



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday, April 8, 2013 at 5:45 p.m.**

Attendance

Members: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Hofland, Laidlaw, Piper, and Wettstein

Absent: Councillors Burcher, Guthrie, Kovach and Van Hellemond

Staff: Dr. J. Laid, Executive Director, Planning & Building, Engineering and Environment; Ms. D. Jaques, General Manager, Legal/Realty Services/City Solicitor; Mr. D. Mast, Associate Solicitor; Mr. T. Salter, General Manager, Planning Services; Ms. S. Kirkwood, Manager of Development Planning; Mr. C. DeVriendt, Senior Development Planner; Ms. K. Sabzali, Manager of Parks and Open Space; Mr. M. Witmer, Planner, Development & Urban Design; Ms. T. Agnello, Deputy Clerk; Ms. D. Black, Council Committee Co-ordinator

Call to Order (5:45 p.m.)

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Hofland
Seconded by Councillor Dennis

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (e) and (f) of the *Municipal Act* with respect to litigation or potential litigation and advice that is subject to solicitor/client privilege.

CARRIED

Closed Meeting (5:46 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

11 Starwood Drive OMB Appeal

That staff be given direction with respect to the 11 Starwood Drive OMB Appeal.

CARRIED

OMB Appeals: PL130112-41 Reid Court; PL130113-692 Scottsdale Drive

That staff be given direction with respect to the OMB Appeals: PL130112-41 Reid Court and PL130113-692 Scottsdale Drive.

CARRIED

Rise from Closed Meeting (6:55 p.m.)

That Council recess and rise from its April 8, 2013 Closed Meeting and adjourn.

CARRIED

Council recessed.

Open Meeting (7:00 p.m.)

Mayor Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Consent Reports

The following items were extracted:

CON-2013.8 25 Lee Street – Proposed Zoning By-Law Amendment (File: ZC1213) – Ward 1

CON-2013.9 Barn At 132 Hart's Farm Lane West – Proposed Removal From Municipal Register Of Cultural Heritage Properties

Planning Public Meeting

Mayor Farbridge announced that in accordance with The Planning Act, Council is 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 the planning matters listed on the agenda.

Delegations

158 Fife Road Proposed Zoning By-law Amendment (File: ZC:1215) – Ward 4

Mr. A. Hearne, Senior Planner advised the applicant is requesting a reduction in the minimum lot frontage and to rezone the rear portion of the property to a Specialized R.3A-? (Cluster Townhouse) zone as a result of the severance of 2 lots to permit the development of 25 townhouse units. He said correspondence has been received from neighbourhood residents and staff plan to have close consultation with them to address their issues.

Ms. Astrid Clos, on behalf of the applicant, provided specifics regarding the layout of the property, density and lot frontage. She said they will address the residents' concerns regarding the emergency lane usage, snow storage, outdoor lighting, storm sewer location, garbage collection, fencing, setbacks and privacy. She noted that the OMB determined waste collection would be done by a private contractor and they will comply with the city's garbage collection requirements. She said they will be providing a commitment letter with regard to the City's Community Energy Program and will meet with residents to resolve any outstanding issues.

Ms. Leanne McClymont, a neighbourhood resident, raised concern regarding the density due to the large volume of existing townhouses in the area. She would like the issues of garbage storage and collection, lighting, emergency lane usage, snow removal and parking addressed. She requested a pre-construction buffer and measures taken to protect the tree roots of the numerous mature trees at the back of her property.

Ms. Joyce Bruder, a neighbouring resident, also raised concern regarding tree root damage due to construction and storm sewer placement. She would like assurances regarding protection of privacy from the lighting of the property. She also noted that the one area slated for parking, garbage storage, a sidewalk and storm sewer management will be too congested and recommended moving the visitor parking or garbage storage.

Council requested staff to report back whether the common amenity area will meet green space requirements if it is used for garbage and snow storage. Staff were also asked to provide an expanded map to show the township proposed future land uses so the access road use could be addressed to minimize disruption to the properties backing onto Pamela Place.

1. Moved by Councillor Findlay
Seconded by Councillor Hofland

1. That Report 13-10 regarding a Zoning By-law Amendment application by Astrid J. Clos Planning Consultants on behalf of Marann Homes Ltd., to rezone lands legally described as Part of Lot B, Concession 2, Division E, municipally known as 158 Fife Road, City of Guelph, from the existing UR (Urban Reserve) Zone to a Specialized R.3A (Cluster Townhouse) Zone, to permit an additional 13 cluster townhouse dwellings on the rear portion of the subject property and modify R.3A-40 zone to permit a reduction in frontage from 18m to 12m, from Planning, Building, Engineering and Environment dated April 8, 2013, be received.

2. That staff be directed to facilitate discussions between the applicant and neighbours to resolve identified outstanding issues.

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

VOTING AGAINST: (0)

CARRIED

58 Fleming Road – Proposed Zoning By-law Amendment (File: ZC1301) – Ward 1

Mr. Chris DeVriendt, Senior Development Planner, advised the applicant is requesting to rezone the property to the R.1C (Residential Single Detached) Zone to permit the development of an additional singled detached dwelling on the property. He noted that the zone change is a condition of the Committee of Adjustment decision to approve severance of the property.

Mr. John Cox, applicant, stated the property is low density and they are proposing another bungalow. He said the large lots allow for landscaping and amenity areas, service laterals are in place and they have provided a preliminary site plan. He noted they require a greater setback to align with the other properties and City staff must approve their building plans as a condition of their severance approval. He said only one tree will be impacted and they propose

to relocate it on the property. He said the landowner to the west of the property raised a concern about their hedge and Mr. Cox stated the builder intends to keep the hedge in place.

2. Moved by Councillor Dennis
Seconded by Councillor Findlay

1. That Report 13-12 regarding a Zoning By-law Amendment application by J.L. Cox Planning Consultants Ltd. to permit a single detached dwelling on a severed lot at the property municipally known as 58 Fleming Road, and legally described as Part of Lots 16 and 17, Registered Plan 468, City of Guelph, from Planning, Building, Engineering and Environment dated April 8, 2013, be received.

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

VOTING AGAINST: (0)

CARRIED

Extracted Council Consent Items

CON-2013.8 25 Lee Street – Proposed Zoning By-law Amendment (File: ZC1213) – Ward 1

Ms. Judy Martin, on behalf of the Sierra Club of Canada expressed concern with the process of the zoning by-law amendment application. She said a site alteration permit was granted before the deadline for input on the zoning application was complete. She noted tree removal and grading was done before a proper environmental assessment and, that as a result, species were misidentified and missed. She was concerned that the Environmental Advisory Committee was only able to address tree replacement due to the timing of their receipt of the application. Ms. Martin said the Site Alteration By-law states a permit cannot be issued unless it is allowed under the Zoning by-law, but this was not what happened. She said permission was granted so fill from the adjacent property could be used, but asked why the fill was not stockpiled instead. She believes the current process is detrimental to public engagement and the environment and asked for changes to the Site Alteration By-law.

Staff advised that site alteration and planning approvals are separate applications and are often processed concurrently. Mr. Phillips, Manager of Transportation Planning & Development Engineering, said the City Engineer approves the permits and comments from outside agencies are given consideration in the process.

Staff advised a traffic study was submitted and accepted. A full site plan has also been submitted that proposes two pedestrian crossings - one aligned with Kearney Street, and another west of Breesegarden Lane.

3. Moved by Councillor Hofland
Seconded by Councillor Furfaro

1. That the application by the Upper Grand District School Board for approval of a Zoning By-law Amendment from the UR (Urban Reserve) Zone to a Specialized I.1-? (Institutional) Zone for the property municipally known as 25 Lee Street and legally described as Lots 1-17 and Part of Lot 18, Registered Plan 462 and Part of Grange Road and Cityview Drive, Registered Plan 53 and Part of Block 218, City of Guelph, be

approved in accordance with the zoning regulations and conditions outlined in Schedule 1 attached hereto.

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

VOTING AGAINST: Councillor Laidlaw (0)

CARRIED

Referral

4. Moved by Councillor Findlay
Seconded by Councillor Wettstein

1. That the Site Alteration by-law be referred back to staff for review and report back to the Planning, Building, Engineering and Environment Committee.

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

VOTING AGAINST: (0)

CARRIED

CON-2013.9 Barn at 132 Hart's Farm Lane West – Proposed Removal from Municipal Register of Cultural Heritage Properties By-laws

Mr. Andrew Lambden, Terraview Homes, said that due his safety concerns regarding the barn, he had a thorough investigation completed which deemed the barn and surrounding area unsafe. There is now caution tape around the structure and debris area. He said age, weather and removal of the animals from the barn have contributed to the deterioration. He noted they will follow the numbering and picturing process to preserve as much as possible and they have done this type of disassembly before. He said he wants to preserve it for reuse and will be housing the timber in a protected manner to minimize further deterioration.

Mr. Owen Scott was present to answer questions, but had nothing further to add on the matter.

Staff advised there has been no evidence of barn owl or bat habitat, but there are swallows, and Mr. Lambden is working with the Ministry of Natural Resources to that regard.

5. Moved by Councillor Dennis
Seconded by Councillor Hofland

1. That the Council Planning Report 13-11, regarding the proposed removal of the barn at 132 Hart's Lane West from the Municipal Register of Cultural Heritage Properties, dated April 8, 2013, be received.
2. That, given the severe structural condition of the Hart barn and the addition, Council authorize staff to amend the description of the heritage attributes pertaining to 132 Hart's Lane West, a listed non-designated property in the City's Municipal Register of Cultural Heritage Properties, to refer only to the Hart farmhouse and to remove all references to the large bank barn and the addition as identified in this report.

3. That the property owner and applicant be directed to develop and implement a strategy at their cost, to the satisfaction of City staff, that satisfies the following cultural heritage conditions:
- that the Hart barn and its interior framing be completely documented through measured drawings and photographs (before and during disassembly);
 - that all salvageable wood members (e.g. beams, posts or cladding) and the stone foundation wall be retained and appropriately stored for future study of potential reuse in situ or within a future proposed subdivision;
 - that heritage interpretive material presented in the form of an outdoor plaque be created by the proponent and installed for public view near the retained farmhouse to explain the former Hart farm complex and its cultural heritage value.

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

VOTING AGAINST: (0)

CARRIED

Staff Direction

6. Moved by Councillor Piper
Seconded by Councillor Laidlaw

1. That staff be directed to report back to the Planning & Building, Engineering and Environment Committee on the most appropriate mechanism to determine the integrity and potential retention of any barns that remain on the City of Guelph Heritage Register.

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

VOTING AGAINST: (0)

CARRIED

7. Moved by Councillor Laidlaw
Seconded by Councillor Findlay

1. That By-laws Numbered (2013) - 19548 to (2013) - 19550, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

CARRIED

Mayor's Announcements

Notice of Motion

Adjournment (8:25 p.m.)

8. Moved by Councillor Dennis
Seconded by Councillor Bell

1. That the April 8, 2013 meeting of Guelph City Council be adjourned.

CARRIED

Minutes to be confirmed on April 29, 2013.

Mayor Farbridge

Deputy City Clerk

**Schedule 1
Recommended Zoning Regulations and Conditions**

The property affected by the Zoning By-law Amendment application is municipally known as 25 Lee Street and is legally described as Lots 1-17 and Part of Lot 18, Registered Plan 462 and Part of Grange Road and Cityview Drive, Registered Plan 53 and Part of Block 218, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for 25 Lee Street:

Specialized I.1-? Institutional Zone

Permitted Uses

In accordance with Section 8.1.1

Proposed Zoning Regulations

In accordance with Section 4 (General Provisions) and Section 8.2 and Table 8.2 (Institutional) Zone regulations of Zoning By-law (1995)-14864, as amended, with the following exceptions:

- Despite Row 4 of Table 8.2, the maximum Front and Exterior Yard Setback does not apply
- Despite Row 10 of Table 8.2, an accessory building or structure may occupy a front yard or required exterior side yard
- Off-Street Parking
 - A minimum of 52 parking spaces shall be provided for an elementary school use

PROPOSED CONDITIONS

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

1. That the Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan(s), indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning Services and the City Engineer, prior to Site Plan approval, and furthermore the Developer 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, elevations and design for development of the subject lands shall be in general accordance and conformity with the conceptual development plan attached as Attachment 6 to the April 8, 2013 Planning, Building, Engineering and Environment Report Number 13-15.
 - b) Further, the Owner commits and agrees to provide appropriate fencing on the subject lands between the school site's playground and sportsfield areas and adjacent Lee Street Park to the east.
2. The Developer shall complete a tree inventory, preservation and compensation plan, satisfactory to the City, in accordance with the City of Guelph By-law (2010)-19058, prior to site plan approval.

3. The developer/owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The developer/owner shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a Phase 1 Environmental Site Assessment and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the developer/owner's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
4. If contamination is found, the developer/owner shall:
 - (a) submit all environmental assessment reports prepared in accordance with the Record of Site Condition (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
 - (b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - (c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
5. Prior to site plan approval, the Developer shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.
6. Prior to site plan approval, the Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, the following studies, plans and reports that may be requested by the General Manager/City Engineer:
 - i) a revised traffic impact study certified by a Professional Engineer;
 - ii) a geotechnical report certified by a Professional Engineer;
 - iii) a detailed stormwater management report certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual" which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility;
 - iv) a detailed erosion and sediment control plan in accordance with the Grand River Conservation Authority Guidelines, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout all phases of grading and construction;

And furthermore, the Developer agrees to implement all the recommendations of the approved final studies, plans and reports to the satisfaction of the General Manager/City Engineer.

7. Prior to site plan approval and prior to any construction on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
8. The Developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.

9. The Developer shall pay to the City their share of the cost of the existing downstream stormwater management facility, prior to site plan approval as determined by the General Manager/City Engineer.
10. The Developer shall pay to the City their share of the actual cost for the future construction of a 100 year quantity control conveyance channel (upstream of Valleyhaven Pond) and furthermore, prior to site plan approval, the developer shall pay to the City their share of the estimated cost of the future 100 year quantity control conveyance channel as determined by the General Manager/City Engineer.
11. The Developer shall pay to the City their share of the cost for the Lee Street improvements done under the Cityview Heights Phase 2 Subdivision (Contract No. 2-1217) prior to site plan approval, as determined by the General Manager/City Engineer.
12. The Developer shall pay to the City their share of the actual cost of for a future external storm sewer connection (approximately 42.0m) between the subject properties (UGDSB) into the adjacent future subdivision (Debrob) storm sewer and furthermore, prior to site plan approval, the developer shall pay to the City their share of the estimated cost of the future external storm sewer connection as determined by the General Manager/City Engineer.
13. The Developer shall pay to the City the actual cost of constructing, installing and/or removal of any service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the General Manager/City Engineer.
14. The Developer shall pay to the City the actual cost of the construction of the new access, ramps, required curb cut and boulevard restoration prior to any construction on the lands and prior to site plan approval the Developer shall pay to the City the estimated cost of constructing the new access, ramps, required curb cut and boulevard restoration, as determined by the General Manager/City Engineer.
15. The Developer shall pay to the City the actual cost of constructing a sidewalk along the entire Lee Street frontage of the subject site and furthermore, prior to site plan approval, the Developer shall pay to the City the estimated cost of the sidewalk, as determined by the General Manager/City Engineer.
16. That prior to site plan approval if required, the servient tenement (Debrob, Draft Plan of Subdivision, Part of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3, Division 'C' City of Guelph, Former Township of Guelph, grants an easement approximately 6.0-metres (19.68 feet) wide by approximately 42.0-metres (137.79 feet) long, registered on title, in favour of the dominant tenement (Upper Grand District School Board, Lots 1-17 and Part of Lot 18, Registered Plan 462 and Part of Grange Road and Cityview Drive, Registered Plan 53 and Part of Block 218, City of Guelph) for storm sewer and storm overflow purposes.
17. The Developer shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to street tree planting within the proposed subdivision.

18. 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.
19. 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.
20. 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.
21. Prior to the issuance of a building permit, any domestic wells, monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.
22. All domestic water wells on adjacent lands are to be located and a qualified professional shall provide a certified report identifying any impacts that the development has on those wells as well as any mitigation measures that would be necessary.
23. That prior to site plan approval, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above.
24. Prior to the issuance of site plan approval, the Owner shall provide the City with written confirmation that the subject site will be developed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning Services in accordance with the letter attached as Attachment 8 to Report 13-15 from Planning, Building, Engineering and Environment dated April 8, 2013.