

**5. Zoning By-Law Amendment – 348 Whitby Avenue and 364 Churchill Avenue North**

**Modification au Règlement de zonage – 348, avenue Whitby et 364, avenue Churchill nord**

**COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. consider this report at its meeting on October 10, 2018, pursuant to Sub-Section 35. (5) of Procedure By law 2016-377;**
- 2. approve an amendment to Zoning By-law 2008-250 to permit the continued use of 348 Whitby Avenue as a temporary animal hospital while the replacement building is constructed on the abutting lot known municipally as 364 Churchill Avenue North, as detailed in Document 3.**

**RECOMMANDATIONS DU COMITÉ**

**Que le Conseil :**

- 1. examine le présent rapport lors de sa réunion du 10 octobre 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377;**
- 2. approuve une modification au Règlement de zonage (2008-250), afin que la propriété située au 348, avenue Whitby, puisse continuer d'être utilisée comme hôpital vétérinaire temporaire pendant la construction de l'immeuble de remplacement sur le terrain contigu ayant pour désignation municipale le 364, avenue Churchill Nord, comme le précise le document 3.**

DOCUMENTATION/DOCUMENTATION

1. Director's Report, Planning Services, Planning, Infrastructure and Economic Development Department dated September 26, 2018 (ACS2018-PIE-PS-0104)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'Infrastructure et du développement économique daté le 26 septembre 2018 (ACS2018-PIE-PS-0104)

2. Extract of draft Minutes, Planning Committee, October 9, 2018

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 9 octobre, 2018

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of November 14, 2018, in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council meeting of October 10, 2018".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 14 novembre 2018 du Conseil, dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73, à la réunion du Conseil municipal prévue le 10 octobre 2018 ».

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
9 October 2018 / 9 octobre 2018**

**and Council  
et au Conseil  
10 October 2018 / 10 octobre 2018**

**Submitted on 26 September 2018  
Soumis le 26 septembre 2018**

**Submitted by  
Soumis par:**

**Lee Ann Snedden  
Director / Directrice**

**Planning Services / Services de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2018-PIE-PS-0104**

**SUBJECT: Zoning By-law Amendment – 348 Whitby Avenue and 364 Churchill  
Avenue North**

**OBJET: Modification au Règlement de zonage – 348, avenue Whitby et 364,  
avenue Churchill nord**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to  
Zoning By-law 2008-250 to permit the continued use of 348 Whitby Avenue**

as a temporary animal hospital while the replacement building is constructed on the abutting lot known municipally as 364 Churchill Avenue North, as detailed in Document 3.

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of October 10, 2018," subject to submissions received between the publication of this report and the time of Council's decision.
3. That Planning Committee recommend Council consider this report at its meeting on October 10, 2018, pursuant to Sub-Section 35. (5) of Procedure By law 2016-377.

#### RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au *Règlement de zonage (2008-250)*, afin que la propriété située au 348, avenue Whitby, puisse continuer d'être utilisée comme hôpital vétérinaire temporaire pendant la construction de l'immeuble de remplacement sur le terrain contigu ayant pour désignation municipale le 364, avenue Churchill Nord, comme le précise le document 3.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 , à la réunion du Conseil municipal prévue le 10 octobre 2018», à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

3. Que le Comité de l'urbanisme recommande au Conseil d'examiner le présent rapport lors de sa réunion du 10 octobre 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377.

## BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### Site location

348 Whitby Avenue and 364 Churchill Avenue North

### Owner

1850422 Ontario Inc. c/o Westboro Animal Hospital

### Applicant

Holzman Consultants Inc., Bill Holzman, President

### Description of site and surroundings

The subject property, known municipally as 348 Whitby Avenue and 364 Churchill Avenue North, is situated at the southwest corner of Churchill Avenue North and Whitby Avenue in the Westboro neighbourhood. The 558 square metre L-shaped lot has approximately 44 metres of frontage on Whitby Avenue, 10 metres of frontage on Churchill Avenue North and approximately 20 metres of depth at its deepest point on Whitby Avenue. 348 Whitby Avenue is currently occupied by a two-storey detached dwelling and 364 Churchill Avenue North is occupied by a two-storey commercial building.

The surrounding area features predominantly low- and mid-rise buildings and a variety of uses. The buildings found north, east and south of the site along Churchill Avenue North feature a variety of institutional, commercial and residential uses. Low-rise residential in the form of semi-detached and single-detached buildings can be found immediately west of the site along Whitby Avenue.

### **Summary of requested Zoning By-law amendment proposal**

The site is currently zoned as General Mixed Use, Subzone 1, Exception 2125, which considers both properties as one lot for zoning purposes. The zoning exception permitted the use of 348 Whitby Avenue as an animal hospital and an animal care establishment for a temporary period from February 26, 2014 to February 25, 2017. The purpose of the Zoning By-law amendment application is to extend the temporary animal care establishment use at 348 Whitby Avenue for an additional three years.

### **Brief history of proposal**

The initial planning applications for this redevelopment project, a Zoning By-law Amendment (D02-02-13-0106) and a Site Plan Control application (D07-12-13-0196), were approved in 2014. The temporary use by-law has since lapsed, and the applicant needs to resolve the zoning for the site before the Site Plan Control extension application (D07-12-18-0066) for the redevelopment of the animal hospital may be approved.

## **DISCUSSION**

### **Public consultation**

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

For this proposal's consultation details, see Document 4 of this report.

### **Official Plan designation**

The lands are designated General Urban Area on Schedule B in the Official Plan. This designation encourages a wide range of residential and commercial uses to meet the needs of a diverse population. Throughout the General Urban Area, small, locally-oriented convenience services are encouraged. The proposed temporary operation of the animal hospital use at 348 Whitby Avenue will allow for the business to continue providing a service in the Westboro Community while the new animal hospital is under construction at 364 Churchill Avenue North.

### **Other applicable policies and guidelines**

Richmond Road/Westboro Secondary Plan and Community Design Plan

The Richmond Road/Westboro Secondary Plan defines the areas within it into distinct sectors. Policy directives are set out for each sector's land use character and appropriate general building height range. The site is located in Sector 9 where commercial uses that would not affect the viability of Richmond Road and Scott Street are encouraged and infill developments are to provide an appropriate transition to the adjacent low-rise residential neighbourhood.

### **Planning rationale**

The proposed rezoning is consistent with the policy direction provided in the Official Plan. The General Urban Area permits a wide variety of uses, including service uses such as an animal hospital. Permitting the temporary animal hospital at 348 Whitby Avenue contributes to the mix of uses available in the General Urban Area.

This Zoning By-law amendment was also evaluated in accordance with the urban design and compatibility policies in Section 2.5.1 and Section 4.11 of the Official Plan. As the temporary animal hospital is located entirely within an existing building, there are no anticipated impacts on the character of the surrounding neighbourhood.

The proposed rezoning is consistent with the policies of the Richmond Road/Westboro Secondary Plan. The temporary animal hospital use is not considered to compete with commercial uses on Richmond or Scott Streets.

The proposed Zoning By-law amendment will permit the animal hospital use to continue operating while construction is occurring at 364 Churchill Avenue North. Upon completion of the construction, parking for the new animal hospital will be established at 348 Whitby Avenue. The temporary use and related performance standards will be in effect for three years, after which the use would cease and parking will be established. The zoning for 348 Whitby Avenue will continue to permit low-density residential uses, subject to performance standards of Residential Third Density, Subzone S. This approach will provide the flexibility for the property to be used for residential purposes in the future.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Leiper is aware of the application related to this report.

### **LEGAL IMPLICATIONS**

There are no legal impediments associated with implementing the recommendation contained within this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ACCESSIBILITY IMPACTS**

Design considerations with respect to accessibility will be addressed through the building permit process and are not a key consideration related to this rezoning application.

### **TERM OF COUNCIL PRIORITIES**

The project addresses the following Term of Council Priorities:

- Economic Prosperity
- Healthy and Caring Communities

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Proposed Site Plan

Document 3 Proposed Zoning Details

Document 4 Consultation Details

## **APPLICATION PROCESS TIMELINE STATUS**

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

## **CONCLUSION**

In considering the Provincial Policy Statement and applicable Official Plan policies, the Zoning By-law amendment is recommended for approval. The proposed temporary use for 348 Whitby Avenue ensures that animal hospital services can continue to be provided during the construction of the new animal hospital at 364 Churchill Avenue North and maintain service for the community.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

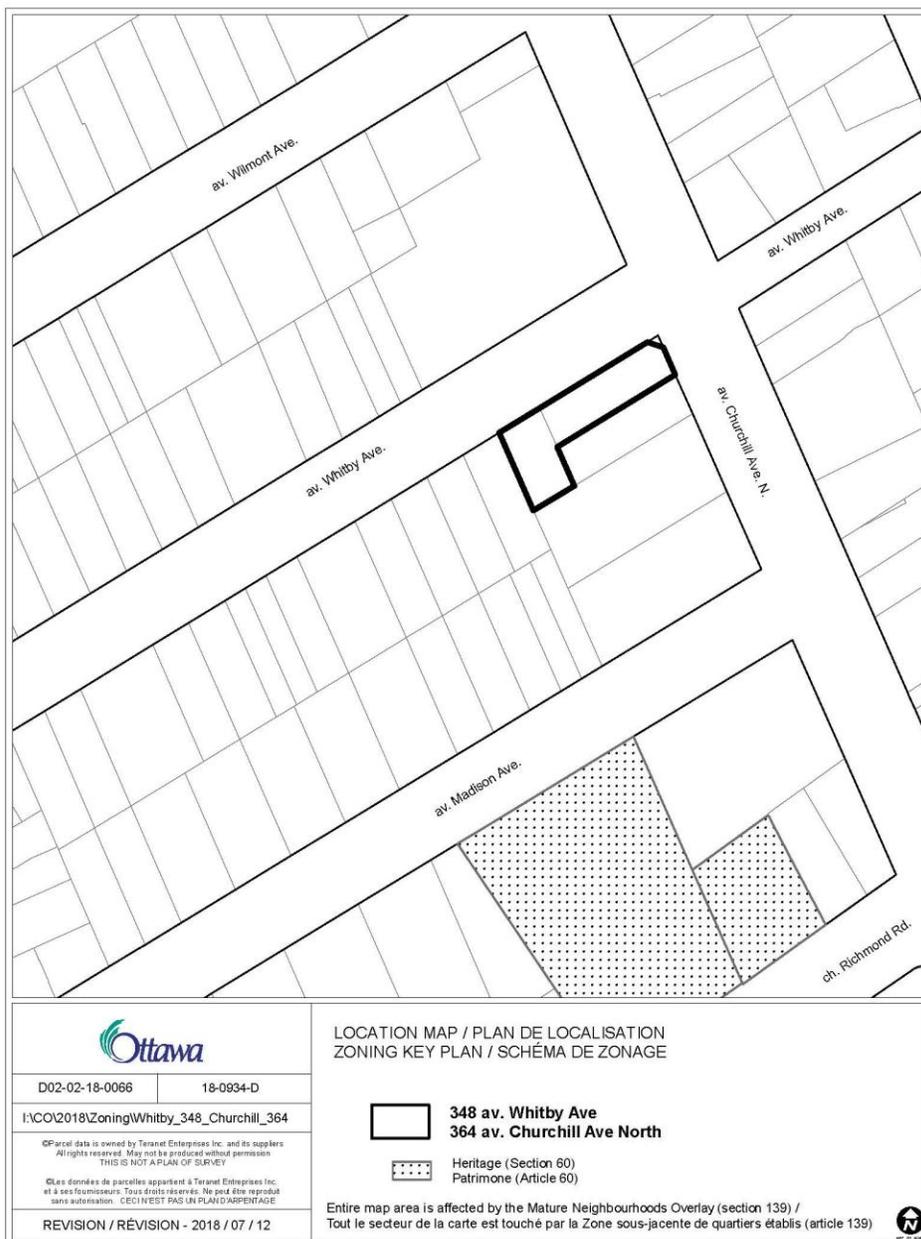
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

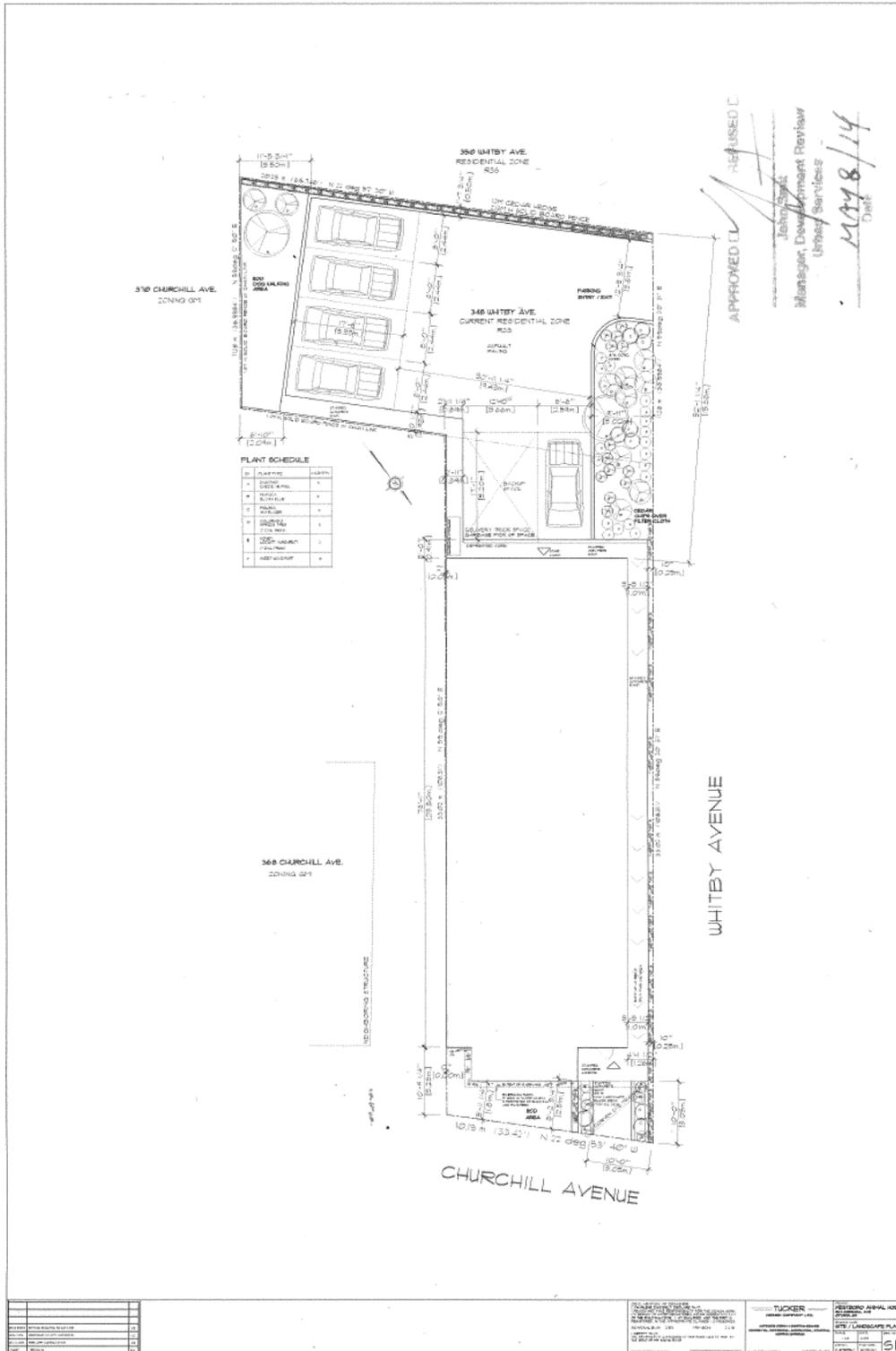
## Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)

The site is at the southwest corner of Whitby Avenue and Churchill Avenue north in the Westboro neighbourhood.



Document 2 – Proposed Site Plan



### Document 3 - Proposed Zoning Details

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 348 Whitby Avenue and 364 Churchill Avenue North

- i. Amend urban exception 2125, by replacing the text 'On the lot known municipally as 348 Whitby Avenue an animal hospital and an animal care establishment is permitted for a temporary period from February 26, 2014 to February 25, 2017 - "with a provision similar in the intent to the following: "an animal hospital and an animal care establishment is permitted for a temporary period of three years from the date the implementing by-law is passed by Council."
- ii. Amend urban exception 2125, by maintaining the provisions applicable to a temporary animal hospital at 348 Whitby Avenue, which are as follows:
  1. No parking required for an animal hospital.
  2. Minimum rear yard setback is 0.5 metres.
  3. Minimum northerly interior setback is 1.4 metres.
  4. Minimum easterly interior yard setback is 2.4 metres.
  5. Maximum building height is 8 metres.
  6. Minimum width of a landscaped area abutting a residential zone is 0.5 metres.
  7. Minimum width of a landscaped area abutting a street is 3.0 metres, however, a permitted projection may be located within the landscaped area.

## **Document 4 – Consultation Details**

### 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.

### Public Comments and Responses

Comments were received from four residents in response to this application. Some of the comments received were in opposition of the requested temporary Zoning By-law amendment. Other comments related more to the development that is ultimately expected to take place on the subject site, including in relation to the expected timing of the construction of this development.

#### Comment:

Churchill Avenue and Whitby Avenue have seen many trees come down with new construction. Some developers have replanted but not all. I would ask that everything be done to protect the trees that are currently on the lot and, if that is not at all possible, to plant more.

#### Response

This comment relates to the proposed development for the subject property, which has previously received Site Plan Control approval. The purpose of the subject Zoning By-law amendment is to permit the temporary use of the existing building at 348 Whitby Avenue as an animal hospital and animal care establishment on an interim basis while the development in question is under construction.

As part of the Site Plan Control approval for the new building to be constructed, there will be landscaped buffers around the parking lot, which will include new trees and similar vegetation to be planted. The Site Plan Agreement for the development of the site includes conditions relating to the provision and maintenance of the landscaping features including the new trees, in order to ensure that these features are provided in accordance with the approved landscape plan.

Comment:

We oppose any additional commercial or non-residential use on any of the interior streets in this secluded residential development. The apartment building on the northwest corner of Whitby and Churchill Avenues already creates heavy access of traffic at that corner and adds to the traffic and parking density issues on these four streets: Wilmont Avenue; Whitby Avenue; Madison Avenue; plus the north/south street of Winston.

As residents, we do not want to encourage a precedent with regard to future zoning on these streets, and wish it to remain a residential community of close relationships between neighbours.

Response:

Staff recognize the concerns surrounding the potential for this building to operate as a commercial use on a more permanent basis than intended by the requested By-law amendment, given that such a temporary permission was previously granted for three years in 2014. However, Staff also recognize the continued commitment on the part of the applicant to redevelop the site in accordance with the approved Site Plan. It is expected that the proposed work will be completed within the three year timeframe that would be permitted by this Zoning By-law amendment, such that the existing building at 348 Whitby Avenue would be removed and no further extension of the animal care establishment use in this building would be permitted beyond this period.

With respect to the concerns surrounding the potential for additional non-residential uses on Whitby Avenue, it should be noted that with the exception of the subject property, the properties on this street are within the R3S (Residential Third Density) zone, which does not permit non-residential uses. A separate application for Zoning By-law Amendment would be required to establish a commercial use on any other property fronting on this street.

Once the new building has completed construction, the animal care establishment is intended to operate out of the new building, which will front directly onto Churchill Avenue. The existing building at 348 Whitby Avenue will be demolished and replaced with a parking lot serving the subject development. The parking to be provided for this new development will meet the minimum required under the Zoning By-law for an animal care establishment.

Comment:

One commenter noted that the existing building on 364 Churchill Avenue has been unoccupied and is in poor condition, with no maintenance having been done to the building since the building at 348 Whitby Avenue was first approved for the temporary animal care use. Commenter noted in particular that the existing fence abutting the neighbouring property to the south is falling and in need of repair, and that the front of 364 Churchill is overgrown with vines and weeds. Requests that the proposed temporary use, if granted, should be allowed for a shorter timeframe than that requested by the applicant (i.e. one year) in order to better ensure that these issues are dealt with in a timely manner and that the approved development proceeds as was proposed.

Response:

The owner is subject to the Property Standards By-law with respect to the maintenance of the property including the existing buildings, and may be subject to by-law enforcement if the buildings and the site are not properly maintained.