

2023-07-14



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1568 Meadowbrook Road
Legal Description: Part of Lot 22 Concession 2 (Ottawa Front), Geographic Township of Gloucester
File No.: D08-01-23/B-00143, D08-01-23/B-00144,
D08-01-23/B-00145, D08-01-23/B-00159
Report Date: July 13, 2023
Hearing Date: July 18, 2023
Planner: Evode Rwagasore
Official Plan Designation: Outer Neighbourhood
Zoning: R2N [2871]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department has **no concerns** with the application.

A revised draft 4R-plan was submitted on July 13, 2023, to reflect the site plan submitted with the application and to include required stormwater easement(s).

Consent is also required to establish easements as follows (to be confirmed by the Applicant/Owner):

- **A drainage easement** over Parts 17 and 19 in favour of parts 5,6,13,14,18 and 20
- **A drainage easement** over Parts 18 and 20 in favour of parts 3,4,11,12,17 and 19

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

On July 13, 2023, a revised draft 4R-plan was submitted to reflect the site plan that was submitted with the consent and Zoning By-law Amendment (ZBLA) applications. Council approved the ZBLA on [May 24, 2023](#). The following changes were made:

- a. The pole widths, shown as parts 2, 3, 6 and 7 on the draft 4R-plan, were increased from 1.52 metres to 2.44 metres. The revised pole widths reflect the site plan that was submitted with the consent and the ZBLA applications, where the flag portion was 2.44 metres to accommodate the driveway and abutting pedestrian walkway. The walkways are required to provide a pedestrian access for the rear units and per the [turning templates](#) provided with the ZBLA.
- b. Drainage easements were added. Engineering staff reviewed the site grading plan (C200) and the post-development storm drainage plan (C500) submitted as part of the [ZBLA](#) and concluded that there will be reciprocal drainage from one lot to another. The draft 4R-plan was revised to include drainage easements (parts 17 and 19 in favour of 1576 and 1578 Meadowbrook Road, and parts 18 and 20 in favour of 1572 and 1574 Meadowbrook Road).

The ZBLA (By-law 2023-236) is under appeal to the Ontario Land Tribunal (OLT). The case number is [OLT-23-000645](#).

ADDITIONAL COMMENTS

Building Code Services

Building Code Services does not have any comments. In the future, if consent applications are filed to establish separate ownership for the units, a limiting distance agreement will be required.

Forestry

The plans as proposed require the removal of one of the three protected trees on/adjacent to the property (Tree 1 will be removed). Tree 3 is on the adjacent property and impacts must be properly mitigated to ensure its survival. The grading plan and [landscape plan](#) must be reviewed and potentially revised to ensure that proposed drainage and surface treatments will not impact this tree. The [landscape plan](#) provided with the ZBLA application shows 11 new trees to be planted, which meets the requirements of one new tree per principal unit and compensation for the tree removed.

Right-of-Way

The Right-of-Way Management has no concerns with the proposed consent applications, as the driveways/private approaches conform to the Private Approach By-law. However, the owner shall be made aware that a private approach permit is required to establish each of the newly created driveways leading to the parking spaces.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

Cash-in-lieu of Parkland

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the **Planner**.

Demolition

2. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.

Driveway Removal and Reinstatement of the Curb

3. That the Owner(s) provide evidence to the satisfaction of the **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate** that the existing driveways have been removed and the curb has been reinstated to City Standards or the owner has requested a Temporary Access permit to keep an entrance temporarily until obtaining a Building Permit.

Easement Agreement or Joint Use Maintenance Agreement

4. That the Owner(s) enter into either an easement agreement or a Joint Use, Maintenance and Common Elements Agreement:

- (a) That the Owner(s) enter into an Easement Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

That Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, and **City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

Or

- (b) That the Owner(s) enter a Joint Use, Maintenance and Common Elements Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common driveways.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, and **City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

Forestry

5. The Owner/Applicant(s) agrees to implement the tree protection and planting recommendations in the Tree Information Report (Dendron, Aug 13, 2021) and Landscape Plan (submitted with the Zoning By-law Amendment application). A paid planting contract is acceptable.

Infrastructure

6. That the Owner(s) provide a combined **Grading & Drainage Plan** and **Site Servicing Plan** including, where applicable, the tree locations and protection recommendations from the approved **Tree Information Report** to the satisfaction of the **Managers of the relevant branches of Planning, Real Estate, and Economic Development, or his/her designate**, the plans can be shown on one sheet or multiple sheets, but must include the following information:
 - a. The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following.
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.

- d. The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
- i. Surveyed locations of all protected trees on and adjacent to the subject site
 - ii. Location of tree protection fencing
 - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes
 - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g., use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone).
 - v. Proposed planting locations from the associated Tree Planting Plan, if provided
- e. The Owner(s) further acknowledges and agrees that this review may result in relocation of elements such as retaining walls and agrees to revise their plans accordingly to the satisfaction of the **Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**. The Tree Information Report may require revision to reflect these changes.
7. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Meadowbrook Road at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch and to the satisfaction of City Legal Services**. The Owner(s) must also receive the approval of the **Ontario Ministry of the Environment Conservation and Parks** for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

8. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Meadowbrook Road, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

If the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

Noise

9. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (Meadowbrook Road) and may therefore be subject to noise and other activities associated with that use”

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as

the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

The Agreement shall be to the satisfaction of the **Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

Zoning Compliance

10. That the Owner(s) provided evidence to the satisfaction of the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that demonstrates that the Zoning By-law Amendment has been obtained with all levels of appeal exhausted.



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