

City Hall Meeting Room A  
November 2, 2009 6:00 p.m.

**A meeting of Guelph City Council.**

Present: Mayor Farbridge, Councillors Bell, Billings, Burcher, Farrelly, Findlay, Hofland, and Piper

Absent: Councillors Beard, Kovach, Laidlaw, Salisbury and Wettstein

Staff Present: Ms. M. Neubauer, Director of Finance; Mr. J. Riddell, Director of Community Design & Development Services; Ms. M. Plaunt, Manager of Policy Planning & Urban Design; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

- 1. Moved by Councillor Hofland  
Seconded by Councillor Piper

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

**The Elliott Operational Review**

S. 239 (2) (a) security of the property of the municipality

**Appeal of the Township of Puslinch Zoning By-law Regarding 219 Brock Road North**

S. 239 (2) e) litigation or potential litigation

Carried

The meeting adjourned at 6:01 o'clock p.m.

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Mayor

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Deputy Clerk

City Hall Meeting Room A  
November 2, 2009 6:02 p.m.

**A meeting of Guelph City Council closed to the public.**

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

Absent: Councillors Beard and Salisbury

Staff Present: Ms. M. Neubauer, Director of Finance; Mr. J. Riddell, Director of Community Design & Development Services; Ms. M. Plaunt, Manager of Policy Planning & Urban Design; Ms. S. Smith, Associate Solicitor; Mr. G. Atkinson, Policy Planner; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There were no disclosures of pecuniary interest.

**Security of the property of the municipality**

1. Moved by Councillor Hofland  
Seconded by Councillor Findlay  
THAT the delegations of Enzo Cuttini and Tulia Ferreira be allowed to speak to the Committee.

Carried

The delegations provided information with respect to the Elliott Operational Review.

**Litigation or Potential Litigation, including matters before Administrative Tribunals**

Community Design and Development Services staff provided information regarding the amendment to the Township of Puslinch Zoning By-law to permit an `Automobile Sales and Service Establishment' adjacent to the City boundary at 219 Brock Road North.

2. Moved by Councillor Piper  
Seconded by Councillor Laidlaw  
Mr. J. Riddell THAT Report 09-96 dated November 2, 2009, from Community Design and Development Services regarding an amendment to the Township of Puslinch Zoning By-law to permit an `Automobile Sales and Service Establishment' and `Agriculture' adjacent to the City/Township boundary be received.

A recorded vote was requested.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Findlay, Hofland, Kovach, Laidlaw and Piper (8)

VOTING AGAINST: Councillors Billings, Farrelly and Wettstein (3)

Carried

The meeting adjourned at 6:58 o'clock p.m.

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Mayor

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Deputy Clerk

Council Chambers  
November 2, 2009

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

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

Absent: Councillors Beard and Salisbury

Staff Present: Mr. J. Riddell, Director of Community Design and Development Services; Mr. S. Hannah, Manager of Development and Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

The Mayor offered condolences to the family of Constable Peter Neimanis, who served on the Guelph Police Services for 35 years.

**DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT**

There was no declaration of pecuniary interest.

## PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters.

### **1, 3, 5 & 7 Rosewood Avenue: Proposed Zoning By-law Amendment (File ZC0907 – Ward 3)**

Ms. S. Laughlin, Development and Urban Design Planner, advised the applicant desires to add 26 parking spaces for St. Joseph's Church and provide better vehicular and pedestrian access to St. Joseph's School. The proposal would include demolishing 1 and 3 Rosewood Avenue and changing the pedestrian access point and driveways for 7 Rosewood. She stated that landscape buffers will be put in place on Rosewood and along the walkway.

Ms. N. Shoemaker, on behalf of the applicant, advised that the configuration of the property was determined by the grade of the land and based on addressing accessibility and traffic flow issues. Parking will not be sufficient once the new school is built.

Mr. Derek Kirby, a neighbourhood resident advised he is happy with the configuration but expressed concerns regarding the parking lot. He requested that:

- the parking lot be controlled during peak periods;
- overnight parking restrictions put in place;
- a fence surrounding the parking lot to deter children from making it a playground.

Ms. Dana Hunter, a resident across from the property expressed concerns regarding:

- parked cars blocking her driveway;
- traffic congestion at peak times;
- properties being devalued with the removal of the houses on Rosewood;
- it will be visually unsightly.

Staff will consider the following during preparation of their report to come back to Council:

- traffic concerns;
- aesthetics of the property and buffering possibilities;
- feasibility of a reciprocal parking agreement with the institution across the street.

Mr. J. Riddell

1. Moved by Councillor Findlay  
Seconded by Councillor Kovach  
THAT Report 09-86 regarding a proposed Zoning By-law Amendment to permit the development of additional parking spaces for the existing church; a pedestrian access to the existing school from Rosewood Avenue; and a vehicular access to the existing church and school from Rosewood Avenue, applying to the properties municipally known as 1, 3, 5, & 7 Rosewood Avenue, and legally described as Part of Lots 1 to 4, Registered Plan 349, City of Guelph, from Community Design and Development Services dated November 2, 2009, be received.

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

VOTING AGAINST: (0)

Carried

**Dallan Subdivision – Revised Application for a Proposed Draft Plan of Subdivision and Associated Zoning By-law Amendment (File: 23T-08503/ZC0803) – Ward 6**

Ms. Katie Nasswetter, Senior Development Planner advised of the changes made to this application since the first public meeting on this matter which included:

- an increase in density;
- a reduction of the backlotting onto open space
- an increase of open park space.

She advised that staff have met with the Guelph Field Naturalists and will also confer with the Guelph Chapter of the Council of Canadians and the Ontario Chapter of the Sierra Club of Canada to address their written concerns.

Ms. Nancy Shoemaker, on behalf of the applicant informed Council that they have worked with staff to increase density and open up viewsapes. She advised that they have addressed a number of the concerns raised and have even given consideration to the Natural Heritage Study despite their application predating the requirement to do so. She stated the zoning will allow up to an eight storey building, and 213 units, however, the applicant has not determined the number or size of buildings they wish to build on the property.

Mr. J. Riddell

2. Moved by Councillor Kovach  
 Seconded by Councillor Hofland  
 THAT Report 09-84 regarding a revised proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Dallan Subdivision applying to property municipally known as 161, 205 and 253 Clair Road East, and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, from Community Design and Development Services dated November 2, 2009, be received.

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

VOTING AGAINST: (0)

Carried

**CONSENT AGENDA**

The following items were extracted from the November 2, 2009 Consent Agenda to be voted on separately:

- A-1 – 1440-1448 Gordon Street – Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP0802/ZC0807 – Ward 6)
- A-4 – Debenture Issue

3. Moved by Councillor Findlay  
 Seconded by Councillor Kovach  
 THAT the balance of the November 2, 2009 Council Consent Agenda as identified below, be adopted:

- a) **Cedarvale/Cityview Subdivision – Request for an Extension of Draft Plan Approval (23T-98501 – Ward 1)**

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

THAT Report 09-88 regarding a request for the extension of the Draft Plan Approval for the Cedarvale/Cityview Subdivision (23T-99501) from Community Design and Development Services, dated November 2, 2009, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited for a three (3) year extension to the Draft Plan Approval of the Cedarvale/Cityview Subdivision (23T-99501) applying to lands legally described as Part of Lots 30 and 33, Registered Plan 53, City of Guelph, be approved for a three (3) year period to an extended lapsing date of November 21, 2012, subject to the conditions outlined in Schedule 3 of the Community

Design and Development Services Report 09-88 dated November 2, 2009.

b) **New Service Agreement with Clearing and Depository Services Inc. (CDS)**

Ms. M. Neubauer

THAT the Mayor and Clerk be authorized to sign the "Book Entry Only Securities – Services Agreement" and any associated documents with CDS Clearing and Depository Services Inc ("CDS").

AND THAT a by-law be approved requiring a bond of indemnification from CDS as a condition of issuing replacement debentures.

AND THAT a by-law be approved authorizing the entering into of the Book Entry Only Securities – Services Agreement.

c) **Hanlon Expressway Watermain and Utilities Contract #02-0962**

Mr. J. Riddell

THAT the tender of Xterra Construction Inc be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 02-0926 for the Hanlon Expressway Watermain, for a total tendered price of \$1,699,227.08 with actual payment to be made in accordance with the terms of the contract.

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

VOTING AGAINST: (0)

Carried

**1440-1448 Gordon Street**

Ms. Astrid Clos, on behalf of the applicant, provided a brief overview of the application and stated that approval of this application would help the City meet its intensification targets within built up areas. She advised that the units are slated to be condominiums and not rentals. She stated that staff requested a greater street presence which resulted in some of the changes that were made to the application since the public meeting.

Staff are to consider the following prior to site plan approval:

- noise issues;
- placement of balconies;
- buffering options.

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

4. Moved by Councillor Findlay  
Seconded by Councillor Burcher  
THAT Report 09-77 regarding a proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of an 87 unit apartment building applying to property municipally known as 1440-1448 Gordon Street, and legally described as Part Lot 7, Concession 8, City of Guelph, from Community Design and Development Services dated November 2, 2009, be received;

AND THAT the application (OP0802) by Astrid J. Clos Planning Consultants on behalf of 2177169 Ontario Inc. and 1284172 Ontario Inc. for an Official Plan Amendment from the "Medium Density Residential" Official Plan designation to the "High Density Residential" designation affecting the property at 1440-1448 Gordon Street, and legally described as Part Lot 7, Concession 8, City of Guelph, BE APPROVED, in the form outlined in SCHEDULE 2 of Community Design and Development Services report 09-77 dated November 2, 2009;

AND THAT the application (ZC0807) by Astrid J. Clos Planning Consultants on behalf of 2177169 Ontario Inc. and 1284172 Ontario Inc. for approval of a Zoning By-law Amendment from the current R.1B (Residential Single Detached) Zone to a new Specialized R.4B (High Density Apartment) Zone affecting the property municipally known as 1440-1448 Gordon Street and legally described as Part Lot 7, Concession 8, City of Guelph, BE APPROVED in accordance with the permitted uses, regulations and conditions provided in SCHEDULE 3 of Community Design and Development Services report 09-77 dated November 2, 2009;

AND THAT the request by 2177169 Ontario Inc. and 1284172 Ontario Inc. to demolish the detached dwelling located on the property municipally known as 1440 Gordon Street be approved;

AND THAT the request by 2177169 Ontario Inc. and 1284172 Ontario Inc. to demolish the detached dwelling located on the property municipally known as 1448 Gordon Street be approved;

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 1440 and 1448 Gordon Street as set out in Report 09-77 from Community Design and Development Services dated November 2, 2009.



VOTING IN FAVOUR: Councillors Bell, Burcher, Farrelly, Findlay, Hofland, Kovach, Laidlaw and Mayor Farbridge. (8)

VOTING AGAINST: Councillors Billings, Piper and Wettstein (3)

Carried

**Debenture Issue**

A separate vote was requested on the Strategic Land Purchase for \$850,000 in Appendix 1 of the report.

Ms. M. Neubauer 5. Moved by Councillor Wettstein  
Seconded by Councillor Burcher  
THAT the Strategic Land Purchase for \$850,000 as listed in Appendix 1 of the Finance Department Debenture Issue report dated November 2, 2009, be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Farrelly, Findlay, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge. (9)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

Ms. M. Neubauer 6. Moved by Councillor Wettstein  
Seconded by Councillor Burcher  
THAT Council authorize the list of projects contained in Appendix 1 of the Finance Department Debenture Issue report dated November 2, 2009, excluding the Strategic Land Purchase for \$850,000, which was approved by separate resolution, to be funded by debenture issue;

AND THAT the City Treasurer be authorized to proceed with the marketing through the City's fiscal agent, of a debenture issue in the principal aggregate amount of \$24,870,000 dated 23 November, 2009 for a term not exceeding ten years.

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

VOTING AGAINST: (0)

Carried

**SPECIAL RESOLUTIONS**

**Appeal of the Township of Puslinch Zoning By-law Regarding 219 Brock Road North**

7. Moved by Councillor Burcher  
Seconded by Councillor Billings

THAT the delegation of Nancy Shoemaker be allowed to speak to the Committee.

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

VOTING AGAINST: (0)

Carried

Ms. Shoemaker provided Council with the chronology of this application and stated her client could not find any other property he felt suitable for his needs within Guelph or Puslinch. She advised that the development they are proposing is much smaller than what the current zoning would allow and believes it is a positive precedent for fringe development. Their position is that their application fits under "other economic opportunities should be considered" clause for rural land use and they are satisfied they are compliant with the Township's Official Plan. She stated that the GRCA has provided a letter in support of their application and their development will not impact the Paris-Galt Moraine.

She also advised that they have a detailed lighting plan and are dark sky compliant with no lighting emanating from the property itself and the lighting will be monitored and on timers.

8. Moved by Councillor Piper  
Seconded by Councillor Kovach

THAT Report 09-96 dated November 2, 2009, from Community Design and Development Services regarding an amendment to the Township of Puslinch Zoning By-law to permit an 'Automobile Sales and Service Establishment' and 'Agriculture' adjacent to the City/Township boundary be received;

AND THAT staff be authorized to appeal the October 21, 2009 decision of the Township of Puslinch to amend its Zoning By-law to permit an 'Automobile Sales and Service Establishment' at 219 Brock Road North to the Ontario Municipal Board.

Mr. J. Riddell  
Ms. L.E. Payne

VOTING IN FAVOUR: Councillors Bell, Burcher, Findlay, Hofland, Kovach, Laidlaw, Piper, and Mayor Farbridge. (8)

VOTING AGAINST: Councillors Billings, Farrelly and Wettstein (3)

Carried

**BY-LAWS**

9. Moved by Councillor Hofland  
Seconded by Councillor Farrelly  
THAT By-laws Numbered (2009)-18887 to (2009)-18891, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

**ADJOURNMENT**

The meeting adjourned at 8:43 o'clock p.m.

Minutes read and confirmed November 23, 2009.

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Mayor

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Deputy Clerk