

Council Caucus Room
October 4, 2010 6:30 p.m.

A meeting of Guelph City Council.

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

Absent: Councillors Burcher, Hofland, Wettstein

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

- 1. Moved by Councillor Salisbury
Seconded by Councillor Farrelly
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 or Disposition of Land

S. 239 (2) (c) Proposed or pending acquisition or disposition of land

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

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Mayor

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Deputy Clerk

A meeting of Guelph City Council closed to the public.

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

Absent: Councillor Burcher

Staff Present: Mr. H. Loewig, Chief Administrative Officer; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Ms. T. Agnello, Deputy City 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 or Disposition of Land

The Manager of Economic Development and Tourism Services provided information regarding proposed or pending acquisition or disposition of lands within the Hanlon Creek Business Park.

Mr. P. Cartwright 2. Moved by Councillor Kovach
Seconded by Councillor Billings
THAT the report dated October 4, 2010 regarding a Development Charge Early Payment Agreement and the sale of City-owned land in the Hanlon Creek Business Park from Economic Development & Tourism Services be received.

Carried

Mr. P. Cartwright 3. Moved by Councillor Findlay
Seconded by Councillor Kovach
THAT the report dated October 4, 2010 regarding the potential sale of City-owned land in the Hanlon Creek Business Park from Economic Development & Tourism Services be received.

Carried

The meeting adjourned at 6:36 p.m.

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Mayor

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Deputy Clerk

Council Chambers
October 4, 2010

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

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

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. P. Cartwright, General Manager of Economic Development & Tourism; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Agnello Deputy City Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Consent Agenda

The following items were extracted from the October 4, 2010 Consent Agenda to be voted on separately:

- A-1 Proposed Demolition of 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent – Ward 5
- B-1 Rotary Club Annual Sparkles in the Park Fireworks Display Request

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.

**39-47 Arkell Road and 1408 Gordon Street:
Proposed Zoning By-law Amendment (File ZC1006)
– Ward 6**

Ms. K. Nasswetter, Senior Development Planner provided information regarding the application to date and highlighted the variances requested within the application.

DELEGATIONS

Mr. Werner Leuschner, applicant advised they wish to develop the property in a quality manner and believes their proposal will be beneficial to the neighbourhood.

Mr. Jordan Zukowski, applicant, provided information regarding projects they have completed in the area and advised the stacked townhouses will be approximately the same height as a two-storey building.

Ms. Astrid Clos, planner for the applicant, advised the development meets the requirements of various policies and legislation. She stated the developer has met with the neighbours and acknowledged their issues that include:

- limiting the height of units to a maximum of two-storeys;
- tree preservation;
- Arkeil Road access;
- density level;
- the number of specialized zoning regulations such as setbacks, parking and access;
- boundary privacy;
- location and size of amenity areas and accessibility; and
- pedestrian connectivity.

She stated that the current parking regulations are not being met, but believes that will be rectified with the revised concept plan. She advised there will be a tree conservation plan. She advised the applicant has committed to another meeting with the residents.

Councillor Burcher arrived at the meeting at 7:23 p.m.

Wendy Lindsay, a neighbourhood resident, raised concerns regarding privacy, traffic problems, parking and garbage. She stated single detached family homes such as bungalows or two-storey homes with elevators are preferred because of concerns with absentee landlords.

Mr. Rob Lindsay, a resident within the area, does not agree with the proposal since many zoning requirements are not in compliance. He stated that this proposal is not compatible with the existing neighbourhood.

Mr. David Raymond, a neighbourhood resident, raised concerns with compatibility, traffic issues, and lack of parking spaces and amenity facilities. He stated the Official Plan requires that for general residential uses, building form, massing, appearance and siding must be

compatible with existing buildings and he does not feel this proposal meets the requirements. He also believes the setbacks, vehicular access, and heritage considerations are not compatible. He stated that the proposal is short of the minimum parking requirements and the lack of sidewalks will create a serious safety issue.

Mr. Peter McCaskell, a neighbourhood resident, stated the residents feel the proposal is unacceptable. He raised the issues of compatibility of the building heights, vehicular traffic, and the number of specialized zoning requirements the applicant is requesting. He recommended a one-way only access and egress on Arkell Road with right turns only allowed. He is concerned about the precedent that would be set if all of the specialized zoning requirements are granted. He suggested staff appoint a mediator for the neighbourhood residents and developer.

Ms. Mary Rife, a neighbourhood resident, expressed concerns with density and safety. She stated that 83 units is unreasonable for the proposed parcel of land. She raised the safety concern regarding the blind entrance/exit on Arkell hill.

Mr. Barry Smit, a neighbourhood resident representing 44 of the residents on a petition, raised the following points:

- the neighbourhood is willing to accept infilling and wish to collaborate with the developers;
- the residents are not adopting NIMBYism but rather, a DROP (development respecting official plan) mindset;
- detached residential and institutional uses would be more consistent and compatible and would better maintain stability and character;
- the development must be sensitive in its transition in height and massing of buildings between low density and multiple residential units;
- required setbacks should be adhered to;
- residents are seeking changes for the three-storey townhouses and the four-storey apartment such as separation distances, square footage per unit, buildings are too tall and too close to existing residences; insufficient parking;
- site compatibility in terms of type of buildings and scale.

1. Moved by Councillor Findlay
Seconded by Councillor Laidlaw

THAT the procedural by-law be suspended to allow the delegation, Mr. Barry Smit, to exceed the ten minute time limit set for delegations.

Carried

Mr. Smit addressed these further issues:

- appropriateness of style, mass and density of the buildings;
- size, shape and location of site, and the established low density area, is not compatible with proposed application.

He stated building on the property should be a maximum height of two storeys with appropriate separation between buildings and property lines; and appropriate density determined. He advised the residents welcome an opportunity to review any plans with the developer to resolve the issues.

Mr. Dennis Mortley, a neighbourhood resident, concurred with previous delegations. He does not want to see the proposal move forward.

Mr. Thomas Graham, a neighbourhood resident, is in favour of developing the property, but not at the proposed density. He agreed that staff assisting with meetings between the developer and the neighbourhood residents would be helpful.

Mr. Ken Strawbridge, speaking on behalf of his parents, residents of the area, noted three things must be given consideration:

- how this development will affect other plans that are happening in the area, particularly in relation to an environmental plan;
- the contradiction in type of environment the development will create; residences spread out leads to diversity, and close proximity leads to more similar residents so diversity could be lost
- types of principles that would apply and whether it is the best way to use the land, or whether the institutional, educational, or medical uses are a better fit.

He would like staff to get involved in the mediation process. He requested traffic engineering to do a study, and would like the developer to provide a 3D presentation on how the buildings fit on the site in order to provide a comparison of the adjacent properties. He also raised the following issues:

- connectivity;
- consolidation of open spaces;
- impact on neighbourhood wells;
- location of the apartment building;
- size of the amenity area;
- rear yard buffers.

Dr. J. Laird
Mr. J. Riddell

2. Moved by Councillor Findlay
Seconded by Councillor Hofland

THAT report 10-98 regarding a proposed Zoning By-law Amendment for the properties municipally known as 39-47 Arkell Road and 1408 Gordon Street, City of Guelph, from Planning, Engineering and Environmental Services dated October 4, 2010, be received;

ANDTHAT staff facilitate or engage a facilitator to work with the residents and developer, if required by the parties.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

CONSENT AGENDA

Proposed Demolition of 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent – Ward 5

Dr. J. Laird
Mr. J. Riddell

3. Moved by Councillor Burcher
Seconded by Councillor Hofland

THAT Report 10-102 regarding the proposed demolition of seven detached dwellings on University of Guelph lands, municipally known as 626, 640, 646, 752 & 660 Gordon Street and 9 & 10 College Crescent, City of Guelph, from Planning, Engineering and Environmental Services dated October 4, 2010, be received;

AND THAT the proposed demolition of seven detached dwellings on University of Guelph lands, municipally known as 626, 640, 646, 652 & 660 Gordon Street and 9 & 10 College Crescent, be approved.

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

VOTING AGAINST: Councillor Farrelly, Kovach and Laidlaw (3)

Carried

Rotary Club Annual Sparkles in the Park Fireworks Display Request

Paul Taylor
Mr. S. Armstrong
Ms. M. Neubauer

- 4. Moved by Councillor Kovach
Seconded by Councillor Findlay

THAT the request from the Rotary Club of Guelph to provide a fireworks display at Riverside Park on December 31, 2010, be approved subject to the Rotary Club of Guelph meeting the terms and conditions of the Guelph Fire Department;

AND THAT the Rotary Club of Guelph obtain liability coverage in the amount of \$5,000,000.00 with the City of Guelph named as an additional insured party, and provide a certificate indicating such coverage, be submitted to the City of Guelph prior to the event;

AND THAT the City accepts no responsibility for any liability that arises out of granting this permission for use of City property and facilities;

AND THAT staff be directed to work with the event organizers to mitigate noise issues.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

SPECIAL RESOLUTIONS

Proposed Development Charge Early Payment Agreement and Sale of City-Owned Land – Hanlon Creek Business Park

Mr. P. Cartwright
Ms. M. Neubauer
Mr. M. Amorosi

- 5. Moved by Councillor Kovach
Seconded by Councillor Findlay

THAT staff be directed to finalize a Development Charge Early Payment Agreement and an Agreement of Purchase and Sale, satisfactory to the General Manager of Economic Development & Tourism, the Chief Financial Officer/City Treasurer and the General Manager of Legal Services/City Solicitor, for a 5.141 hectare (12.7 acre) site, composed of Part of Lots 17 & 18, Concession 5 (former geographic Township of Puslinch and now part of the City of Guelph), designated as part of Part 4 on Reference Plan 61R-9655, to be described by reference plan on Closing, in the Hanlon Creek Business Park, and subject to the terms and conditions as outlined in the

report of the General Manager of Economic Development & Tourism dated October 4, 2010;

AND THAT the Mayor and Clerk be authorized to execute the Development Charge Early Payment Agreement and an Agreement of Purchase and Sale on behalf of the City of Guelph.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Potential Sale of City-Owned Land – Hanlon Creek Business Park

6. Moved by Councillor Findlay
Seconded by Councillor Beard

Mr. P. Cartwright
Ms. M. Neubauer
Mr. M. Amorosi

THAT staff be directed to finalize a Letter of Intent and an Agreement of Purchase and Sale for the purchase of a +\- 0.60705 hectare (+\- 1.50 acre) site being composed of Part of Lot 16, Concession 5 and designated as part of Part 3 on Reference Plan 61R-9655, and to be described by reference plan on Closing, in the Hanlon Creek Business Park;

AND THAT the General Manager of Economic Development and Tourism Services be authorized to execute a Letter of Intent, subject to its format and content being satisfactory to the General Manager of Economic Development & Tourism, the Director of Finance/City Treasurer as well as the General Manager of Legal Services/City Solicitor;

AND THAT the Mayor and Clerk be authorized to execute an Agreement of Purchase and Sale, subject to its format and content being satisfactory to the General Manager of Economic Development & Tourism, the Director of Finance/City Treasurer as well as the General Manager of Legal Services/City Solicitor.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw, Piper, Salisbury, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

7. Moved by Councillor Farrelly
Seconded by Councillor Bell
THAT By-law Number (2010) – 19094 to (2010) - 19102
inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings,
Burcher, Farrelly, Hofland, Kovach, Laidlaw, Piper,
Salisbury, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Findlay (1)

Carried

ADJOURNMENT

The meeting adjourned at 9:33 o'clock p.m.

Minutes read and confirmed November 22, 2010.

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Mayor

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Deputy Clerk