



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday, May 6, 2013 at 5:30 p.m.**

Attendance

Members: Mayor Farbridge, Councillors Bell, Burcher Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw (*left at 6:00 p.m.*), Piper, and Wettstein

Absent: Councillors Kovach and VanHellemond

Staff: Dr. J. Laid, Executive Director, Planning & Building, Engineering and Environment; Mr. T. Salter, General Manager, Planning Services; Ms. S. Kirkwood, Manager of Development Planning; Ms. T. Agnello, Deputy Clerk; Ms. D. Black, Council Committee Co-ordinator

Call to Order (5:30 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) (b), (e) and (f) of the Municipal Act with respect to personal matters about an identifiable individual, litigation or potential litigation and advice that is subject to solicitor/client privilege.

CARRIED

Closed Meeting (5:31 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

C.2013-1 CAO Update

The CAO provided an update to Council.

Councillor Laidlaw left the meeting (6:00 p.m.)

C.2013.2 Ontario Municipal Board Hearing – 1159 Victoria Road South (Victoria Park Village) – Proposed Redline Revision to an Approved Draft Plan of Subdivision and Zoning By-law Amendment (File: 23T-07506/ZC1206) – Ward 6

2. Moved by Councillor Hofland
Seconded by Councillor Burcher

That staff be given direction with respect to the Ontario Municipal Board Hearing regarding 1159 Victoria Road South proposed redline revision to an approved draft plan of subdivision and zoning by-law amendment.

CARRIED

C.2013.3 River Valley Developments (Dolime) Quarry Update

Mr. Pickfield, Solicitor representing the City, provided information regarding the River Valley Developments (Dolime) Quarry.

Dr. Laird, Executive Director, Planning, Building, Engineering and Environment, provided a brief summary of events to date.

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

Moved by Councillor Dennis
Seconded by Councillor Guthrie

That Council rise from its closed meeting.

CARRIED

Council recessed and reconvened a meeting open to the public at 7:00 p.m.

Open Meeting (7:00 p.m.)

Mayor Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

Councillor Hofland declared a pecuniary interest regarding 51-65 Inkerman Street proposed zoning by-law amendment (File: ZC1212) – Ward 3 because she is a resident in the area and did not speak or vote on the matter.

Council Consent Items

1. Moved by Councillor Findlay
Seconded by Councillor Dennis

CON-2013.11 51-65 INKERMAN STREET: PROPOSED ZONING BY-LAW AMENDMENT (FILE:ZC1212) - WARD 3

1. That the application by Astrid J. Clos Planning Consultants, on behalf of Granite Holdings Ontario Ltd. requesting approval of a Zoning By-law Amendment to rezone lands, on lands to be municipally known as 51-65 Inkerman Street, and currently known as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan 224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph, from the B.4 (Industrial) Zone to the R.1D-? (Specialized Residential Single Detached) Zone to allow the development of six (6) single detached dwellings on the property, be approved in accordance with the zoning and conditions outlined in Schedule 1 attached hereto.
2. 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 51-65 Inkerman Street.

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

VOTING AGAINST: (0)

CARRIED

Councillor Hofland declared a potential pecuniary interest and did not speak to or vote on this matter.

CON-2013.12 103 LYNCH CIRCLE: UPCOMING ONTARIO MUNICIPAL BOARD HEARING (COMMITTEE OF ADJUSTMENT FILE: A-6/13) - WARD 6

2. Moved by Councillor Findlay
Seconded by Councillor Dennis
 1. That Report 13-21 dated May 6, 2013 regarding an appeal from the Committee of Adjustment decision A-6/13 refusing a minor variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph, from Planning, Building, Engineering and Environment be received.
 2. That the City be a party at any upcoming OMB proceedings to oppose an appeal of the Committee of Adjustment's decision A-6/13 refusing a minor variance to permit two (2) off-street parking spaces for the main dwelling and accessory unit and an 87.1 square metre accessory apartment in a semi-detached dwelling at 103 Lynch Circle, City of Guelph.
 3. That appropriate staff attend any future Ontario Municipal Board proceedings to support Council's direction.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper and Wettstein (10)

VOTING AGAINST: (0)

CARRIED

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.

185-187 Bristol Street – Proposed Zoning By-law Amendment (File: ZC1216)-Ward 5

Mr. Chris DeVriendt provided an outline of the application. He advised the existing limestone house will be retained for the administrative offices and a three-storey addition is proposed to accommodate nine residential units. The applicant is requesting to rezone the property from the current residential single detached zone to a specialized infill apartment zone. They are requesting exceptions to allow "office" as a permitted use, a minimum side yard of 2.5 meters and a minimum of six parking spaces.

Ms. Rosemary Coombs, Executive Director, Michael House, provided a summary of the services Michael House provides.

Mr. Tim Welch, housing development consultant, said the eight units will be rent geared to income units and will help meet the City's affordable housing target.

Mr. Brian McCulloch, architect, said they will retain the existing stone house and add a three-storey addition to the rear which will be nearly level to the average grade on the north and lower than the apartment to the south. He noted there will be a side yard reduction, six parking spaces, including one barrier-free space and a fence that will shield the westerly property as requested by the neighbour. In response to questions he believes that six parking spaces are adequate.

Staff will review the parking requirements and give consideration to snow removal, visitor parking, on-street parking and other potential parking issues.

Mr. John Baker, property owner north of the property, raised concerns about the parking location, and possible erosion, and drainage on his land. He said his property is ten feet higher than the subject property and he is concerned that excavation of the rock wall will compromise the stability of his property. He said that between water erosion and cutting back of the wall, his property could be jeopardized in five to ten years and he would have no recourse to rectify the issue. He believes lack of visitor parking will lead to congested parking on McGee Street. He is also concerned about other allowable uses on this property if Michael's house vacates the property.

3. Moved by Councillor Findlay
Seconded by Councillor Piper

1. That Report 13-16 regarding a Zoning By-law Amendment application by James Fryett Architect Inc. on behalf of Michael House Pregnancy Care Centre to permit 9 residential apartment units with associated office use at the property municipally known as 185-187 Bristol Street and legally described as Lot 18, Part Lot 19, Registered Plan 42, City of Guelph, from Planning, Building, Engineering and Environment dated May 6, 2013, be received.
2. **That staff be directed to meet with the neighbour to resolve the issues around grading, drainage and parking.**

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper and Wettstein (10)
VOTING AGAINST: (0)

CARRIED

By-laws

4. Moved by Councillor Wettstein
Seconded by Councillor Findlay

That By-laws Numbered (2013) - 19569 to (2013) - 19572, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper and Wettstein (10)
VOTING AGAINST: (0)

CARRIED

Mayor's Announcements

The Mayor announced that the Ward 6 councillors will be holding a town hall meeting at the Clair Road Emergency Services Centre, Settlers Room, on May 16th at 7 p.m. An agenda will be published closer to the date. The topics of discussion will be waste collection, public nuisance by-law, transit, traffic and the South End Community Centre business plan.

Adjournment (7:33 p.m.)

5. Moved by Councillor Furfaro
Seconded by Councillor Hofland

That the May 6, 2013 meeting of Guelph City Council be adjourned.

CARRIED

Minutes to be confirmed on May 27, 2013.

Mayor Farbridge

Deputy Clerk

Recommended Zoning Regulations and Conditions

The property affected by this zoning amendment is municipally known as 51-65 Inkerman Street, and as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan 224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph.

PROPOSED ZONING Residential Single Detached (R.1D-?) Zone

Permitted Uses

In accordance with 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, with the following exceptions:

Despite table 5.1.2, Row 4, and section 5.1.2.6 the minimum lot frontage shall be in 10 metres and in accordance with section 5.1.2.5

Despite table 5.1.2, Row 6, and subsection 5.1.2.7 i) the minimum front yard shall be 4.5 metres for Habitable Floor Space and a minimum of 6 metres to the front wall of a Garage or Carport.

PROPOSED CONDITIONS

The following conditions are for the information of Council and will be recommended as conditions of the future consents applications:

1. That the elevation and design for the new dwellings be submitted to, and approved by the General Manger, Planning Services, prior to the issuance of a building permit for the new dwelling.
2. That a site plan be prepared for the severed parcels indicating:
 - a) The location and design of the new dwelling;
 - b) The location and extent of driveway and legal off-street parking space for the new dwelling;
 - c) Grading, drainage and servicing information as required by the City Engineer; and All of the above to be submitted to, and approved by the General Manager, Planning Services, prior to the issuance of a building permit for the new dwellings.
3. That the Owner shall pay **development charges** to the City in accordance with By-law Number (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 thereto.

4. Prior to building permit, the Owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
5. That the Owner shall make arrangements satisfactory to the Engineering Department of **Guelph Hydro Electric Systems Inc.** for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.
6. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. Based on the review of the 2006 Record of Site Condition (RSC) #3607 there is no defect associated with the RSC, change of land use from industrial to residential, and no Certificate of Property Use was associated with the property and Phase 1 ESA (2006). If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Owner's expense.
7. If contamination is found, the Owner shall:
 - a. 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
 - b. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
8. (a) Prior to any construction or grading on the lands, the Owner shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:-
 - i) a site servicing and 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;
 - ii) a noise and vibration study certified by a Professional Engineer to confirm that there is no adverse affect from the railway use;
 - iii) a detailed erosion and sediment control plan, 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;
- (b) The Owner shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections (a) i) to (a) iii) inclusive, of this clause.

9. If repair, renovation or demolition activities are planned in the future for the portion of the building that encroaches the Site, appropriate management plans may be required for any potential ACMs, lead-based paints and PCBs (in light ballasts), prior to any construction or grading on the lands.
10. 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 General Manager/City Engineer.
11. Prior to any construction or grading on 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.
12. That the Owner enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any construction or grading on the lands.
13. The Owner shall pay to the City the actual cost of the construction of the new driveway entrances and the required curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrances and the required curb cuts and/or curb fills, as determined by the General Manager/City Engineer.
14. That the Owner constructs the new buildings at such an elevation that the lowest level of the new dwellings can be serviced with a gravity connection to the sanitary sewer.
15. The Owner pays all the costs associated with the removal of the existing service laterals across the proposed retained lands and the city road allowance, prior to any construction and grading on the lands.
16. The Owner pays all the costs associated with the removal of a portion of the existing building, concrete pads, asphalt pavement and the chain link fence from the proposed retained lands, prior to any construction and grading on the lands.
17. The Owner pays the actual cost of constructing and installing sanitary and water service laterals required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
18. The Owner shall place the following notification in the offer of purchase and sale for the dwelling units and to be registered on title:
 - i) that sump pumps will be required for the lots unless a gravity outlet for the foundation drain can be provided on the lots in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.

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 any construction or grading on the lands.
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 any construction or grading on the lands.
21. The Owner shall ensure that all telephone service and cable TV service on the Lands shall be underground. The Owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands, prior to any construction or grading on the lands.
22. Prior to any construction or grading on the lands, any 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.
23. That the Owner shall include in all agreements of purchase and sale or lease for each dwelling unit the following warning clauses:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.

Purchasers are advised that due to the proximity of the future and existing industrial facilities, sound levels from the facilities may at times be audible.”

24. That a forced air ventilation system be installed in any dwelling on the lands shown as Lot 6 shown on Attachment 5 and that the ducts be sized to accommodate the future installation of an air conditioning unit by the occupant.
25. In addition to the clauses included in condition 23, that Owner shall include in all agreements of purchase and sale or lease for a dwelling unit on the lands shown as Lot 6 shown on Attachment 5 the following warning clauses:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing rail may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the City and the Ministry of the Environment.

Purchasers/tenants are advised that this dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City's and the Ministry of the Environment's noise criteria. Purchasers/tenants are advised that the outdoor air cooled condenser unit itself can produce noise to interfere with outdoor recreational activities. Due consideration should be given to this noise factor when selecting the air cooled condenser units location or an alternative quieter type of unit could be selected. The condenser unit sound rating should not exceed 7.6 bels in accordance with ANSI Standard 270-84 for units 3.5 ton or less. The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and have due regard for compliance with criteria of MOE publication NPC-216, Residential Air Conditioning Devices."

26. That brick exterior wall construction be used on the east, west and north facades of all dwellings.
27. The Owner acknowledges and agrees to that all approved noise control measures shall be included in the development agreement and implemented as a condition of the approval of any severance.
28. The Owner may be required to grant CN an easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
29. The Owner enter into an Agreement with CN, stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
30. The Owner erect a fence, a minimum of 1.8 metres in height, along the new rear property lines.
31. That prior to building permit, the Owner complete a Tree Inventory, Protection and Compensation Plan illustrating all existing trees greater than 10 cm dbh within 5 metres of the property (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
32. The Owner shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
33. That the owner enters into an 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.