



Planning Committee

Minutes 81

Tuesday, 23 September 2014

9:30 a.m.

Champlain Room

- Notes:**
1. *Please note that these Minutes are to be considered DRAFT until confirmed by Committee.*
 2. *Underlining indicates a new or amended recommendation approved by Committee.*
 3. *Except where otherwise indicated, reports requiring Council consideration will be presented to Council on 8 October 2014 Planning Committee Report 77.*

Present:

Chair: P. Hume
Vice-Chair: J. Harder
Councillors: S. Blais, R. Bloess, R. Chiarelli,
K. Hobbs, A. Hubley, B. Monette, S. Qadri and T. Tierney

DECLARATIONS OF INTEREST

No Declarations of Interest were filed.

CONFIRMATION OF MINUTES

Minutes 79, of the Planning Committee meeting of Thursday, 21 August 2014, were confirmed.

STATEMENT PURSUANT TO THE *PLANNING ACT* FOR MATTERS SUBMITTED POST JANUARY 1, 2007

The Chair read a statement required under the *Planning Act*, explaining that this was a public meeting to consider the proposed Comprehensive Zoning By-Law Amendments listed as Agenda Item N^{os} 2 to 7. He advised anyone intending to appeal the proposed amendments to the Ontario Municipal Board (OMB) that they must either voice their objections at the meeting, or submit comments in writing prior to the amendments being adopted by City Council. The Chair noted that applicants could appeal this matter to the OMB if Council did not adopt an amendment within 120 days of receipt of an application for Zoning.

Following a 'Consent Agenda' process the Committee considered the held Items in the following order: Items Nos. 1, 2 and 3.

COMMUNICATIONS

Response to Inquiries

- Response to Inquiry – Supplementary Memo: Re: PLC 02-14 - Delegated Authority - Accessory Addresses (Councillor T. Tierney)

POSTPONEMENTS AND DEFERRALS

PLANNING AND INFRASTRUCTURE

PLANNING AND GROWTH MANAGEMENT DEPARTMENT

1. FRONT-ENDING AGREEMENT FOR THE SOUTH NEPEAN COLLECTOR SANITARY TRUNK SEWER EXTENSION, PHASE 2

ACS2014-PAI-PGM-0211

BARRHAVEN (3)

REPORT RECOMMENDATIONS:

That Planning Committee recommend Council:

1. **Authorize the City to enter into a Front-Ending Agreement with Claridge Homes, Richcraft Group of Companies and The Minto Group for the design and construction of the South Nepean Collector sanitary trunk sewer extension Phase 2 from Jockvale Road/Longfields Drive to Strandherd Drive to an upset limit of \$7,700,000 plus applicable taxes, based on the drawing in Document 1, the Front-Ending Principles in Document 2 and Council approved Front-Ending Policy in Document 3, with the final form and content of the Front-Ending Agreement to the satisfaction of the Deputy City Manager, Planning and Infrastructure, and the City Clerk and Solicitor;**
2. **Authorize the expenditure of \$7,700,000 in 2015 for the reimbursement to Claridge Homes, Richcraft Group of Companies and The Minto Group, for the design and construction of the South Nepean Collector sanitary trunk sewer extension Phase 2.**

Mr. James Hall, Planner, and Mr. David Wise, Program Manager, both with the Suburban Services Unit, Development Review Services Branch, Planning and Growth Management Department, were present to respond to questions.

Councillor Harder introduced the following Motion drafted by staff in response to directions provided at the Planning Committee meeting of 9 September 2014.

Moved by Councillor J. Harder:

MOTION N^o PLC 81/1

WHEREAS Report ACS2014-PAI-PGM-0211 recommends authorizing the City to enter into a Front-Ending Agreement for the design and construction of the South Nepean Collector sanitary trunk sewer extension, Phase 2 ;

AND WHEREAS, the developers have requested the flexibility to split the design and construction components into separate Agreements and therefore separate reimbursements;

THEREFORE BE IT RESOLVED that the following recommendation be added to the staff report:

- 1. Notwithstanding the Front-Ending Agreement Principles in Document 2 or the Front-Ending Policy in Document 3, authorize the City to enter into one or multiple Front-Ending Agreement(s) for design and construction, to an upset limit of \$700,000 for design and to an upset limit of \$7,000,000 for phased construction to a total upset limit of \$7,700,000, and authorize expenditures of \$700,000 plus applicable taxes for design and \$7,000,000 plus applicable taxes for phased construction, both in 2015 for the reimbursement to Claridge Homes, Richcraft Group of Companies and The Minto Group for the South Nepean Collector sanitary trunk sewer extension Phase 2 from Jockvale Road/Longfields Drive to Strandherd Drive.**

CARRIED

The report recommendations were then put before Committee and were CARRIED, as amended by Motion N^O 81/1.

That Planning Committee recommend Council:

- 1. Authorize the City to enter into a Front-Ending Agreement with Claridge Homes, Richcraft Group of Companies and The Minto Group for the design and construction of the South Nepean Collector sanitary trunk sewer extension Phase 2 from Jockvale Road/Longfields Drive to Strandherd Drive to an upset limit of \$7,700,000 plus applicable taxes, based on the drawing in Document 1, the Front-Ending Principles in Document 2 and Council approved Front-Ending Policy in Document 3, with the final form and content of the Front-Ending Agreement to the satisfaction of the Deputy City Manager, Planning and Infrastructure, and the City Clerk and Solicitor;**

- 2. Authorize the expenditure of \$7,700,000 in 2015 for the reimbursement to Claridge Homes, Richcraft Group of Companies and The Minto Group, for the design and construction of the South Nepean Collector sanitary trunk sewer extension Phase 2; and,**

- 3. Notwithstanding the Front-Ending Agreement Principles in Document 2 or the Front-Ending Policy in Document 3, authorize the City to enter into one or multiple Front-Ending Agreement(s) for design and construction, to an upset limit of \$700,000 for design and to an upset limit of \$7,000,000 for phased construction to a total upset limit of \$7,700,000, and authorize expenditures of \$700,000 plus applicable taxes for design and \$7,000,000 plus applicable taxes for phased construction, both in 2015 for the reimbursement to Claridge Homes, Richcraft Group of Companies and The Minto Group for the South Nepean Collector sanitary trunk sewer extension Phase 2 from Jockvale Road/Longfields Drive to Strandherd Drive.**

CARRIED, as amended

Mr. John Riddell, Novatech Engineering Consultants Ltd., representing the landowner, had originally registered to address the Committee in support of the report recommendations as amended by the preceding Motion, but did not speak.

PLANNING AND INFRASTRUCTURE

PLANNING AND GROWTH MANAGEMENT DEPARTMENT

2. ZONING - 401 MARCH ROAD

ACS2014-PAI-PGM-0012

KANATA NORTH (4)

REPORT RECOMMENDATION:

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 401 March Road, which is pending before the Ontario Municipal Board, from General Industrial Zone, Subzone 6, Exception 295 (IG6[295]) to General Industrial, Exception [XXXX] (IG[XXXX]) to permit a commercial plaza, as shown in Document 1 and detailed in Document 2.

Ms. Birgit Isernhagen, Planner, and Mr. David Wise, Program Manager, both with the Suburban Services Unit, Development Review Services Branch, Planning and Growth Management Department, were present to respond to questions. Kanata North Ward Councillor Marianne Wilkinson was also in attendance.

Councillor Qadri introduced the following Motion on behalf of Ward Councillor Wilkinson, drafted by staff to address adjustments to the rights-of-way.

Moved by Councillor S. Qadri:

MOTION N^o PLC 81/2

WHEREAS the Transport Canada Grade Crossing Standards states that a public grade crossing where the railway design speed is more than 25km/h must be constructed so that no part of the travelled way of an intersecting road or entranceway (other than a railway service road), or the stop line or position of a traffic control device is closer than 30 m to the nearest rail of the grade crossing;

AND WHEREAS the Details of Recommended Zoning Document 2, section 2c states that no access (ingress/egress) may cross a front or side lot line within 30 metres of an interior side lot line adjacent to a defined railway corridor;

THEREFORE BE IT RESOLVED that staff be directed to follow Transport Canada's Grade Crossing Standard and that Document 2, section 2c be replaced with the following: 'No access (ingress/egress) may cross a front or side lot line within 30 metres of an established railway track within a defined railway corridor'.

Committee then heard from the following delegations, as noted:

- Mr. Murray Chown (Novatech Engineering Consultants Inc.) introduced Messrs. Barnet (Barney) Kussner* (WeirFoulds LLP) and Heinz Vogt (SMV Architects). Members of the delegation spoke to voice their support of the zoning change, and to express their opposition to the proposed minimum setback requirement from the rail line and proposed separation distance along March Road, based on a possible future increase in railway speed.
- Mr. David Steeds*, General Manager, Nylene Canada Inc., presented a PowerPoint presentation (held on file with the City Clerk) and spoke in support of bylaw amendments that would implement recommendations contained within a document entitled, "Guidelines for New Development in Proximity to Railway Operations" (prepared for the Federation of Canadian Municipalities and the Railway Association of Canada), as a way to manage potential safety-related risks.

[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.]

Committee discussions and questions to the delegation and to staff included: clarification of recommended setbacks; the appropriateness of applying a residential standard to setbacks in a non-residential development area; planning for *current* uses versus potential *future* opportunities, uses and rail speed; usage based on classes of rail systems, and; concerns regarding train speed-related safety arising from ongoing railway operations in urban areas, and from the memory of the Lac-Mégantic train derailment of 2013.

Discussions having concluded, the report recommendations were put before Committee and were CARRIED, as amended by Motion N^O 81/2.

That Planning Committee recommend Council:

- 1. Approve an amendment to Zoning By-law 2008-250 to change the zoning of 401 March Road, which is pending before the Ontario Municipal Board, from General Industrial Zone, Subzone 6, Exception 295 (IG6[295]) to General Industrial, Exception [XXXX] (IG[XXXX]) to permit a commercial plaza, as shown in Document 1 and detailed in Document 2, as amended by the replacement of Document 2, Section 2c with the following:**

'No access (ingress/egress) may cross a front or side lot line within 30 metres of an established railway track within a defined railway corridor'; and,

- 2. Direct staff to follow Transport Canada's Grade Crossing Standard,**

CARRIED, as amended

3. ZONING BY-LAW AMENDMENT – 281 ST. ANDREW STREET

ACS2014-PAI-PGM-0212

RIDEAU-VANIER (12)

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 281 St. Andrew Street to permit the temporary placement of construction trailers on-site related to a nearby development, as detailed in Document 2.

Messrs. Don Herweyer, Program Manager, Urban Services Unit, and Michael Mizzi, Chief, both with the Development Review Services Branch, Planning and Growth Management Department, were present to respond to questions.

Committee heard from the following delegations, as noted:

- Mr. Jim Burghout, Claridge Homes, spoke in support of the recommendation, and explained that Claridge had not been aware of the site's long-term use as a commercial parking lot in violation of existing zoning regulations.
- Mr. Robert Massel* a property owner in proximity to the subject site, explained that he had filed an initial complaint regarding a commercial enterprise operating on a residentially-zoned property, subsequent to which, the developer had applied for a zoning amendment. Mr. Massel asked for deferral of this item to allow the Lowertown Community Association sufficient time to put together a proper response, due to insufficient initial notification.

Written correspondence was received from Mr. John Chenier* in opposition to the report recommendation.

*[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.]*

Committee discussions and questions included: an historical overview of the subject site; measures the City can undertake when such sites are discovered; questions of legal non-conforming rights; complaints and the City's notification process; the need for developers to be aware of zoning requirements; the developer's obligation to remediate the site after the completion of work, and; other possible options for the placement of the construction trailers.

Discussions having concluded, the report recommendation was put before Committee and was CARRIED, with Councillor Hobbs dissenting.

4. ZONING BY-LAW AMENDMENT – 126 AND 136 CATHERINE STREET

ACS2014-PAI-PGM-0218

SOMERSET (14)

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 126 and 136 Catherine Street to permit a stand-alone parking lot, as detailed in Document 2.

CARRIED

Mr. Fred Cogan had registered to address the Committee in support of the recommendation, but opted not to speak when the Committee indicated that it was prepared to 'carry' the item on consent.

5. ZONING BY-LAW AMENDMENT – 108 LISGAR STREET

ACS2014-PAI-PGM-0210

SOMERSET (14)

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 108 Lisgar Street, to add office as an additional permitted use, as shown in Document 1 and detailed in Document 2.

CARRIED

Mr. Doug Casey, Charlesford Developments, had registered to address the Committee in support of the recommendation, but opted not to speak when the Committee indicated that it was prepared to 'carry' the item on consent.

6. ZONING BY-LAW AMENDMENT – 852 BANK STREET

ACS2014-PAI-PGM-0216

CAPITAL (17)

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 852 Bank Street to permit the construction of a two-storey commercial building, including a restaurant with an outdoor patio on the second floor, as detailed in Document 2.

Councillor Harder introduced the following Motion for Committee's consideration at the request of Ward Councillor David Chernushenko, with the concurrence of Mr. Miguel Tremblay, FoTenn Consultants Ltd., on behalf of the proponent:

MOTION N^o PLC 81/3

Moved by Councillor J. Harder:

That the Planning Committee approve that Report No. ACS2014-PAI-PGM-0216 be deferred to the next Planning Committee Meeting (2 October 2014) to provide additional time for the proponent to explain why on-site parking cannot be accommodated at the subject site.

CARRIED

With Committee's approval of Motion N^o 81/3, this item was DEFERRED to the Planning Committee meeting of 2 October 2014.

The following individuals had originally registered to address the Committee as noted, but did not speak, as a result of the item's deferral to the Committee's next meeting:

- Ms. Carolyn McKenzie*, Glebe Community Association (in opposition)
- Mr. Andrew Peck*, Executive Director, Glebe BIA (in support, with caveats)
- Messrs. Miguel Tremblay, FoTenn Consultants Inc., and Mark Baker, Delcan Corporation (in support)

Correspondence was also received from the following, in opposition to the report recommendation:

- Mr. Frank Johnson*
- Ms. Diane Scharf*

[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.]

7. ZONING - ANOMALY REPORT TO UPDATE THE
FLOOD PLAIN MAPPING IN THE OLD OTTAWA SOUTH AREA

ACS2014-PAI-PGM-0208

CAPITAL (17)

That Planning Committee recommend Council approve an amendment to the Zoning By-law 2008-250 to update the flood plain mapping in the Old Ottawa South area, as shown in Document 1 and as detailed in Document 2.

CARRIED

8. MANOTICK WATERMAIN LINK ENVIRONMENTAL ASSESSMENT STUDY

ACS2014-PAI-PGM-0207

RIDEAU-GOULBOURN (21)

That the Planning Committee recommend Council approve the results of the Class Environmental Assessment Study for the Manotick Watermain Link Project, as detailed in Document 1.

CARRIED

ADJOURNMENT

The meeting adjourned at 11:05 a.m.

Committee Coordinator

Chair