

Council Committee Room B
January 7, 2008 5:45 p.m.

A meeting of Guelph City Council.

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

Absent: Councillor Kovach

Staff Present: Mr. H. Loewig, City Administrator; Ms. T. Sinclair, Assistant City Solicitor; Mr. S. Hannah, Manager of Development and Parks Planning, Ms. T. Agnello, Deputy City Clerk, and Ms. D. Black, Assistant Council Committee Co-ordinator

- 1. Moved by Councillor Burcher
Seconded by Councillor Piper

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c) of the Municipal Act, with respect to:

- Litigation or potential litigation

Carried

The meeting adjourned at 5:46 o'clock p.m.

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Mayor

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Deputy Clerk

Council Committee Room B
January 7, 2008 5:47 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, (arrived at 5:50) Laidlaw, Piper, Salisbury and Wettstein

Staff Present: Mr. H. Loewig, City Administrator; Ms. T. Sinclair, Assistant City Solicitor; Mr. S. Hannah, Manager of Development

and Parks Planning; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

The Assistant City Solicitor provided information with respect to matters regarding litigation.

The City Administrator provided information with respect to identifiable individuals.

The meeting adjourned at 6:15 o'clock p.m.

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Mayor

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Deputy Clerk

Council Chambers
January 7, 2008

Council reconvened in formal session at 7:00 p.m.

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

Staff Present: Mr. H. Loewig, City Administrator, Ms. T. Sinclair, Assistant City Solicitor; Mr. J. Riddell, Director of Community Design & Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; Mr. A. Hearne, Senior Planner; Mr. J. Mairs, Senior Business Development Specialist/Assistant Manager – Manufacturing Sector; Mr. P. Cartwright, General Manager of Economic Development & Tourism ; Ms. T. Agnello, Deputy City Clerk; Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

Mayor's Annual Address

The Mayor gave her annual address to Council and the citizens of the City of Guelph.

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters.

372 Crawley Road

Mr. A. Hearne, Senior Planner provided background information with respect to the Official Plan Amendment and Zoning Amendment Application for 372 Crawley Road. The subject site is currently in an industrial land use designation under the Official Plan. The proposed Official Plan Amendment would add a new section to the Official Plan permitting a religious establishment and related uses to locate on the site. The related Zoning bylaw amendment would include a religious establishment and related uses, in addition to the current Industrial B.1 Zone uses on the subject lands.

Staff advised they will be considering the effect the zone change will have on the residential units within the vicinity. Staff will provide a map to council that indicates locations zoned for religious establishments or potentially compatible zone change options. Staff will also provide a cost estimate for watermain and sewer connections.

Staff advised that there were a number of supporting documents for this application that need to be submitted and that the site plan received is missing some key elements such as traffic and servicing plan, stormwater management, location of proposed septic system and well, and the final grading and drainage.

Mr. Hearne advised that the application has been circulated to the MTO but they have not as yet submitted their comments.

Staff will report back on assessment and taxes of the property and potential jobs on the property under the scenarios of remaining lands zoned as industrial and changing the zoning to religious establishment and related uses.

Mr. Muhamed Chirani, President of the Muslim Community, was present to advise that there are 700 families requiring a new mosque. Their current mosque is designed to fit 100 yet they have 300-400 attend regularly and traffic and parking has become a major issue. Fridays are a particular problem due to their prayer times and often they have people outside on the property praying.

Mr. John Cox, was present on behalf of the applicant to clarify that they are requesting that institutional use be added to the existing industrial land uses. He advised that the additional uses such as the daycare would provide employment on the property. He stated that surrounding municipalities such as Kitchener, London and Toronto permit this type of use with some industrial zones. He also advised that Mr. David McAuley, architect finds that he is typically dealing with non-residential uses when establishing religious establishment zones and they are prepared to work with staff in reviewing the other municipalities' experiences. He listed properties within the City that he believes are similar to this application request. He acknowledged there are servicing and access issues but they plan to use the current well and septic system on the property until such time as municipal services are provided. He stated there is potential for providing services and access through easements onto Southgate Drive.

Mr. Jeffrey Climans, representing the owner of the property in the south east quadrant of Maltby Road and the Hanlon, in Puslinch Township was present to express opposition to this application. They believe it will detract from the potential development of the Southgate Industrial Park and development of their property. He advised he has 25 years in sector appraising properties and provided information with respect to his credentials to clarify his qualifications. He then outlined the various concerns that would arise with potential tenants/owners of the surrounding properties such as:

- Businesses that conduct trucking operations would be concerned with the perceived risk of traffic congestion and high volume of traffic turning and pedestrian traffic
- Businesses providing services to other business unlikely to locate here because of concern for restricted range of tenants and giving rise to slower absorption rate to industrial and business tenants.
- Builders and developers would be concerned with the inability to acquire surrounding parcels to allow for land assembly to build to suit; thus restricting the range of tenants and uses in an industrial park.

He believes the development of the area would be adversely affected due to restriction of range of use and lower absorption in the long term, as well as potential signage issues.

Mr. Paul Rice, a Pulsinch resident, raised a number of environmental issues such as groundwater recharge, protection of the Paris moraine and traffic issues apply to the whole area. He would like development to be sensitive to the environment and residential nature of Maltby Road West. He believes it is inconsistent with Guelph's Official Plan goals such as establishing religious facilities as a focal point in a neighbourhood. He also advised that a sports field is not allowed on a permanent basis. The application proposes to use the well and septic system on the property, however, the City's Official Plan requires city services to be used on new developments. He would like an engineering report to show how such a small site could sustain such a high density use.

In 1993, when annexation occurred, it was done to address the need for employment and this application is not consistent with the spirit of this initial plan. He advised that fifty per cent of the site would be covered and it exceeds the limits placed on the watershed area. He also expressed concern that there is a lack of reports show the impact the development will have on the environment.

He requested that mutually agreed upon benchmarks and ongoing monitoring should be established. He also stated that this development would be inconsistent with reducing per capita energy requirements. He stated that the Ministry of Transportation has placed growth limitations on properties in the area due to development of the Hanlon and believes it would be unfair to allow this development in light of the restrictions. He would like to have a traffic impact study completed as well. He stated this application contravenes many provisions of the City's Official Plan and is grossly deficient in reports.

Mr. Robert Milburn, a property owner who lives and has a business on the neighbouring property was present to express opposition to this application. He expressed concern with the amount of traffic because Crawley Road is a gravel road and very muddy and is not able to support the amount of traffic that will occur. He stated he wanted to expand his business to 15,000 sq feet, with 10-12 service bays, and new car area but was advised against by City staff because of servicing issues and incompatibility. Due to traffic restrictions, most of the traffic is traveling the one way. He also expressed concern with respect to dust control and noise. His concerns are with the amount of traffic, service and water issues, and compatibility.

Mr. Christopher Kropka, on behalf of 1195765 Ontario Limited and 2144113 Ontario Limited, surrounding property owners was present to express opposition to this application. He advised that the surrounding businesses have expansion restrictions due to road capacity; and according to the Ministry of Transportation the road cannot handle more capacity until road improvements are made. His clients are concerned that this application does not comply with the City's planning policies or provincial policies. They do not know how the site will be able to sustain itself because it is unknown if or when services will be extended. He also stated that transport traffic and children in the area are not compatible. He also raised the question of fairness because his clients made a multi-million dollar investment based on the regulations in place and they are concerned if incompatible uses are allowed, they will not be able to attract the high-end users

Patrick Devine, on behalf of Industrial Equities Guelph Corporation, owners of Southgate Business Park, immediately adjacent and surrounding the subject property was present to object to the application. He was concerned about placing non-employment land uses onto properties established for employment industrial uses. He believes this application contravenes Places to Grow and that by creating a new use for the property prevents those uses designated for this area from being available. He identified key planning, traffic and servicing issues. He stated the site is too small to accommodate the uses being proposed and results in conflict. The Ministry of the Environment separation distances cannot be met.

He believes this application is an incompatible land use and there is no surplus traffic capacity. The current proposal is to close Crawley Road and this application would require it to remain open. He also advised that they will need an area of 1.3 acres just for parking based on average traffic stall size and there is insufficient space on the site. He also stated that area grading and drainage will require considerable work and the close proximity to borders for septic would require a costly retaining wall. He believes stormwater management would require 10-15 per cent of the site for a stormwater pond and doesn't believe there is enough space to accommodate this either. He stated that approval of this application would spoil the opportunity for creating an important business development. The City needs a reliable and consistent planning framework to get people to invest and feels this application would undermine and not allow the lands to live up to their potential.

Ms. Susan Watson was present to advocate in favour of the proposed Official Plan Amendment and Zoning Amendment application. She believes the City needs to respond to the need for available space for religious facilities. She advised that although

there are over 70 Christian establishments listed in the City's phone book, there is only one mosque and it is insufficient to meet the growing need for a place of worship for Muslims. She stated she believes the space is needed to meet spiritual and cultural needs as well as provide housing and encouraged Council to approve the application.

Councillor Laidlaw left the meeting at 8:50 p.m.

Mr. John Stirling, on behalf of Courtney's Alberat Co. Inc. was present to express concerns with respect to this application due to incompatibility. He advised that his clients have also had to delay expansion due to traffic concerns and believes it would be inappropriate to allow a development of this size to proceed when current businesses are not permitted to proceed with their plans. He also advised that he believes the introduction of this use would not be good planning or a compatible use for the property.

Mr. Paul Clarkson was present to support the zone change. He believes it would house Guelph's growing Muslim community and that approval of the application would be a small step to reflecting the diversity of this city. Since land is at a premium and difficult to secure, he believes the City should approve the location for a religious establishment, and believes it would increase the spiritual energy. Wants council to carefully consider the application and help them find a site suitable for their use if their application is not successful.

Staff will provide cost estimates for upgrading Crawley Road, taxation information with respect to the various uses on the property, information from other municipalities with respect to the interfacing of religious establishments with industrial uses, and information regarding environmental impacts. They will also address the Ministry of Transportation issues and how the road improvements may affect the area – the barriers and impediments as a result of changes to the Hanlon. Staff were also requested to provide a traffic impact study, an environmental impact study, information regarding the private services, commentary on what further studies will be needed to complete the application. Council would also like to have information regarding minimum setbacks, information regarding potential land available for religious institutions, as well as background information regarding the process staff have taken to assist the Muslims thus far. The issue of public transit was also raised.

Council also requested details regarding easements for closing and negotiations for access that will be required.

1. Moved by Councillor Findlay
 Seconded by Councillor Wettstein
 THAT Report 08-03 regarding Official Plan Amendment and Zoning By-law Amendment Applications (Files OP0702/ZC0716) applying to property municipally known as 372 Crawley Road from Community Design and Development Services dated January 7, 2008, be received.

2. Moved in amendment by Councillor Wettstein
 Seconded by Councillor Salisbury
 THAT staff be directed to work with the Muslim Community to find an alternative suitable location for their Mosque concurrently with processing the Official Plan Amendment and Zoning Bylaw Amendment application for 372 Crawley Road.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (12)
 VOTING AGAINST: (0)

Carried

Mr. J. Riddell

2. Moved by Councillor Findlay
 Seconded by Councillor Wettstein
 THAT Report 08-03 regarding Official Plan Amendment and Zoning By-law Amendment Applications (Files OP0702/ZC0716) applying to property municipally known as 372 Crawley Road from Community Design and Development Services dated January 7, 2008, be received;

AND THAT staff be directed to work with the Muslim Community to find an alternative suitable location for their Mosque concurrently with processing the Official Plan Amendment and Zoning Bylaw Amendment application for 372 Crawley Road.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (12)
 VOTING AGAINST: (0)

Carried

Councillor Billings left the meeting at 9:20 p.m.

SPECIAL RESOLUTIONS

3. Moved by Councillor Piper
 Seconded by Councillor Burcher

Councillor Kovach
 Mrs. L.A. Giles

THAT the policy that conference attendance be limited to two councillors, be waived for the “Niagara Palooza: Rethinking Our

Mr. B. Stewart

Cities” conference to be held in Niagara Falls on January 31, 2008;

AND THAT the Governance and Economic Development Committee review the policy to distinguish between conferences and other development opportunities.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Councillor Kovach presented the FIRST Report of the Striking Committee.

4. Moved by Councillor Kovach

Seconded by Councillor Piper

Mrs. L.A. Giles

THAT Councillors Billings, Burcher, Piper, Salisbury and Mayor Farbridge be appointed to the Community Development & Environmental Services Committee for a term expiring December 2008;

AND THAT Councillors Beard, Farrelly, Hofland, Laidlaw and Mayor Farbridge be appointed to the Emergency Services, Community Services & Operations Committee for a term expiring December 2008;

AND THAT Councillors Bell, Findlay, Hofland, Wettstein and Mayor Farbridge be appointed to the Finance, Administration & Corporate Services Committee for a term expiring December 2008;

AND THAT Councillors Findlay, Kovach, Piper, Wettstein and Mayor Farbridge be appointed to the Governance & Economic Development Committee for a term expiring December 2008;

AND THAT Councillors Beard, Bell, Laidlaw and Mayor Farbridge be appointed to the Land Ambulance Committee for a term expiring December 2008;

AND THAT Councillors Beard, Bell, Laidlaw and Mayor Farbridge be appointed to the Social Services Committee for a term expiring December 2008.

AND THAT Councillor Burcher be appointed as Chair of the Community Development & Environmental Services Committee;

AND THAT Councillor Laidlaw be appointed as Chair of the Emergency Services, Community Services & Operations Committee;

AND THAT Councillor Wettstein be appointed as Chair of the Finance, Administration & Corporate Services Committee;

AND THAT Councillor Kovach be appointed as Chair of the Governance & Economic Development Committee;

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

BY-LAWS

5. Moved by Councillor Piper

Seconded by Councillor Findlay

THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2008)-18468 to (2008)-18469, inclusive.

Carried

The By-laws were read a first and second time at 9:25 o'clock p.m.

THAT Council go into Committee of the Whole to consider by-laws.

Council went into Committee of the Whole on By-laws Numbers (2008)-18468 to (2008)-18469, inclusive.

Mayor Farbridge in the Chair.

At 9:26 o'clock p.m., the Committee rose and reported By-laws Numbered (2008)-18468 to (2008)-18469, inclusive, passed in Committee without amendment.

7. Moved by Councillor Beard

Seconded by Councillor Farrelly

THAT By-laws Numbered (2008)-18468 to (2008)-18469, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 9:27 o'clock p.m.

MAYOR'S ANNOUNCEMENTS

There will be a Town Hall meeting for Ward 2 residents at the Evergreen Seniors Centre, Room 3, on January 17th, 2008 at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 9:29 o'clock p.m.

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Mayor

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Deputy Clerk