

Council Caucus Room
June 7, 2010 6:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Piper, Salisbury and Wettstein

Absent: Councillors Hofland, Kovach and Laidlaw

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Ms. M. Neubauer, Director of Finance; Mr. J. Riddell, Director of Community Design & Development Services; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

- 1. Moved by Councillor Findlay
Seconded by Councillor Billings

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

Proposed or Pending Acquisition of Land by the Municipality

S. 239(2) (c) Proposed or Pending Acquisition or Disposition of Land by the Municipality

Carried

The meeting adjourned at 6:31 o'clock p.m.

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Mayor

.....
Deputy Clerk

Council Caucus Room
June 7, 2010 6:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury and Wettstein

Absent: Councillor Hofland and Laidlaw

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. J. Riddell, Director of Community Design & Development Services; Ms. M. Neubauer, Director of Finance; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Proposed or Pending Acquisition of Land by the Municipality

Councillor Kovach arrived at 6:40 p.m.

Mr. P. Cartwright

- 1. Moved by Councillor Findlay
 Seconded by Councillor Kovach
 THAT the report of the General Manager of Economic Development and Tourism Services in regard to proposed or pending acquisition of land by the municipality dated June 7, 2010, be received.

Carried

The meeting adjourned at 6:50 o'clock p.m.

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Mayor

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Deputy Clerk

Council Chambers
June 7, 2010

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury and Wettstein

Absent: Councillors Hofland and Laidlaw

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. J. Riddell, Director of Community Design & Development Services; Mr. P. Cartwright, Manager of Economic Development & Tourism; Mr. S. Hannah, Manager of Development & Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

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.

Proposed Administrative Amendment to Zoning By-law Number (1995)-14864, as amended (Guelph's Comprehensive Zoning By-law

Ms. K. Nasswetter, Senior Planner, provided a brief synopsis of the proposed changes.

- 1. Moved by Councillor Findlay
Seconded by Councillor Burcher

Mr. J. Riddell

THAT Report 10-62, regarding a proposed administrative amendment to Zoning By-law Number (1995)-14864 from Community Design and Development Services, dated June 7, 2010, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the June 7, 2010 Consent Agenda to be voted on separately:

- A-1: 146 Downey Road: Proposed Zoning By-law Amendment (File ZC0906) – Ward 6
- A-2: 410 Clair Road East: Proposed Zoning By-law Amendment (File ZC0912) – Ward 6
- A-4: Proposed Demolition of 1897 Gordon Street – Ward 6
- A-6: Interim Control By-law for Shared Rental Housing

2. Moved by Councillor Findlay
Seconded by Councillor Kovach

THAT the balance of the June 7, 2010 Council Consent Agenda as identified below, be adopted:

a) **Proposed Demolition of 108 Marlborough Road – Ward 2**

Mr. J. Riddell

THAT Report 10-64 regarding the proposed demolition of a detached dwelling at 108 Marlborough Road, City of Guelph, from Community Design and Development Services dated June 7, 2010, be received;

AND THAT the proposed demolition of the detached dwelling at 108 Marlborough Road, be approved.

b) **The Elliott Credit Facilities**

Ms. M. Neubauer

THAT Council approves The City of Guelph Guarantee of The Elliott Community's existing credit facilities as restructured in the amount of \$5,063,000.

AND THAT the Mayor and City Clerk be authorized to execute the Guarantee documentation with the Royal Bank and to execute a Credit Letter Agreement with the Royal bank and The Elliott for the existing credit facilities as proposed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

146 Downey Road: Proposed Zoning By-law Amendment (File: ZC0906) – Ward 6

Al Hearne, Senior Planner, advised of the process taken to come to a consensus between the developer and the neighbourhood group. He addressed the recommendations by Mr. Whiteley and stated the reasons for not implementing the land exchange. He advised that

a housekeeping amendment be made to Clause 1b of Schedule 2 by deleting 'Kortright Hills Community Association' and adding 'Ad Hoc Committee'.

Mr. Jeremy Grant, a representative of Seaton Ridge, advised that the increase in density was a compromise between the developer and neighbourhood. He assured Council that the developer is dedicated to preserving open space corridors and have addressed safety issues. He stated that the land swap was addressed, and concerns were raised by the Seaton group, staff and the ad hoc committee regarding safety issues.

Ms. Shirley Greenwood, on behalf of residents of 146 Downey Road Ad Hoc Committee stated they oppose the Official Plan amendment to designate the area as Medium Density after many months of negotiations to agree upon a site-specific agreement. She stated that any future developer should be bound by the same site-specific designation. She requested that staff meet with the ad-hoc committee to address parking and traffic concerns. She stated the ad-hoc committee agrees with the staff recommendation and does not support Dr. Whiteley's proposals.

Dr. Hugh Whiteley, stated the staff recommendation contradicts the Official Plan and is not good planning. He stated there is an unwarranted risk created by the gas line. He advised that the Official Plan states that if there are two options with the same benefits, the option with the lower risk must be used. He advised the eastern slope creates an intrusion on the open space and devalues that portion of the property and another option that does not create a disturbance should be utilized. He requested Council give consideration to the increase of public risk when making their decision.

Mr. Carl Keller, a resident in Kortright Hills, stated the ad-hoc committee has unanimously accepted the staff recommendation. He stated that Mr. Whiteley's report was considered but it was determined that it was not the best solution. He raised the concern that changing the zoning designation from general residential to medium density would negate work done to date on this site and requested Council leave the site designation as it stands.

3. Moved by Councillor Findlay
Seconded by Councillor Beard

Mr. J. Grant
Mr. J. Riddell
Mr. D. McCaughan
Ms. L.E. Payne

THAT Report 10-30 regarding a proposed Zoning By-law Amendment application applying to property municipally known as 146 Downey Road, City of Guelph, (File ZC0906) from Community Design and Development

Ms. M. Neubauer

Services dated June 7, 2010, be received;

AND THAT the application (ZC0906) by Seaton Ridge Communities Limited for approval of a Zoning By-law Amendment from the current UR (Urban Reserve) Zone to a Specialized R.3A (Townhouse) Zone to permit a multiple residential development including townhouses and multiple attached dwellings applying to property legally described as Part of Lot 16, Concession 5 and Part of the Road Allowance between Concessions 5 & 6, Geographic Township of Puslinch, City of Guelph (PIN 71219-0069LT), municipally known as 146 Downey Road, City of Guelph, be approved in accordance with the permitted uses, regulations and conditions outlined in Schedule 2 of the Community Design and Development Services Report 10-30 dated June 7, 2010, as amended as follows:

AND THAT Clause 1b of Schedule 2 be amended by deleting 'Kortright Hills Community Association' and adding 'Ad Hoc Committee', as attached hereto as Schedule 1;

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 146 Downey Road as set out in Report 10-30 from Community Design and Development Services dated June 7, 2010

AND THAT this site remains zoned General Residential and not be changed in the upcoming Official Plan Amendment 42.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

4. Moved by Councillor Billings
Seconded by Councillor Kovach

Mr. J. Riddell

THAT staff be directed to work with the Downey Road Ad Hoc Committee with respect to traffic and parking concerns pertaining to the 146 Downey Road application.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

410 Clair Road East: Proposed Zoning By-law Amendment (File ZC0912) – Ward 6

Ms. K. Nasswetter, Senior Planner, advised of the issues addressed during the process and the changes that have been made to the application to alleviate concerns raised by the neighbourhood.

Mr. John Valeriotte, on behalf of the applicant, advised there have been several meetings to address issues that have been raised. He advised the expansion is very restrictive and will include further public consultation. He stated the applicant has no objection to closing off the walkway behind Goodwin Drive and providing landscaping.

Mr. Glen Carducci, an area resident, asked about the total height of the building with the domes included and said it is too tall. He stated that the residents were required to build within a constant uniformed architecture, but this site has not been subject to the same requirements and he believes this will have a negative impact on their property values. He requested restrictions on heavy vehicular traffic between 7:00 p.m. and 7:00 a.m. on Clair Road to prevent large trucks from using the property in the evenings.

Mr. Sam Moghimi, a neighbourhood resident, questioned the validity of traffic counts that were completed in 2007 due to the growth within the area. He does not believe the building is compatible with the neighbourhood and will create traffic problems.

Mr. Adam Minnion, representing Westminster Woods Neighbourhood Association, stated there was not adequate time for the public to review the matter or present opinions. He believes the report is not comprehensive enough and is unclear in sections. He advised that a second traffic study was done that does not have the same results as the study provided by staff. He expressed concern that the "small scale" definition is at the discretion of staff and advised that cases he understands the Ontario Municipal Board considers "small scale" as not being over 500 square metres. He advised parking is an issue for the residents and their interpretation of parking requirements differs from that of City staff. He also stated that if the access from Goodwin Drive was not physically closed, pedestrians would still use it.

Ms. Susan Watson stated that the Official Plan and Provincial legislation must be taken into account when making this decision. She advised most traffic for the site will be on Sunday or weekends when other traffic would be lighter. She believes a number of great changes have been made to the application and it will bring upgrades to Clair. She stated that inclusiveness, diversity and tolerance are key for the City and supports the staff recommendation.

Dr. Dennis Galon addressed the space issue as it relates to occupancy numbers. He advised more space is needed for people to sit on the floor than if they were in pews or on chairs so the numbers to fit in the area would be less than allowed. He stated that the congregation expects to double in size and will expand at that time. He stated that building standards have not adapted to multicultural diversity and actual usage needs to be considered and not just numbers. He stated that there is enough parking being provided for the number of vehicles he currently has observed at the current Sikh site.

5. Moved by Councillor Findlay
Seconded by Councillor Burcher

THAT Report 10-32 dated June 7, 2010 regarding an application for a Zoning By-law Amendment for 410 Clair Road East from Community Design and Development Services be received;

AND THAT the application by Smith-Valeriotte LLP for a Zoning By-law Amendment (File ZC0912) from the Specialized R.4A-34 Zone and A Zone to a new Specialized R.4A-34 Zone and R.1D Zone affecting the property known as 410 Clair Road East and legally described as Part of Part Lot 10, Concession 8, Township of Puslinch and Parts 1 and 19 on 61R-10932 City of Guelph, be approved in accordance with the permitted uses, regulations and conditions set out in Schedule 2 of Community Design and Development Services Report 10-32, dated June 7, 2010 and attached hereto as Attachment 2."

6. Moved in amendment by Councillor Piper
Seconded by Councillor Salisbury

THAT Schedule 2 of Report 10-32 be amended by adding the following condition 23:

23. *That 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;*

AND THAT condition 1(e) be modified to include that the Westminster Woods Neighbourhood Association be involved in the site plan review process;

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

7. Moved in amendment by Councillor Wettstein
Seconded by Councillor Billings
THAT the walkway behind Goodwin Drive be removed and a fence be erected to prevent access.

A motion for deferral took precedence.

8. Moved in amendment by Councillor Kovach
Seconded by Councillor Wettstein
THAT the details of design and determination of a walkway from Goodwin Drive be deferred to the site plan approval process.

VOTING IN FAVOUR: Councillors Beard, Billings, Burcher, Farrelly, Kovach, and Wettstein (6)

VOTING AGAINST: Councillors Bell, Findlay, Piper, Salisbury and Mayor Farbridge (5)

Carried

9. Moved in amendment by Councillor Billings
Seconded by Councillor Salisbury
THAT the building at 410 Clair Road have a maximum capacity of 200 persons in Phase 1 and a total 400 maximum capacity in Phase 2 as a regulation of the amending zoning by-law.

VOTING IN FAVOUR: Councillors Bell, Billings, Burcher, Farrelly, Kovach, Salisbury and Wettstein (7)

VOTING AGAINST: Councillors Beard, Findlay, Piper, and Mayor Farbridge (4)

Carried

10. Moved in amendment by Councillor Billings
Seconded by Councillor Wettstein
THAT during the site plan review, staff be directed to determine if the entrance onto the property could be

three lanes wide and located to the east of the building, and have the entrance of the building facing Clair Road;

AND THAT staff follow the urban design guidelines in the Official Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Main motion as amended.

11. Moved by Councillor Findlay
Seconded by Councillor Burcher

THAT Report 10-32 dated June 7, 2010 regarding an application for a Zoning By-law Amendment for 410 Clair Road East from Community Design and Development Services be received;

AND THAT the application by Smith-Valeriotte LLP for a Zoning By-law Amendment (File ZC0912) from the Specialized R.4A-34 Zone and A Zone to a new Specialized R.4A-34 Zone and R.1D Zone affecting the property known as 410 Clair Road East and legally described as Part of Part Lot 10, Concession 8, Township of Puslinch and Parts 1 and 19 on 61R-10932 City of Guelph, be approved in accordance with the permitted uses, regulations and conditions set out in Schedule 2, as amended, of Community Design and Development Services Report 10-32, dated June 7, 2010 and attached hereto as Schedule 2;

AND THAT Schedule 2 be amended to add the following condition 23:

23. That 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;

AND THAT condition 1(e) be modified to include that the Westminster Woods Neighbourhood Association be involved in the site plan review process;

AND THAT the details of design and determination of the walkway from Goodwin Drive be deferred to the site plan approval process;

AND THAT the building at 410 Clair Road have a maximum capacity of 200 persons in Phase 1 and a total 400 maximum capacity in Phase 2 as a regulation of the amending zoning by-law;

AND THAT during the site plan review, staff be directed to determine if the entrance onto the property could be three lanes wide and located to the east of the building, and have the entrance of the building facing Clair Road;

AND THAT staff follow the urban design guidelines in the Official Plan.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillor Kovach (1)

Carried

12. Moved in amendment by Councillor Burcher

Seconded by Councillor Wettstein

THAT staff be directed to undertake a facilitated consultation process with all stakeholder groups as part of the site plan review process to attempt to resolve site design issues.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

13. Moved in amendment by Councillor Billings

Seconded by Councillor Kovach

That staff be directed to provide the definition of small scale religious establishments within the upcoming Official Plan Amendment 42.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

14. Moved by Councillor Kovach

Seconded by Councillor Beard

THAT the following resolution be reconsidered:

THAT the building at 410 Clair Road have a maximum capacity of 200 persons in Phase 1 and a total 400 maximum capacity in Phase 2 as a regulation of the amending zoning by-law.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillor Billings and Wettstein (2)

Carried

15. Moved in amendment by Councillor Salisbury
Seconded by Councillor Piper

THAT as a condition of site plan approval, the total capacity of the religious establishment be posted as a maximum of 200 persons in Phase 1 and 400 persons in Phase 2.

VOTING IN FAVOUR: Councillors Bell, Billings, Burcher, Findlay, Kovach, Piper, Salisbury, and Wettstein (8)

VOTING AGAINST: Councillors Beard, Farrelly, and Mayor Farbridge (3)

Carried

16. Moved in amendment by Councillor Piper
Seconded by Councillor Salisbury

THAT the issue of creating an exemption policy to allow special events to exceed the posted capacity to the maximum allowed by the Building Code be referred to the Community Development and Environmental Services Committee;

AND THAT all applicable laws, provincial regulations and building code capacities be incorporated into the exemption policy.

VOTING IN FAVOUR: Councillors Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillor Beard, (1)

Carried

Main Motion as amended

Mr. J. Valeriote
Mr. J. Riddell
Mr. D. McCaughan
Ms. L.E. Payne
Ms. M. Neubauer

17. Moved by Councillor Findlay
Seconded by Councillor Burcher
THAT Report 10-32 dated June 7, 2010 regarding an application for a Zoning By-law Amendment for 410 Clair Road East from Community Design and Development Services be received;

AND THAT the application by Smith-Valeriote LLP for a Zoning By-law Amendment (File ZC0912) from the Specialized R.4A-34 Zone and A Zone to a new Specialized R.4A-34 Zone and R.1D Zone affecting the property known as 410 Clair Road East and legally described as Part of Part Lot 10, Concession 8, Township of Puslinch and Parts 1 and 19 on 61R-10932 City of Guelph, be approved in accordance with the permitted uses, regulations and conditions set out in Schedule 2, as amended, of Community Design and Development Services Report 10-32, dated June 7, 2010 and attached hereto as Schedule 2;

AND THAT Schedule 2 be amended to add the following condition 23:

23. *That 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;*

AND THAT condition 1(e) be modified to include that the Westminster Woods Neighbourhood Association be involved in the site plan review process;

AND THAT details of design and determination of a the walkway from Goodwin Drive be referred to the site plan approval process;

AND THAT during the site plan review, staff be directed to determine if the entrance onto the property could be three lanes wide and located to the east of the building, and have the entrance of the building facing Clair Road;

AND THAT staff follow the urban design guidelines in the Official Plan;

AND THAT staff be directed to undertake a facilitated consultation process with all stakeholders as part of the site plan review process to attempt to resolve site design issues;

AND THAT staff be directed to provide the definition of small scale religious establishments within the upcoming Official Plan Amendment 42;

AND THAT as a condition of site plan approval, the total capacity of the religious establishment be posted as a maximum of 200 persons in Phase 1 and 400 persons in Phase 2;

AND THAT the issue of creating an exemption policy to allow special events to exceed the posted capacity to the maximum allowed by the Building Code be referred to the Community Development and Environmental Services Committee;

AND THAT all applicable laws, provincial regulations and building code capacities be incorporated into the exemption policy.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Farrelly, Findlay, Piper, Salisbury, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillor Billings and Kovach (2)

Carried

Proposed Demolition of 1897 Gordon Street – Ward 6

Mr. J. Valeriotte, on behalf of the owners of the property, stated they are not disputing demolishing the building, but rather the timing. It is not a heritage building, and the owner does not believe the house is habitable and a significant development will take place on the property that will include higher density. They are requesting to demolish the building now because it does not make economic sense to keep it.

18. Moved by Councillor Piper
Seconded by Councillor Findlay

Mr. J. Riddell

THAT Report 10-57 regarding the proposed demolition of a detached dwelling at 1897 Gordon Street, City of Guelph, from Community Design and Development Services, dated June 7, 2010, be received;

AND THAT the proposed demolition of a detached dwelling at 1897 Gordon Street, be approved.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Interim Control By-law for Shared Rental Housing

Mr. J. Riddell

19. Moved by Councillor Wettstein
Seconded by Councillor Billings

THAT Report 10-73, regarding authorization to undertake a review of Shared Rental Housing and pass an Interim Control By-law from Community Design and Development Services, dated June 7, 2010, be received;

AND THAT Council directs staff to undertake a review of the zoning regulations pertaining to accessory apartments and lodging houses in R1 and R2 (zoned portions of Wards 5 and Ward 6 east of the Hanlon Expressway, for the purpose of recommending zoning amendments to address identified issues associated with the concentration of shared rental housing in addition to complimentary strategic initiatives to address the identified issues;

AND THAT the interim control by-law on use of lands, buildings or structures for a "Lodging House Type 1" and/or an "Accessory Apartment" in R.1 and R.2 zones affects property within Ward 5 and within Ward 6, east of the Hanlon Expressway only to be in effect for one year from June 7, 2010 to June 7, 2011.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

BY-LAWS

20. Moved by Councillor Findlay
Seconded by Councillor Piper

THAT By-laws Numbered (2010)-19018 and (2010)-19019 as amended, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Hanlon Creek Business Park – Phase 2 – Cost Sharing and Land Exchange Agreement

Mr. P. Cartwright
Ms. M. Neubauer
Ms. L.E. Payne

21. Moved by Councillor Findlay
Seconded by Councillor Piper
THAT Guelph City Council authorizes the Mayor and City Clerk to execute a Cost Sharing and Land Exchange Agreement between the City of Guelph and Guelph Land Holdings Ltd (a subsidiary of Cooper Construction Limited) regarding Hanlon Creek Business Park Phase 2, subject to the final form of this agreement being satisfactory to the General Manager of Economic Development and Tourism, the City Treasurer and the City Solicitor;

AND THAT proceeds from the City sale of land to Guelph Land Holdings be transferred to the Development Reserve Fund to bridge the Hanlon Creek Business Park’s Phase 2 Development Reserve Fund requirements until such time that sufficient development charges are generated to recover such funds.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Kovach, Piper, Salisbury, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 10:45 o’clock p.m.

Minutes read and confirmed June 28, 2010.

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Mayor

.....
Deputy Clerk

Recommended Zoning – Permitted Uses, Regulations and Conditions

The property affected by this Zoning By-law Amendment is legally described as Part of Lot 16, Concession 5 and Part of the Road Allowance between Concessions 5 & 6, Geographic Township of Puslinch, City of Guelph (PIN 71219-0069LT), municipally known as 146 Downey Road in the City of Guelph.

The following zoning is proposed:

Specialized R.3A-? (Residential Townhouse) Zone

Permitted Uses

Despite the provisions of Section 5.3.1.1 of Zoning Bylaw (1995)-14864, as amended, only the following permitted uses shall be allowed:

A maximum of 45 dwelling units including:

- 1 single-detached dwelling
- 28 cluster townhouse dwellings
- 16 multiple attached dwellings in accordance with the R.3A (Stacked Townhouse) regulations in Section 5.3.2
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

For the purposes of this Zone, a *Multiple Attached Dwelling* shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors and/or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.

Regulations

In accordance with Section 5.3.2 of Zoning Bylaw (1995)-14864, as amended, with the following exceptions and additions:

Minimum Front Yard

4.5m

Minimum Side Yard

Despite Section 5.3.2.2:

- The minimum side yard for a cluster townhouse dwelling adjacent to a Residential Zone or a Park Zone shall be 7.5m.
- The minimum side yard for a multiple attached dwelling adjacent to a Park Zone shall be 1.9m.

Minimum Rear Yard

Despite Section 5.3.2.2, the minimum rear yard for a multiple attached dwelling adjacent to a Park Zone shall be 7.5m.

Maximum Building Height

Despite Row 9 of Table 5.3.2:

-The maximum building height for a cluster townhouse dwelling located on the north side of a private road in this zone shall be 3 storeys at the south wall of the building but a maximum of 2 storeys at the north wall of the building where dwelling units face a Residential Zone and a Park Zone.

-The maximum building height for a cluster townhouse dwelling located on the south side of a private road in this zone shall be 2 storeys excluding basement.

-The maximum building height for a multiple attached dwelling shall be 3 storeys at the west wall of the building and 4 storeys at the east wall of the building.

Minimum Distance Between Buildings

Despite Section 5.3.2.3, the minimum distance between any two buildings in this zone shall be 3m.

Minimum Common Amenity Area

In addition to the regulations in Section 5.3.2.4, one common amenity area having a minimum size of 800m² shall be provided.

Minimum Private Amenity Area

In accordance with Section 5.3.2.5 and in addition to Section 5.3.2.5.1h), the private amenity area with the exception of the first 3m from the building wall, may also be defined by a row of plantings, such plantings to be exempt from the requirements of Section 5.3.2.5.3.

Angular Planes

Section 4.16 shall not apply in this zone.

Conditions

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 **Site Plan 'G'** attached as Schedule 7 to the Community Design and Development Services Report 10-30 dated June 7, 2010, to the satisfaction of the Director of Community Design and Development Services. The owner shall also generally adhere to the comparable building design photos and sketches attached in Schedule 7 to the Community Design and Development Services Report 10-30 dated June 7, 2010, to illustrate the conceptual architectural design of the proposed townhouses and multiple attached dwellings, to the satisfaction of the Director of Community Design and Development Services.
- b. The owner and the City agree that neighbourhood representatives designated by the **Kortright Hills Ad Hoc Committee** shall have an opportunity to review the owner's application for Site Plan Approval and all supporting materials as well as to provide comments on behalf of the Association with respect to the application prior to a final decision being made by the City with respect to Site Plan Approval.
- c. The owner shall retain and incorporate the **existing single-detached residential dwelling** as part of the residential project in the form of a single-detached dwelling and forming a unit within the proposed registered residential condominium to the satisfaction of Heritage Guelph.
- d. The owner agrees that the **exterior building cladding materials** for the proposed townhouses will include one full storey of brick or stone in addition to vinyl siding. The owner further agrees that the cladding materials for the proposed multiple attached units will include one full storey of brick or stone on the rear (east) wall but the front and side walls will be brick or stone only up to knee-wall height. The owner further agrees that the cladding materials for the proposed bungalow townhouses will be brick or stone only up to knee-wall height as shown in Schedule 7 of the Community Design and Development Services Report 10-30 dated June 7, 2010.

The owner shall erect a 1.8m high screen **fence** with an additional 0.3m of lattice using either wood or vinyl materials, where such fence is required around the perimeter of the site. In cases where the owner and adjacent residential property owner agree to a reasonable alternative to the 1.8m high screen **fence** with an additional 0.3m of lattice, including a preference for a planted buffer rather than a fence, the owner shall finalize all preferred fencing details with the individual residential property owners and document the alternative fencing details for the City, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. A fence shall not be required within and to the east of the existing natural gas easement on this site.

- e. The owner shall include as part of the landscape plan submission, a detail of the area of the site directly to the **north of 12, 14, 16 and 18 Teal Drive**, that illustrates proposed privacy fencing, buffering, screening and landscaping that would protect the privacy of the residential properties in addition to a wall or substantial plantings along the visitor parking area on the site, for the purpose of blocking vehicular lights from shining directly into the rear windows of the affected residences, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 - f. The owner shall include as part of the site plan approval submission, a detailed **outdoor lighting plan** that minimizes lighting glare, intensity and overall impact on adjacent properties and residences, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 - g. The owner agrees that there will be no buildings constructed within a 30m buffer from the center line of **Tributary A of the Hanlon Creek** located to the east of the site, however, it is recognized that an underground storm water infiltration structure will be constructed within the buffer in the rear yard of the four proposed multiple attached unit buildings. Further, the owner shall submit detailed information prior to site plan approval, of any required fill within the 30m buffer and any proposed fill is subject to the approval of the City and the GRCA.
 - h. The Owner shall submit **colour schemes** or ranges of colour that are proposed for the **exterior finishes of the buildings** and shall propose natural and soft colour tones that are complementary to the neighbouring properties, prior to site plan approval.
 - i. The Owner shall submit a plan detailing proposed **entrance features** at the Downey Road entrance to the site that incorporate the re-use of both stone and wood if in suitable condition, from the foundation of the existing barn located on the site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
 - j. The Owner shall submit plans or details regarding the proposed method of individual **garbage pick- up** as opposed to providing a central garbage storage location on the site and shall submit plans or details illustrating proposed **snow removal and storage** on the site, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval. Further, the owner shall attempt to co-ordinate the same day pick-up as the City garbage pick-up day for the area.
1. The owner commits and agrees that the proposed development will not be freehold and shall be registered as a **condominium corporation**.

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 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 registration of the condominium plan.
6. The owner shall prepare and submit to the City for approval, an **addendum to the Environmental Impact Study** that addresses the comments of the GRCA, EAC, RSAC and Environmental Planner to the satisfaction of the Director of Community Design and Development Services, prior to the site plan approval.
7. 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.
8. 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.

9. 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.
10. Prior to site plan approval and 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 City Engineer. The owner shall include grading and drainage information on both the Teal Drive and Hazelwood Drive sides of the site.
11. Prior to site plan approval and prior to any construction or grading on the lands, the owner shall have a Professional Engineer design an **emergency access route** for the site, connecting the subject site to Teal Drive, to the satisfaction of the Director of Community Design and Development Services and the City Engineer. The owner will be responsible for the total cost of constructing the emergency access and for the associated easement documentation which will be registered on title prior to final site plan approval. The owner shall also submit a dual-purpose **pedestrian walkway** landscape plan for the area along the proposed emergency access route, for the purpose of screening and protecting the privacy of the residents living at 18 Teal Drive from the walkway, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
12. The owner shall pay to the City the actual cost of the construction of the **new driveway entrances and the required curb cut**, prior to any construction or grading on the lands, prior to site plan approval the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new driveway entrance and the required curb cut.

The owner shall pay to the City its share of the actual cost of constructing **municipal services on Downey Road** across the frontage of the lands including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and street lighting **as determined by the City Engineer**. Furthermore, prior to site plan approval, the owner shall pay to the City the estimated cost of the municipal services as determined by the City Engineer.

13. 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.
14. Prior to the site plan approval, the owner shall pay to the City the owner's share of the **cost of the existing municipal services** on Downey Road, as determined by the City Engineer.
15. 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.
16. 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.
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 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.
19. 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.
20. The owner shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations.

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.

21. Prior to site plan approval, the owner acknowledges and 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 as described in the owners letter of commitment to the **Community Energy Initiative**, dated September 9, 2009, being Schedule 8 of the Community Design and Development Services Report 10-30 dated June 7, 2010, in order to comply with the Community Energy Plan, to the satisfaction of the Director of Community Design and Development Services.
22. Prior to site plan approval, 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.

Zoning Regulations and Conditions

The properties affected by this Zoning By-law Amendment are municipally known as 410 Clair Road East and legally described as Part of Lot 10, Concession 8, Township of Puslinch and Block 175, Plan 61M-143, City of Guelph.

The following zoning is proposed:

Specialized R.4A-34(Residential Apartment) Zone

R.1D (Residential Single-detached) Zone

Regulations

For the Specialized R.4A- Zone

Permitted Uses

In accordance with the provisions of Section 5.4.1.1 of Zoning By-law (1995) – 14864, as amended, with the following addition:

Religious Establishment

Regulations

For a Religious Establishment:

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

Maximum Building Height

Despite Table 5.4.2 Row 10,

The maximum building height shall be 11.5 metres.

Minimum Buffer Strip

Despite Table 5.4.2 Row 15,

The minimum buffer strip along the westerly lot line shall be 7 metres wide.

Maximum Gross Floor Area

The maximum Gross Floor Area shall be 2000 square metres.

For the R.1D Zone:

Permitted Uses

In accordance with the provisions of 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.

Conditions

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

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** 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 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 Westminister 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 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.

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.
 5. 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.

6. 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.
7. 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.
8. 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.
9. 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.

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.

11. 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.
12. 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.

13. 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
14. 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.
15. 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.
16. 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.
17. 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.

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.

18. 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 the energy and water efficiency measures described in the letter, dated 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 Director of Community Design and Development Services.
19. 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.

20. 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.