

Council Caucus Room
September 4, 2012 5:30 p.m.

An Open Meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Piper, and Wettstein

Absent: Councillors Burcher, Hofland, Laidlaw and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Mr. A. Horsman, Executive Director of Finance & Enterprise; Ms. D. Jaques, General Manager of Legal & Realty Services/City Solicitor; and Ms. T. Agnello, Deputy City Clerk

- 1. Moved by Councillor Findlay
Seconded by Councillor Furfaro
THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Matters Concerning Potential Litigation

S. 239(2) (e) of the *Municipal Act* – litigation or potential litigation

S. 239 (3.1) of the *Municipal Act* - educational or training sessions

Litigation Matter Update

S. 239(2) (f) of the *Municipal Act* – advice that is subject to solicitor-client privilege.

Carried

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Mayor

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Deputy Clerk

Council Caucus Room
September 4, 2012 5:31 p.m.

A Closed Meeting of Guelph City Council.

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

Absent: Councillors Burcher, Hofland and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Mr. A. Horsman, Executive Director of Finance & Enterprise; Ms. D. Jaques, General Manager of Legal & Realty Services/City Solicitor; Mr. T. Salter, General Manager, Planning Services; Mr. S. Worsfold, Deputy City Solicitor and Ms. T. Agnello, Deputy City Clerk

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

Councillor Piper declared a pecuniary interest with regards to the litigation update because her employer is one of the parties to the hearing at the Ontario Municipal Board and did not discuss or vote on the matter.

Matters Concerning Potential Litigation

1. Moved by Councillor Kovach
Seconded by Councillor Findlay
THAT Mr. Michael Fenn, consultant be permitted to address Council in closed session.

Carried

Mr. Michael Fenn provided the committee with information on matters concerning potential litigation.

Litigation Matter Update

2. Moved by Councillor Piper
Seconded by Councillor Furfaro
THAT Mr. Peter Pickfield be permitted to address Council in closes session.

Carried

Councillor Piper vacated the room due to her declared potential pecuniary interest.

Mr. Peter Pickfield provided the Committee with an update on a litigation matter.

3. Moved by Councillor Furfaro
Seconded by Councillor Dennis
That the closed meeting of Guelph City Council of September 4, 2012 be adjourned.

Carried

The meeting adjourned at 7:00 p.m.

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Mayor

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Deputy Clerk

Council Chambers
September 4, 2012 7:05 p.m.

An Open Meeting of Guelph City Council

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

Absent: Councillors Burcher, Hofland and Laidlaw

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

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures.

Consent Agenda

The following items were extracted from the September 4, 2012 Consent Agenda to be voted on separately:

- A-2 246 Arkell Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment
- A-3 115 Fleming Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment
- A-4 Proposed Demolition of 18 Wolfond Crescent

1. Moved by Councillor Kovach
Seconded by Councillor Guthrie

THAT the balance of the September 4, 2012 Council Consent Agenda as identified below, be adopted:

- a) **0 Speedvale Avenue West: Proposed Redline Amendment to ad Draft Plan of Subdivision and a Zoning By-law Amendment (Files 23T-88009 / ZC1203) – Ward 4**

Ms. N. Shoemaker
Dr. J. Laird
Mr. T. Salter
Mr. A. Horsman

THAT Report 12-74 dated September 4, 2012 regarding applications for a redline amendment to an approved draft plan of subdivision and a zoning by-law amendment on lands municipally known as 0 Speedvale Avenue West from Planning, Building, Engineering and Environment be received;

AND THAT the application by BSRD Ltd. on behalf of Armel Corporation for a redline amendment to an approved draft plan of subdivision and a zoning by-law amendment to change the zoning from the single detached (R.1B, R.1C and R.1D) zones and the specialized single detached (R.1B-17) zone to the single detached (R.1D and R.1C), specialized single detached (R.1D-9), semi-detached (R.2) and specialized on-street townhouse (R.3B-5 and R.3B-7) zones for the lands municipally known as 0 Speedvale Avenue West and legally described as Part of Lots 6 and 7, Concession 1, Division 'B', City of Guelph be approved in accordance with the regulations and conditions set out in Schedule 1 attached.

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

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.

86 Lane Street: Proposed Zoning By-law Amendment (File: ZC1209) – Ward 1

Ms. Katie Nasswetter, 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 R.1B (Residential Single Detached) Zone to the R.2 (Semi-Detached) Zone to permit the development of a semi-detached dwelling.

Mr. Jeff Buisman, on behalf of the applicant provided a highlight of the proposal. He advised of the variety of surrounding housing and suggested that the proposed building would be compatible.

Ms. Kelly Caldwell, an area resident expressed concern with the proposed building design as it would not be conducive to the neighbourhood and would be invasive to the neighbour's privacy.

In response to questions raised, staff will report back with information regarding parking, if accessory apartments would be permitted, tree retention, and contacting neighbours if a resolution could be reached to address their privacy concerns such as buffer, fencing, etc.

Dr. J. Laird
Mr. T. Salter

4. Moved by Councillor Guthrie
Seconded by Councillor Furfaro

THAT Report 12-82 regarding an application for a Zoning By-law Amendment to permit a semi-detached dwelling at 86 Lane Street, legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph, from Planning, Building, Engineering and Environment, dated September 4, 2012, be received.

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

VOTING AGAINST: (0)

Carried

195 College Avenue West: Proposed Zoning By-law Amendment (File: ZC1207) – Ward 5

Ms. Katie Nasswetter, 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 I.1 (Educational, Spiritual, and Other Services) Zone to the R.1B (Residential Single Detached) Zone to permit the development of a single detached residential dwelling.

Mr. Jeff Buisman, on behalf of the applicant provided a highlight of the proposal.

Dr. J. Laird
Mr. T. Salter

5. Moved by Councillor Kovach
Seconded by Councillor Dennis

THAT Report 12-80 regarding an application for a Zoning By-law Amendment to permit a single detached residential dwelling at 195 College Avenue West, legally described as Lot 16, Registered Plan 432, City of Guelph, from Planning, Building, Engineering and Environment, dated September 4, 2012, be received.

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

VOTING AGAINST: (0)

Carried

340 Clair Road East: Proposed Zoning By-law Amendment (File: ZC1210) – Ward 6

Mr. Al Hearne, Senior Development Planner, provided a synopsis of his report provided with the agenda for this meeting. He stated that the applicant proposed to rezone the lands to permit 54 cluster townhouse dwelling units, 42 townhouses and 122 apartments for a total of 166 dwelling units.

In response to questions, he advised of the notification clause that is included on title with respect to the agricultural use on the adjacent lands.

Mr. Ted Cieciora, on behalf of the applicant, advised that the proposal will be a condominium style of development. He further advised that the amount of greenspace provided exceeds the minimum requirement.

In response to questions raised, staff will report back if the submitted traffic studies needs to be updated.

6. Moved by Councillor Guthrie
Seconded by Councillor Kovach

Dr. J. Laird
Mr. T. Salter

THAT Report 12-81 regarding an application for a Zoning By-law Amendment to permit townhouses and apartments on Block A and B located at 340 Clair Road East, being lands legally described as Part of Lot 10, Concession 8, City of Guelph, from Planning, Building, Engineering and Environment, dated September 4, 2012, be received.

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

VOTING AGAINST: (0)

Carried

246 Arkell Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment (File: 23T-10501 / ZC1003) – Ward 6

Ms. M. Staples, owner of land adjacent to the subject lands, expressed concern with respect to trespassing onto her lands, construction noise, pollution, garbage and the lack of connectivity to the property to the north.

Ms. Nancy Shoemaker, on behalf of the applicant, addresses Ms. Staples concerns relating to the connectivity to the lands to the north. She advised that

her client is agreeable to fence the boundary of the subject lands.

7. Moved by Councillor Kovach
Seconded by Councillor Findlay

Ms. N. Shoemaker
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Mr. A. Horsman

THAT Report 12-78 regarding a proposed Draft Plan of Subdivision, and Zoning By-law Amendment for property municipally known as 246 Arkell Road, from Planning, Building, Engineering and Environment dated September 4, 2012, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd., on behalf of Victoria Wood (Arkell) Ltd. for approval of a proposed Draft Plan of Residential Subdivision consisting of 12 lots to accommodate 24 semi-detached dwellings, 2 blocks to accommodate approximately 53 cluster townhouse units, 2 blocks to accommodate 13 on-street townhouse units and an associated stormwater management facility and open space block, as shown on Attachment 4, applying to property municipally known as 246 Arkell Road and legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch), City of Guelph, be approved in accordance with Schedule 2 attached;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd., on behalf of Victoria Wood (Arkell) Ltd. for approval of a Zoning By-law Amendment from the A (Agricultural) Zone under the Township of Puslinch Zoning By-law to the R.2 (Semi-Detached Zone), R.3A-? (Specialized Cluster Townhouse) Zone, R.3B (On-Street Townhouse) Zone and the P.1 (Conservation Lands) Zone to implement a residential Draft Plan of Subdivision comprising approximately 90 units, be approved, as outlined in Schedule 2 attached;

AND THAT in accordance with Section 34(17) of The Planning Act, City Council has determined that no further public notice is required with respect to the minor modifications to the proposed Residential Draft Plan of Subdivision and Zoning By-law Amendment application (File 23T-10501/ ZC1013) as outlined in the Planning, Building, Engineering and Environment Report 12-78 dated September 4, 2012;

AND THAT a condition be included with respect to the fencing of the common boundary on the north, east and west property line.

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

VOTING AGAINST: Councillors Piper and Van Hellemond
(2)

Carried

**115 Fleming Road: Proposed Draft Plan of
Subdivision and Zoning By-law Amendment (File:
23T-11501 / ZC1102) – Ward 1**

8. Moved by Councillor Furfaro
Seconded by Councillor Guthrie

Mr. H. Strobl
Dr. J. Laird
Mr. T. Salter
Mr. A. Horsman
Mr. D. McCaughan

THAT Report 12-83 regarding a Draft Plan of Subdivision and Zoning By-law Amendment to permit the development of 62 on-street townhouse units, applying to property municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, from Planning, Building, Engineering and Environment dated September 4, 2012, be received;

AND THAT the application by Coletara Development for approval of a proposed Draft Plan of Subdivision comprising 62 residential units, as shown on Attachment 4, applying to property municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, be approved in accordance with the regulations and conditions set out in Schedule 3 attached;

AND THAT the application by Coletara Development for approval of a proposed Zoning By-law Amendment to change the zoning from UR (Urban Reserve) Zone to the R.3B-? (Specialized On-Street Townhouse) Zone to permit the development of 62 on-street townhouse units for the property municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, be approved in accordance with the regulations and conditions set out in Schedule 3 attached;

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 115 Fleming Road as set out in Report 12-83 from Planning, Building, Engineering and Environment dated September 4, 2012.

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

VOTING AGAINST: (0)

Carried

Proposed Demolition of 18 Wolfond Crescent and Passing of Deeming By-law to Facilitate Lot Merger

Mr. Hugh Handy, on behalf of the applicant, highlighted the report that report was provided with the agenda for this meeting. He advised that it is the intent of the owner to retain as many trees as possible on the site.

9. Moved by Councillor Guthrie
Seconded by Councillor Findlay

Dr. J. Laird
Mr. T. Salter
Mr. B. Poole

THAT Report 12-72 regarding the proposed demolition of a detached dwelling at 18 Wolfond Crescent, legally known as Lots 18 & 19, Plan 431; Pt Lot 20, Plan 431 as in ROS594555; City of Guelph, from Planning, Building, Engineering and Environment dated September 4, 2012, be received;

AND THAT the proposed demolition of the detached dwelling at 18 Wolfond Crescent be approved;

AND THAT a by-law to deem Lot 19, Plan 431, City of Guelph not to be a lot on a registered plan of subdivision, pursuant to Section 50(4) of the *Planning Act*, be passed;

AND THAT the applicant be requested to relocate the driveway for Lot 'B' to prevent removal of a City street tree and to design the homes and lot grading to preserve existing trees to the extent feasible;

AND THAT the applicant be requested to erect protective fencing at the dripline of the existing street tree along the frontage of the property and any existing trees on the property which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings;

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

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillor Piper (1)

Carried

BY-LAWS

8. Moved by Councillor Dennis
Seconded by Councillor Piper
THAT By-laws Numbered (2012)-19444 to (2012)-19461,
inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor advised that Councillors Bell and Furfaro will be
holding the 3rd Town Hall meeting for Ward 1 on Thursday
September 20, 2012, 7pm at the Victoria Road Recreation
Centre.

ADJOURNMENT

9. Moved by Councillor Dennis
Seconded by Councillor Furfaro
That the meeting of Guelph City Council of September 4,
2012 be adjourned.

Carried

The meeting adjourned at 8:30 p.m.

Minutes to be confirmed on September 24, 2012.

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Mayor

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Deputy Clerk

PART A: DRAFT PLAN OF SUBDIVISION CONDITIONS

THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd on behalf of Armel Corporation for a Red Line Amendment on a portion of the approved Draft Plan of Subdivision for Mitchell Farm (23T-88009) containing 3 blocks for on-street townhouse units, 11 lots for semi-detached and 100 lots for detached units on 7.8 hectares of land located to the north of the Canadian National Railway lands and west of the current terminus of Westra Drive, legally described as Part of Lots 6 and 7, Concession 1, Division 'B', City of Guelph, be approved, subject to the December 2, 1996 draft plan conditions for 23T-88009 and the following additional conditions:

ADDITIONAL CITY CONDITIONS

Prior to registration of the plan:

1. The Developer will convey Lot 12 to the City for a temporary emergency access road. Lot 12 will be reconveyed to the Developer without consideration when a secondary access is available to the satisfaction of the City. The Developer shall maintain this access road, not limited to but including asphalt repair, regular grass cutting and garbage pickup.
2. The Developer shall pay to the City the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook to all future residents within the Plan with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
3. The Developer agrees to eliminate the use of any **covenants that would restrict the use of clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services that there are no restrictive covenants which restrict the use of clotheslines.
4. The Developer shall provide Planning Services with a **digital file** in AutoCAD - DWG format containing the following final approved information: parcel fabric, street network, grades and contours and landscaping of the open space and storm water management blocks.
5. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.

Additional Note:

1. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.

EXISTING DRAFT PLAN APPROVAL CONDITIONS THAT STILL APPLY TO THE SUBJECT SITE (as approved for 23T-88009)

December 5th, 1996

1. That the approval applies only to a draft plan of subdivision prepared by Black, Shoemaker, Robinson & Donaldson Limited (project number 90-7191-9) dated October 30, 1996 as modified to include:
 - a) An increase in the right-of-way width of Street No. 6 from 20 metres to 26 metres in the vicinity of Blocks 490 and 479 to the satisfaction of the Director of Works.
 - b) Changes to the road geometry and lotting at the southerly end of Street No. 10, as shown in SCHEDULE 8 (Works Department Comments) unless the City's Geometric Design Criteria are amended to permit the layout of street No. 10 as provided on the draft plan.
2. That the registration of the plan, or any part thereof, shall require approval of the City with respect to adequate water supply and sewage treatment capacity being available.
3. That the developer shall pay any outstanding debts owed to the City prior to the registration of the plan.
4. That any dead ends and open sides of road allowances created by this draft plan be terminated in 0.3 metres reserves which shall be conveyed to the City.
5. That the developer shall pay development charges to the City in accordance with By-law Number (1994)-14553, as amended from time to time, or any successor thereof, in accordance with the terms specified in the by-law and as outlined in the subdivision agreement.
6. That the developer deeds to the City any lands required by the City for Storm Water Management Facilities.
7. That site plans for all corner building lots, as determined by the Director of Works, shall be submitted to the Director of Works for approval of driveway location.
8. That the developer is responsible for the total cost of the design and construction of all services required to service all of the lands within the plan of subdivision, including sanitary, storm and water facilities, the distance and alignment to be determined by the City of Guelph, with such cost to include services required to service the subdivision which are located outside the limits of the subdivision.
9. That the developer is responsible for the total cost of the design and construction and any road work, including sidewalks, boulevards and curbs, within or surrounding the plan of subdivision.

10. That all easements and rights-of-way required within or adjacent to the proposed subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro and other Guelph utilities including:
 - a) an easement to the satisfaction of the Director of Works in the vicinity of lots 212, 418, 434 and Block 493 to provide for the construction of a storm sewer from the CNR right-of-way to Block 491.
 - b) an easement to the satisfaction of the Director of Works from Street No. 1 to Speedvale Avenue to provide for the construction of a storm sewer and trunk sanitary sewer.
11. That the developer shall pay to the City the cost of any existing services within or abutting the proposed subdivision, as determined by the Director of Works.
12. That the developer make arrangements, satisfactory to the Director of Works, concerning the scheduling of the development and the developers payment of cost for services for the subdivision.
13. That the developer phase the subdivision to the satisfaction of the City of Guelph including:
 - a) That there be no development on Street Number 8 to the west of lots 433 and 446 until Street No. 8 can be dedicated and constructed through the external lands to link into Street No. 7, satisfactory to the Director of Works.
 - b) That there be no development on the westerly end of Street No. 8 from Street No. 7 to Block 494 until Street Number 8 can be dedicated and constructed through the external lands to link into Street No. 6, satisfactory to the Director of Works.
 - c) That lots 366 to 370, Block 493, Block 494 and Block 495 be held out of development until the full or complete lot can be registered.
 - d) That the development on lots 223 to 404 and Block 483 only be allowed to proceed subject to adequate secondary means of access being available, satisfactory to the Director of Works.
 - e) That lots 446 to 451 and Blocks 479, 480, 484 and Block 493 be held out of development until the exact extent of lands needed for a rail diversion to implement an underpass on Elmira Road is known and, furthermore, that the developer grants the City and/or CNR an easement, satisfactory to the City and the CNR, for a right-of-way for the rail diversion.
14. That the developer prepare a site drainage and grading plan, satisfactory to the Director of Works, for the entire subdivision, prior to the issuance of any building permits for the subdivision.
15. That the developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the Director of Works, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the Director of Works. Furthermore, the developer shall provide a qualified environmental inspector, satisfactory to the Director of Works, on this site during all phases of development and construction including grading, servicing, and building construction to monitor

and report on a weekly basis, to the City, on the erosion and sediment control measures and procedures and in compliance with the approved Environmental Implementation Report.

16. That all telephone service and Cable TV service in the plan be underground and the developer shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service, prior to the registration of the plan.
17. That the developer pays the cost of erecting street name signs in the subdivision, to the satisfaction of the City, prior to the issuance of any building permit.
18. That the developer pays to the City the flat rate charge established by the City per metre of road frontage, to be applied to tree planting within the proposed subdivision.
19. That street lighting and underground wiring shall be provided throughout the subdivision at the developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro.
20. That the road allowances and the road widening in Block 492 included in the draft plan be shown and dedicated as public highway's and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993", as they may be amended from time to time.
21. That the road widening along Speedvale Avenue shown on the approved draft plan for the Mitchell Farm Phase 1 Subdivision be deeded to the City and dedicated as a road allowance prior to the registration of the plan.
22. That the developer pays his share of the cost of completing Speedvale Avenue to a four lane section complete with sidewalk on the south side from Elmira Road to Imperial Road to the satisfaction of the Director of Works.
23. That Elmira Road between the CNR and Speedvale Avenue and the extension of Willow Road to Elmira Road be dedicated and constructed to the satisfaction of the Director of Works.
24. That prior to registration, the developer and the City reach a mutually satisfactory agreement on the responsibility of upgrades on the portion of Speedvale Avenue along Block 491.
25. That the developer agrees to submit to the City , a plan and summary sheet prepared by an Ontario Land Surveyor or Professional Engineer, showing the original and proposed grades of the four corners of every building lot, prior to the submission of building permit applications. The developer further agrees

that any fill located below a building foundation shall be certified by a Professional Engineer.

26. That the developer shall erect signs at the entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominately place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to the Department of Planning and Business Development, City Hall".
27. That the developer shall dedicate Blocks 490, 491, 499 and 501 for parks purposes in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
28. That the Developer shall demarcate Blocks 490, 491, 499, 500 and 501 in accordance with the City of Guelph property demarcation policy to the satisfaction of the Director of Community Services and Director of Works prior to the release of any building permits.
29. That the Developer shall prepare and submit for approval, drawings outlining the fences, living fences and property demarcation markers for Blocks 490, 491, 499, 500 and 501 to the satisfaction of the Director of Community Services and Director of Works, prior to registration of the plan.
30. That the Developer shall be responsible for the cost of installing all fences, living fences and property demarcation markers.
31. That the Developer shall be responsible for installing pedestrian walkways through Blocks 490, 499, 500, 501 and within the 30 metre buffer area of Block 491 to the satisfaction of the Director of Community Services and the Director of Works, prior to the release of any building permits.
32. That the Developer shall prepare and submit for approval drawings, outlining the pedestrian walkways through Blocks 490, 491, 499, 500 and 501 to the satisfaction of the Director of Community Services and the Director of Works prior to registration.
33. That the Developer shall be responsible for clearing all garbage, debris, etc. from Blocks 490, 491 and 501, to the satisfaction of the Director of Community Services and the Director of Works, prior to the release of any building permits.
34. That the Developer shall design and develop the stormwater management facility in Block 500 in accordance with the City's "Design Principles for Stormwater Management Facilities".
35. That prior to any grading or construction on the lands and prior to registration of the plan the Developer shall prepare and follow an Environmental Implementation Report (EIR) based on Terms of Reference prepared by the applicant and approved by the City in consultation with the Environmental

Advisory Committee, and the Grand River Conservation Authority. The EIR shall be prepared in accordance with the recommendations contained in the E.I.S prepared for the subdivision and shall include, but not be limited to, the following:

- a) a detailed stormwater management plan including detailed plans for the location, construction and maintenance of all filtration berms between the wetland and the rear lot lines.
 - b) a monitoring program to assess the performance of the stormwater management facilities.
 - c) rehabilitation plans for any area disturbed by the implementation of any perimeter filtration berm.
 - d) construction details for the public walkways and that the walkway within the wetland buffer area not be paved.
 - e) an erosion and siltation control plan.
 - f) a lot grading plan showing the limits of all grading including existing and proposed grades.
 - g) soils investigation to explore opportunities for infiltration best management practices within the subdivision.
 - h) recommendations for traffic calming measures and signs (wildlife and pedestrian) on Street 6 where it intersects the natural areas (Blocks 490 and 491).
 - i) recommendations for the provision of covenants prohibiting tree cutting in the deeds.
 - j) recommendations for an educational information package for new residents advising them of the adjacent wetland and the environmental techniques employed within the subdivision to minimize impact on this wetland.
36. That the developer shall complete a tree inventory and conservation plan in accordance with the City of Guelph Tree By-law (1986)-12098, satisfactory to the Director of Works and the Director of Planning and Business Development, prior to any grading or construction on the site.
37. That the developer agrees that initial grading shall be limited to road allowances and all lots and blocks within the plan without trees. Lot grading of the following lots and blocks shall be permitted following the receipt and approval of individual plot plans (or site plans as required by Section 41 of the Planning Act) showing the proposed development, existing and proposed grades, all trees to be retained and removed and methods to protect the trees to be retained during all phases of construction:
Lots 84 to 95, 126 and 127, 138 to 142, 148 to 169, 203 to 211, 419 to 433, 452 to 478 and Blocks 480, 481, 483, 484 and 485.
38. That the developer and the Wellington County Roman Catholic Separate School Board reach agreement regarding the supply and erection of a sign (at the Developer's expense) affixed to the permanent development sign advising potential separate school supporters of the location of schools serving the area and the current practice of bussing students located outside the immediate

neighbourhood should schools in the area be at capacity, prior to the registration of all or any portion of the plan.

39. That the developer agrees to advise all purchasers of residential units and/or renters of same, by including an advisory clause in the offer of purchase and sale/lease stating that this subdivision has been designated by the Wellington County Board of Education as a development area and that students from this development area may be directed to schools outside the neighbourhood.
40. That the developer and the Wellington County Board of Education shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Wellington County Board of Education specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
41. That the developer agrees to provide the Wellington County Board of Education with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information – at least 4 known UTM ground control points, parcel fabric and street network.
42. That the developer shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any significance 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 of Guelph indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.
43. That the following warning clause be included in all purchasers and prospective purchasers purchase and sale agreements for Lots 55 to 84;
"The purchaser acknowledges the existing industrial uses lying to the north of Speedvale Avenue and the possibility for alterations or expansions of existing facilities and the construction of additional industrial buildings and facilities in the future and that such present and future industrial uses may affect the living environment for residents of the lands."
44. Prior to any grading or construction on the subject property and prior to registration of the plan, the Developer or their agents shall submit the following plans or reports to the satisfaction of the Grand River Conservation Authority:
 - a) a detailed stormwater management report and plans in accordance with the 1994 Ministry of Environment and Energy report entitled "Stormwater Management Practices Planning and Design Manual".
 - b) a storm servicing plan showing the layout of the storm sewer system.
 - c) a lot grading and drainage control plan showing the limits of all grading, including existing and proposed grades.
 - d) an erosion and sediment control report and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and Sediment

- Control for Construction Sites, indicating the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan and provision for timely revegetation of the site.
- e) an application for fill, construction and alteration to waterways regulation permit pursuant to Ontario Regulation 149 as amended by 69/93 and 669/94 for the proposed grading and construction and any storm sewer outfalls or other alterations within the Chillico Creek scheduled area (Schedule #10).
 - f) an environmental implementation report which includes a monitoring plan and mitigation techniques.
45. That the subdivision agreement between the Developer and the City contain provisions for
- a) the completion and maintenance of the works in accordance with the approved plans and reports noted in condition 44; and
 - b) the maintenance of all stormwater management systems in accordance with the approved plan throughout all phases of grading and construction.
46. That the developer shall construct a safety berm adjoining and parallel to the railway right-of-way to the satisfaction of the Canadian National Railway, prior to the issuance of any building permit.
47. That the developer shall install and maintain a 1.83 metre high chain link fence along the mutual property line of the subject property and lands owned by the Canadian National Railway, prior to the issuance of any building permit.
48. That the developer shall include in the subdivision agreement and insert in all agreements of purchase and sale or lease for each dwelling unit within 300 metres of the railway right-of-way the following warning clause:
“Warning”: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres of the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successor as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/operations on, over or under the aforesaid right-of-way.”
49. Prior to the registration of the plan, the developer shall have a detailed acoustical design and vibration attenuation study prepared to the satisfaction of the City and the Canadian National Railway outlining noise and vibration mitigation measures to be applied to the subdivision to meet the requirements of the Ministry of Environment and Energy and the Canadian National Railway.

50. The developer acknowledges and agrees that all approved noise control measures and vibration attenuation measures shall be included in the subdivision agreement and implemented as part of the approval of this subdivision.
51. That the developer enters into an Engineering Services Agreement with the City and a Subdivision Agreement with the City, registered on title, satisfactory to the City Solicitor, that covers the conditions of approval.
52. That prior to the registration of the plan, the developer agrees to provide a 3.0 wide buffer strip, consisting of three staggered rows of a variety of trees and shrubs and a post a wire fence, along the lot lines of Lots 265 to 281 and Block 483, abutting the City of Guelph, Township of Guelph corporate boundary, to the satisfaction of the Director of Planning and Business Development.
53. That cut-off collars be used in sewer trenches to prevent groundwater from following the sewer line.

PART B: ZONING REGULATIONS

That the Zoning By-law amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer the subject lands from the current Single Detached (R.1B, R.1C, and R.1D) Zones, and Specialized Single Detached R.1D-17 Zone, to the following zoning categories:

LOTS OR BLOCKS	PROPOSED ZONING
Lots 80-88, 99-111	R.1C Detached Dwellings – minimum frontage of 12 metres
Lots 12-14, 21-79, 89-98	R.1D Detached Dwellings – minimum frontage of 9 metres
Lots 15-18,19,20	R.1D-9 Detached Dwellings – minimum frontage of 9 metres and 30 metre separation from Railway Right-of-way
Lots 1-11	R.2 Semi-detached Dwellings
Block 114	R.3B-5 On-street Townhouse Dwellings – requires 30 metre separation from Railway Right-of-way
Blocks 112, 113	R.3B-7 On-street Townhouse Dwellings – Maximum Building Coverage of 50% and Minimum Exterior Side Yard of 4.5 metres.

PART A: DRAFT PLAN OF SUBDIVISION CONDITIONS

THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd., on behalf of Victoria Wood (Arkell) Ltd. for a proposed Draft Plan of Residential Subdivision applying to property municipally known as 246 Arkell Road, and legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch), City of Guelph, BE APPROVED, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the draft plan of subdivision prepared by Black, Shoemaker, Robinson and Donaldson Ltd., Project # 06-7698-19, dated May 29, 2012, as shown on **Attachment 4**, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
9. The Developer shall retain a qualified **environmental inspector**, satisfactory to the General Manager of Planning Services, 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. The environmental inspector shall report on their findings to the City.

10. The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
12. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
13. The Developer acknowledges that the City does not allow **retaining walls higher than 1.0 metre** abutting existing residential properties without the permission of the City Engineer.
14. The Developer shall prepare an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The EIR will include a monitoring program to assess the performance of the stormwater management facilities in the subdivision. Furthermore, the EIR will outline the implementation process including the requirement to provide information to homeowners in the subdivision concerning the stormwater management facilities and their maintenance. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
15. That 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.

Conditions to be met prior to execution of subdivision agreement

16. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
17. The Developer shall have **engineering drawings** and final reports prepared for the approval of the City Engineer.
18. With the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.
19. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
20. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
21. The Developer shall prepare a **street tree planting plan** and implement such plan to the satisfaction of the City Engineer.
22. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
23. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer.
24. The Developer shall phase the subdivision to the satisfaction of the City of Guelph. Such **phasing** shall conform to the current Development Priorities Plan.
25. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
26. The Developer shall submit a **Noise Impact Study** to the satisfaction of the General Manager of Planning Services addressing the potential noise impacts from Arkell Road.

27. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, interpretive signage and trail design details, to the satisfaction of the General Manager of Planning Services. This shall include the submission of drawings completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning Services.
28. The Developer shall provide Planning Services with a **digital file** in AutoCAD - DWG format containing the following final approved information: parcel fabric, street network, grades and contours and landscaping of the open space and storm water management blocks.
29. The Developer shall install, at no cost to the City, **chain link fencing** adjacent to Lot 12 abutting Open Space Block 20. The Developer further agrees that the fencing will be installed following grading operations of the subdivision in accordance with the current standards and specification of the City and to the satisfaction of the General Manager of Planning Services. Further, all property lines must be accurately surveyed and clearly marked in the field prior to establishing all fence line locations. Fences shall be erected directly adjacent to the established property line within the City owned lands.
30. The Developer agrees to provide **temporary signage** describing the existing/proposed open space, trail and required fencing on all entrance signs for the development, at the street frontage of Stormwater Management 19 and Open Space Block 20, and entrance/exits of trails, to the satisfaction of the General Manager of Planning Services. The signage shall:
- a. advise prospective purchasers of dwellings in the area of the type of park, open space and/or trail and level of maintenance of these parcels of land by the City;
 - b. clearly state that the maintenance of the park block and/or trail are the responsibility of the Developer until such time as the City accepts the park and/or trail, and partially releases the associated Letter of Credit; and
 - c. clearly state that all questions relating to the maintenance of the park block and/or trail shall be directed to both Developer and the City.

The signage shall be erected when rough grading on and adjacent to the building lots has begun and must be maintained by the Developer until acceptance of the Blocks by the City. The Developer further agrees that the proposed open space block, trails and fencing be identified on any marketing or promotional materials.

Conditions to be met prior to registration of the plan

31. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
32. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City 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's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
33. Prior to the City accepting any real property interests, if contamination is found, the Developer 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 conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - 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 conveyed to the City 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 conveyed to the City.
34. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
35. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
36. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
37. The Developer shall pay any **outstanding debts** owed to the City.

38. The Developer 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.
39. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall". The signs shall be resistant to weathering and vandalism.
40. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
- a. "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b. "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c. "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Arkeil Road and Streets 1 and 2 at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."
 - d. "Purchasers and/or tenants of all lots or units are advised that Arkeil Road may be used as a truck route."
 - e. "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic".
 - f. "Purchasers and/or tenants of all lots or units are advised that the boundaries of the Open Space and Stormwater Management Blocks

will be demarcated in accordance with the City of Guelph Property Demarcation Policy". The Developer shall also send written notification of proposed demarcation types to any existing homeowners in lots adjacent to open space and stormwater management blocks".

- g. "Purchasers and/or tenants of all lots or units located in the subdivision plan are advised that the stormwater management pond has been vegetated to create a natural wetland setting. The City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails".
 - h. "Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system".
 - i. "Purchasers and/or tenants of all lots or units abutting City owned lands are advised that abutting City owned lands may be fenced in accordance with the current standards and specifications of the City".
 - j. Purchasers and/or tenants of all lots or units abutting City owned lands are advised that no private gates will be allowed into Blocks 19 and 20.
 - k. Purchaser and/or tenants of all lots or units are advised that Street 2 will be extended at some future date when the adjacent lands are developed".
41. The Developer shall pay **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph by-law (1989)-13410, as amended by By-law (1990)-13545, By-law (2007-18225), or any successor thereof.
42. The Developer agrees to eliminate the use of any **covenants that would restrict the use of clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services that there are no restrictive covenants which restrict the use of clotheslines.
43. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
44. The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

45. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
46. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
47. The Developer shall **convey Lots 1 and 12** at the expense of the Developer to the City and held until Street 2 can be constructed and extended beyond the terminus of the road as shown on the Plan, or it is demonstrated that the Lots can be graded to final elevations to the satisfaction of the City Engineer. The Developer is responsible for maintaining these two lots including, but not limited to, weed and pest control.
48. Prior to the registration of the plan, the Developer shall install at no cost to the City a 1.5 metre high black vinyl chain link fence along the north, east and west property boundaries. The fence is to be entirely located on the 246 Arkell Road property and is to be in accordance with the current standards and specifications of the City and to the satisfaction of the General Manager of Planning Services. Further, all property lines must be accurately surveyed and clearly marked in the field prior to establishing all fence line locations.

Conditions to be met prior to site plan approval

49. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to a standard that promotes energy efficiency in order to comply with the Community Energy Initiative, to the satisfaction of the City in accordance with the letter attached as Attachment X to Report 12-78 from Planning, Building, Engineering and Environment Report 12-78 dated September 4, 2012.

Conditions to be met prior to the issuance of a building permit

50. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
51. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
52. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number,

depth of fill, top elevation of fill and the area approved for building construction from the street line.

53. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.

AGENCY CONDITIONS:

54. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:

- i. A detailed storm water management report in accordance with the Ministry of Environment Stormwater Management and Planning Design Manual (2003). This report should include geotechnical information addressing the infiltration potential on the site. In addition, a storm servicing plan for the site should be included.
- ii. An erosion and siltation control plan in accordance with the Grand River Conservation Authority Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
- iii. Detailed lot grading and drainage plans showing existing and proposed grades.
- iv. An Environmental Implementation Report (EIR) to the satisfaction of the Grand River Conservation Authority in consultation with the City. The EIR should include the above noted reports, monitoring and mitigation outlined in the EIS.
- v. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit for proposed works within the regulated area.

55. That the subdivision agreement between the owners and the municipality contain provisions for:

- a) The completion and maintenance of the works in accordance with the approved plans and reports contained in condition 53.

56. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.

57. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of

busing students outside the immediate area should schools in the area be at capacity.

58. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
59. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:
- “Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school.
60. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood.
61. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
62. That prior to the registration of all or any portion of the plan, the **Grand River Conservation Authority** shall advise the City in writing how conditions 53 and 54 have been satisfied.
63. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 56 has been satisfied.
64. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 57, 58 and 59 have been satisfied.

65. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 44 and 50 have been satisfied.
66. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 60 has been satisfied.
67. That prior to the registration of all or any portion of the plan, the **Ministry of Citizenship, Culture and Recreation** shall advise the City in writing how condition 15 has been satisfied.

NOTE: That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of the extension of Draft Plan approval.

AND

PART B: ZONING REGULATIONS

“That the Zoning By-law amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to transfer the subject lands from the A (Agriculture) Zone, as referred to in the Township of Puslinch Zoning By-law to the following zoning categories as follows:

LOTS/BLOCKS	LAND USE	ZONING
Lots 1-12	Semi-Detached Residential Min Lot Frontage – 7.5 m per unit	R.2
Blocks 13, 16	Specialized Cluster Townhouse Residential Minimum front yard setback of 4.5 metres in lieu of the required 6 metres Minimum distance between buildings – 3 metres	R.3A-?
Blocks 14, 15	On-Street Townhouse Residential	R.3B
Blocks 19, 20	Conservation Land Stormwater Management Facility and Open Space	P.1

PART A: DRAFT PLAN OF SUBDIVISION CONDITIONS

THAT the application by Coletera Development for approval of a Draft Plan of Residential Subdivision (23T-11501) comprising 62 residential units on lands municipally known as 115 Fleming Road, and legally described as Part Lot 11, Plan 468, City of Guelph, BE APPROVED, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Van Harten Surveying Inc., Project No. 20099-11, dated July 16, 2012, as shown on Schedule 4, including road widenings and reserves.

Conditions to be met prior to grading and site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer, in accordance with the City of Guelph By-law (2010)-19058, prior to any tree removal, grading or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if earthworks are to occur prior to entering into the subdivision agreement.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. The approved overall grading plan shall be the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. The Developer shall construct, install and maintain **erosion and sediment control** facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.
9. The Developer shall retain a qualified **environmental inspector**, satisfactory to the General Manager of Planning Services and 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. The inspector shall report on their findings to the City.

10. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
11. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
12. The Developer acknowledges that the City does not allow **retaining walls higher than 1.0 metre** abutting existing residential properties without the permission of the City Engineer.
13. The Developer shall submit a **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best managements, Provincial Guidelines, and the City's current "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.

Conditions to be met prior to execution of subdivision agreement

14. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
15. The Developer acknowledges and agrees that **no development shall occur on Blocks 3, 10, 11 and 12** until such time as the intersection of Law Drive and Pettitt Drive can be completed to the satisfaction of the City.
16. The Developer acknowledges and agrees that **no development shall occur on Block 12** until it is adjoined with neighbouring property to the satisfaction of the City. The Developer shall be responsible for the maintaining Block 12 in accordance with the City of Guelph Property Standards By-law.
17. The Developer acknowledges and agrees to take steps to provide a **sightline triangle** without obstructions higher than 0.8 metres at the southeast corner of Fleming Road and Law Drive prior to the southerly extension of Law Drive

being opened to traffic. Alternatively, the Developer agrees to reimburse the City the cost of monitoring the intersection operation and taking steps to remove any obstruction higher than 0.8 metres.

18. The Developer shall have **engineering drawings and final reports** prepared for the approval of the City Engineer.
19. The Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks on the new roads and the existing Fleming Road and Frasson Drive, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.
20. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impact of groundwater and provides recommendations for pavement design and pipe bedding.
21. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
22. The Developer shall prepare a **street tree planting plan** and implement such plan to the satisfaction of the City.
23. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
24. The Developer shall provide an **On-street Parking Plan** for the subdivision to the satisfaction of the City Engineer. The Developer further agrees that the siting of individual dwelling units shall reflect a "paired driveway" orientation in order to maximize potential for on-street parking and landscaping to the satisfaction of the City.
25. The Developer shall pay the cost of the installation of one Second Order, **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
26. The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City for approval of driveway location.
27. The Developer shall **phase the subdivision** to the satisfaction of the City. Such phasing shall conform to the current Development Priorities Plan.

28. The Developer shall provide Planning Services with a digital file in either **AutoCAD - DWG format or DXF format** containing the following final approved information: parcel fabric, street network, and grades/contours.

Conditions to be met prior to registration of the plan

29. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
30. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City 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's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination.
31. Prior to the City accepting any real property interests, if contamination is found, the Developer 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 conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Realty Services;
 - 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 conveyed to the City 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 conveyed to the City
32. The Developer shall enter into a **Subdivision Agreement**, to be registered on title, satisfactory to the City Solicitor, which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.
33. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
34. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a

Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.

35. The Developer shall pay any **outstanding debts** owed to the City.
36. The Developer shall pay **development charges** to the City in accordance with By-law Number (2009) - 18792, 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.
37. The Developer shall **erect and maintain signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all the lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the Zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall". Further, the signs shall be resistant to weathering and vandalism.
38. The Developer shall pay **cash-in-lieu of parkland** for the entire development, in accordance with the City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
39. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - a) "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b) "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c) "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
 - d) Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Fleming Road and Frasson Drive at the discretion of the City. The location of such route and bus stops will be

determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”

40. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
41. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
42. The Developer agrees to eliminate the use of any **covenants that would restrict the use of clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services that there are no restrictive covenants which restrict the use of clotheslines.
43. The Developer shall pay to the City, the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook**, to all future residents within the plan, with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.

Conditions to be met prior to site plan approval

44. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to a standard that promotes energy efficiency in order to comply with the Community Energy Initiative, to the satisfaction of the City. Prior to site plan approval, the Owner is to provide the City with information on energy efficiency standards to be implemented for the dwelling units.

Conditions to be met prior to the issuance of building permits

45. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
46. Prior to the issuance of a building permit, the Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the **subdivision hydro servicing** has been completed to the satisfaction of Guelph Hydro.
47. The Developer shall submit a report prepared by a professional engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum

distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.

48. The Developer shall submit a report prepared by a professional engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.

AGENCY CONDITIONS

49. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
50. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
51. The Developer agrees in the subdivision agreement to **advise all purchasers** of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bused to a school outside the area, and further, that students may in future have to be transferred to another school"

52. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
53. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with

the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

54. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 49 has been satisfied.

55. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 50, 51 and 52 have been satisfied.

56. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 41 and 46 have been satisfied.

57. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 53 has been satisfied.

NOTE: This **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of Draft Plan approval.

AND

PART B: ZONING REGULATIONS

“That the Zoning By-law Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to change the subject lands from the current UR (Urban Reserve) Zone to the Specialized R.3B-? (On-Street Townhouse) Zone.

BLOCKS	LAND USE	ZONING
Blocks 1-12	Minimum lot area per dwelling unit – 150 square metres Minimum exterior side yard setback - 3.45 m Maximum building coverage - 50%	R.3B-?