



City of
Ville d' **Ottawa**

September 8, 1998

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Department of Urban Planning and Public
Works

Ward/Quartier
OT8 - Mooney's Bay

- Planning and Economic Development Action
Committee / Comité de l'urbanisme et de
l'expansion économique
- City Council / Conseil municipal

Zoning - 3735-55, 3860 Riverside Drive, 3750 Bowesville Road

Zonage - 3735-55, 3860, promenade Riverside, 3750, chemin Bowesville

Recommendation

That an amendment to the Zoning By-law, 1998 for 3735-55 Riverside Drive and 3750 Bowesville Road from CE F(1.0) to a new CE F(1.0) exception zone and for 3860 Riverside Drive to amend the CE [353] H(137 A.S.L.) exception zone be APPROVED, as detailed in Document 3.

September 10, 1998 (12:59p)

E. M. Robinson
Commissioner of Urban Planning
and Public Works

RS:rs


Contact: Bob Spicer - 244-5300 ext. 1-3858

September 10, 1998 (2:08p)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

N/A.


September 10, 1998 (10:28a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

The subject area, located in the Hunt Club Neighbourhood in the south part of Ottawa (as shown on Document 1-Location Map), includes three properties: 3860 Riverside Drive, currently vacant but intended for a future high-tech business park; Cognos Inc. at 3735-55 Riverside Drive; and, the Tudor Hall at 3750 Bowesville Road. These lands are designated as a Secondary Employment Centre (SEC) on Schedule A-Land Use of the Official Plan. The Cognos and Tudor Hall sites are zoned CE F(1.0)-Employment Centre and 3860 Riverside Drive is zoned CE [353] H(139 A.S.L.), the exception, among other items, allowing up to 60,385 square metres of commercial gross floor area.

The applicability of the SEC designation is one of the issues being addressed in the Hunt Club Neighbourhood Plan study currently underway. A draft Official Plan Amendment (OPA) and rezoning to remove the SEC from the subject lands (on the basis that the minimum SEC criteria appeared to be difficult to achieve) was circulated for public and technical comment. As a result of the concerns raised by some of the affected and nearby commercial property owners (see Document 4) this draft amendment was reevaluated. The reevaluation, taking into account the long-term development intentions of the property owners involved, confirmed that the subject area has the development potential under the existing zoning to meet the minimum criteria for a SEC in the future. Accordingly, the draft OPA to remove the SEC will not be pursued.

However, there remains some outstanding issues with the existing CE zoning of the lands. In the approval of the new Zoning Bylaw earlier this year, City Council granted 3860 Riverside Drive an exception to the provisions of the CE zone that establishes a maximum number of parking stalls for office uses. The rationale was that a high-tech office park was being planned which had a parking requirement that exceeded the maximum permitted under the CE zoning. Following the approval of the new Zoning By-law, an appeal was filed on behalf of Cognos to remove this maximum parking provision for their site.

Consequently, as City Council has established a policy direction for this SEC by granting the parking exception to 3860 Riverside Drive, the same exception should be granted to Cognos

and Tudor Hall as they form part of the same SEC. The proposed zoning change will also resolve the zoning appeal filed on behalf of Cognos. It is being brought forward at this time in order to accommodate future expansion plans for the Cognos site.

Two other minor zoning changes are proposed to address other concerns with these CE zones. The Tudor Hall is classified as a public hall, which is a conditional use that must be in the same building or on the same lot as a permitted use in the zone and must not exceed an equivalent amount of gross floor area of a permitted use. The Tudor Hall is considered to be a legally non-conforming use because it is not on the same lot as a permitted use. Nevertheless, in accordance with Official Plan policies, SECs are to have a mix of uses and the Tudor Hall forms part of a larger SEC that consists and will consist of primarily office type uses. As such, this use helps to satisfy one of the SEC criteria and should be recognized as a permitted use in the zone.

The other proposed change is to the exception for 3860 Riverside Drive, which among other matters, prohibits all residential uses except for retirement homes. This property is within the Airport Operating Influence Zone in which new residential and other noise-sensitive development is to be prohibited. Accordingly, the exception is proposed to be amended to prohibit all residential uses.

Environmental Impact

The subject sites have not been identified as being within the Greenway System, nor were they identified as Candidate Areas through the City's draft Natural and Open Spaces Study (NOSS). Consequently, a Municipal Environmental Evaluation Report (MEER) is not required to address the zoning changes.

However, 3860 Riverside Drive immediately abuts the Uplands/Riverside Park Woods. This woodlot ranked HIGH for Environmental Values and consequently was placed within NOSS Category 1, thus supporting the Environmentally Sensitive Area (ESA) designation currently on the site. The ultimate boundary of this ESA will be determined through the MEER to be prepared for the Hunt Club Neighborhood Plan, currently in progress. It should be noted that any development proposed on this site would be subject to the standards recommended through the draft NOS Study. For this particular site, the applicable standard would be:

- an environmental impact study would be required for any development proposed within 50 meters of the Uplands/Riverside Park Woods.

Consultation

All property owners and tenants within 120 metres of the subject properties were circulated for their comments. Concerns raised in the 26 responses included loss of green space; prefer residential; no residential; traffic; pollution and no commercial uses or business park close to the

residential area. Please see Document 4 - Consultation Details for additional information on the consultation process.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the owners: Cognos, Taggart Realty Management and Tudor Hall (see mailing list) ; and the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

Office of the City Solicitor to forward the implementing by-law to City Council

Department of Urban Planning and Public Works to prepare and circulate the implementing zoning by-law.

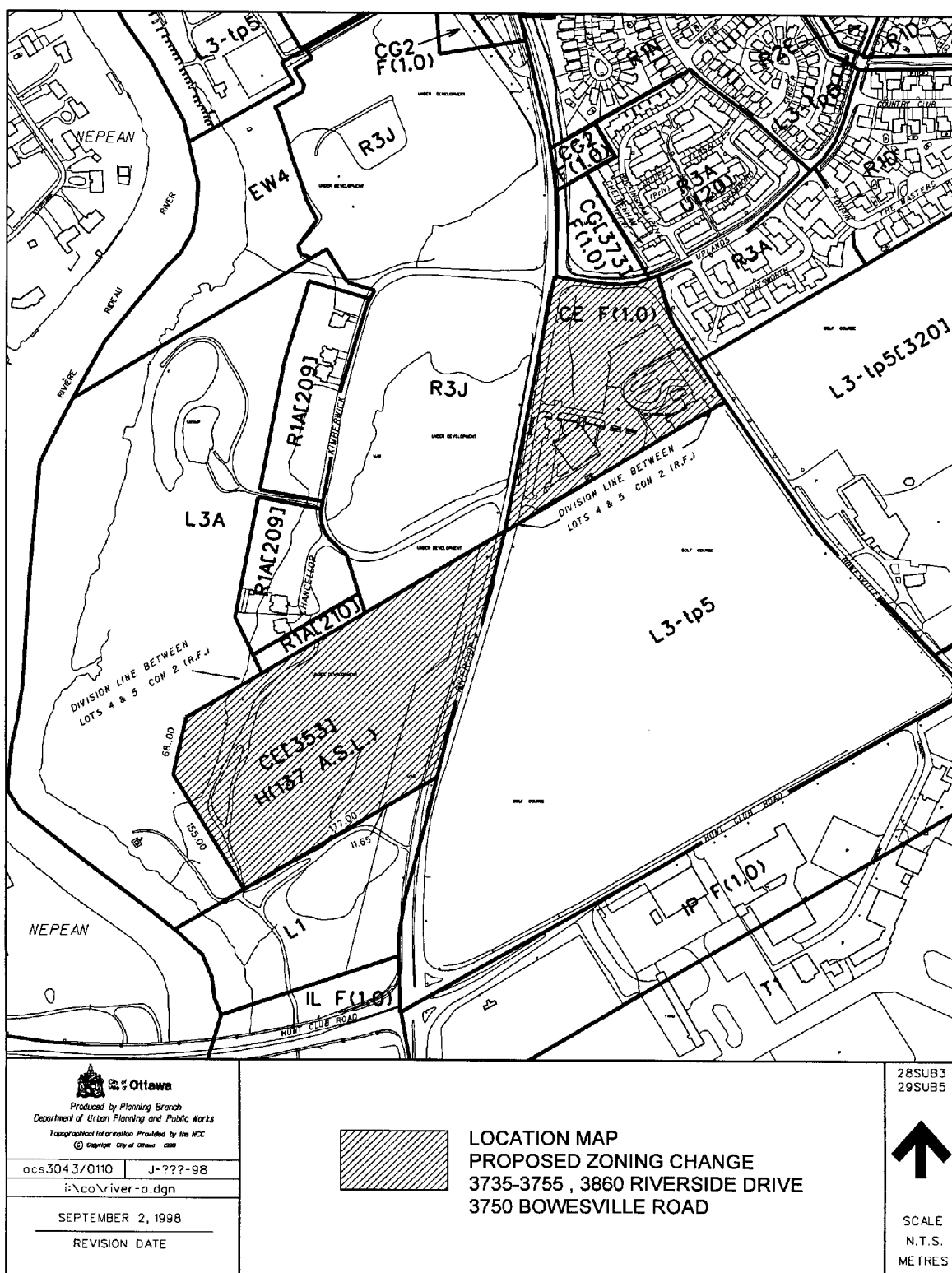
List of Supporting Documentation

Document 1 - Location Map
Document 2 - Explanatory Note
Document 3 - Zoning Details
Document 4 - Consultation Details

Part II - Supporting Documentation

Location Map

Document 1



THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -98

By-law Number -98 amends Zoning By-law, 1998, the City's Comprehensive Zoning By-law.

The subject area is located in south Ottawa north of Hunt Club Road and south of Uplands Drive along and nearby to Riverside Drive as identified on the attached location map. The area consists of three properties - 3735-55 and 3860 Riverside Drive and 3750 Bowesville Road.

The proposed zoning amendments will:

1. For 3735-55 Riverside Drive and 3750 Bowesville Road :
 - remove the provision limiting parking for office uses in order to have the same exception as 3860 Riverside Drive since all the properties form one Secondary Employment Centre;
 - establish a public hall as a permitted use instead of a conditional use in the zone in order to recognize the existing Tudor Hall and to help satisfy the Official Plan mixed use criteria for Secondary Employment Centres.
1. For 3860 Riverside Drive:
 - a) prohibit all residential uses, including retirement homes, because the property is within the Airport Operating Influence Zone where new residential uses are to be prohibited.

ZONING BY-LAW PROVISIONS

Current Zoning

1. (3735-55 Riverside Drive and 3750 Bowesville Road)

The current zoning is CE F(1.0). This is an employment centre zone. The purpose of the CE zone is to ensure that uses which generate moderate levels of employment locate in areas designated as Secondary Employment Centre in the Official Plan. The F(1.0) indicates that the permitted floor area is based on one times the gross floor area of the lot.

2. (3860 Riverside Drive)

The current zoning is CE [353] H(137 A.S.L.) The exception allows a day care and parking lot as additional permitted uses; prohibits all residential uses except retirement homes; limits commercial uses to 60,385 square metres in gross floor area; establishes a minimum setback of 6.0 metres from a public street for any portion of a building located above a parking structure; and, removes any restriction on the maximum number of parking spaces which may be provided. The H(137 A.S.L.) indicates that the maximum height of buildings is 137 metres above sea level.

Recommended Zoning

1. (3735-55 Riverside Drive and 3750 Bowesville Road)

The recommended zoning is CE F(1.0) [EX]. This exception to the parent CE zone will remove any restriction on the maximum number of parking stalls which may be provided and makes a public hall a permitted use.

2. 3860 Riverside Drive)

The recommended zoning is CE [353] H(137 A.S.L.). An amendment to exception [353] will prohibit all residential uses.

For further information on the proposed amendment, please contact Bob Spicer at 244-5300, ext. 1-3858.

ZONING DETAILS

Document 3

CE - EMPLOYMENT CENTRE PROVISIONS

1. CE F(1.0) [EX] - 3735-55 Riverside Drive, 3750 Bowesville Road

That the provisions of the CE - Employment Centre zone apply except as amended by the following:

- a) There is no restriction on the maximum number of parking spaces which may be provided.
- b) A public hall is a permitted use.

2. CE [353] H(137 A.S.L.) - 3860 Riverside Drive

That exception [353] be amended to prohibit retirement homes along with all other residential uses.

CONSULTATION DETAILS

PUBLIC INPUT

Notification and consultation took place in the form of a circulation letter to all property owners and tenants within 120 metres of the affected properties. The original technical and public circulation was for an Official Plan Amendment to remove the Secondary Employment Centre designation. The accompanying proposed rezoning was from CE-Employment Centre to CG2-General Commercial, which is the appropriate zone for non-residential uses in a Residential Area designation, the CG2 prohibiting residential uses because of airport noise affecting 3860 Riverside Drive. The rationale for this proposed OPA and zoning change at that time was that the subject lands appeared to not be able to meet the minimum 2,000 employee requirement and other criteria for a SEC and the lands did not appear to fit any other land use designation other than Residential Area. However, since then further information has shown that there is SEC potential. The comments received pertain to this circulation.

A total of 26 written responses were received from the public, 13 against, 13 in favour of the OPA and rezoning. The following is a summary of the comments:

1. Concerned about loss of green space, traffic, pollution.
2. Would prefer residential/senior's residence/grocery store/indoor swimming pool available to the community as part of the business park.
3. Do not want any apartment buildings or other residential development.
4. Do not want any commercial intrusion (e.g. strip mall, business park) close to residential area.
5. Do not want to overlook garbage area or parking lots or have large lighted signs.
6. Leave as SEC.

Response

1. The proposed amendments would not have resulted in any additional traffic than could be generated by the existing zoning. The subject lands are development parcels that are not part of the City's open space system; the Uplands-Riverside Park has been dedicated along the Rideau River; and, neither the existing nor the proposed zoning allows heavy, polluting industry.
- 2./3. Residential uses must be prohibited in areas within the Airport Operating Influence Zone, which includes 3860 Riverside Drive. The owners of the other parcels have never intended to provide residential uses and the existing zoning does not permit them. The existing/proposed zoning permits retail and retail food stores and recreational and athletic facilities, although the property owners have not indicated that these uses would be included in their developments.

- 4./5. 3860 Riverside Drive have been designated and zoned for commercial uses prior to the residential area to the north being developed. At the site plan control approval stage appropriate screening and buffering and site layout can be used to minimize the impact on the adjacent residential area. Signs are controlled by the signs by-law.
6. The applicability of the SEC designation for these lands was reevaluated as a result of the review of the technical, public and property owner circulation comments.

OTHER INPUT

Ottawa Airport Authority

The Ottawa Airport Authority was concerned with a Residential Area designation could give a misconception that residential uses are permitted even though the implementing zoning would prohibit them. The Airport Operating Influence Zone (AOIZ), which includes 3860 Riverside Drive, was developed to eliminate the confusion over the land use and design requirements to address aircraft noise contained in various planning documents. To designate lands within the AOIZ as residential would be inconsistent with the underlying principles of the AOIZ.

Taggart Realty Management

Taggart Realty Management stated that ultimately they want to develop their site at 3860 Riverside Drive to its full potential under the SEC designation and permitted by the existing zoning (which allows a maximum of 60,385 square metres of commercial gross floor area). Removal of the SEC designation would at best to have a significant adverse impact on the longer term development plans and potentially could negatively affect the current short term marketing plans.

David Donaldson (representing Newill Corporation, owner of 4070 Riverside Drive)

It is their (Taggart, Airport Authority and Donaldson) opinion that these proposed changes to remove the SEC would be detrimental to the owners' joint efforts to promote the SEC as an important development node with complementary low to medium profile employment based developments which include an appropriate mix of commercial uses.

Response

After reviewing the comments from the property owners and the Airport Authority, the original proposal to remove the SEC designation was reevaluated. The Airport Authority raised a valid concern that a Residential Area designation, even though residential uses would be prohibited in the zoning, could be seen to be unclear and inconsistent with the principles of the AOIZ. This was evident from the public input which demonstrated a lack of understanding of the concept of non-residential uses in a Residential Area.

Furthermore, the long-term intentions of the owners of 3860 Riverside Drive to realize the full development potential permitted under the existing zoning would allow the SEC criteria to be achieved in the future. Consequently, the OPA to remove the SEC was withdrawn from consideration and the zoning change proposed in this submission now is limited to the removal of the parking cap for office uses on the Cognos site, making Tudor Hall a permitted instead of a conditional use, and removing the provision for retirement homes on the 3860 Riverside Drive site.