

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	14-99.0034
DATE	16 May, 2000
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	CITY OF GLOUCESTER OFFICIAL PLAN AMENDMENT 31 - REQUEST BY URBANDALE CORPORATION FOR COMMERCIAL USE AT THE NORTHEAST QUADRANT OF RIVER ROAD AND ARMSTRONG ROAD IN THE SOUTH URBAN CENTRE

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve Gloucester Official Plan Amendment 31 and request the Regional Clerk to issue the ‘Notice of Decision’ attached as Annex A.

INTRODUCTION

Urbandale Corporation has applied to the City of Gloucester to redesignate 4.4 ha of land at the northeast quadrant of Armstrong Road and River Road from “Residential” to “Commercial” to enable the development of new commercial retail site facilities. The City of Gloucester adopted Local Official Plan Amendment 31 (LOPA 31) on 28 March 2000.

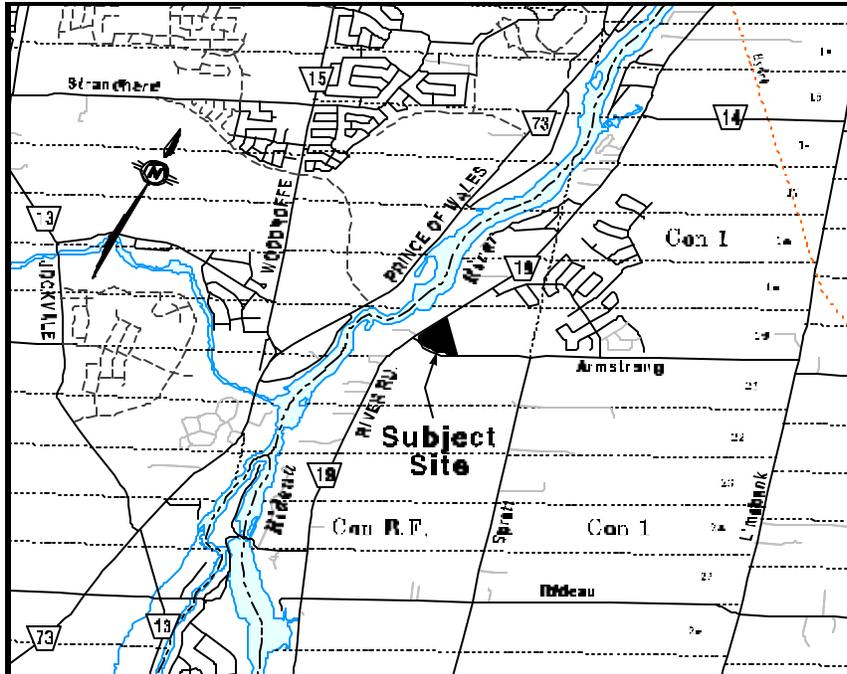
The Regional delegation by-law requires that all disputed local Official Plan amendments be brought before the Planning and Environment Committee for consideration. A disputed application requires ‘Approval’ or ‘Refusal’ by Regional Council. LOPA 31 is being disputed by a number of parties and the issues/concerns raised are discussed in the report. The correspondence from the parties opposed to LOPA 31 is attached as Annex C.

Regional staff are recommending that the proposed amendment be approved.

THE AMENDMENT

LOPA 31 is a site specific amendment to change the designation of part of lot 20 Broken Front Concession (Rideau Front) from “Residential” to “Commercial”. The site comprises approximately 4.4 ha (10.9 ha) which will yield approximately 9,300 sq. m. (100,100 sq. ft.) of commercial space.

LOCATION



BACKGROUND

In 1992, Gloucester Council adopted Local Official Plan Amendment No. 3 (LOPA 3) for the South Urban Centre (SUC). As supporting documentation for LOPA 3, the City and the major land owners (Urbandale Corporation and Richcraft South Growth Inc.) contributed to an overall concept plan for the community. This concept plan has formed the basis of development in the Gloucester portion of the SUC.

To date, all development proposals in the SUC have been following the principles established in LOPA 3 and the concept plan. The concept plan shows the subject area as residential with a small highway commercial area (0.28 ha) at the northeast intersection of River Road and Armstrong Road. Gloucester’s Official Plan provides for limited highway commercial uses in “Residential” designations without a need for an amendment. Highway commercial uses are intended to be low density uses which serve the travelling public, for example automotive users or tourist accommodations. The applicant wishes to significantly increase the amount and type of commercial uses permitted at this intersection and has asked to be designated for neighbourhood commercial uses; for example retail, restaurant, etc.

The approved concept plan identifies a small highway commercial site in this area. Urbandale has indicated that they see a limited market demand for small scattered development sites and therefore would like to consolidate all the proposed highway commercial areas into a large expanded commercial site at Armstrong and River Roads.

The approved Concept Plan identifies a Neighbourhood Commercial site at the south west quadrant of Spratt Road and Armstrong Road which is in proximity to the subject site. The applicant's retail market analysis indicates potential for additional commercial lands in the Gloucester SUC and Leitrim trade area. Gloucester is proposing, in LOPA 31, to expand the subject site at Armstrong and River Road for commercial development and retain the previously designated commercial areas.

The Gloucester passed zoning By-law 222-557 of 2000 to establish the expanded commercial uses on the property. The By-law has been appealed to the Ontario Municipal Board.

LOPA 31 conforms to the Regional Official Plan.

DISCUSSION

LOPA 31 is being contested by Nick Sala in Trust who owns property on Spratt Road that is designated Neighbourhood Commercial in the Gloucester Official Plan. The Honey Gables Community Association, Anita Mellow, representing her mother, Mrs Olga Volk and Alina Main have also indicated that they oppose LOPA 31. Mr Sala and the Honey Gables Community Association have appealed the zoning by-law to establish the community commercial zoning on the property. The reasons for the appeal to the zoning by-law are as follows:

1. CONFLICT WITH THE OFFICIAL PLAN AND CONCEPT PLAN

The Council of the City of Gloucester erred in permitting a rezoning which is in conflict with the City Official Plan (OPA 3) and the Concept Plan adopted by the City of Gloucester in 1992. The Council of the City of Gloucester erred in permitting the creation of a new neighbourhood commercial facility at River Road which will have a direct impact on the viability of planned commercial facilities at the Spratt Road site and the core area (town centre).

Staff Response

The City of Gloucester has concluded that the conversion of 4.4 ha of land to allow for Community Commercial uses at this location, does not jeopardize the longer term objectives for the Neighbourhood Commercial site or "Town Centre" lands as expressed in LOPA 3 to the City's Official Plan . Gloucester wishes to permit the commercial designation in this location to meet the long term commercial demands of this growing community, provide necessary competition, and offer a wide variety of commercial uses to sustain a healthy community. Gloucester anticipates that both this site and the other commercial sites within the community can be developed once the appropriate services are in place.

2. RIVER ROAD

The Council of the City of Gloucester erred in failing to acknowledge a major shortcoming of the River Road site for which there are no widenings proposed and which has preferred parkway status.

Staff Response

The applicant has submitted a traffic impact study in support of the application. The report done by Dillon Consulting concludes that the additional traffic along River Road will be approximately 20 to 30 vehicles per hour per direction. This represents an increase of forecasted traffic volumes along River road of approximately 5% in 2008. The report indicates that the traffic volumes in 2008 will still be within acceptable levels. The issue of access to the site from River Road (which is a Regional Road) will be addressed at the site plan stage. All access to a Regional Road must meet Regional standards for safe traffic movements.

3. WATERFRONT LOCATION

The Council of the City of Gloucester erred failing to consider that the proposed commercial development was not compatible with waterfront parkland in close proximity with it.

Staff Response

The site is adjacent to Waterfront Open Space (on the opposite side of River Road) and is located along a scenic Route designated in the Regional Official Plan. The issue of aesthetics will be addressed when the site plan for the site is submitted for review and approval. Urbandale has indicated that they will be providing landscaping to ensure that the site create a favourable impression along the Scenic Route. They have prepared a preliminary conceptual site plan which shows the River Road portion of the site will have landscaping to limit the impact of the development on River Road and to complement the park on the opposite side of River road.

4. IMPACT ON THE ADJACENT COMMUNITY

The Council of the City of Gloucester erred in failing to take into account the significant impact on the adjacent residential community and the evidence that the community was not in favour of the amendment to community commercial at this site since there already was a commercial site identified in the LOPA 3 and the Concept Plan.

Staff Response

The City of Gloucester has concluded that based on the market study completed for Urbandale there is potential for more commercial development than provided in LOPA 3 or the Concept Plan. The City has concluded that the redesignation of the site from “Residential to “Commercial” is necessary to meet the long term commercial demands of this growing community.

In addition to the points raised in the zoning appeal Anita Mellow has raised the following concerns with LOPA 31:

A. IS COMMERCIAL COMMUNITY ZONING APPROPRIATE GIVEN THE SCENIC ROUTE AND HERITAGE DESIGNATION?

The upcoming Strandherd and Armstrong Road bridge plan across the Rideau River and the intersection of River Road lend itself to tourist oriented services versus the proposed mall to service community needs. Caution must be exercised due to the sensitivity of the Armstrong and River Road intersection as to the appropriate and allowable uses.

Staff Response

River Road is designated as a scenic route in the Regional Official Plan. The intent of the Scenic Route designation is not to limit the use of land but to ensure that when development applications are reviewed the issue of aesthetics is addressed. As noted in point 3 above, Urbandale intends to have landscaping to limit the impact of the development on River Road and to complement the park on the opposite side of River road. The issue of aesthetics will be addressed when the site plan for the development is reviewed.

B. WHAT IS THE LONG TERM VIABILITY OF THIS PROPOSED COMMERCIAL SITE?

Once the bridge is built the site will be land locked due to the proximity to the Armstrong Road and River Road intersection which will limit the ability to install median breaks to gain access to the site.. The Region has anticipated that median breaks will be dangerous or not advantageous. The long term commercial viability at this intersection is questioned.

Staff Response

The Region has indicated to Urbandale that it is not prepared to incorporate a median break on Armstrong Road into the design of Armstrong Road but the issue of whether or not a median break will be permitted, for any commercial site, will be considered at the time of site plan approval. The land will not be land locked in that it is anticipated that there will be a median break on Armstrong Road to allow all turning movements. If and when a median is installed on River Road (after the traffic light at River Road and Armstrong road are installed) access may be restricted to a right in right out turning movement. Again this will be assessed during the site plan process.

CONSULTATION

The City of Gloucester held a public meeting as required under the Planning Act for LOPA 31. All those who requested to be kept informed have been notified of this meeting.

FINANCIAL IMPLICATIONS

Staff may be required to attend an Ontario Municipal Board Hearing if the LOPA 31 is appealed.

Approved by

N. Tunnacliffe, MCIP, RPP

ANNEX A

(to be completed after Council decision)

Date: 15 June, 2000
Regional File: 14-99-0034
Contact: Myles Mahon

Applicable Planning Act: **Bill 20**

Ms Michele Giroux
City Clerk
City of Gloucester
1595 Telesat Court
Gloucester, ON K1G 3V5

Dear Ms Giroux

**Re: Amendment No. 31
Local Official Plan Amendment
City of Gloucester**

In accordance with Section 17(35) of the Planning Act, you are hereby notified of the Regional Council's decision to approve, under authority assigned to Regional Council by the Ministry of Municipal Affairs and Housing, Amendment 31 to the Official Plan of the City of Gloucester.

PURPOSE OF THE AMENDMENT

The purpose of Amendment to change the designation of part of Lot 20 Broken Front Concession (Rideau Front), at the corner of Armstrong and River Road, from "Residential" to "Commercial". The site comprises approximately 4.4 ha (10.9 ha) which will yield approximately 9,300 sq. m. (100,100 sq. ft.) of commercial space.

INFORMATION

Information on Amendment 31 can be obtained from the Regional Planning and Development Approvals Dept. at the above-noted address (attention: "Myles Mahon" at 560-6058, extn. 1592) or the City of Gloucester Community Development Dept. at 1595 Telesat Court, Gloucester, Ontario K1G 3V5 (attention: Grant Lindsay 748-4254).

NOTICE OF APPEAL

Pursuant to Section 17(36) of the Planning Act, any person or public body may, not later than 4:30 p.m. on 5 July 2000, appeal the decision by filing a notice of appeal to Amendment 31 with the Regional Planning and Development Approvals Department. Such appeal must identify, in writing, which section(s) is/are being appealed and the reasons for doing so. All appeals must also be accompanied by

a certified cheque in the amount of \$125.00 (to the Minister of Finance, Province of Ontario) to cover the Ontario Municipal Board's prescribed fee.

If no notice of appeal is received before or on 5 July, 2000, the decision of Regional Council is final and Amendment 31 will come into effect on 6 July, 2000.

Please note that only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may not be made by an unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or group on its behalf.

RELATED PLANNING APPLICATIONS

The lands to which Amendment 31 applies are also the subject of a rezoning, By-law 222-557 of 2000.

Dated 15 June 2000.

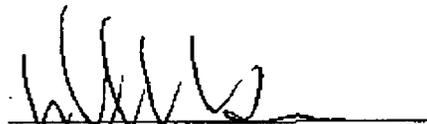
Sincerely

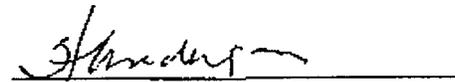
L. Paterson, MCIP, RPP
Director

c.c.: Local Municipal Planning Department
Paul Van Steen, Urbandale Corporation
Nick Sala, Saldev
Jim Caldwell, Honey Gables Community Association
Alina Main
Anita Mellow

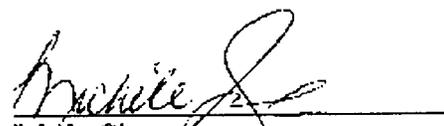
AMENDMENT NUMBER 31
TO THE OFFICIAL PLAN FOR THE
CITY OF GLOUCESTER

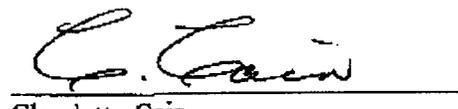
The attached explanatory text constituting Amendment Number 31 to the Official Plan of the City of Gloucester, was recommended to the Council of the City of Gloucester by the City of Gloucester Planning Advisory Committee under the provisions of Section 17 and Section 21 of the Planning Act, on the 21st day of March, 2000.


Chairman,
Planning Advisory Committee


Secretary,
Planning Advisory Committee

This Amendment Number 31 was adopted by the Council of The Corporation of the City of Gloucester by By-law Number 56 of 2000 in accordance with Sections 17 and 21 of The Planning Act, R.S.O. 1990 on the 28th day of March, 2000.


Michèle Giroux
City Clerk


Claudette Cain
Mayor

THE CORPORATION OF THE CITY OF GLOUCESTER

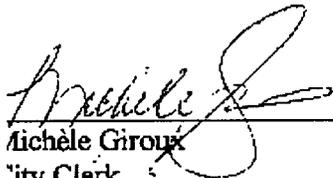
BY-LAW NUMBER 56 OF 2000

Entitled, "A By-law to approve Amendment Number 31 to the Official Plan for the City of Gloucester Official Plan".

The Council of the Corporation of the City of Gloucester hereby enacts as follows:

1. Amendment Number 31 to the City of Gloucester Official Plan consisting of the attached explanatory text and Schedule "A" is hereby adopted.
2. The City Clerk is hereby authorized and directed to make application to the Regional Municipality of Ottawa-Carleton for approval of Amendment Number 31 to the City of Gloucester Official Plan.
3. This By-law shall come into force and take effect on the day of passing.

PASSED AND GIVEN under the Hands of the Mayor and City Clerk and the Seal of the Corporation of the City of Gloucester this 28th day of March, 2000.

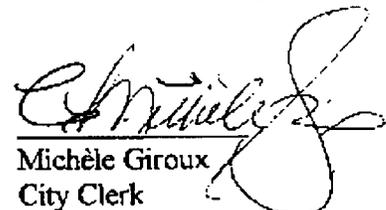


Michèle Giroux
City Clerk



Claudette Cain
Mayor

hereby certify that the above is a true copy of By-law Number 56 of 2000 as enacted by the Council of the City of Gloucester on the 28th day of March, 2000.



Michèle Giroux
City Clerk

**STATEMENT OF NOTICE REQUIREMENTS
FOR OFFICIAL PLAN AMENDMENT NO. 31
OF THE CITY OF GLOUCESTER**

We, Heather Anderson, the Secretary of the Planning Advisory Committee and, Michèle Giroux, the City Clerk of the Corporation of the City of Gloucester, certify that:

1. Notice of the public meeting pursuant to Section 17 of The Planning Act, R.S.O. 1990 has been given in the manner and containing the information prescribed:
 - i) to every owner of land within 120 metres of the area to which the proposed Official Plan Amendment applies,

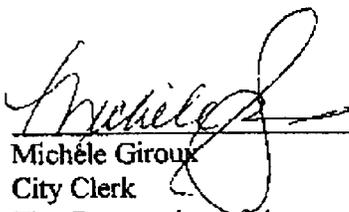
as shown on the last revised assessment roll of the municipality, at the address shown on the roll, and to all other required persons and agencies as per Regulations 198/96.
 - ii) posting of notice of meeting in a location that is clearly visible and legible from a public highway or other place to which the public has access.

2. A public meeting in respect of the proposed Official Plan Amendment was held on March 21, 2000, at the City of Gloucester Council Chambers, 1595 Telesat Court, P.O. Box 8333, Gloucester, Ontario K1G 3V5.

Dated at Gloucester, Ontario, this 22nd day of March, 2000.



Heather Anderson
Secretary
Planning Advisory Committee



Michèle Giroux
City Clerk
The Corporation of the
City of Gloucester

APPROVAL PAGE

AMENDMENT NUMBER 31 TO THE OFFICIAL PLAN
FOR THE CITY OF GLOUCESTER

**REGIONAL APPROVAL PAGE - PLEASE INSERT
PROPER TEXT**

AMENDMENT NO. 31 TO THE
OFFICIAL PLAN OF THE
CITY OF GLOUCESTER

**AMENDMENT NUMBER 31 TO THE OFFICIAL PLAN FOR
THE CORPORATION OF THE CITY OF GLOUCESTER**

STATEMENT OF COMPONENTS

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT consisting of the attached explanatory text and map (designated Schedule "A") constitute Amendment Number 31 to the Official Plan for the City of Gloucester.

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PART A - THE PREAMBLE

PURPOSE

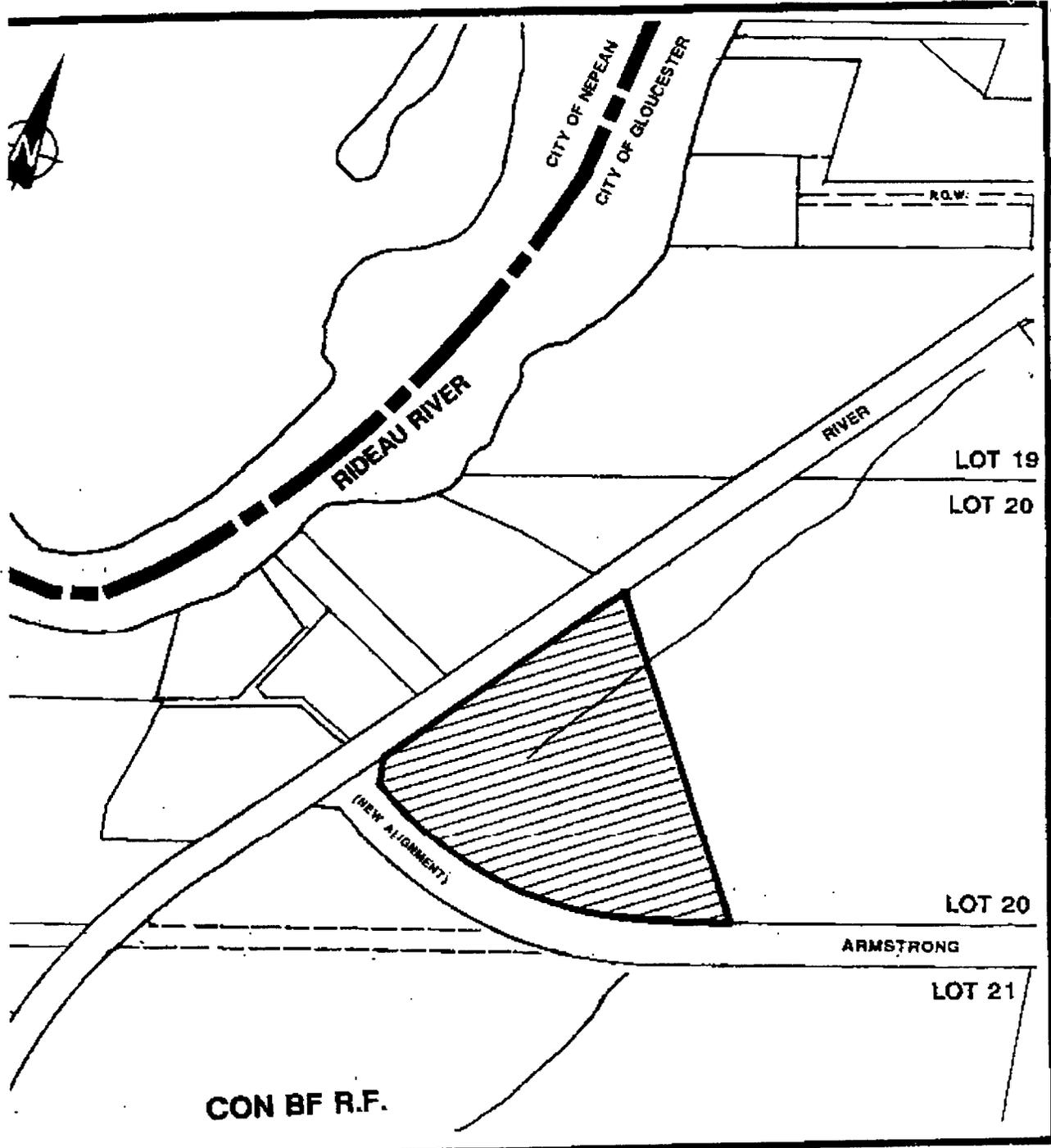
The purpose of this amendment is to redesignate a parcel of land in the Gloucester portion of the South Urban Community (SUC) from "Residential" to "Commercial".

LOCATION

The land affected by this amendment is located in the northeast quadrant of the intersections of River Road and Armstrong Road (new alignment). Part of Lot 20, Broken Front Concession (Rideau Front).

BASIS

The proposal to redesignate the subject lands from 'Residential' to 'Commercial' has been requested by the applicant to enable the development of a new commercial retail site. The applicant has requested redesignation of a site at the northeast quadrant of Armstrong and River Roads. The proposed land area is approximately 4.4 ha. (10.9 ac.), which will yield approximately 9,300 sq.m. (100,100 sq.ft.) of commercial space.



|||||

Lands to be Redesignated
from "Residential"
to "Commercial"

Terres dont la
désignation "résidentiel" doit
être remplacée par la
désignation "commercial"

FILE: DP-146-38

CITY OF GLOUCESTER
Official Plan
Amendment No. 31



Schedule A

Excerpt from Schedule A-5 Plan of Land Use
Official Plan of the City of Gloucester (MODIFIES OPA# 3)

Scale: 1:5,000

Date: MARCH, 2000

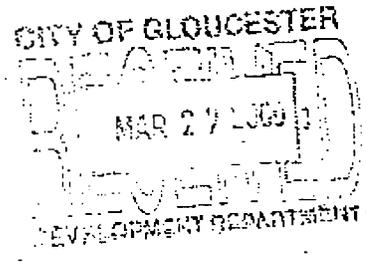
PREPARED BY: COMMUNITY DEVELOPMENT DEPARTMENT

March 24, 2000 DP11

ANNEX C

Honey Gable Development Association
6 Honey Gable
Gloucester, Ontario
K1V 1H5

City of Gloucester
Mayor's Office
1595 Telesat Court
Gloucester, Ontario
K3G 3V5



By Fax: 748-4354

Attention: Ms. Claudette Cain, Mayor

Dear Ms. Cain:

Re: Proposed Rezoning of Residential Lands to Commercial in the South Urban Community

As president of the Honey Gable Development Association, I am writing to inform you that the vast majority of the Honey Gable Community is very much opposed to the rezoning of residential lands to commercial at River Road/Armstrong Road.

In addition, it is my opinion that it is not right for the planning committee to recommend commercial rezoning for the area north of Armstrong Road without having a public meeting to address what will happen for the area south of Armstrong Road.

I trust that the votes of the Honey Gable Development Association will not go unnoticed.

Yours truly,

James Caldwell
President, Honey Gable Development Association

- | | | |
|-------------------------|-------------------|------------|
| c.c. City of Gloucester | Mr. R. Denis | (748-4314) |
| | Mr. M. Deny | (748-4314) |
| | Mr. R. Bloass | (748-4314) |
| | Mr. K. Vowles | (748-4314) |
| | Ms. P. Clark | (748-4314) |
| | Mr. G. Barrett | (748-4314) |
| | Ms. Sandra Candow | (748-4352) |

Sala

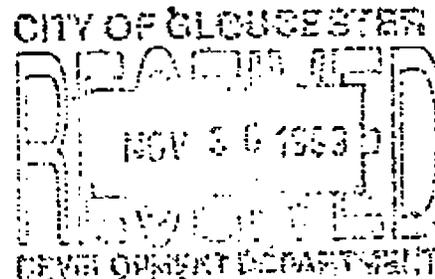
Group of Companies

Sala Developments
P.O. Box 16039
Ottawa, Ontario
K2C 3S9

Letter of Objection

November 29, 1999

City of Gloucester
Development & Planning Department
1395 Telesat Court
Gloucester, Ontario K3G 3V5
Attention: Rene Denis, Chairman of Planning Committee



Re: Application by Urbandale Corp. to amend the City of Gloucester's Official Plan and Zoning By Law

Dear Rene Denis:

The Official Community Plan for the South Urban Development Community has been approved by council and been in effect since 1992. This requested zoning change from Residential to Commercial at the River Rd./ Armstrong intersection by Urbandale Corp. is strictly defiant to what the local residents want, and contradicts the direction set forth by council and its planners over the past 10 years. Establishing a commercial centre of this or any magnitude on the SW corner of the South Urban Community would have a devastating negative impact on any chance for the Activity Node becoming a reality in the foreseeable future or ever becoming the commercial focal point. Diverting traffic patterns away from River Rd. has always been the goal for the City Planners and current residents, Urbandale Corps proposed amendment will forever crush these plans.

An approximate 3 million dollars of taxpayers money has already been spent on studies, planning and overseeing for the Official Community Plan set forth in 1992. By allowing such drastic amendment it opens the door for much second guessing and irresponsible use of taxpayer money.

The designated Open Space directly to the NW of this proposed amendment is most certainly going to become the first Parkland for the initial phases. Allowing a commercial zoning in close proximity to Parkland is not sensible; the City of Gloucester must strive to accommodate its residents with the most enjoyable and safest settings for its Parkland. Allowing this amendment compromises the people's safety and standard of life.

Sala Developments has developed properties in the City of Nepean, and we are currently working very closely with the City Of Cumberland on a subdivision plan consisting of 205 mixed residential lots. Accommodating the needs of the community has always been at the forefront of any development we proceed with. We have been involved with the planning of the South Urban Community from the very beginning and we hold a variety of designated residential, commercial, institutional and industrial lands throughout the area.

On the 16th day of September 1992, council at the City of Gloucester established and approved the Neighborhood Commercial to be located at the Armstrong/Spratt Road intersection. And is intended to accommodate a range of retail and office uses to serve the initial phases of development within the westerly portion of the community. We feel there is no legitimate reason for the City of Gloucester to deviate from the current commercial zonings, and make no exception especially for

Saldev

Group of Companies

November 29, 1999

Page 2

the preposterous amendment requested by the Urbandale Corp. We intend on being very active in the process of doing what is best for South Urban Community and the City of Gloucester taxpayers.

Sincerely,



fr: Nick Sala

1595 Telesat Court
P.O. Box/C.P. 8333
Gloucester, Ontario K1G 3V5
Tel: (613) 748-4103
Fax: (613) 748-4147

Department/Département: Corporate Services
Division: Legislative Services

File/Dossier: DP127-99-28
Your File/Votre Dossier:
Subject/Objet: Appeal(s) to Zoning By-law



April 26, 2000

Mr. P. Van Steen, Vice-President
Urbandale Corporation
2193 Arch Street
Ottawa ON K1G 2H5

Dear Mr. Van Steen:

**Re: Rezoning By-law No. 222-557 of 2000
NE quadrant of River Road and Armstrong Road**

On March 28, 2000, Council passed By-law No. 222-557 of 2000. Copies of this by-law were circulated as required by pre-paid first class mail on April 4th, 2000 and the last date for filing objections was the 25th day of April, 2000. Two (2) letters of objection have been received to lodge appeals on behalf of Nick Sala in trust and the Honey Gables Development Association. No letters of support have been received.

The next step in the process is to ask Council to confirm their approval of the By-law at an upcoming Council meeting. The O.M.B. application will then be sent to the Ontario Municipal Board for a hearing date.

If you have any questions concerning the above, please contact our Community Development Department at 748-4167.

Yours truly,


Michèle Giroux,
City Clerk.



/mg

c.c.:

Dave Darch, Deputy City Manager, Community Development.
Mary Jo Woollam, Regional Clerk, Regional Municipality of Ottawa-Carleton

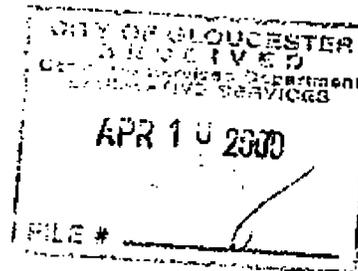
**RADNOFF
PEARL
SLOVER
SWEDKO
DWOSKIN
LLP**

Barristers
Solicitors
Notaries

Third Floor
100 Gloucester St., Ottawa, Ontario, K2P 0A4
Telephone: (613) 594-8844 Telecopier: (613) 594-9092

File No. P-3262

April 17, 2000



OTTAWA CARLE	
REGISTRATION	
Rec'd	2000-05-11
FILE #	10-00-1000
DOC I.D. #	00-1000
ACTION TAKEN	
TO	MD

VIA REGISTERED MAIL

Michele Giroux, City Clerk
Corporation of the City of Gloucester
1595 Telesat Court
P.O. Box 8333
Gloucester, Ontario
K1G 3V5

Dear Sir:

RE: Nick Sala, in trust - Notice of Appeal By-Law 222-557 of 2000

Please be advised we have been retained by Nick Sala in trust to appeal to the Ontario Municipal Board in respect of By-Law No. 222-557 of 2000 passed by Gloucester on March 28, 2000.

We enclose our cheque payable to the Minister of Finance in the amount of \$125.00 together with our Notice of Appeal.

Thank you for your attention to this matter.

Sincerely,


DAVID DWOSKIN

DYD/vb
KENNETH RADNOFF Q.C., B.COMM., LL.B.
HERBERT W. PEARL B.COMM., LL.B.
NORMAN S. SLOVER B.Sc., LL.B.
NORMAN SWEDKO B.COMM., LL.B.
DAVID Y. DWOSKIN B.ENG., M.C.P., LL.B.
PETER GENZEL M.A., LL.B.
RONALD STEIN B.A., LL.L., LL.B.
A. GAETAN BUTTIGIEG B.A. (HON.), LL.B.
BEVERLEY A. JOHNSTON B.A., LL.B.
MARNI D. MUNSTERMAN B.Sc. (Hon), LL.B.

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF Section 34(19) of the *Ontario Planning Act*, R.S.O. 1990, c. P-13 and amendments thereto,

AND IN THE MATTER OF an appeal from the decision of the Corporation of the City of Gloucester in passing By-Law Number 222-557 of 2000 re-zoning the subject lands from "HR"-Holding Residential to "HCc (E14)" - Holding Community Commercial.

BETWEEN:

NICK SALA IN TRUST

Appellant

and

**URBANDALE CORPORATION and
THE CORPORATION OF THE CITY OF GLOUCESTER**

Respondent

NOTICE OF APPEAL

TAKE NOTICE that the Appellant appeals to the Ontario Municipal Board from the decision of the Corporation of the City of Gloucester dated March 28, 2000 passing By-Law No. 222-557 of 2000 under Section 34 of the *Planning Act*, and requests that the said decision be reversed, the By-law repealed and the request by Urbandale Corporation for a zoning amendment to property located on the northeast quadrant of River Road and Armstrong Road in the City of Gloucester be refused.

THE GROUNDS FOR THE APPEAL ARE:

1. **The council of the Corporation of the City of Gloucester ("council") erred in permitting a zoning which is conflict with the City Official Plan (OPA # 3) and the Concept Plan adopted by the City of Gloucester in 1992.**
2. **Council erred in permitting the creation of a new neighbourhood commercial facility at River Road which will have a direct impact on the viability of planned commercial facilities at the Spratt Road site and the core area (town centre).**
3. **Council erred in failing to acknowledge a major shortcoming of the River Road site for which there are no widenings proposed and which has a preferred parkway status.**
4. **Council erred failing to consider that the proposed commercial development was not compatible with waterfront parkland in close proximity to it.**
5. **Council erred in failing to take into account the significant impact on the adjacent residential community and the evidence that the community was not in favour of the zoning amendment to commercial at this site since there already was a commercial site identified in the original Master Plan and the Official Plan Amendment.**

6. Repealing the By-Law will maintain the viability and integrity of the commercial core and maintain the River Road as a "secondary" road for traffic purposes and will leave the subject site with greater compatibility with the adjacent Millenium Park west of River Road.

7. The amendment is neither desirable for the appropriate development or use of the land and does not maintain the general intent and purpose of the Official Plan, the Official Plan Amendment No. 3 and the Approved Concept Plan.

DATED at Ottawa this 13th day of April, 2000.

RADNOFF, PEARL, SLOVER, SWEDKO, DWOSKIN, LLP
Barristers and Solicitors
3rd floor-100 Gloucester Street
Ottawa, Ontario
K2P 0A4

tel: (613) 594-8844
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DAVID DWOSKIN

TO: Secretary of the Ontario Municipal Board

TO: The Clerk of the Municipality of Gloucester

CITY OF GLOUCESTER
REGISTRAR
Corporation Services
LEGISLATIVE SERVICES
M. C. C. C.
APR 20 2001
+ cheque to M.C.C.C.
FILE #

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF Section 34(19) of the Ontario Planning Act, R.S.O. 1990, c. P-13 and amendments thereto,

AND IN THE MATTER OF an appeal from the decision of the Corporation of the City of Gloucester in passing By-Law Number 222-557 of 2000 rezoning subjecting lands from "HR-holding residential" to "HCC (E14) - holding commercial community".

BETWEEN:

HONEY GABLES DEVELOPMENT ASSOCIATION

Appellants

and

**URBANDALE CORPORATION and
THE CORPORATION OF THE CITY OF GLOUCESTER**

Respondents

NOTICE OF APPEAL

TAKE NOTICE that the Appellants hereby appeal to the Ontario Municipal Board from the decision of the Corporation of the City of Gloucester dated March 28, 2000 passing By-Law Number 222-557 of 2000 under Section 34 of the *Planning Act*, and request that the said decision be reversed and the request by Urbandale Corporation for a zoning amendment to property located on the northeast quadrant of River Road and Armstrong Road in the City of Gloucester be refused.

THE GROUNDS FOR THE APPEAL ARE:

1. The counsel of the Corporation of the City of Gloucester ("counsel") erred in permitting rezoning which is conflict with Official Plan Amendment No. 3 and the Concept Plan adopted by the City of Gloucester in 1992.
2. Counsel erred in failing to acknowledge a major shortcoming of the River Road site for which there are no widenings proposed and has a preferred parkway status.
3. Counsel erred failing consider that the proposed commercial development was not compatible with waterfront parkland in close proximity to it.
4. Counsel erred in permitting the creation of a new neighbourhood commercial facility at River Road which will have a direct impact on the viability of planned commercial facilities at the Spratt Road site and the core area (town centre).
5. Counsel erred in failing to take into account the significant impact on the adjacent residential community and the evidence that the community was not in favour of the zoning amendment to commercial at this site since there already was a commercial site identified in the original Master Plan and the Official Plan amendment and Concept Plan at the Spratt Road site.

6. Appealing the By-Law will maintain the viability and integrity of the commercial core area, maintain the River Road as a "secondary" road for traffic purposes and will leave the subject site with greater compatibility with the adjacent Millenium Park west of River Road.
7. The amendment is neither desirable for the appropriate development or use of the land and does not maintain the general intent and purpose of the Official Plan, the Official Plan Amendment No. 3 and the Approved Concept Plan.

DATED at Ottawa this 14 day of April, 2000.

HONEY GABLES DEVELOPMENT ASSOCIATION
6 Honey Gables Dr.
Gloucester, Ontario
K1V 1H5


James Caldwell, President

TO: Secretary of the Ontario Municipal Board

TO: The Clerk of the Municipality of Gloucester

OLGA VOLK - FAX TRANSMISSION

March 27, 2000

Mayor Claudette Cain
City of Gloucester
1595 Telesat Court,
Gloucester, ON K1G 3V5
Phone : 748-4115 FAX : 748-4354

SUBJECT: COUNCIL MEETING AGENDA ITEM 12 A-- MARCH 28, 2000
FILE# DP146-38, Z-99-28-SU MARCH 1, 2000 - APPLICATION TO AMEND THE CITY OF GLOUCESTER
OFFICIAL PLAN AND ZONING BY-LAW BY URBANDALE CORP. AT THE NORTHEAST QUADRANT
OF ARMSTRONG ROAD(NEW ALIGNMENT) AND RIVER ROAD KNOWN AS PHASE UB2 IN THE
SOUTH URBAN COMMUNITY; (CONTACT: SANDRA CADOW, PLANNER, EXT. 4171)

Dear Your Worship,

I have been an "Owner in Common" with Mrs. Kustec and Mr. Jurinic since 1980 for the property listed on the City plan as 4410 River Road (2.22 acres). I would like to make this **NEW INFORMATION AVAILABLE** because it was not considered as part of the submissions made at the Planning Advisory Committee meeting of March 21, 2000 for the aforementioned application. I have forwarded this information to the appropriate persons at the City of Gloucester for council approval decisions at the Council Meeting of March 28, 2000 (see cc list).

I continue to not be in support of the change in zoning from HR to a commercial use (HCc) or the amendment to the official plan as listed in the information package file no. Z-99-28-SU for the following **new and undiscussed** reasons:

Looking ahead when the bridge is in place

1. The upcoming Strandherd and Armstrong Road bridge plans have incorporated into its design the compatibility of the Heritage designation of the Rideau River and the Scenic designation of River Road (see attached Environment Study Report - Rideau River Bridge--RMOC Nov 1997). The Regional Official Plan 6.9 part 3 - Development adjacent to Scenic Routes states that "When reviewing development proposals adjacent to Scenic Routes: c) comment on the design compatibility of adjacent developments and the protection of views to features and roadside vegetation along and beyond the right-of-way". The bridge design itself must conform to be an integral visual feature. This raises the following concerns :

• **IS COMMERCIAL COMMUNITY zoning APPROPRIATE GIVEN SCENIC ROUTE and HERITAGE DESIGNATION?**

The elevation of the River and Armstrong Roads intersection relative the bridge is higher than the bridge giving it a bird's eye view to the surrounding area - the bridge, the river and the proposed commercial development. It would be expected that the scope any development at the Armstrong and River Road

1451 GOTH AVENUE • GLOUCESTER, ON • K1T 1E3
PHONE: 613 521-3209 • FAX: 613 820-0748
• EMAIL: MELLOW@COMPMORE.NET

intersection would lend itself to tourist oriented services versus Urbandale's proposed mall with dental, dry cleaning and etc. services that service immediate community needs NOT the needs of the heritage or scenic designation. Immediate community services should continue to be serviced at Armstrong and Spratt Roads where they are currently zoned and planned for development and not here. Caution must be exercised due to the sensitivity of the Armstrong and River Road intersection as to its appropriate or allowable uses. Regional staff has assured me that this new concern is worthwhile reviewing and will considering it as part of their approval process.

2. Armstrong Road will become a 6-lane arterial road with speeds of 80km/h in the not so distant future. In March 1997, Urbandale corresponded with the RMOC with the following concerns (see attached correspondence) :

"4. The River and Armstrong intersection appears to be fully urbanized with medians and curbs. We would request that flexibility for median breaks"

And the Region replied :

"4. Median Break on Armstrong Road: We are not prepared to incorporate a median break on Armstrong Road in the design at this time. The issue of whether or not a median break will be permitted, for any commercial site, will be considered at the time of site plan approval". This raises the following concern :

• **WHAT IS THE LONG TERM VIABILITY OF THIS PROPOSED COMMERCIAL SITE?**

Although median breaks may be site plan specific if they are required for the success of the long-term use of the land then it is a planning issue. In the immediate term while the intersection is at its infancy, transportation issues are less complex although consideration of the opposite right-of-way from 4410 River Road still requires mitigation and must certainly be addressed. Once the bridge is built, the site will be land-locked due to its proximity to the Armstrong and River Road signalized intersection. The Region has already anticipated that median breaks will be dangerous or not advantageous and has therefore already made their intentions clear. Even if the developer proposes access only at River Road it will detract from the River Road parkway and in the long term be too close to the Armstrong and River Road intersection once again making it impractical and dangerous. I question the long-term viability of Commercial Community zoning at this intersection. Once again why re-zone when there is a site already at Spratt and Armstrong Roads that will meet the immediate and long term needs and requirements.

In closing, I would like to add that I am not opposed in general to Commercial development, however, this application I feel is not appropriate. In addition, I would also

MARCH 27, 2000

request that future correspondence on this subject be also directed to my home address since I do not reside at #4410 River Road. It is as follows:

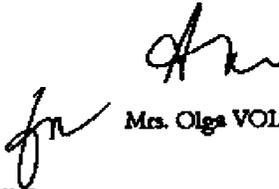
Mrs. Olga VOLK
1451 Goth Ave, Gloucester, ON. K1T 1E3
Phone : 613 521-3209

And to my daughter who has helped prepare and present this information and acts as my spokesperson :

Mrs. Anita Mellow
3013 Walter Street, Ottawa, ON. K2B 8C3
FAX : 613 820-0748 Phone : 613 820-4571 email : mellow@compmore.net

Should you have any questions regarding this submission my daughter, Anita Mellow (820-4571) or I would be happy to answer them

Sincerely,


Mrs. Olga VOLK

Cc:

Michelle Giroux, City Clerk, City of Gloucester FAX 748-4147
Councillor R. Denis, Chair of Planning Advisory Committee City of Gloucester FAX 748-4314
Councillor G. Barrett, City of Gloucester FAX 748-4314
Councillor K. Vowles, City of Gloucester FAX 748-4314
Councillor P. Clark, City of Gloucester FAX 748-4314
Councillor M. Denny, City of Gloucester FAX 748-4314
Councillor R. Bloess, City of Gloucester FAX 748-4314
Sandra Cardow, Planner, Community Development Dept, City of Gloucester FAX 748-4352
Myles Mahon, Planner Development Approvals Div, RMOC FAX 560-6006
Steve Lyon, Project Manager, Policy and Infrastructure Planning Div RMOC FAX 560-6006

Attachments: 9 pages as follows:

Regional Official Plan section 5.9 - scenic routes (p. 97-98)
RMOC Rideau River Bridge Environmental Study Report Addendum Nov 1997
Section 4.3 Heritage and Culture Rideau Waterway (p.27)
Section 4.4 Bridge Aesthetics and viewscape considerations (p.29)
Annex C - Agency and Public review table of contents
Annex C item C12 Urbendale Corp comments, 6 March 1997
Annex C- item C13 RMOC response to Urbendale Corp, 7 April 1997
Annex B- horizontal map of proposed Armstrong and River Rd.

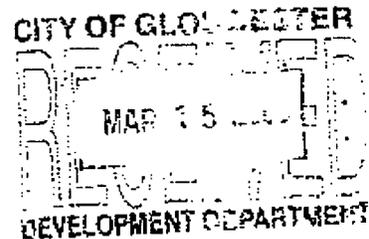
March 14, 2011

Alina Main
4623 Spratt Road
Gloucester, Ontario

City of Gloucester
1595 Telesat Court
Gloucester, Ontario
K3G 3V5

By Fax: 748-4352

Attention: Ms. Sandra Candow



Dear Ms. Candow:

Re: Application by Urbandale Corp. to amend the City of Gloucester's Official Plan

As a resident of the South Urban Community, I am writing to go on record as adamantly opposing the Application submitted by Urbandale to rezone certain lands in the South Urban Community from residential to commercial. This would clearly change the City of Gloucester's Official Plan that has been in effect since 1992 after millions of tax payers dollars were spent on the studies.

There is clearly no advantage, other than self gain for Urbandale, to rezone the said lands and as a matter of fact, there are clear disadvantages to the rezoning application submitted by Urbandale.

Yours truly,

A handwritten signature in cursive script that reads "Alina Main".

Alina Main