.
- Architectural design/aesthetics –desire to see more architectural drawings to obtain a stronger feel for what the units will actually look like.

To address these four remaining issues, on March 31, 2010, the owner submitted a revised 'Site Plan F' to the City and ad-hoc committee for consideration. As the ad-hoc committee felt the stacked townhouse buildings were still too high and bulky, the owner replaced the two proposed stacked townhouse buildings with four quadraplex buildings which resulted in smaller building mass, more gapping and a reduction of 2 units at the east end of the site. To address the committee's same concern with the townhouses backing onto the Teal Drive residences, the owner removed a third dwelling unit and introduced bungalow end units to provide less mass and more gapping, and also to provide more height variation for residents rather than a continuous roof line of two-storey townhouses. Site Plan F proposed a total of 47 dwelling units in the form of one single, cluster townhouses and multiple attached dwellings.

On April 13, 2010, representatives of the ad-hoc committee met with the owner to discuss one further change to the proposal. The ad-hoc committee representatives stated that if 2 additional units were removed from the townhouse buildings backing onto the Hazelwood Drive residences, the committee would recommend acceptance of the proposal to the greater Kortright Hills residential community.

On April 19, 2010, the owner submitted Site Plan G that incorporated the requested removal of the additional 2 units.

Also, to address the last of the ad-hoc committee's outstanding issues, the owner submitted pictures of comparable townhouse units in projects by Seaton Group and renderings of proposed buildings to help the residents appreciate the architectural design and aesthetics they can expect to see in this infill proposal. These pictures and renderings are also attached in **Schedule 7**.

Schedule 11 Agreement in Principle

Proposed Zoning Bylaw Amendment - 146 Downey Road Summary of issues listed by residents, response to date by City staff and by SRCL. Summary prepared by Jeremy Grant, VP Planning and Development, Seaton Ridge Communities Ltd

Issue list from residents submitted Jan 28/10 by Carl Keller	Response by City Jan 20/10 email from Al Hearne	Response by SRCL updated April 23/10 based on revised Plan G
1. Items currently recognized as necessary to be included in draft plan of subdivision	This is a rezoning not subdivision. Many of the below items can be accommodated or documented as a condition in a Site Plan Agreement or a regulation in the Zoning Bylaw. The Agreements are registered on title to the subject site and the zoning regulations are added to the Zoning Bylaw. These items then become included in the Site Plan Approval process.	No comment beyond Staff's comments.
2. The height of townhomes backing onto Hazelwood and Teal are not to exceed 2 storeys exposed to neighbours.	This is shown on the latest plans and Staff can support this restriction.	The rear of all townhouse units backing onto Teal and Hazelwood will be a maximum of two stories. The front of the units backing onto Hazelwood will be a maximum of three stories. The front of the units backing onto Teal will be a maximum of two stories. Some of the units on the Teal side will have basements somewhat up out of the ground due to grading and tree preservation requirements.
3. Fences are to be wooden, with appropriate lattice atop to provide maximum privacy. I am not sure if we need to specify 6 ft boards plus 1ft lattice? We want it to look decent.	Staff support this requirement. We have talked about Staff adding a condition to the Site Plan Agreement that would require the City to notify and invite neighbours through the Ad Hoc Committee and the KHCA, into City Hall to review the fine details of the site plan submission when it is made. It may be more appropriate for a 5' fence and 1' lattice totalling 6' in height to allow neighbours to meet and interact.	<p>We think screening/privacy between residential uses can be accomplished with 5' plus 1' lattice.</p> <p>However, we agree to install board fences up to a maximum of 6' in height plus 1' of lattice where fencing is required for screening/privacy.</p> <p>Alternatives to fencing (eg. plantings) may be more effective and/or desired by affected adjacent property owners to be mutually agreed to.</p> <p>Exact details will be finalized during the site plan process.</p> <p>The fences will either be wood, or we may propose equivalent looking vinyl, for long term maintenance reasons.</p>

4. Building exterior to be a combination of at least ½ brick/stone façade to eliminate any risk of cheap vinyl clad row houses.	Staff can support this requirement. As noted above, the City has offered to notify and invite neighbours into City Hall to review the site plan submission and in particular, the building elevations for the project when we receive them.	<p>The Architectural Comparables package of drawings, photographs and sketches provided to the residents Ad Hoc committee on April 5/10 (updated April 22/10 to include the colour version of the fourplex units) outlines our intent and aesthetic approach.</p> <p>We agree to use brick or stone for one full storey on all four sides of all units. The only exception will be the loft bungalows and the fourplex units. The loft bungalows will have stone/brick as per architectural drawings – April 5, 2010. The fourplex units will have stone/brick up to at least kneewall height on the front and side of the buildings, and one full storey on the rear of the units overlooking Hanlon Creek Park.</p>
5. Colour of exterior finish to use natural tones and finish complimentary to neighboring properties. i.e. no purple or black stone walls.	Same comment as noted directly above. While the City has no authority to dictate building materials and colour, we can ask the developer to consider a commitment to these items.	Agreed.
6. Setbacks from property lines need to meet the minimum per the city's official plan - no exceptions.	For clarity, setbacks are established in the zoning as regulations, rather than in the OP. Staff see only a few required variances that we can support ie: front yard setback for one unit and sideyard setbacks for the stacked townhouse buildings. The setbacks for the proposed cluster townhouses facing Teal Drive and Hazelwood Drive are 7.5m.	<p>Two variances from current R3 zoning setback standards will be required to implement Plan G:</p> <ul style="list-style-type: none"> a) exterior side yard setback for unit 16 that faces Downey Road to 4.5 m from 6.0 m b) side yard setback for the fourplex units adjacent to open space to 1.9 m from ½ the height of the building or minimum of 3.0 metres <p>The minimum rear yard setback for all units comply with the current 7.5 m standard.</p>
7. 30m buffer from center of stream must be maintained.	No buildings are proposed within the 30m. The GRCA, EAC and Staff support the proposed placement of the (was apartment) now stacked townhouse buildings.	We do not propose any buildings within 30 m of the center line of the watercourse. The buffer will include an infiltration feature, (a common element owned and maintained by the Condominium Corp).
8. The stacked town houses across the back must fit in an R3? designation (eliminate any risk of an apartment being approved). R4 has proven that because of gas line placement vertical angle of 45 degrees terraced slope cannot be met.	Yes. We can use a Specialized R.3A Zone permitting cluster and stacked townhouses and restrict the location of the stacked towns in the zoning. Apartments will not be permitted in the proposed	No comment beyond Staff's comments.

(We want R4 off the table!)	zoning.	
9. Cottage hip-roof design with surface of roof offset in each of the two proposed stacked TH structures. (breaks up the Monolith wall appearance)	We support this suggestion. Again, this detail can be viewed by neighbours at the time of site plan approval.	See Architectural Comparable package dated April 5/10 (updated April 22/10)
10. The complex will not be freehold – the condominium will be maintaining standards for exterior maintenance.	Yes this is possible. The proposed Specialized R.3A Zone will not permit on-street townhouses (freehold) and at the committee's suggestion the singles (freehold) were replaced with towns. This will allow the entire project to become a condominium under the management and direction of a Board of Directors.	Agreed.
11. Tree selection will include native species and agreed to size (Caliper) and quantity needs to be documented.	We are looking at this item now and Staff can craft a condition(s) that would document this requirement. This would supplement our standard 'tree inventory, preservation and replacement' condition the City uses now. The details would be reviewed and approved at site plan stage.	Agreed, as part of Site Plan process.
12. Relocation of identified trees needs to be documented. (Obviously a stewardship program needs to be included for successful transplantation)	comment same as directly above.	Agreed, as part of Site Plan process.
13. Entrance feature to include reclaimed material from barn foundation i.e.: rocks/weathered boards?	Up to developer. We can support.	We agree to re-use stone and wood if sound. Details to be worked out as part of Site Plan process.
14. Access to trail system to occur through the triangle property and connect behind Hazelwood. The plans currently show access to Teal may occur across private Lot ownership/right of way? Concern has arisen about any fill in this wildlife corridor.	Staff cannot approve the trail behind Hazelwood but prefer a direct connection from the site to the existing trails that cross Teal. The trail will be both pedestrian connection and emergency access. The trail can be designed, located and landscape screened to avoid impact on adjacent neighbours.	City Staff have confirmed that there will be no walkway within the triangle behind Hazelwood. Parks, Fire and Engineering Departments have asked for a short, direct dual use connection from the east end of the site to Teal on City property for the dual purpose of a pedestrian trail and emergency access.
15. No fill to occur within the 30m buffer of the stream for any trail/sidewalk. (Specifically Teal connecting walkway) The Trail system was planned during construction of Phase	Staff support the avoidance of retaining walls and support the 'feathering' approach, supplemented by appropriate landscaping to blend the buildings into the slope	Fill within the 30 m buffer is proposed to avoid retaining walls. The approach will be to feather fill at 3:1 in a natural looking manner, and restore and re-vegetate in a ecological manner. This will include a range of native species of

IV and has considered all existing wildlife runs that mandated the trail be on the east side of the stream.	'naturally' to protect the open space viewscape.	trees, shrubs, grasses and selective placement of large trees to both screen buildings and also enhance the lands in proximity to the tributary. This would lead to a naturalized end result and an enhanced open space corridor. Depending on the precise location of the trail/emergency access to Teal, fill may be required.
16. Can you confirm the minimum setback required in O.P. for R3? 7m?	Setbacks are established in the Zoning Bylaw using regulations, as opposed to the OP which is more a policy document. There are also various setbacks associated with a site plan. As stated above, there are only a few required variances on the latest plan.	Sometimes variances are beneficial and/or necessary and assure compliance with the site plan. See item no. 6 above. No other comments beyond Staff's comments.
17. Can you confirm stacked Town Homes as proposed in back are part of R3 designation – not R4.	Absolutely yes. See comment above relating to proposed Specialized R.3A Zone.	No comment beyond Staff's comments.
18. Can you confirm the Lot of Record which currently has the gas line under it, on Teal is designated City park land or does Seaton need to negotiate right of way for a sidewalk/path to be placed there?	This land is actually a block of land known as Block 46, Plan 61M-40. It is City-owned and is designated General Residential with Non-Core Greenlands overlay in the OP. The lands are in the P.1 (Conservation Land) Zone. A trail connection that will double as an emergency access will be constructed on this block.	See above point no. 14. No comment beyond Staff's comments.
19. We have not heard if the stacked TH met the 150m limit for fire access or if emergency route is required off Teal... comments?	See above.	See above point no. 14.
20. I am interested to know if there is any requirement for "terracing a stacked town house" facing wetland in the O.P.? The proposed apartment required the slope to be 45 degrees and because of the gas line they requested a 60 degree exemption... We want to know if there is any requirement for meeting slope from edge of 30m buffer.	No. There is no requirement in the OP to require terracing of the proposed stacked townhouse building, but the OP does contain applicable policy in Section 3.6.18 that is titled 'Character of Development Adjacent to the Rivers and Public Open Spaces'. The lands to the east are 'public open space' in this case.	This is not a wetland, it is a open space corridor. To the best of our knowledge the zoning by-law does not require stacked townhouses to be sloped.
21. On Teal, is the building lot on	See point no. 18 above.	See answer to #18.

<p>top of gas line designated city parkland, and can a path be built on it? It falls within 30m buffer of stream? (I believe you already replied to this.</p>		
<p>22. Is there any issue with fire safety regarding stacked TH, (150m question was being raised) to require rear emergency access from Teal? If Teal access is considered is the installed Bollard idea still workable? We need to know if there is any road access planned for back section of property. Jeremy has not indicated there is a need at this point. Scott Hannah was asking for opinion from engineering.</p>	<p>See point no. 14 above.</p>	<p>See #14.</p>
<p>23. The residents have asked for reduced unit count. Feel the density is too high.</p>	<p>Based on the definitions of density in the Official Plan, the proposed density is not high. The original proposal has been tightened up and the range has been replaced with a fixed plan. The maximum unit count has been reduced by 10 units to 50 and the resulting density is appropriate and compatible, given today's policies in effect. Note: the agreed to unit count is now 45 not 50.</p>	<p>The original application contemplated a variable unit count from 29 to a maximum of 60 units. In response to the residents concerns, we are now proposing a fixed unit count of 45.</p> <p>The Places to Grow minimum density of 50 residents/ha is applicable to Greenfield sites. As this is an infill site within the Built-Up portion of the City, Places to Grow and Growth Management Strategy requires a higher density to enable the City to achieve the overall population allocation.</p> <p>This is slightly less than the middle of the potential unit count range of 27 to 67 units for this site as per the City Growth Management Strategy.</p>

Schedule 11

Agreement in Principle

The following is a simplified List of Items Agreed to with the Seaton Group and City Planning, and covered in the detailed list prepared and agreed to with the Seaton Group on April 23, 2010. Items 12 – 18 on this list are additional items agreed to either with Jeremy Grant or at the 1st facilitated meeting in November 2009. The additional items are denoted in bold.

1. Height of town homes backing onto Teal will be 2 storeys front and back. Due to grading and tree preservation requirements, some of the units on the Teal side will have basements somewhat up out of the ground. The height of the town homes backing on to Hazelwood will be 2 storeys at the rear, but 3 storeys facing onto the private road.
2. 6' fence with 1' lattice has been agreed to however, a suggestion has been made that a 5' with 1' lattice would be more appropriate – this can be reviewed at the site plan phase. Alternatives to fencing (eg. plantings) may be more effective and/or desired by affected adjacent property owners, but has to be mutually agreed to. Decision yet to be made on whether the fence is to be wood or vinyl – quality has to meet the residents' approval.
3. Building exterior on town homes will be one full storey of brick or stone with the remainder being vinyl. The only exceptions to this are:
 - The Stacked town homes at the back portion of the property – the rear of these buildings, facing Milson will be one full storey of stone or brick, but the front and sides until it drops off, will be brick or stone only up to kneewall height.
 - The loft bungalows will be stone/brick up to kneewall height as per the architectural drawings provided by the Seaton Group on April 5, 2010.
4. Colour of exterior finish will be natural tones and finish complimentary to the neighbouring properties.
5. Setbacks – see item 6 on the April 23rd, 2010 document prepared by Seaton.
6. There will be no buildings within the 30 m of the center line of the stream at the rear of the property. The buffer will include an infiltration feature.
7. Zoning – see item 8 on the April 23rd, 2010 document prepared by Seaton.
8. The town homes will not be freehold – they will be covered by a condominium agreement that will maintain standards for the exterior maintenance.
9. Tree preservation and replacement – type, size (calliper) and quantity to be documented. This will be included in a Landscaping Plan that will be included and reviewed at Site Plan approval phase.
10. Relocation of identified trees will be documented.
11. Entrance features to the development – Developer has agreed to re-use stone and wood (if sound) from barn foundation.

12. Grading and Drainage on both the Teal and Hazelwood side will be covered in an Engineering Plan which will be included at Site Plan approval phase. The proposed grading should in fact rectify an existing problem on the property at 12 Teal.
13. Green space buffer block and the visitor/residential parking area – substantial plantings, and possibly some sort of screen fence set back from the edge of the parking area – in addition to the privacy fencing/screening along the shared property line - is required. Instructions will be given to the landscape architect to include in the detailed planting plan to be submitted as part of the Site Plan package, plantings and other measures to provide adequate screening. The understanding is that plant material in this area should be sufficiently large and of appropriate species to provide screening from the beginning as opposed to waiting several years for plant material to mature. There is some potential to transplant existing trees on site for this purpose, however, logistics have to be worked out before Seaton can commit to using such material.
14. Pedestrian/emergency access route to Teal – In order to address concerns of the owner of 18 Teal Drive some plantings on the planting plan will be included to provide privacy to this resident. As the route is on the Union Gas easement, approval from Union Gas in terms of location and species will be required. Therefore as part of Seaton's dealings with Union Gas, they will confirm what plant material is permitted in this area and plan accordingly.
15. Parking Lot lighting – As this is a private roadway, Seaton will be required to retain their own electrical engineer to design the street lighting. When they retain the electrical engineer, they will give instructions to have the lighting layout done in such a way to pay attention to minimizing light impact from the parking area on existing neighbours. This can be accomplished in different ways ranging from the general design, spacing, orientation and wattage of the light fixtures.
16. Individual garbage pick- up, as opposed to one central site, has been agreed to and will be included in the condominium agreement and site plan approval. An attempt will be made to co-ordinate the same day pick-up as the City garbage pick-up day for the area.
17. Snow ploughing and removal to be included in the condominium agreement and will be regulated by entering conditions into a site plan agreement registered on title.
18. The Developer will support our request to the City to address with the residents, the issue of traffic concerns along Downey and Teal. We want the City Traffic Department to meet with the residents. We are also asking that the City post a ban on parking along the open space stretch of Teal to address safety issues of children running out from the trails onto the roadway, between parked cars.

Schedule 11

Agreement in Principle

May 3rd, 2010

Madam Mayor and City Councillors;

As directed by Council at the October 5th, 2009 City of Guelph Council Planning meeting, the residents of Kortright Hills neighbourhood made arrangements to meet with representatives from Seaton Ridge Communities and City Planning Staff with respect to the proposed 146 Downey Road Development.

Residents from Downey Road, Hazelwood Drive, Milson Crescent and Teal Drive met on October 16th, 2009 and formed an ad hoc committee designated with the task of meeting with the appropriate parties on behalf of the residents. The committee was supported by Kortright Hills Community Association Inc. who provided insight and guidance to the process of reaching a solution while standing for sound development and consideration for environmental standards.

The present committee members are:

Franca Manni	-	Downey Road
Michael Cauley	-	Hazelwood Drive
Lynn Boag	-	Hazelwood Drive
Wally Kowal	-	Hazelwood Drive
Tracy English	-	Milson Crescent
Shirley Greenwood	-	Milson Crescent
Andrew McGillivray	-	Teal Drive

Committee thanks for their support:

Carl Keller	-	KHCA Inc.
Laura Murr	-	KHCA Inc.

Over the last six months, the ad hoc committee met with the developer and city staff in facilitated meetings three times, held several meetings with the overall neighbourhood, and held numerous meetings on its own. As a result of this process, an agreement in principle was reached between the ad hoc committee and Seaton Ridge Communities. This agreement is based on the attached concept “G” plan and is contingent on a detailed list of agreed items being included in the zoning by-law and site plan approval phase of this development.

The committee, as listed above, is unanimous in their support of Seaton Ridge Communities’ rezoning application, as reflected in the attached 45 unit plan, and the required related special provisions/variances to R3 standards. Attached is a letter from the professional planners retained by the group outlining their concurrence.

A meeting of the residents in general took place on the evening of Wednesday April 28th, 2010, where the ad hoc committee presented this agreement to the residents and recommended that the community at large support Seaton Ridge Communities’ rezoning application. With the assistance of the professional planners, Beate Bowron Etcetera Inc. & The Davidson Group Inc.,

we explained all aspects of compatibility, massing, density and traffic. In addition, we reviewed the negotiated detailed list of agreed to items which will be included in the by-law and site plan approval phase of this development. At the culmination of this meeting the residents gave unanimous support to the proposed Concept G Plan.

We appreciate the process has been arduous and that many hours of volunteer time have been donated to find an appropriate solution. Seaton Ridge Communities has presented a commitment to adhere to high standards of design and an intention to respect and cooperate with our neighbourhood during the site planning and construction process. City staff has been understanding and supportive of this process. We hope that City Council will be supportive as well.

Yours truly,

Shirley Greenwood
On behalf of the 146 Downey Road ad hoc committee

Attachment

c.c. Mr. Jeremy Grant, Vice President, Planning and Development, Seaton Group
Mr. A. Hearne, Senior Planner, City of Guelph
Mr. R. Scott Hannah, Manager, Development and Parks Planning, City of Guelph
Mrs. Laura Murr – President, Kortright Hills Community Association Inc.

Schedule 11 Agreement in Principle

PARTNERS IN COMMUNITY BUILDING **BEATE BOWRON ETCETERA INC. & THE DAVIDSON GROUP INC.**

May 2, 2010

Ms Shirley Greenwood
146 Downey Road Committee
175 Milson Crescent
Guelph, ON
N1C 1G5

Dear Shirley:

Re: 146 Downey Road – Concept 'G' Site Plan (Seaton Ridge Communities Ltd.)

As agreed, we are providing written comments in support of the Concept 'G' site plan submitted by Seaton Ridge Communities, as follows:

- The reduction of the proposed number of units to 45 on this infill site is appropriate;
- The variations at the back of the building envelopes of the units facing Teal and Hazelwood Drives make the development more compatible with the surrounding area;
- The change in the massing of the proposed units at the east end of the site also makes the development more compatible and reduces the impact onto the adjacent open space; and
- The specific site plan items agreed to by Seaton Ridge Communities will go a long way towards integrating the future residents of the development into the surrounding neighbourhood.

We understand that City planning staff is supportive of the Concept 'G' site plan and will make reference to it and the other agreed to items in their report on the re-zoning application to Guelph City Council. This will ensure that the development will be implemented along the lines agreed to by all of the parties.

We are pleased that a mutually satisfactory solution has been found. It has been a pleasure working with you and your Committee as well as City planning staff.

Sincerely,

Beate Bowron, FCIP, RPP and Gary Davidson, FCIP, RPP

525 Manning Avenue, Toronto, Ontario M6G 2V8
T. 416.537.0717 E. beatebowron@sympatico.ca or davidson@scsinternet.com

Schedule 12 Agency Circulation Responses

RESPONDENT	NO OBJECTION OR COMMENT	CONDITIONAL SUPPORT	ISSUES/CONCERNS/ COMMENTS
CDDS/Planning		✓	Subject to recommended zoning and conditions in Schedule 2
Guelph Wellington Development Association	✓		Support for the proposal
Guelph Police Services	✓		No concerns
Wellington Dufferin Guelph Public Health	✓		No concerns
Guelph Field Naturalists	✓		No concerns
Upper Grand District School Board		✓	No objection and provided standard conditions including educational development charges apply
Wellington Catholic District School Board		✓	No objection and further comments at condominium processing
Emergency Services/Fire Department		✓	Request an emergency access connection to Teal Drive
Guelph Hydro Electric Systems Inc.		✓	Standard Hydro servicing conditions
Union Gas*		✓	No objection provided owner meets standard conditions
City Engineering Services*		✓	Subject to recommended zoning and conditions in Schedule 2
Parks Planner		✓	Cash-in-lieu of parkland payment
Environmental Planner*		✓	Several additional items to be addressed in a brief addendum to the EIS prior to site plan approval.
Environmental Advisory Committee*		✓	Several additional items to be addressed in a brief addendum to the EIS prior to site plan approval.
Grand River Conservation Authority*		✓	Several additional items to be addressed in a brief addendum to the EIS prior to site plan approval.
River Systems Advisory Committee*		✓	Support rezoning subject to RSAC principles considered at site plan approval
Heritage Guelph			Ask for the retention of the house and as many trees as possible

(* - See correspondence or resolution attached)

Grand River Conservation Authority Comments



October 20, 2009

400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

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

Attention: Al Hearne

Re: ZC0906, 146 Downey Road, Guelph

The Grand River Conservation Authority has no objection to the Zoning By-law Amendment to permit a range of housing types on the subject property. While we do not object to the Zoning By-law Amendment we offer the following technical comments based on the review of the submitted Preliminary Site Servicing and Stormwater Management Report and the Scoped Impact Study and Tree Inventory.

Stormwater Management

We support the proposed stormwater management approach and find that in general it satisfies GRCA's review requirements. The following comments are provided.

1. The surveyor's conceptual site plan shows a high-density residential mix that includes an apartment building with 25 townhomes and 4 single family homes. Figure 2 of the preliminary SWM report shows 19 townhomes and 10 single family homes. Please verify which development concept is proposed and if necessary adjust the impervious cover percentage used in SWM calculations and modelling.
2. The water budget uses input from a 1994 MOE chart that displays the number of annual events with precipitation amounts greater than 0, 5, 10, 13, 15, and 25mm in Toronto. The appended analysis uses steps of 0, 5, 10, 15, 20, and 25mm which results in an over estimation of the amount of annual precipitation during events less than 25mm and consequently an under estimation of the roof area required to provide a post development infiltration balance.

Given the relatively small size of the development we don't wish to pay too much attention to the methodology used for sizing infiltration galleries as long as there is reasonable assurance that the development will continue to contribute distributed recharge to the Hanlon Creek local groundwater system. To provide this assurance we suggest an assumption that 50% of installed galleries will fail over time due to either neglect or interference. This assumption can also be considered adequate to compensate for such uncertainties as the application of Toronto precipitation distribution in Guelph and the consequences of not considering the effects of winter conditions during which considerable snow may be blown off roof tops and hence diverted from infiltration galleries.

3. As an alternative and given the suitability of all site soils for infiltration we can also support the conveyance of all roof runoff to infiltration galleries designed to accept 90 percent of annual precipitation. According to the same MOE source used in the water budget this requires capturing of runoff from a 20mm event.
4. Finally, given the high density of the proposed development please verify on a site grading plan that any proposed infiltration galleries can be installed without measures violating required set back from buildings and property lines.

Advisory:

1. The proposed water quality target is appropriate for ultimate discharge to Hanlon Creek but is the proposed oil and grit separator necessary if the minor system discharge is conveyed to the nearby Downey Road stormwater management facility? Based on local topography we assume that this SWM pond will treat the majority of site runoff.

Terrestrial Review

As indicated in the EIS report, GRCA and NRSI staff conducted a site visit to review the area immediately to the east of the subject lands. The site is adjacent to Tributary A, which flows northward from the Hanlon Creek Wetland Complex. This area is regulated as a watercourse and associated floodplain habitat. We recommend the following.

1. That a detailed landscaping plan for the buffer area along Tributary A be prepared to the satisfaction of the GRCA. A grading setback from Tributary A should be established as part of this plan.

Yours truly,



Liz Yerex
Resource Planner
Grand River Conservation Authority

Environmental Advisory Committee Comments

December 9, 2009

1. 146 Downey Rd. – Environmental Impact Study

Moved by K. McCormack and seconded by G. Drewitt

“The Environmental Advisory Committee support the Environmental Impact Study Terms of Reference, and Addendum for 146 Downey Road prepared by Natural Resource Solutions Inc. subject to the following conditions:

- That City staff ensure adequate compensation plan for tree loss be prepared.
- The compensation/restoration planting plans are re-submitted to EAC for informal review.
- That the EIS outline how the proposal addresses the Natural Heritage Strategy, the Hanlon Creek Watershed Plan and the Hanlon Creek State-of-the-Watershed Report;
- That opportunities for restoration and monitoring be clearly identified as per the Terms of Reference;
- That cumulative impacts be addressed;
- That compensation for tree loss and replacement plantings be specified;
- That opportunity to create snake habitat be discussed including opportunities for mitigation measures on and off site;
- That the use of local genetic stock be included in the compensation discussion;
- That a tree conservation plan and grading plan be provided;
- That heavy duty silt fencing be installed on the limits of the development adjacent to the Open Space;
- That buffer widths and enhancement plantings be detailed;
- That mitigation measures be identified in the EIS;
- That the setback from the coldwater tributary be clearly identified and a minimum 30 meter buffer be applied from the bankful channel;
- That additional low impact development measures be considered;
- That seasonal variation in the groundwater table be addressed;
- That additional groundwater monitoring be considered; and
- That educational materials, such as the EnviroGuide, be provided to new homeowners”.

Motion Carried

-Unanimous-

River Systems Advisory Committee Comments

November 25, 2009

“That no development occurs east of the slope providing that the developer demonstrate the proposal will not damage the viewscape.”

and

“Staff recommends that the River Systems Advisory Committee support the rezoning application for 146 Downey Road subject to the following:

- ☐ That public access and views be considered and enhanced on area 4;
- ☐ That urban and landscape design address the watercourse;
- ☐ That a 30 meter riparian buffer be established; and
- ☐ That through the site plan process the proponent consider the Goals, Objectives and Principles of the River Systems Management Plan.”

Motion Carried

-Unanimous

Guelph Field Naturalists Comments

-----Original Message-----

From: Charles Cecile [mailto:esnell@sentex.net]

Sent: October 9, 2009 4:05 PM

To: Al Hearne

Subject: 146 Downey Road

Hi Al

By way of this note, the Guelph Field Naturalists have no comments or concerns regarding the application for proposed zoning bylaw amendment at 146 Downey Road (File: ZC0906).

Apologies for the lateness of this reply.

Thanks

Charles Cecile

Environment Committee, Guelph Field Naturalists

Environmental Planner Comments

INTERNAL MEMO



DATE November 3, 2009
TO **Al Hearne**
FROM Suzanne Young
DIVISION Planning
DEPARTMENT CDDS
SUBJECT **146 Downey Road – Environmental Review**

Al,

We have now had an opportunity to review the circulated materials and provide the following comments for your consideration:

1. The EIS should detail how the proposal is in conformance with the Natural Heritage Strategy as well as the Hanlon Creek State-of-the-Watershed Report.
2. Opportunities for restoration and monitoring were not clearly identified in the EIS as per the Terms of Reference.
3. Compensation for tree loss and replacement plantings must be specified in the EIS.
4. Opportunities to create snake habitat to replace the habitat that may be lost should be discussed. Opportunities for mitigation measures on and off site within the City's Open Space areas should be explored.
5. EAC recommended that the EIS specify the use of local genetic stock. This should be included in the compensation discussion.
6. EAC also requested that the tree conservation plan and grading plan be provided up front. These items are outstanding.
7. Mitigation measures are missing from the report – pre, post and during construction measure should be clearly identified.
 - a. The buffer to the Open Space/Natural area must be clearly articulated
 - b. Silt fencing – type, location and duration of use should be generally discussed
 - c. Timing of tree removals must be specified
8. Heavy duty silt fencing should be erected on the limits of the development adjacent to the Open Space.
9. Buffer widths and enhancement plantings are missing from the discussion in the EIS.
10. The setback from the coldwater tributary must be clearly identified. A minimum 30 metre buffer must be applied from the bankfull channel.
11. Additional low impact development measures should be considered (as only 50% of the roofed areas are required for infiltration) – i.e. green roofs, rain gardens, bio-swales, etc.
12. Field investigations to determine the depth to groundwater table were conducted in January. It is unclear how the seasonal variation (particularly during the spring and fall months) is considered in the design of this development. Is the 1m to depth of groundwater adequate in this case?
13. Additional monitoring of the groundwater elevations should be considered.
14. Findings from the hydrogeological investigations and the stormwater management report should be incorporated into the EIS.
15. Please confirm that the slopes pre and post grading are no greater than 20%.
16. Educational materials such as the EnviroGuide should be provided to new homeowners.
17. It is recommended that this project be circulated to the River Systems Advisory Committee (RSAC) for further comment.

- END -

Parks Planner Comments

INTERNAL MEMO



DATE March 30, 2010
TO **Al Hearne**
FROM Rory Barr Templeton
DIVISION CDES
DEPARTMENT Parks Planning
SUBJECT **146 Downey – Revision to the Zoning Bylaw Amendment**

Park Planning has reviewed the application for the above noted revision to the Zoning Bylaw Amendment circulated March 10, 2010, and offers the following comments:

Zoning Bylaw Amendment:

Park Planning has no objection to the rezoning of the subject property.

Parkland Dedication:

As a reminder - **Cash-in-lieu of Parkland** is recommended for this development.

The developer shall be responsible for paying a 5% cash-in-lieu of parkland dedication payment for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any permits.

EIS:

As a reminder - Park Planning has **no comments** related to the EIS.

General:

During Site Plan Submission, comments relating to buffering of adjacent properties (i.e. demarcation), landscaping and pedestrian circulation will be noted.

That said Parks Planning would support the design, development and implementation, at the cost of the developer, a trail connection on City lands, from Teal Drive to the south-east corner of the development, connecting to the internal sidewalk system. This connection would help to incorporate the development into the neighbourhood and support our goal of creating walkable communities. A 'Use and Maintenance Agreement' may be required to ensure the continued maintenance of the trail "as a responsibility of the development".

Regards,

Rory Barr Templeton
Park Planner

File # T:\ParksPlanning\Park Planning\PLANNING\SOUTH DISTRICT\Zoning By-Law & Official Plan Amendments

Union Gas Comments

From: Wang, Faye [mailto:fwang@uniongas.com]

Sent: December 8, 2009 5:40 PM

To: Al Hearne

Cc: Jeremy Grant; Van Biesbrouck, Brian

Subject: Re: 146 Downey Rd Development Re-zoning Plan - Comments from Union Gas

Hi Al,

Please see the comments below regarding the re-zoning plan for 146 Downey Road:

1. Union Gas has no objection to the proposed re-zoning of the lands at 146 Downey Road which will result in the addition of new residential structures on the subject lands. The developer will maintain the maximum setback available from the east edge of the gas easement to any building structures to be added in the future.
2. Union Gas approves other underground utilities (sewer, water & hydro/catv/telephone) crossing the existing 10" high pressure gas main. Details of crossing locations, construction equipment & utility piping/conduit profile drawing need to be reviewed by Union Gas once the information is available.
3. Certain structures (i.e. residential driveways, landscaping, private road etc.) would be approved by Union Gas to be built inside the gas easement. Union Gas will evaluate each proposed structures during the detailed site plan process to ensure that the integrity of the gas main will not be impaired. Under emergency situations when Union Gas needs to access to the gas main, Union Gas will not be responsible for any costs associated with repair/restoration to the aboveground structures inside the gas easement.
4. Union Gas will coordinate with the developer by providing procedures and guidelines for excavation in the vicinity of the 10" high pressure gas main. Third party inspection from Union Gas will also be arranged when construction occurs in this area. Union Gas and the developer will ensure that integrity of the gas main will not be impaired during and after the proposed development in the subject lands.

Any questions/concerns/comments, please do not hesitate to contact me.

Regards,

Faye Wang

■ Waterloo District EIT | ■ Tel: (519) 885-7580 | ■ Cell: (519) 635-4314 | ■ Pager: (519) 244-4097 | ■ Fax: (519) 885-7542 | ■ Email: fwang@uniongas.com

Engineering Services Comments

DATE November 30, 2009
TO **Al Hearne**
FROM Michelle Thalen
DIVISION Engineering
DEPARTMENT CDDS
SUBJECT 146 Downey Road – Preliminary Engineering Review

Al,

I've had the opportunity to review the concept plan and the preliminary site servicing & stormwater management report for this zone change application and have only a couple of minor comments.

1. As previously discussed with the applicant, the concept plan needs to show a secondary emergency access since the private road is proposed to be longer than 150 metres.
2. Considering that the boreholes were drilled in late January and the seasonal high water table has not been confirmed, can some preliminary proposed grades be provided? This will help determine what cut & fill will be needed on the site and possibly uncover any areas of concern with regard to on-site infiltration limitations.
3. Gwen Zhang has had the opportunity to review the Traffic Impact Assessment and agrees with the findings of the study that suggest a minimal traffic impact and should not significantly affect the traffic conditions in the area.

Formal comments & conditions of approval will be provided for council recommendation.

MDT

Engineering Services Comments

FILE: 16.131.001

TO: Al Hearn
FROM: Kime Toole
DEPARTMENT: Engineering Services
DATE: 27th April 2010
SUBJECT: 146 Downey Rd -- Zoning By-law Amendment – ZC0906

The application is for a Zoning By-law Amendment that would redesignate the site from UR to R1.C/R.3A/R.3A-XX/R.4-XX?. The subject lands are encompassed by the Kortright IV, Phase 1 subdivision, Registered Plan 61M-40 which the property is not part of. Engineering Services provides the following comments:

1. Road Infrastructure

The proposed development will be served by Downey Road, a 2 lane arterial road with a centre turning lane with an urban cross section and 30m ultimate right-of-way. Downey Road currently has sidewalk on both sides of the street to accommodate pedestrian traffic for this site.

The access road/driveway off Downey Road to this proposed development will be privately owned and maintained. The private roadway should be designed to comply with the Ontario Building Code for fire truck access. Given the fact that the internal roadway is greater than 150m in length, Engineering will require an emergency access route as per City Geometric Design standards. The emergency access route will connect into Teal Drive.

2. Municipal Services

The following services are available on Downey Road abutting the subject lands: 300mm watermain approximately 1.9m in depth; 375mm sanitary sewer approximately 4.75m in depth; and a 855 x 1345mm storm sewer approximately 1.55m in depth.

The owner shall be required to pay the proportionate share of the cost of the existing municipal services on Downey Road. Any existing service laterals that will not be used by the development are to be removed at the owner's expense by City Forces upon application.

Union Gas has a 15.0m easement traversing the site with a 250mm diameter high pressure gas main. The owner should contact Union Gas directly to co-ordinate construction surrounding the gas main.

3. Storm Water Management

The existing drainage pattern is split as follows: A portion presently drains towards the existing City parklands to the east, Downey Road right-of-way to the west and a portion of the property flows south towards the Kortright IV Subdivision, Phase 1. A storm water management system will be required for the proposed development. This will include on-site storage and a controlled discharge rate since the City pond design was only sized to receive 0.7ha of the 1.3ha site.

Storm flow from the site will be conveyed through the Downey Road storm sewer which ultimately discharges into a City stormwater pond facility southeast of Downey Road and Teal Drive. The stormwater facility (Pond ID 16) has been designed to provide both stormwater quantity and quality control up to and including the 100 year design storm.

4. Recommended conditions of Approval

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

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed storm water management report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
3. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
4. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the City Engineer.
5. The developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
6. The developer shall pay to the City the actual cost of the construction of the new driveway entrance(s) and the required curb cut, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.
7. The owner shall pay to the City its share of the actual cost of constructing municipal services on Downey Road across the frontage of the lands including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and street

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- lighting as determined by the City Engineer. Furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the municipal services as determined by the City Engineer.
8. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
 9. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design an emergency access route for the site, satisfactory to the City Engineer. The owner will be responsible for the total cost of constructing the emergency access and for the associated easement documentation which will be registered on title prior to final site plan approval.
 10. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
 11. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
 12. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service, prior to site plan approval.
 13. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
 14. That prior to the passing of the zone change by-law, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

**SUBJECT 410 Clair Road East: Proposed Zoning By-law
Amendment**

REPORT NUMBER 10-32

RECOMMENDATION

"THAT Report 10-32 dated June 7, 2010 regarding an application for a Zoning By-law Amendment for 410 Clair Road East from Community Design and Development Services BE RECEIVED; and

THAT the application by Smith-Valeriotte LLP for a Zoning By-law Amendment (File ZC0912) from the Specialized R.4A-34 Zone and A Zone to a new Specialized R.4A-34 Zone and R.1D Zone affecting the property known as 410 Clair Road East and legally described as Part of Part Lot 10, Concession 8, Township of Puslinch and Parts 1 and 19 on 61R-10932 City of Guelph, BE APPROVED in accordance with the permitted uses, regulations and conditions set out in **Schedule 2** of Community Design and Development Services Report 10-32, dated June 7, 2010."

BACKGROUND

This report provides staff's recommendation on a revised application requesting approval of a Zoning By-law amendment (ZC0912) from Smith-Valeriotte LLP, on behalf of The Guelph Sikh Society and Westminster Woods. This application was deemed to be a complete application on November 3, 2009. The original application went to a Council Planning Public Meeting in accordance with the Planning Act on December 7, 2009. Following the public meeting, revisions were made to the requested zoning and preliminary site plan that warranted an additional statutory public meeting. A public information meeting to answer questions about the revised plans was held at the Salvation Army Church on February 16, 2010 and the second statutory public meeting was held on March 1, 2010.

Location

The subject site consists of 1.6 hectares of land located on the north side of Clair Road East between Tolton Drive and Victoria Road (see **Schedule 1**). The site is bounded by proposed single-detached lots along Goodwin Drive to the north, vacant lands anticipated for future residential development to the east, an existing rural estate residential development across Clair Road East, to the south, and mixed residential development to the west, developed in accordance with registered Plan of Subdivision 61M-143 (Westminster Woods). On the northerly portion of the

site, there is a three metre wide strip of land adjacent to Goodwin Drive that is owned by Westminster Woods that is also part of this application.

Official Plan Designation

The existing Official Plan land use designation that applies to the subject lands is "General Residential" (see **Schedule 3** for related policies).

Existing Zoning

The majority of the subject site (approximately 1.2 hectares) is currently zoned R.4A-34 as shown in **Schedule 4**. This portion of the site was rezoned in 2008 from the A (Agriculture) zone to permit a nursing home in addition to other medium density residential land uses. The north-westerly portion of the site along Goodwin Drive was zoned R.1D at the same time to permit 8 residential lots to accommodate single detached dwellings. The remaining easterly portion of the property was not rezoned in 2008 and remains in the A (Agriculture) Zone under the previous Township of Puslinch Zoning By-law.

The proposed zoning by-law amendment would rezone the majority of the existing property to a modified R.4A-34 zone to permit a religious establishment in addition to the residential uses previously approved. A small portion of the site along Goodwin Drive is proposed be rezoned to the R.1D zone to permit three single detached lots in line with existing R.1D zoned portion of the property. The proposed zoning is shown in **Schedule 4**.

REPORT

Description of Proposed Zoning Bylaw Amendment

The applicant wishes to rezone a 1.6 hectare portion of the site along Clair Road East from the specialized R.4A-34 Zone and A Zone to a new modified R.4A-34 Zone to permit a religious establishment in addition to the residential uses previously approved (see **Schedule 4**).

A small portion of the north end of the site along Goodwin Drive is requested to be rezoned to the R.1D (Single-detached Residential) Zone to permit three new lots for detached dwellings fronting on Goodwin Drive. These lots would be adjacent to the existing portion of the site that is already zoned R.1D to accommodate 8 lots for detached dwellings.

Westminster Woods owns a 3 metre wide strip of land between the north edge of the 410 Clair Road East parcel and Goodwin Drive and intends to rezone this land to the R.1D (Single-detached Residential) and specialized R.4A-34 Zone at the same time (as shown in the site plan in **Schedule 5**). This parcel of land is required to be rezoned at the same time to allow for the proposed R.1D lots and to provide services to the larger site from Goodwin Drive. Additional severance and lot addition applications will be required to create these lots which will consist of a portion of the 410 Clair Road East property and a portion of the 3 metre wide strip of land owned by Westminster Woods.

Description of the Proposed Use

A Sikh Temple is proposed on the lands to be rezoned to the modified R.4A-34 zone. The preliminary site layout for the lands requested to be rezoned and proposed building elevations are shown in **Schedules 5 and 6**.

Originally, the building was proposed to be on the western portion of the site, close to Clair Road. Following the first public meeting in December, the applicant revised the plans to show the building in the centre of the site along Clair Road, so it was further from existing residential dwellings on Laughland Lane to the west. Following the second public meeting, additional revisions were made and now the building is proposed to be further to the east on the site, to permit a greater buffer between the existing residences on Laughland Lane and the parking area proposed for the building.

The applicant proposes to build the proposed religious establishment in two phases. The first phase is proposed to have a building footprint of approximately 980 square metres and a 300 square metre partial second storey for a total of 1280 square metres. The second future phase is proposed to be 692 additional square metres of main floor area. Both phases of the building are proposed to have a basement level. In total 1972 square metres of Gross Floor Area is proposed. The Gross Floor Area does not include the basement, as it is measured as per the Zoning By-law definition, see **Schedule 10** for more details. The building is proposed to be 11.2 metres high. On top of the building, a centre dome is proposed in the first phase, of approximately 6.3 metres in height. With the second phase of the building, domes are proposed on each of the four building corners that are approximately 3.4 metres in height (see **Schedule 6** for proposed elevations in phase 1 and 2).

The main entrance and vehicular access to this site is proposed from Clair Road on the west side of the building. The main entrance to the building is also proposed to be on the west side of the building. The portion of the site intended for the religious establishment use that abuts Goodwin Drive is 10 metres wide and is meant for a servicing corridor and pedestrian access to the site only. Currently 125 parking spaces are proposed for the first phase of the building and a total of 218 spaces are proposed for the second phase of the building. Behind the parking area, a soccer playing field is proposed.

Public Comments and Staff Review

A wide range of public concerns were raised at the two public meetings, the information meeting and received via mail. Concerns that have been raised to date are listed below. Given the volume of responses received, copies of all correspondence are not included in this report but full copies of all written responses are available in the Community Design and Development Services Office for review by the public upon request.

Public concerns raised regarding this application include:

- Conformity with the Official Plan
- Traffic and Parking
 - Whether the proposed use would cause traffic problems on local streets and Clair Road

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- Additional traffic and pedestrian safety concerns on local streets
 - If people using the site would be allowed to park on local streets
 - Whether the proposed parking area is adequate and how this is determined
 - Site Design
 - Capacity to provide full municipal services to the site (water, sanitary and storm)
 - Site and parking lot lighting impact on surrounding neighbourhood
 - Exterior garbage facilities
 - The function of the servicing and pedestrian corridor to Goodwin Drive
 - Maintaining existing trees along the westerly portion of the site
 - Public involvement in the site plan review process
 - Building Design
 - Building Height
 - Building Size
 - That the design of the building is different from existing residential areas to the west and north of the site
 - Building Use
 - When and how the building will be used, including the basement
 - Noise
 - Concern about Building Code capacity

At the public meetings on December 7, 2009 and March 1, 2010, Council also asked staff to address the following related questions:

- How this application compares to the previously approved Nursing Home application
- How Guelph's parking and zoning requirements compare to other municipalities, specifically Brampton and Toronto
- Whether there are other suitable available sites for religious establishments in this area of the City
- For the applicant to show the proposal in the context of the surrounding neighbourhood
- What the status of Clair Road is and whether any upgrades are required
- How many parking spaces the site can accommodate
- Comparison of building size with other large religious establishments in the City

Since the beginning of the planning process, Staff have also determined the need to review this application against the following measures:

- Evaluation of the proposal against the General Residential policies of the Official Plan.
- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.
- Review of the proposed zoning and need for specialized regulations.
- Review of proposed site layout in relation to the Community Energy Plan.
- Review of how the proposed site layout will function and be integrated into the future planning of undeveloped lands in the area.

A detailed response by staff to all of these matters is found in **Schedule 10**. Staff and agency comments from the circulation of this application are found in **Schedule 16**.

Planning Staff Recommendation

Planning Staff support the proposed Zoning By-law amendment application to permit a religious establishment, subject to the recommended regulations and conditions outlined in **Schedule 2**.

The proposed religious establishment use is appropriate for the site and conforms to Official Plan policies for non-residential uses in areas with residential designation and the related policies of the Provincial Policy Statement and Places to Grow Act that focus on integrating land uses and building complete communities.

Staff support the specialized zoning that incorporates regulations that limit building height and maximum gross floor area to address public concern regarding building size and height. Also, a regulation has been added for an enhanced buffer area along the westerly property line to better screen the use from existing residential lots. The regulations will provide certainty regarding the scale and location of the building. Any future expansion would require a planning application with an opportunity for public review and input. As proposed in the site plan in **Schedule 5**, the proposed use will co-exist and be compatible with the existing and proposed residential development.

Also, conditions have been put in place to address some of the concerns raised by the public regarding compatibility (see **Schedule 2**). Several specific conditions have been added to the site plan approval requirement. In addition to the wider buffer strip along existing residential properties, detailed landscaping is required as well as a tree compensation and enhancement plan. A detailed lighting plan is required as well as a requirement to ensure parking lot lighting is turned off overnight. As well, a condition was included to have public input on the site plan approval process so that individuals adjacent to the site can review the site plan details prior to approval.

With the proposed standard and specialized regulations and conditions required in **Schedule 2** of this report, staff are satisfied that the proposed application meets City policies and is an appropriate use of the site.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

Regarding the religious establishment use, as per the Development Charges By-law (2009) – 18729, Section 3.5.1, “development charges shall not be imposed with respect to...

(c) land, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground... exempt from taxation under the Assessment Act.”

Section 3 of the Assessment Act exempts places of worship from taxation.

Regarding the proposed three additional single detached residential lots on Goodwin Drive:

Projected Taxation

\$10,500

Development Charges

\$72,325

DEPARTMENTAL CONSULTATION

The agency and staff comments received during the review of the application are included on **Schedule 16**.

COMMUNICATIONS

Key dates for public notification are included on **Schedule 17**.

ATTACHMENTS

Schedule 1 – Location Map
Schedule 2 – Zoning Regulations and Conditions
Schedule 3 – Official Plan Designation and Related Policies
Schedule 4 – Existing and Proposed Zoning
Schedule 5 – Proposed Site Plan
Schedule 6 – Proposed Building Elevations and Architect’s Comments
Schedule 7 – Proposed Site Cross-sections
Schedule 8 – Proposed Building Layout
Schedule 9 – Staff Response to Issues
Schedule 10 – Related Zoning By-law Definitions and Regulations
Schedule 11 – Comparison of Current Proposal to Previous Zoning Approval
Schedule 12 – Other Municipal Zoning Requirements for Religious Establishments
Schedule 13 – Comparison of Existing Religious Establishments in Guelph
Schedule 14 – Potential Sites for Religious Establishments
Schedule 15 – Community Energy Plan: Proposed Measures
Schedule 16– Circulation Comments
Schedule 17 – Public Notification Summary

Original Signed by:

Prepared By:

Katie Nasswetter
Senior Development Planner
519-837-5616, ext 2283
katie.nasswetter@guelph.ca

Original Signed by:

Recommended By:

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Parks Planning
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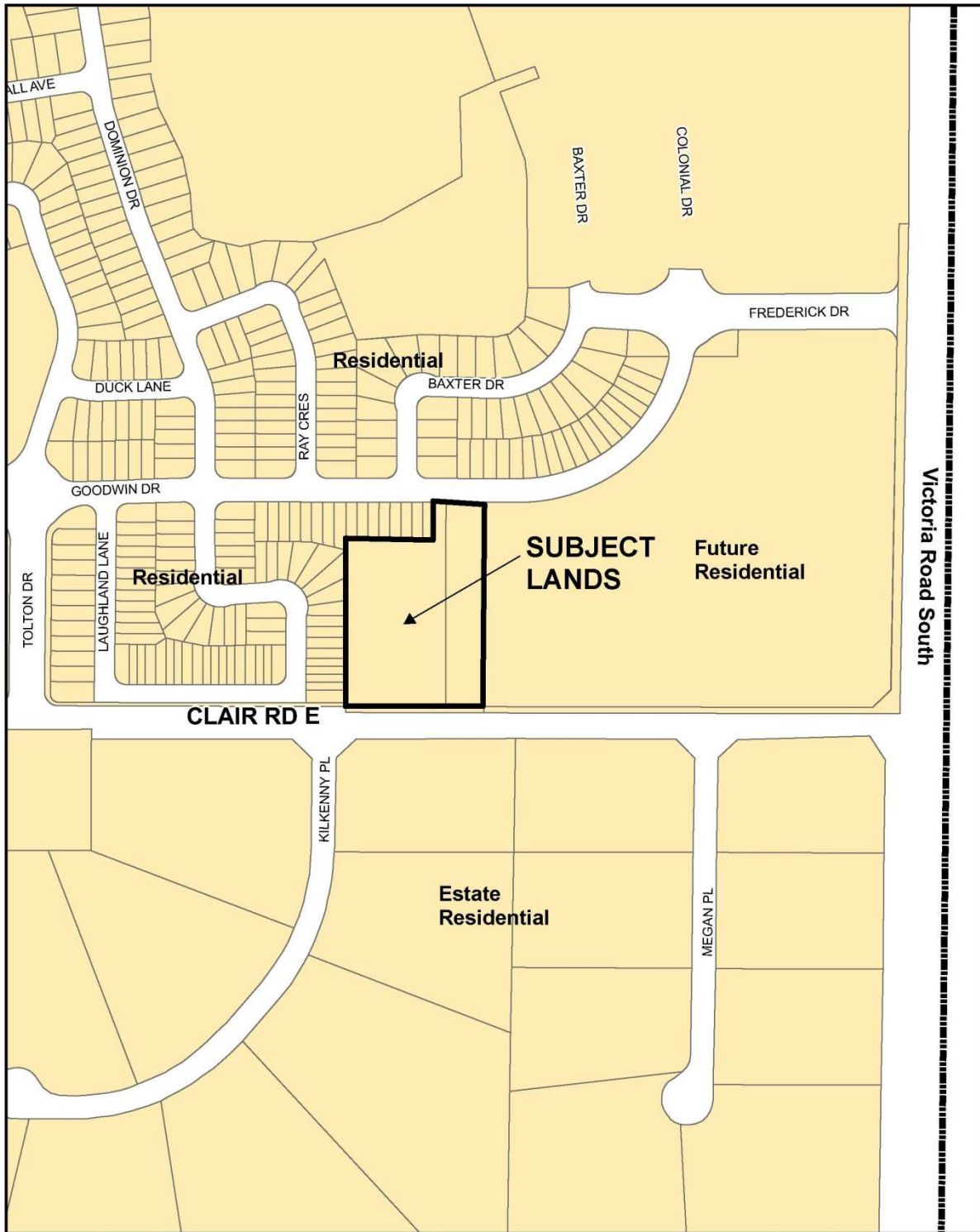
Original Signed by:

Recommended By:

James N. Riddell
Director of Community Design and Development Services
519-837-5616, ext 2361
jim.riddell@guelph.ca

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Decision Report (Katie N).docx

Schedule 1 Location Map



The City of Guelph, its employees and agents, do not undertake to guarantee the validity of the contents of the digital or hardcopy map files, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or be used for legal description. This map may not be reproduced without the permission of the City of Guelph. Please contact the City of Guelph's GIS group for additional information at 519-822-1266.



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Meters



Community Design & Development Services

Schedule 2

Zoning Regulations and Conditions

The properties affected by this Zoning By-law Amendment are municipally known as 410 Clair Road East and legally described as Part of Lot 10, Concession 8, Township of Puslinch and Block 175, Plan 61M-143, City of Guelph.

The following zoning is proposed:

Specialized R.4A-34(Residential Apartment) Zone

R.1D (Residential Single-detached) Zone

Regulations

For the Specialized R.4A- Zone

Permitted Uses

In accordance with the provisions of Section 5.4.1.1 of Zoning By-law (1995) – 14864, as amended, with the following addition:

Religious Establishment

Regulations

For a Religious Establishment:

In accordance with Section 5.4.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions and additions:

Maximum Building Height

Despite Table 5.4.2 Row 10,

The maximum building height shall be 11.5 metres.

Minimum Buffer Strip

Despite Table 5.4.2 Row 15,

The minimum buffer strip along the westerly lot line shall be 7 metres wide.

Maximum Gross Floor Area

The maximum Gross Floor Area shall be 2000 square metres.

For the R.1D Zone:

Permitted Uses

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

Regulations

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

Conditions

The following conditions are provided as information to Council and will be imposed through site plan approval or as conditions of consent:

1. The owner shall submit to the City, in accordance with **Section 41** of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan. The owner's submission for site plan approval shall include the following conditions and requirements:
 - a. The owner shall develop the site generally in accordance with the owner's Proposed **Site Plan** attached as **Schedule 5** to the Community Design and Development Services Report 10-32 dated June 7, 2010, to the satisfaction of the Director of Community Design and Development Services.
 - b. The owner shall include as part of the site plan approval submission, a detailed **outdoor lighting plan** that minimizes lighting impact on adjacent properties and residences, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 - c. The Owner agrees that the outdoor lights in the parking area shall automatically shut off each day between 11:00 p.m. and 6:00 a.m.
 - d. That additional **landscaping and buffering** be provided between the proposed parking area and the residential properties to the west of the site.
 - e. The owner and the City agree that **adjacent property owners** shall have an opportunity to review the owner's application for Site Plan

Approval and all supporting materials as well as to provide comments with respect to the application prior to a final decision being made by the City with respect to Site Plan Approval.

2. The owner shall prepare a detailed **tree inventory, protection, re-location, replacement and enhancement plan** to identify trees to be retained, relocated and replaced either on-site or off-site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. Further, the owner shall provide detailed information regarding the type, location, number, size and caliper of new plantings and shall include native species to the extent possible.
3. The owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph **Development Charges** By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. The owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to site plan approval.
5. The owner shall pay to the City, the City's total cost of reproduction and distribution of the **Guelph Residents' Environmental Handbook**, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the site plan approval.
6. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall submit a detailed **Stormwater Management Report and Plans** to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
7. That the owner grades, develops and maintains the site including the **storm water management facilities** designed by a Professional Engineer, in accordance with a site plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
8. Prior to any development of the lands and prior to any construction or

grading on the lands, the owner shall construct, install and maintain **erosion and sediment control facilities**, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

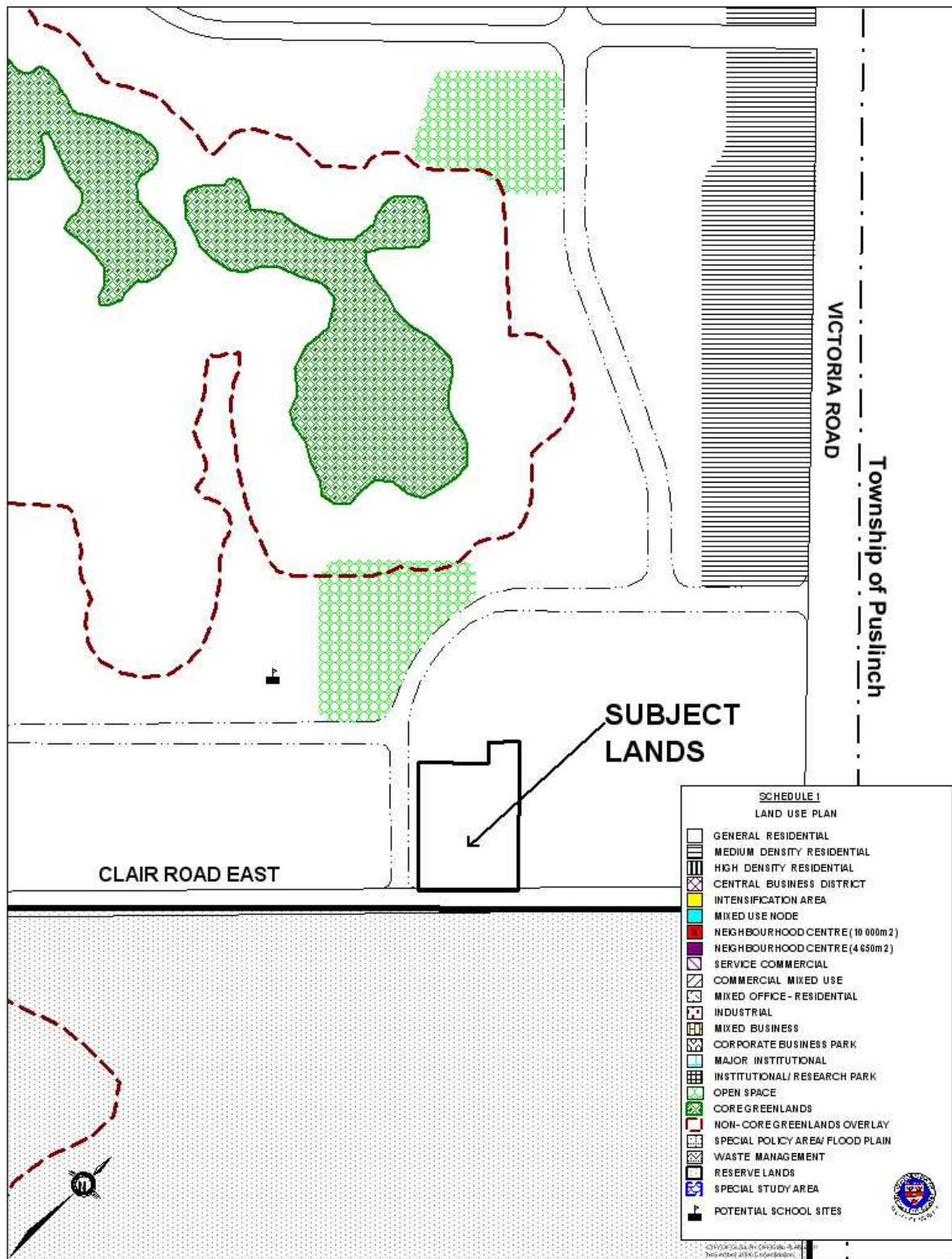
9. The developer shall pay to the City the actual **cost of the construction of the new driveway accesses**, including the required curb cut and or fills, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway off Clair Road East and proposed residential driveway accesses on Goodwin Drive, including the required curb cut and or fills.
10. The owner shall pay to the City the actual cost of constructing, installing or removal of any **service laterals** required and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
11. The owner shall construct the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a **gravity connection** to the sanitary sewer.
12. That any **domestic wells, septic systems and boreholes** drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall acquire a 2.898m strip of land abutting Goodwin Drive (Block 175, 61M-143) frontage as a lot addition in order to provide **servicing and access** for the subject lands.
14. Prior to any development of the lands, the owner shall pay the frontage charge for the **Clair Road East upgrades** of \$741.01 per metre for 116.129 metres
15. Prior to any development of the lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to **tree planting** for the said lands.
16. That the owner makes satisfactory arrangements with **Union Gas** for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
17. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with **Guelph Hydro Electric Systems Inc.** for the servicing of the lands, as well as provisions for any easements and/or

rights-of-way for their plants, prior to site plan approval.

18. That all **telephone and Cable TV** service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service prior to site plan approval.
19. The owner shall carry out an **archaeological assessment** of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
20. Prior to site plan approval or consent, the owner agrees that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards, or the equivalent; and that the owner undertakes the energy and water efficiency measures described in the letter, dated May 11, 2010, as in **Schedule 14** of the Community Design and Development Services Report 10-32 dated June 7, 2010, in order to comply with the **Community Energy Plan**, to the satisfaction of the Director of Community Design and Development Services.
21. The Owner agrees to enter into discussions with the City regarding the potential for a joint use agreement to allow the City to book for the proposed playing field for sporting activities.
22. The owner shall enter into a **Site Plan Agreement** with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.

Schedule 3

Official Plan Designation and Related Policies



Schedule 3 cont'd

Official Plan Policies: Non-Residential Uses in Residential Areas

- 7.2.26 Within designations of this Plan permitting residential uses, a variety of small scale institutional uses may be permitted that are complementary to, and serve the needs of residential neighbourhoods. Such non-residential uses include: schools, churches, *day care centres*, municipal parklands and recreational facilities. In addition, *convenience commercial* uses that provide goods and services primarily to the residents in the surrounding neighbourhood may also be permitted. These convenience uses will be limited by the Plan to a maximum *gross leasable floor area* of 300 square metres (3,200 square feet) on a property.
- 7.2.27 Non-residential uses shall be developed in a manner that is compatible with adjoining residential properties and which preserves the amenities of the residential neighbourhood.
1. In addition to implementing the objectives and policies of subsection 3.6, Urban Design, non-residential uses shall:
 - a) Be located on an arterial or collector road;
 - b) Be located on the property in a manner which minimizes the impact of traffic, noise, signs and lighting on adjoining residential properties;
 - c) Have adequate landscaping and screening to promote compatibility with adjacent activities;
 - d) Have sufficient off-street parking, circulation and access points; and
 - e) Have adequate municipal services.
 2. Non-residential uses will be encouraged to concentrate at neighbourhood "nodes".
- 7.2.28 The development criteria of policy 7.2.27 will be used to assess the merits of a rezoning application for new non-residential uses on properties presently not zoned to permit these activities.

Page 16 of 66

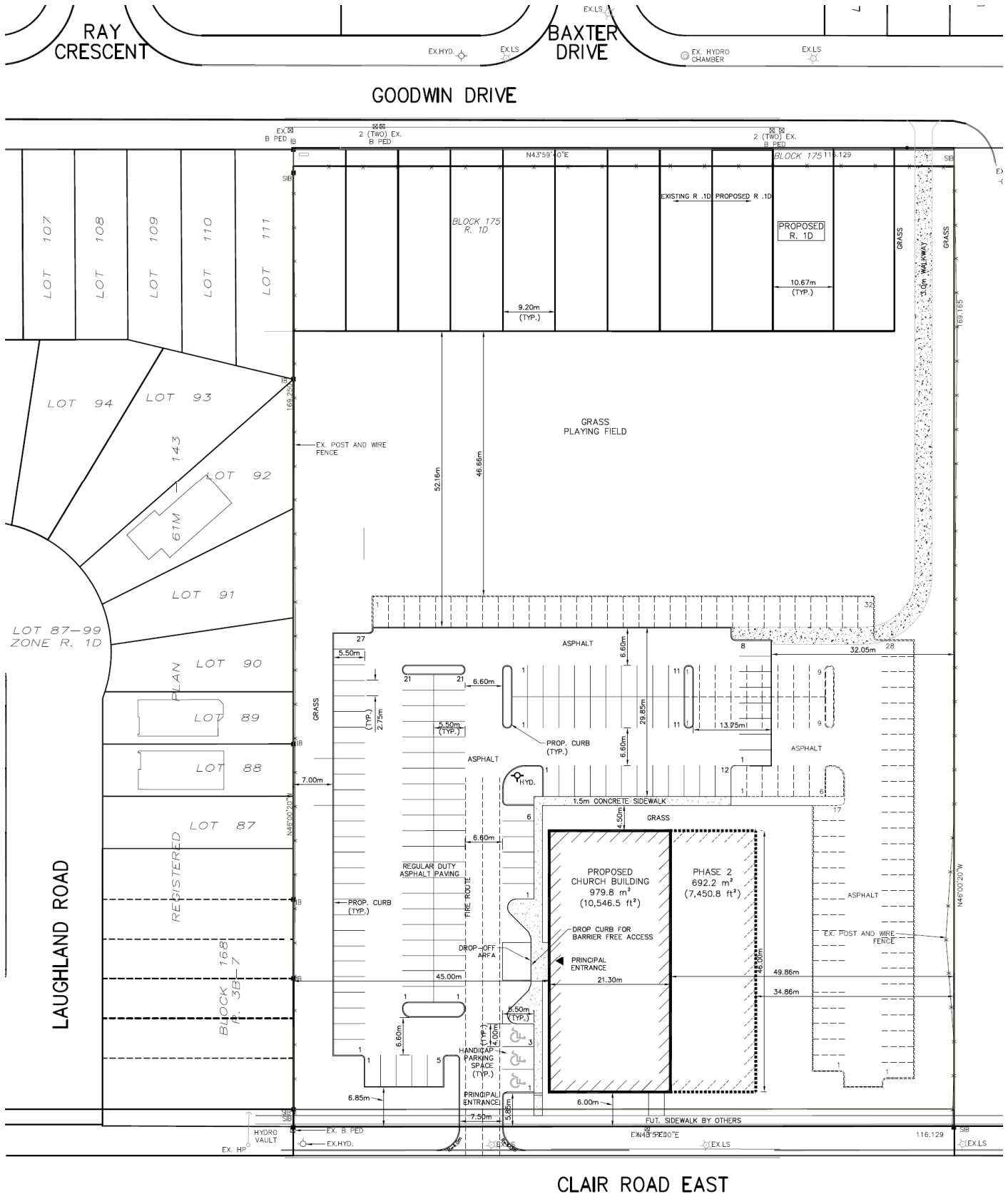


Map of Puslinch showing various zoning districts and streets. The map includes labels for streets such as ALL AVE, DOMINION DR, DUCK LANE, GOODWIN DR, TOLTON DR, LAUGHLAND LANE, CLAIR RD E, KILKENNY PL, MEGAN PL, and FREDERICK DR. Zoning districts shown include R.1A-2, R.1C, R.1B-24, P.1, R.1D, R.3A-41, R.3A-41(H), CR-9, R.3A-41(D), P.2, R.1B-24, R.1C, R.1D, R.1C-23, R.1D, R.3B-7, and R.4A-34. A specific area is highlighted with a thick black border and labeled '(A. Twp of Puslinch) PUSLINCH'. Within this area, a portion is labeled 'R.4A-34' and another portion is labeled 'Lands to be rezoned R.1D'. Arrows point from the text 'Lands to be rezoned R.1D' and 'Lands to be rezoned to a modified R.4A-34' to their respective areas.



Community Design & Development Services

Schedule 5 Proposed Site Plan



Schedule 6

Proposed Elevations and Architect's Comments

J. WILLIAM BIRDSELL B.E.S., B.ARCH, OAA, MRAC

ARCHITECT

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March 1, 2010

Katie Nasswetter, Senior Development Planner
Development and Parks Planning,
Community Design and Development Services
City of Guelph
City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

RE: 410 Clair Road East (File: ZC0912)

Dear Ms. Nasswetter,

The design of the Sikh Temple is based on my understanding of Sikh architectural tradition and a design that I am responsible for that is currently under construction on Gore Road in Brampton. I have worked out some simple programmatic constraints through discussion with the local Building Committee.

- The basic building footprint is approximately one hundred fifty feet (150') by one hundred twenty feet (120'). This results in a building footprint of approximately eighteen thousand square feet. 1,672 square meters as noted on the site plan.
- The main entrance of the building is located at grade with a drive through canopy. This is to facilitate the arrival and departure of people during inclement weather.
- The main floor of the building is raised within the structure to allow the basement level to have natural light.
- The exterior wall construction is articulated with many simple shapes to break down the volume of the structure and make it more visually interesting from the street.
- The exterior wall construction is to be of masonry, detailed in such a way as to express a natural thickness of wall. The design of the wall as a result uses a greater percentage of area of the building footprint.
- The main entrance of the building contains a large vestibule for energy efficiency and comfort. Beyond the entrance there is a generous lobby space for the building occupants. The entry level contains washrooms, coat and boot storage divided by gender. A water feature is also part of the entry design. The building users then use a large formal stair or ramp to rise up the eight-foot change in elevation to enter the prayer hall. The same formal stair or ramp is to be integrated in the design to be used to go down to the Langer (dining) hall. The preliminary nature of the design at this stage has not described the ramp. An elevator is shown. It is the desire of the Building Committee that a ramp be used to accomplish these changes of internal elevation.

.../2

Schedule 6 cont'd

410 Clair Road East (File: ZC0912)

page 2

It has been suggested that the design of the ramp is similar to another Ontario temple. The use of a ramp takes greater foot print area, however it will result in a more visually compelling entrance to the prayer hall and a more inclusive feeling for all the members and families within the community.

- The net usable area of the prayer hall is approximately five thousand square feet. This does not include formal processional aisles and corridors and the raised pulpit. Other functional areas on the prayer hall level are to hold the Holy Granth Guru Sahib or used for an audio room (popular with modern community facilities), convenient necessary storage and access to exits as required by the Ontario Building Code.
- The net usable are of the Langer (dining) hall is approximately five thousand square feet. Based upon an allowance of twelve square feet per person this results in a limit to population of **four hundred people**. Remaining space in the basement is for building services, mechanical spaces, hall storage area, and community kitchen and associated storage area, garbage and recycling room and access to exits as required by the Ontario Building Code.
- There is a small second floor that contains a meeting room and community library space with net usable are of less than two thousand square feet.
- The summary of the gross building areas is 1,672 sq.m (building area and main floor)
300 sq.m (second floor for accessory uses)
1,672 sq.m (basement for accessory uses)

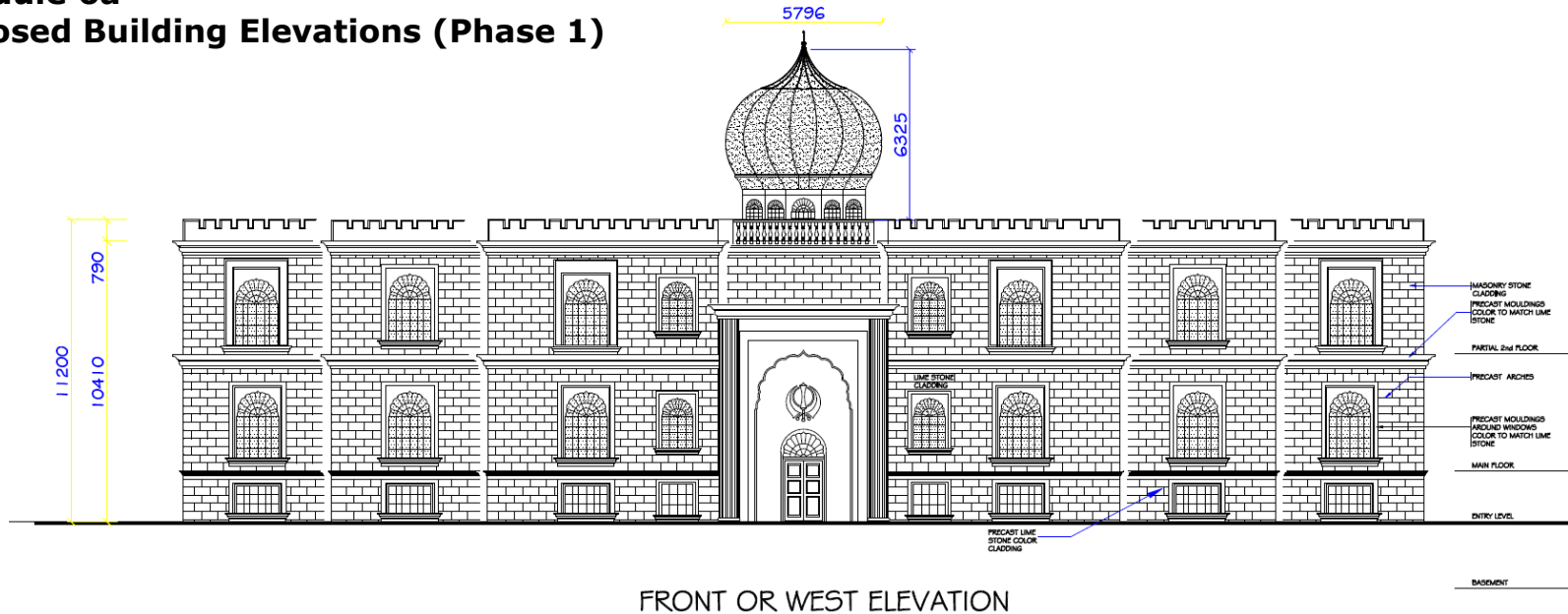
The gross building area as defined by the Zoning By-law is 1,972 sq.m

I can assure you that the design of the Temple is for a maximum of **four hundred people**. The footprint area identified on the site plan is a reasonable projection of the maximum required at this stage of the design development. As the design progresses and we move through site plan approval and into the building permit it is normal for the drawings to contain more information and reflect additional conversations and concerns. As that work is completed, I fully expect the final design to be the same size, as shown on the site plan, or slightly smaller and the architecture of the design to be more interesting and visually compelling.

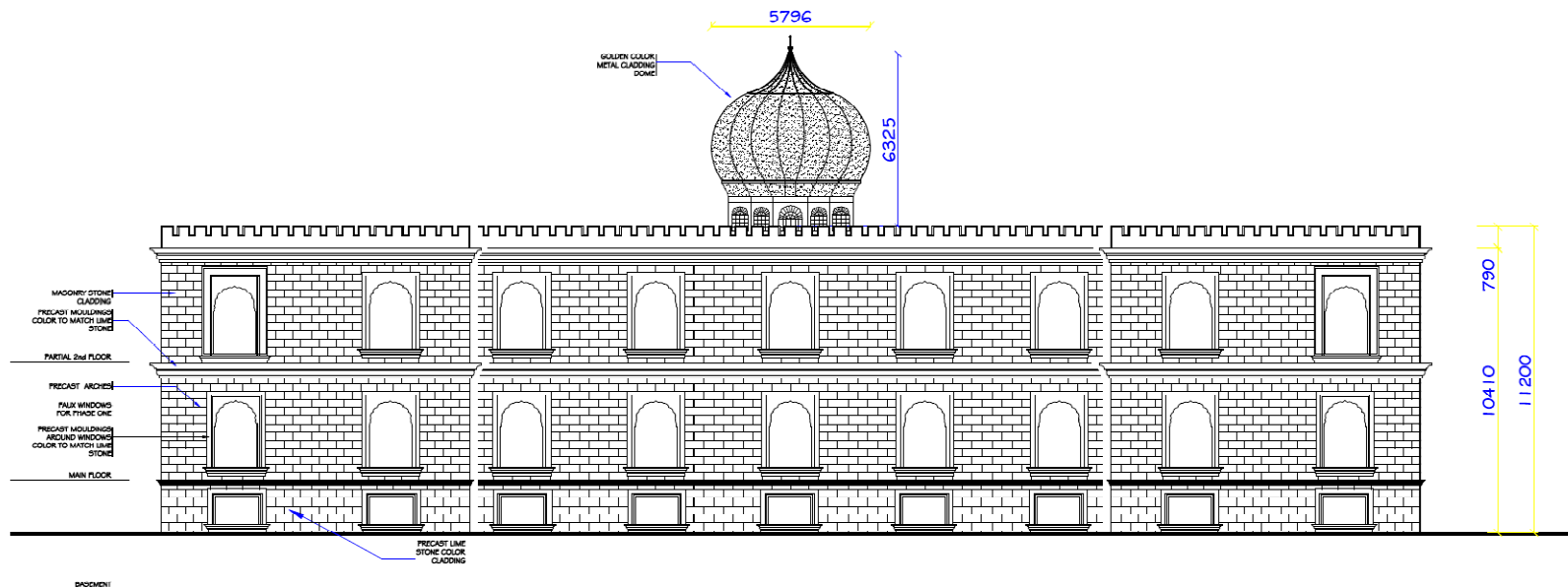
I trust this will assist in your preparation for this evening. If there is any additional information or further questions, please do not hesitate to contact me.

Bill Birdsell, Architect

Schedule 6a Proposed Building Elevations (Phase 1)

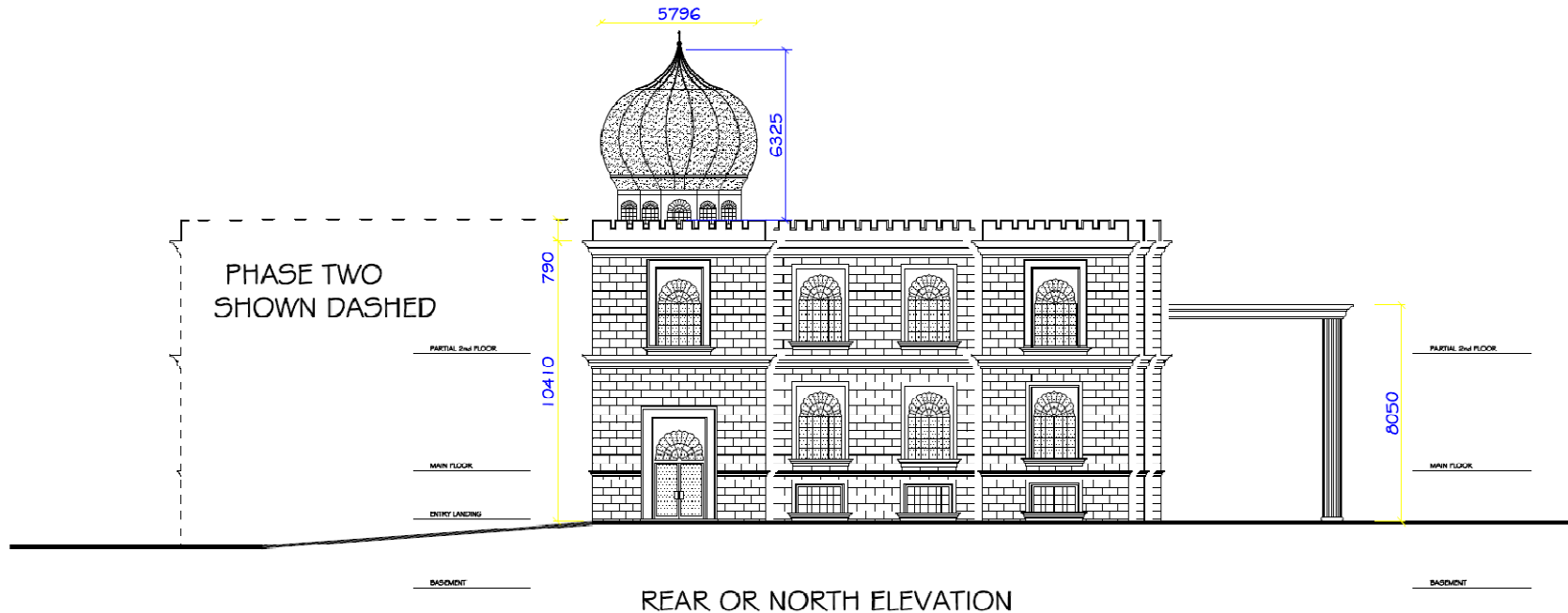
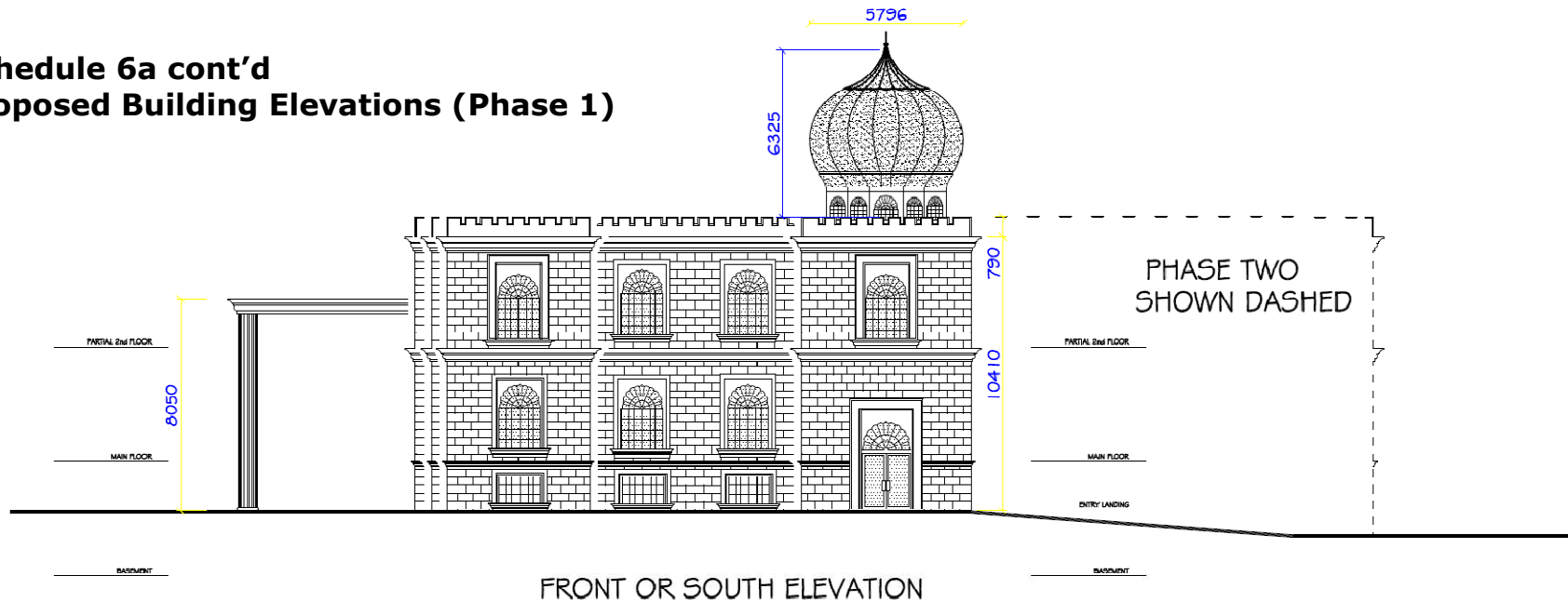


FRONT OR WEST ELEVATION

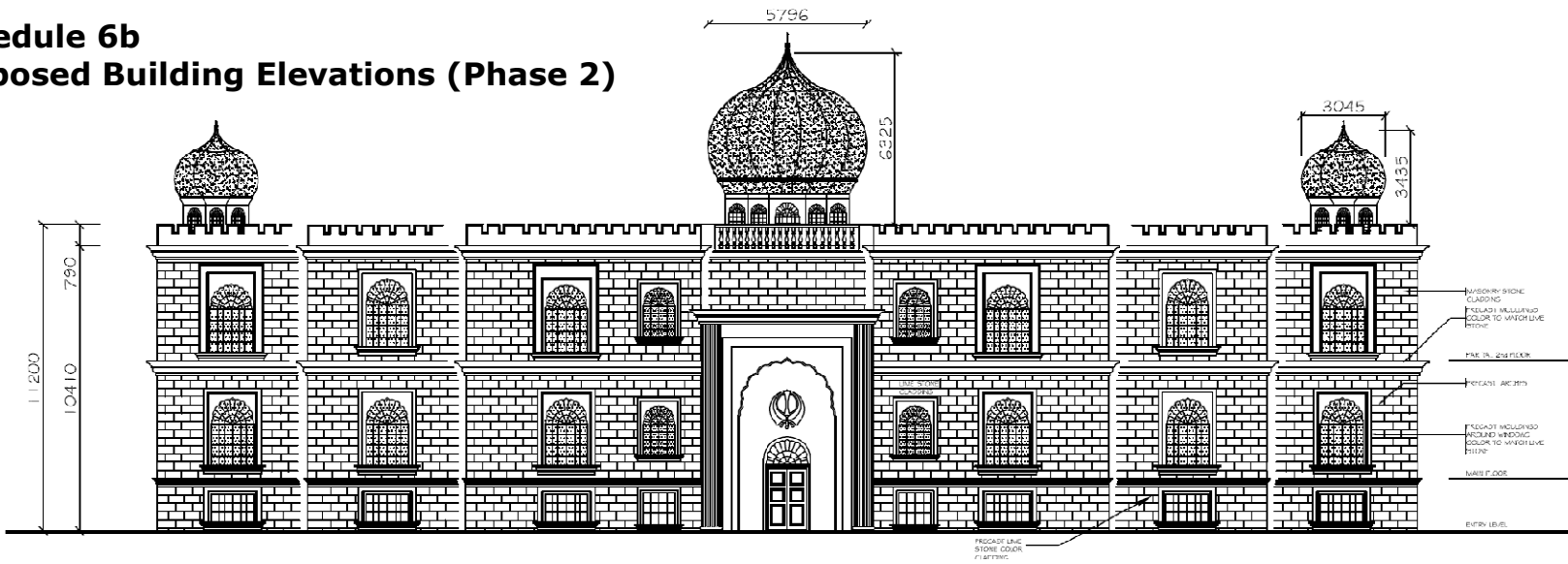


REAR OR EAST ELEVATION

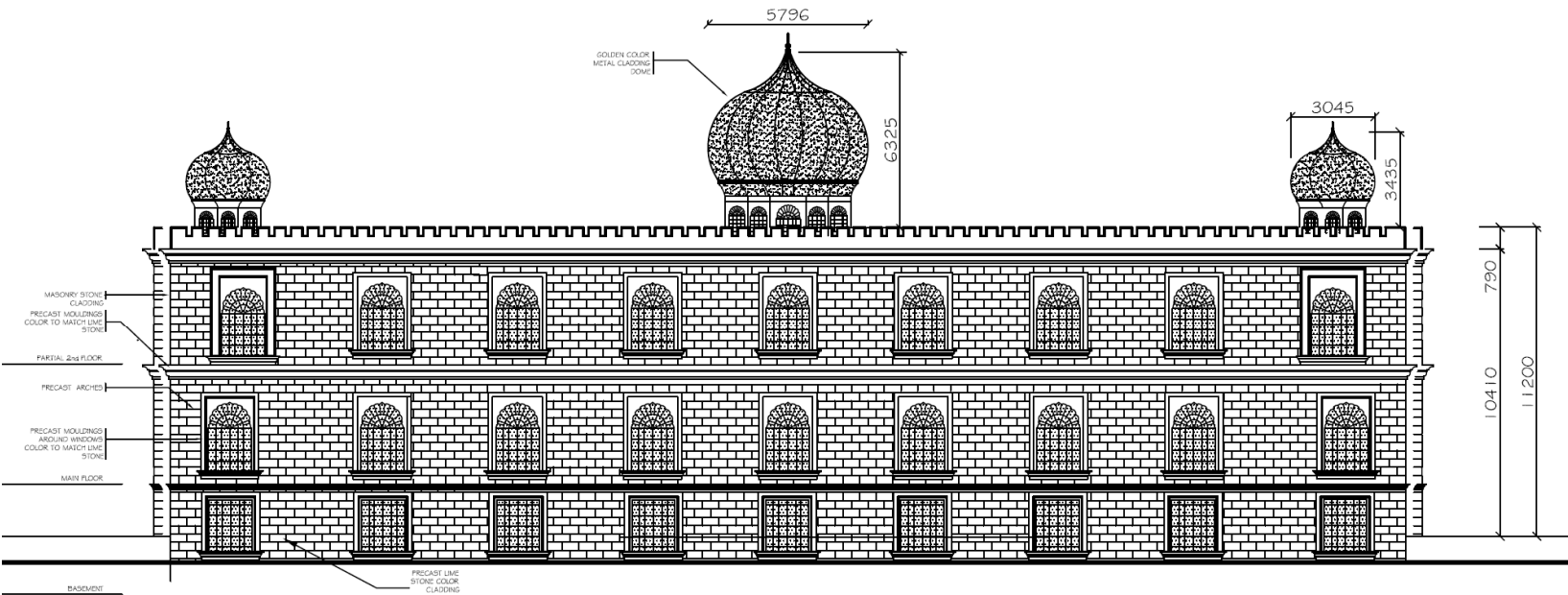
Schedule 6a cont'd
Proposed Building Elevations (Phase 1)



Schedule 6b Proposed Building Elevations (Phase 2)

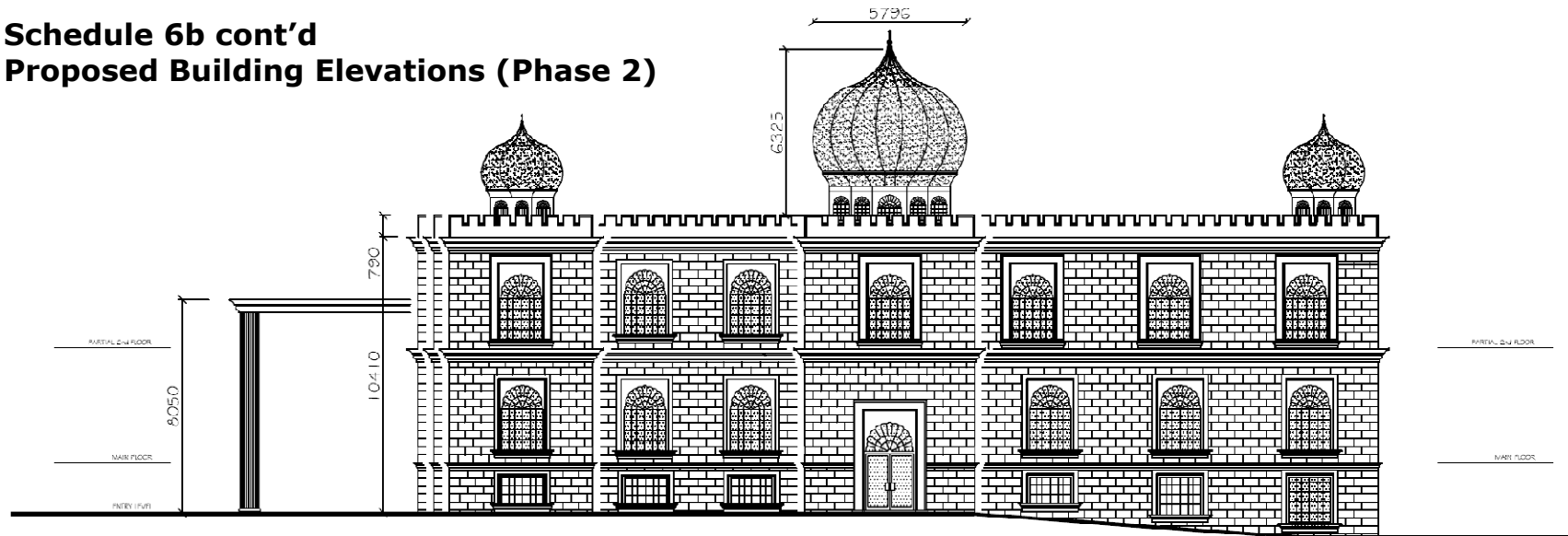


FRONT OR WEST ELEVATION

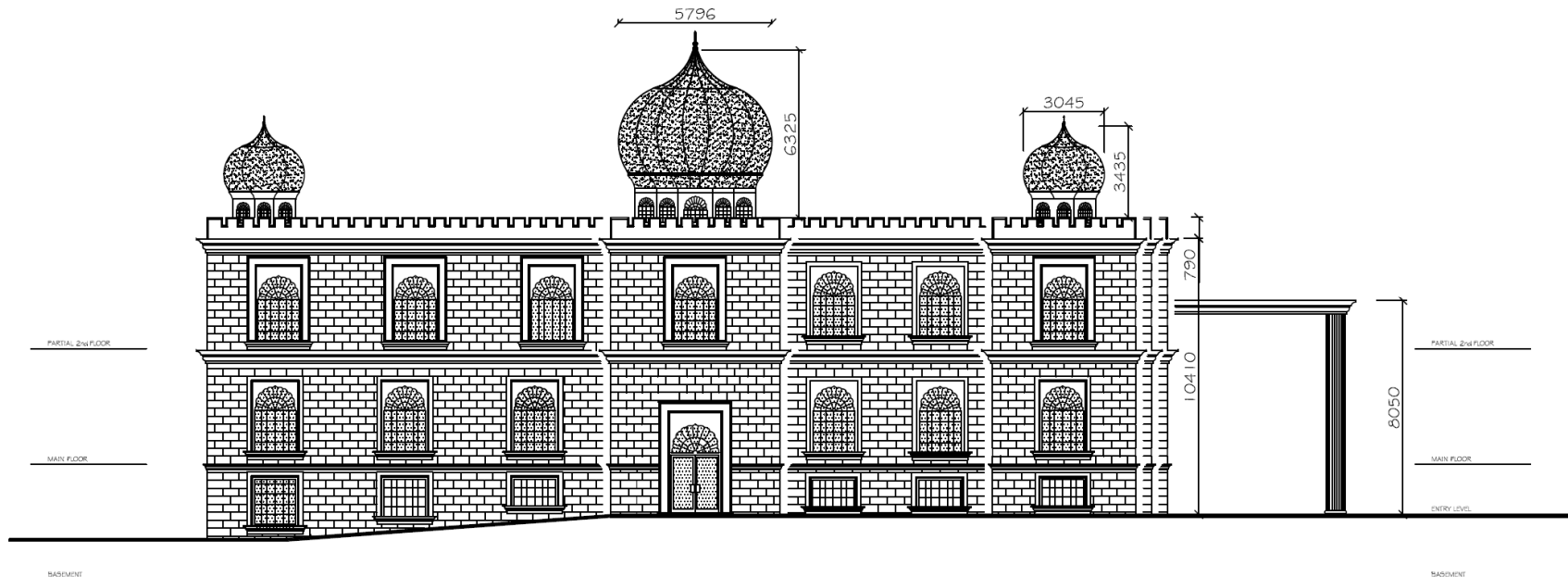


REAR OR EAST ELEVATION

Schedule 6b cont'd
Proposed Building Elevations (Phase 2)



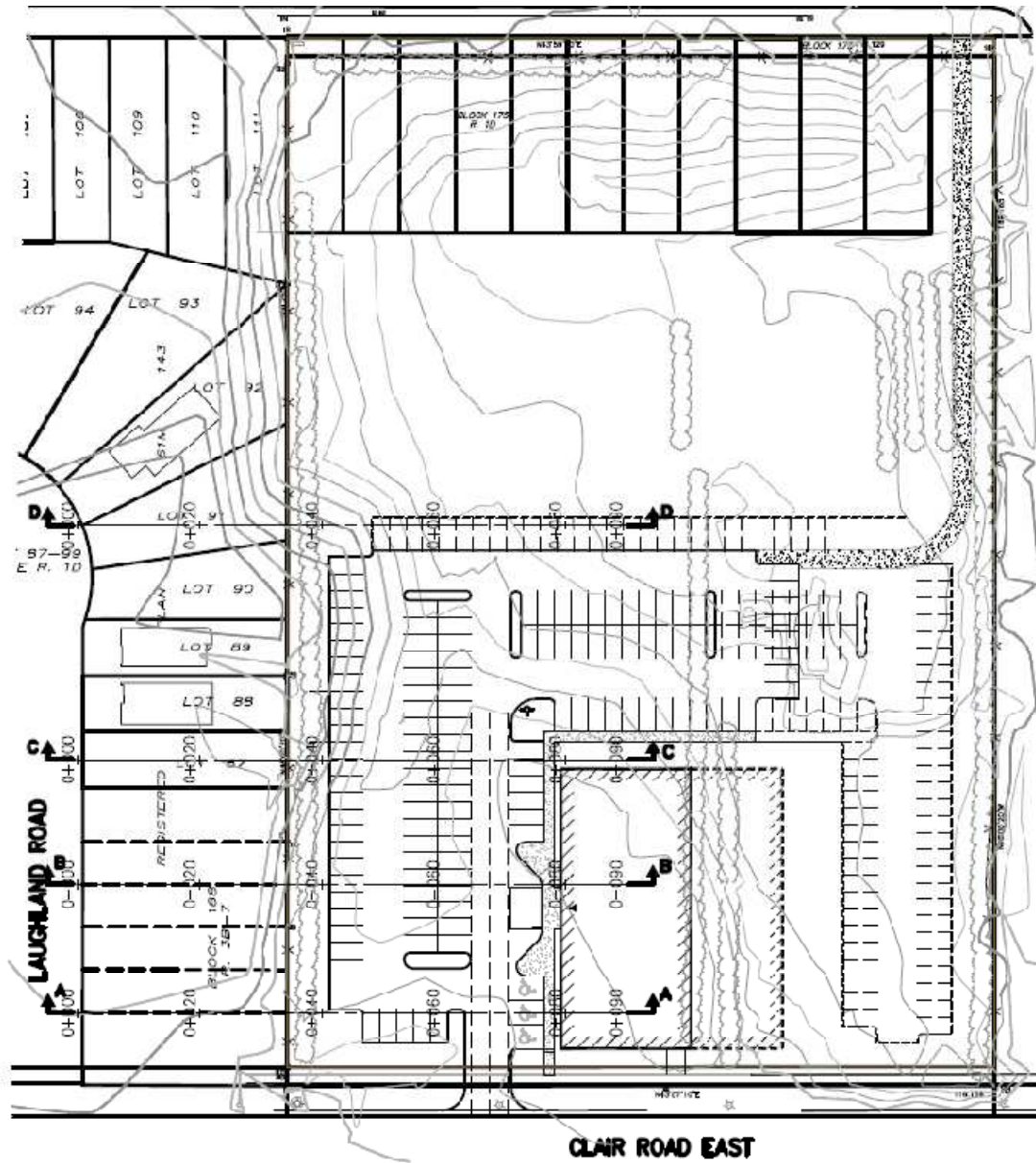
FRONT OR SOUTH ELEVATION



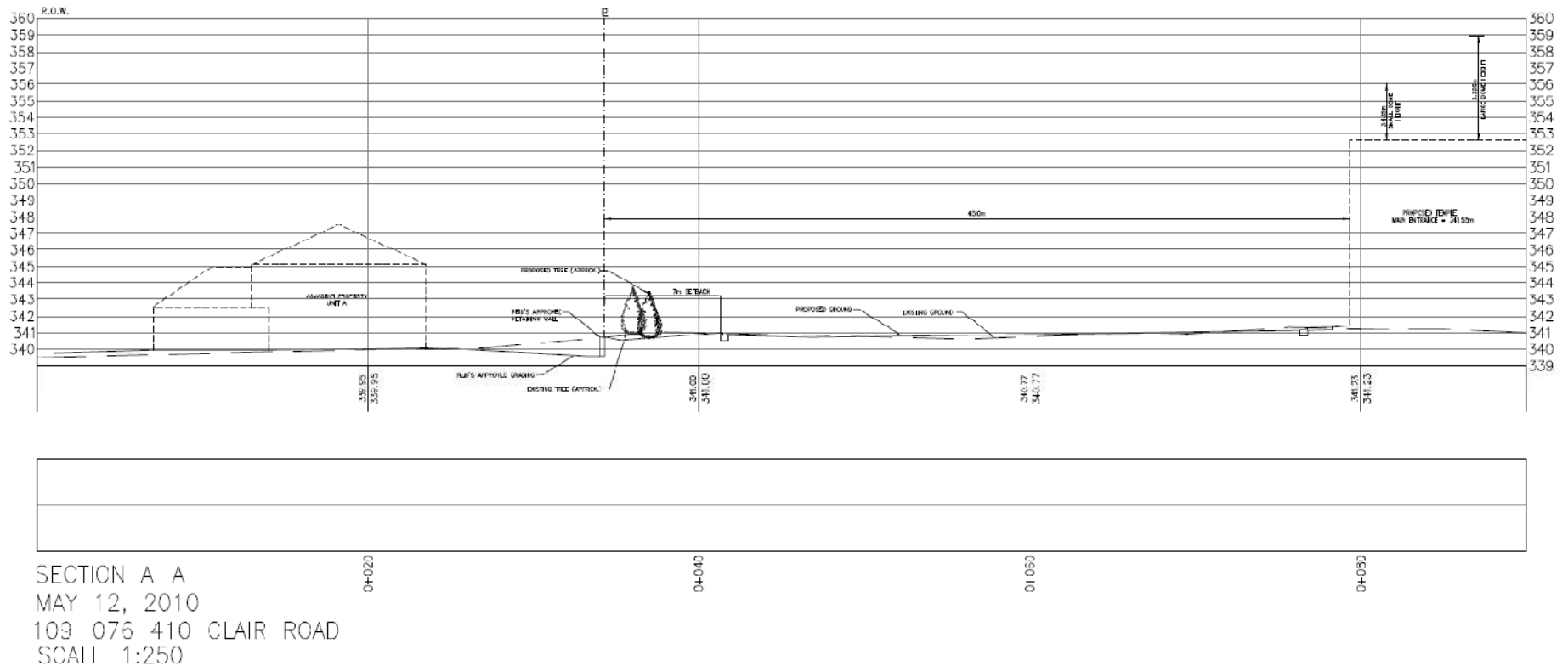
REAR OR NORTH ELEVATION

Schedule 7 Site Cross-Sections

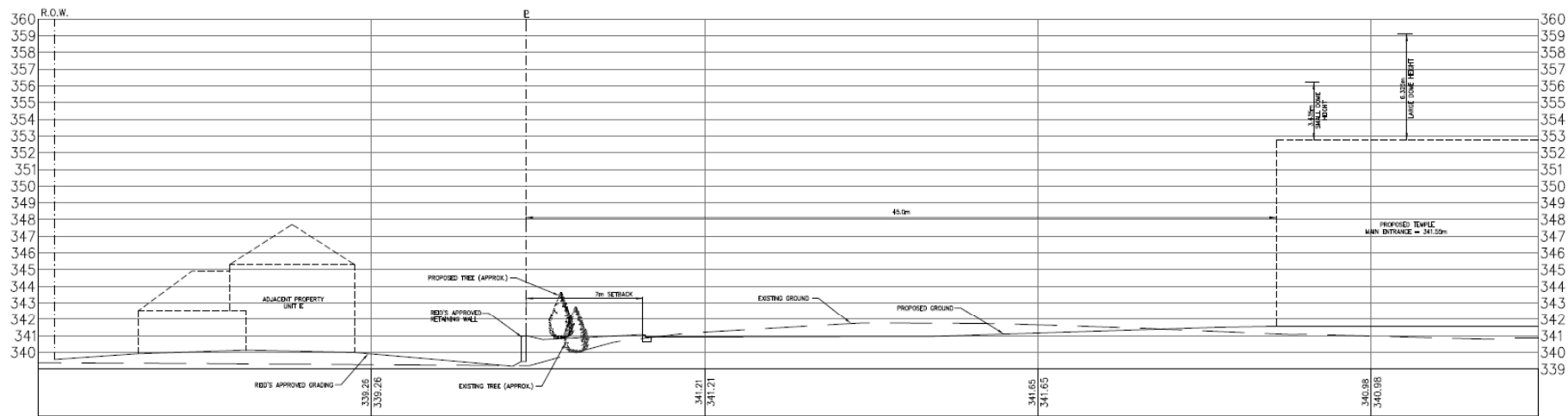
Reference Map:



Schedule 7 cont'd
Section A-A (see reference map on previous page)

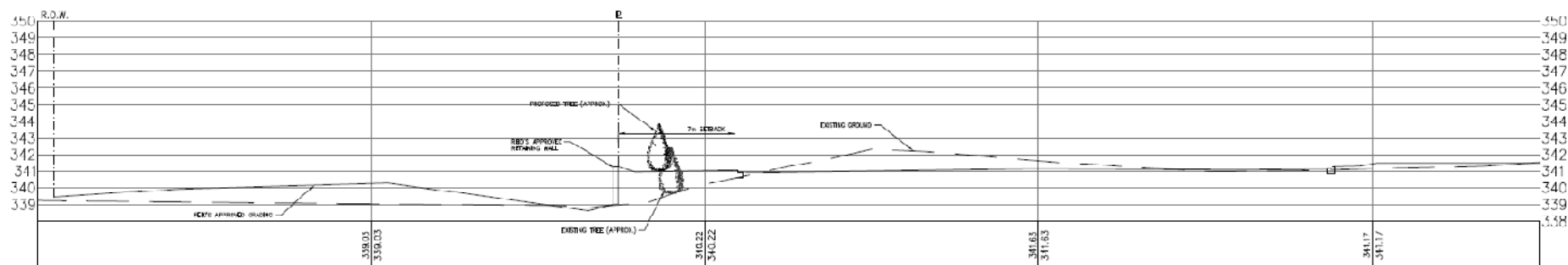


Schedule 7 cont'd
Section B-B



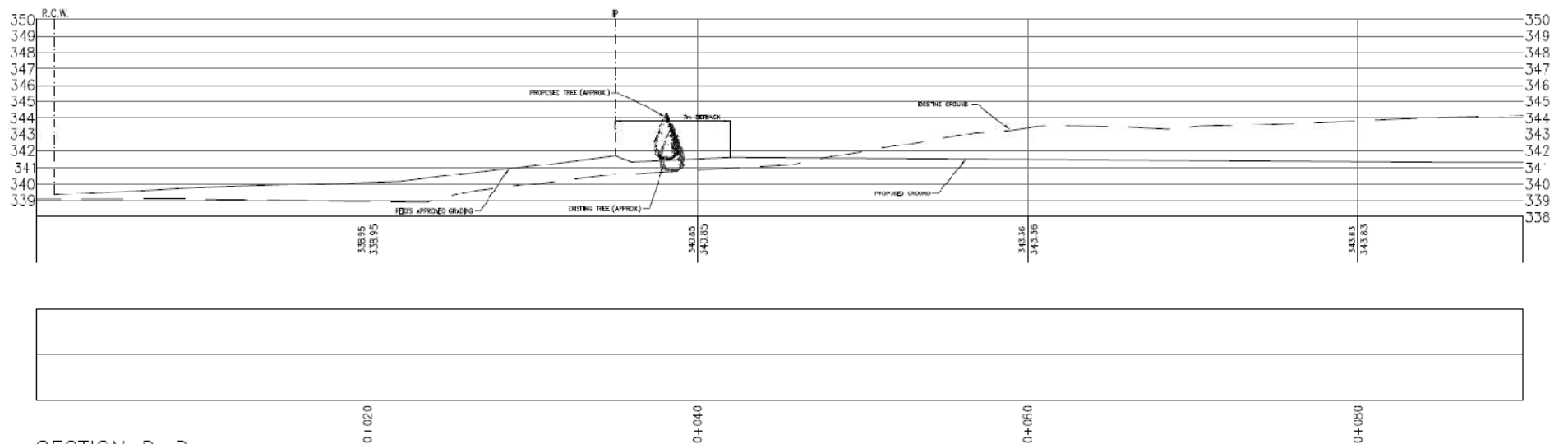
SECTION B-B
MAY 12, 2010
109-076 410 CLAIR ROAD
SCALE 1:250

Schedule 7 cont'd
Section C-C



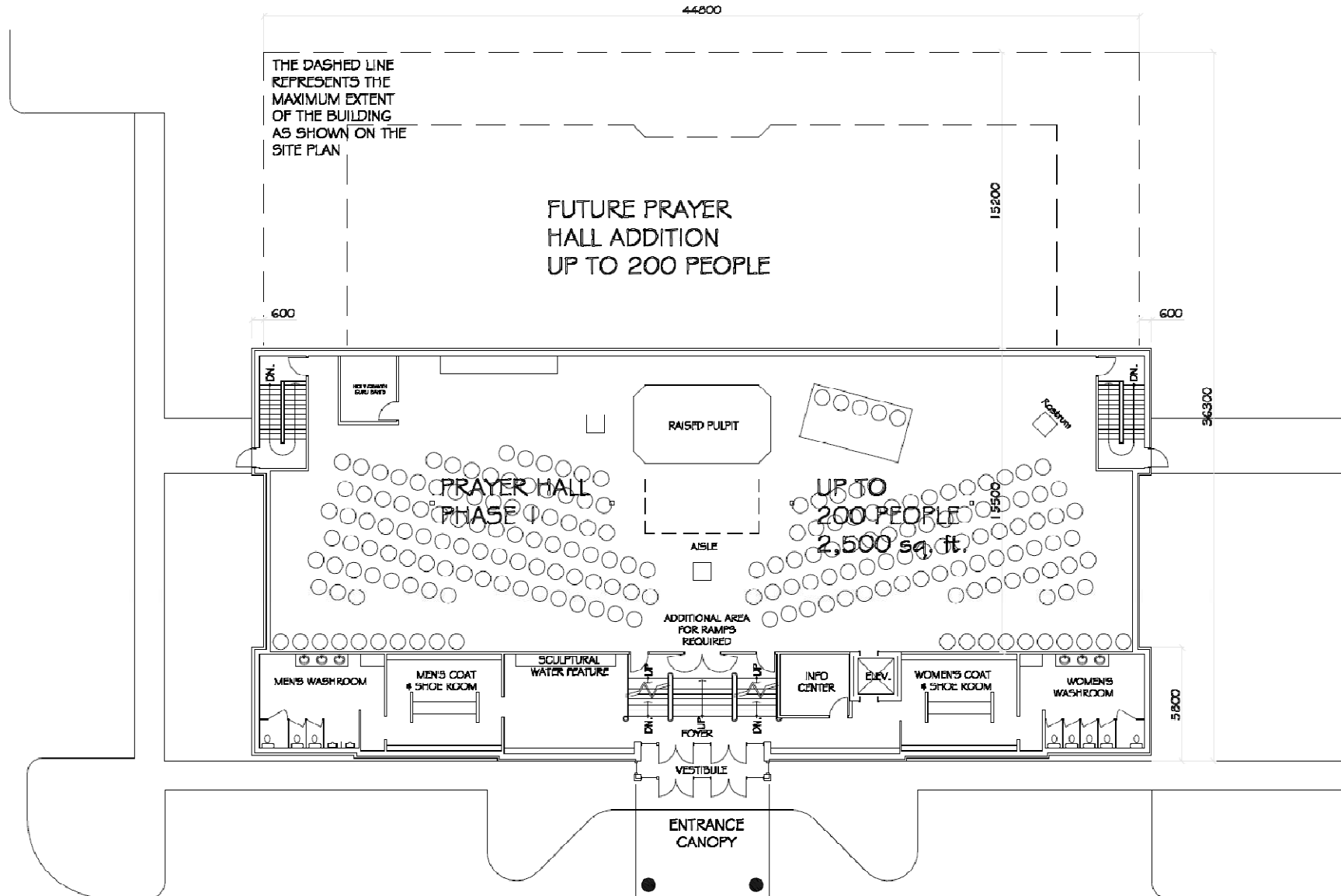
SECTION C-C
MAY 12, 2010
109 076 410 CLAIR ROAD
SCALE 1:250

Schedule 7 cont'd
Section D-D



SECTION D-D
MAY 12, 2010
109-076 410 CLAIR ROAD
SCALE = 1:250

Schedule 8 Proposed Building Layout

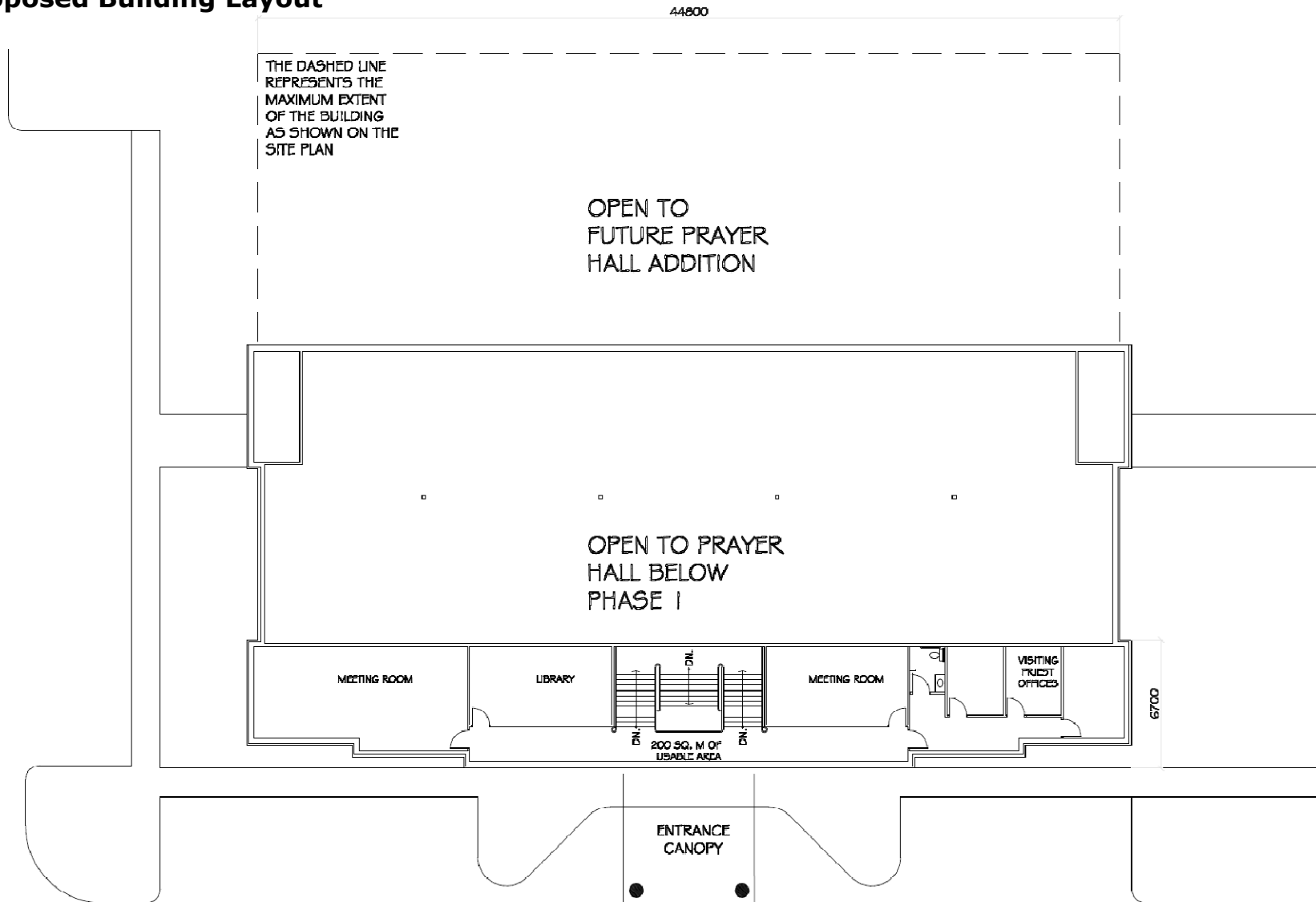


GUELPH SIKH TEMPLE PRELIMINARY MAIN FLOOR PLAN

J. WILLIAM BIRDSSELL, ARCHITECT

MAY 12, 2010

Schedule 8 cont'd
Proposed Building Layout



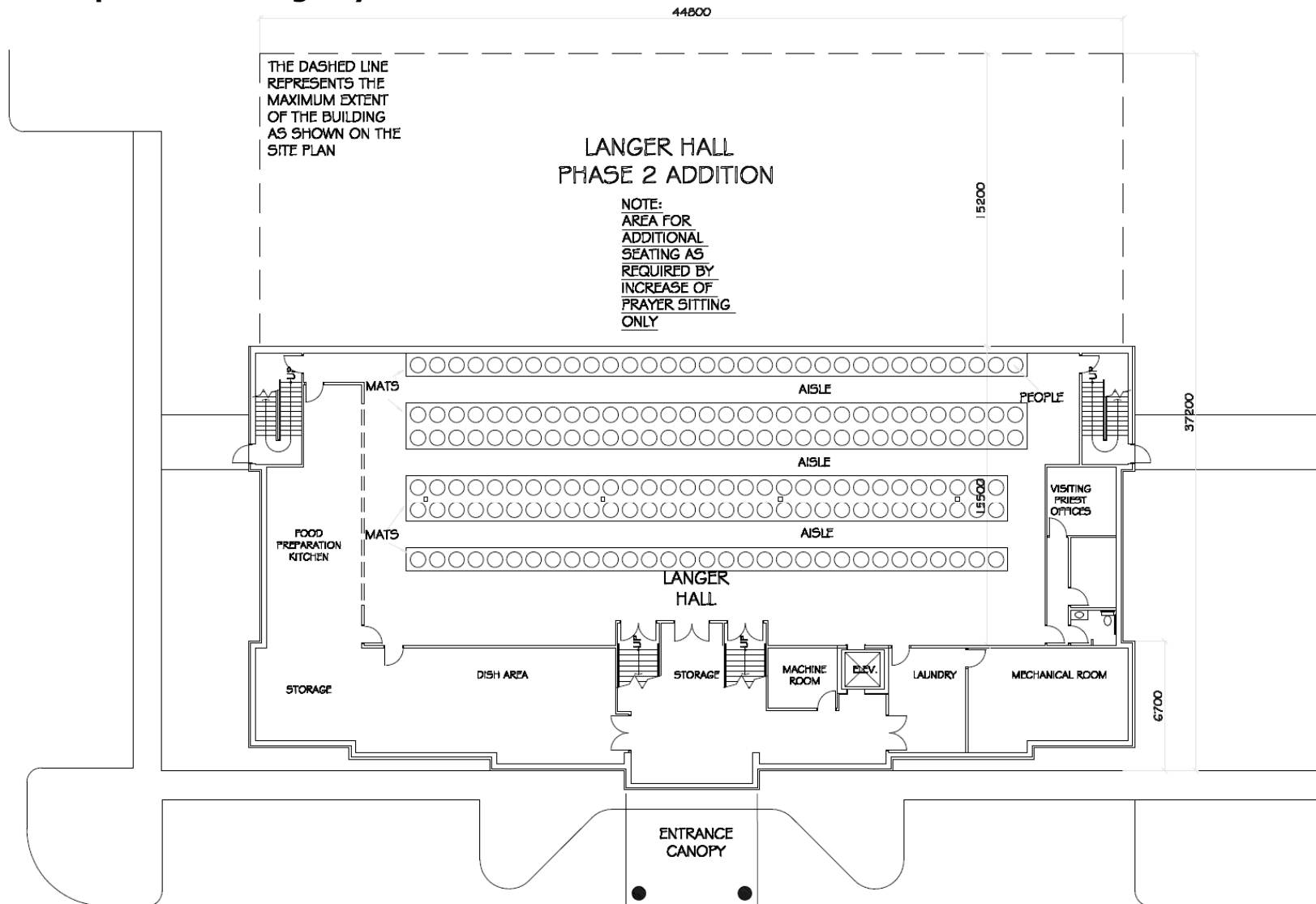
GUELPH SIKH TEMPLE
PRELIMINARY 2ND FLOOR PLAN

J. WILLIAM BIRDSELL, ARCHITECT

MAY 12, 2010

Schedule 8 cont'd

Proposed Building Layout



J. WILLIAM BIRDSSELL, ARCHITECT

Page 32 of 66

GUELPH SIKH TEMPLE PRELIMINARY BASEMENT PLAN

MAY 12, 2010

CITY OF GUELPH COUNCIL REPORT

Schedule 9

Staff Response to Issues

This schedule provides a staff response to all issues outlined in the main body of the report.

1. Conformity of the proposal with the Official Plan

Staff Comment:

- The subject site is designated “General Residential” in the Official Plan, intended for a range of residential uses and complementary uses.
- Section 7.2.26 of the Official Plan states, “a variety of small scale institutional uses may be permitted that are complementary to, and serve the needs of residential neighbourhoods. Such non-residential uses include: schools, churches, day care centres, municipal parklands and recreational facilities”.
- The proposed religious establishment is considered small-scale according to the Official Plan (Proposed Gross Floor Area: 1972 square metres, Height: 11.2 metres)
- Other existing small scale institutional uses in Westminster Woods Subdivision include:
 - The existing St Paul’s Catholic Elementary School at 186 Clairfields Drive East (Gross Floor Area: 4841 square metres, Height: 10 metres)
 - The new public elementary school under construction at 140 Goodwin Drive (Gross Floor Area 4330 square metres, Height 9.2 metres)
 - The new Catholic elementary school under construction at 251 Colonial Drive (Gross Floor Area 5430 square metres, Height 8 metres)
- In the greater area, other schools and religious establishments, including Salvation Army Church on Gordon Street, are also in the General Residential Official Plan designation and considered small scale.
- The proposed religious establishment at 410 Clair Road East is of a similar scale to these uses and meets the intent of the Official Plan.
- The Official Plan has a designation for “major institutional” use which is meant for uses of a much larger scale, like hospitals, colleges and the university campus.
- Section 7.2.27 provides criteria for the development of such non-residential uses in a manner that is compatible with adjoining residential properties and which preserves the amenities of the residential neighbourhood. These criteria are:
 - a. *Be located on an arterial or collector road;*
 - i. The proposed religious establishment would front on Clair Road East, which is designated as an arterial road. No vehicular access is proposed from Goodwin Drive.

b. Be located on the property in a manner which minimizes the impact of traffic, noise, signs and lighting on adjoining residential properties;

- i. The only vehicular access to the site is proposed to be from Clair Road. A traffic study has been completed by Paradigm Transportation Solutions and has been reviewed and supported by engineering staff. The study determined that traffic to the site would use Clair Road to access the site. Surrounding homes within the Westminster Woods subdivision are accessed via local streets, including Goodwin Drive and would not be directly impacted by the additional amount of traffic that would be generated on Clair Road. Engineering staff are satisfied that the amount of traffic generated from the site will not impact Clair Road and no upgrades to Clair Road are required to accommodate this use.
- ii. There is no known noise impact associated with the proposed religious establishment use. Activity will take place inside the building. This use, like any use in the City, is subject to the City's noise by-law which is enforced 24 hours a day, seven days a week. Staff also note that the proposed building is 45 metres from the westerly lot line where there are existing residential lots. This distance should also minimize any noise coming from people entering and leaving the building.
- iii. Lighting of the proposed building and parking lot can be accomplished in a way that would prevent light impact on neighbouring properties. Lighting can be oriented and designed in a way to minimize impact on adjacent properties and the applicant has agreed that parking lot lights can be put on a timer so they are set to go off overnight. Lighting plans are generally approved as part of the site plan approval process, and a specific condition (condition 1b) has been included in **Schedule 2** requiring a detailed lighting plan, with an agreement to shut the parking lot lights off overnight to mitigate concern about impact from lighting.

c. Have adequate landscaping and screening to promote compatibility with adjacent activities;

- i. The applicant has moved the building further away from the existing residential dwellings in the Westminster Woods subdivision to the west of the site. The applicant has also provided a 7 metre buffer strip between the parking lot and existing residential lots to the west. The wider buffer area provides opportunities for retaining some of the existing trees near the property line and provides more space for trees, fencing, and additional landscaping to screen the parking area and building from the residential lots to the west. A special regulation (see **Schedule 2**) has been added to require the 7 metre wide buffer strip along the westerly side of the site and a

condition (condition 1c) has been included requiring enhanced landscaping and buffering along the westerly property line as part of the landscape plan to be submitted during the site plan review process.

- ii. The building itself is situated 45 metres away from the property line to the west. This is far beyond the 6 metres that is required in the Zoning By-law. To provide certainty regarding building location, a condition has been added to the zoning (Condition 1.a) that the applicant agrees to develop the site generally in keeping with the site plan proposed in **Schedule 5**.
 - iii. Regarding landscaping and screening, it should be noted that the previous rezoning to permit a nursing home did not have any special regulations to require an additional buffer area and the proposed nursing home building was proposed to be setback 6 metres from the westerly property line. The entire site was proposed to be graded and no trees were proposed to be saved. **Schedule 11** shows the proposed location of the nursing home building in the previously approved zone change on these lands compared to the location of the proposed religious establishment.
 - iv. As proposed, there is also adequate space at the rear and east of the proposed religious establishment building to provide an adequate buffer and additional landscaping from the proposed residential lots that would front on Goodwin Drive and future residential on the undeveloped lands to the east. The building is proposed to be situated approximately 45 metres from the westerly lot line, 88 metres from the backs of proposed residential lots that front on Goodwin Drive and 120 metres from Goodwin Drive itself. Also, the building is approximately 35 metres from the easterly lot line, where a mix of future medium density residential and commercial uses is proposed as the final phase of Westminster Woods subdivision.
- d. *Have sufficient off-street parking, circulation and access points; and*
- i. In accordance with the City's Zoning By-law requirements, the first phase of the proposed building requires 125 spaces. As shown in the site plan in **Schedule 5**, 125 spaces are provided. The second phase would require a total of 200 spaces if the site was built to the 2000 square metre maximum as recommended. The second phase of the site plan, as shown in **Schedule 5** shows 218 parking spaces proposed.
 - ii. The proposal meets the City Zoning By-law regulations for parking for religious establishments. Zoning By-law Regulations require 1 parking space per 10 square metres of Gross Floor Area for a religious establishment with no fixed seating. The

Zoning By-law measures Gross Floor Area as the total floor area of the building to the exterior face of outside walls, but does not include the basement (See **Schedule 10** for full definition).

- iii. Staff are satisfied that additional parking is not needed for the basement because the basement is proposed to be used for food preparation and dining, as an accessory use to the worship area on the main floor. According to the applicant, activity in the basement would take place following activity on the main floor worship area and would not be used at the same time. This is similar to several other religious establishments in Guelph, which have kitchen facilities and dining halls in their basements. **Schedule 14** provides an overview and comparison of existing accessory uses and sizes and parking requirements of other religious establishments in Guelph.
 - iv. Engineering staff have reviewed the preliminary site plan as shown in **Schedule 5** and have no concern about traffic circulation and access to Clair Road as proposed.
 - v. There is additional room on the site that could be used for parking if needed.
- e. *Have adequate municipal services.*
- i. Engineering staff have reviewed the proposed plans and determined that the site can be provided with adequate municipal water, sanitary and stormwater services.

2. Traffic and Parking Concerns

a. Whether the proposed use would cause traffic problems on local streets and Clair Road

Staff Comment:

- The applicants were asked to submit a traffic study to determine whether the proposal would cause any local traffic problems. Staff have reviewed the traffic study and are supportive of its findings (see **Schedule 16** for detailed staff comments). All traffic would access the site via Clair Road East. Clair Road, east of Beaver Meadow Drive to Victoria Road is proposed to remain as two lanes and no additional upgrades are warranted. Given the volumes of traffic proposed and that the peak use of the site is primarily at off-peak hours (weekends, especially Sunday mornings), Engineering staff are satisfied that there is adequate capacity on Clair Road to accommodate the additional traffic proposed to the site. Local streets within the Westminster Woods subdivision would not be impacted by traffic, as people driving to the site from outside of the neighbourhood would need to use Clair Road to access the site.

b. Additional traffic and pedestrian safety concerns on local streets

Staff Comment:

As noted above, additional traffic on local streets is not anticipated. Since people will be using Clair Road East to access the site, the proposed development will not impact local street and pedestrian safety.

c. If people using the site would be allowed to park on local streets

Staff Comment: Currently parking is permitted on local streets in the Westminster Woods subdivision. Parking is not allowed overnight during winter months to facilitate snow removal.

There is ample parking on-site and additional space exists for parking, so it is unlikely that anyone would choose to drive into the subdivision to park on a local street when there is space on site. Given the distance from Goodwin Drive to the building (over 150 metres to the main entrance, it is unlikely that anyone but nearby residents would walk to the site. Based on this proposal, there is no reason to restrict parking on neighbouring streets at this time.

d. Whether the proposed parking area is adequate

Staff Comment:

- The first phase of the proposed building requires 125 spaces. As shown on the site plan in **Schedule 5**, 125 spaces are provided. The second phase would require a total of 200 spaces (or 75 additional spaces) if the site was built to the 2000 square metre maximum. The second phase of the site plan in **Schedule 5** shows 218 parking spaces proposed. There is still room for a playing field behind the site and a 7 metre wide buffer strips on westerly property line.
- Any proposed use needs to demonstrate that adequate on-site parking can be provided. In this case, because the site can easily provide the number of parking spaces required in the Zoning By-law and has a good amount of additional space being used as landscaped and open space that could be converted into additional parking area, parking can be adequately accommodated on site.
- In total, the site could hold approximately 340 spaces, accommodate the proposed building (both phases) and still meet all zoning requirements regarding setbacks and landscaping. This number is dependent on how the parking is configured. Planning staff do not recommend building more parking than is required by the Zoning By-law.
- Staff also reviewed other municipalities' parking and zoning requirements to see if Guelph's were similar. The results of this review are found in **Schedule 12**. Staff paid careful attention to the recent review and proposed regulatory changes in Brampton regarding religious establishments. Staff were satisfied to see that the proposed new Brampton regulations would provide a similar parking requirement to Guelph current regulations (Proposed Brampton Regulations would require 193 spaces and Guelph requires 198 spaces for a 1972 metre Gross Floor Area). A new Sikh temple that is currently under construction currently in Brampton is proposed to be 1497 square metres in

Gross Floor Area and required to have 80 parking spaces. Also, the existing Sikh Temple just outside of Kitchener is 2330 square metres in size and has 123 parking spaces.

3. Site Design Concerns

a. Capacity to service the site

Staff Comment: Engineering staff review the proposed site design and use and have no concern regarding ability to provide water, sanitary and stormwater service to the site. Water and sanitary lines are available on Goodwin Drive and would be accessed via the proposed servicing/pedestrian corridor in the northeast corner of the site. Staff note that any development of the site would require services from Goodwin Drive as they are not available along Clair Road East. Engineering staff comments can be found in **Schedule 16**.

b. Site and parking lot lighting impact

Staff Comment: As noted under issue 1b earlier in this schedule, lighting impact concerns can be addressed through the site plan approval process. Lighting can be designed to direct light onto the parking surface and away from the residential area. Also the applicant has confirmed that the parking lot lighting is not needed overnight and have offered to put timers on the parking lot lights to have them shut off automatically in the evening. As noted earlier, a condition has been included in the zoning (See **Schedule 2**, condition 1.c.) to ensure that a lighting plan is provided as part of the site plan application.

c. Exterior garbage facilities

Staff Comment: The applicant has determined that the amount of garbage produced from the site use will be minimal, so they have opted to store any waste within the building. No outside storage of garbage is proposed.

d. The function of the servicing and pedestrian corridor to Goodwin Drive

Staff Comment: The proposed plans show a portion of the R.4A-34 zoned property extending to Goodwin Drive along the easterly property line. This portion of the property is approximately 10 metres wide and is needed to access servicing infrastructure located on Goodwin Drive.

- The Goodwin Drive access to the site serves two purposes. The main purpose is as a servicing corridor, providing water and sanitary services to the site from Goodwin Drive. The second purpose of this corridor is to provide a pedestrian access to the site. This would permit neighbourhood residents to walk to the site and better connect the site to the neighbourhood.
- Earlier versions of the site plan noted the potential for using the access to Goodwin Drive as a second, emergency vehicle access. Engineering services has determined that there is no need for a second access for emergency vehicles. A second access is not required because the building is located adjacent to Clair Road and can be accessed by emergency vehicles.
- The corridor is proposed to be 10 metres wide to accommodate the underground services and access to them without affecting neighbouring properties.

-
- The 10 metre wide corridor also provides a wider and more aesthetically pleasing area to walk through to the site.
 - The walkway provides a pedestrian connection to the site so that neighbourhood residents do not need to walk around the outside of the neighbourhood to access the site. In this way the site is better integrated with the neighbourhood by having the walkway.
 - Staff have identified the need for additional sports fields in this area. The applicant is willing to discuss with the City the potential for the City to book its proposed playing field for City-organized sports. Potential public use of the sports field is an additional reason to maintain a walkway to the neighbourhood from the site.
 - Bollards can be placed at either end of the walkway to prevent vehicles from using that area. Also, no curb cut is planned along Goodwin Drive, which further discourages vehicles from attempting to access the site from Goodwin Drive.

e. Maintaining existing trees along the westerly portion of the site

Staff Comment: The applicant has revised their grading plan to save some of the existing trees along the westerly side of the site. Because there are significant grade changes along the westerly side of the site, grading is required in order to manage stormwater runoff on site. The applicant and city staff have worked together and determined it is possible to save trees along the westerly lot line behind the townhouse units on Laughland Lane in Block 168 and behind lot 92 on Laughland Lane (see site plan in **Schedule 5**). It is not possible to save all of the trees along the westerly portion of the site because of the significant existing grade changes and grading required for development. It is also important to match the grades to the approved grades for the residential lots along Laughland Lane in Westminster Woods to ensure that drainage on both sites works.

Approval of the current application would serve to retain more trees than the previous nursing home application because the previously approved grading for the site and proposed building location required all trees to be removed.

The applicant has also agreed to replanting some of the smaller existing trees on the site and to compensate with new plantings for those that must be removed. Condition 2 in the zoning (see **Schedule 2**) ensures that this will take place by requiring a detailed tree retention and compensation plan.

f. Public involvement in the site plan review process

Staff Comment: The applicant has agreed to, and Staff support, the request for public review of the proposed site plan as a condition of the rezoning. Staff suggest that once a detailed site plan is developed as per the zoning condition, with full details regarding grading, drainage, lighting, and landscaping, that a process be set up to notify nearby properties and that local residents be able to review these drawings, discuss them with staff and the applicant, and be able to provide comments. This has been included as a condition of the zoning approval (see **Schedule 2**, condition 1d).

4. Building Design Concerns

a. Building Height

Staff Comment: Originally the building was proposed to be 11.6 metres high. The applicant reviewed the location of existing services and was able to lower the building slightly so it is now proposed to be 11.2 metres high. On the roof of the building, one dome is proposed in the first phase; this dome would sit on the centre of the roof and be approximately 6.3 metres high and 5.8 metres wide at the widest point. This dome would have windows around its base to let light into the main floor of the building. In the second phase of the building, 4 additional domes are proposed, one in each corner of the building. These domes are proposed to be approximately 3.4 metres in height, and 3 metres wide at the widest point. Building elevations and heights for both the first and second phase are shown in **Schedule 6**. The zoning by-law measures height to the roofline and exempts additional structures on buildings such as chimneys, steeples and decorative elements such as cupolas. The proposed domes would be exempt from the height regulations for this reason. See **Schedule 10**, to review the full list of exemptions as per regulation 4.18.1.

The previously proposed nursing home had a height cap in the zoning regulations of 3 storeys. The building was proposed to be 11.5 metres in height. Because this building is a similar height, though only two storeys, staff find it more appropriate to provide a specific regulation in the zoning to limit the height of the proposed religious establishment to 11.5 metres. Staff note that because the proposed nursing home building was located close to the westerly lot line, it would have had a much greater visual impact on the adjacent westerly properties than the proposed religious establishment.

Site cross sections provided in **Schedule 7** show the location and height of the proposed building in relation to the proposed and existing dwelling units on Laughland Land, given the current and proposed grades at four points in the site (See cross sections A-A, B-B, C-C and D-D in **Schedule 7**). These cross sections show how the grade differs along the existing property line and the existing and proposed grading for 410 Clair Road East. The grades shown on the residential properties along Laughland Lane are the approved grades for that phase of the Westminster Woods subdivision. Because construction is still ongoing in this area, final grading is not yet complete.

b. Building Size

Staff Comment:

The building is proposed to have a total Gross Floor Area of 1972 square metres, built in two phases. The Zoning By-law measures Gross Floor Area as the total floor area of the building to the exterior face of outside walls, but does not include the basement (See **Schedule 10** for full definition). The Gross Floor Area consists of the main floor proposed to be 1672 square metres and a partial second storey of 300 square metres. In addition, a full basement is proposed.

Other religious establishments in the City have been reviewed to determine whether the size of this proposed facility was similar (see **Schedule 13**). Staff found that a few local religious establishments, including Salvation Army church, were larger.

To limit public concern regarding a larger structure being built, planning staff recommend a zoning regulation that limits the religious establishment building to a maximum 2000 square metre Gross Floor Area. This would permit the building to be built as proposed, but not allow any further expansion without a new planning application and public review. Given the size of the site, the proposed location of the building on the site, and the specialized regulation to limit size, the proposed size of the building is appropriate for this location.

c. That the architectural design of the building is different from existing residential areas to the west and north of the site

Staff Comment:

The applicant's architect has provided an explanation of the architectural style of the building, which is found in **Schedule 6**, together with the proposed building elevations. The building is proposed to be built with light-coloured limestone masonry.

Staff agree that the building massing is appropriate given the size of the site and distance from existing residential. In addition, staff will review detailed building elevations during the site plan review process to ensure that elevations and materials proposed remain compatible with adjacent lands.

In general, religious establishments and institutional sites have a different architectural style than surrounding residential uses, often reflecting the religion or culture they are affiliated with. Examples of this can be found throughout the City. In this case, the building is separated from existing residential lands in Westminster Woods (at least 45 metres) and as such, the architectural style, while different from the surrounding neighbourhood, is separated enough that it will not impact compatibility with neighbouring properties. This site is not part of the Westminster Woods subdivision and does not need to conform to the same architectural style that is found in Westminster Woods.

5. Building Use

a. When and how the building will be used

Staff Comment:

- According to the applicant, the building will mainly be used Sundays from 9 am – 1 p.m. and intermittently throughout the week. Members that visit during the week mainly attend the site in mornings or early evenings. In addition, religious holidays are usually celebrated on the weekend, even when they fall during the week and weddings take place on weekends as well.
- The applicant's architect has provided proposed interior layouts of the building as shown in **Schedule 8**. The main floor is proposed to be 1672 square metres in total and would consist of a foyer, coat rooms, washrooms

and a prayer hall. Prayer hall seating is on the floor, with space for aisles and walkways.

- The second floor is a partial storey of approximately 300 square metres. It contains office, meeting room and library space.
- The basement consists of a kitchen and dining hall. This area is meant to be used following a service on the main floor for dining and fellowship. Dining room seating is shown in **Schedule 8** on the floor on mats.
- It is important to the Guelph Sikh Society that the building remain open 24 hours a day, seven days a week. This does not mean that people will be at the site all the time, but that they do have the option to visit the building at any time.
- To assist in the understanding of the expected operation of the proposed Sikh temple, Planning Staff have carefully monitored activity at an existing Sikh temple located in Wilmot Township just west of the City of Kitchener over the past three months. This temple was chosen for comparison, as it is similar in size to the proposed facility, with a total floor area of approximately 2330 square metres and a sanctuary space of approximately 1500 square metres. Information from the Township indicates that the approved site plan identifies 123 parking spaces and this was confirmed during the first site visit.
- The site was visited by Planning staff at random times over a period of three months including Sunday services, Saturdays and at various times during the evenings from 6 pm to 1 am to assess afterhours use. The assessment indicated that the peak use was on the regularly scheduled Sunday services 10 am to 2 pm, where the parking lot was well used (85 to 100 cars observed). One wedding on a Saturday was captured (40 cars) and several cars (up to three) were observed in the early evening on several occasions. On all random visits after 8 pm (i.e. 8 pm to 1am) no vehicles were observed. The overall conclusion was that this facility was operating no differently than other religious establishments and in keeping with the information provided by representatives from the Guelph Sikh society.

b. Noise

Staff Comment: Noise has been raised as a concern, but because on-site activity is meant to occur within the building, staff find that there will be little noise occurring outside the building. Through the City's Noise Control By-law, by-law enforcement officers will be able deal with any noise issues in the area and enforce the by-law 24 hours a day, 7 days a week.

c. Concern about building capacity

Staff Comment:

The Ontario Building Code contains specific regulations which limit the occupancy of a building and this calculation is determined by a variety of factors. In a religious establishment, occupancy can be limited by factors such as the number and width of exterior doors, number of washrooms available and overall size and seating area. When chairs are not provided, as in the current proposal, the Building Code does not have a provision for floor seating, only for standing room.

In this case for the first phase of the building, Building Code Occupancy would provide the following limits:

- Number of washrooms shown (150 people per toilet/urinal) – 1500 people
- Building area of the Prayer Hall only (Based on 0.4 metres of standing room) (44.8m x 15.5m = 694.4m² / 0.4) – approximately 1736 people
- Number of Exits shown (two exits stairs & four vestibule doors) – approximately 713 people.

In such a case, the maximum building occupancy would be based on the lowest number, so in this case, the maximum building occupancy would be 713.

There is also a section of the Building Code, Section 3.1.17.1(2) which permits the building architect to post and limit the permitted population for the building or for specific rooms such as the proposed prayer and dining halls. The applicant is proposing to have the architect post the population limit in each of the dining hall and prayer hall to 200 people in the first phase and a total of 400 people in the second phase.

Staff note that parking requirements are tied to building size and type of use, but never to building capacity. Building capacity, as set out in the Building Code is used to determine maximum occupancy for safe use of a building (in terms of occupancy load and fire safety requirements) but is not used or regulated by the Zoning By-law, which determines land uses and associated regulations. For example, the Salvation Army Church on Gordon Street has a building occupancy load of 1372 people, but is required by the Zoning By-law to have 179 parking spaces.

6. How Guelph's parking and zoning requirements compare to other municipalities, specifically Brampton and Toronto

Staff Comment:

- Planning staff were asked by Council to review the parking requirements for religious establishments in other municipalities. Staff reviewed the Zoning By-law requirements of other municipalities as shown in **Schedule 12**
- Staff reviewed regulations in Guelph, Kitchener, Hamilton, London, Brampton and Markham in the table in **Schedule 12**.
- Staff found that the amount of parking required in Guelph for this application (198 parking spaces) was similar to the requirements of several other municipalities, though actual requirements ranged from 136 to 365 parking spaces. The wide range is because of the great variation in how parking requirements are developed and applied in the given municipalities.

-
- Staff also reviewed the City of Toronto parking study for Places of Worship (2009). This study recommends updated parking regulations to address the wide variety of parking requirements currently in place from the former municipalities that now make up the City of Toronto. The study noted trends towards larger Places of Worship in the City of Toronto, with accessory uses such as classrooms and meeting halls. The review proposes various regulations based on auto mode split dependent on location within the City. The new proposed City parking standards were 6.9 spaces per 100 square metres of Gross Floor Area for fixed seating establishments and 10.2 spaces per 100 square metres of Gross Floor Area for non-fixed seating. The non-fixed seating requirement is almost identical to Guelph's current requirement of 1 space per 10 square metres of Gross Floor Area.

7. Whether there are other suitable available sites for religious establishments in this area of the City

Staff Comment:

- Staff reviewed available zoned sites and sites that have the potential to be rezoned. These sites are mapped and shown in **Schedule 14**.
- The mapping does not reflect "all" sites in the City zoned for a religious establishment. For example, all schools sites in the City zoned I.1 are also zoned for a religious establishment, but these sites have not all been included on the map since the majority of these sites contain viable school uses where it is not likely that the school will close or convert to a new use in the near term. School sites, however, that are vacant or where there is knowledge of a pending or future disposition have been included (e.g. vacant site on Stephanie Drive, College Avenue school and former Brock Road school on Gordon Street). Similarly, all of the sites in the Downtown core are zoned and most of the commercial centres in the City would also allow for a religious use. These have not been mapped as there are difficulties in assembling these properties for a religious use, although from time to time a smaller congregation will lease space in a commercial plaza for this purpose.

8. For the applicant to show the proposal in the context of the surrounding neighbourhood

Staff Comment: As noted earlier, site cross-sections have been provided in **Schedule 7**. Essentially, the building will be approximately 6 metres higher than the residential dwellings located to the west, about 45 metres away. The distance of the building from the property line on all sides limits the visual impact of its difference in size and height.

9. Comparison of building size with other large religious establishments in the City

Staff Comment:

- Staff reviewed other existing religious establishments in the City of Guelph in terms of site size, building size, building uses and required parking. The results of this are shown in **Schedule 13**.
- The results of the table show a wide variety of lot and building sizes. The Salvation Army Citadel on Gordon Street had the largest Gross Floor Area at 2867 square metres and required 179 parking spaces as per the Zoning By-law. The current proposal at 410 Clair Road East is for 1972 square metres of Gross Floor Area with 218 parking spaces.

10. Evaluation of the proposal against the General Residential policies of the Official Plan.

Staff Comment: See concern 1 in this schedule for additional details. Staff have determined that this proposal satisfies the requirements of the Official Plan regarding non-residential uses in residential areas.

11. Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation.

Conformity with the Provincial Policy Statement (PPS)

Staff Comment:

- The PPS refers to “accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs” as a part of sustaining healthy, liveable and safe communities (PPS 1.1.1.b) with an overall goal of managing and directing land use to achieve efficient development and land use patterns
- The proposed religious establishment use would provide a new use to the existing community which predominantly consists of a variety of residential development. As discussed within this report thus far, this use is compatible with the surrounding residential areas as proposed.

Conformity with Places to Grow

Staff Comment:

- The Growth Plan identifies that designated Greenfield areas (this site is considered Greenfield land), are to be developed as “compact, vibrant and complete communities” (defined as communities with a diverse mix of land uses, a range and mix of employment types, high quality public open space and easy access to local stores and services).

-
- The proposed use conforms as a religious establishment use would add to the diversity and mix of services available in the Westminster Woods area.

12. Review of the proposed zoning and need for specialized regulations.

Staff Comment:

- Specialized regulations and conditions have been included with the recommendation for zoning approval to address the issues which have been raised and achieve a balanced land use with the surrounding neighbourhood, as shown in **Schedule 2**. As well, specialized regulations have been added to limit the height and size of the building and to require a large buffer strip between the proposed parking lot and residential lands to the west of the site.

13. Review of proposed site layout in relation to the Community Energy Plan.

Staff Comment:

- The applicant's architect has provided a list of measures to be included in the development of the proposed building that implement the goals of the Community Energy Plan. This list is found in **Schedule 15**.
- The applicant has also agreed that the three additional residential lots proposed along Goodwin Drive would be built to the Energy Star standard
- The applicant is willing to consider additional measures recommended by staff
- The proposed measures for the religious establishment and residential lots are both required by the inclusion of condition 20 in the zoning conditions found in **Schedule 2**.

14. Review of how the proposed site layout will function and be integrated into the future planning of undeveloped lands in the area.

Staff Comment:

- As proposed, the site layout will function properly in terms of traffic circulation, parking location, access in and out of the site and landscape buffers.
- The location of the building close to the centre of the site along Clair Road East ensures that there is ample space from the proposed building to the existing residential lands on Goodwin Drive and Laughland Lane. The building is also proposed to be approximately 35 metres from the undeveloped lands to the east of the site, which are also anticipated for future mixed medium density residential and commercial development

Schedule 10

Related Zoning By-law Definitions and Regulations

Relevant Definitions

"Gross Floor Area" means the total floor area of a **Building** measured from the centre line of partition walls and the exterior face of outside walls, but does not include any floor area of a basement, cellar, **Attic**, **Garage**, **Porch** or any floor area **Used** for parking, or any floor area which does not have a clear floor to ceiling height of 2.15 metres;

"Religious Establishment" means a **Place** including a synagogue, mosque, or rectory, owned or occupied by a religious organization or congregation which is dedicated exclusively to worship and related social and charitable activities but does not include a **Gaming Establishment**;

"Accessory Use" means a **Use** that is subordinate, incidental and exclusively devoted to a **Use** permitted under this **By-law** for any specific **Place** and **Zone**;

Relevant Regulations

Parking Requirements

4.13.4.4 Miscellaneous **Use** Parking Ratios

Type of Use or Building	Minimum Required Parking Spaces
Public Hall including: <ul style="list-style-type: none">• Arena (with seats)• Assembly Hall• Auditorium• Religious Establishment• Gymnasium• Auction Centre• Club• Other place of assembly• Auditorium or Gymnasium• accessory to another Use	1 per 5 seats or 1 per 10 m ² G.F.A. Used for a hall, auditorium or similar Use involving the assembly of persons, whichever is greater. Where public assembly seating is provided in the form of fixed benches or pews, then 0.5 metres of each such bench or pew length shall be considered as equalling one seat. The number of persons to be accommodated for public assembly activities with movable seating shall be based on 1 person per 1 m ² of movable seating.

4.18 HEIGHT RESTRICTIONS

4.18.1 No **Building** or **Structure** shall exceed the height restrictions set out in this **By-law** for the **Zone** in which such **Building** or **Structure** is located except for the following:

- a) an antenna or mast (when attached to or on a **Building**)

-
- b) a barn
 - c) a belfry
 - d) a chimney or smokestack
 - e) a church spire or steeple
 - f) a clock tower, bell tower, or church tower
 - g) a cupola or other ornamental **Structure** or device
 - h) an electrical power transmission tower or line and related apparatus
 - i) an elevator or stairway penthouse
 - j) a light standard, including **Outdoor Sportsfield** lighting facilities
 - k) a flag pole
 - l) a flight control tower
 - m) a lightning rod
 - n) a radio, television, or telecommunications reception or transmission tower, excluding a **Satellite Antenna**
 - o) a silo or storage elevator
 - p) a water tower or tank
 - q) a windmill
 - r) a weathervane or other weather monitoring device

Specialized Zoning Regulations for R.4A-34 portion of site:

5.4.3.1.34 R.4A-34

As shown on Defined Area Map Number 75 of Schedule “A” of this **By-law**.

5.4.3.1.34.1 Regulations

In accordance with the provisions of Section 5.4.2 of this **By-law**, as amended, with the following exceptions and additions:

5.4.3.1.34.1.1 Maximum Density

Notwithstanding the provisions of Table 5.4.2, Row 5, the Maximum Density shall be 192 beds and the Minimum Density shall be 160 beds.

5.4.3.1.34.1.2 Maximum Building Height

Notwithstanding the provisions of Table 5.4.2, Row 10, the Maximum **Building Height** shall be 3 **Storeys**.

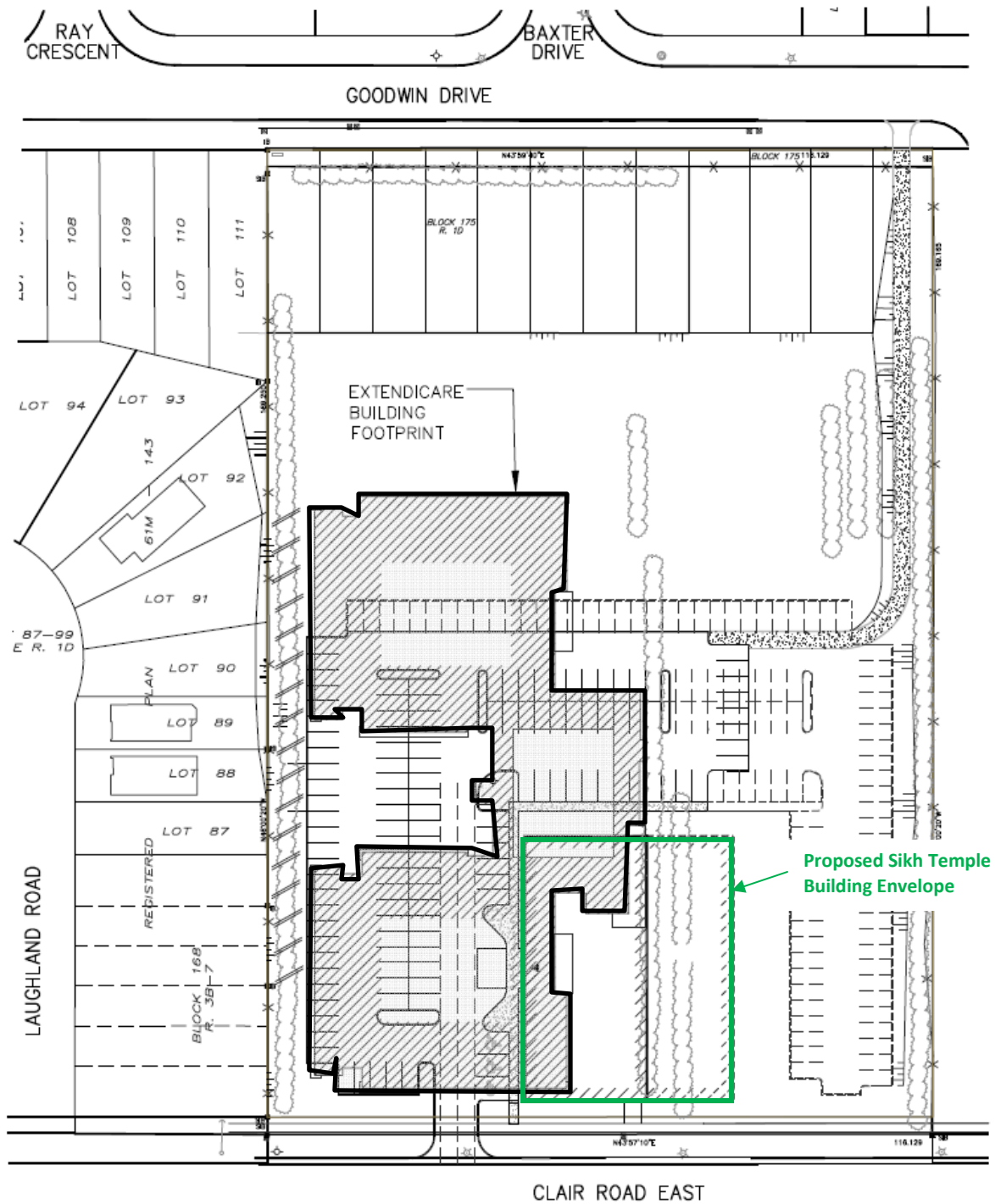
5.4.3.1.34.1.3 Minimum Common Amenity Area

Notwithstanding the provisions of Table 5.4.2, Row 12, the Minimum Common **Amenity Area** provided shall be 3500 square metres.

5.4.3.1.34.1.4 Accessory Buildings or Structures

Notwithstanding the provisions of Table 5.4.2, Row 16, the Maximum Height of the Garbage **Structure** shall be 5.5 metres.

Schedule 11 Comparison of Current Proposal to Previous Zoning Approval



Schedule 12

Other Municipal Zoning Requirements for Religious Establishments

Municipality	Zoning Category	Zoning Regulations (Size and Height)	Parking Requirements	Other Relevant Regulations or Policies	Recent Studies	Parking Required by Current Proposal (1972 sq m GFA)
Guelph	I.1 Institutional (Educational, Spiritual and other Services)	Maximum 4 storeys and in accordance with Zoning Sections 4.16 and 4.18(i.e. does not include a church belfry, steeple, tower, cupola or other ornamental structure)	1 per 5 seats or 1 per 10m ² of Gross Floor Area, whichever is greater (also for fixed pews 0.5 m of pew equals 1 seat) or 1m ² equals 1 seat for movable seating	Official Plan Policies 7.2.27: Non residential uses in residential areas	None.	198 parking spaces required
Kitchener	I.1 Neighbourhood Institutional or 1.2 Community Institutional	I.1. no size or height specified For I.2 Zone - max. 15.3 metres high and max 1.0 floor space ratio	1 for every classroom plus 1 for each 7 fixed seats or 1 for each 23.0 square metres of the gross floor area of that part of the building used for the place of worship, whichever results in the greater requirement or 1 for every classroom plus 1 for each 23.0 square metres of floor area used for hall, auditorium or similar use involving the assembly of persons not including the place of worship, whichever results in the greater requirement	Official Plan Section 3.2 Supports Community Facilities near residential areas	None.	136 parking spaces required
Hamilton	I.1 Neighbourhood Institutional or 1.2 Community Institutional	I.1 Maximum lot area of 1 hectare, maximum height 10.5m I.2 – maximum height	1 for every 10 square metres of gross floor area, inclusive of a basement or cellar, to	New Official Plan Section 3.10 – encourages community	None.	365 parking spaces required (because regulation requires basement to be

Schedule 12 cont'd – Other Municipal Zoning Requirements for Religious Establishments

		10.5m	accommodate such use	facilities to serve neighbourhoods		counted in addition)
London	CF1 – Community Facility Zone	12 metre maximum height; 30% lot coverage;	Church: 1 per each 4 persons church capacity Assembly Hall: 1 per 7 seats or 1 per 25m ²	Official Plan 3.6.4 Community facilities permitted in residential areas	None.	179 parking spaces required
Brampton	I.1	3 storeys, 33% lot coverage <u>Proposed Definitions</u> Place of Worship – Main Worship Area shall mean the portion of the Place of Worship in which the main worship functions occur. Place of Worship – Net Worship Area: shall be 70 percent of the floor area of the Place of Worship – Main Worship Area	1 parking space for every 4 seats or where no seat is provided, 1 per 8.4 square metres of worship area or portion thereof <u>Proposed Regulation 1</u> per 4 seats or 2 metres of bench space or 1 space per 5 square metres of Place of Worship – Net Worship Area when there is only open floor seating	Policies under review	Yes, study of religious establishments underway, public meeting being held on proposal on April 8th	Current Regulations: 163 parking spaces required Proposed Regulations: 193 parking spaces required
Markham	-	Worship Area – means the net floor area used for the practice of religious rites Worship Area Capacity- where there are no fixed seats in the worship area: The number of square metres of worship area floor areas multiplied by 0.75	1 space per 4 persons of the worship area capacity or 1 space per 9m ² of net floor area of the Worship Area and any accessory use areas	Official Plan updated in 2003 to remove Places of Worship from Industrial Areas and policy to provide sites for Places of Worship in new residential areas	Planning for Places of Worship Study (2003)	258 parking spaces required at 1 per 4 persons or 282 parking spaces required (based on worship area and accessory use in basement)

*Note that the basis for parking requirements in various municipalities varies greatly regarding how basements and accessory uses and areas are considered. The numbers provided in the last column are estimates based on available information.

Schedule 13

Comparison of Existing Religious Establishments in Guelph

Religious Establishment	Location	Lot size	Building size (Total Floor area)	Building Size breakdown	Parking Required	Parking Provided	Occupant Load in Building Permit	Comment
Kortright Presbyterian Church	55 Devere Drive	20,906m ²	2,146m ² GFA -No basement	Sanctuary 350.9m ² Gym 210.9m ² Office and classrooms 1,025m ² Other washrooms and kitchen 559.1m ²	89	89	911 persons	-Site plan
St. Matthias Anglican Church and Southwood United Church	171 Kortright Road West	8,066m ²	402.4m ² ground floor (GFA) 402.4m ² basement level	Ground floor: Sanctuary 362m ² Office and washrooms 40m ² Basement level: commercial school 145.5m ² Serving washrooms classrooms and nursery 256.5m ²	73	73		-Approved Site plan -Current CofA approval to permit a commercial school in the basement to a max of 145.50m ²
Salvation Army Citadel	1320 Gordon Street	18,800m ²	2867.3m ² GFA 455.5m ² basement area	Sanctuary seating 494 persons Gym, offices classrooms and washrooms	179	181	1372 persons	-Approved Site Plan
Church of Our Lady	28 Norfolk Street	20,278m ²	1,441m ² Ground floor (GFA) 1,441m ² basement area	Main floor: Sanctuary, chapels, washrooms etc. Basement: Storage, washrooms, activity area	165	165 provided New parking layout		-Approved Site Plan and building permit plans

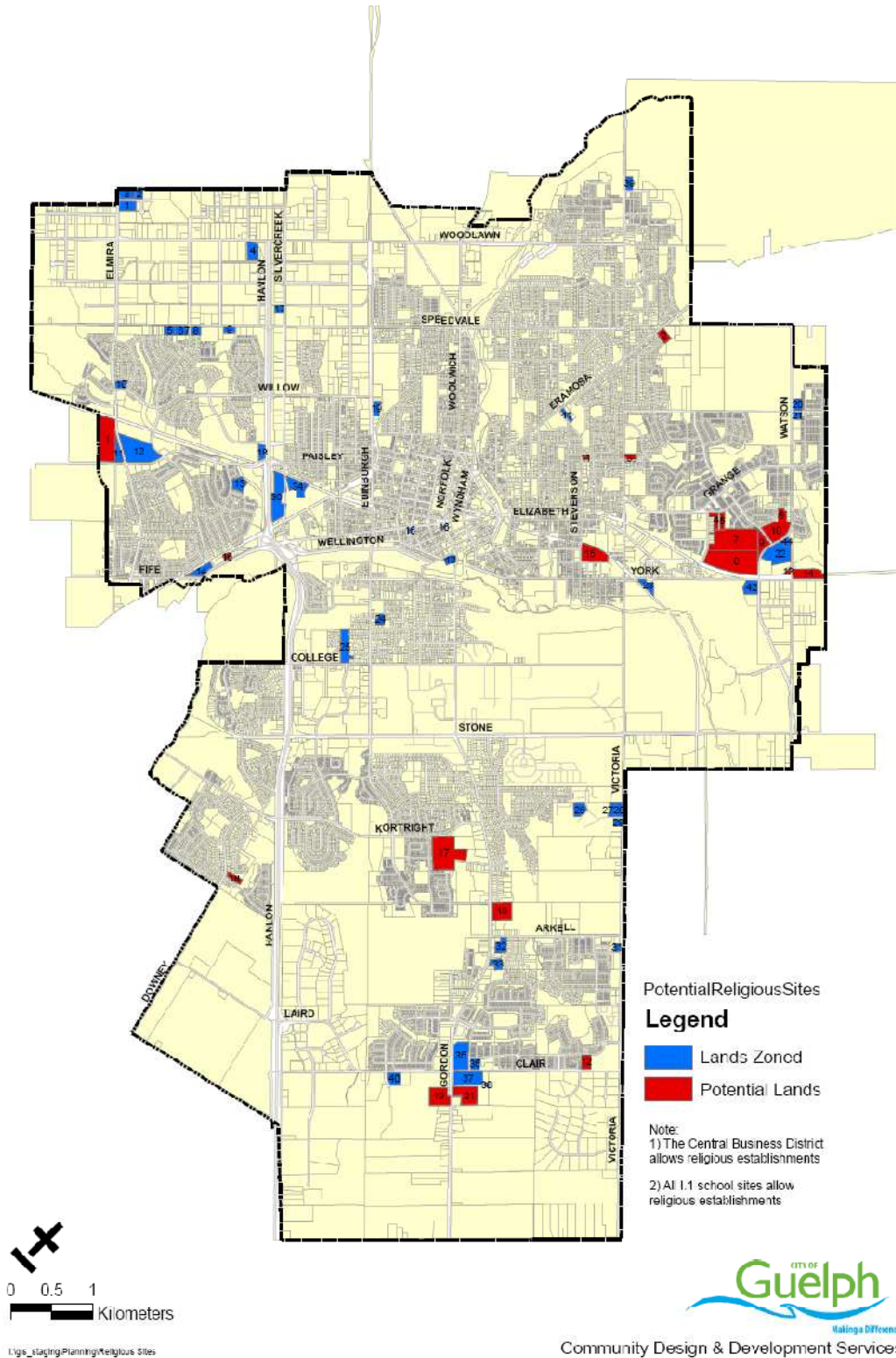
Schedule 13 cont'd – Comparison of Other Religious Establishments in Guelph

New Life Reformed Church of Guelph	400 Victoria Road North	7,006.6m2	954.6m2 ground floor (GFA) 906.8m2 basement area	Main floor: Sanctuary 650m2 Fellowship hall and children's rooms 200m2 Bathrooms and storage 154m2 Basement: Total 906.8m2 Gym 147.5m2 storage classrooms kitchen and office 101.5m2 and lounge	113	113	527 persons	-Approved Site Plan
St. Pauls Lutheran Church	210 Silvercreek Parkway North	6,782m2	692m2 GFA plus full basement	Main floor: sanctuary (no dimensions) Basement: Classrooms, Office, Kitchen	89	92		-Older Approved Site Plan
Harcourt United Church	87 Dean Ave.	8,574m2	1,705m2 GFA 750m2 basement area	Sanctuary 555m2 plus balcony -gym office, meeting rooms class rooms kitchen 1,150m2	100	100		-Older Approved Site Plan

Schedule 14

Potential Sites for Religious Establishments

Potential Sites For Religious Establishments



Schedule 15

Community Energy Plan: Proposed Measures

J. WILLIAM BIRDSELL

B.E.S., B.ARCH, OAA, MRAIC

ARCHITECT

107 Dublin Street North, Guelph, Ontario N1H 4N2

(519)822-9999

FAX (519)822-9540

Design Energy Efficiency Report
Date: May 11, 2010

Project: 410 Clair Rd. E., Guelph
New Structure

Design Features - mechanical systems	Building Features in floor radiant hot water heating of all levels. This should result in a building energy performance that will be 30% better than the MNEBC requirements (this would be reviewed through the energy modelling part of the design process)
Design Features - mechanical systems	High efficiency boilers will be used to save natural gas. This will be for the radiant heating system as well as the supply of domestic Hot Water.
Design Features - mechanical systems	The Building's HVAC systems are centralized and heat recovery ventilators are incorporated in the central air return system
Reduced water consumption	Low flow faucets and low volume flush toilets
Natural Ventilation	All occupied spaces have access to an operable window
Design Features	Project complies with ban on ozone-depleting refrigerant gases. Energy Star appliances will be chosen for use.
Design Features	Low E windows reduce heat gains and heat loss
Design Features - electrical systems	Lighting to incorporate high efficiency lighting (lamp) standards. This standard has decreased lighting energy use significantly and will contribute to the overall energy conservation measures of this particular structure. The installation of occupancy sensors to ensure that when all support spaces are not occupied, energy is being saved.
Natural light	The building provides natural light to 100% of regularly occupied spaces
Electrical Metering and Controls	Perimeter day lighting controls to conserve hydro (lights turn off automatically when natural lighting is sufficient)
Site Lighting	The project incorporates exterior light fixtures with refractor and cut-off shields to control light pollution, with energy efficient operation controlled by light sensors
Alternative Transportation	The congregation will be encouraged to walk and use (available) transit. Bicycle racks will be provided

Existing & Proposed Trees	Maintaining existing trees and new tree planting contributes to the overall rejuvenation of the urban forest.
Urban Development - erosion and sedimentation control	A comprehensive erosion and sedimentation control plan is in effect throughout redevelopment of the site
Landscape and Exterior Design	The project incorporates the use of light coloured surface paving and exterior materials to increase reflectivity & decrease heat island effect
Water Efficient Landscaping	Drought resistant soft landscape material will be specified as much as possible
Storm Water Management	Controlled roof and surface drains provided to control flow rate of storm water
Collection of Recyclable Waste Materials	In compliance to support City by-laws. All waste will be collected and stored within the building prior to pick-up
Construction Waste Management	A construction waste management plan will be implemented during construction
Regional Materials	The vast majority of the building materials are available locally. This will limit environmental impact on source supply transportation and support local building industry companies and staff

Page 2 of 2

I have been encouraged by the client to discuss all of the above Energy Efficient measures with City of Guelph staff and local construction agencies to achieve the highest practical level of Energy Efficiency for this type of structure. I encourage any suggestions for other systems or materials that I may have overlooked that can assist in achieving this goal.

J. William Birdsell, Architect

Schedule 16

Circulation Comments

<u>RESPONDENT</u>	<u>NO OBJECTION OR COMMENT</u>	<u>CONDITIONAL SUPPORT</u>	<u>ISSUES/CONCERNS</u>
Planning		✓	Subject to Schedule 2
Engineering*		✓	Subject to Schedule 2
Parks Planning*		✓	Subject to Schedule 2
Environmental Planning*		✓	Subject to Schedule 2
Zoning	✓		
Police Service	✓		
Fire Service	✓		
Guelph Hydro*		✓	Subject to Schedule 2

*correspondence attached

MEMO

FILE: 16.131.001

TO: Katie Nasswetter
FROM: Kime Toole
DEPARTMENT: Engineering Services
DATE: 30th April 2010
SUBJECT: 410 Clair Road East Zoning By-law Amendment – ZC0912

The application is for a zone change from an R.4A-34 zone (Apartment Residential, with specific regulations for a long term care facility) to a proposed R.4A-34 zone to permit a religious establishment and a R.1D zone to permit three single detached residential lots along Goodwin Drive. This special regulation would permit a religious establishment with driveway access to Clair Road East and single detached lots fronting onto Goodwin Drive.

We provide the following comments:

1. Road Infrastructure

The proposed religious establishment development will be served by Clair Road East a 2 lane arterial road with an urban cross section. During recent reconstruction of Clair Road East, accommodation for a future sidewalk was considered in the right-of-way layout.

The driveway to this proposed development from Clair Road East will be privately owned and maintained and should be designed to comply with the Ontario Building Code for fire truck access.

The proposed three residential lots will be served by Goodwin Drive, a 2 lane local road with a full urban cross section and a sidewalk located on both sides of the road.

To permit access along Goodwin Drive frontage, the existing 0.3m reserve will have to be lifted to provide access for the proposed single detached residential lots (Block 177, 61M-143) and for 410 Clair Road E.

With regards to traffic impact, see the attached memo.

2. Municipal Services

The following services are available on Goodwin Drive abutting the subject lands: 250mm watermain approximately 2.2m in depth; 200mm *local* sanitary approximately 3.35m in depth; 250mm *trunk* sanitary approximately 8.56m in depth and a 600mm storm approximately 4.36m in depth (Situated east of the subject property: MH6A – Goodwin Drive/Future Samuel Crescent). Adequate capacity is available to service the proposed development.

The owner shall be required to pay the proportionate share of the established Clair Road East upgrades (\$741.01 per metre frontage). Any proposed service laterals will also be at the developer's expense.

In order to provide a servicing connection for the site, the applicant would have to acquire a 2.898m strip of land abutting Goodwin Drive (Block 175, 61M-143) as a lot addition. Without frontage rights onto Goodwin Drive, Engineering cannot support this application since Clair Road East does not have municipal services available to service the site. Furthermore City policy does not permit new installation of domestic water well and septic systems.

3. Storm Water Management

This site is within an overall drainage area that has been accommodated in the storm water management design for Westminister Woods East Subdivision, Phase 2. The ponds that were built in this phase provided an Enhanced Level water quality as described in the MOE's Storm Water Management Planning and Design Manual, for all of the contributing drainage areas. Any future site plan application should include a storm water management report that confirms a projected flow rate less than or equal to the allowable outlet rate provided by the City. Since the SWM strategy for Westminister Woods East Phase 3 was not designed to include individual storm laterals for the proposed single detached residential lots along Goodwin Drive, drainage from the proposed building lots is to be entirely infiltrated.

4. Recommended conditions of Approval

We recommend the following conditions for approval of this proposed Zone Change Amendment:

1. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
2. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
3. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
4. The developer shall pay to the City the actual cost of constructing and installing any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.

-
5. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
 6. The Developer shall ensure that the height of any proposed retaining wall that abuts existing residential property does not exceed 1.0metre.
 7. Prior to site plan approval and prior to any construction or grading on the lands, the applicant shall acquire a 2.898m strip of land abutting Goodwin Drive (Block 175, 61M-143) frontage as a lot addition in order to provide servicing and access for the subject lands.
 8. The developer shall pay to the City the actual cost of the construction of the new driveway accesses, including the required curb cut and or fills, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway off Clair Road E and proposed residential driveway accesses on Goodwin Drive, including the required curb cut and or fills.
 9. Prior to any development of the lands, the developer shall pay the frontage charge for the Clair Road East upgrades of \$741.01 per metre for 116.129 metres
 10. Prior to any development of the lands, the developer shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
 11. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
 12. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
 13. That all telephone and Cable TV service to the lands be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
 14. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
 15. That prior to the passing of the zone change by-law, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

INTERNAL MEMO



DATE March 24, 2010
TO **Kime Toole (Engineering Technologist II)**
FROM Gwen Zhang (Transportation Planning Engineer)
DIVISION Community Design & Development Services
DEPARTMENT Engineering Service
SUBJECT **410 Clair Road East (Sikh Temple) Traffic Impact Assessment**

The traffic impact assessment conducted by Paradigm Transportation Solutions Ltd for a proposed Sikh Temple at 410 Clair Road East has been reviewed. We are in agreement with the findings of the assessment.

The subject site is planned to have a two-way driveway connection to Clair Road East. The temple consists of a building of 17,000 sq. ft. to accommodate a maximum of 400 people during special event days. A total of 169 parking spaces will be provided.

The site traffic during the peak service hours on Sundays is estimated based on surveys conducted at similar facilities by the consultant. It is assumed that the Sunday service may typically reach about 80% capacity that will generate about 98 inbound auto trips and 62 outbound auto trips. The assessment concludes that the parking provision is more than adequate and the site traffic can be accommodated by Clair Road East without roadway improvements.

Please contact me if you need any clarifications about the above information.

Gwen Zhang
Transportation Planning Engineer

Engineering Services
Community Design & Development Services
T 519-822-1260 x 2638
E gwen.zhang@guelph.ca

C Rajan Philips

INTERNAL MEMO



DATE May 6, 2010
TO **Katie Nasswetter (SR DEV PLANNER)**
FROM Gwen Zhang (Transportation Planning Engineer)
DIVISION Community Design & Development Services
DEPARTMENT Engineering Service
**SUBJECT Addendum - 410 Clair Road East (Sikh Temple)
Traffic Impact Assessment**

This addendum was prepared to report the findings of traffic impact assessment based on the updated design. The proposed changes to the original design include increasing the ultimate building size from 17,000 to 17,974 sq. ft. and parking spaces from 169 to 218.

By applying the ITE trip generation rate for Land Use 560, the subject site will generate 87 inbound and 83 outbound trips during Sunday peak service hours. The impact of these trips on the operations of Clair Road East is considered insignificant.

The traffic impact assessment conducted by Paradigm Transportation Solutions Ltd has concluded that the parking provision of 169 spaces is adequate. The previous memo dated March 24, 2010 is in support of this finding. As such the updated 218 parking spaces should provide enough parking availability to satisfy the demand.

Please contact me if you have any questions with regard to the above comments.

Gwen Zhang
Transportation Planning Engineer

Engineering Services
Community Design & Development Services
T 519-822-1260 x 2638
E gwen.zhang@guelph.ca

C Rajan Philips
C Kime Toole

INTERNAL MEMO



DATE February 8, 2010
TO **Katie Nasswetter**
FROM Rory Barr Templeton
DIVISION CDDS
DEPARTMENT Park Planning
SUBJECT **410 Clair Zoning Bylaw Amendment (ZC0912)**

Park Planning has reviewed the application for the above noted Zoning Bylaw Amendment dated November 12, 2009 and offers the following comments:

Zoning Bylaw Amendment:

Park Planning has no objection to the rezoning of the subject property to a modified R.4A-34 and R.1D

Parkland Dedication:

Cash-in-lieu of Parkland is recommended for this development.

The developer shall be responsible for paying a 2% cash-in-lieu of parkland dedication payment for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof, prior to the issuance of any permits.

Regards,

Rory Barr Templeton
Park Planner

File # T:\ParksPlanning_Park Planning\PLANNING\SOUTH DISTRICT\Zoning By-Law & Official Plan Amendments

INTERNAL MEMO



DATE January 5, 2010
TO **Katie Nasswetter**
FROM Jessica McEachren
DIVISION Planning
DEPARTMENT CDDS
SUBJECT 410 Clair Road East – Environmental Review

Katie,
I have now had an opportunity to review the circulated materials and provide the following comments for your consideration:

1. A detailed tree conservation plan must be generated in support of the application. City staff recommends that the plan includes the individual location of all trees both to be retained and removed at 10cm DBH or greater. This plan should also include the species, caliper size and health of each tree along with any required protection measures for trees to be retained during the construction period.
2. Due to trees being removed from the site, compensation/replacement plantings of native species are to be considered on site.
3. The utilization of local genetic stock for compensation/replacement or landscape plans should be utilized.
4. The feasibility of transplanting healthy native species impacted by the proposed development could be explored whenever possible.

Jessica McEachren
Environmental Planner

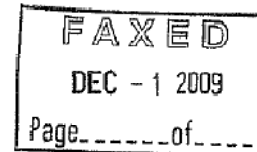


395 Southgate Drive
Guelph, ON N1G 4Y1
Tel: 519-837-4719
Fax: 519-822-4963
Email: mwittmund@guelphhydro.com
www.guelphhydro.com

Community Design
and Development Services
November 27, 2009

DEC - 2 2009

Ms. Katie Nasswetter
City of Guelph
Planning Division
1 Carden Street
Guelph, ON N1H 3A1



Dear Ms. Nasswetter:

**Re: Proposed Zoning By-Law Amendment – 410 Clair Road East
(File ZC0912)**

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

1. An underground primary supply for the proposed development can be provided from Clair Road East.
2. We will require an accessible area of not less than 4.0 metres by 4.5 metres for the installation of a pad-mounted transformer on the site.
3. A minimum distance of 1.5 metres must be maintained between any driveways and distribution poles. Any pole relocation to accommodate driveway conflicts would be at the owner's expense.
4. The applicant should make satisfactory arrangements with the Technical Services Department of Guelph Hydro for the installation of the underground hydro service to the proposed development.

Yours very truly

GUELPH HYDRO ELECTRIC
SYSTEMS INC.

Michael A. Wittmund, P.Eng.
Manager of Distribution Engineering

JCG/gd

395 Southgate Drive, Guelph ON N1G 4Y1 www.guelphhydro.com

Schedule 18

Public Notification Summary

October 15, 2009	Application received by the City of Guelph
November 3, 2009	Application deemed to be complete
November 13, 2009	Notice of Application Sign posted on property
November 13, 2009	Notice of Public Meeting advertised in the Guelph Tribune
November 16, 2009	Notice of Public Information Meeting and Public Meeting of City Council mailed to prescribed agencies and surrounding property owners within 120 metres
December 7, 2009	1 st Public Meeting of City Council
January 29, 2010	Notice of Public Information Meeting and Public Meeting of City Council mailed to prescribed agencies and surrounding property owners within 120 metres and members of the public who had previously expressed interest.
February 4, 2010	Notice of Public Information Meeting and Public Meeting of City Council advertised in the Guelph Tribune.
February 16, 2010	Public Information Night on revised proposal. Held at the Salvation Army Church.
March 1, 2010	Public Meeting of City Council (2 nd public meeting under the Planning as required due to significant changes to proposal)
May 18, 2010	Notification provided to persons providing comments or signed attendees at the Public Meeting that the matter will be on the Council meeting for a decision
June 7, 2010	City Council Meeting to consider staff recommendation

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

**SUBJECT Proposed Demolition of 108 Marlborough Road,
Ward 2, Guelph**

REPORT NUMBER 10-64

RECOMMENDATION

"THAT Report 10-64 regarding the proposed demolition of a detached dwelling at 108 Marlborough Road, City of Guelph, from Community Design and Development Services dated June 7, 2010, BE RECEIVED; and,

THAT the proposed demolition of the detached dwelling at 108 Marlborough Road, BE APPROVED."

BACKGROUND

An application to demolish the existing detached dwelling at 108 Marlborough Road has been received by Community Design and Development Services.

The subject property is located on the northerly side of Marlborough Road, between Delhi Street and Clive Avenue (see **Schedule 1** - Location Map). The property is zoned R.1A (Residential Detached) which permits detached dwellings.

The existing dwelling on the subject property is a raised bungalow that was constructed in 1958. The dwelling is not listed on the City's Inventory of Heritage Properties.

REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The applicant has had discussions with staff regarding the design of the proposed replacement dwelling. Previous designs required minor variances for setbacks and the location of the proposed garage. In response to staff feedback, the applicant has revised their design and is now proposing to replace the existing dwelling with a bungalow that complies with the minimum setbacks required by the R.1A zone. The new dwelling will have a larger footprint than that of the existing dwelling (see **Schedule 3** - Proposed Site Layout for Replacement Dwelling).

The new dwelling will have a front yard setback of approximately 11.0 m (36.09 ft.) which is in keeping with the setback to the existing dwelling and the character of the neighbourhood and respects the existing front yard setbacks of the dwellings on this block of Marlborough Road.

The approval of the demolition application is recommended as the existing house is to be replaced with a new dwelling unit, therefore there is no loss of residential capacity proposed as a result of this application.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

None

COMMUNICATIONS

A sign was posted on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

ATTACHMENTS

Schedule 1 - Location Map

Schedule 2 - Site Photograph

Schedule 3 - Proposed Site Layout for Replacement Dwelling

Original Signed by:

Prepared By:

Stacey Laughlin

Development and Urban Design Planner

519.837.5616 x2327

stacey.laughlin@guelph.ca

Original Signed by:

Recommended By:

R. Scott Hannah

Manager of Development and

Parks Planning

519.837.5616 x2359

scott.hannah@guelph.ca

Original Signed by:

Recommended By:

James N. Riddell

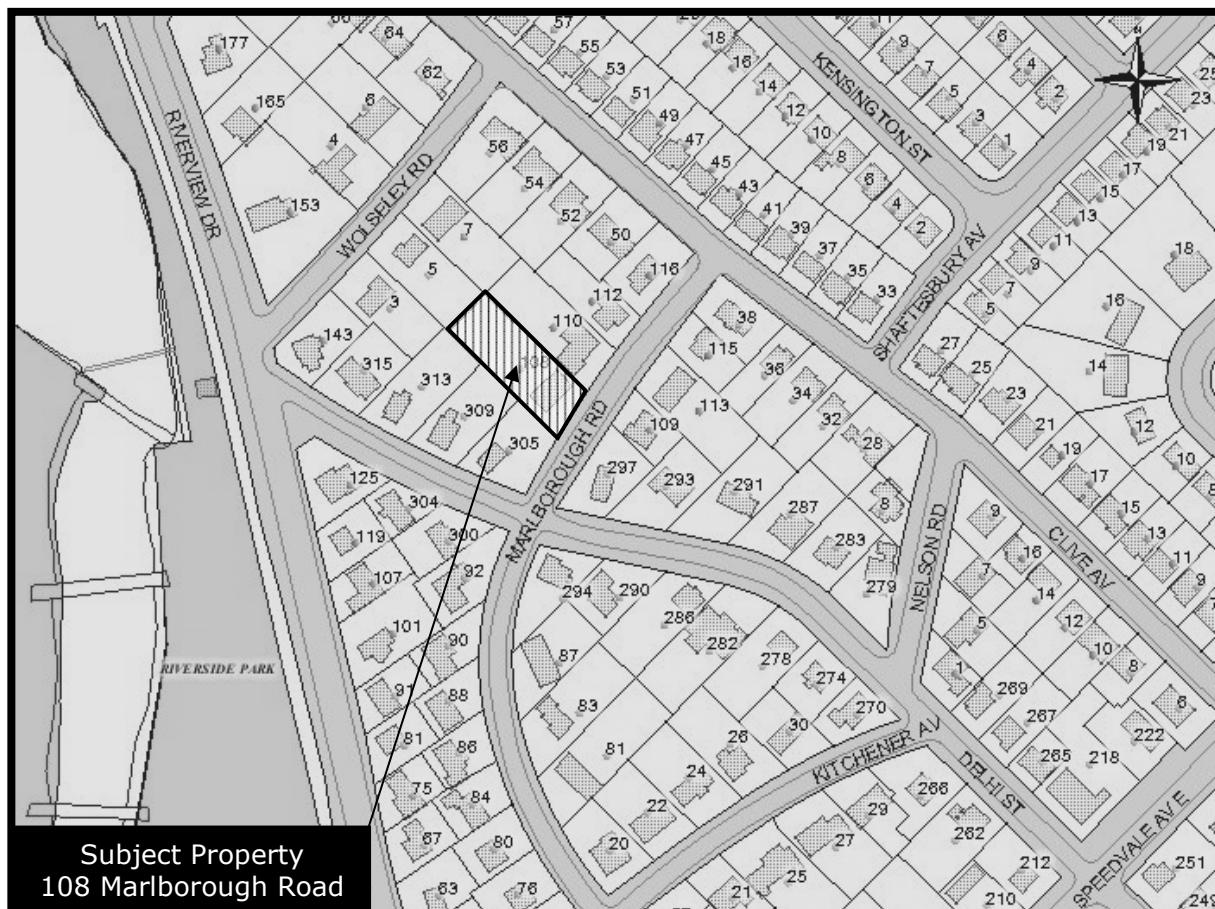
Director of Community Design and Development Services

519.837.5616 x2361

jim.riddell@guelph.ca

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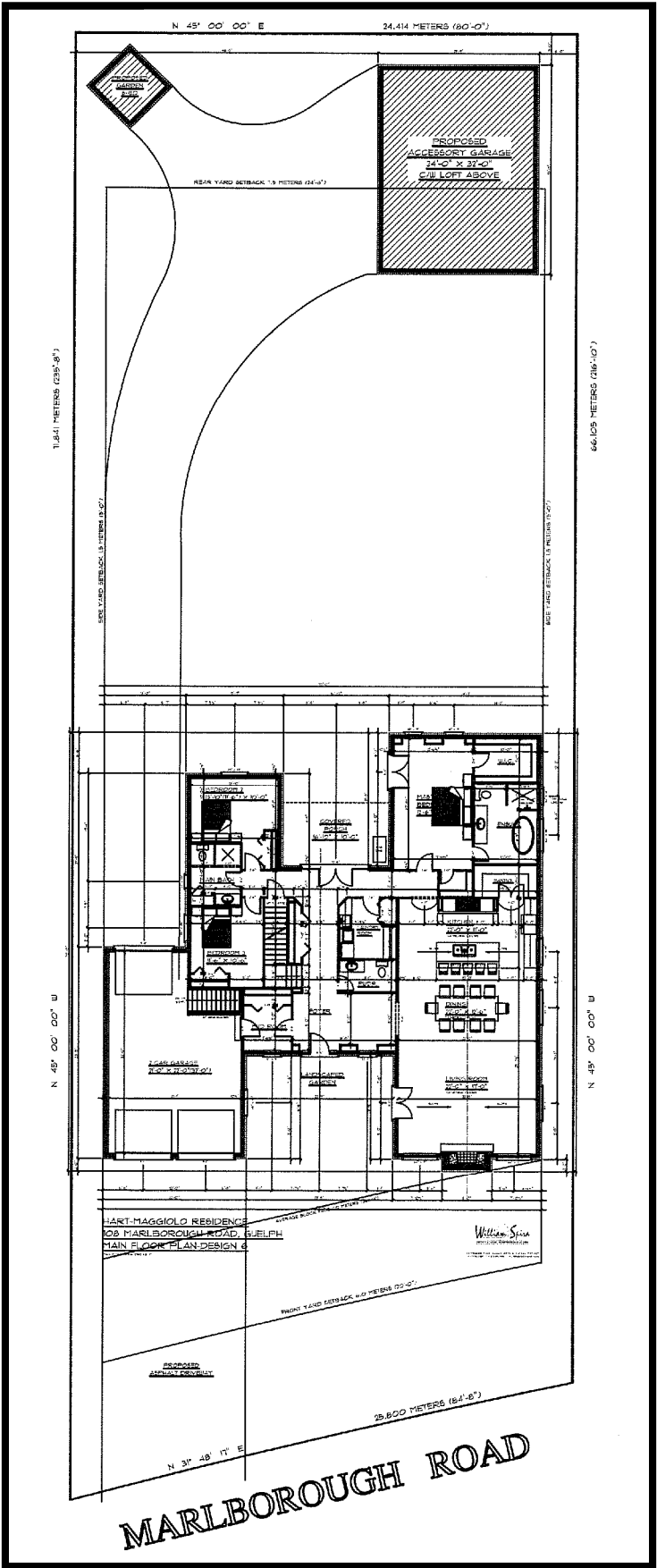
SCHEDULE 1 – Location Map



SCHEDULE 2 – Site Photograph (May 2010)



SCHEDULE 3 – Proposed Site Layout for Replacement Dwelling



TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

**SUBJECT Proposed Demolition of 1897 Gordon Street,
Ward 6, Guelph**

REPORT NUMBER 10-57

RECOMMENDATION

"THAT Report 10-57 regarding the proposed demolition of a detached dwelling at 1897 Gordon Street, City of Guelph, from Community Design and Development Services, dated June 7, 2010, BE RECEIVED; and,

THAT the proposed demolition of a detached dwelling at 1897 Gordon Street, BE DEFERRED until the Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications for a residential subdivision development for this property are considered by City Council".

BACKGROUND

An application to demolish the existing detached dwelling at 1897 Gordon Street has been received by Community Design and Development Services.

The subject property is located on the westerly side of Gordon Street, south of Clair Road (see Schedule 1 – Location Map). The property is zoned "A" (Agricultural) in the Township of Puslinch Zoning By-law, No. 19/85. The Agricultural zone permits: agricultural and intensive agricultural uses; single detached dwelling; home occupation; retail farm sales outlet; existing churches, schools, community halls and nursing homes; wayside pit; forestry and woodlots; open space and conservation areas; fish and wildlife management areas; and a public use.

The existing dwelling on the subject property is a large bungalow that was constructed in 1954. The dwelling is not listed on the City's Inventory of Heritage Properties.

A Zoning By-law Amendment application was submitted for this property in January of 2003 to develop this site for a residential condominium development. Following discussions with City Staff, the development proposal was amended and an Official Plan Amendment application and Draft Plan of Subdivision were submitted in 2008. At the same time, the 2003 Zoning By-law Amendment application was modified to reflect the revised proposal. The development proposed at this time is a residential plan of subdivision consisting of detached, townhouse and apartment dwellings.

The applicant considers the existing dwelling to be a liability and expensive to maintain and, therefore, they are requesting to demolish the existing dwelling at this time.

REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The proposal is to demolish the existing dwelling and not replace it with another dwelling until such time as a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment are approved. The development applications are currently under review and a Public Meeting was held on January 12, 2009 to receive public input regarding these applications. Through the review process and at the Public Meeting several issues have been identified relating to: the density and layout of the subdivision; access to the development and connection with the surrounding area; servicing; stormwater management; existing natural heritage and wetland features and the Community Energy Plan. These issues must be resolved before any recommendation on the development applications can be made. Based on the nature of the outstanding issues and the 2010 Development Priorities Plan, the Plan of Subdivision will not be considered for approval in 2010.

Typically, in instances where there is an existing dwelling on a property that is also being considered for redevelopment, a recommendation on the proposed demolition of the dwelling is made by Planning staff at the same time as recommendations are being made on the development applications. This ensures that the City's housing stock is not being reduced before additional units are approved. The existing dwelling on the subject property was occupied until February 23, 2010. It could be maintained and rented until such time as the redevelopment is approved and can proceed. In this instance, the applicant is requesting to demolish the existing dwelling prior to having approval for redevelopment which may result in this property being vacant for a number of years.

As previously indicated, the applicant considers the existing dwelling to be too expensive to maintain and further, will be too costly to repair it to a liveable standard. The applicant has provided a letter outlining the items that require maintenance and repair (see Schedule 3). The applicant is also indicating in their letter that this property is not a feasible rental accommodation due to the overall size of the house and the high heating costs for this home.

Building Services staff have recently conducted an inspection of the existing dwelling and reviewed the letter provided by the applicant outlining items that require maintenance and repair. Based on the inspection, they indicate the following:

- Roof - The entire roof requires reshingling

-
- Mould – based on the visual inspection the presence of mould cannot be confirmed, however, the house has a musty smell
 - Carpet – appears to be outdated, but not worn out. This would be a cosmetic upgrade.
 - Water damage – some minor water staining was observed but not any significant water damage
 - Washrooms – only broken fixtures would have to be replaced, other changes would be cosmetic.
 - Fireplaces - maintenance work is required for the fireplaces if they are to be used.
 - Windows - need to be replaced if they are broken. It is not uncommon for older buildings to have leaky windows.
 - Insulation - inadequate insulation is not uncommon in older buildings. There is no requirement to replace or upgrade the insulation in order to rent the dwelling.
 - Patio – is not unsafe but overgrown with vegetation
 - Decks – require some structural reinforcing, however, do not need to be replaced
 - The house appears to be structurally sound
 - Further inspections are required to confirm the existing condition of the well, septic system and electrical
 - The items that require maintenance and repair within this dwelling would have been evident when the property was purchased and a proper due diligence inspection carried out. It should not be assumed that the house could be demolished and that a new owner would have no obligation for maintenance.

Overall Building Services believes the house is structurally sound except some of the exterior decks and balconies. The house interior is outdated (i.e. flooring, fixtures, paint, etc.) but does not need to be upgraded.

The current zoning of the site would allow for the existing dwelling to be replaced with a single detached dwelling. As this property is in the City's Greenfield Area, it is not desirable for the existing dwelling to be replaced with only one new dwelling. In order to meet intensification targets, this site should be developed in accordance with the Local Growth Management Strategy and the Growth Plan for the Greater Golden Horseshoe. The demolition of the existing dwelling is premature until such time as this property is approved for development and the applicable zoning permits additional dwelling units to be constructed.

CORPORATE STRATEGIC PLAN

Goal 1: An attractive, well-functioning and sustainable city.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

Building Services conducted an inspection and provided comments with respect to the existing condition of the house on the subject property.

COMMUNICATIONS

A sign was posted on the property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

ATTACHMENTS

Schedule 1 - Location Map

Schedule 2 - Site Photograph

Schedule 3 - Letter from Thomasfield Homes Limited

Original Signed by:

Prepared By:

Stacey Laughlin

Development and Urban Design Planner

519.837.5616 x2327

stacey.laughlin@guelph.ca

Original Signed by:

Recommended By:

R. Scott Hannah

Manager of Development and
Parks Planning

519.837.5616 x2359

scott.hannah@guelph.ca

Original Signed by:

Recommended By:

James N. Riddell

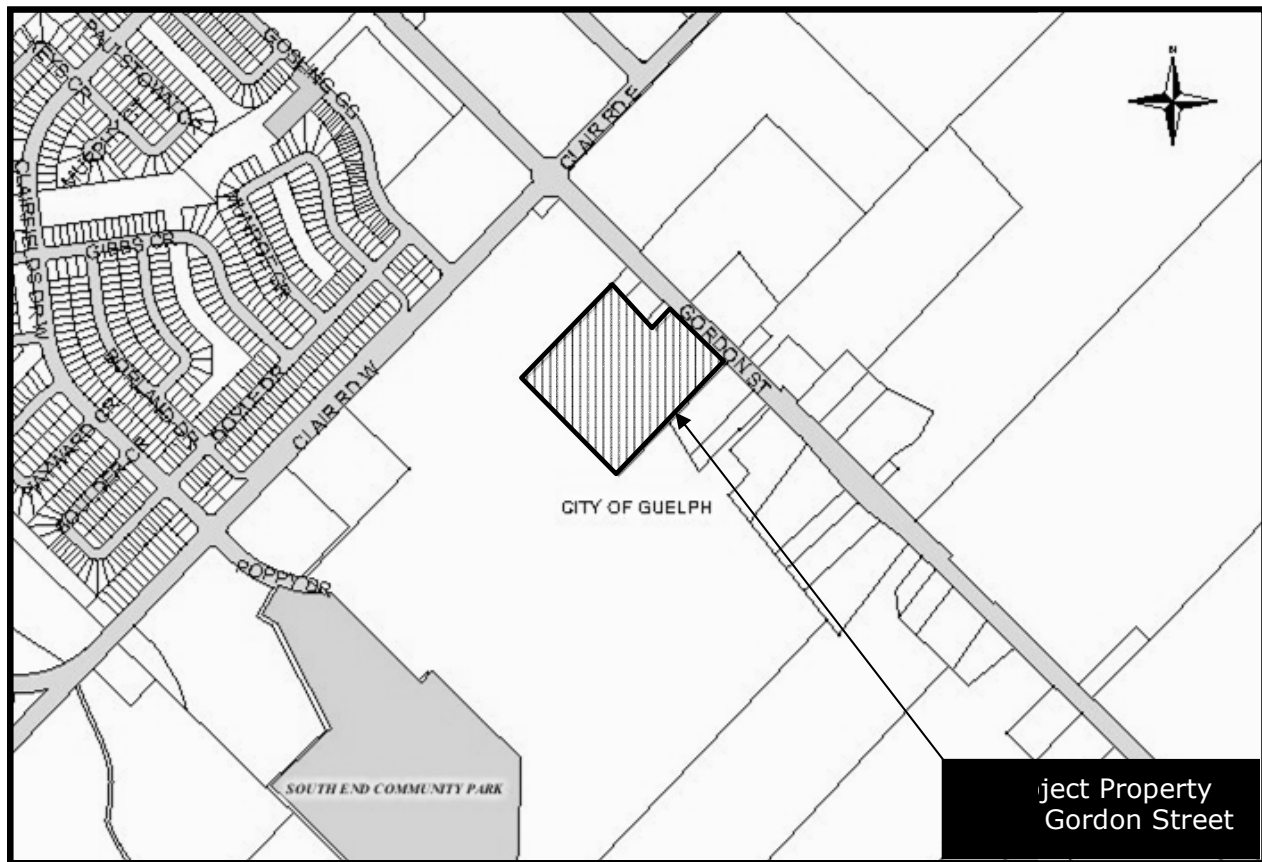
Director of Community Design and Development Services

519.837.5616 x2361

jim.riddell@guelph.ca

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SCHEDULE 1 – Location Map



SCHEDULE 2 – Site Photograph (May 2010)



SCHEDULE 3 – Letter from Thomasfield Homes Limited



Thursday, May-20-10

Thomasfield Homes Limited

City of Guelph
Community Design & Development Services
1 Carden Street
N1H 3A1

Attention: Stacey Laughlin

Re: Bird Property Demolition Permit
Thomasfield Homes Limited
1897 Gordon Street, Guelph

Dear Ms. Laughlin:

With respect to the demolition permit submitted for the above-noted property, please find outlined below a summary of the items requiring maintenance and repair as well as the estimated costs in order to bring the house to a liveable standard. The dwelling at 1897 Gordon Street is approximately 5,000 sq. ft (464.5 sq. m) in size and has been vacant since February 23, 2010.

- 1) *Roof:* New roofing is required for the premise. At present a sizeable portion of the roof is covered in tarpaulin due to leakage. It is likely that the dwelling has suffered water damage due to the leak and the presence of mould would need to be confirmed. The estimated cost of a new roof for a 5,000 sq. ft bungalow including stripping and removal is at minimum \$20,000.
- 2) *Mould:* The premise requires inspection to determine the presence of mould as there is evidence of water damage in a number of areas. The presence of any mould represents a health hazard.
- 3) *Services:* The dwelling is on a well and septic system. The current condition of the well and septic system is unknown. Testing, cleaning, and maintenance of this system would be necessary. In the event that the septic system requires replacement, a new tertiary system would be in the range of \$30,000.

Furthermore, the well and septic system is only designed for use by a single family and as such, the dwelling could not accommodate multiple tenancy without upgrade.

- 4) *Interior upgrades:* The dwelling requires substantial interior upgrade and repair to bring it to a liveable standard. We note the following concerns and repairs:
 - a) *Electrical upgrades* – Electrical upgrades may be required. An electrical inspection to determine any deficiencies would be necessary. Any identified deficiencies would need to be rectified prior to tenancy.

THOMASFIELD HOMES LIMITED 295 SOUTHGATE DRIVE, P.O. BOX 1112, GUELPH, ONTARIO N1H 6N3 (519) 836-4332

SCHEDULE 3 – Letter from Thomasfield Homes Limited (continued)

- b) New flooring* – Existing carpeting requires replacement. The cost to remove and install new carpet in the dwelling is estimated at \$7,000.
 - c) Painting* – The dwelling would require painting and removal of existing wallpaper in areas. In addition, several areas show water damage on the walls and ceiling; drywall repair is required. The cost to repaint the premise and repair drywall is estimated at \$10,000-\$12,000.
 - d) New fixtures* – The dwelling would require remodelling and new fixtures in the five to six washrooms contained in the house. The cost to update the washrooms is estimated at approximately \$2,000 per washroom or \$10,000-12,000.
 - e) Washer/Dryer* – At present the dwelling does not contain a washer/dryer. The cost to provide new washer/dryer is estimated at \$1,000.
 - f) Fireplaces* – The premise contains wood fireplaces in many of the rooms. While these fireplaces are to code, they should be inspected and swept to eliminate hazard and ensure safety. The estimated cost to sweep the chimneys is \$1,200.
 - g) Windows* – The windows are old and of poor quality; they are poorly insulated and contribute to the high cost of heating the dwelling.
 - h) Insulation* – Condition of the existing insulation must be assessed. There are areas within the dwelling where insulation is falling from ceiling. Furthermore, because the insulation is aged, this contributes to heat loss and potential moisture behind the drywall.
 - i) Heating* – The home is heated by electric baseboard and electric radiant in-floor heating. As confirmed by the previous owner, monthly electrical bills during the winter are in the range of \$5,000.00
- 5) Exterior: The dwelling requires substantial exterior maintenance and repair to bring it to a liveable standard. We note the following concerns and repairs:
- a) Swimming pool* - The property includes a neglected swimming pool. The pool has been drained for several years and the lining is torn. To eliminate liability issues, the pool must be filled in. The cost to excavate, remove and fill in the swimming pool is estimated at \$2,000-3,000.
 - b)* There is an outdoor above-ground oil tank used for heating the pool. Pumping and removal of the tank is necessary, including inspection of the surrounding soil. The cost to pump and remove the tank is estimated at \$1,000.
 - c) Patio* – The patio which consists of concrete and interlocking patio stones is in disrepair and requires maintenance in order to ensure safety. The estimated cost to repair outdoor patio surfaces is \$4,000-5,000.
 - d) Deck* – The wooden deck surrounding the dwelling is not to building code. It must be removed and rebuilt. The cost to rebuild the deck is approximately \$6,000-7,000.

SCHEDULE 3 – Letter from Thomasfield Homes Limited (continued)

- e) *Outdoor electrical* – Outdoor wiring is without conduit which is not to building code. The cost to upgrade the wiring is estimated at \$3,000.
- 6) Additional items:
 - a) A structural engineer would need to be retained to assess the condition of the dwelling, identifying deficiencies. Any deficiencies would need to be rectified prior to any tenancy for liability purposes.
 - b) Heating costs are prohibitively high due to the current electric baseboard heating system in place. Heating costs for this dwelling in the winter months is in the range of \$5,000.00. The poorly insulated windows and questionable insulation contributes to these costs.
 - f) Annual taxes on this property are in the range of \$11,000.

Based on the above-noted items, it is estimated that the cost to return the dwelling to habitable and rentable condition is in the range of \$63,200 to \$99,200. We note that this list is not exhaustive and that these costs are considered conservative without the benefit of a more detailed inspection to assess the condition of the dwelling.

In addition, the pool of prospective renters interested in a home of this size is considered minimal. The monthly heating costs are prohibitively high (+/- \$5,000) which effectively reduces the economic viability to renters. We also note that the annual property taxes of \$11,000 represents yet another cost that would be passed on to the tenant.

It is anticipated that the subject lands could be ready for development within 12 to 24 months. As such, Thomasfield Homes Ltd. cannot justifiably recoup its investment to repair the dwelling through rental income prior to development.

Due to the cost, timing and the uncertainty of finding a prospective tenant, the viability of this particular premise as rental accommodation is infeasible. The vacant dwelling creates a liability for Thomasfield Homes. Demolition of this dwelling would assist to eliminate this liability. As such, we respectfully request that Council consider approval of the demolition permit for 1897 Gordon Street.

We note that a site visit was conducted on Wednesday May 19th with Mark Shody of the City of Guelph Building Department to assess the condition of the dwelling.

Should you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Tom Krizsan
President

cc. Astrid Clos, Astrid J. Clos Planning Consultants
John Valeriote, Smith Valeriote LLP

COUNCIL REPORT



TO **Guelph City Council**

SERVICE AREA Finance
DATE June 7, 2010

SUBJECT The Elliott Credit Facilities
REPORT NUMBER FIN-10-15

RECOMMENDATION

THAT Council approve The City of Guelph Guarantee of The Elliott Community's existing credit facilities as restructured in the amount of \$5,063,000.

AND THAT the Mayor and City Clerk be authorized to execute the Guarantee documentation with the Royal Bank and to execute a Credit Letter Agreement with the Royal bank and The Elliott for the existing credit facilities as proposed.

REPORT

The Elliott Long Term Care Facility is a local board of the City as outlined in the Elliott Act, and may not borrow money without the prior consent of City Council.

The Elliott Community would like to take advantage of favourable interest rates to permanently reduce the existing Demand Operating Loan as well as renew existing Term Loan debt. In order to complete these changes, formal approval by Council is required as well as the execution of the Guarantee and Credit Letter Agreement with the Royal Bank and The Elliott.

The Elliott Long Term Care Facility currently has existing credit facilities and proposes to restructure these credit facilities with RBC Royal Bank as follows:

	<u>Current</u>	<u>Proposed</u>
Demand Operating Loan	\$1,750,000	\$1,000,000
Term Loan (new)	0	750,000
Term Loan (existing)	2,783,000	2,783,000
Interest Rate Swap Risk	500,000	500,000
Corporate VISA	30,000	30,000
TOTAL	\$5,063,000	5,063,000

Currently The Elliott has an authorized \$1,750,000 Demand Operating Loan with the Royal Bank. The Elliott proposes to restructure this Demand Loan by entering into a new Term Loan in the amount of \$750,000 to be used to repay and permanently reduce the Demand Operating Loan facility to \$1,000,000. The proposed new Term Loan would require interest only monthly payments, with annual principal reductions to be made over the next five years (2011 – 2015).

The existing Term Loan and Swap arrangement matures on June 25, 2010. RBC, The City of Guelph, and The Elliott propose to renew the existing Term Loan in accordance with the original amortization period of 20 years (15 years remaining) and enter into a new term of 1 year in order to align with the timing of restructuring of the City's existing debenture debt issued on behalf of the Elliott for the Elliott's redevelopment project in 2001, maturing in 2011 with a remaining balance of \$13.05 million.

CORPORATE STRATEGIC PLAN:

5.4 Partnerships to achieve strategic goals and objectives.

5.5 A high credit rating and strong financial position.

FINANCIAL IMPLICATIONS

The Elliott Community has recently undergone an independent operational review and has begun to implement recommendations to ensure it remains a sustainable operation able to meet all of its credit obligations.

In the event that The Elliott is unable to meet its credit obligations, the Treasurer confirms that any possible debt charges resulting from this Guarantee, will fall within the limits prescribed by the Ministry pursuant to Ontario Regulation 403/02 Section 4(1). The Treasurer also confirms that this existing debt has already been accounted for within City debt ratio limits.

Original Signed by:

Prepared By:
Susan Aram CGA
Deputy Treasurer

Original Signed by:

Recommended By:
Margaret Neubauer CA
Treasurer

TO **Guelph City Council**

SERVICE AREA Community Design and Development Services
DATE June 7, 2010

SUBJECT **Interim Control By-law for Shared Rental Housing**
REPORT NUMBER 10-73

RECOMMENDATION

"THAT Report 10-73, regarding authorization to undertake a review of Shared Rental Housing and pass an Interim Control By-law from Community Design and Development Services, dated June 7, 2010, BE RECEIVED; and

THAT Council directs staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R1 and R2 (zoned portions of Wards 5 and 6 for the purpose of recommending zoning amendments to address identified issues associated with the concentration of shared rental housing in addition to complimentary strategic initiatives to address the identified issues; and

THAT Council pass an Interim Control By-law to prohibit the establishment of accessory apartments and lodging houses within the specified portions of Wards 5 and 6 to be in effect for one year from June 7, 2010 to June 7, 2011."

BACKGROUND

The current shared rental housing regulations and policies resulted from a study which was conducted in 2003-2005. At the time, restrictions applied under the Municipal Act that did not permit the licensing of accessory apartments and lodging houses. This Shared Rental Housing review involved a number of groups and stakeholders who formulated recommendations that culminated in the passage of an amending zoning by-law. However, subsequent concerns relating to the concentration of shared rental housing and associated impacts has led individuals and neighbourhood groups to call for tighter regulations to safeguard against neighbourhood destabilization. These concerns have led to the need to revisit the zoning by-law.

Consequently, on May 25, 2010 Guelph City Council adopted the following resolution:

"THAT Report 10-53 from Community Design and Development Services regarding the Shared Rental Housing Work Plan, dated May 17, 2010, be received;

AND THAT the Shared Rental Housing Work Plan for 2010 and 2011 as shown in Attachment 6 of Community Design and Development Services Report 10-53, dated May 19, 2010, be approved as amended;

AND THAT staff be directed to conduct the approved Shared Rental Housing 2010-2011 Work Plan;

And THAT staff be directed to procure external legal counsel within the existing budget, to expedite a zoning by-law amendment;

AND THAT staff be directed to implement a temporary moratorium on the registration of accessory apartments and licensing of lodging houses; or report back why it is not possible to implement this moratorium by the June regular council meeting."

After discussion with staff, it is deemed to be prudent to present this report and its recommendations at this time given the level of concern in the community regarding the concentration of Shared Rental Housing in certain parts of the city.

REPORT

Concerns have been raised by neighbourhood groups regarding:

- The concentration of shared rental housing which is leading to the deterioration/destabilization of some identified neighbourhoods.
- Increasing instances of noise, nuisance and property standards infractions in areas where there is a high concentration of shared rental housing; and
- The current definition of a Lodging House does not appear to capture instances where a single detached or semi-detached dwelling is rented in its entirety, including those dwellings which contain an accessory apartment. The consequence of such a zoning definition appears to be an increasing intensity of residential use, particularly impacts on the availability of parking, behavioural concerns and property standards issues. This in turn, appears to be affecting the actual stability and character of previously well balanced neighbourhoods. From a planning perspective, planners strive to provide a balance of housing forms and types to provide for a diverse and vibrant neighbourhood where everyone can live and enjoy life.

Given the issues that have been briefly articulated in this report, particularly with regard to the Zoning By-law definitions for Lodging Houses and the significant concern in the community about the proliferation of housing units which would appear to function like a lodging house but are not defined as such under the City's Zoning By-law, it is appropriate to take a "time out" to examine the situation comprehensively and recommend actions to address this issue, particularly the

zoning by-law definition of a lodging house and related zoning regulations. There is a need to investigate the definition of lodging house and determine whether it has been effective where there are multiple tenants inhabiting various units within one dwelling.

Section 38 of the Planning Act permits the passing of an interim control by-law for a period of up to one year from the date of the passing of the By-law to study a land use issue. Therefore, it is necessary to place a hold on the creation of additional shared rental housing units, or the expansion of existing lodging houses while various strategies are evaluated, particularly in the R1 and R2 residential portions of Wards 5 and 6 where residents have identified the problem as being particularly acute. (See **Attachment 1**)

Question: What is the effect of a Moratorium on the registration of an accessory apartment or certification of a lodging house?

Essentially, placing a moratorium on the actual registration of accessory apartments and the certification of lodging house does not cause the creation of new units to cease. Regardless of registration or certification, these uses are still a permitted use by the Zoning by-law. The City's Zoning By-law defines accessory apartments and lodging houses and permits their use in certain zones of the City. By-laws under the Municipal Act requiring registration and/or certification cannot stop a use which is lawfully permitted by the Zoning By-law.

To obtain registration or certification for newly created accessory apartments or lodging houses, a building permit must be issued under the Building Code Act. To receive a building permit, the use must be permitted by the Zoning By-law. The unit must then be inspected by Building and Zoning Inspectors to determine if the unit is in compliance with the Building Code and Zoning By-law provisions. Revoking or suspending registration/certification does not prevent the use in Zoning By-law. To stop registration/certification simply means that these uses will not be controlled: they are still permitted and building permits would still be issued. In addition, to register accessory apartments that have been in existence prior to 1993, the use must be permitted by the Zoning By-law. Those units are then inspected by Zoning and Fire Prevention Inspectors to determine if the unit is in compliance with the Fire Code and Zoning By-law provisions.

Rather than introducing a moratorium on the registration of new units, an Interim Control By-law under the Planning Act will halt such specified development until the results of the review are known and zoning amendments are passed by Council.

Study Approach:

The issue of the concentration of shared rental housing and associated impacts in parts of the city has become apparent. Concerns relating to the concentration of shared rental housing and associated impacts has led individuals and neighbourhood groups to call for tighter regulations to safeguard against the change of their neighbourhoods into destabilized areas of shared rental housing. These concerns have led to the need to conduct a further examination of this issue.

Time must be allowed for staff to undertake a review to examine and address the identified problems. The scope of this review is to examine the adequacy of the zoning by-law provisions respecting shared rental housing and to recommend zoning amendments to address the identified concerns. This work proposal was approved by Council at its meeting on May 25, 2010, and constitutes the study approach to this issue. The scope of this particular portion of the review will focus on zoning by-law amendments.

Work Process:

Once background work is complete, including a best practice review, the City will form a study group to be composed of various stakeholders and citizen groups involved in this issue to provide input during the review. Informal public meetings will be held with the public and stakeholders to review findings. As well, proposed zoning amendments will be presented and feedback will be received. Ongoing work addressing additional by-law enforcement and the preparation of a licensing by-law will also continue. Once feedback is received, necessary revisions will be made to the proposed zoning by-law amendment in response to issues raised. A planning report will present zoning recommendations to a statutory public meeting of Council and then Council will be requested to make a decision on recommended zoning amendments.

ALTERNATIVE APPROACHES

- Allow the present situation to continue.
- Pursue preparation of a licensing by-law preparation without an accompanying zoning by-law amendment.
- Undertake increased and more proactive by-law enforcement.

IMPLICATIONS

To obtain control and prevent additional units from being created while the Shared Rental land use issue is being reviewed, it is essential that an Interim Control By-law, under the authority of the Planning Act, be passed by Council. This by-law would essentially “freeze” the creation of new units through applications made after the passage of the by-law. The passage of an Interim Control By-law will provide time to receive public and stakeholder feedback on formulated zoning by-law amendments and allow the further coordination of other key initiatives associated with the overall Shared Rental Housing Study. The specific areas of study are proposed to be the zoned R1 and R2 portions of Wards 5 and 6. By limiting the scope of the Interim Control By-law to these areas, it would allow the City to implement another Interim Control By-law in other areas of the City if the need arose. If this by-law was enacted City wide, the Planning Act would prohibit the creation of another Interim Control By-law for any other purposes for a period of 3 years.

Council should also be aware that an Interim Control By-law, like any zoning by-law, can prevent restricted actions/uses initiated only after its passage. It cannot have retroactive effect.

CORPORATE STRATEGIC PLAN

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

FINANCIAL IMPLICATIONS

The costs associated with providing notice after the passage of the Interim Control Bylaw – newspaper ad - \$700 approximately.

DEPARTMENTAL CONSULTATION

Legal Services

COMMUNICATIONS

Public notice is not required prior to the passage of an Interim Control By-law. The Planning Act requires that notice after the passage of the by-law be provided in the manner prescribed by the Planning Act.

ATTACHMENTS

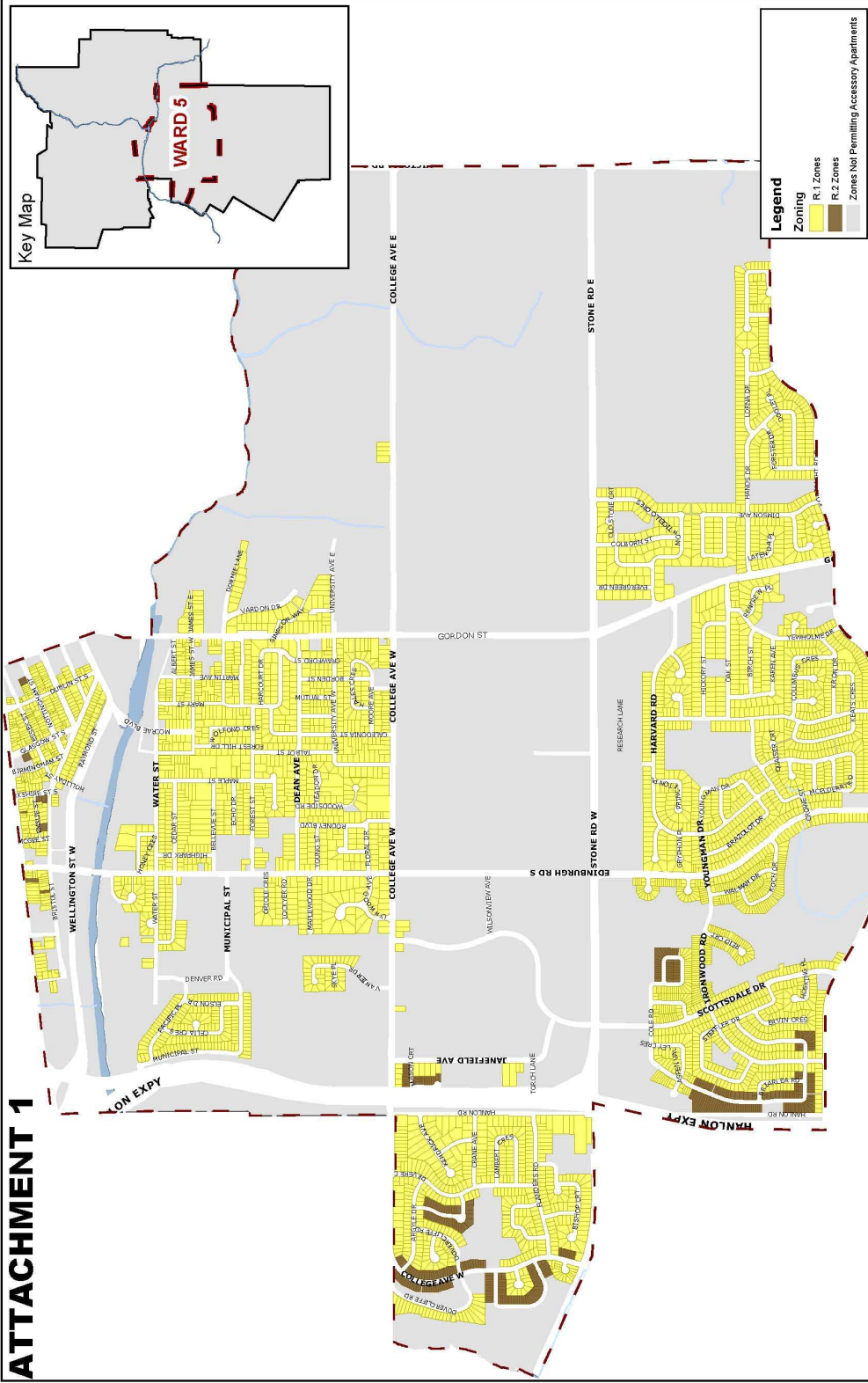
Attachment 1 – Location of the Study Area

Original Signed by:

Recommended By:

James N. Riddell
Director, Community Design and
Development Services
519-822-1260 ext. 2361
jim.riddell@guelph.ca

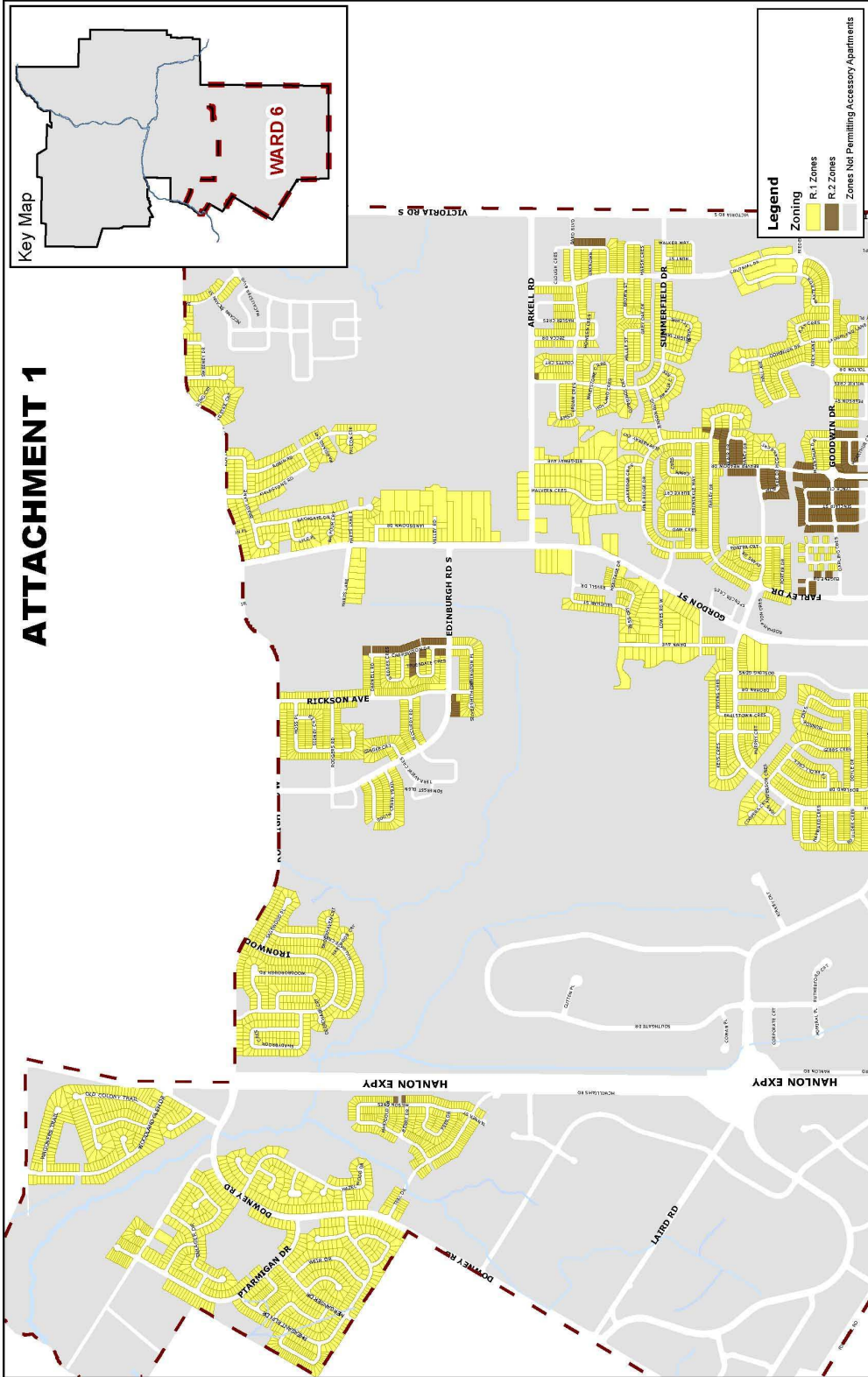
ATTACHMENT 1



R.1 and R.2 Zones Ward 5

Produced by the City of Guelph
Community Design and Development Services, Planning Services
June, 2010

ATTACHMENT 1



R.1 and R.2 Zones Ward 6

Produced by the City of Guelph
Community Design and Development Services, Planning Services
June, 2010

I am unable to attend the June 7 Council meeting, but wish to offer the following comments regarding the proposed rezoning of 410 Clair Rd and the planning staff report (#10-32). My concerns relate to the scale of the proposed building (and the more general issue of the size of religious establishments in residential areas), and the failure of the staff report to adequately address parking and building occupancy concerns.

While the Official Plan clearly defines "small scale" in the context of commercial uses in a residential zone (i.e., 300 square metres), it does not define small scale for institutional uses. Nevertheless, the staff report proposes that religious establishments in a residential zone be limited to 2000 square metres of gross floor area. No clear, sensible justification for this limit is offered. Comparing the size of the proposed building (1972 or 1672 square metres, planning staff and architect figures, respectively) to schools in neighbourhoods or to religious establishments elsewhere in Guelph or other communities is not a meaningful basis for a 2000 square metre limit. Education is a mandated activity and schools clearly serve entire neighbourhoods. Comparing size of religious establishments is also an inadequate basis and can be very misleading unless one examines closely the site characteristics of each specific establishment. A number of the establishments referred to in the staff report are not in residential neighbourhoods. Moreover, the staff report ignores a trend across Ontario and elsewhere in locating so-called "mega churches" on large properties, typically well removed from residential areas. Other municipalities have struggled with defining a size limit for religious establishments in residential areas, with some help from the Ontario Municipal Board. Yet I cannot seem to find reference to such cases in the staff report.

Regarding the proposed rezoning specifically, I am especially troubled by the uncertainty surrounding the occupancy limit for the establishment. That uncertainty makes it difficult, if not impossible, to determine whether or not adequate off-street parking will be provided (a requirement of the Official Plan). As noted in the staff report, when seating is not provided, the Building Code is not helpful in determining occupancy capacity. The report cites limits of 1500, 1736 and 713 persons for Phase One of the proposed establishment, based on number of washrooms, area of prayer hall and number of exits, respectively, and chooses the lowest figure. With Phase Two, the capacity based on area of prayer hall would be approximately 3400 persons. The report also notes that the architect will post an occupancy limit of 400 persons (total for both phases). I can find no mechanism outlined in the report for enforcing such a posted limit. If 400 persons is the maximum number anticipated, by any sensible measure a building with a gross floor area of 1672 square metres is a much larger building than is necessary (easily two to three times larger than necessary). With so much uncertainty surrounding the occupancy of the proposed building, how is possible to assess in any meaningful way the number of off street parking spaces that should be provided. Similarly, what exactly is the basis for staff to state the "additional traffic on

local streets is not anticipated" or, effectively, to dismiss any concern about parking on neighbourhood streets in the vicinity of the pedestrian access.

Until the issue of occupancy respecting religious establishments is thoroughly addressed, I believe it is premature for the City to establish a bylaw that limits any religious establishment in any residential zone to 2000 square metres.

Thank you for the opportunity to comment.

Sincerely,

Reid Kreutzwiser,

Guelph City Council - Closed Meeting Agenda

June 7, 2010 – 6:30 p.m.

ITEMS FOR DIRECTION

1. **Proposed or Pending Acquisition of Land by the Municipality**
S. 239(2) (c) Proposed or Pending Acquisition or Disposition of Land by the Municipality