
	DATE: January 15, 2009 REPORT: DS 09-06	TITLE: City of Waterloo Zoning By-law Amendment Z-09-04 Wideman Road- Driveway separating Owen Lands.	C.A.O 
WARD: Northwest		PREPARED BY: Rob Trotter	
FILE: Z-09-04 Related Files: Z-05-02 and 30T-04403 OMB Case No. PL070004 OMB File Nos. S070026, Z070001		DEPARTMENT: Development Services	
ATTACHMENTS: Report: 6 pages Maps: Inset, Map 1		CLEARANCE: Review Team: January 15, 2009 Council: February 23, 2009	

RECOMMENDATIONS

1. That Council support the Zone Change Application Z-09-04 for lands owned by the City of Waterloo located in the Northwest Ward as per the recommendations contained in Section VIII of Report DS 09-06.


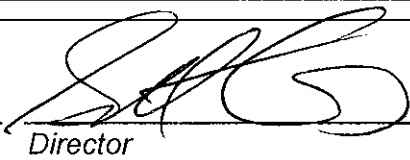

EXECUTIVE SUMMARY

The City of Waterloo has initiated a Zoning By-law Amendment for lands they own in Northwest Waterloo. The subject lands are an existing gravel driveway that led to the former McNally owned property. The driveway is being declared surplus through staff report DS 09-07. Portions of the driveway are to be conveyed to Doug Owen Construction while other portions are to be retained by the City of Waterloo. The lands are currently Zoned Agricultural 'A' and are to be re-zoned to Flexible Residential Fifty Five/Ten "FR 55/10", Green One "G1", and Green Two "G-2". The Zoning By-law Amendment will provide for the comprehensive development of the lands through Draft Plan of Subdivision 30T-04403 and Zoning By-law Amendment Z-05-02 which are currently before the Ontario Municipal Board.

Staff is of the opinion that the proposed Zoning By-law Amendment is:

- in keeping with the Official Plan;
- is compatible with the other adjacent plans of subdivision within the area; and,
- will provide for the appropriate development of Draft Plan of Subdivision 30T-04403.

APPROVALS

 General Manager	Jan 24/09 Date	 Director	Jan 20/09 Date
Legal	Date	Other	 January 20, 2009 Date



Development Services Report

File: Z-09-04
30T-04403

DS-09- 06

City of Waterloo
Zoning By-law Amendment Z-09-04,
Wideman Road- Driveway separating Owen
Lands.

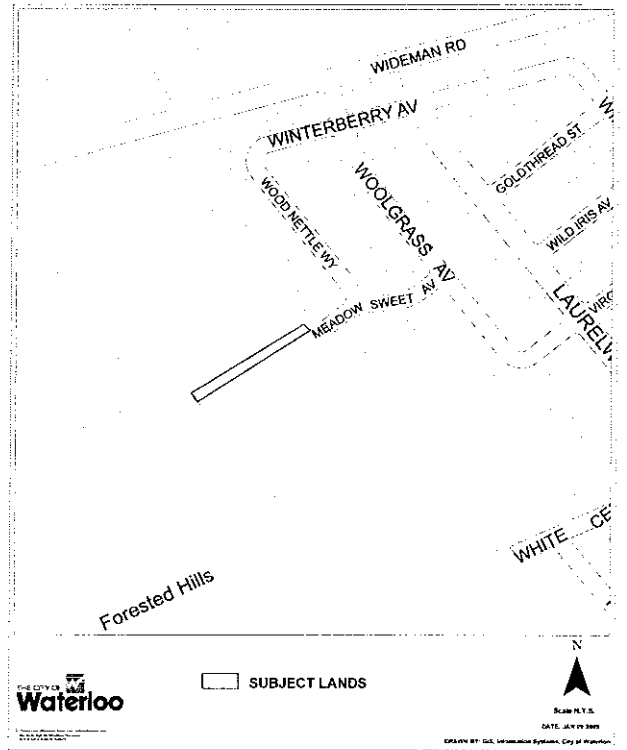
I. SUBJECT LANDS

Owner: City of Waterloo

Location: Northwest Ward
(see inset/location map)

Site Area: 1,351.9m² (.33 acres)

Request: To rezone the subject lands from Agricultural 'A' to Flexible Residential Fifty Five/Ten "FR 55/10", Green one "G1" and Green Two "G2" to provide for the complete development of Draft Plan of Subdivision 30T-04403 (Doug Owen Construction) currently before the Ontario Municipal Board.



II. AMENDMENT PROCESS - INPUT

The mechanisms utilized for gathering input in regards to application Z-09-04 are as follows:

Mechanism	Date	Results
Agency Circulation	Friday January 9, 2009	No objections. Proposed zoning was reviewed through review of Draft Plan of Subdivision 30T-04403 and ZBA Z-05-02.
Advertise Formal Public Meeting	January 21, 2009	Advertised in Waterloo Chronicle and notice sent to property owners within 165 metres of the subject property.
Public Meeting	February 23, 2009	Council considers application.

III. POLICIES AND REGULATIONS

Policy/Regulation	Present	Requested/Required
Official Plan	Designated "Low Density Residential"	Conforms – no action required
District Plan	Designated Special Policy Area in Columbia Hills District Plan	Lands to be brought into the Columbia Hills District Plan.
Zoning By-law 878-A	Agricultural 'A'	To rezone the subject lands from Agricultural 'A' to Flexible Residential Fifty Five/Ten "FR 55/10", Green one "G1" and Green Two "G2"

IV. APPLICATION

Subject lands

The application pertains to an irregular shaped parcel of land totalling 1,351.9m² (.33 acre) in lot area in the Northwest Ward of the City of Waterloo and legally described as Parts 5 and 2 of Reference Plan 58R-9681 (illustrated on the Map 1).

The lands are an existing gravel driveway leading to the former McNally property. Portions of the driveway are to be conveyed to Doug Owen Construction while other portions are to be retained by the City of Waterloo. The lands to be conveyed to Doug Owen Construction are being discussed further in Staff Report DS 09-07

The lands are currently Zoned Agricultural 'A' and are to be re-zoned to Flexible Residential Fifty Five/Ten "FR 55/10", Green One "G1", and Green Two "G-2". The Zoning By-law Amendment will provide for the comprehensive development of the lands through Draft Plan of Subdivision 30T-04403 and Zoning By-law Amendment Z-05-02 which are currently before the Ontario Municipal Board.

V. POLICIES AND REGULATIONS

1. City of Waterloo Official Plan

The City of Waterloo Official Plan designates the subject lands:

- “*Low density residential*” ;
- “*Open Space*” – all lands designated ESPA 19 and the Monastery Creek Provincially Significant Wetland;
- *Special Policy Area 35 (SPA 35) Laurel Creek Watershed Policies*; and
- *Special Area 37 (SPA 37) West Side policies*

The proposed Zoning By-law Amendment is in keeping with the Official Plan in staff’s opinion.

2. Regional Official Policies Plan

- Map 6 of the ROPP (settlement patterns) designates the subject lands “City Urban Area” where urban land uses, growth and development are contemplated.
- Map No. 4 of the ROPP identifies water resource protection areas. The lands are identified as “sensitivity 4” (lowest level of sensitivity).

3. Columbia Hills District Plan

The subject lands are within Special Policy No. 4 in the Columbia Hills District Plan. With the completion of revised environmental studies, staff is recommending that the lands now be incorporated onto the Columbia Hills District and the policies therein be extended to these lands.

4. Zoning By-law:

The lands are currently Zoned Agricultural ‘A’ and are to be re-zoned to Flexible Residential Fifty Five/Ten “FR 55/10”, Green One “G1”, and Green Two “G-2” as illustrated on Map 1.

- The portions of the lands to be zoned Green One “G1” are to remain owned by the City and are to be open space lands.
- The portion of the lands to be re-zoned Green Two “G2” are intended to remain owned by the City and are intended to be a maintenance access and servicing corridor to the proposed stormwater management pond being constructed for Draft Plan of Subdivision 30T-04403.
- The portions of the lands to be zoned Flexible Residential Fifty Five/ Ten “FR 55/10” are intended to be conveyed to Doug Owen Construction and developed as residential building lots as outlined on Draft Plan 30T-04403.

5. Scoped Subwatershed Study

The scoped subwatershed studies conducted for Draft Plan of Subdivision 30T-04403 included these lands.

6. Related OMB appeals

Regional Official Plan Amendment No. 23 Environmentally Sensitive Landscape (ESL) is under appeal by Mr. D Wellhauser on the grounds that the ESL should include the entire Owen property. Doug

Owen Construction, through their agents, appealed both their Zoning By-law Amendment application and the proposed Draft Plan of Subdivision for their lands on the basis that Council had not made a decision within the timeframe allotted under the Planning Act. This Zoning By-law Amendment application is related to those appeals.

VI. SUMMARY AND CONCLUSIONS

In summary, staff is supportive of the proposed Zoning By-law Amendment. The Amendment is in keeping with the proposed Zoning that is currently before the Ontario Municipal Board through OMB Case No. PL070004 and OMB file No. S070026 and Z070001. The portions of the lands that are intended to be re-zoned and conveyed to Doug Owen Construction will not be conveyed until a satisfactory outcome of the OMB hearings.

VII. LEGAL AND FINANCIAL IMPLICATIONS

1. Legal

Should Council support the application a by-law must be passed to implement the proposed Zoning By-law Amendment as approved. Should Council approve the application, any person or public body who participated in the process, through either oral or written submissions, may appeal the decision to the Ontario Municipal Board.

2. Financial Implications

Staff is not aware of any operational costs or other financial implications with respect to this application. However, should the application be appealed, potential costs related to an Ontario Municipal Board hearing may be incurred.

3. Policy Impacts

This application is consistent with the currently applicable policies in the City of Waterloo Official Plan. No additional or earlier updates to the current Official Plan would be required.

4. Waterloo Strategic Plan

With respect to this application, a number of the Strategic Plan objectives are being achieved. The proposed Zoning By-law Amendment will assist in the provision of housing for residents, while enabling the City to acquire and protect environmental features through related Draft Plan and Zoning By-law amendment applications which are currently before the Ontario Municipal Board.

VIII. RECOMMENDATIONS

1. General Recommendations

That the Columbia Hills District Plan be amended to designate the lands proposed to be zoned Flexible Residential as "Residential" and the balance of the lands being designated "Open Space".

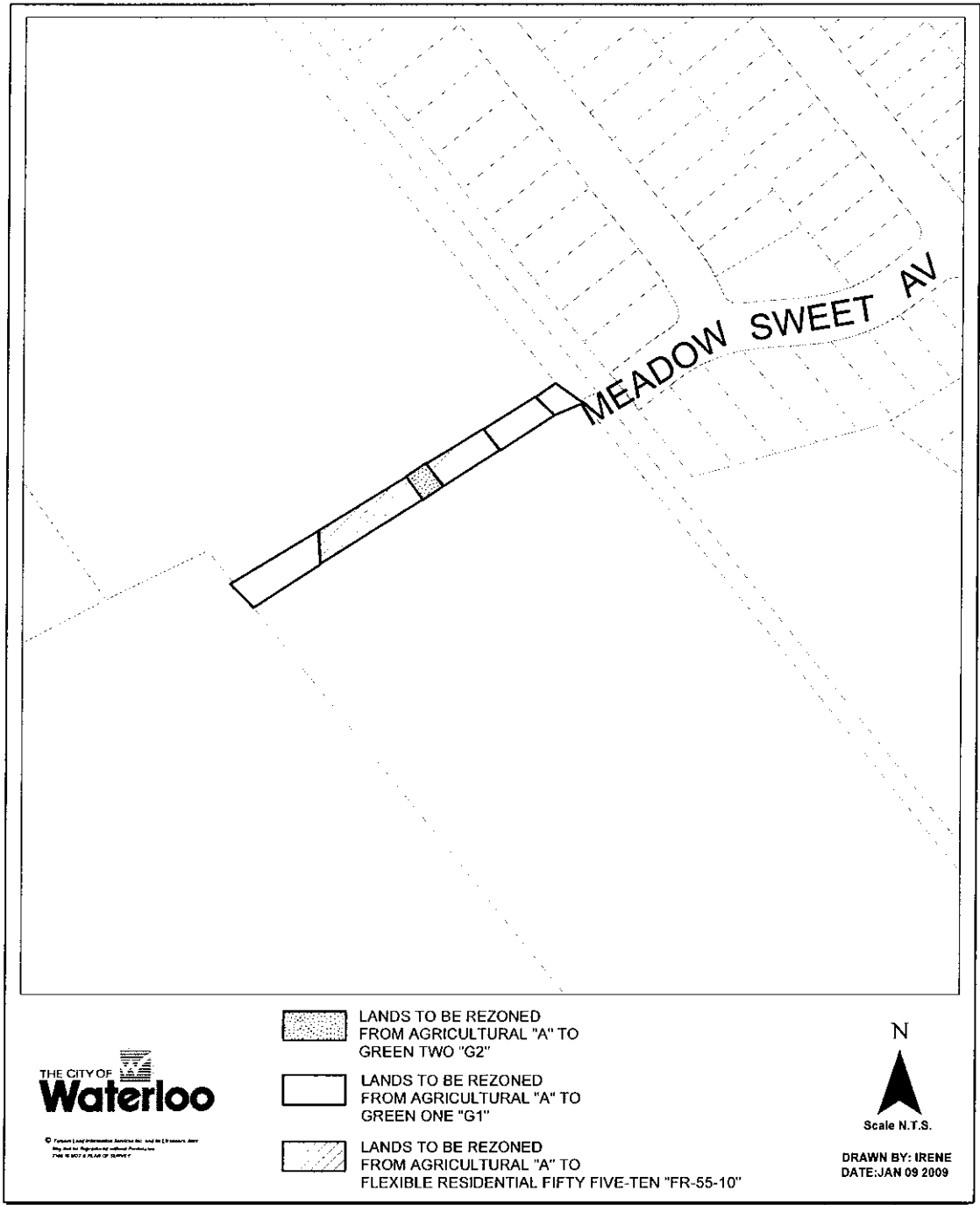
2. Zoning By-law Recommendations

It is recommended that Zone Change Application Z-09-04 for the subject property identified on Map No. 1 be approved as follows:

1. That the lands illustrated as subject lands on Map 1 be deleted from Appendix "A" in By-law No. 878A as amended and added to Appendix "A" in By-law No. 1418. By-law No. 878A as amended shall not apply to these lands and such lands shall be governed by the provisions of By-law 1418 as amended.
2. That By-law No. 1418 is hereby amended by changing the land use designation as shown on the Zoning Map attached to By-law 1418 for the lands shown on Map No. 1 attached hereto from Agricultural "A" to Flexible Residential Fifty Five/Ten "FR-55/10" , Green One "G1" and Green Two "G2" and further that:
 - i. Notwithstanding the provisions of Section 36B. 2.7 the impervious factor shall be calculated such that the total impervious coverage on a lot shall be no greater than 55% but an additional 10% (total 65%) shall be permitted exclusively for accessory buildings and swimming pools.

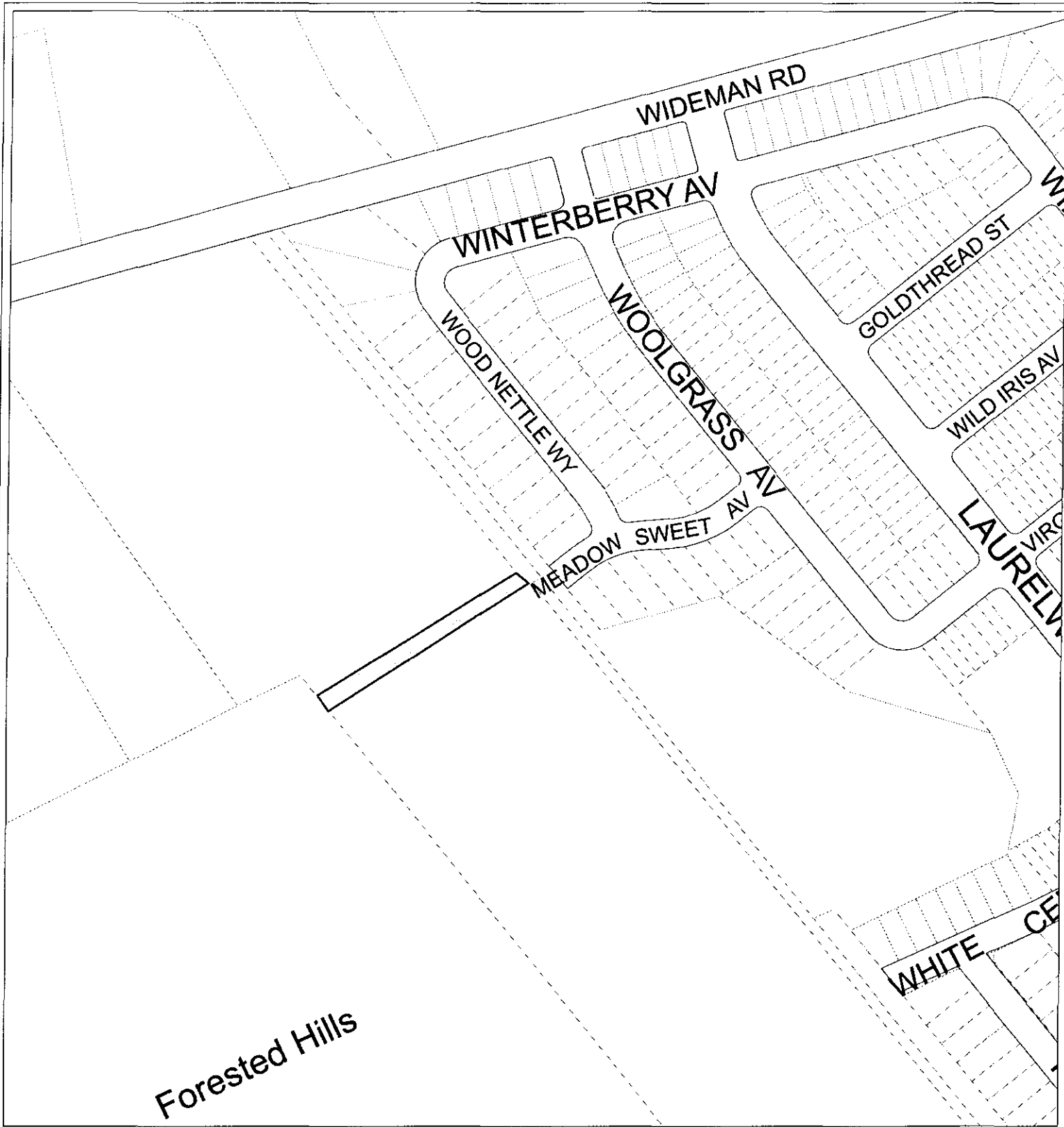


Rob Trotter MAES RPP MCIP
Development Planner



PROPOSED ZONING

MAP 1



 SUBJECT LANDS



Scale N.T.S.

DATE: JAN 09 2009

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DRAWN BY: GIS, Information Systems, City of Waterloo

LOCATION MAP