

<p>4. ZONING – 1111 NORTH RIVER ROAD</p> <p>ZONAGE – 1111, CHEMIN NORTH RIVER</p>

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 1111 North River Road to add an exception to the Residential Third Density Subzone M (R3M) as shown in Document 1 and as detailed in Document 4.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 afin de modifier la désignation du 1111, chemin North River en ajoutant une exception au zonage Zone résidentielle de densité 3, sous-zone M (R3M), comme le montre le document 1 et l'explique en détail le document 4.

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 9 January 2014 (ACS2014-PAI-PGM-0022).

Rapport de la directrice municipale adjointe, Urbanisme et Infrastructure, daté le 9 janvier 2014 (ACS2014-PAI-PGM-0022).

2. Extract of Draft Minute, 11 February 2014.

Extrait de l'ébauche du procès-verbal, le 11 février 2014.

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme**

**and Council
et au Conseil**

**January 9, 2014
9 janvier 2014**

**Submitted by
Soumis par:**

**Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning
and Infrastructure/Urbanisme et Infrastructure**

Contact Person

Personne ressource:

**Michael Mizzi, Chief/Chef, Development Review Services / Services d'Examen des
projets d'aménagement, Planning and Growth Management/Urbanisme et Gestion
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Ward: RIDEAU-ROCKCLIFFE (13)

File Number: ACS2014-PAI-PGM-0022

SUBJECT: Zoning – 1111 North River Road

OBJET: Zonage – 1111, chemin North River

REPORT RECOMMENDATION

**That Planning Committee recommend Council approve an amendment to Zoning
By-law 2008-250 for 1111 North River Road to add an exception to the Residential
Third Density Subzone M (R3M) as shown in Document 1 and as detailed in
Document 4.**

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 afin de modifier la désignation du 1111, chemin North River en ajoutant une exception au zonage Zone résidentielle de densité 3, sous-zone M (R3M), comme le montre le document 1 et l'explique en détail le document 4.

BACKGROUND

The site, at 1111 North River Road, is located in the Overbrook community. It is a corner lot with a second street frontage along Drouin Avenue and is approximately 645 square metres in area. The property is currently occupied by a single detached dwelling, swimming pool, and garage. The site is surrounded by low-profile residential development, including single detached dwellings and townhouses, to the north, east, and south. The Rideau River and park space are located to the west.

The proposed rezoning is to accommodate a planned unit development consisting of two three-storey semi-detached dwellings along North River Road and four three-storey townhouse units that front on Drouin Avenue, for a total of six units. The applicant has the intention of applying for the lifting of part lot control in the future to create six individual lots. Existing on-site buildings are to be removed.

The applicant is applying to amend the Residential Third Density Subzone M, R3M zoning to establish an exception that provides relief to the lot area, building height, and building setbacks, specific to the proposed development, which is a permitted use in the existing R3M zone. There is a concurrent site plan control application. The draft site plan is shown in Document 2 and the building elevations are shown in Document 3.

DISCUSSION

Planning Act and Provincial Policy Statement

The *Planning Act* requires that all city planning decisions be consistent with the Provincial Policy Statement (PPS), a document that provides policies on matters of Provincial interest related to land use development. The PPS contains policies which indicate that there should be a range of housing types within urban areas to efficiently use land, infrastructure and public services, and to support strong and healthy communities.

The recommended Zoning By-law amendment is considered consistent with the matters of provincial interest as outlined in the *Planning Act*. It is considered in keeping with the PPS by promoting compatible intensification at a location that uses existing infrastructure and public services and near local bus routes and community amenities.

Official Plan

The site is designated General Urban Area in the Official Plan. A broad range of residential and non-residential uses are permitted within this designation. Infill development and intensification within the General Urban Area is encouraged if it enhances and complements the desirable characteristics within the surrounding community.

The proposed development provides for two low rise housing types; semi-detached units and townhouses. These housing types integrate with the low rise character of the area and there are existing townhouses on a corner lot across the street along Drouin Avenue. The proposal meets the Official Plan's General Urban Area objectives of integrating new development within an established neighbourhood and providing additional housing types to cater to different households and demographic profiles. Careful consideration to building design is being undertaken through the site plan control application and is discussed below.

Urban Design and Compatibility

Section 4.11 of the Official Plan outlines how the City is to evaluate the compatibility of development applications. The following highlights how this development application addresses the compatibility criteria.

Traffic: The site is located on a local road but in proximity to major arterial roads such as the Vanier Parkway, McArthur Avenue, and Coventry Road. Traffic impacts are expected to be minimal with the addition of six residential units.

Vehicular Access: There are individual driveways for each unit, which eliminates any access conflict between units. There will be four driveways located along Drouin Avenue for the townhouse units and two driveways off of North River Road for the semi-detached units.

Parking Requirements: The proposal provides for six parking spaces in individual private garages and complies with the Zoning By-law requirements.

Outdoor Amenity Areas: Each unit includes an outdoor terrace as well as a small front and rear yard for the on-site outdoor amenity area. In the immediate area is the well used Rideau River pathway and its associated park space.

Loading Areas, Service Areas, and Outdoor Storage: Loading and service areas are not required for this small scaled development; however, the garages and rear yards may provide for garbage and recycling storage.

Lighting: Lighting for the outdoor amenity areas will be in accordance to City standards. Details regarding proposed lighting will be dealt with through the site plan control process.

Noise and Air Quality: No significant noise or air quality impacts are anticipated from this proposed residential development.

Sunlight: A sun-shadow analysis was undertaken and no significant impacts were identified on adjacent properties. The shadow analysis was completed in two-hour increments between 8 a.m. to 4 p.m. and the shadows were most pronounced on the north side of the site (no shadows on the south side). The proposed building shadowing is consistent with the shadows that could be created by the building massing permitted under the existing zoning.

Microclimate: Adverse microclimatic effects are not anticipated. The landscape plan will be reviewed as part of the site plan control application and where possible, mature trees will be retained and if not possible, replacement trees will be requested as part of site plan approval.

Supporting Neighbourhood Services: The proposed development is in an area that provides for a variety of recreational amenities and community services, including schools, parks, community centres, retail stores, and churches.

Zoning By-law 2008-250

The site is zoned Residential Third Density Subzone M (R3M). The R3M zone permits planned unit developments, townhouses, and semi-detached dwellings. The rezoning request is to create an exception zone (R3M[XXXX]) to modify the performance standards for a planned unit development specific to the proposed development, which entails:

- Decreasing the minimum lot area from 1,400 square metres to 644 square metres;
- Increasing the maximum building height from 8 metres to 11 metres for semi-detached units;
- Reducing the minimum front yard setback (along North River Road) from 6 metres to 1.7 metres;
- Reducing the minimum corner side yard setback (along Drouin Avenue) from 4.5 metres to 3 metres;
- Reducing the minimum rear yard setback from 7.5 metres to 1.2 metres;
- Defining the minimum interior side yard setback for semi-detached units as 1.2 metres and for townhouse units as 2 metres; and
- Not permitting balconies in the rear yards of the townhouse units.

The zoning provisions for a planned unit development contemplates multiple residential buildings on one lot and therefore the lot area is based on larger scale developments than what is proposed. All of the units front onto a public street and there are no internal private ways, which is often common in planned unit developments and contemplated as part of the planned unit development lot area. It is anticipated that the site will be severed in the future and the lot area per unit ranges from 89 to 140 square metres. Each unit has individual parking, landscaping, and amenity area and therefore can function independently.

The increase in height requested for the semi-detached units is to match the height of the townhouse units which are already permitted to be 11 metres. The additional height is also to allow for more flexibility in the design of the roof line. The building height of the final design is expected to be between 10 and 11 metres.

The request to reduce the front yard and corner side yard setbacks is considered appropriate as the public right-of-way is wide along both streets at this location. Between the private property line and the curb along North River Road is 11 metres and along Drouin Avenue, 6 metres. The existing wide landscaped boulevard within the public right-of-way provides for the building setbacks to meet the intent of the zoning to

have a wider building setback from the street. It is unlikely that North River Road or Drouin Avenue will be widened in the future as they are both local streets.

The By-law does not consider the orientation of the building when defining the building setbacks and a unit's rear yard is not necessarily the same as the rear yard setback as defined in the Zoning By-law. When reviewing the relief requested to the required rear and interior yard setbacks, it is important to evaluate how the site will ultimately function. The rear yard building setback as defined by the Zoning By-law is the side yard of the easterly townhouse unit and the defined interior side yard setback is the rear yard space of the townhouse block and side yard of the southerly semi-detached unit.

Concern was raised about the privacy, noise, and shadow impacts of the narrower rear yards of the townhouse units (which is the interior side yard setback as defined by the Zoning By-law). As part of the exception provisions to mitigate impacts, balconies will not be permitted in the rear yards of the townhouses. Also through site plan control, a 2.1 metre high fence is to be constructed. Further, the proposed development locates the terraces to the front of the units, thereby limiting noise and sound to the street rather than the rear yard of the immediate neighbour. Finally, the sun-shadow analysis demonstrated that the shadowing is not caused by the back of the townhouse units but rather shadows would be cast on the opposite side of the building (along the front). Therefore no additional shadows are created by the smaller rear yard to the abutting property on the south side.

Conclusion

Overall, in consideration of the applicable Official Plan policies, proposed building design, and compatibility with the local context, the Zoning By-law amendment is recommended for approval. Specific design and site plan issues will be managed through the Site Plan Control approval process.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The Overbrook Community Association hosted a community meeting on September 12, 2013. Meeting minutes were received from the

community association and 18 submissions were received from the public. Three comments were in full support of the proposal and 14 residents indicated that they do not support the development as submitted. Details of the consultation can be found in Document 5.

COMMENTS BY THE WARD COUNCILLOR

Councillor Clark is aware of this application.

LEGAL IMPLICATIONS

Should the recommendation be adopted and the resulting by-law be appealed to the Ontario Municipal Board, it is anticipated that a two day hearing would result that could be conducted within staff resources. In the event the application is to be refused, reasons must be provided. If a refusal were to be appealed to the Ontario Municipal Board, an external planning consultant would need to be retained at an estimated cost of \$15,000 to \$20,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation in this report.

FINANCIAL IMPLICATIONS

Potential financial implications are discussed within the above Legal Implications section. In the event that an external planning consultant is retained, funds are not available within existing resources and the \$15,000 to \$20,000 expense would impact Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There is no identified accessibility impact associated with this rezoning application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this rezoning application.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the On Time Decision Date established for the processing of Zoning By-law amendment applications.

TERM OF COUNCIL PRIORITIES

ES3 – Reduce environmental impact

GP3 – Make sustainable choices

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Draft Site Plan

Document 3 Building Elevations

Document 4 Details of Recommended Zoning

Document 5 Consultation Details

DISPOSITION

City Clerk and Solicitor Department, Legislative Services, to notify the owner and applicant of City Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.

LOCATION MAP

DOCUMENT 1

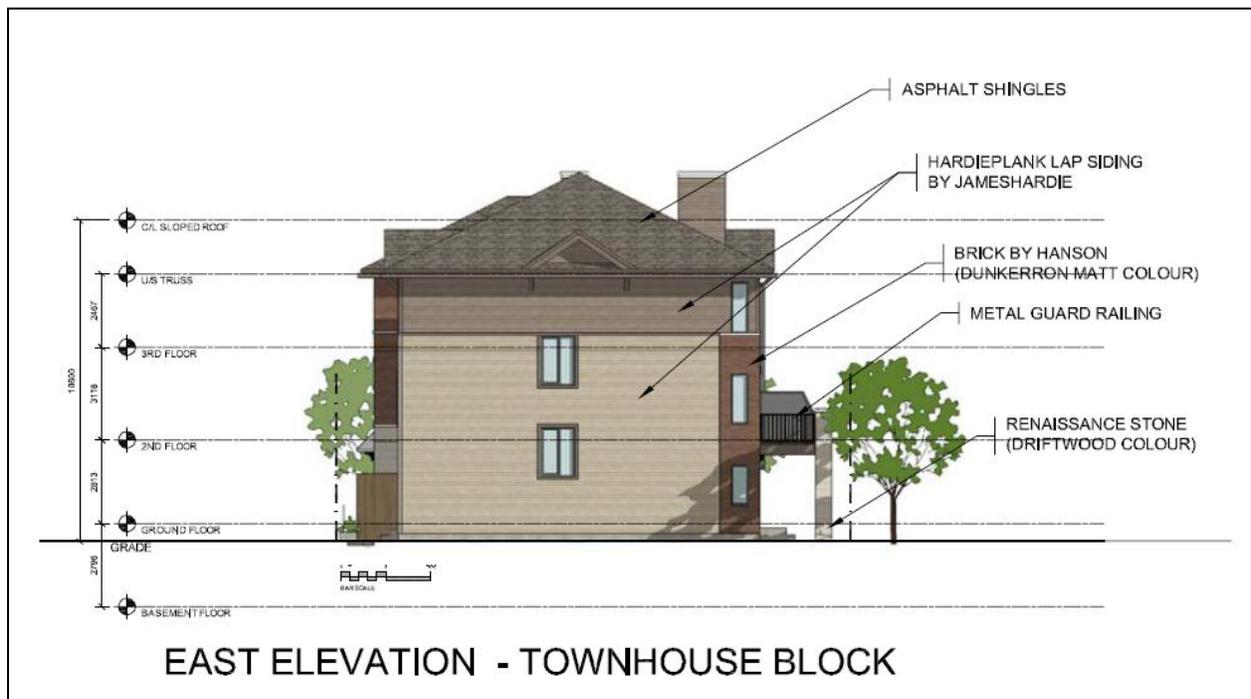


 Produced by Planning and Infrastructure Portfolio Produit par le Portefeuille urbanisme et infrastructure	 Location Map / Plan de révision Zoning Key Plan / Schéma de zonage 1111 chemin North River Road	Échelle N.T.S. Mètres			
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D02-02-13-0069	13-1340-X				
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BUILDING ELEVATIONS

DOCUMENT 3





DETAILS OF RECOMMENDED ZONING

DOCUMENT 4

1. To create an exception zone in the Residential Third Density Subzone M (R3M[XXXX]) to modify the performance standards for a planned unit development for 1111 North River Road, to the effect of the following:
 - a. Allow a minimum lot area of 644 square metres;
 - b. Permit a maximum building height of 11 metres for semi-detached units;
 - c. Allow a minimum front yard setback of 1.7 metres;
 - d. Allow a minimum corner side yard setback of 3 metres;
 - e. Allow a minimum rear yard setback of 1.2 metres;
 - f. Allow a minimum interior side yard setback for semi-detached units of 1.2 metres;
 - g. Allow a minimum interior side yard setback for townhouse units of 2 metres;
and
 - h. Balconies are not a permitted projection within the interior side yard setback.
 - i. Despite Section 65(6)(b), balconies may project no closer than 0.5 metres of the corner lot line and to 0 metres of the front lot line.
2. To consider the subject site one lot for zoning purposes.

CONSULTATION DETAILS

DOCUMENT 5

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

The Overbrook Community Association hosted a community meeting on September 12, 2013. Meeting minutes were received from the community association and 18 submissions were received from the public.

Summary of Public Input

Eighteen submissions from the public were received during the comment period. Three residents are in full support of the proposal, indicating that while a two-storey development would be preferable, the proposed buildings are a good compromise and will benefit the community. Fourteen individual residents indicated that they do not support the proposed Zoning By-law Amendment as submitted. A number of residents indicated that while they support intensification, they do not support this specific project due to concerns summarized below.

1. Neighbourhood residents are concerned about increased levels of on-street parking that will cause congestion on the surrounding streets.

Response:

The Zoning By-law requires 0.75 to 1 space per unit and, therefore, one parking space for each unit is considered sufficient. The garages are designed to be oversized to accommodate larger vehicles. Each unit is also capable of providing an additional space in the driveway, which will mitigate on-street parking and congestion concerns.

2. Residents are concerned that due to the increased height and mass, the proposed residential building will block sunlight and reduce privacy to adjacent buildings and yards. The applicant should consider a peaked roof on the proposed building to reduce the appearance of height and to maintain consistency with the existing development.

Response:

A sun-shadow study was prepared and showed to have no significant impacts on the surrounding area when compared to what is permitted by the current zoning.

3. Residents are concerned that the proposal will significantly reduce the number of mature trees in the neighbourhood.

Response:

The proposal will remove 4 trees (some have already been removed as they were within the City's right-of-way and in poor health) and the development will provide for five new deciduous trees in addition to new perennials and shrubs.

4. The reduced setbacks are inconsistent with the existing setbacks in the neighbourhood. Residents are concerned about increasing the amount of water drainage from this site onto adjacent streets.

Response:

When considering the wide boulevard within the public right-of-way the front and corner side yard setbacks are not considered narrow in this context as the boulevard is wide at this location along both North River Road and Drouin Avenue and helps offset the concern that these setbacks are narrow along these two street frontages.

The rear yard setback, functions more as a side yard setback as it is the easterly side yard of the townhouse block and is considered in keeping with the building pattern along Drouin Avenue. The proposed 1.2 metre setback is standard for side yard setbacks of these housing types.

For the proposed interior side yard setback, which is the rear yard of the townhouse units, concerns were identified regarding privacy, noise, and shadow impacts. The applicant wished to design units where there would be minimal yard maintenance requirements. These concerns are mitigated through several measures, including: implementing a new fence in consultation with the abutting home owner, adding a provision to the Zoning By-law Amendment to not permit balconies in the rear yard of the townhouses, and orienting the terraces (the outdoor amenity area) to the street frontage to reduce noise for the abutting rear yard of neighbours.

The storm water management plan is reviewed as part of the site plan control process and no concerns have been identified on the draft plan to date.

5. There are concerns that the proposal is an overdevelopment of the site and not in keeping with the neighbourhood character of low density dwelling types. A lesser number of units are desired and/or that the development be in keeping with the existing zoning provisions.

Response:

The proposed development is a planned unit development consisting of townhouse and semi-detached units, which are currently permitted in the Zoning By-law; the rezoning is to request relief to some of the performance standards. The Department considers the requested relief to be supportable and provides for the development to fit into the neighbourhood.

The proposed development is located on a corner lot that is across the street from the Rideau River and presents an ideal opportunity for sensitive intensification. The proposal offers new housing choices in an area that has nearby community amenities and services and, therefore, meets the City's policies to encourage density while efficiently using existing infrastructure. The City's Official Plan supports infill development if it complements the desirable characteristics within the surrounding community. The proposal does achieve this as it is high quality in its use of materials, architecture, and design. The building massing is similar to the townhouse development across the street, which is also on a corner lot. The density of the existing townhouses and the proposed development is kept at the corners of North River Road and Drouin Avenue, which faces the green space of the Rideau River while serving as a gateway to the low rise residential development along Drouin Avenue.

COMMUNITY ORGANIZATION COMMENTS

Overbrook Community Association

Meeting minutes from the September 12th community meeting were submitted as the Community Association's formal comments. The Key Questions section from the minutes is provided below with some of the responses provided at the meeting as well as additional response from staff and the applicant following the meeting and comment period.

Question 1:

Has a shadow study been completed?

Response:

The sun-shadow analysis was submitted by the applicant following the comment period. It was determined that the shadowing from the proposed development is similar to the shadowing of the building form that would be permitted under the existing zoning. It was concluded that the proposed development would not significantly impact the surrounding properties.

Question 2:

Are site services enough to support this development?

Response:

The existing services are sufficient to accommodate the development. The site plan control process reviews the infrastructure capacity and engineering plans.

Question 3:

Why are there no backyards/side yards?

Response:

The terrace is designed to serve as the outdoor amenity space, which is located in the front yard, facing the street, rather than the backyard. This design has proved to be successful for the townhouse units across the street on Drouin Avenue. The backyards are also designed to be smaller to minimize the need to do maintenance work.

Question 4:

Why have some trees already been removed from the site?

Response:

There were three trees removed by the City that were located within the public right-of-way. One tree (maple species) showed signs of dieback and was partly rotten and the other two trees were Ash trees and infested with Emerald Ash Borer.

Question 5:

Why not propose a single family? Why not build within the current zoning?

Response:

The proposed development is intended to complete the streetscape that is complementary to the surrounding character of the area, which includes the existing townhouses, similarly on a corner lot across the street on Drouin Avenue. The semi-detached units are considered compatible with the single detached dwellings on North River Road to the south. The new units also contribute to a diversity of housing types in the area.

Question 6:

What is the difference in setback and height to the townhouse development across Drouin Avenue?

Response:

Townhouse units are permitted to be up to 11 metres in height and in this regard the proposed development and the existing townhouse development are similar. The minimum building setbacks are up to a metre in difference and therefore considered comparable; however, it should be noted that some of the existing townhouse units have larger backyards than the proposed development. When reviewing the site for zoning compliance, the existing development meets the minimum interior side yard setback of 1.2 metres which is the corresponding lot line of the backyard to the existing townhouses.

Question 7:

The setback seems so narrow – the adjacent development looks ‘like a strip mall’ with all the driveways. Is there an alternative?

Response:

When considering the wide boulevard within the public right-of-way the setbacks are not considered narrow. The garages are also designed to be oversized to accommodate larger vehicles and therefore a higher likelihood of residents using the garage for parking. Ultimately however, it is challenging to know if the homeowners will use their garage or driveway for parking but one parking space per unit is considered appropriate as the Zoning By-law requires 0.75 to 1 space per unit.

Question/Comment 8:

This development sets a precedent that is seen as undesirable by some members of the community.

Response:

This proposal provides additional housing types to the area and is not seen as a negative precedent but rather provides for additional housing choices that use existing infrastructure and takes advantage of surrounding services to achieve sensitive intensification that is well integrated in the surrounding neighbourhood. In addition this site is unique as the boulevard within the public right-of-way along Drouin Avenue and North River Road is unusually large and therefore mitigates the concerns of the proposed setback being narrow but also maintains a consistent setback for the proposed building frontage along both streets with the adjacent developments.

Question 9:

What does this give back to the community in terms of aesthetics and architectural character?

Response:

The building architecture incorporates traditional features and finishes that blend with the existing homes in the area. Details such as roof gables and chimney articulation help create a friendly street fronting architectural style. Landscaping is a key component

in the site plan process to ensure that the tree lined streets are maintained and that any trees that are removed, both on the public right-of-way and on private properties, are replaced with trees and plantings that will mature and complement the surrounding natural features.

Question 10:

What 'green' features does this development provide?

Response:

The development provides density within an urban area, which uses existing infrastructure and services. Other green features of the development (outside the site plan approval process) are: Building Code SP10, which is equivalent to LEED Silver (Leadership through Environmental Design) certification and Energy Star appliances.

Question 11:

A nearby site has been vacant for years following demolition of a single family home. What penalties are in place if the developer does the same thing on this site?

Response:

The Site Plan Agreement, which is registered on title, stipulates that the developer has one year to apply for a building permit and there is a time limit on construction. The City also collects securities as part of this site plan agreement to ensure that the servicing and landscaping work is completed per the approved plans and if not, the City has the ability to complete the works with the money collected from the securities.

Question 12:

What direction do the balcony's face?

Response:

The proposed balconies face the street for both the townhouse and semi-detached units.

Question/Comment 13:

What would prevent a future homeowner from applying to build a balcony on the rear of the home in future? Could compromise privacy of adjacent homes and yards.

Response:

The internal layout of the units prevents a balcony from being accessed to the rear from the second or third level. The Zoning By-law amendment includes a provision that balconies are not permitted to the back of the townhouse units.

Question 14:

What is the status of the two options presented here today [shown at the community meeting]?

Response:

Based on the feedback at the meeting the gabled roof with chimney and muted tones (Option B) is the preferred direction. Revised building elevations were submitted to the Planning Department as part of the applicant's resubmission package following the comment period.

Question/Comment 15:

Community member in favour of the proposed development. Resident owns one of the townhouse units across the street on Drouin Avenue with his young family and has excellent neighbours. He was complementary of the developer and the developer's attention to detail. Would like the community to consider this an asset and a development that would attract community-minded people to the neighbourhood.

Response:

At the community meeting, there were residents who supported the proposed development or supported the development concept but would like to see some changes to the plans. The site plan approval process will look at ways to mitigate concerns such as using landscaping and fencing to minimize privacy concerns, replacing trees in locations to increase survival rates and with a species that will be aesthetically complementary to the natural surroundings, and ensuring that the building design is sensitive to the neighbourhood context.