

2024-07-11



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 162 Anwatin Street
Legal Description: Lot 16, Registered Plan 341265, Geographic Township of Nepean
File No.: D08-01-24/B-00109
Report Date: July 10, 2024
Hearing Date: July 16, 2024
Planner: Luke Teeft
Official Plan Designation: Suburban (West) Transect, Neighbourhood
Zoning: R1FF

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application.

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, subject to the following conditions.

ADDITIONAL COMMENTS

Planning Forestry

- The TIR plan must show the severance line and the proposed or allowable building footprint including proposed driveway and service locations with the tree locations and CRZ sizes overlaid, to accurately reflect the tree impacts of the proposed severance. A similar plan has been provided in other documentation, but doesn't relate to the same tree numbers or recommendations as the TIR. The current TIR shows 7 tree removals, but other plans show more, based on driveway location.
- It is understood that no development is proposed at this time, but plans must be designed to allow for retention of as many of the existing protected trees as possible, particularly those outside of the allowable footprint, in the ROW and on shared or

adjacent properties. An updated, detailed TIR is required with the Building Permit application.

- Tree permits are required prior to removal and a planting plan must be provided showing all required replacement trees as specified in the TIR and tree by-law.

Transportation Planning

- Please note that Moodie Drive is designated as part of the Crosstown Bikeway Network.
- Please note that Moodie Dr is designated as a protected right of way and requires a 24m ROW be maintained as per Schedule C16 of the Official Plan. Dimension the protected ROW on the plans (12m measured from the centre of the Moodie Drive roadway). The protected ROW must be dedicated to the City as part of this application.
- A corner triangle must also be dedicated to the City per Policy 2.1.1 (e) of Schedule C16 of the OP. The corner triangle should be measured from the new property line after widening of Moodie Drive. The corner triangle shall measure 3m along Anwatin Street by 9m along Moodie Drive.
- Show the existing concrete pad of the Canada Post mailboxes on the site plan. Ensure the proposed driveway for Part 2 does not interfere with the mailboxes.

CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:


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.
2. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and the manager of the Development Review All Wards Branch, or their designate**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
3. 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 (arterial road, highway, airport, etc.) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

4. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**.
5. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**.
6. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**, showing the location(s) and species or ultimate size of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
7. That the Owner convey a 3m x 9m corner sight triangle located at the intersection of Anwatin and Moodie to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required corner sight triangle. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.

8. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the **Program Manager, Right of Way Branch within the Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Anwatin and Moodie, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the **manager of the Development Review All Wards Branch, or their designate**, shall deem this condition satisfied.
9. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 12 meters from the existing centerline of pavement/the abutting right-of-way along Moodie Drive, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



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