

2024-08-28



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	2894 Bank Street & 1648 Rosebella
Legal Description:	Lots 499 to 501, Part of Lots 566 to 568, Registered Plan 326, Geographic Township of Gloucester
File No.:	D08-01-24/B-00144
Report Date:	August 28, 2024
Hearing Date:	September 3, 2024
Planner:	Elizabeth King
Official Plan Designation:	Outer Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning:	AM2 H(30) and R1W, & R1WW

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.

2894 Bank Street is zoned Arterial Main Street Subzone 2 H (30) and Residential First Density Subzone W, and 1648 Rosebella is zoned Residential First Density Subzone WW. The intent of the R1W and R1WW Zones is to allow residential uses to provide additional housing choices and regulating development that is compatible with the existing land use patterns while the AM2 Zone is to accommodate a range uses including residential, retail and commercial uses while imposing development standards that promote intensification while ensuring compatibility.

Staff have no concerns with the proposed consent as 2984 Bank and 1648 Rosebella have been separate properties and have since merged due to ownership. The intent of the zoning by-laws are being maintained and there is no proposed changes to the existing buildings on either property at this time.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the requested severance. The applicant should consider planting trees along Rosebella Ave to provide shade in the future, enhance the streetscape, and contribute towards the City's 40% canopy goal.

Transportation Engineering

- Please note that Bank Street has a protected Right of Way (ROW) of 44.5m per Schedule C16 of the Official Plan. On the site plan, illustrate the 44.5m ROW protection by dimensioning 22.25m from the centreline of Bank Street. Ensure building setbacks, retaining walls, parking spaces, etc. do not conflict with the ROW widening requirement. Dedicate the ROW widening to the City.
- Also dedicate a corner triangle measuring 3m x 9m with the 3m dimension on the local street (Rosebella Avenue) and 9m on the arterial street (Bank Street). The corner triangle is to be measured from the new Bank Street property line (i.e., ROW widening).
- Exceptions to ROW widening will only be contemplated if there are impacts to existing retained structures.

CONDITIONS

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

1. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates**, 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.
2. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **Development Review All Wards Manager Branch within Planning, Development and Building Services Department, or their designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

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;
 - a. “The property is located next to lands that have an existing source of environmental noise (arterial road, and airport, etc) and may therefore be subject to noise and other activities associated with that use”
 - b. The Agreement shall be to the satisfaction of Development Review All Wards Manager **of the Development Review All Wards Branch within Planning, Development and Building Services Department, 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 **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, 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 **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
5. That the Owner convey a 3m x 9m corner sight triangle located at the intersection of Bank and Rosebella 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 Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
6. 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 9.25 meters from the existing centerline of pavement/the abutting right-of-way along Rosebella, 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.

7. 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 22.25 meters from the existing centerline of pavement/the abutting right-of-way along Bank St, 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.

Should an existing building be within the road widening the requirement for taking that part of the road widening may be waived by the Director, Planning Services or their delegate.



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