

Council Caucus Room
March 5, 2012 6:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw (*vacated at 9:30pm*), Piper, Van Hellemond and Wettstein

Absent: Councillor Kovach

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; and Mr. B. Labelle, City Clerk

- 1. Moved by Councillor Guthrie
Seconded by Councillor Dennis

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Property Acquisition

S. 239 2 (c) of the *Municipal Act* - proposed or pending acquisition or disposition of land

Wellington Terrace Litigation

S. 239 2 (e) of the *Municipal Act* - litigation or potential litigation

Labour Relations Update

S. 239 2 (d) of the *Municipal Act* - labour relations or employee negotiations

Carried

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Mayor

.....
Clerk

Council Caucus Room
March 5, 2012 6:02 p.m.

A Closed Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein

Absent: Councillor Kovach

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; and Mr. B. Labelle, City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Property Acquisition

1. Moved by Councillor Findlay
Seconded by Councillor Dennis

THAT Council rise and report a motion as a special resolution during the March 5, 2012 Council open session.

Carried

Wellington Terrace Litigation

2. Moved by Councillor Findlay
Seconded by Councillor Burcher

THAT staff proceed as directed by Council.

Carried

Labour Relations Update

3. Moved by Councillor Laidlaw
Seconded by Councillor Burcher

THAT staff proceed as directed by Council.

Carried

The meeting adjourned at 6:58 p.m.

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Mayor

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Clerk

Council Chambers
March 5, 2012 7:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw (*vacated at 9:30pm*), Piper, Van Hellemond and Wettstein

Absent: Councillor Kovach

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. T. Salter, Acting General Manager, Building & Planning Services; Mr. A. Hearne, Acting Manager of Development & Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Consent Agenda

The following items were extracted from the March 5, 2012 Consent Agenda to be voted on separately:

- A-1 180 Gordon Street: Supplementary Report Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106/ZC1107) – Ward 5
- A-3 Shared Rental Housing

1. Moved by Councillor Findlay
Seconded by Councillor Hofland

THAT the balance of the March 5, 2012 Council Consent Agenda as identified below, be adopted:

- a) **Watson East Subdivision (23T-98501)
Request for an Extension of Draft Plan Approval – Ward1**

Ms. N. Shoemaker
Dr. J. Laird
Mr. T. Salter

THAT Report 12-10 dated March 5, 2012 regarding a request for a Draft Plan Approval extension for the final phase of the Watson East Subdivision (Draft Plan 23T-98501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited for a five (5) year Draft Plan Approval extension to the Watson East

Residential Subdivision (23T-98501) on lands legally described as Part of Lot 6, Concession 3, Division "C", City of Guelph be approved to an extended lapsing date of March 20, 2017, subject to the previously approved conditions, as revised.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

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. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

148-152 Macdonell Street: Proposed Official Plan & Zoning By-law Amendment (FilesOP1104/ZC1114) –Ward 1

Ms. Stacey Laughlin, Senior Development Planner, advised the applicant is requesting the maximum residential density be changed from 200 units per hectare to 408. The Zoning By-law amendments requested are to permit a maximum building height of 18 storeys, an increased angular plane from the centerline of the street and a change in the height requirements for the building within 15 meters of the street allowance.

Ms. Krista Walkey, Stantec Engineering, provided an overview of the site conditions, technical studies and process. She outlined the proposed site concept, and stated that an increased angular plane is necessary. She explained that there is a third floor patio, step backs, all four sides of the building have a view, commercial space at grade level on the southeast corner and no parking at grade level. Ms. Walkey also advised that there will be views from all sides and shadowing impacts will only impact two residences across the river on December 31 at approximately 4pm.

Mr. Adam Carapella, on behalf of Tricar, believes the development will be a catalyst to revitalize the downtown core. He said the target demographics are retirees and professionals. The tax assessment base will increase from

\$35,000 to \$600,000. He believes there will be minimal shadowing and traffic impacts. He stated the ground floor commercial area and patio will help connect to the downtown and surrounding amenity buildings and could include an art component. He explained the plans to fully remediate this brownfield site and address environmental issues. He said the transit infrastructure is already in place and they are exploring the possibility of a district energy system to heat/cool the building.

Mr. Jason Ashdown, Partner of Skyline, manages properties in the downtown core and supports downtown development. He stated density is preferable to sprawl and the 130 suites could lead to decreased retail and commercial vacancies, better maintained properties and an increase in street level business.

Mr. Tom Lammer, representing his family who own properties downtown, stated they support Tricar's development plan. He said it will enhance the downtown and strikes a good balance between public and private use. He sees the project increasing the viability of the urban growth zone and stated the Downtown Secondary Plan will encourage similar developments. He believes that if the plan, the project and the people all align, then development will be successful.

Mr. Dan Lawson, Chairman of the Board, Guelph Chamber of Commerce, advised they support the project. He stated it is an excellent opportunity to develop both a brownfield site and infill project. He stated the Chamber of Commerce believes that this site meets the vision for downtown by increasing the number of residential and employment opportunities, providing infill and brownfield development and providing easy access to the transit hub.

Mr. Marty Williams, Downtown Guelph Business Association (DGBA), advised they are in support of this project as well as the Downtown Secondary Plan and believes the exemptions requested will be in keeping with the new Downtown Secondary Plan. He stated that all areas in the downtown have some issues and if this site is well developed, it would encourage others. He said the current built form properties will not draw enough residents, many sites have deteriorated and space is rare so this development will help meet the goals of establishing a vibrant downtown core.

Ms. Barbara Turley-McIntyre, The Co-operators, provided history on the sale of the property and stated they sold to Tricar because they believe Tricar will assist with downtown intensification and revitalization. She stated

the downtown needs to attract young professionals and empty nesters and new businesses.

Mr. Doug Minett, Chair of the Downtown Advisory Committee, stated they have developed a focused business plan. He said the committee believes this development is a creative and important first step toward downtown renewal.

Mr. Dennis Deters, former Co-operators employee involved with the sale of the property, supports the proposal. He stated it makes good economic sense to attract people living and working in the downtown core to keep it vibrant. He advised there are few options in the downtown for development and this project is an opportunity that could lead to change in the downtown.

Mr. John Leacock, a resident of the downtown core, and downtown realtor, supports the development. He foresees people moving into this building to downsize, which in turn would make their homes available for sale, keeping the real estate market vibrant. He encouraged the City to approve the application.

Ms. Maria Pezzano, on behalf of the Ward 1 Residents' Association, asked that any decision on this proposal be deferred. She requested the City wait until the adoption of the Downtown Secondary Plan to ensure that major decisions affecting significant changes in the downtown can be properly addressed. They believe approval would be prejudicial to the Downtown Secondary Plan and could set a dangerous precedent.

Mr. Unto Kihlanki, a member of International Network for Traditional Building, Architecture and Urbanism, suggested that six storeys would be sufficient to meet density targets and this development would set a dangerous precedent for the downtown. He was concerned that units are being taken from other sites identified in the Downtown Secondary Plan for infill. He suggested council consider the impact of the development on the quality of the neighbouring properties. He also raised the issue of the wind problems the angular plane would create at ground level.

Mr. Norm Harrison, former planner for the City, advised he was involved with the implementation of the height by-law and successfully defended it at an OMB hearing. He stated that the Park Mall and Co-operators buildings were grandfathered. He does not believe there is enough demand to warrant more than one high density building in the downtown and said the height should be no more than

12 storeys so it is on par with the height of adjacent structures. He stated that if the City will not adhere to the current height by-law, then the by-law should be repealed.

Dr. Hugh Whiteley asked council to give consideration to a cumulative effect of all high-rise proposals. He wanted consideration given to potential interaction with the neighbouring properties such as the parkade and the carwash. He stated attention needs to be given to the Community Energy Plan, particularly, heat-loss aspects. He advised that the property is outside of any sensitive Greenland areas. He generally supports the proposal as long as cumulative aspects are considered.

Ms. Barbara Mann, an area resident, stated that people move to Guelph for the culture and its community focus and to get away from tall structures. She does not see the need for such a high building with five storeys being dedicated to parking and heating/cooling systems.

Councillors raised the following issues for staff to consider:

- minimizing traffic impact during road construction at the corner of Woolwich and Macdonell;
- timing of the approval of the Downtown Secondary Plan and the development;
- feasibility of increasing green space and inclusion of a community garden;
- landscaping or other design options to mitigate graffiti
- determine if the orientation of the tower in correlation with the streetscape could be realigned
- feasibility of a stepped frontage on Woolwich Street;
- examine the size of the angular plan;
- feasibility of increasing retail space on the street;
- Use of the three stream garbage system;
- getting a district energy system integrated;
- feasibility of having the building piped for non-potable water
- an architecture peer review that includes both architecture and urban design
- provide further visual detail of the pedestrian level to indicate accessible and private components;
- review grade issues, particularly wind tunnel effect at street level;
- provide information regarding shadow impact on John Galt Park during the height of sun as it would affect pedestrian usage and the plantings requiring maximum sunlight.

Dr. J. Laird
Mr. T. Salter

2. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT Report 12-21 regarding Official Plan and Zoning By-law Amendment applications by Stantec Consulting Ltd. on behalf of The Tricar Group, to permit the development of an 18-storey mixed use building for the property municipally known as 148-152 Macdonell Street, and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar's Compiled Plan No. 712, City of Guelph, from Planning & Building, Engineering and Environment dated March 5, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The meeting recessed at 9:22 p.m. and reconvened at 9:30 p.m.

Councillor Laidlaw vacated the meeting (9:30 p.m.)

**180 Gordon Street: Supplementary Report
Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106/ZC1107) – Ward 5**

Mr. Bernard Luttmmer, Podium Developments, provided highlights of their vision, plan, commitment to sustainability and quality. He stated that their application is an excellent use of the property. He does not believe that further public consultation will resolve any of the outstanding issues on this application.

Dr. Hugh Whiteley does not believe the project is ready for approval because the work with the neighbourhood has not been accomplished. He believes the lack of resolution of the four top issues of compatibility indicates a decision should not be made and further consultation is required.

Mr. Ian Flett, a solicitor, spoke on behalf of Ms. Karen Balcom, and 29 neighbours. They requested a decision on 180 Gordon Street be deferred to allow further public consultation. He stated that errors in the application regarding the angular plane, and the Official Plan amendment should be addressed in a public forum.

Ms. Daphne Wainman-Wood, on behalf of the Old University Neighbourhood Residents' Association (OUNRA), requested that a decision be deferred to allow for facilitated community consultation. She stated that despite Council public meetings and a community meeting, the community believes their input has not been meaningful due to the lack of feedback and little proposed changes resulting. She also asked Council to take note of comments provided by the River Systems Advisory Committee and the Environmental Advisory Committee in Schedule 9 of the report.

3. Moved by Councillor Wettstein
Seconded by Councillor Burcher

THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1;

AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1.

It was requested that the clauses be voted on separately.

Dr. J. Laird
Mr. T. Salter

4. Moved by Councillor Wettstein
Seconded by Councillor Burcher
THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Dr. J. Laird
Mr. T. Salter

5. Moved by Councillor Wettstein
Seconded by Councillor Burcher
THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Mr. B. Luttmer
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

6. Moved by Councillor Wettstein
Seconded by Councillor Burcher
THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Bell, Piper and Van Hellemond (3)

Carried

Mr. B. Luttmer
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

7. Moved by Councillor Wettstein
Seconded by Councillor Burcher

THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillors Piper and Van Hellemond (2)

Carried

Shared Rental Housing

Ms. Donna Haley, an appellant to the By-law and landlord of several properties within the City, believes that if current by-laws and regulations which address behavioural, property and safety issues were enforced, licensing would not be needed. She stated that if licensing is implemented, it needs to be applied to all forms of rental units, not just select types and questioned the purpose of the licensing. She advised that landlords are limited regarding handling issues due to the Human Rights Commission and the Landlord Tenant Act and licensing regulations could put them in an untenable position. She stated the enhanced enforcement by the City and University initiatives are working so there should be no licensing. She noted that several Ontario municipalities have abandoned licensing and she encouraged the City to find out why before pursuing licensing.

Mr. Pierre Sandor, a landlord in the City, supports the idea of city-wide licensing in principle, but does not see how it will force landlords to register. He suggested incentives be implemented. He cautioned the City to be sensitive to various types of family units when determining number restrictions. He stated that the role of landlords needs to be clarified.

Ms. Daphne Wainman-Wood, on behalf of OUNRA, questioned why the Shared Rental Housing matter was handled in closed session. She is concerned that the issue has been dismissed too easily. She believes a proper cost analysis should be done and feels a lot of money and effort has been wasted. She understands that the involvement of the Ontario Municipal Board and the Human Rights Commission has led to repealing the by-law but stated the issue should have been addressed in a public meeting. She asked that something be done to protect neighborhoods.

Dr. J. Laird
Mr. T. Salter
Ms. D. Jaques
Mr. M. Amorosi

8. Moved by Councillor Burcher
Seconded by Councillor Hofland
THAT Report 12-26 from Planning & Building, Engineering and Environment and Legal Services, dated March 5, 2012, presenting background information regarding the repeal of Zoning By-law Amendment Number (2010)-19076, and the repeal of the Interim Control By-law for Shared Rental Housing Number (2010)-19019 and next steps for Shared Rental Housing, be received;

AND THAT By-law Number (2012)-19346, being a By-law to repeal By-law Number (2010)-19019, known as the Interim Control By-law for Shared Rental Housing, is hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

9. Moved by Councillor Burcher
Seconded by Councillor Hofland
THAT Council suspend the Procedural By-law to permit the meeting to extend beyond 11:00 p.m.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

10. Moved by Councillor Hofland
Seconded by Councillor Furfaro
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Acquisition or Disposition of Land

S. 239 (2) (c) of the *Municipal Act* – proposed or pending acquisition or disposition of land.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Council convened into a Closed Meeting at 10:57 p.m.

Property Acquisition

- 4. Moved by Councillor Findlay
Seconded by Councillor Dennis

THAT Council rise and report a motion as a special resolution during the March 5, 2012 Council open session.

Carried

Council reconvened into an Open Meeting at 11:04 p.m.

SPECIAL RESOLUTIONS

176 Arkell Road Proposed Offer to Sell Land for Burke Well Site Expansion

- 11. Moved by Councillor Findlay
Seconded by Karl Wettstein

Ms. D. Jaques
Mr. M. Amorosi
Dr. J. Laird

THAT the Mayor and Clerk be authorized to execute an Offer to Sell and Agreement of Purchase and Sale for the property at 176 Arkell Road in accordance with the Closed Session Report of the Manager of Realty Services dated March 5, 2012.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Option to Lease City Land to Guelph Hydro Inc. (Envida Community Energy)

Mr. R. Kerr
Ms. D. Jaques
Mr. M. Amorosi

12. Moved by Councillor Findlay
Seconded by Councillor Dennis
THAT the Mayor and Clerk be authorized to execute an
Option to Lease Agreement with Guelph Hydro Inc.
(Envida Community Energy) for land adjacent to the F.M
Woods Pumping Station for the purposes of presenting a
committed location for a Combined Heat and Power Plant
in an application to the Ontario Power Authority."

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis,
Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond
and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 11:07 p.m.

Minutes to be confirmed on March 26, 2012.

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Mayor

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Deputy Clerk

Policies and Provisions

The property affected by the Official Plan Amendment and Zoning By-law Amendment applications is municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph.

Official Plan Amendment

The following amendment adds a site specific policy to the City's Official Plan for the subject property:

- 6.9.5 1. c) Despite the river corridor 30 metre setback provisions of 6.9.1.2, 6.9.5 1. a) and 6.9.5 1 b), the City will require buildings to be setback a minimum of 24.5 metres, and structures (including retaining walls) to be setback a minimum of 22.5 metres from the Speed River edge on lands known municipally as 180 Gordon Street.

Zoning By-law Amendment

The following zoning is proposed:

Specialized R.3A (Townhouse) Zone

Permitted Uses

- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.3.2 (Residential Townhouse Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Density

The maximum permitted density shall be 70 units per hectare

Building Height

The maximum permitted building height shall be 4 storeys providing that the gross floor area of the fourth storey shall be limited to a maximum of 15m² per unit and shall not contain any habitable floor space.

Building Setbacks

The minimum rear yard setback to a cluster townhouse shall be 3m

The minimum side yard setback to a cluster townhouse shall be 1.8m

Building Coverage

The maximum building shall be 46% of the lot area

Angular Plane

Despite Section 4.16, the angular plane as applied to a river or a park shall be 82 degrees

Landscaped Open Space

The minimum landscaped open space shall be 17% of the lot area

Lot Area per Dwelling Unit

The minimum lot area per dwelling shall be 143 m²

Private Amenity Areas

Private Amenity Areas shall be provided in accordance with Section 5.3.2.5 except that the minimum distance from a side lot line shall be 1.8m

Accessory Structures

The minimum side yard setback to an accessory structure shall be 0.3m

The maximum gross floor area of an accessory structure shall be 173m²

Location of Parking Spaces and Driveways

A maximum of 2 visitor parking spaces, or parts thereof, may be located within the required front yard

A minimum setback of 0.3m to a parking area from any lot line

The minimum distance required between a surface driveway and a building entrance or window of habitable rooms shall be 2.15m

Holding Provision

Purpose:

To ensure that the property to be developed is remediated to meet the Site Condition Standards of the intended residential land use.

Permitted Interim Uses:

Those uses permitted by the C.1-19 (Convenience Commercial) Zone:

- Vehicle Service Station including accessory sales of motor vehicles

Holding Provision Conditions:

Prior to the removal of the holding provision, the owner shall:

1. Submit all environmental site assessment, risk assessment, remediation and monitory reports prepared in accordance with the Records of Site Condition regulation (O. Reg 153/04 as amended) describing the current conditions of the property known municipally as 180 Gordon Street to the satisfaction of the City;

2. File a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 as amended that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,
3. Submit the MOE acknowledgment letters for the RSCs to the satisfaction of the City.

Conditions

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

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, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
 - a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands, including: the proposed design of the building; and the size, height and location of the accessory structure; shall be generally in conformance with the development concept plan and elevations attached as Schedule 5 to the February 6, 2012 Planning & Building, Engineering and Environment Report Number 12-02.
2. Prior to the issuance of site plan approval, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the letter attached as Schedule 7 to Report 12-02 from Planning & Building, Engineering and Environment dated February 6, 2012.
3. In order to avoid overlook to a sensitive land use to the south, the Owner commits and agrees that any windows located on the third storey of the south elevation of the building will be not be transparent (i.e. frosted glass) and will only open the minimum amount required by the Ontario Building Code.

4. The Owner commits and agrees that open access to the southerly side of the roof-top areas will not be provided. The proposed roof-top amenity areas will be located between the fourth storey and the northerly side of the building.
5. Prior to the issuance of site plan approval for the lands, 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 households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.
6. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, 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 this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.
7. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.
8. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
9. Prior to any development of the lands 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.
10. 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.

11. Prior to any development of the lands 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.
12. Prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and streetlighting as determined by the City Engineer.
13. Prior to Site Plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
14. The developer/owner shall pay to the City the actual cost of constructing and installing any new 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.
15. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut. 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 access/private road and the required curb cut.
16. That the developer/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.
17. 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.
18. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
19. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.

20. The developer/owner of 180 Gordon Street shall be responsible for all associated costs of the restoration of the GRCA parcel and City right-of-way, including but not limited to removal of asphalt and curb, placing topsoil and sod, install curb and gutter, and sidewalk replacement, across the frontage of 176 Gordon Street to the satisfaction of the City Engineer. Furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the restoration, as determined by the City Engineer.
21. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Gordon Street, registered on title.
22. The Developer shall ensure that the height of any proposed retaining wall that abuts an existing residential property does not exceed 1.0 metre.
23. 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. The developer shall submit a Well Record to the satisfaction of the City Engineer.
24. The Owner agrees to obtain and register, prior to site plan approval, a Transfer Release and Abandonment with respect to the Easement described in Instrument No. ROS687098 which refers to the easement over 176 Gordon Street (Marianne's Park).
25. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.