

Subject: Zoning By-law Amendment – 1211 Old Montreal Road

File Number: ACS2022-PIE-PS-0127

Report to Planning Committee on 27 October 2022

and Council 9 November 2022

**Submitted on October 17, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Cumberland (19)

Objet : Modification du Règlement de zonage – 1211, chemin Old Montreal

Dossier : ACS2022-PIE-PS-0127

Rapport au Comité de l'urbanisme

le 27 octobre 2022

et au Conseil le 9 novembre 2022

**Soumis le 17 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

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Quartier : Cumberland (19)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1211 Old Montreal Road, as shown in Document 1, to permit residential uses, as detailed in Document 2.**
- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of**

Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of 9 November 2022,” subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil d’approuver une modification du Règlement de zonage 2008-250 visant le 1211, chemin Old Montreal, illustré dans le document 1, afin de permettre la présence d’utilisations résidentielles, comme l’expose en détail le document 2.
2. Que le Comité de l’urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d’explication’ aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 9 novembre 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

1211 Old Montreal Road

Owner

Tamarack (Cardinal Creek) Corporation

Applicant

Peter Hume, HP Urban Inc.

Description of site and surroundings

The subject site is located north of Old Montreal Road and east of Cardinal Creek Drive within that portion of the developing Cardinal Creek Village Community east of Antonio Farley Street, as highlighted on Document 1. The 1.16-hectare site is irregular in shape and forms part of the future Phase 7 of the developing Cardinal Creek Village subdivision. The site is on the eastern edge of the developing subdivision lands, adjacent to the urban and rural area boundary, and abuts the heavily forested rural residential properties addressed along Ted Kelly Lane. A forested natural terrace feature defines the northern and southern edges of the site, while the lands to the west are currently under low and medium density residential development.

Summary of requested Zoning By-law amendment proposal

The current zoning in effect on the site is “Environmental Protection, Subzone 1” (EP1), which recognizes those lands designated in the Official Plan that contain important environmental resources to be protected for ecological, educational and recreational reasons, and which permits only those uses which are compatible with and assist in the protection of the environmental attributes of the lands. Despite the foregoing, the Subzone 1 provisions permit a utility installation where such facilities or services may be planned.

The applicant proposes to change the zoning of the site to “Residential Third Density, Subzone Z” (R3Z) to permit the creation and development of 30 deeper single detached residential lots within the future Phase 7 subdivision, as illustrated in Document 3.

Brief history of proposal

The Cardinal Creek Village urban expansion area was brought into the City’s Urban Area by Council decision on 17 July 2013 (OPA 123) by By-law 2013-216 along with the approved Cardinal Creek Village Concept Plan. The Concept Plan provides a detailed approach to the implementation of the applicable Official Plan policies and is intended to guide the development of the community. Draft Plan of Subdivision approval of the community lands north of Old Montreal Road was granted by delegated authority on 27 February 2014 and soon followed by Council’s passing of By-law 2014-200 on 28 May 2014 to appropriately zone the lands. Development of the community commenced in 2015 with the registration of the first phase of the subdivision, and it continues today.

As the subdivision has continued to build out and evolve over the past several years, minor amendments to the Concept Plan’s land use plan, the draft approved plan of subdivision and the zoning in effect over the lands have occurred. While such minor

modifications to the Concept Plan and draft plan of subdivision have not required Council's approval, some have required minor amendments to the implementing zoning. In particular, the subject site had initially been zoned "Environmental Protection" (EP) in 2014 but was subsequently amended to its current zoning (EP1) by By-law 2019-448 passed on 11 December 2019 to recognize the planned need to utilize the subject land as a utility corridor for the future installation of a storm sewer for stormwater management purposes. Much of the subject site subsequently was cleared of trees in preparation for the installation of services.

Since 2020, however, the stormwater management and servicing for the future Phase 7 of development have been further redesigned to accommodate a more efficient and cost-effective servicing design solution. As a result, the use of the subject site for a utility installation has been abandoned, and instead it is now proposed for the site to be used as residential lots and blocks, as illustrated in Document 3.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with Council's Public Notification and Public Consultation Policy for Zoning By-law amendments. The holding of a formal City-organized community information and comment session during the public consultation period was deemed not necessary.

Three public submissions were received in response to the proposed zoning amendment.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designation(s)

The Zoning By-law Amendment application was received after Council's adoption of the new Official Plan on 24 November 2021. During this current period between Council approval of the new Official Plan and the Minister's approval of the new Official Plan, staff are to evaluate the proposed zoning amendment against the existing Official Plan and must also include an evaluation of the application against the Council-approved new Official Plan and apply whichever provisions of the current and new Official Plans are more restrictive.

Current Official Plan

Schedule B of the current Official Plan designates the long, narrow portion of the site as General Urban Area and the rectangular portion as Urban Natural Features. The General Urban Area designation generally permits a broad range of low-rise housing types and densities and non-residential uses, while the Urban Natural Features designation is intended to preserve natural features that are currently managed for conservation or passive leisure uses. Policy 4 of Section 3.2.3 of the Plan, which pertains to the latter land use designation, states that the boundaries of such designated natural features are based on detailed mapping, but where more recent environmental studies are made available, adjustments to the defined edges, function and interpretation of natural feature boundaries may be considered. In such instances, the Zoning By-law is to reflect the most recent and accurate information and, therefore, any changes to a natural features boundary require an amendment to the Zoning By-law. Minor changes to the boundaries do not require an amendment to the Official Plan.

New Official Plan

Schedule B8 – Suburban (East) Transect – of the new Official Plan designates the entire subject site as Greenspace, which designation identifies a network of public parks, other spaces within the public realm and natural lands that collectively provide essential ecosystem services to residents, support biodiversity, climate resilience, recreation, and healthy living. The Greenspace designation is further divided into sub-designations on Schedule C12 – Urban Greenspace. Accordingly, the subject site is also designated Open Space, which recognizes those lands that are not intended primarily for recreation or natural heritage protection purposes and are not suitable for dedication as parks.

Section 1.4 of the new Official Plan outlines several considerations for how to use and interpret the Plan and its policies. It states that boundaries along the natural heritage system and natural features shall be considered approximate except where they coincide with roads, railways, hydro transmission lines, former township lots and concession lines, major water courses or other well defined natural or physical features. It states further that unless stated otherwise in the policies, where the general intent of this Plan is maintained, minor adjustments to boundaries will not require amendment to the Plan.

Other applicable policies and guidelines

The Land Use Plan contained within the Cardinal Creek Village Concept Plan (2013) designates the subject site as Urban Natural Features. Such designated areas are subject to the same policies of Section 3.2.3 of the current Official Plan.

Urban Design Review Panel

The site is not within a Design Priority Area and the Zoning By-law Amendment application was not subject to the Urban Design Review Panel process.

Planning rationale

The review and assessment of the proposed zoning amendment was based on extensive discussions and on-site meetings held between the development proponents and the Department's Development Review and Natural Systems staff and supported by an updated environmental impact assessment of the subject lands and a tree conservation report. The reports confirmed that parts of the subject site have already largely been cleared to accommodate the previous subdivision piped services design and concluded that the proposed development will have no significant negative impacts on adjacent natural features, or their ecological functions provided the mitigation measures outlined in the reports are implemented. The report recommends that the EP1 zone is no longer relevant.

Given the above conclusions of the updated environmental impact assessment, the proposed zoning amendment conforms with both Policy 4 of Section 3.2.3 of the current Official Plan and Policy 1.4 of the new Official Plan in that the desired adjustment to the defined edge of the affected natural feature boundary has been adequately demonstrated by further environmental studies.

The Zoning By-law Amendment application was also supported by a geotechnical investigation and servicing report. With respect to the suitability of the site's physical characteristics and adequacy of existing and proposed municipal services and road network to support the proposed residential use, it is staff's opinion based on the review of the above supporting technical reports that the site is indeed adequately suited for the intended use.

Details of Proposed Zoning

The evaluation of the details of the Zoning By-law Amendment was also guided by the above-referenced policies of the current and new Official Plans. In this regard, the

proposed zone boundary illustrated in Document 1 respects the relevant policy directions and the recommendations of the updated environmental reports.

The proposed R3Z zone and performance standards together with the adjacent development lands that are already zoned R3Z allow for the implementation of the future phase of subdivision development. The proposed zone, detailed in Document 2, along with the associated zone provisions are desirable to support the appropriate residential development.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

The subject site directly borders the Rural Area boundary along the rear lot lines of a few heavily forested rural residential properties that front Ted Kelly Lane. While any remaining trees on the adjacent subject site are to be removed to accommodate urban residential subdivision development, the environmental impact assessment submitted in support of the application concludes that the proposed development will have no significant negative impacts on adjacent natural features or their ecological functions.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendations contained within this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications related to this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

Design considerations with respect to accessibility are not a key consideration of this Zoning By-law Amendment application. Any accessibility impacts will be assessed in detail during the review for final subdivision approval of the Phase 7 lands.

ENVIRONMENTAL IMPLICATIONS

As noted in the Planning rationale section of this report, the environmental impact assessment and tree conservation report submitted in support of the Zoning By-law Amendment application confirm that the proposed removal of any remaining trees within the small subject site area to accommodate subdivision development conforms with the relevant policies of the City's Official Plan, is consistent with the 2020 Provincial Policy Statement, and will have no significant negative impacts on adjacent natural features or their ecological functions.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0068) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map and Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Proposed Plan of Subdivision

Document 4 Consultation Details

CONCLUSION

The proposed Zoning By-law Amendment respects and upholds the intent of the relevant current and new Official Plan policies and imposes the appropriate zone and performance standards to permit the proposed low-rise residential uses. In staff's opinion, the proposed amendment and supporting future plan of subdivision showing

the intended lot and block layout are appropriate and would not have undue adverse impacts on the abutting rural residential properties.

The Department recommends that the proposed Zoning By-law Amendment be approved.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

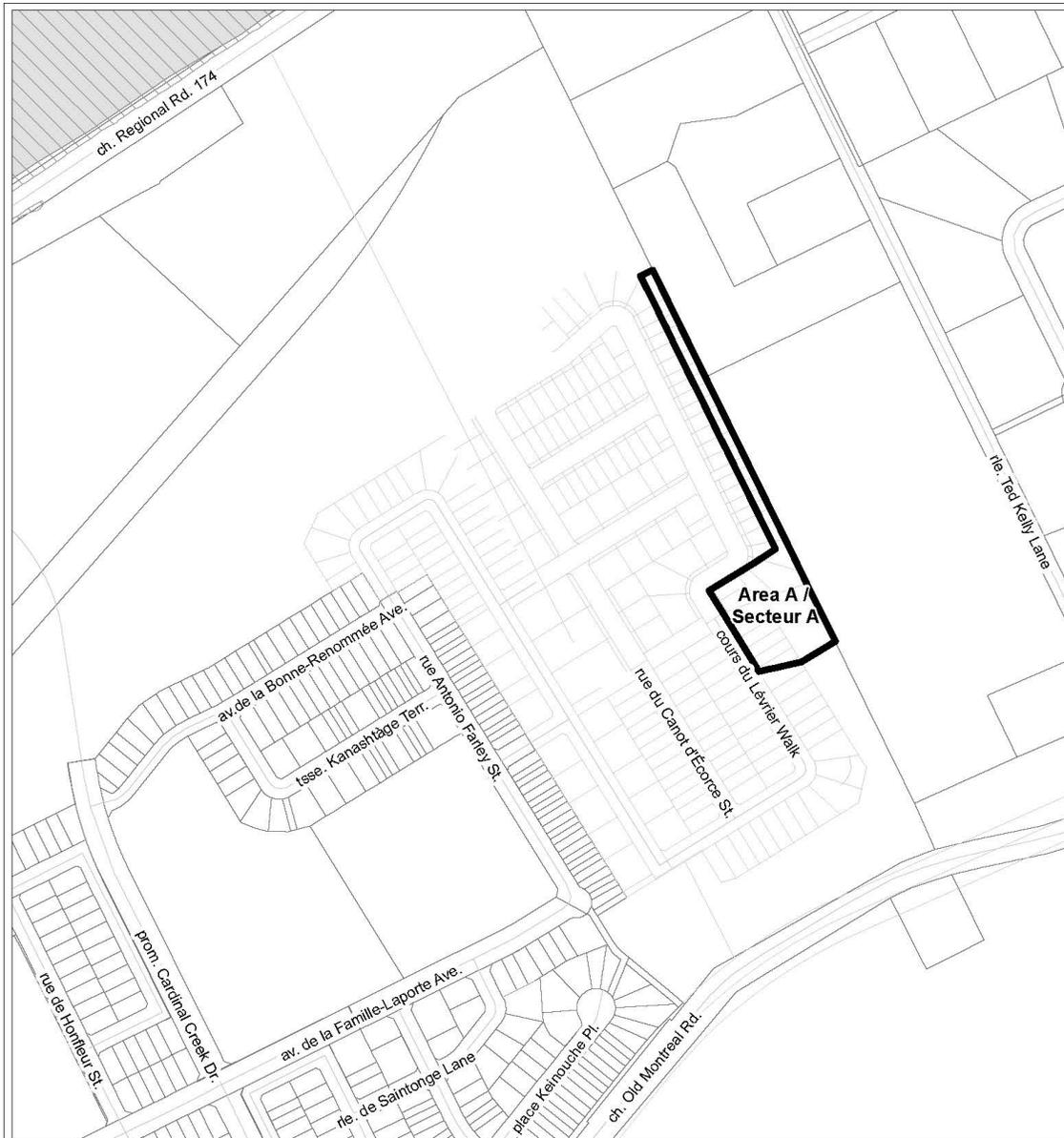
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map and Zoning Key Plan

For an interactive Zoning map of Ottawa visit geoOttawa



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|  | | LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE | |
| D02-02-22-0068 | 21-0709-S | 1211 chemin Old Montreal Road Area A - Phase 7A / Secteur A - Phase 7A | |
| I:\CO\2022\ZKPOldMontreal_1211 | |  Area A to be rezoned from EP1 to R3Z Le zonage du secteur A sera modifié de EP1 à R3Z | |
| ©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY | |  Existing Flood Plain (Section 58) / Plaine inondable (Article 58) | |
| ©Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE | |  | |
| REVISION / RÉVISION - 2022 / 08 / 31 | | | |

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1211 Old Montreal Road:

1. Rezone the lands as shown in Document 1.

Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. The holding of a formal City-organized public information session during the public consultation period was deemed not necessary.

Public submissions from two members of the public and the Rideau Valley Conservation Authority (RVCA) were received in response to the proposed zoning amendment. No comments from community organizations were received.

Public Comments and Responses

Comment:

The proposed rezoning is strongly opposed. Considering the extent of the remaining future subdivision development of Cardinal Creek Village will have both along Highway 174 at the future extension of Cardinal Creek Drive and south of Old Montreal Road, it seems that protecting a few areas of the natural environment is essential. The proposed area to be rezoned would not hold many additional houses, and it has unique environmental features that are worthy of protection. Beyond the already proposed development in this area, further expansion should be limited for the sake of the overall wildlife and ecology of this area and for the enjoyment of the residents.

Response

In this instance, the requested rezoning of the impacted relatively small area of environmentally protected land is based on extensive discussions and on-site meetings between Tamarack (Cardinal Creek) Corporation and the Department's Development Review and Natural Systems staff to determine the quality of the forest edge that would be affected. It was concluded that the affected area could be rezoned to a residential use (R3Z) without any appreciable impact on the natural areas that border the subdivision and the natural sloped terrace to the north. The remaining natural area lands immediately south of the affected lands will continue to be protected.

Comment:

The residents of Ted Kelly Lane to the east of Cardinal Creek Village had the impression that there would be a buffer zone between the subdivision and the rural residential properties. It is unclear in the proposed zoning amendment whether the

buffer is to remain or not. While it seems that the proposed amendment should have no significant impact on the abutting residents' enjoyment of their properties, residents nonetheless remain concerned with the potential impacts of the advancing subdivision development.

Response:

The 10-metre buffer strip along the development's eastern extent was initially planned and shown on the 2014 approved draft plan of subdivision for Cardinal Creek Village. Although it was initially zoned Environmental Protection (EP), the planned buffer strip was primarily intended to be used as a servicing corridor for stormwater pipes rather than a natural screen buffer between the subdivision lands and the abutting rural residential properties. That planned use of the buffer strip is now to be abandoned. A subsequent on-site investigation and updated environmental impact assessment report of the current state of the buffer strip concluded that there is no significant tree growth within it worthy of protection. Therefore, there would be minimal appreciable impact to the surrounding environment and adjacent rural residential properties.

Comment:

The RVCA expressed no objection to the proposed Zoning By-law Amendment application in principle. However, the Authority recommended that the applicant address concerns with stability of the adjacent slope due to the potential for erosion to occur along the future planned stormwater channel. Channel stabilization will be required prior to final approval of the Phase 7 subdivision.

Response:

The concerns and requirements expressed by the RVCA will be addressed during Planning staff's review for final approval of the Phase 7 subdivision.