

June 30, 1999

ACS1999-PW-PLN-0020
(File: OZP1998/025)

Department of Urban Planning and Public
Works

Ward/Quartier
OT3 - Southgate

- Planning and Economic Development
Committee / Comité de l'urbanisme et de
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

Zoning - 1555-1565 Johnston Road

Zonage - 1555-1565, chemin Johnston

Recommendations

1. That By-law Number 268-97 be repealed.
2. That the application to amend the *Zoning By-law, 1998*, as it applies to 1555-1565 Johnston Road, as shown in Document 3, from R4J, R4D and L3 to R3K, ES and L3, be APPROVED.
3. That the application to amend Zoning By-law Number Z-2K, as it applies to 1555-1565 Johnston Road, as shown in Document 4, from M1(1.0) to R14, Cons. and P, be APPROVED.



July 5, 1999 (9:04a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



July 6, 1999 (1:00p)

Approved by
John S. Burke
Chief Administrative Officer

DJ:dj

Contact: Douglas James - 244-5300 ext. 1-3856

Financial Comment

N/A.


July 2, 1999 (9:00a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations

RECOMMENDATION 1

By-law Number 268-97 was enacted by Council on October 1, 1997 and amended the zoning of the subject property from industrial to residential and public. This zoning had two appeals registered against it, one of which has been resolved. This by-law represents the previous development proposal. As a new by-law is recommended for the revised proposal, By-law 268-97 is no longer required. Consequently, it is recommended that this old by-law be repealed. Repealing this by-law will also dispose of the one remaining outstanding appeal to this by-law and simplify the zoning provisions applying to the site. All those who are interested will have the opportunity to appeal any new amending by-law to the present zoning.

RECOMMENDATION 2

Context

The subject property is approximately 8.7 hectares in size and is located on the north side of Johnston Road, east of Albion Road. To the north of the site are vacant lands and the Greenboro Marshalling Yard, while to the south, across Johnston Road, is the Greenboro residential community. Located to the east of the site is the Greenboro Turtlehead Nature Area (GTNA), formally known as the Conroy Swamp. To the west are light industrial uses. The subject property can be seen in Documents 3 and 4.

In September 1997, City Council approved the rezoning of the subject property and in October of that year, Council enacted a by-law rezoning the subject property from industrial to residential and public, to accommodate a proposed development consisting of 53 single detached dwellings, 175 row dwellings and an area for parkland. The applicant has now revised his development proposal to consist of approximately 80 single detached dwellings, 85 townhouse dwellings and parkland. This submission contains zoning recommendations to facilitate the revised proposal.

At the meeting in September 1997, Council also approved a list of subdivision conditions for forwarding to the Regional Municipality. These conditions were to be incorporated in the draft

plan of subdivision to be approved by the Region. In August 1998, the Region issued draft subdivision approval for a revised subdivision layout. As the revised subdivision plan had not been considered by City Council and as not all of the Council-approved conditions could be accommodated by the revised plan, the Department appealed the draft approval. A new set of subdivision conditions reflecting the revised proposal have been submitted to Council for consideration. The recommendations proposed in this rezoning submission reflect the new development proposal.

OFFICIAL PLAN POLICIES

The City's Official Plan designates the subject site as Special Study Area (SSA). Lands having this designation are to be studied with a view to determining the most appropriate zoning and Official Plan designation. Properties designated SSA are permitted to develop under the present zoning, however, should a rezoning be requested, the applicant must demonstrate that their proposal would not prejudice the achievement of the overall SSA's development framework. The SSA designation generally includes all the lands in the Greenboro Marshalling Yards, east to Conroy Road and west to Bank Street, as well as lands north to Johnston Road and south to the development along Ledbury Avenue, Heatherington Road, Kitchener Avenue and the Hydro Corridor. The subject property is located within the southern boundary of the SSA and consists of only a small portion of the overall designation.

In order to determine if the proposal satisfies this criterion, the Official Plan requires that a number of support studies be submitted. These studies relate to the following categories:

- Site Analysis, Storm Water Management and Environmental Concerns (MEER)
- Sanitary and Stormwater services
- Market Feasibility and Impact
- Traffic Impact Assessment
- Noise Impact Assessment

These studies were completed with a view to determining the effect the proposal will have on the surrounding lands, both within the SSA, as well as the adjacent community. All of the studies completed for the original proposal are still valid today. Each of these studies indicates that the proposal will not unduly constrain the future desired development of the balance of the SSA lands. Consequently the proposed development is determined to satisfy the conditions of the Official Plan relating to allowing development in areas designated SSA.

NEIGHBOURHOOD COMPATIBILITY

In addition to evaluating the effect the proposed development will have on the surrounding SSA, the rezoning proposal must also be evaluated with a view to determine its appropriateness for the property and surrounding area.

Noise and Impact Study

As part of the previous proposal, the applicant had prepared a noise study. At the request of staff this study was revised. This revision was requested because of the proposed orientation of homes along Johnston Road and the resultant effect of noise on these homes. Recommendations within the noise study have been incorporated into the conditions of subdivision approval.

This study concluded that noise resulting from the rail yard was greater than that resulting from traffic along Johnston Road. It also concluded that measures can be taken, using present technology, to mitigate the noise impacts from all expected sources, including the rail yard. These measures include the use of special construction materials, air conditioning and the erection of a sound attenuation barrier. Based on the original and the revised noise study, the issue of noise has been addressed and it is the Department's position that noise can be properly and adequately mitigated for residential development.

Compatibility With Surrounding Lands

In addition to satisfying the policies of the Official Plan relating to Special Study Areas, it is the Department's position that this revised proposal also complies with policies 3.6.2. i) and j). These policies stipulate where moderate residential intensification is to occur and the characteristics it should have.

To the south of the site is the Greenboro residential community. The proposed zoning will allow a development that can be viewed as a natural extension of that residential community. The density of the development proposed is similar to that which exists in Greenboro. The lands to the east and the south, known as the Hunt Club Enclave, are presently being developed for residential purposes as well, also at a similar density, further extending the Greenboro Community.

One issue that arises is the relationship between the proposed development and the surrounding industrial uses. However, this submission has indicated that the proposed development can exist compatibly with the industrial lands located to the north.

Agreement Between the Developer and an Appellant

As a result of an appeal to the previous development, the developer entered into an agreement with that appellant, in return for them withdrawing their appeal. That agreement has been included in the Region's draft approval of subdivision and is to be registered on title.

The agreement between the developer and the appellant includes conditions such as a maximum of 165 residential units, a maximum ratio of townhouses to singles of 2 to 1, and a 10-metre buffer along the northern and eastern boundary of the site. While the developer intends to follow the conditions of the agreement and it will be registered on title, for the following reasons, the Department is not recommending that the conditions of that agreement relating to zoning issues be included as part of this submission's approval:

1. The construction of additional dwellings, including a higher number of townhouses, would also be considered appropriate for this location and would conform to the policies of the Official Plan relating to residential intensification;
2. There is no need to require a 10-metre buffer from the developer for the northern boundary of the property as the sound attenuation wall required will mitigate noise from the marshalling yard; and
3. This agreement will be registered on title for all subsequent property owners to follow.

As part of this submission, however, the Department is recommending a 10-metre buffer along the Eastern Boundary of the site to help protect the integrity of the GTNA.

RECOMMENDATION 3

As Committee and Council are aware, the *Zoning By-law, 1998* has been appealed to the Ontario Municipal Board. It is not expected that the appeals to this By-law will be resolved until later this year. Until the appeals have been disposed of, the most restrictive zoning of either the *Zoning By-law, 1998* or By-law Number Z-2K is to apply. To ensure that development may proceed, it is recommended that both Zoning By-laws be amended, as presented in this report. The proposed amendments to Zoning By-law Number Z-2K will establish a zoning that is similar to yet generally no more restrictive than the proposed zoning amendment to *Zoning By-law, 1998*.

Economic Impact Statement

There is no economic impact associated with the rezoning of this property. The economic impact associated with this development is expected through the subdivision and subsequent development of these lands. This estimate has been included as part of that submission.

Environmental Impact

A Municipal Environmental Evaluation Report (MEER) was completed for the Plan of Subdivision and Rezoning applications for 1555-1565 Johnston Road. The report identified a number of potential environmental impacts pertaining to ground water, surface water, the GTNA, noise, traffic, and compatibility of the proposed zoning with surrounding community. A number of mitigative measures were proposed to address these potential impacts. These mitigation measures are found to be acceptable, however, further details will need to be provided at the site plan control stage of the planning process or prior to the issuance of a building permit, to ensure appropriate design and monitoring. Please refer to the MEER on file with the City Clerk for further information.

Consultation

Three responses were received from the posting of the on-site information sign, which contained information about both the subdivision and rezoning applications. Their concerns related to issues such as the appeal to the Ontario Municipal Board regarding the previous proposal, the project's relationship with the marshalling yard to the north, the effect on the services of the existing community and maintaining the integrity of the Greenboro Turtlehead Nature Area, as well as water courses on the property. A response was also obtained from a local Community Association citing similar concerns. A summary of these concerns may be found in Document 6 of this submission.

Application Process Timeline Status

This application was received on October 15, 1998 and was subject to a project management timeline, as recommended by the "A Better Way Task Force Report". A process chart establishing critical milestones was prepared and circulated as part of the technical and early notification process. This application was to proceed to Planning and Economic Development Committee on February 23, 1999. However, the need to resolve issues, such as the location of the park and the need for a revised noise study, has required that this submission be rescheduled to July 27, 1999.

Mandatory Information Exchange

This application was submitted prior to the City's new mandatory information exchange coming into place and consequently it was not subject to this process. Nevertheless, the local community association was aware of the subject rezoning and subdivision applications prior to their submission.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the agent (Claridge Building Corporation, 210 Gladstone Avenue, Suite 2000, K2P 2K9); the Corporate Finance Branch, Revenue Section, Assessment Control Supervisor; and the Regional Municipality of Ottawa-Carleton, Plans Administration Division of Council's decision.

Office of the City Solicitor to forward the implementing by-law to City Council.

Department of Urban Planning and Public Works to prepare and circulate the implementing by-law.

List of Supporting Documentation

- Document 1- Explanatory Note - Amendment to the *Zoning By-law, 1998*
- Document 2- Explanatory Note - Amendment to Zoning By-law Number Z-2K
- Document 3- Location and Proposed Zoning Map, *the Zoning By-law, 1998*
- Document 4- Location and Proposed Zoning Map, Zoning By-law Number Z-2K
- Document 5- Municipal Environmental Evaluation Report (on file with the City Clerk)
- Document 6- Compatibility With Public Participation

Part II - Supporting Documentation

Explanatory Note - Amendment to the Zoning By-law, 1998

Document 1

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -99

By-law Number -99 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law.

The subject property is presently vacant and is located on the north side of Johnston Road, east of Albion, as identified on the attached map. In 1997, City Council passed a By-law to permit residential development on this site. The proposed residential development has been revised, necessitating this new by-law. The applicant is proposing to construct a residential development consisting of 165 homes. Approximately 80 of these will be single detached dwellings and 85 will be townhouses. The applicant will also be dedicating a 15 metre strip of land along the eastern boundary of the property to serve as a buffer between the site and the Greenboro Turtlehead Nature Area to the east.

Current Zoning Designation

Zoning By-law, 1998

The City's new Zoning By-law zones the subject property as R4J, R4F and L3. The R4 zone is a residential zone that is intended to permit a mix of residential development at a medium density. The letters J and F refer to the minimum lot width and area requirements for each permitted residential use. The area zoned R4J was intended to contain single detached dwellings while the area zoned R4F was intended to contain townhouses. The L3 zone is a leisure zone and was intended to contain the area zoned for parkland purposes.

Proposed Zoning Designation

Zoning By-law, 1998

The proposed zoning for the subject property is R3K, ES and L3. The R3K zone permits a range of low to medium density dwelling types, including single detached dwellings, semi-detached dwellings and townhouses. No commercial uses are permitted. As with the current zoning, the L3 is a leisure zone and is intended to contain the area zoned for park purposes. The ES zoning is an environmentally sensitive zoning and is required as a buffer between the proposed development and the Greenboro Turtlehead Nature Area, to help maintain the integrity of that area.

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER Z-2K

The subject property is presently vacant and is located on the north side of Johnston Road, east of Albion, as identified on the attached map. In 1997, City Council passed a By-law to permit residential development on this site. The proposed residential development has been revised, necessitating this new by-law. The applicant is proposing to construct on this site, a residential development consisting of 165 homes. Approximately 80 of these will be single detached dwellings and 85 will be townhouses. The applicant will also be dedicating a 10-metre strip of land along the eastern boundary of the property to serve as a buffer between the site and the Greenboro Turtlehead Nature Area to the east.

Current Zoning DesignationZoning By-law Number Z-2K

Zoning By-law Number Z-2K zones the subject property as R8, R14 and P.

R8 Zoning

The R8 zoning is a residential zone that allows a density of up to 30 dwelling units per hectare. Some of the residential uses permitted include single detached, semi-detached and row dwellings.

R14 Zoning

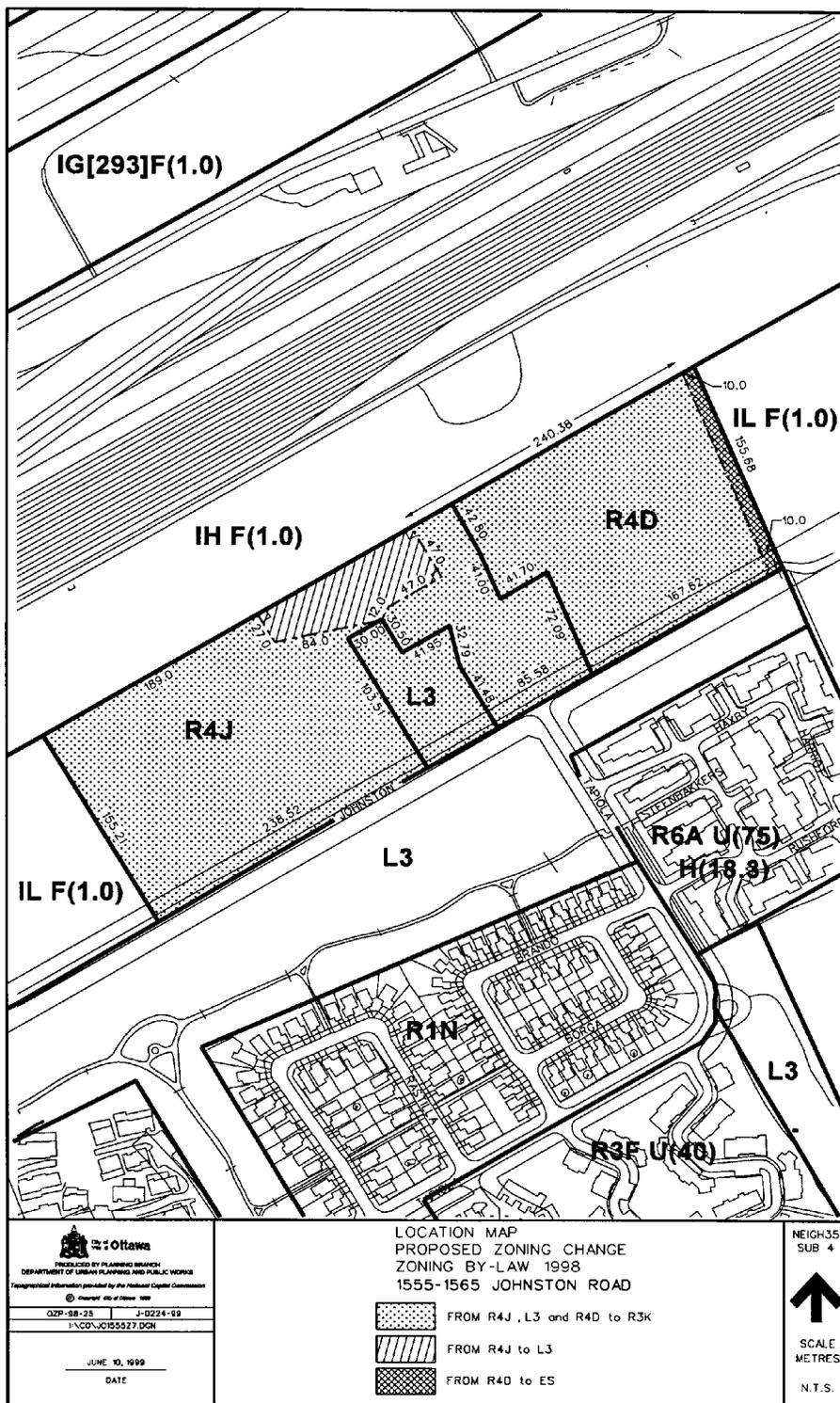
The R14 zone is a residential zone that allows a density of up to 49.5 units per hectare. Some of the residential uses permitted include single detached semi-detached and row dwellings.

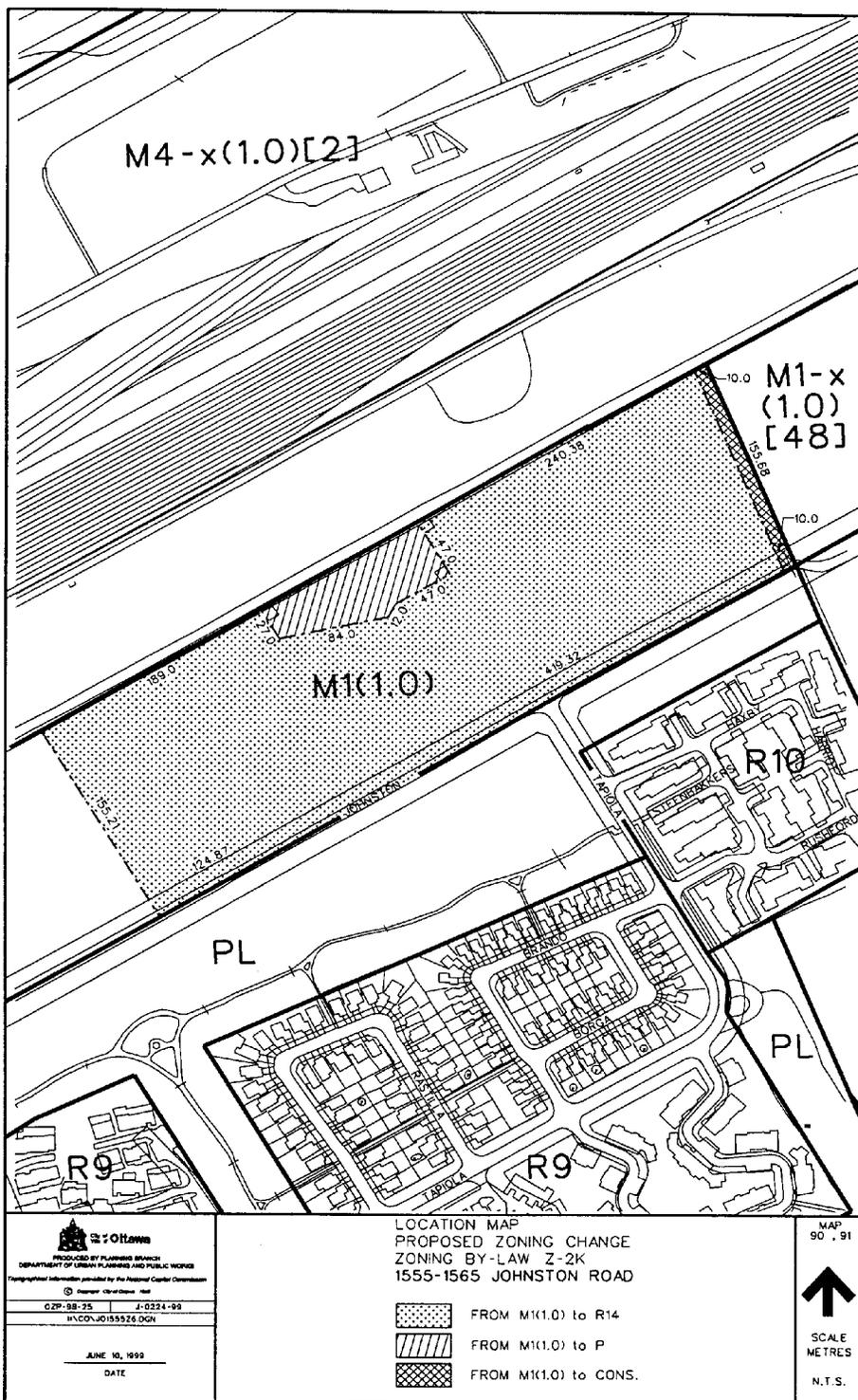
P Zoning

The P zone is a public use zone that allows a wide range of public uses. These include: a community centre, a fire or police station as well as a park or playground.

Proposed Zoning DesignationZoning By-law Number Z-2K

The zoning proposed for the residential area is R14. This zoning will allow both the proposed single detached and row dwelling. The proposed zoning for the park area is P while the 10-metre strip of land along the eastern boundary of the subject site is proposed to be zoned Conservation Area (cons.). This strip of land is intended to serve as a buffer between the proposed development and the Greenboro Turtlehead Nature Area.





NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation were carried out in accordance with the Early Notification Procedure P&D\PPP\N&C #1 approved by City Council for rezoning applications. The on-site information signs placed on the property were joint signs for both the rezoning and subdivision applications.

SUMMARY OF PUBLIC INPUT

Three responses were received from the posting of the on-site information sign, which contained information about both the subdivision and rezoning applications. Their concerns related to issues such as the appeal to the Ontario Municipal Board regarding the previous proposal, the project's relationship with the marshalling yard to the north, the effect on the services of the existing community and maintaining the integrity of the Greenboro Turtlehead Nature Area, as well as water courses on the property. A response was also obtained from a local Community Association citing similar concerns.

Concerns From the Posting of the On-site Sign

1. The property should not be rezoned until after the appeals to the previous proposal have been addressed by the Ontario Municipal Board.
2. There should be a one-lot deep undeveloped setback from the Conroy Swamp area on the eastern edge of the property, as previously approved by City Council. This setback should be zoned ES (environmentally sensitive Area).
3. The 10 metre setback agreed to by the developer and a member of the community should also be zoned ES.
4. I recommend that the park be zoned L3. If it has any other zone, it makes it too easy to develop.
5. The stipulations agreed to between the applicant and a member of the public (e.g. maximum number of residential units) should be incorporated into the zoning.
6. Two watercourses occur on the site. In accordance with the Natural and Open Space Study (NOSS) these should be preserved.
7. The special studies completed for the previous development proposal need to be updated to take current conditions into account, if they are being used to support the present proposal.
8. The effects on this property of a new regional water tower being constructed across the railway tracks needs to be taken into consideration.

9. There is a great potential for contamination to the Conroy Swamp from such things as chemical fertilizers, insecticides and herbicides as well as oil and salts from streets.
10. I feel that the allowing this proposal will conflict with the ultimate secondary plan for the area.
11. I believe that there are hazardous materials in the rail yard that, if an accident happens, will cause great harm to residents of the proposed development.
12. I don't know if I've seen all the required studies and I may not have the expertise to evaluate some of them, but there is no report relating to the ability of the school system to handle the load from the proposed development.
13. This proposal will seriously effect the social quality of life in Greenboro. There is no analysis of the expected changes in demand for use of the Greenboro Community Centre. There is no evaluation of the proposed development on crime levels or whether the population of the proposed subdivision will be transient or not.
14. The failure of one report by John D. Patterson and associates to mention peat as one of the soils on the site, causes me to question the credibility of the entire report.
15. The Official Plan states that there should be a separation between areas which generate noise and areas which are quieter. If these houses are built, the only buffer will be a so-called sound-mitigation fence and a 10 metre setback from the fence.
16. The proposed development will create economic hardship for existing residents in Greenboro. People who live here already will be forced to sell their homes for less.
17. There will be problems related to such things as noise, ground vibration and noxious fumes.
18. Children and Teenagers will leave the proposed development and trespass on the rail lands.
19. In making it's previous decision to rezone the subject lands, City Council ignored important planning issues.
20. This proposal deviates from the Ministry of Municipal Affairs and Housing Policy Statement, the Planning Act and the City's Official Plan.
21. Did the City seek the advise of the Ministry of the Environment and Energy?

Response to Concerns From Posting of On Site Sign

1. The developer has revised his application for development of the subject property. This revised application is to replace the previous proposal, which has been appealed to the Ontario Municipal Board. Revisions to a proposal are not uncommon, especially when it attempts to resolve outstanding issues. This revised amendment was fostered by negotiations with an appellant to the previous proposal. Nevertheless, it is unlikely the Ontario Municipal Board would entertain the possibility of having a hearing on the previous proposal, given the subject revisions.
2. During City Council's discussions for the previous development proposal, it was determined that staff would report back to Council on the recommended setback from the GTNA. It was also determined that the conclusions of the NOSS would specify the setback recommendations. The NOSS requires a buffer from the GTNA of 15 metres. The Department is recommending that this amount of land be deeded to the City. Given the evidence from the NOSS, imposition of a larger setback does not seem reasonable and would be difficult to substantiate at the OMB. The setback, necessitated by the NOSS will be zoned Environmentally Sensitive Area.
3. As mentioned above, the lands that form a buffer from the GTNA will be zoned Environmentally Sensitive Area.
4. The Department is recommending that City Council rezone the park area to L3, to best reflect the land use proposed.
5. Many of the conditions included in the agreement between the developer and the appellant are not zoning related and cannot be incorporated into this submission. Others, such as limiting the number of units and the ratio of single detached dwellings to townhouses, are contradictory to Official Plan policies relating to residential intensification. Still others, requiring a minimum setback along the northern boundary of the property, have no planning justification. The Department, however, is recommending that a 10- metre buffer along the eastern boundary of the property be zoned ES to help maintain the integrity of the swamp.
6. The storm water management system proposed will preserve the existing watercourses on site. The effect will be to maintain the current level of surface water flow to the GTNA.
7. The noise study completed for the previous proposal is being updated to take into considered the reconfiguration of the proposed development. All other studies completed, are still relevant for this proposal.
8. The new Regional water tower is to be constructed to the north side of the marshalling yard, far away from this development and will not affect the proposed subdivision.

9. While some of the residents within the proposed development may use insecticides and herbicides on their properties, the potential impact is expected to be negligible and is not anticipated to have a negative effect on the swamp.
10. The subject property forms part of an area designated Special Study Area (SSA) in the Official Plan. The rezoning review has demonstrated that the subject site can develop as residential without conflicting with, or compromising in any way, the pending study of the remainder of the SSA. If this were not the case, the Department would be recommending that this application be refused.
11. It should be noted that the rail yard must be operated within the strict guidelines of legislative authority: such as the Transportation of Dangerous Goods Act, the Canadian Environmental Protection Act, the Provincial Environmental Protection Act and the Storage of Toxic Substances Act. Consequently, the Greenboro Marshalling Yard is not expected to be a hazard to the to the proposed development.
12. A rezoning application determines what uses are appropriate for a specific parcel of land. The studies completed for this proposal and the evaluation undertaken by the Department, have determined that residential uses are appropriate for the subject property. The ability of the school system to accommodate extra housing, is a consideration of the approval authority of a Plan of Subdivision (i.e. the Regional Municipality). It is the Department's view that the Regional Municipality considered this factor when they issued their draft approval of subdivision for the proposed development.
13. The proposed development is not expected to have a detrimental effect on the social quality of life in Greenboro. In fact, the proposed development and the prospective residents are expected to be welcomed into and become an integrated and productive component of the community. The alleged transient nature of prospective inhabitants is not a planning consideration.
14. A Phase I Environmental Analysis, such as the one completed by John D. Patterson and Associates, does not involve the subsurface testing of soils. Its primary function is to look for contaminants. Consequently, an inventory of soil types is not relevant to that report.
15. The studies completed for the proposed development indicate a number of measures to be taken to ensure that sound emanating from surrounding land uses is mitigated. The measures proposed, which include the construction of a sound attenuation fence, will help ensure adequate compatibility between the proposed development and the adjacent land uses.
16. While it is not a rezoning consideration, the proposed development is not expected to create any economic hardship for existing residents within the Greenboro Community.

17. The concerns of noise can be mitigated through the construction of appropriate attenuation measures, as indicated in the studies prepared, and in this submission. It is the Department's position that vibration (from the coupling of cars) and noxious (diesel) fumes from the rail yard are not a concern because of the separation distance of the trains from the subject site.
18. Presently, there are no barriers between the existing residential community and the marshalling yard. It is likely that some people trespass on the railway land. It is the Department's position that the construction of the proposed development, which will contain a sound attenuation barrier along the northern boundary and fencing around the eastern and western boundary, will make it more difficult for people to access the marshalling yard. Furthermore, CN has not identified a concern with increased trespassing from the proposed development.
19. It is the Department's position that City Council weighed all important planning considerations when approving the previous rezoning proposal.
20. It is the Department's position that the proposal is in conformity and complements the Ministry of Municipal Affairs' Housing Policy Statement, the Planning Act and the City's Official Plan. The evidence presented in this submission supports the viability of this development proposal.
21. The Ministry of Environment and Energy is no longer directly involved in the planning approvals process. Instead, they have established guidelines to aid in noise assessment in land use planning and if a Noise Impact Study can demonstrate that the guidelines are satisfied for that use, there is no noise concern. In this instance, the guidelines are satisfied.

Councillor's Comments

Councillor Deans provided the following comments:

1. The outcome of the Ontario Municipal Board decision on the two 1555-1565 Johnston Road appeals (for rezoning and subdivision applications), should be applied to this new, combined rezoning and subdivision application. At this time, an O.M.B. hearing date for the first application under appeal has not been set.
2. The subdivision plan does not allow internal road, or path access from the west end of the site to the parkland. Could a road link, or pedestrian pathway be incorporated in the plan?
3. The proposed 10 metre setback, located in the backyards of the easterly lots, is not sufficient to allow for groundwater runoff to the Grenboro Turtlehead Nature Area (formerly known as the Conroy Swamp). The setback should be increased.
4. The setback, as noted in point 3, should not be deeded to private homeowners. It is inappropriate that an environmentally sensitive area be in private ownership. The setback should be in public ownership, deeded to the City of Ottawa and rezoned appropriately to reflect its environmentally sensitive status.

5. A warning clause should be incorporated in the purchase agreements notifying residents they are adjacent to a railway marshalling yard.
6. Please ensure that a sound attenuation fence has been included on the west and north boundaries of the site.

Response to Comments From Councillor Deans

1. As this application and the complementary subdivision application will replace the previous applications, it is unlikely that the OMB will have a hearing for previous rezoning. If this application is approved by City Council, people and agencies will have the opportunity to appeal this decision to the Ontario Municipal Board.
2. Through negotiations with the City, the developer has agreed to relocate the park to a more central location. The revised location for the park will better serve the entire development.
3. The NOSS requires a development setback of 15 metres to ensure the integrity of the GTNA. This submission recommends that a 10-metre strip of the subject land be zoned Environmentally Sensitive Area, to help accomplish this goal. The GTNA starts 5 metres to the east of the boundary of this site. Given the findings of the NOSS, it is difficult to substantiate acquiring a larger area from the developer to increase the setback.
4. As stated in this submission, the proposed setback from the GTNA will be deeded to the City.
5. The draft approval of subdivision granted by the Regional Municipality contains a clause notifying residents that they are adjacent to a marshalling yard. Furthermore, the City's conditions to be presented to the Region contain a clause indicating that the rail yard may cause a nuisance to the use of outdoor amenity areas.
6. The revised noise report prepared by Novatech Engineering has indicated a need to construct a sound attenuation fence along the northern boundary of the property only. As part of the draft subdivision approval, the Regional Municipality has added a requirement for a privacy fence along the western boundary of the property.

South Keys/Greenboro Community Association

The South Keys/Greenboro Community Association provided a twelve page response to the circulation letter they received about the proposed development. They indicated that they did not agree with parts of the proposal. A summary of their response is presented below. The complete document is on file with the City Clerk.

1. **Notification Adequate?** Have the Canadian National and Canadian Pacific Railways been notified of the current zoning application? Absentee owners would not see a sign. Have any other owners in the area been notified of the proposal? The new sign may not have been noticed by owners in the area. We recommend that owners near the site be individually notified.

2. **Community Support for Canadian National Railway's Appeal of previous Rezoning.** A majority of the community who made their opinions known were against the rezoning of these lands in 1997. A few people recently have said that they prefer housing. The community supports Canadian National Railway's (CNR) appeal of the rezoning.

The site is bordered by a scrap metal yard, a marshalling yard, and a swamp. People who buy homes here will chronically complain to the City.

The Planning Act specifies orderly development of safe and healthy communities. Ottawa's Official Plan states that City Council shall ensure transition zones between areas which generate noise and quieter areas. These transition zones are to act as a buffer between these sites. At present there is no such transition zone. Activity in the rail yard is likely to increase in the future when the Light Rail Pilot Project goes into effect in Greenboro. We believe that light industrial uses on this property will act as a buffer to the Marshalling Yard to the north.

3. **Future of Current Re-zoning Application Should Be Contingent on Outcome of Appeal of Previous Re-zoning Application.** We recommend that this re-zoning be contingent upon the outcome of CN's appeal to the previous rezoning. This rezoning should be deferred until the previous appeal is heard by the Ontario Municipal Board. We do not think it is ethical or fair to make CN appeal a second rezoning.
4. **Parkland Ideally Should Not Be Zoned Residential.** We oppose the proposed R3K zoning of the park on the grounds that it is much too broad. L3 Zoning is more appropriate. nonetheless, if residentially zoned parkland is a means by which the Council-approved setback from the Conroy Swamp can be obtained, then we would have no objection to all parks in the subdivision being zoned residential.
5. **Any Buffer/Setback from Conroy Swamp Ideally Should Be Zoned Environmentally Sensitive.** We recommend that any buffer/setback on the east, for the Conroy Swamp area, regardless of its size, be separate from the residential lots and that it be zoned Environmentally Sensitive. The Council vote for a one-lot setback should be implemented. Any vote of Council for a setback larger than the 10 metres minimum buffer agreement between Mr. Gabor and Claridge Homes, in the settlement of Mr. Gabor's zoning appeal, would certainly take precedent. A 10 metre setback that is part of a lot will not function well in actual practice. We also do not believe that a back yard conservation easement will work either, particularly for filtering out pollutants in back yard runoff.

6. **Opinion of planning Staff Concerning Unworkable Combination of Undeveloped Setback and Residential Zoning for Setback Questioned.** In September 1997, when Council approved the undeveloped setback for the Conroy Swamp area, Council did not approve “conservation” zoning for the setback. The 2020Z zoning approved for the eastern part of the site in 1997 was R4, the current zoning. City planning staff appear to be taking the position in regard to the new zoning application and plan of subdivision that an undeveloped setback and residential zoning are so contradictory in nature they are an unworkable combination. We question whether that is indeed the case. In the R4 and R3 zone, parks are one of the permitted uses. We believe planning staff’s concerns could readily be resolved by declaring the undeveloped setback a park and leaving the park undeveloped. It seems that if a developed park can be zoned R3, as was proposed in the information sent to the Community Association, then an undeveloped park can likewise be zoned R3. We believe residential zoning is an acceptable alternative to ES zoning for the undeveloped setback of Council if the setback is designated a park and is left undeveloped.
7. **Appropriate Zoning For Creeks.** All creeks on the site should be identified and should be protected by Environmentally Sensitive zoning.
8. **Additional Studies and More Relevant Studies are Needed.** The site is located in a Special Study Area. Rezoning the land is permitted, but certain studies must be done. Although there is no requirement that these be thorough, in this case we believe they should be because of the lack of a secondary planning process normally done before a Special Study Area is rezoned.

We question whether any studies for this site can meet the Official Plan requirements in a Special Study Area. What is the development goal of the Special Study Area? Isn’t determining the development goal part of the purpose of a Secondary Plan, which is why the area was designated Special Study Area in the first place? It seems to us that a residential subdivision is likely to put greater constraints on future development than would most other zoning categories.

We are concerned about the adverse effects the existing uses in the Special Study Area will have on the proposed residential area. We believe that the named studies do not assess the health and accident risk to humans of locating a residential subdivision next to a rail yard where noise levels are in excess of acceptable levels and toxic materials may be present. In July 1998, three fires were set in the yard. There was a car full of an explosive ammonium nitrate somewhere in the yard. No studies to address health and safety issues were submitted.

9. **Health and Accident Risk Studies.** We recommend that in addition to the named studies, studies related to the risks of living next to a rail yard be identified and discussed. This could be done through computer modelling.. These studies can help identify potential problems for the people living next to a rail yard.

10. **Noise Studies Which Include Evaluation of Potential for Amount of Noise from Rail Yard to Cause Adverse Effects on Human Health.** We believe that the noise studies submitted to support the 1997 proposal are inadequate. We also do not believe that the amount of noise from the rail yard can be mitigated. Noise is a health problem, not an inconvenience.
11. **Ground Vibration Studies.** We recommend ground vibration studies be undertaken. These studies can evaluate the damage expected to houses from the marshalling yard.
12. **Diesel Exhaust Studies.** We recommend studies on the number of hours per day diesel engines are emitting fumes and the effects of these fumes.
13. **Truck Studies.** There is a private road parallelling the site to the north. What is the amount of truck traffic and are they carrying any hazardous materials?
14. **Military Shipment Studies.** We recommend studies of military shipments through the rail yard. Are there military shipments and are these carrying ammunition or toxic materials?
15. **Studies of the Number of People Passing Through Rail Yard on Foot or Bicycle.** People cut through the rail yard all the time. We recommend that studies be done on the number of people passing through the rail yard on foot or bicycle and the expected change to that number from this proposal. We do not believe that the proposed fence around the development will prevent people from crossing the tracks. People can simply cross at Albion Road.
16. **School Capacity Studies.** The ability of the neighbourhood school system to accommodate any new children must be an important consideration in any rezoning. We recommend a study of the impact on the school system, from the resultant rezoning. The study should take into account the subdivision applications in Hunt Club Enclave.

Rezoning the lands could lead to the use of portables, which are not energy efficient and may cause health problems to students.
17. **Recreational Facility Studies.** We recommend a study of the capacity to the existing recreational facilities, particularly the indoor facilities, to serve the expected increase in population.
18. **Studies Measuring Economic Impact.** We recommend studies of the economic and social stability of the planned community. We are concerned that the proposed subdivision will be a move-in and move-out as soon as possible. We would like an estimate on the effects of the real estate values of existing houses. We would like an estimate of the effects on the crime rate. What is the effect on the community if some of these homes are rentals and are not owner occupied. How much revenue will Ottawa receive from the proposal and how much will they spend?

19. **Some Studies Submitted in Support of 1997 Rezoning Application May Not be Credible; Outdated Studies Need to be Updated.** The report titled “Phase 1 - Environmental Site Assessment; Proposed Townhouse Development; Johnston Road at Tapiola Crescent; Ottawa, Ontario, is skimpy. It fails to indicate the presence of peat soils on the site. Why? How can we then trust this report when it says the subject site has not been contaminated by off site sources. This site is next to a rail yard.
20. **Community Infrastructure Inadequate to Meet Needs of New Development.** We question the wisdom of continuing to convert non-residentially zoned lands to residential in south Ottawa when the City is financially unable to provide the infrastructure to create proper communities. It is a well known fact that this area of the City lacks customary community facilities. This could lead to youth vandalism.
21. **Seeking Advice of Ministry of Environment and Energy.** Ottawa’s Official Plan states that advice must be sought from the Ministry of Environment and Energy when considering development next to rail yards. We recommend that this take place.
22. **Information Should be Accurate.** The maps sent to the community purport to show the proposed zoning, but in fact, show the present zoning. This is not accurate.
23. **What is the Current Zoning of the Property?** Is it R4D, R4F and L3 or is it R8, R14 and P, or is it M1. All this is quite confusing.

Questions

1. If City Council does not approve the rezoning and there are no appeals, what will the zoning of 1555-1565 Johnston Road be?
2. Was Commissioner Robinson correct in writing that the property has M1(1.0) zoning?
3. If the answer to the above question is “yes”, does the property have any category of light-industrial zoning under zoning By-law 1998. If not why not?
4. What is the required notification procedure for a re-zoning application?
5. What is the City’s normal notification procedure for a rezoning application?
6. Were the required normal procedures followed for 1555-1565 Johnston Road?
7. Is there any thing to prevent calling the Council-approved undeveloped setback a park in an R3 or R4 zone and leaving that park undeveloped.
8. Given the fact that this property is next to a rail yard, has advice of the Ministry of Environment and Energy been sought in regard to this rezoning application or in regard to the accompanying plan of subdivision, in accordance with Ottawa’s Official Plan?

9. What studies to fulfill the requirements of the Site Analysis, sanitary and storm sewer study, storm water management plan, traffic impact study, market feasibility and impact study, municipal Environmental Evaluation Report and noise impact study were submitted in regard to this rezoning application and the accompanying plan of subdivision application? Please list all studies submitted, the author(s) of each study and the date of each.
10. Were any other studies submitted in regard to this rezoning application and the accompanying subdivision application? If so please list them.
11. What assumptions about the future desired development of the balance of the lands in the Special Study Area were made by planning staff in determining whether the submitted studies fulfilled the Official Plan requirement, “that the implementation of any given proposal shall not prejudice the achievement of the overall Special Study Area’s development framework (i.e. unduly constrain the future desired development of the balance of the lands within the boundaries of the Special Study Area)”?
12. What is the date of the application of the current request for rezoning?
13. What is the date each of the supporting studies was submitted to the City?
14. Have the same studies that were submitted in support of the 1997 rezoning study been resubmitted in support of this rezoning.
15. Is the fact that the Region is planning a light rail pilot project that will involve Greenboro included as a part of the study submitted? If so which one?
16. Are the final report and recommendations of the Natural and Open Spaces Study for this site mentioned in any study submitted? If so, which one.
17. Does any study include any kind of a risk analysis for the inhabitants of a residential area living next to a railroad marshalling yard? If so which one?
18. Does any study include an analysis of the expected school-age population and of the capacity of the local schools to handle that population? If so, which study?
19. What percentage of the subdivision is devoted to parkland?

Response to Concerns From the South Keys/Greenboro Community Association

1. In accordance with the City’s public participation policy, a sign was posted on the property indicating the nature of the applications and proposed development. Letters are not sent to adjacent property owners. As per the Planning Act, property owners within 120 metres of the subject property will receive in the mail, notice of passing of the amending zoning by-law for this property.

2. Presently, the operation of the marshalling yard occurs at least 110 metres from the proposed development, with the bulk of the activity occurring even further away. The Zoning By-law contains setback requirements which are intended to ensure an adequate buffer between uses. Any new development of this site would have to respect these requirements. Furthermore, reports completed for the proposed development indicate special measures (e.g. sound attenuation wall) which must be taken to ensure that adjacent uses are compatible. In addition, any new development in the rail yard would be subject to Site Plan Control, which is also used to ensure compatibility of adjacent uses. Consequently, not only is there an area of transition between the activities of the rail yard but other measures will be employed to ensure compatibility between existing uses and the proposed development.
3. As stated previously in this submission, this proposal replaces the one previously heard by City Council and appealed to the OMB. This is not uncommon and those who are interested will have the opportunity to appeal the new proposal.
4. This submission proposes rezoning the parkland as L3.
5. The Department is recommending that the setback from the GTNA be zoned Environmental Sensitive Area and be owned by the City. Furthermore, in accordance with the NOSS, the Department is recommending that setback be 15 metres, 10 metres of which are on the subject property.
6. This question relates to the previous 1997 application. Nevertheless, a piece of property zoned residential, will allow a range of uses, not just a park. In 1997, there was a reluctance by Council to purchase the buffer between the GTNA as well as rezone it to conservation. If the land is to remain in the ownership of the developer and the zoning allows a number of uses, any one of those uses could be allowed on the property. This would be detrimental to the desire to keep this area as a natural buffer to the GTNA. The proposed Environmentally Sensitive Area zoning for this setback will help ensure that the buffer area serves that function.
7. The watercourses, which provide surface water runoff to the site, are being protected through the stormwater management plan, contained in the conditions of subdivision approval.
8. There is a requirement that the studies provided be thorough as well as relevant. If the studies are not thorough and do not address the issue at hand, they are rejected by staff. Either a more thorough study is completed, or a recommendation for refusal is prepared. For this application, all the relevant issues have been addressed by the studies prepared.

As shown in this submission, the proposed development will not jeopardize the outcome of the secondary study required for the remainder of the special study area.

- 9 to 15. All relevant planning studies required to determine the appropriateness of residential development on the subject property have been completed to the satisfaction of the Department of Urban Planning and Public Works.
16. As part of the subdivision application the Regional Municipality would have circulated the school boards. The Regional Municipality would have taken their comments into consideration by when they issued draft approval. No school board appealed the issuance of draft approval by the Regional Municipality.
17. The Business Strategy Branch has not indicated any concerns regarding the impact this development will have on the existing recreational facilities in the area. As part of this proposal, the applicant will be required to provide land for a park as well as the infrastructure within the park. This will help to address the recreational needs of people living in the proposed development.
18. As mentioned in this submission, the alleged economic and social background of people who may live in this proposal is not a consideration for this, or any other planning application. It is expected that the existing residents of Greenboro will fully welcome the residents of the proposed development into their community.
19. It is the position of the Department that all reports prepared for this development proposal adequately address all relevant issues.
20. The Business Strategy Branch did not indicate a lack of facilities in the general area that would conclude this application be refused. The proposed development is not expected to result in an increase in youth vandalism.
21. The Ministry of Environment and Energy is no longer directly involved in the planning approvals process. Instead, they have established guidelines to aid in noise assessment in land use planning and if a Noise Impact Study can demonstrate that the guidelines are satisfied for that use, there is no noise concern. In this instance, the guidelines are satisfied.
22. Zoning circulation maps sent to Community Associations show the current zoning and the lands where the zoning is “proposed” to be changed. It does not show the proposed zoning. The proposed zoning is described in the text in the circulation.
23. As a result of the appeal to the previous proposal, as well as the City’s new Zoning By-law, this property has a number of zones which currently apply. This application proposed to repeal some of the zones. Consequently, with the passing of the recommendations contained in this proposal, the following zones will be applicable to the property. Under Zoning By-law Number Z-2K, the site will be zoned R14, P and Cons. Under the City’s new Zoning By-law, *the Zoning By-law, 1998*, the property will be zoned R3K, ES and L3.

Answers to Questions

1. If the City does not approve this rezoning proposal and no appeals are rendered, the residential and park zoning previously approved by City Council and the industrial zone which they were intended to replace, shall apply to the subject property.
2. As shown above, under Zoning By-law Number Z-2K, the Industrial M1(1.0) zone still applies to the property.
3. As the City's new zoning by-law was passed with these lands zoned residential, there is no industrial zoning applying to these lands.
4. A sign is posted on the property indicating the nature of the proposal and a circulation letter is sent to technical agencies and concerned community groups. There is a thirty-day response period for each of these notifications.
5. The City's normal notification procedure is presented above.
6. Yes, the normal notification procedures were followed for this proposal.
7. As the 10- metre setback from the GTNA on this property is to be zoned Environmentally Sensitive Area, it is recommended that it be noted as such and not parkland.
8. This question has been answered in the response to point number 21 above.
9. These reports are on file with the City Clerk. Information regarding the authors of these reports and the dates they were completed can be obtained by reviewing these files at the Clerk's office.
10. As stated, all relevant reports are on file with the City Clerk.
11. No assumptions were made. The recommendations in this submission were based on sound planning principles.
12. The date of this application is October 15, 1998.
13. Please refer to question number 9 above.
14. The only study that needed to be revised was the noise impact study. This revision resulted from the reconfiguration of the draft plan of subdivision and the negotiations made with a member of the community, who appealed the first proposal. The remainder of the studies are still valid today and do not need to be updated.

15. A clause informing prospective buyers of this pilot project has been included in the Region's draft subdivision approval.
16. All studies related to this site were completed before the NOSS. However, City staff have ensured that the NOSS results and recommendations have been respected in the reports.
17. A noise study was completed, which concluded that the noise from the marshalling yard could be mitigated. Furthermore, a Phase I Environmental Site Analysis has indicated no significant risk.
18. This is not a requirement of any study to be prepared for the City. This is a consideration of the Region, with respect to the subdivision application. However, in a circulation of the rezoning application to all the school boards, none of them expressed any concerns.
19. In accordance with the Planning Act, five percent of the subdivision is dedicated as parkland.