

Council Chambers
December 3, 2012 7:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher (arrived at 7:05 p.m.), Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Wettstein

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

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures.

Consent Agenda

The following items were extracted from the December 3, 2012 Consent Agenda to be voted on separately:

- A-2 195 College Avenue West: Proposed Zoning By-law Amendment (File: ZC1207)
- A-3 Proposed Demolition of 28 St. Andrew Street
- A-5 Guelph Area Transmission Refurbishment Project and the Community Energy Initiative

1. Moved by Councillor Kovach
Seconded by Councillor Dennis

THAT the balance of the December 3, 2012 Council Consent Agenda as identified below, be adopted:

a) **316 Waterloo Avenue: Zoning By-law Amendment (File ZC1116) – Ward 5**

Mr. J. Buisman
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Mr. A. Horsman

THAT Report 12-105 regarding a Zoning By-law Amendment for property municipally known as 316 Waterloo Avenue from Planning, Building, Engineering and Environment dated December 3, 2012 be received;

AND THAT the application made by Van Harten Surveying Inc. on behalf of Sebastian Sambor and Przemyslaw Sambor for approval of a Zoning By-law Amendment from the Residential Single Detached 'B' (R1.B) Zone to a Specialized

Residential Single Detached 'B' (R.1B-(H)) Holding Zone for the property municipally known as 316 Waterloo Avenue and legally described as Lot 23, Registered Plan 34, City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 12-105 dated December 3, 2012, attached hereto as Schedule 1;

AND THAT in accordance with Section 34(17) of the *Planning Act*, City Council has determined that no further public notice is required related to the minor modifications to the proposed Zoning By-law Amendment affecting 316 Waterloo Avenue as set out in Report 12-105 from Planning, Building, Engineering and Environment dated December 3, 2012.

b) **Proposed Demolition of 17 Forest Hill Drive – Ward 5**

Dr. J. Laird
Mr. B. Poole

THAT Report 12-110 regarding the proposed demolition of a detached dwelling at 17 Forest Hill Drive, legally described as Part Lot 19, Plan 401, AS IN R0787742 City of Guelph, from Planning, Building, Engineering and Environment dated December 3, 2012, be received;

AND THAT the proposed demolition of the detached dwelling at 17 Forest Hill Drive be approved;

AND THAT the applicant be requested to remove material stockpiled within the dripline of the existing front yard tree and erect protective fencing at one (1) metre from the dripline of this tree and any other existing trees on the property which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwelling;

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, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

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.

1820 Gordon Street: Proposed Redline Amendment to an Approved Draft Plan of Subdivision (Phase 2) and Zoning By-law Amendment (Files: 23T-03507/ZC1201) – Ward 6

Mr. A. Hearne, Senior Development Planner, provided a history of the application and synopsis of the staff report. He advised the applicant is wishing to eliminate a small park and storm water management and redesign the layout of the plan to increase the dwelling unit yield from 54 to between 94 to 105 units. This would include changing the zoning to a Specialized R.31-35 Zone to permit cluster and stacked townhouses and the R.4 Zone to permit apartment dwellings.

Councillor Burcher arrived at the meeting.

Ms. N. Shoemaker, on behalf of FCHT Holdings, outlined the proposed application and explained that the redesign of the plan is to accommodate additional residential units and enlarge the open space wildlife corridor to increase the density to meet mixed use nodes designation. She advised that there is currently a dead end running south of Poppy Drive, but there will be a turn circle and it will have the capability of extending the street.

Staff were asked to report back on information regarding traffic issues and access on Clair Road, , addressing the request for a privacy fence and the feasibility of the smaller park and stormwater facility.

2. Moved by Councillor Findlay
Seconded by Councillor Dennis

THAT Report 12-103 regarding applications for a redline amendment to an approved draft plan of subdivision (Phase 2) and a zoning by-law amendment by Black Shoemaker Robinson Donaldson Ltd., on behalf of FCHT

Holdings (Ontario) Corporation on lands municipally known as 1820 Gordon Street, legally described as a

Portion of Plan 23T-03507 being Part of the Southwest Part of Lot 11, Concession 8, (Part of Part 1, Plan 61R-10803), City of Guelph, from Planning, Building, Engineering and Environment dated December 3, 2012 be received.

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

VOTING AGAINST: (0)

Carried

51-65 Inkerman Street: Proposed Zoning By-law Amendment (File: ZC1212)

Mr. Tim Donegani, Policy Planner, provided the history of the application and advised the Committee of Adjustment permitted severance of the property earlier this year. He noted the request is to rezone the property to R.1D (Residential Single Detached) Zone with the intent to apply to make six lots to build six single residential homes.

Ms. Astrid Clos, on behalf of Granite Holdings Limited, advised the average lot width on Inkerman Street is currently 9 metres and the applicant is proposing 11.22 metres. She advised the neighbours are in favour of the development and are looking forward to the development being completed. She also advised the driveways are double width.

Staff were requested to provide information regarding how the number of lots was determined.

3. Moved by Councillor Wettstein

Seconded by Councillor Van Hellemond

THAT Report 12-104 regarding an application for a Zoning By-law Amendment, to permit the development of six (6) single detached dwellings, on lands municipally known as 51-65 Inkerman Street, and currently known as part of 7 Edinburgh Road South, and legally described as Part of Lots 2 and 3, Division "A", Lots A and B, Registered Plan

224, Lots 150 and 151, Registered Plans 28 and 115, City of Guelph, from Planning, Building, Engineering and Environment, dated December 3, 2012, be received.

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

VOTING AGAINST: (0)

Carried

**25 Lee Street: Proposed Zoning By-law Amendment
(File: ZC1213) – Ward 1**

Mr. Chris DeVriendt, Senior Development Planner, provided a synopsis of the application. He said the applicant wants to rezone to a Specialized I.1 Institutional Zone to build an elementary school and are requesting an increase to the maximum front yard setback. He advised that site alterations were approved by engineering staff and the environmental planner and they were considered minor in nature. The alterations were minimized due to fill being available and they meet the site alteration and tree removal by-laws. He also noted that a traffic study has been submitted and they will give consideration to student drop zones, traffic stops, and whether adult crossing guards will be required.

Ms. Jennifery Passy, Manager of Planning, Upper Grand District School Board, provided details regarding the need for the school on Lee Street as outlined within her submitted presentation. She said that schools are planned based on sustainable numbers but changes to servicing makes it difficult to estimate. She advised they only anticipate the need for one further bus because they will be sharing with Ken Danby. They will give consideration to environmentally-friendly aspects. She also said they will be exploring pedestrian crossings and ways to encourage children to cross at Kearney and Lee rather than at Breesegarten.

4. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT Report 12-106 regarding an application for a Zoning By-law Amendment to permit the development of an elementary school, on lands municipally known as 25 Lee Street, and legally described as Lots 1-17 and Part of Lot 18, Registered Plan 462 and Part of Grange Road and Cityview Drive, Registered Plan 53 and Part of Block 218, City of Guelph, from Planning, Building, Engineering and Environment, dated December 3, 2012, be received.

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

VOTING AGAINST: (0)

Carried

195 College Avenue West: Proposed Zoning By-law Amendment (File: ZC1207) – Ward 1

Mr. Jeff Buisman, on behalf of Guelph Community Christian School, requested a refund \$3,735 of the zone change fee because they applied for a major zone change fee and feels the application is a minor zone change because they just added a new use.

Staff explained the major change fee was charged because the application met the definition in the By-law that determines same.

5. Moved by Councillor Piper
Seconded by Councillor Dennis

THAT Report 12-107 regarding an application for a Zoning By-law Amendment to permit a single-detached dwelling on lands municipally known as 195 College Avenue West from Planning, Building, Engineering and Environment, dated December 3, 2012, be received;

AND THAT the application by Van Harten Surveying Inc. on behalf of the Guelph Community Christian School, for a Zoning By-law Amendment from the I.1 (Institutional) Zone to the R.1B (Single Detached Residential) Zone affecting the property municipally known as 195 College Avenue West, and legally described as Lot 16, Registered Plan 432, City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 12-107, dated December 3, 2012 attached hereto as Schedule 2.

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

WHEREAS the original zoning of the subject property was residential;

AND WHEREAS the applicant is a non-profit educational institution;

THEREFORE BE IT RESOLVED that a refund in the amount of \$3755.00, being the difference in fees between a major and minor zone change application, be refunded to the applicant.

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

VOTING AGAINST: Councillors Dennis and Findlay (2)

Carried

7. Moved as amended by Councillor Piper
Seconded by Councillor Dennis

Mr. J. Buisman
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Mr. A. Horsman

THAT Report 12-107 regarding an application for a Zoning By-law Amendment to permit a single-detached dwelling on lands municipally known as 195 College Avenue West from Planning, Building, Engineering and Environment, dated December 3, 2012, be received;

AND THAT the application by Van Harten Surveying Inc. on behalf of the Guelph Community Christian School, for a Zoning By-law Amendment from the I.1 (Institutional) Zone to the R.1B (Single Detached Residential) Zone affecting the property municipally known as 195 College Avenue West, and legally described as Lot 16, Registered Plan 432, City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 12-107, dated December 3, 2012 attached hereto as Schedule 2.

AND WHEREAS the original zoning of the subject property was residential;

AND WHEREAS the applicant is a non-profit educational institution;

THEREFORE BE IT RESOLVED that a refund in the amount of \$3755.00, being the difference in fees between a major and minor zone change application, be refunded to the applicant.

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

VOTING AGAINST: (0)

Carried

Guelph Area Transmission Refurbishment Project and the Community Energy Initiative

Mr. Jack Gibbons, Chair, Ontario Clean Air Alliance, said they do not feel the project is necessary because of the City's Community Energy Initiative. He urged Council to

approve the recommendations within the report and believes Guelph Hydro should promote registration of the program.

Mr. Evan Ferrari, Solargy Inc., said they focus on greenhouse emissions and he does not believe the Community Energy Initiative is being taken seriously. He believes the energy needs are being over estimated and that if Guelph and area capitalize on the Community Energy Initiative, there would be no need for the area transmission refurbishment project. He stated Guelph has been successful with other efficiency projects with the landfill and water and believes it can happen with power. He encouraged Council to approve the recommendations within the report.

8. Moved by Councillor Piper

Seconded by Councillor Laidlaw

THAT the report dated October 9, 2012 entitled 'Guelph Area Transmission Refurbishment Project and the Community Energy Initiative' be received;

AND THAT City Council direct the CAO to formally correspond with the Ministry of Energy requesting that they direct the Ontario Power Authority to approve Guelph-based projects currently in application under the Feed-In-Tariff and Combined Heat and Power Standard Offer programs;

AND THAT City Council direct the CAO to formally correspond to the CEO of the Ontario Power authority to formally request the inclusion of representatives from the City of Guelph, on behalf of the Community Energy Initiative, in the ongoing study of energy supply to the Kitchener-Waterloo-Guelph-Cambridge region;

AND THAT City Council direct the Mayor to continue to communicate with the Minister of Energy and other Provincial Ministers, as appropriate, to advocate on behalf of existing and future local energy generation and conservation projects;

AND THAT City Council direct staff to continue to communicate to staff of the Ministry of Energy, other Ministries as appropriate and the Ontario Power Authority

to advocate on behalf of existing and future local generation projects;

AND THAT the City direct staff to investigate the feasibility of formal procedural interventions to the Guelph Area Transmission Refurbishment project such as a request for an Individual Environmental Assessment or intervening at

the Ontario Energy Board as they consider the "Leave to Construct" for the GATR project;

AND THAT the resolution regarding the Guelph Area Transmission Refurbishment Project and the Community Energy Initiative be circulated to the Councils of Kitchener, Waterloo, Cambridge and Waterloo Region.

It was requested that the clauses be voted on separately.

10. Moved by Councillor Piper
Seconded by Councillor Laidlaw

THAT the report dated October 9, 2012 entitled 'Guelph Area Transmission Refurbishment Project and the Community Energy Initiative' be received.

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

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

VOTING AGAINST: (0)

Carried

11. Moved by Councillor Piper
Seconded by Councillor Laidlaw

THAT City Council direct the CAO to formally correspond with the Ministry of Energy requesting that they direct the Ontario Power Authority to approve Guelph-based projects currently in application under the Feed-In-Tariff and Combined Heat and Power Standard Offer programs.

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

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

VOTING AGAINST: Councillors Bell and Guthrie (2)

Carried

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

12. Moved by Councillor Piper
Seconded by Councillor Laidlaw

THAT City Council direct the CAO to formally correspond to the CEO of the Ontario Power authority to formally request the inclusion of representatives from the City of Guelph, on behalf of the Community Energy Initiative, in the ongoing study of energy supply to the Kitchener-Waterloo-Guelph-Cambridge region.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Guthrie (1)

Carried

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

13. Moved by Councillor Piper
Seconded by Councillor Laidlaw

THAT City Council direct the Mayor to continue to communicate with the Minister of Energy and other Provincial Ministers, as appropriate, to advocate on behalf of existing and future local energy generation and conservation projects.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Bell (1)

Carried

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

14. Moved by Councillor Piper
Seconded by Councillor Laidlaw

THAT City Council direct staff to continue to communicate to staff of the Ministry of Energy, other Ministries as appropriate and the Ontario Power Authority to advocate on behalf of existing and future local generation projects.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Bell (1)

Carried

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

15. Moved by Councillor Piper
Seconded by Councillor Laidlaw
THAT the City direct staff to investigate the feasibility of formal procedural interventions to the Guelph Area Transmission Refurbishment project such as a request for an Individual Environmental Assessment or intervening at the Ontario Energy Board as they consider the "Leave to Construct" for the GATR project

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Hofland, Kovach, Laidlaw, Piper, Van Hellemond and Mayor Farbridge (9)

VOTING AGAINST: Councillors Bell, Guthrie, Furfaro and Wettstein (4)

Carried

Ms. A. Pappert
Mr. A. Horsman
Mr. R. Kerr
Mayor D. Craig
Mayor C. Zehr
Mayor B. Halloran
Chair K. Seiling

16. Moved by Councillor Piper
Seconded by Councillor Laidlaw
THAT the resolution regarding the Guelph Area Transmission Refurbishment Project and the Community Energy Initiative be circulated to the Councils of Kitchener, Waterloo, Cambridge and Waterloo Region.

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

VOTING AGAINST: (0)

Carried

Proposed Demolition of 28 St. Andrew Street - Ward 3

Staff advised that the tree may be removed as permitted under our current tree by-law. They also stated that the square footage of the house is not governed under the Zoning By-law, just the setbacks and maximum storey height. They confirmed that the site plan control by-law does not apply.

Dr. J. Laird
Mr. B. Poole

17. Moved by Councillor Kovach
Seconded by Councillor Dennis
THAT Report 12-111 regarding the proposed demolition of a detached dwelling at 28 St. Andrew Street, legally described as Lot 15, Plan 264, City of Guelph, from Planning, Building, Engineering and Environment dated December 3, 2012, be received;

AND THAT the proposed demolition of the detached dwelling at 28 St. Andrew Street be approved;
AND THAT the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property which can be preserved, and be required to erect protective fencing at one (1) metre from the dripline of any existing trees on adjacent City property prior to commencement of demolition and maintain fencing during demolition and construction of the new dwelling;

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, Burcher, Dennis, Furfaro, Guthrie, Kovach, Van Hellemond, Wettstein and Mayor Farbridge (9)

VOTING AGAINST: Councillors Findlay, Hofland, Laidlaw and Piper (4)

Carried

BY-LAWS

18. Moved by Councillor Laidlaw
Seconded by Councillor Burcher
THAT By-law Numbers (2012)-19500 and (2012)-19501, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

ADJOURNMENT

19. Moved by Councillor Hofland
Seconded by Councillor Guthrie
THAT the meeting of Guelph City Council of December 3, 2012 be adjourned.

Carried

The meeting adjourned at 9:00 p.m.

Minutes to be confirmed on December 17, 2012.

.....
Mayor

.....
Deputy City Clerk

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 316 Waterloo Avenue and is legally described as Lot 23, Registered Plan 34, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for 316 Waterloo Avenue:

Specialized R.1B-? (H) Residential Single Detached 'B', Holding Zone

Permitted Uses

In addition to the permitted uses in Section 5.1.1 of Zoning By-law (1995)-14864, the following additional use shall also be permitted:

- Coach House

For the purposes of this Zone, the following definition will apply:

Coach House shall mean a one unit detached residence containing bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling, and is designed to be a permanent unit.

Proposed Zoning Regulations

In accordance with Section 4 (General Provisions) and Section 5.1.1 and Table 5.1.2 (Residential Single Detached) Zone regulations of Zoning By-law (1995)-14864, as amended, with the following exceptions and additions:

- Coach House
 - Gross Floor Area:
 - The maximum Gross Floor Area of the Coach House shall not exceed 96 square metres.
 - Minimum Side Yard
 - 1.1 metres
 - Maximum Number of Bedrooms
 - 2 bedrooms
 - Maximum Building Height:
 - The maximum building height shall be 1 storey.
 - Off-street Parking:
 - In addition to the requirements of Section 4.13 where a Coach House has been provided in addition to the main Dwelling unit, a total of 3 parking spaces shall be required on the property.
 - 1 parking space shall be provided for the coach house.

- Number of Buildings per Lot
 - Despite Section 4.4, a Coach House is permitted on the same Lot as the main Dwelling Unit in the R.1B-? Zone.
- Notwithstanding the Uses permitted in 5.1.1, a Coach House located in the R.1B-? Zone shall not be occupied by a home occupation or an accessory apartment.

Holding Provision

Purpose: To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph, namely filing a Record of Site Condition with the Ministry of Environment. Based on the history of uses on the site, this will ensure that the site is appropriately remediated to permit residential development.

Holding Provision Conditions:

1. The City shall receive a Record of Site Condition from the Ministry of Environment showing the site has been properly rehabilitated.
2. The owner enters into an agreement, registered on title, containing the conditions of approval endorsed by Council (see below).

PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed through an agreement with the City registered on title for the subject site:

1. That the applicant/owner shall submit to the City, in accordance with Section 41 of The Planning Act and Sections 7.2.22.1 and 9.10.2 a) of the Official Plan, a **fully detailed site plan(s)**, indicating the location of buildings, landscaping, parking, circulation, emergency access, lighting, grading, utilities and drainage on the said lands as well as proposed elevations of the Coach House to the satisfaction of the General Manager of Planning Services and the General Manager/City Engineer, prior to Site Plan approval, and furthermore the Developer agrees to develop the said lands in accordance with the approved plan.
2. That the applicant/owner shall **pay development charges** to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.

3. That the applicant/owner shall pay to the City the actual cost of constructing and installing a **new water service lateral** and furthermore the applicant/owner shall pay to the City, a deposit for the cost of the service lateral, in accordance with by-law number (2011)-19150, as amended from time to time, or any successor thereof.

4. Prior to building permit, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.

Recommended Zoning Regulations and Conditions

The property affected by the Zoning By-law Amendment application is municipally known as 195 College Avenue West and legally described as Lot 16, Registered Plan 432, City of Guelph.

PROPOSED ZONING

The following zoning is proposed for the subject site:

R.1B (Single Detached Residential) Zone

In accordance with Section 4.1 of Zoning By-law (1995)-14864, as amended.

PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed through an agreement with the City registered on title for the subject site:

1. 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 Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to any grading or construction, a Qualified Person shall certify that all properties to be developed are free of contamination.
2. 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 developed and the proposed remedial action plan to the satisfaction of the City;
 - b. complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use; and
 - c. file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
3. That the developer/owner shall pay **development charges** to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District

- School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
4. Prior to building permit, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
 5. Prior to any construction or grading on the lands, the owner shall have a Professional Engineer design a **grading and drainage plan** for the site, satisfactory to the General Manager/City Engineer.
 6. Prior to any construction or grading on the lands, the owner shall pay the flat rate charge established by the City per metre of road frontage to be applied to **tree planting** for the said lands.
 7. Prior to any construction or grading on the lands, the owner enters into a **Storm Sewer Agreement**, as established by the City, providing a grading and drainage plan, registered on title.
 8. The owner shall pay to the City the actual **cost** of the construction of the **new driveway entrance** and the required **curb cut and/or curb fill** and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimated cost of the new driveway entrance and the required curb cut and/or curb fill, as determined by the General Manager/City Engineer.
 9. That the owner constructs the new building at such an elevation that the lowest level of the new dwelling can be serviced with a **gravity connection** to the sanitary sewer.
 10. The owner shall be responsible for the entire **cost** of the **removal of the existing asphalt pavement, hydro poles and guy wires** from the subject property, prior to any construction and grading on the lands.
 11. The owner shall be responsible for the entire **cost** of the **removal of the existing chainlink fence** within the road allowance, prior to any construction and grading on the lands.
 12. The owner shall pay the actual **cost** of the **removal of the existing gravel within the road allowance, the restoration of the boulevard with topsoil and sod** including the required curb fill, with the estimated cost of the works as determined by the General Manager/City Engineer being paid, prior to any construction or grading on the lands.

13. The owner pays the actual **cost of constructing and installing sanitary and water service laterals** required including any curb cuts and/or curb fills and furthermore, prior to any construction or grading on the lands, the owner shall pay to the City the estimate cost of the service laterals, as determined by the General Manager/City Engineer.
14. That the owner shall submit a **consent application to the Committee of Adjustment for access and water service easement**, registered on title, in favour of the Guelph Community Christian School (195 College Avenue West), prior to any construction or grading on the lands.
15. That prior to any construction or grading on the lands, the servient tenement (59 Lynwood Avenue, Lot 16, Registered Plan 432), **grants an easement** approximately 4.0-metres (13.12 feet) wide by approximately 57.51-metres (188.68 feet) long, registered on title, in favour of the dominant tenement (195 College Avenue West, Part of Lot 4, Concession 4, Division "G" and Part of Lot 5, Concession 4, Division "G", Township of Guelph) for access and water service purposes.
16. That prior to any construction or grading on the lands, the owner shall have an Ontario Land Surveyor prepare **a reference plan** identifying the easement.
17. That prior to any construction or grading on the lands, the owner's solicitor certifies that **the easement**, in favour of the Guelph Community Christian School (195 College Avenue West), has been granted and registered on title.
18. The owner shall place the following **notification in the offer of purchase and sale** for the dwelling unit and to be registered on title:
 - (i) that **sump pumps** will be required for the lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Furthermore, sumps pumps must be discharged to the rear yard.
19. That the owner shall make arrangements satisfactory to the Engineering Department of **Guelph Hydro Electric Systems Inc.** for the servicing of the said lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to any construction or grading on the lands.

20. That prior to the passing of the zone change by-law, the owner shall enter into an **agreement with the City**, registered on title, satisfactory to the City Solicitor and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.