

Direction from Oshawa City Council
March 9, 2009

14. Application to Amend Zoning By-law 60-94, Eastern Part of Chopin Park, Ihor Lysyk (DS-09-60) (Ward 2)

Recommendation

That pursuant to Report DS-09-60, dated February 25, 2009 from the Commissioner, Development Services Department the application submitted by Ihor Lysyk to amend Zoning By-law 60-94 to permit an accessory parking lot and landscaped open space (related to the apartment use at 600-602 Hillcrest Drive) on the eastern portion of Chopin Park, be approved and that:

- (a) The subject site be rezoned from OSP (Park Open Space) to R6-C (Residential) subject to a special condition that would restrict the use of the site to only an accessory parking lot and landscaped open space related to the apartment use at 600-602 Hillcrest Drive;
- (b) The rezoning of the subject site be subject to an "h" holding symbol. OSP uses would be permitted while the holding symbol is in place. The holding symbol would be removed when:
 - (i) Site plan approval is granted by the City;
 - (ii) Verification has been provided to the satisfaction of the City that the soils of the site are suitable for the proposed use in accordance with the relevant Provincial guidelines in effect immediately prior to any use of the site for uses accessory to a residential use. A Record of Site Condition, if necessary, must be submitted to the Ministry of the Environment.

ATTENTION: Development Services Department, Community Services Department, Legal Services, M. Pringle

ACTION TAKEN: WITHDRAWN

To:	Development Services Committee	Item:	DS-09-60	Date of Report:	February 25, 2009
From:	Commissioner, Development Services Department	File:	Z 11/08	Date of Meeting:	March 2, 2009
Subject:	<i>Application to Amend Zoning By-law No. 60-94 Eastern Part of Chopin Park Ihor Lysyk</i>			Ward:	2
PUBLIC REPORT					

1.0 PURPOSE

The purpose of this report is to obtain Council direction on the subject application.

An application has been submitted by Ihor Lysyk to amend Zoning By-law No. 60-94 to permit an accessory parking lot and landscaped open space (related to the apartment use at 600-602 Hillcrest Drive) on the eastern portion of Chopin Park.

The subject site is owned by the City. Mr. Lysyk has entered into a conditional purchase and sale agreement with the City to purchase the subject site.

The applicant intends to add the subject site to other lands he owns to the east located at 600-602 Hillcrest Drive. Mr. Lysyk proposes to add 12 apartment units to each apartment building at 600-602 Hillcrest Drive and intends to use the eastern portion of Chopin Park for additional parking and landscaped open space.

Before the City entered into a purchase and sale agreement with Mr. Lysyk, a notice was published in the Oshawa This Week newspaper on July 16, 2008 asking for public comment on whether the City should declare the subject property surplus to the City's needs. The City did not receive any comments.

Exhibit No. 1 is a map showing the location of the subject site and the zoning for the area.

Exhibit No. 2 is a copy of the draft survey plan which shows the subject site as Parts 1 and 3. Part 2 on the draft survey will be conveyed to the Ministry of Transportation for a future widening of Highway 401. Parts 4 and 5 on the draft plan survey will be retained by the City to provide a walkway connection from the existing walkway off of Nevis Avenue to the balance of Chopin Park.

A public meeting was held on January 19, 2009 concerning the subject application. At its conclusion, the Development Services Committee adopted a recommendation to refer the subject application back to staff for further review and the preparation of a subsequent report and recommendation. The minutes of the public meeting form Attachment No. 1 to this report.

2.0 RECOMMENDATION

That the Development Services Committee select an appropriate option as set out in Section 5.5 of Report DS-09-60 dated February 25, 2009.

3.0 EXECUTIVE SUMMARY

The City has entered into an agreement to sell the subject site to Mr. Lysyk subject to a number of conditions. One of the conditions requires the property to be rezoned.

A number of area residents are opposed to the rezoning for a variety of reasons. These residents want the subject site retained by the City as parkland.

City Council must decide whether to deny or approve the subject rezoning application.

4.0 INPUT FROM OTHER SOURCES

4.1 Other Departments and Agencies

- The subject application has been circulated for comment and the identification of issues to a number of departments and agencies. Certain technical issues and requirements have been identified and can be addressed through the site plan approval process in the event the application is approved.

4.2 Public Comments

- On January 19, 2009 the Development Services Committee held a Public Meeting on the subject application. The minutes of the January 19, 2009 public meeting appear as Attachment No. 1 to this report and contain comments from the public.
- Written correspondence from certain area residents has also been submitted to this Department in opposition to the subject application. In addition a large petition signed by a number of area residents has been submitted in opposition to the subject application.
- Public comments in opposition to the subject application can generally be summarized as follows:
 - (a) The eastern part of Chopin Park should be retained for neighbourhood residents use for passive and active recreational purposes;
 - (b) The eastern part of Chopin Park is an important community feature;
 - (c) The loss of the trees on the subject site is not appropriate given the positive environmental benefits they provide;
 - (d) Loss of natural drainage, and potential erosion of the hill and increased exposure to air pollution as a result of the loss of vegetation;
 - (e) Potential for an increase in vandalism in the area due to the increase in density in this location; and,

- (f) This site is not an appropriate location to facilitate residential intensification since there are other vacant sites in the area that can be developed for residential purposes without losing City owned parkland.

4.3 Auditor General

- Not applicable.

5.0 ANALYSIS

5.1 Background

- The subject site is zoned OSP (Open Space Park) which only permits a park.
- A rezoning is required since the proposed accessory uses related to the apartment use at 600 and 602 Hillcrest Drive are not permitted under the existing zoning for the site.
- The following is background information concerning the subject application:

	Existing	Requested/Proposed
Oshawa Official Plan Designation	Residential	Residential
Zoning By-law No. 60-94	OSP (Park Open Space)	R6-C (Residential) with a special condition to only permit an accessory parking lot and landscaped open space related to the apartment use at 600-602 Hillcrest Drive
Use	Park	A parking lot and landscape open space related to the apartment use at 600-602 Hillcrest Drive

- Adjacent Land Uses:

North	Chopin Park and Semi-detached dwellings
South	Chopin Park and Highway 401
East	Semi-detached dwellings and two apartment buildings
West	Chopin Park

- Proposed Development Details:

Lot Area	Approximately 0.47 ha (1.16 ac.)
----------	----------------------------------

5.2 Oshawa Official Plan

- The subject site is designated as Residential in the Oshawa Official Plan.

- The Official Plan specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings. The Residential designation also permits other uses such as parks.
- The subject application conforms with the Oshawa Official Plan.

5.3 Zoning By-law No. 60-94

- The subject site is zoned OSP (Park Open Space) and only permits a park.
- Accordingly, a rezoning is required to permit the proposed accessory parking lot and landscaped open space related to the apartment use at 600-602 Hillcrest Drive.
- The lands to the east at 600-602 Hillcrest Drive are zoned R6-C (Residential) and are owned by the applicant. The R6-C Zone permits a number of uses including an apartment building.
- The applicant has requested the subject site be rezoned to R6-C (Residential) with a special condition to only permit an accessory parking lot and landscaped open space related to the apartment use at 600-602 Hillcrest Drive.
- There are 72 existing apartments at 600-602 Hillcrest Drive.
- The applicant proposes to add 12 apartment units to each existing apartment building at 600 and 602 Hillcrest Drive resulting in a total of 96 apartment units and intends to develop the eastern portion of Chopin Park to accommodate additional parking and landscaped open space.
- The existing R6-C zoning permits a maximum density of 150 units per hectare (60u/ac.) subject to compliance with the other regulations. This density would allow 144 apartment units (96 proposed) based on the existing lot area of 600-602 Hillcrest Drive.
- The proposed rezoning of the subject site will not allow more density to be developed at 600-602 Hillcrest Drive than what is permitted under the existing zoning.

5.4 Site Design Considerations

- The applicant has not yet submitted a site plan for the future development of the subject site. Therefore, it is unknown which part of the site will be used for parking or landscaped open space.
- Detailed design matters will be reviewed during the site plan approval process to ensure compliance with the City's Landscape Design Policies and other policies should this application be approved.

- The following issues, among others, will be considered during the processing of any future site plan application for the subject site:
 - (a) Grading and servicing matters;
 - (b) Environmental matters, as necessary, including any impacts related to the former waste disposal area in Chopin Park;
 - (c) Tree preservation;
 - (d) Landscape buffers; and
 - (e) Fencing.

5.5 Options

- The Development Services Committee has two key options available to it at this point in the process.

5.5.1 Option 1: Approve the Subject Application

- Under this Option, the Development Services Committee would recommend to Council the approval of the subject application subject to a holding symbol.
- If this Option is favoured by the Development Services Committee then the following motion should be passed:

"That pursuant to Report DS-09-60, dated February 25, 2009, the application submitted by Ihor Lysyk to amend Zoning By-law No. 60-94 to permit an accessory parking lot and landscaped open space (related to the apartment use at 600-602 Hillcrest Drive) on the eastern portion of Chopin Park, be approved and that:

- (a) The subject site be rezoned from OSP (Park Open Space) to R6-C (Residential) subject to a Special Condition that would restrict the use of the site to only an accessory parking lot and landscaped open space related to the apartment use at 600-602 Hillcrest Drive;
- (b) The rezoning of the subject site be subject to an "h" holding symbol. OSP (Park Open Space) uses would be permitted while the holding symbol is in place. The holding symbol would be removed when:
 - (i) Site plan approval is granted by the City; and
 - (ii) Verification has been provided to the satisfaction of the City that the soils of the site are suitable for the proposed use in accordance with the relevant Provincial guidelines in effect immediately prior to any use of the site for uses accessory to a residential use. A Record of Site Condition, if necessary, must be submitted to the Ministry of the Environment. "

5.5.2 Option 2 - Deny the Subject Application

Under this Option, the Development Services Committee would recommend that Council deny the subject application. If the application was denied, the City would retain ownership of the subject site.

➤ If this Option is favored then the following motion should be passed:

“1. That the application submitted by Ihor Lysyk to amend Zoning By-law No. 60-94 to permit an accessory parking lot and landscaped open space (related to the apartment use at 600-602 Hillcrest Drive) on the eastern portion of Chopin Park be denied;

2. That the subject site be removed from the City’s municipal surplus list.”

6.0 FINANCIAL IMPLICATIONS

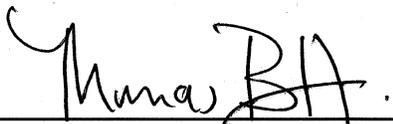
➤ Not applicable.

7.0 RESPONSE TO THE COMMUNITY STRATEGIC PLAN

➤ Holding a public meeting to obtain public input on development applications advances Goal C (A Caring and Responsive Community) of the City’s Community Strategic Plan by improving communication, encouraging citizen engagement and ensuring accountability and effective City management.



Paul Ralph, B.E.S., RPP, Director
Planning Services



Thomas B. Hodgins, B.E.S., M.A., RPP, Commissioner
Development Services Department

VF/c
Attachments

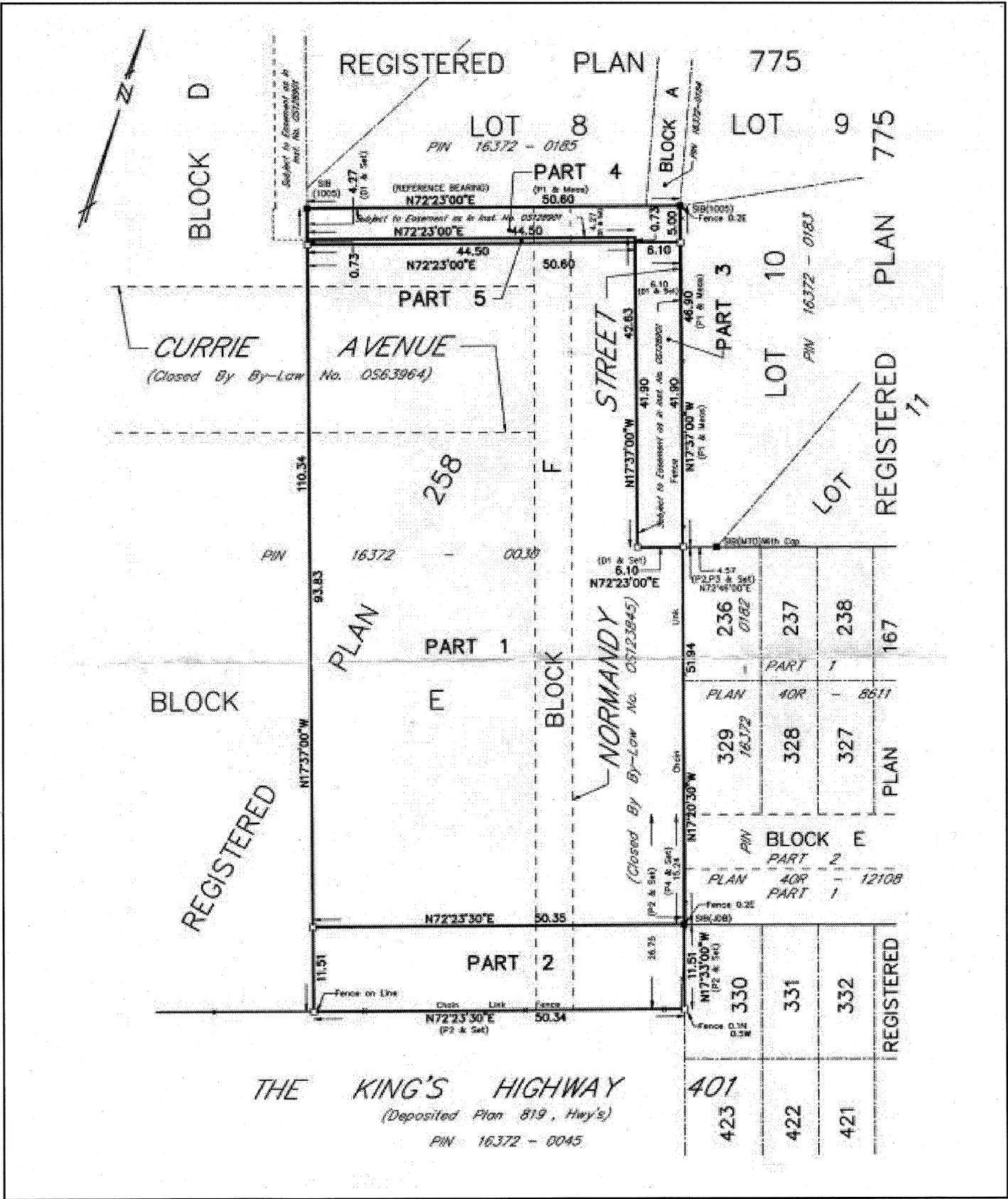


Exhibit No. 2

Item No.: DS-09-60
 Subject: Application to Amend Zoning By-law No. 60-94
 Address: Eastern Part of Chopin Park
 File No.: Z-11/08

102

K:\ombuds\09Dec\ombuds\ChopinPark_e2_0105-12-08

DEVELOPMENT SERVICES COMMITTEE MEETING

January 19, 2009

DS-09-16 Application to Amend Zoning By-law 60-94, Eastern Part of Chopin Park,
Ihor Lysyk (Ward 2)

The Committee reviewed Report DS-09-16 dated January 14, 2009 from the Commissioner, Development Services regarding an application by George (Ihor) Lysyk to amend Zoning By-law 60-94 to permit an accessory parking lot and landscaped open space (related to the apartment use at 600-602 Hillcrest Drive) on the eastern part of Chopin Park.

The applicant, George (Ihor) Lysyk addressed Committee proposing to add 12 apartment units to each apartment building at 600-602 Hillcrest Drive and requesting to use the eastern portion of Chopin Park for additional parking and landscaped open space.

The Committee questioned George (Ihor) Lysyk.

The Committee questioned the Commissioner, Development Services.

The Chair asked if any members of the public wished to address Committee concerning this application.

Crystal Fielding addressed Committee in opposition to the application noting concerns with loss of green space and increased noise and pollution due to the removal of trees.

Mr. Halewood addressed Committee in opposition to the application noting that he was not aware the land had been declared surplus or was available for purchase and noted concerns with loss of green space which is valuable for future generations.

Ian Vining addressed Committee in opposition to the application noting concerns with loss of green space, increased noise and pollution and the integrity of the hill and watershed. Ian Vining also stated that the hill is still used by families for outdoor activities and should remain available to the community.

Moved by Councillor Pidwerbecki,

"That the application submitted by Ihor Lysyk to amend Zoning By-law 60-94 to permit certain accessory R6-C (Residential) uses on the eastern portion of Chopin Park (File No. Z-11/08) be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval." CARRIED