

November 5, 1998

ACS1998-PW-PLN-0011
(File: OZP1996-011)

Department of Urban Planning and Public
Works

Ward/Quartier
OT9 - Capital

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

Action/Exécution

Zoning - 145 Grove Avenue and 184 Glen Avenue

Zonage - 145, avenue Grove et 184, avenue Glen

Recommendations

1. That the application to amend the *Zoning By-law, 1998* to change the zoning of 145 Grove Avenue from L1C-tp1[621], a Temporary Major Open Space Subzone to a R3M, Converted House/Townhouse Subzone with exceptions as detailed in Document 3, be **APPROVED**.
2. That an amendment to Zoning By-law Number Z-2K to change the zoning of 145 Grove Avenue and 184 Glen Avenue from P, a Public Use zone to R4-x[64], a Single Family, Two Family and Row House exception zone as detailed in Document 3, be **APPROVED**.



November 6, 1998 (11:26a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

REK:rek

Contact: Robert Konowal - 244-5300 ext. 1-3869




November 6, 1998 (1:35p)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

N/A.


November 6, 1998 (11:11a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations

Recommendation 1.

1. Evaluation of Greenway System Boundaries

Under the *Zoning By-law, 1998*, 145 Grove Avenue is currently zoned L1C-tp1[621], a Temporary Major Open Space Subzone. This zoning is based on the City of Ottawa Official Plan land use designation of the subject property. Schedule A - Land Use of the Official Plan designates the subject property as “Major Open Space”, which is part of the Greenway System.

A Municipal Environmental Evaluation Report (MEER) has been undertaken by the Environmental Services Branch for the subject property. The MEER indicates that 145 Grove Avenue serves no formal leisure function and notes this land was declared by City Council in 1996 to be surplus to City needs and approved for disposal. The subject property is located on the boundary of the Greenway designation. The Official Plan provides for minor variations in the boundaries of land use designations without amendment to the Plan. Given these lands serve no leisure function and are located on the boundary of two land use designations, the Official Plan designation of 145 Grove Avenue may be interpreted to be the next abutting land use designation, Residential Area. The requested R3M zoning conforms to the Residential Area designation.

2. Location of Lands/Surrounding Zoning

The applicant has requested that the residential zoning of abutting properties be applied to the subject property. Abutting properties are zoned R3M [225], a Converted House/Townhouse Subzone with an exception prohibiting planned unit development. The subject property is located along a local roadway within the interior of an existing built-up residential neighbourhood. The requested zoning is considered appropriate given the situation of the property.

3. Rideau Valley Conservation Authority Requirements

Schedule F - Environmental Constraints Areas/Sites of the Official Plan identifies the subject property as being located within the one-in-100-year floodplain limit. The Rideau Valley Conservation Authority (RVCA) has confirmed that the property is situated almost entirely within the one-in-100-year floodplain limits of the Rideau River. The Authority has indicated development of this site is permissible provided the development is floodproofed and an appropriate “Notice to Prospective Purchasers” is registered on title.

The RVCA also advised that the use of the subject property for housing which serves the sick, elderly, disabled or the young or for uses associated with essential emergency services (police, fire, ambulance, electrical or communications substations) is to be prohibited. There is no need to specifically prohibit essential services as they are not permitted in the R3M zone. Retirement homes and special needs housing will be prohibited in accordance with the request by the RVCA.

4. Environmental Constraints

Schedule F - Environmental Constraints Areas/Sites of the Official Plan identifies the subject property as being part of a former landfill site. The MEER submitted with this application, has indicated that development of the site is possible subject to specific remedial action (replacement of top 1.5 metres of soil and installation of methane gas venting system) being undertaken.

Recommendation 2.

The *Zoning By-law, 1998* has been appealed to the Ontario Municipal Board and it is not expected that these appeals will be resolved until early next year. Until the appeals have been disposed of, the most restrictive zoning provisions of either the *Zoning By-law, 1998* or By-law Number Z-2K would apply. In the case of the subject properties, the “P” zoning under Zoning By-law Number Z-2K would be the most restrictive and does not permit the residential uses sought. To ensure development is able to proceed (i.e. obtain a building permit) for residential purposes, it is recommended that the zoning of the subject properties be amended from “P” to R4-x[64]. The amendment to Zoning By-law Number Z-2K as proposed will establish zoning that is consistent with abutting properties and that is no more restrictive (i.e. permitted uses) than the proposed zoning amendment to the *Zoning By-law, 1998*.

Economic Impact Statement

There will be no economic impact resulting from this amendment. There will be a small fiscal impact as the City will receive additional tax revenues from the residential development of the site.

Environmental Impact

The subject lands have environmental constraints which are mitigable by current engineering technology. The property can be left in its natural state without posing a threat to the natural or human environment. At the time of redevelopment or resale, a remedial plan will need to be put in place in order to address contamination.

Consultation

All City Departments and Technical Agencies deemed to have an interest have been consulted and their comments incorporated in this submission. There was one response in opposition to the subject application. The Councillor was circulated a copy of the application.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the Applicant (City of Ottawa, Property Services, 111 Sussex Drive, Sussex Pavilion, Ottawa, Ontario, K1N 5A1) and the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

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

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

List of Supporting Documentation

Document 1	Location Map - Amendment to the <i>Zoning By-law, 1998</i>
Document 2	Location Map - Amendment to Zoning By-law Number Z-2K
Document 3	Details of Proposed Amendments
Document 4	Explanatory Note - Amendment to the <i>Zoning By-law, 1998</i>
Document 5	Explanatory Note - Amendment to Zoning By-law Number Z-2K
Document 6	Municipal Environmental Evaluation Report (on file with City Clerk)
Document 7	Consultation Details

DETAILS OF PROPOSED AMENDMENTS

Document 3

1. Amendment to the *Zoning By-law, 1998*

Proposed R3M subzone with exceptions as follows:

1. The following uses are to be prohibited:

- a) planned unit development
- b) retirement home, converted
- c) special needs house

2. Amendment to Zoning By-law Number Z-2K

Proposed R4-x[64] exception zone, amended by adding a provision as follows:

1. In the case of the lands known municipally as 145 Grove Avenue and described as Brewer Park Part Plan M-5, Part Lots 8, 10 ,12 and Lot 14 Grove Ave N, the following uses are to be prohibited:

- a) public utility installation limited to electrical or communications substations
- b) school
- c) special needs housing
- d) private home daycare

EXPLANATORY NOTE - AMENDMENT TO THE *ZONING BY-LAW, 1998* Document 4THE FOLLOWING IS AN EXPLANATORY NOTE TO THE *ZONING BY-LAW, 1998*

By-law Number ____-98 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. The amendment affects those lands known municipally as 145 Grove Avenue and is shown on the attached Location Map. The intent of the zoning amendment is to accommodate residential development of the subject property.

CURRENT ZONING

The current zoning of the property is L1C-tp1[621], a Temporary Major Open Space Subzone which permits a range of leisure and recreational related uses such as a park, botanical garden or recreational and athletic facility.

PROPOSED ZONING

The proposed R3M, Converted House/Townhouse Subzone with an exception would permit a range of residential uses such as a detached house, semi-detached house and townhouse. The exception would prohibit planned unit development, which is consistent with abutting residential zoned lands. The exception would also prohibit retirement home, converted and special needs housing as the property is located within the one-in-100 year flood plain limit.

This constitutes the proposed amendment to the *Zoning By-law, 1998*. For further information on this amendment, contact Robert Konowal at 244-5300, ext. 1-3869.

EXPLANATORY NOTE - AMENDMENT TO BY-LAW NUMBER Z-2K Document 5

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

By-law Number ____-98 amends Zoning By-law Number Z-2K, the City's Comprehensive Zoning By-law. The amendment affects those lands known municipally as 145 Grove Avenue and 184 Glen Avenue which are shown on the attached Location Map. The intent of the zoning amendment is to accommodate the residential development of the subject properties while Zoning By-law 1998 remains under appeal.

CURRENT ZONING

The current zoning of the subject properties is P, a Public Use zone which permits a range of public uses such as a park, municipal office or yard, school or recreational or cultural facility.

PROPOSED ZONING

The proposed R4-x[64], One Family, Two Family and Row House exception zone would in the case of 145 Grove Avenue, prohibit a public utility installation (limited to electrical or communications substations), school, special needs housing and private home daycare as these lands are located within the one-in-100 year flood plain limits.

This constitutes the proposed amendment to Zoning By-law Number Z-2K. For further information on this amendment, contact Robert Konowal at 244-5300, ext. 1-3869.

CONSULTATION DETAILS

Document 7

NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with Early Notification Procedure P&D/PPP/N&C #1 approved by City Council for Zoning Amendments.

SUMMARY OF PUBLIC INPUT

There was one objection to the application. The objector indicated that the subject lands are used for both recreation and parking. The objector stated parking is already a problem in the area and development of the subject property will only exacerbate a bad situation. It was also noted that the subject property is part of a former landfill. Finally, the objector was concerned that any future development be consistent with adjacent development.

Response

The subject property does not serve any municipal recreational purpose. Any development of the subject site will be required to provide parking in accordance with the Zoning By-law. The MEER has identified that the environmental constraints associated with this site are mitigable. The proposed zoning which regulates permitted uses and the location and size of development is consistent with the zoning of abutting properties.

APPLICATION PROCESS TIMELINE STATUS

This application was not processed within the maximum 135 calendar day timeframe established for the processing of zoning applications. The processing of this application was delayed due to the late submission of a Municipal Environmental Evaluation Report (MEER). This report is however, being considered on the targeted Planning and Economic Development Committee meeting date.

INPUT FROM OTHER DEPARTMENTS OR OTHER GOVERNMENT AGENCIESCOUNCILLOR'S COMMENTS

Councillor Inez Berg was circulated a copy of the application.