

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

An Open Meeting of Guelph City Council

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

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

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There was no disclosure of pecuniary interest and general nature thereof.

PRESENTATIONS

Consent Agenda

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

- A-3 Official Plan Amendment No. 48 – Phase 3 of the Official Plan Update

1. Moved by Councillor Kovach
Seconded by Councillor Hofland

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

- a) **1077 Gordon Street: Proposed Official Plan Amendment and Zoning By-law Amendment (Files: OP1101/ZC1011) – Ward 6**

Mr. P. Kemper
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

THAT Report 12-54 dated June 5, 2012 regarding applications for a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 1077 Gordon Street from Planning, Building, Engineering and Environment be received;

AND THAT the application by Coletara Development on behalf of 2180040 Ontario Ltd. for approval of an Official Plan Amendment to redesignate the westerly 0.79 hectare portion of the subject property from the "Medium Density Residential" designation to the "High Density Residential" land

use designation and for a site specific policy amendment to the current "Mixed Office-Residential" Official Plan designation on the remaining 0.43 hectare easterly portion of the property to permit a maximum residential density of 150 units per hectare in the form outlined in Schedule 1 attached hereto, affecting the property municipally known as 1077 Gordon Street, and legally described as Concession 7, Part Lot 4, Plan 61R9349, City of Guelph, be approved;

AND THAT the application by Coletara Development on behalf of 2180040 Ontario Ltd. for approval of a Zoning By-law Amendment from the R.3A (Cluster Townhouse) Zone and the OR-54 (Specialized Office-Residential) Zone to a R.4B-? (Specialized High Density Apartment) Zone affecting the property municipally known as 1077 Gordon Street, and legally described as Concession 7, Part Lot 4, Plan 61R9349, City of Guelph, be approved in accordance with the permitted uses, regulations and conditions provided in Schedule 1 attached hereto;

AND 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 1077 Gordon Street as set out in Report 12-54 from Planning, Building, Engineering and Environment dated June 5, 2012.

- b) **40 Wellington Street West: Proposed Zoning By-law Amendment (File: ZC1112) – Ward 5** THAT Report 12-57 dated June 5, 2012 regarding an application for a proposed Zoning By-law Amendment for the property municipally known as 40 Wellington Street West from Planning, Building, Engineering and Environment be received;

Ms. N. Shoemaker
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited on behalf of 2065404 Ontario Inc. for approval of a Zoning Bylaw Amendment from the existing Specialized CR-3 (Commercial Residential) Zone and the P.4 (Regional Park) Zone to a new Specialized CR-3 (Commercial Residential) Zone to permit a multi-building retail/office development on lands municipally known as 40 Wellington Street West, legally described as Lots 1 to 11, Donnington Street (closed by Judges order #10W-4790) Plan 272, Lots 2 and 6, part Lot 1 and Part Block A, Plan

136, Parts 2,3,4 and 5, Reference Plan 61R2943; s/t ROS645144; s/t ROS251502, City of Guelph, be approved in accordance with the permitted uses, regulations and conditions outlined in Schedule 2 attached hereto.

Dr. J. Laird
Mr. B. Poole

- c) **Proposed Demolition of 175 Liverpool Street**
THAT Report 12-62 regarding the proposed demolition of a detached dwelling at 175 Liverpool Street, City of Guelph, from Planning, Building, Engineering and Environment dated June 25, 2012, be received;

AND THAT the proposed demolition of the detached dwelling at 175 Liverpool Street be approved;

AND THAT the applicant be requested to contact Planning, Building, Engineering and Environment regarding options for the salvage or recycling of the demolition materials.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

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.

1141 Paisley Road: Proposed Zoning By-law Amendment (File: ZC1117) – Ward 4

Ms. Stacey Laughlin, Senior Development Planner provided a synopsis of her report provided with the agenda for this meeting. She stated the applicant proposes to rezone the lands from the Urban Reserve Zone, Service Commercial Zone and the Rural Zone to a Specialized Community Shopping Centre to permit the development of a multi-building commercial development with a Warehouse Membership Club and Home Improvement Retail Warehouse Establishment as their anchor businesses.

She stated staff are working on parking issues, and building layout. She confirmed there are currently three entrances being proposed.

Ms. Wendy Nott, on behalf of the applicant, provided an overview of the Elmira West Retail Development. She said the zoning is to implement the mixed use node dedication and they are requesting a warehouse parking standard be applied to the property. She stated they have revised the concept plan to conform to the City's urban design action plan. She said they want to lower the grade of Paisley Road to provide access and have three accesses on Elmira Road South. She said there will be direct pedestrian connection from public streets, and parking areas will be screened and landscaped with buffers to provide an attractive streetscape. She also noted that the Mitchell family recognition will be a feature and there will be an Elmira Road connection with the West End Recreation Centre. She stated that the balance of the site is not scheduled to be developed at this time.

Mr. Jeff Ishida, Vice-President, Real Estate for Costco provided information regarding their expected clientele and what they offer their employees. He said they work at being sustainable and will have 200 skylights to reduce energy demand and 80 per cent of the steel used in construction will be recycled steel. He said they hope to have the zoning in place in September and the site plan completed in the fall and the project complete in the fall of 2013. He stated the outside uses will be loading docks and seasonal products and there will be screening provided between the docks and the neighbouring agricultural properties. He also said that some of the buildings will be allowing upper storey uses. He noted that the Mitchell family recognition will be using the money the City received for that purpose. He advised that their other property was built to LEEDS silver standard and they want a sustainable build in Guelph.

Staff will investigate potential issues with traffic on Whitelaw Road resulting from cut through traffic and they will evaluate the connection on the west end of the property.

Staff stated there is the intention to have a bus shelter on the property and a transit node is being discussed. They will review how to address the retail floor area capping issue on the property.

Dr. J. Laird
Mr. T. Salter

2. Moved by Councillor Kovach
Seconded by Councillor Guthrie
THAT Report 12-56 regarding a Zoning By-law Amendment application by Walker, Nott, Dragicevic Associates Ltd. on behalf of Armel Corporation, to permit a multi-building commercial development for the property municipally known as 1141 Paisley Road, and legally described as Part Lot 6, Concession 1, Division "B", designated as Part 3, 61R9602 and Part 2, 61R8682; and Part Lot 4, Concession 2, Division "E", (formerly Guelph Township), designated as Part 3, 61R8682; and, Part of road allowance between Divisions B and E, (formerly Guelph Township), designated as Part 2, 61R9027, City of Guelph, from Planning, Building, Engineering and Environment dated June 5, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

635 Woodlawn Road East: Proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment (Files: 23T11503/ZC1118) – Ward 3

Mr. Tim Donegani, provided an overview of his report provided with the agenda for this meeting. He advised of the proposed Draft Plan of Subdivision, Official Plan Amendments and Zoning By-law amendments being requested. The request is to accommodate 64 apartment units accessed from Woodlawn Road East and 18 On-street townhouse units and 137 single detached units accessed from new or extended public roads and 60 apartment units and ground floor commercial in a mixed use building, and an office building with access from an extension of Shakespeare Drive.

Ms. Astrid Clos, Planning Consultant on behalf of the owner, stated that the property will have a mixed use entrance, integrated trail system, and connectivity with the existing neighbourhood and will be a good fit.

Mr. Andrew Lambden, applicant and owner of TerraView Homes, provided information about his company and their efforts for conservation and stated this development will be committed to energy conservation and will be a good use of the property.

In response to questions raised, staff will report back with information regarding how the property will be serviced by transit, how the trail on the east side will fit in with the east side trail loop connecting Guelph Lake and the south to Eastview trail.

3. Moved by Councillor Findlay
Seconded by Councillor Dennis

Dr. J. Laird
Mr. T. Salter

THAT Report 12-52 regarding applications for a Draft Plan of Subdivision approval, Official Plan Amendment and Zoning By-law Amendment to permit the development of 137 single detached dwellings, 64 apartment units, 18 on-street townhouse units, 60 apartment units and ground floor commercial space in a mixed use building, and 723 m² of office floor area, applying to property municipally known as 635 Woodlawn Road East, and legally described as Part 2, Concession 6, Division C, Parts 1,2&3 on 61R-5908 from Planning, Building, Engineering and Environment, dated June 5, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Official Plan Amendment 48

The Mayor provided a brief history of the three phases of the Official Plan Update and this amendment process to date.

Mr. Todd Salter, General Manager of Planning Services, provided information regarding community and stakeholder involvement in this Official Plan Amendment. He addressed expected results and stated that once the three phases are complete, then the five year Official Plan review will be done. He said this amendment will update and revise various sections of the Official Plan to conform with new Provincial and City documents. He highlighted key issues and provided a summary and response as outlined in his presentation provided at this meeting.

Mr. Salter addressed OPA 42 in response to public concerns regarding open space and river systems and stated that the Natural Heritage Strategy will protect the rivers systems and staff do not recommend deferral of OPA 48 as requested from members of the public and delegations.

In response to questions from Council, he said that since OPA 42 is at the Ontario Municipal Board (OMB) nothing with that amendment can be changed.

Questions were raised surrounding the role and input of the River Systems Advisory Committee (RSAC) and staff advised that RSAC provided comment in 2010, and they were not specifically consulted before this amendment was circulated. He noted that they were invited to provide comments and were informed when the materials were released for review.

Mr. Salter stated that when the amendment is adopted by Council, the by-law is sent to the Ministry and they have 180 days to issue a decision. The Ministry decision could be appealed and the amendment would not come into force and effect until the appeal period is over with no appeals submitted, or a final decision is made by the OMB on any submitted appeals.

He noted that site specific requests would best be dealt with through a zone change or other planning application and not through the Official Plan Review. He also said that infill projects are protected through zone changes and he believes this meets best practices.

He also clarified that the Open Spaces Policy can be addressed with this amendment, but not the river systems because they are contained within OPA42 that is currently under appeal at the OMB.

Ms. Suzanne Swanton, Wellington and Guelph Housing Committee, advised the 6% goal for affordable housing for the City is problematic due to a lack of investment funding from Federal or Provincial governments since 1995; and the affordable housing project has only provided 164 affordable units provided in that time. She does not see how the targets can be met without an influx of new investment. She believes an increase from the 3% rental housing target to provide more choices for those who cannot afford to purchase a home is needed due to the larger number of people unable to afford to purchase.

Ms. Dianne Nelson, Wellington and Guelph Housing Committee, stated that affordable home ownership is a sign of a healthy market and there needs to be options at the low end of ownership levels. She said that salaries are not keeping pace with resale market which makes it difficult for people to buy. She stated that in order to meet the targets of the OPA, there needs to be

coordination between the City, County and non-government organizations. She stated incentives and grants will be required and the City will need to move quickly to identify and make available surplus lands suitable for affordable housing. They asked that the affordable housing be developed as soon as possible.

Mr. David Sills, President, Guelph Civic League, said that the previous Official Plan was very specific about the river systems management and is concerned that since it is not being addressed as specifically as in previous Official Plans, there could be issues. He stated that RSAC is requesting a deferral of the decision until the outcome of the OPA42 appeal is known. He is concerned that if the City does not receive a favourable outcome, then the river systems will not have adequate protection.

Ms. Norah Chaloner, believes stronger language is required in the Official Plan Amendment and there is too much being assumed. She does not understand why the River Systems Management Plan did not play a bigger role with this proposed amendment. She says open spaces need to be combined with the Natural Heritage Strategy and suggested new wording for the Official Plan which was included in her written submission. She said the City needs to protect all stretches from the Speed and Eramosa Rivers and their tributaries and maintain the 30 metre buffer. She requested a deferral of a decision.

Mr. Michael Hoffman raised issues regarding livestock production. He would like more consideration given to the risks because he does not believe the risks have been addressed in a reasonable way. He does not see how the proposed Official Plan amendment will meet water quality standards outlined in the Provincial Policy Statement. He recommended the wording be changed to prevent livestock production within the built up area of the City and he would like to see specifics as to what will be allowed. He also raised concerns that Urban agriculture is defined and allows animals but does not clarify what animals, or what products could be sold or how the animals are transported or slaughtered. He believes these items require further clarification.

Mr. Robert Case was not present to speak to this matter.

Ms. Sue Rietschin, on behalf of GUFF, said they would like a definition to be added to the OPA for wooded ravines. She believes the absence of a specific ravine protection policy is a flaw and does not believe the Natural Heritage Strategy is able to protect such important green infrastructure. She requested more significant discussion

and input from the public due to the amount of deletions from the Official Plan without clear explanation.

Ms. Meera Drennan withdrew her delegation.

Mr. David Douglas advised his concerns have been addressed by previous delegations. He stated that language is important, and important items need to be clearly specified. He said that items not specifically noted, would be considered to not be of as much importance as those that are clearly defined with the proposed amendment.

Ms. Judy Martin, on behalf of the Sierra Club of Canada, Ontario Chapter, said they are concerned about removing the River Systems Master Plan as a guideline and they request stronger language be used in the amendment. She raised the concern for the 30m buffer zone and noted an example where an exception has already been granted. She said the magnitude of the changes to the Official Plan were not evident until very recently and more time should be provided for the public to review and understand the implications of the changes. She does not believe there was adequate public consultation.

Mr. Richard Chaloner raised the concern that the City is going to dilute the river protection if Council adopts OPA48. He believes the amendment needs stronger language and suggested the City defer a decision on this amendment (OPA48) until the OMB appeal outcome is known so more changes could be made if necessary. He requested further consultation and more time be given.

Staff stated urban agriculture supports Guelph's Food Charter, and promotes local growth and should remain in the amendment. They also confirmed that the Natural Heritage Strategy (OPA42) does address woodlands and woodland protection and sets criteria.

4. Moved by Councillor Laidlaw
Seconded by Councillor Burcher
THAT Report #12-59 regarding Official Plan Amendment No. 48 – Phase 3 of the Official Plan Update from Planning, Building, Engineering and Environment dated June 5, 2012 be received;

AND THAT Official Plan Amendment No. 48, initiated by the City of Guelph including schedules and associated definitions be adopted in accordance with Attachment 1 – Official Plan Amendment 48;

AND THAT Council declare to the Minister of Municipal Affairs and Housing that Official Plan Amendment No. 48 meets the requirements of Section 26 of the Planning Act in that it conforms with the Growth Plan for the Greater Golden Horseshoe, has regard to matters of Provincial interest and is consistent with the 2005 Provincial Policy Statement.

5. Moved in Amendment by Councillor Bell
Seconded by Councillor Guthrie

THAT Official Plan Amendment 48 be referred back to staff to address the open spaces issues with the community.

VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie and Van Hellemond (4)

VOTING AGAINST: Councillors Burcher, Dennis, Findlay, Hofland, Kovach, Laidlaw, Piper, Wettstein and Mayor Farbridge (9)

Defeated

6. Moved by Councillor Laidlaw
Seconded by Councillor Burcher

Dr. J. Laird
Mr. T. Salter

THAT Report #12-59 regarding Official Plan Amendment No. 48 – Phase 3 of the Official Plan Update from Planning, Building, Engineering and Environment dated June 5, 2012 be received;

AND THAT Official Plan Amendment No. 48, initiated by the City of Guelph including schedules and associated definitions be adopted in accordance with Attachment 1 – Official Plan Amendment 48;

AND THAT Council declare to the Minister of Municipal Affairs and Housing that Official Plan Amendment No. 48 meets the requirements of Section 26 of the Planning Act in that it conforms with the Growth Plan for the Greater Golden Horseshoe, has regard to matters of Provincial interest and is consistent with the 2005 Provincial Policy Statement.

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

VOTING AGAINST: Councillors Bell and Van Hellemond (2)

Carried

BY-LAWS

7. Moved by Councillor Laidlaw
Seconded by Councillor Burcher
THAT By-law Number (2012)-19403 is hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

NOTICE OF MOTION

Councillor Van Hellemond advised that the will be bringing forward a notice of motion at the next meeting of Council for reconsideration of the motion approved at the Council meeting held on May 28, 2012 regarding a variance from the Sign By-law for 45 Speedvale Avenue East.

ADJOURNMENT

8. Moved by Councillor Findlay
Seconded by Councillor Burcher
That the meeting of Guelph City Council of June 5, 2012 be adjourned.

Carried

The meeting adjourned at 10:42 p.m.

Minutes to be confirmed on June 25, 2012.

.....
Mayor

.....
Deputy City Clerk

Proposed Official Plan Amendment

Amend Schedule 1, Land Use Plan of the Official Plan by changing the land use designation on the rear 0.79 hectare portion of the property municipally known as 1077 Gordon Street, from the current "Medium Density Residential" designation to the "High Density Residential" designation.

Amend the Official Plan text by the addition of a new site specific sub-policy.

Amend Section 7.6 of the Official Plan, "Mixed Office-Residential Land Use Designation", by adding Official Plan Policy 7.6.10 with the following clause:

7.6.10 Notwithstanding Policy 7.6.3, the maximum net density for residential development within this designation for the property known municipally as 1077 Gordon Street shall be 150 units per hectare.

Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 1077 Gordon Street and legally described as Concession 7, Part Lot 4, Plan 61R9349, City of Guelph.

The following zoning is proposed for 1077 Gordon Street:

R.4B-? (Specialized High Density Apartment) Zone

Permitted Uses

In addition to the permitted uses listed in Section 5.4.1.2 (High Density Apartment Zone) of Zoning By-law (1995)-14864, as amended, the following additional uses shall be permitted:

- Live/Work Units
- Artisan Studio
- Dry Cleaning Outlet
- Commercial School
- Financial Establishment
- Office
- Personal Service Establishment

The following definitions shall apply in the R.4B-? (Specialized High Density Apartment) Zone:

A "Live/Work Unit" shall mean a dwelling unit, part of which may be used as a ground floor business establishment and the dwelling unit is the principal residence of the business operator.

A "Street Entrance" shall mean the principal entrance to a business which shall be located in a part of the building facing a public street or public square which is at or within 0.2 metres above or below grade.

Regulations

In accordance with Section 5.4.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Off-Street Parking

- 1.25 spaces per apartment unit (in lieu of the required 1.5 spaces for the first 20 units and 1.25 spaces for each unit in excess of 20 units)

Maximum Building Height

- 4 storeys

Regulations for Non-Residential Uses

Non-residential uses shall be restricted to the ground floor level of the building oriented along the Gordon Street frontage and be required within the front portion of the building facing Gordon Street

- The street entrances to non-residential uses shall be located facing Gordon Street

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, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning 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, elevations and design for development of the subject lands shall be in general accordance and conformity with the Owner's concept plans attached as Attachment 7 to the June 5, 2012 Planning, Building, Engineering and Environment Report Number 12-54 (Site Plan, prepared by Kozlowski Architect, Project No. 1013, dated June 2, 2011).
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 Services in accordance with the letter attached as Attachment 8 to Report 12-54 from Planning, Building, Engineering and Environment dated June 5, 2012.
3. The Owner shall be responsible for the payment of cash-in-lieu of parkland dedication in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545 and By-Law (2007)-18225, or any successor thereof prior to the issuance of building permits.

4. The Owner acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The 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 site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.

If contamination is found, the 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. 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.
 6. The Owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the lands, including road works, sanitary sewer, storm sewer, curb and gutter, catch basins, sidewalks and street lighting as determined by the City Engineer, prior to site plan approval.
 7. The Owner shall pay to the City, their share of the actual cost of constructing and maintaining the existing Municipal Stormwater Management facility (Harts SWM Pond) as determined by the City Engineer, prior to site plan approval.

8. The Owner shall pay to the City, their share of the actual cost of constructing the existing Gordon Street sewage pumping station and force main as determined by the City Engineer, prior to site plan approval.
9. The 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.
10. The 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 and the required curb cut.
11. That the 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.
12. 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 any construction or grading on the lands.
13. 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.
14. 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 any construction or grading on the lands.
15. 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.

16. That any domestic wells 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.
17. 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. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
18. The Developer 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
19. 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 and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.

Recommended Permitted Uses, Regulations and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 40 Wellington Street West and legally described as Lots 1 to 11, Donnington Street (closed by Judges order #10W-4790) Plan 272, Lots 2 and 6, part Lot 1 and Part Block A, Plan 136, Parts 2, 3, 4 and 5, Reference Plan 61R2943; s/t ROS645144; s/t ROS251502, City of Guelph.

The following zone is proposed: **Specialized CR-3 Zone**

"Permitted Uses

- Art Gallery
- Commercial Entertainment
- Funeral Home
- Museum
- Office Supply
- Parking Facility
- Recreation Centre
- Restaurant
- Retail Establishment
- Artisan Studio
- Club
- Convenience Store
- Dry Cleaning Outlet
- Financial Establishment
- Florist
- Laundry
- Library
- Medical Clinic
- Medical Office
- Office
- Personal Service Establishment
- Religious Establishment
- Restaurant (take out)
- Veterinary Service
- Video Rental Outlet
- Accessory Units in accordance with Section 4.23
- Occasional Uses in accordance with Section 4.21

Regulations

In accordance with Section 4 (General Provisions) and Section 6.6 of Zoning By-law (1995)-14864, as amended with the following exceptions:

Building Setbacks

The minimum Front or Exterior Side Yard shall be 0 metres.

The minimum Side Yard shall be 1.2 metres.

The minimum Rear Yard shall be 1.5 metres.

Building Height

The minimum building height shall be as follows:

-The two buildings proposed adjacent to Wellington Street West (Buildings A and B in Attachment 6) are allowed to be one useable storey in height but must have the appearance of two storey buildings.

-The two buildings proposed adjacent to Gordon Street (Buildings C and D in Attachment 6) are allowed to be one storey in height, must appear to have two storeys and will be constructed to allow for the future additional construction of a second useable storey.

Maximum Gross Floor Area

The maximum gross floor area shall be 3,502 square metres of ground floor area plus 186 square metres of mezzanine floor area= 3,688m².

Off-Street Parking

A minimum total of 150 parking spaces shall be provided on site.

Buffer Strip

The appropriate location, composition and width of the buffer strip shall be determined as part of the site plan approval process.

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 Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the owner agrees to develop the said lands in accordance with the approved plan.
2. The owner shall develop the site generally in accordance with the development **concept plan and elevations** attached as Attachment 6 to the June 5, 2012 Planning, Building, Engineering and Environment Report Number 12-57, and

the owner shall complete the following requirements to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to site plan approval:

- a) The owner shall complete all **requirements** of the GRCA and the owner's approved Environmental Impact Assessment and all **recommendations** in the November 9, 2011 resolution of EAC, the January 18, 2012 resolution of RSAC and the Parks Planner comments dated March 13, 2012, all contained in Attachment 9 of the Planning, Building, Engineering and Environment Report 12-57 dated June 5, 2012, to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer.
 - b) The owner shall complete all recommendations of the **Urban Design Brief**, dated August 22, 2011, by MSAi Architecture and Urban Design, as updated in consultation with City Staff, to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer. This shall include:
 - I. That the developer be encouraged to provide entrances and clear glazing on Wellington Street for all of the future leasable units within Building B; and
 - II. That for the end units in Building B, the developer be required to provide principle entrances with clear glazing at the corners of the building nearest Wellington Street.
 - III. -The two buildings proposed adjacent to Wellington Street West (Buildings A and B in Attachment 6) are allowed to be one useable storey in height but must have the appearance of two storey buildings.
-The two buildings proposed adjacent to Gordon Street (Buildings C and D in Attachment 6) are allowed to be one storey in height, must appear to have two storeys and will be constructed to allow for the future additional construction of a second useable storey.
3. Prior to site plan approval the owner will provide the City with written confirmation that the site will be developed and the buildings will be constructed to a standard that supports the **Community Energy Initiative** to the satisfaction of the General Manager of Planning and Building Services and in accordance with the Community Energy Initiative Brief submitted by the applicant and attached as Attachment 6 to the June 5, 2012 Planning, Building, Engineering and Environment Report Number 12-57.

4. Prior to site plan approval and development of the site, the owner shall submit a Remediation Summary Report to document the results of the site remediation activities completed by Rockwell Automation and recommendations for any further remediation, if necessary, and risk management measures to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer.
5. 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 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 thereof, prior to the issuance of any building permits, at the rate in effect at the time of the issuance of the building permit.
6. Prior to site plan approval, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance By-law (1989)-13410, as amended from time to time, or any successor thereof.
7. The owner shall be responsible for the design and cost of construction of **demarcation** for the site and all affected City property boundaries in accordance with the City of Guelph Property Demarcation Policy.
8. A **visual and aesthetic buffer** will be provided where any parking lot or drive aisle abuts Royal City Park. The location, width and treatment of the buffer shall be determined during the site plan approval process.
9. The owner shall be responsible for the design and cost of construction of **pedestrian connections** through the site and onto the adjacent park land to City standards. An agreement between the owner and the City will be required that clarifies ownership of these assets and responsibilities for the design, construction, operation, maintenance, replacement and use of same.
10. The Owner shall deed to the City, free of encumbrances and at no expense to the City, if required, any parcel of land for **road widening or road improvement** across the Gordon Street frontage of the lands.
11. The preferred option for achieving an appropriate separation distance or mitigation of the nuisance of fly baseballs between the **existing ball diamond** and the parking spaces proposed on the City owned lands will be determined during the site plan approval process. The applicant will be responsible for the cost of design and development of such improvements including the cost of

fencing from the backstop to the outfield limit along the east side of the ball diamond.

12. A portion of the **parking spaces on the City owned lands** will be signed and dedicated for park patron use. The final number of spaces and location will be determined during the site plan approval process.
13. 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 the development of the lands.
14. 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 the development of the lands.
15. That all **telephone and cable TV** service to the lands shall be underground and the owner shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the lands.
16. Prior to site plan approval or prior to any construction or grading on the lands, the owner shall:
 - a) Submit **all environmental site assessment, remediation and monitoring 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 40 Wellington Street ("Subject Lands") to the satisfaction of the City;
 - b) Submit **detailed design drawings and a Health and Safety Plan** related to the implementation of the risk management measures to the satisfaction of the City;
 - c) Submit copies of all **Well Abandonment Records** submitted to the Ministry of the Environment in accordance with O. Reg. 903 as amended and a site plan with the remaining and replacement monitoring wells and groundwater extraction and treatment system identified to the satisfaction of the City; and
 - d) Submit the **RSC and MOE acknowledgment letter for the RSC** to the satisfaction of the City.
17. 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.

18. Prior to site plan approval, the Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, with final versions of any of the following studies, plans and reports that reflect the approved site plan, that may be requested by the General Manager/City Engineer:

- a) **a traffic impact study** covering all aspects of access and egress to the site and the effect of the development on the surrounding roads including recommendations for improvements;
- b) **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 together with a monitoring and maintenance program for the stormwater management facility;
- c) **a geotechnical report** certified by a Professional Engineer to confirm groundwater elevations relative to the D-tanks;
- d) **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;

The Developer 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) to (d) inclusive, of this clause.

19. The Developer shall enter into a **cost sharing agreement** with the City to pay for the developer's share of the cost of improvements, modifications and reconstruction on Gordon Street, Wellington Street, the intersection of Gordon Street and Wellington Street, the intersection of Wellington Street and Dublin Street including the construction of shared access and shared parking on City lands across from Dublin Street, based on the design and cost estimates prepared by the City.

20. Prior to public access to the development, the **reconstruction of roadwork** outlined in Section 19 shall be substantially completed to the satisfaction of the General Manager/City Engineer.

21. 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 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.

22. The Developer shall pay to the City, the actual **cost of constructing and installing the service connections** 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.
23. That the Developer 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.
24. Prior to any development of the lands and prior to any construction or grading on the lands, the Developer shall apply to the City for an **easement and/or right-of-way**, registered on title in favour of 40 Wellington Street, to facilitate the proposed sanitary and storm sewer and for the proposed off-street parking located on the City Lands.
25. Prior to any development of the lands and prior to any construction or grading on the lands, the Developer shall enter into a cost sharing/easement agreement with the City, registered on title, for the **cost sharing** including maintenance, between the Developer and City for the use of the City Lands for off-street parking and for the access to the development property.
26. The owner shall register on title to the subject lands to the satisfaction of the City Solicitor, pursuant to Section 20 of the Condominium Act, 1998, **rights of easement for future access** in favour of the property located directly to the north of the subject site municipally known as 87 Wellington Street, prior to site plan approval. Such easement shall provide for the opportunity, but not any obligation, for the property owner to the north to use the roads and access on the subject site, subject to an appropriate payment of a share of the costs for the use of these facilities and reciprocal rights of easement to roads and access is available to allow for future redevelopment on private lands to the north of the site.
27. Prior to the issuance of a building permit, 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. The Developer shall submit a Well Record to the satisfaction of the General Manager/City Engineer.

28. Prior to the approval of the site plan, the owner shall enter into a **Site Plan Agreement** with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning and the General Manager/City Engineer agreeing to satisfy the conditions noted above and to develop the site in accordance with the approved plans and reports."