



**Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Tuesday, June 4, 2013 at 6:00 p.m.**

Attendance

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

Absent: Councillors Findlay, Kovach and Laidlaw

Staff: Ms. A. Pappert, Chief Administrative Officer; Dr. J. Laid, Executive Director, Planning, Building, Engineering and Environment; Mr. T. Salter, General Manager, Planning Services; Ms. S. Smith, Associate City Solicitor; Mr. D. Mast, Associate Solicitor - Contract ; Ms. M. Aldunate, Manager – Policy Planning and Urban Design; Ms. A. Nix, Environmental Planner – Policy; Ms. S. Kirkwood, Manager of Development Planning (*arrived at 7:00 p.m.*); Ms. K. Nasswetter (*arrived at 7:00 p.m.*); Ms. T. Agnello, Deputy Clerk; Ms. D. Black, Council Committee Coordinator

Also

Present: Mr. P. Pickfield, Solicitor on behalf of the City

Call to Order (6:00 p.m.)

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Burcher
Seconded by Councillor Van Hellemond

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 (6:01 p.m.)

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

- C.2013. OPA 42 (Natural Heritage System) Appeals – Ontario Municipal Board**
- C.2013. Ontario Municipal Board Appeal: PL130464 (Official Plan Amendment #48)**

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

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.

Council Consent Agenda

The following item was extracted:

**CON-2013. 12 410 Clair Road East: Proposed Changes to Site Plan Approval
Conditions (File: ZC0912/SP12C021)**

Balance of Council Consent Items

2. Moved by Councillor Guthrie
Seconded by Councillor Hofland

That the balance of the June 4, 2013 Consent Agenda as identified below, be adopted:

**CON-2013.13 58 Fleming Road: Proposed Zoning By-law Amendment (File:
ZC1301) – Ward 1**

1. That the application by J.L. Cox Planning Consultants Ltd. for a Zoning By-law Amendment from the UR (Urban Reserve) Zone to a R.1C-? (Specialized Single Detached Residential) Zone 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, be approved in accordance with the zoning regulations and conditions attached hereto as Schedule 1.
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 58 Fleming Road.

CON-2013.14 Victoria Road South Reconstruction Contract 2-1306

That the tender from Cox Construction Limited be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1306 for Victoria Road South Reconstruction between MacAlister Boulevard and Stone Road East for a total tendered price of \$1,965,242.01 with actual payment to be made in accordance with the terms of the contract.

**CON-2013.15 Lottery Licensing Policy for Eligible Charitable/Non-Profit
Organizations – Hamilton Ti-Cats Home Games**

1. That the Council report OTES061318 dated June 4, 2013 seeking a resolution to support the issuance of lottery licences to eligible Hamilton based Charity/Non-Profit

organizations to conduct lotteries at Hamilton Ti-Cats home games within the City of Guelph be received.

2. That as stated in Council report OTES061318 dated June 4, 2013 that Council waive the following 2008 Council resolution;

That lottery licences continue to be issued to eligible charitable/non-profit organizations from the City of Guelph and the County of Wellington only.

3. That for the lotteries conducted at Hamilton Ti-Cats games held within the City of Guelph that lottery licences be issued to eligible charitable/non-profit organizations from the City of Guelph, the County of Wellington, the City of Hamilton, or any other eligible charitable/non-profit organizations as supported by the Hamilton Ti-Cats.

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

VOTING AGAINST: (0)

CARRIED

Extracted Items

CON-2013.12 410 Clair Road East: Proposed Changes to Site Plan Approval Conditions (File ZC0912/SP12C021) – Ward 6

Staff advised parking requirements are being met and there is room on the property to expand if necessary. The entrance has been recessed farther from the road as in the original proposal. There is potential for public access through the property in the future and the two entrances to the property will address current access and egress concerns of the neighbourhood residents. Staff also said traffic lights are not warranted at this time.

Taylor Beech was not present to speak.

3. Moved by Councillor Dennis
 Seconded by Councillor Burcher

That the request by the Guelph Sikh Society for changes to the conditions of site plan approval, as outlined in Schedule 2 attached hereto, be approved.

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

VOTING AGAINST: (0)

CARRIED

By-laws

4. Moved by Councillor Burcher
 Seconded by Councillor Hofland

That By-laws Numbered (2013) - 19584 to (2013) - 19589 , inclusive, are hereby passed.

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

CARRIED

Adjournment (7:19 p.m.)

5. Moved by Councillor Hofland
Seconded by Councillor Furfaro

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on June 24, 2013.

Mayor Farbridge

Deputy Clerk

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 58 Fleming Road, and legally described as Part of Lots 16 and 17, Registered Plan 468, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for the subject site:

R.1C-? (Specialized Single Detached Residential) Zone

In accordance with Section 5.1 of Zoning By-law (1995)-14864, as amended, with the following exception:

Minimum Front Yard
9 metres

CONDITIONS

The following conditions were imposed through the approval of the Committee of Adjustment consent to sever application B-55/12 and are provided as information to Council.

1. That the owner pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (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 issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
2. That the owner pays the actual cost of the construction of the new driveway entrance including the required curb cut and/or curb fill, with the estimated cost of the works as determined necessary by the General Manager/City Engineer being paid, prior to the issuance of a building permit.
3. That prior to the issuance of any building permits on the proposed severed 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 proposed severed lands.
4. That the owner constructs the new dwelling at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
5. That the owner shall pay the actual costs associated with the removal of the existing structure/shed and any other materials from the severed parcel, prior to endorsonation of the deeds.
6. That the owner enters into a Storm Sewer Agreement with the City, satisfactory to the General Manager/City Engineer, prior to endorsonation of the deeds.
7. That a legal off-street parking space be created on the severed parcel at a minimum setback of 6-metres from the property line at the street.
8. Prior to endorsonation of the deeds, the owner will be required to ensure that any domestic wells or monitoring wells and boreholes drilled for hydrogeological or geotechnical investigations are

properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the General Manager/City Engineer.

9. Prior to the issuance of any building permit, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer.
10. Prior to the issuance of a building permit, the owner agrees to place a notification in the offer of purchase and sale for the lot that sump pumps will be required unless a gravity outlet for the foundation drain can be provided on the lot. Furthermore, all sump pumps must be discharged to the rear yard.
11. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with the Engineering Department of Guelph Hydro Electric Systems Inc. for the servicing of the proposed severed lands, prior to the issuance of any building permit.
12. 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.
13. That the applicant apply for and receive approval to amend Zoning By-law (1995)-14864 to change the Zoning category on the severed and retained parcel to a suitable single detached residential Zoning category, prior to endorsement of the deeds;
14. That any accessory structures and any vehicles parked on the subject property's landscaped open space be removed, prior to endorsement of the deeds;
15. That a site plan, elevations and design drawings for the new dwelling on the severed parcel be submitted to, and approved by the General Manager of Planning Services and the City Engineer, prior to the issuance of a building permit for the new dwelling on the severed parcel indicating and showing:
 - a) The location and design of the new dwelling;
 - b) All trees on the subject property, including the extent of their canopies that may be impacted by the development. Any trees within the City boulevard must also be shown, including appropriate protective measures to maintain them throughout the development process. The plan should identify trees to be retained, removed and/or replaced and the location and type of appropriate methods to protect the trees to be retained during all phases of construction.
 - c) The physical location of the new dwelling with a setback that is in character with the surrounding area;
 - d) The design of the new dwelling, to ensure that it respects the character of the surrounding neighbourhood in all aspects including the proposed massing, building setbacks and the size and location of any proposed garage;
 - e) Grading, drainage and servicing information;

16. That prior to the issuance of a building permit for the severed parcel, any required tree protection fencing be erected on-site and inspected by staff to the satisfaction of the General Manager of Planning Services;
17. That no vegetation removal shall occur during the breeding bird season (May-July), as per the Migratory Bird Act;
18. That the applicant shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the endorsement of the deeds, at the rate in effect at the time of the endorsement.
19. That the owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the issuance of any building permit for the lands.
20. That prior to the endorsement of the deeds, the owner shall enter into an agreement with the City, registered on title, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans.
21. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to November 30, 2013.
22. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
23. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
24. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Recommended Conditions (Revised)

The following conditions are provided as information to Council and will be imposed through site plan approval. (Revisions are shown as: ~~Removed~~, **Added**)

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan. The owner's submission for site plan approval shall include the following conditions and requirements:
 - a. The owner shall develop the site generally in accordance with the owner's Proposed Site Plan **as shown in Attachment 6 of Planning, Building, Engineering and Environment Report 13-24, dated June 4, 2013, to the satisfaction of the General Manager of Planning Services.** ~~attached as Schedule 5 to the Community Design and Development Services Report 10-32 dated June 7, 2010, to the satisfaction of the Director of Community Design and Development Services.~~
 - b. The owner shall include as part of the site plan approval submission, a detailed outdoor lighting plan that minimizes lighting impact on adjacent properties and residences, to the satisfaction of the **General Manager of Planning Services** ~~Director of Community Design and Development Services~~, prior to site plan approval.
 - c. ~~The Owner agrees that the outdoor lights in the parking area shall automatically shut off each day between 11:00 p.m. and 6:00 a.m.~~
 - d. That additional landscaping and buffering be provided between the proposed parking area and the residential properties to the west of the site.
 - e. The owner and the City agree that adjacent property owners ~~and the Westminster Woods Residents Association~~ shall have an opportunity to review the owner's application for Site Plan Approval and all supporting materials as well as to provide comments with respect to the application prior to a final decision being made by the City with respect to Site Plan Approval.
2. The owner shall prepare a detailed tree inventory, protection, re-location, replacement and enhancement plan to identify trees to be retained, relocated and replaced either on-site or off-site, to the satisfaction of the **General Manager of Planning Services** ~~Director of Community Design and Development Services~~, prior to site plan approval. Further, the owner shall provide detailed information regarding the type, location, number, size and caliper of new plantings and shall include native species to the extent possible.
3. The owner shall pay to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2004)-17361, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

4. The owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to site plan approval.
5. The owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the site plan approval.
6. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall submit a detailed Stormwater Management Report and Plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
7. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a site plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
8. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
9. The developer shall pay to the City the actual cost of the construction of the new driveway accesses, including the required curb cut and or fills, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway off Clair Road East and proposed residential driveway accesses on Goodwin Drive, including the required curb cut and or fills.
10. The owner shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
11. The owner shall construct the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
12. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
13. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall acquire a 2.898m strip of land abutting Goodwin Drive (Block 175, 61M-143) frontage as a lot addition in order to provide servicing and access for the subject lands.
14. Prior to any development of the lands, the owner shall pay the frontage charge for the Clair Road East upgrades of \$741.01 per metre for 116.129 metres

15. Prior to any development of the lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the said lands.
16. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
17. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to site plan approval.
18. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service prior to site plan approval.
19. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
20. Prior to site plan approval or consent, the owner agrees ~~that the dwelling units on the subject site will be constructed to an ENERGY STAR standard that promotes energy efficiency standards, or the equivalent; and that the owner undertakes~~ **to undertake** the energy and water efficiency measures described in the letter, dated **April 26, 2013, as in Attachment 7 of Planning, Building, Engineering and Environment Report 13-24 dated June 4, 2013, May 11, 2010, as in Schedule 14 of the Community Design and Development Services Report 10-32 dated June 7, 2010,** in order to comply with the Community Energy Plan, to the satisfaction of the **General Manager of Planning Services** ~~Director of Community Design and Development Services~~.
21. The Owner agrees to enter into discussions with the City regarding the potential for a joint use agreement to allow the City to book for the proposed playing field for sporting activities.
22. The owner shall enter into a Site Plan Agreement with the City, registered on title, satisfactory to the City Solicitor, agreeing to satisfy the above-noted conditions and to develop the site in accordance with the approved plans and reports.
- ~~23. A building permit for Phase 2 shall be issued no sooner than 5 years from the date of the issuance of the Phase 1 building permit.~~
- ~~24. That a condition be included in the Site Plan Agreement that the total capacity of the religious establishment be posted as a maximum of 200 persons for phase 1 and 400 persons for phase 2.~~