

**Subject: Zoning By-law Amendment – Part of 1 and 7 Cheryl Road and Part of
5 Majestic Drive**

File Number: ACS2022-PIE-EDP-0032

Report to Planning Committee on 27 October 2022

and Council 9 November 2022

**Submitted on October 14, 2022 by David Wise, Acting Director, Economic
Development and Long Range Planning, Planning, Real Estate and Economic
Development Department**

Contact Person: Carol Ruddy, Program Manager, Zoning Unit

613-580-2424 x. 28457, Carol.Ruddy@ottawa.ca

Ward: Knoxdale-Merivale (9)

**Objet : Modification au Règlement de zonage – portion des lots aux 1 et 7
Chemin Cheryl et au 5 Promenade Majestic**

Dossier : ACS2022-PIE-EDP-0032

Rapport au Comité de l'urbanisme

le 27 octobre 2022

et au Conseil le 9 novembre 2022

**Soumis le 14 octobre 2022 par David Wise, Directeur par intérim, Développement
économique et Planification à long terme, Direction générale de la planification,
de l'immobilier et du développement économique**

**Personne ressource : Carol Ruddy, Gestionnaire de programme, Unité du
Zonage**

613-580-2424 x. 28457, Carol.Ruddy@ottawa.ca

Quartier : Knoxdale-Merivale (9)

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 1 and 7 Cheryl Road and part of 5 Majestic Drive, as shown in Document 1, to prohibit development between the existing residential buildings and Woodroffe Avenue to a maximum distance of 20 metres to protect lands needed to accommodate the Barrhaven Light Rail Transit Corridor, 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 November 9, 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 une partie des 1 et 7, chemin Cheryl et une partie du 5, promenade Majestic, des biens-fonds illustrés dans le document 1, afin d'interdire tout aménagement entre les immeubles résidentiels existants et l'avenue Woodroffe, jusqu'à une distance maximale de 20 mètres, et ainsi protéger les terrains requis pour l'aménagement du couloir de train léger de Barrhaven, 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, 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 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Staff Recommendation

This report affects lands located at 1 and 7 Cheryl Road and 5 Majestic Drive. The report recommends that development be prohibited on the subject lands between the existing residential buildings and Woodroffe Avenue to a maximum distance of 20 metres, as shown on Document 1, to protect these lands for use in the Barrhaven Light Rail Transit (LRT) Corridor. This amendment is needed in response to the latest information from functional design work underway on the Barrhaven LRT Corridor which determined that additional lands will be needed beyond the current right of way of Woodroffe Avenue to accommodate the width of the Barrhaven LRT facility. Given that Interim Control By-law 2020-287 expires on October 14, 2022, this amendment will ensure that lands required for the corridor are protected from redevelopment.

The extent of the property requirement beyond the current Woodroffe Avenue right of way to accommodate the Barrhaven LRT facility has not been confirmed in the design work to-date. However, it has been determined that the space needed to accommodate the corridor will not exceed 20 metres as measured from edge of the right of way for Woodroffe Avenue. Further information will be available as the detailed design work progresses. The new alignment will not require the demolition of the existing dwellings on the subject properties.

It is anticipated that an information report regarding public consultations on the design of the corridor will be received by Council in spring 2023, with approval of the alignment by the Ministry of Environment, Conservation and Parks targeted for the fall of 2023.

It is recommended that a City-initiated zoning amendment be undertaken following approval of the corridor alignment to apply the prohibition on development to only those lands needed to accommodate the approved corridor width.

Public Consultation/Input

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. For further details, please see the Document 3 – Consultation Details.

A total of 14 responses were received. Of those, five indicated opposition, three indicated support, and the rest did not express either.

RÉSUMÉ

Recommandation du personnel

Le présent rapport concerne les terrains situés aux 1 et 7, chemin Cheryl et au 5, promenade Majestic. Le rapport recommande qu'aucun aménagement ne soit autorisé sur les terrains en question entre les bâtiments résidentiels existants et l'avenue Woodroffe jusqu'à une distance maximale de 20 mètres, comme le montre le document 1, afin de les protéger en vue de l'aménagement du couloir de train léger (TLR) de Barrhaven. Cette modification est requise au regard des plus récents renseignements obtenus lors des travaux de conception fonctionnelle en cours dans le couloir de train léger de Barrhaven, qui ont indiqué que d'autres terrains devront être utilisés, au-delà de l'emprise actuelle de l'avenue Woodroffe, pour aménager le couloir sur toute sa largeur. Compte tenu du fait que le Règlement de restriction provisoire 2020-287 vient à échéance le 14 octobre 2022, cette modification protégera les terrains nécessaires à l'aménagement de ce couloir contre d'éventuels projets de réaménagement.

La superficie au-delà de l'emprise actuelle de l'avenue Woodroffe nécessaire pour permettre l'aménagement du couloir de TLR de Barrhaven n'a pas, à ce jour, été confirmée dans les plans conceptuels. Toutefois, il a été déterminé que l'espace requis pour aménager ce couloir ne dépassera pas 20 mètres à partir du rebord de l'emprise de l'avenue Woodroffe. D'autres données seront disponibles au fur et à mesure que les travaux de conception détaillée avancent. Le nouveau tracé n'obligera pas la démolition des habitations actuelles sur les propriétés en question.

Le Conseil devrait recevoir au printemps 2023 un rapport d'information sur les consultations publiques au sujet de la conception du couloir, et le ministère de l'Environnement, de la Protection de la nature et des Parcs devrait approuver le tracé à l'automne 2023.

Il est recommandé que la Ville procède à une modification de zonage une fois approuvé le tracé du couloir, afin d'appliquer l'interdiction de tout aménagement sur les terrains requis pour aménager le couloir dans toute sa largeur.

Consultation et commentaires du public

Un avis public a été donné et une consultation publique a eu lieu conformément à la Politique d'avis et de consultation publique approuvée par le Conseil municipal pour les propositions de modification du Règlement de zonage. Pour obtenir plus de détails à ce sujet, reportez-vous à la au document 3 – Détails de la consultation.

Quatorze réponses ont été reçues. Cinq d'entre elles étaient opposées à la proposition, trois y étaient favorables et les autres n'ont exprimé aucun avis favorable ou défavorable.

BACKGROUND

Site location

5 Majestic Drive, 1 Cheryl Road and 7 Cheryl Road

Description of site and surroundings

The subject lands, 5 Majestic Drive, 1 Cheryl Road and 7 Cheryl Road, are located on the west side of Woodroffe Avenue between Knoxdale Road and West Hunt Club Road. These lands are the location of approximately 100 dwellings.

Summary of proposed development

The subject lands were the subject of Interim Control By-law (ICB) 2020-310, adopted by Council on October 14, 2020. The ICB had the effect of prohibiting a Planned Unit Development, three unit dwelling, townhouse dwelling or rooming house within 33 metres of Woodroffe Avenue. The ICB was adopted to prevent any development on lands identified for the construction of the Barrhaven LRT as part of its Environmental Assessment Study. In that study, several LRT alignments were put forward.

On November 25, 2020, Council approved 'Alternative 6', consisting of an elevated guideway located outside of the Woodroffe Avenue right of way. This alternative would have required a widening of the right of way from approximately 42 metres to approximately 62 metres, which would have required expropriation of land and the demolition of buildings on the subject lands.

Interim Control By-law 2020-310 was extended on September 8, 2021, as provided for by the *Planning Act*. It was extended for one year, effective October 8, 2021, as Interim Control By-law 2021-287. Upon expiry of By-law 2021-287 on October 14, 2022, no further extensions of the ICB are possible under the *Planning Act*.

On June 8, 2022, Council approved replacement of 'Alternative 6' with a revised alignment to avoid displacing the tenants of Manor Village and Cheryl Gardens. Council directed staff to, "finalize the functional design for the revised alignment, conduct public consultation on the design change, document the process, and inform Transportation Committee of the consultation outcome prior to re-initiating the Transit Project

Assessment Process with the revised alignment.” Since that time, work to refine the functional design of the Barrhaven Light Rail Transit (LRT) facility has been on-going.

DISCUSSION

Currently, work on the functional design indicates that additional right of way may be required to provide the space needed for intersection and roadway design components and to address stated stakeholder concerns regarding the incorporation of active transportation and landscaping elements. Further, as part of planned public consultations, comments from stakeholders will be received and considered for incorporation in the functional design as the study progresses, which could result in additional changes to the functional design. The exact extent of the property requirement beyond the current Woodroffe Avenue right of way limits to accommodate the Barrhaven LRT facility has not been confirmed in the design work to-date. It has been determined that the space needed will not exceed 20 metres as measured from edge of the right of way for Woodroffe Avenue. The new alignment will not require the demolition of the existing dwellings situated within the 20-metre-wide strip of land between north of Knoxdale Road and the Nepean Sportsplex Station along the corridor.

To ensure property needs can be accommodated beyond the current right of way, it is recommended that development be prohibited on the subject lands between the existing residential buildings and Woodroffe Avenue to a maximum distance of 20 metres. This protection is needed until the width of the corridor has been confirmed and approved.

It is anticipated that an information report regarding public consultations on the alignment of the corridor will be received by Council in spring 2023, with approval of the alignment by the Ministry of Environment, Conservation and Parks targeted for the fall of 2023.

It is recommended that a City-initiated zoning amendment be undertaken following approval of the Corridor alignment to modify the prohibition on development to only those lands needed to accommodate the approved corridor width.

Public consultation

Notification and public consultation was undertaken starting on August 24, 2021 in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

A total of 14 responses were received. Of those, five indicated opposition, three indicated support, and the rest did not express either. Several residents who live on the

affected lands expressed concern with the prospect of future expropriation affecting their ability to find affordable housing nearby and the disruption and dispersal of their neighbourhood.

The owners of 1 and 7 Cheryl Road acknowledged the proposed amendment and requested that they and their tenants be kept up-to-date on any future expropriation process. The owners of 5 Majestic Drive expressed concerns regarding the impacts of the amendment on their ability to redevelop their property.

As part of that process of finalizing a new alignment, the City will undertake consultations on the proposed alignment and corridor width. Further details concerning public consultations are available in Document 3 – Consultation Details.

Provincial Policy Statement

This City-initiated amendment is consistent with policy 1.6.8.1 of Provincial Policy Statement, 2020 which requires planning authorities to plan for and protect corridors and rights of way for infrastructure, including transportation and transit facilities, to meet current and projected needs. Further, policy 1.6.8.3 requires planning authorities to not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purposes for which it was identified.

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

RURAL IMPLICATIONS

The proposed amendment does not affect any lands in the Rural area.

COMMENTS BY THE WARD COUNCILLOR

Councillor Egli provided the following comments:

“I am aware of the report and have confirmed with staff that no homes will be impacted further to these design changes.”

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

If expropriations are required to accommodate the future Barrhaven Light Rail Transit corridor the processes under the *Expropriations Act* will be followed, including necessary Council approvals and offers of compensation. This amendment serves only

to ensure that no new development takes place on lands which may be required for the said corridor in the interim.

If the recommendations of the report are approved and the property owners or others appeal the rezoning, it is expected that a three-day hearing would be required before the Ontario Land Tribunal. The hearing could be conducted with existing Legal Services staff resources and relying on staff expert witnesses.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

No accessibility impacts are expected.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Environmental Stewardship – Ottawa’s natural environmental landscape is protected and enhanced.
- Economic Growth and Diversification – Robust rural economic development that supports Ottawa’s overall economic growth and diversification.

APPLICATION PROCESS TIMELINE STATUS

Not applicable – City-initiated Zoning By-law Amendment Application.

SUPPORTING DOCUMENTATION

Document 1 – Location Map/Zoning Key Plan

Document 2 – Details of Recommended Zoning

Document 3 – Consultation Details

CONCLUSION

This report recommends that development be prohibited on the subject lands between the existing residential buildings and Woodroffe Avenue to a maximum distance of 20 metres to ensure property needs can be accommodated, without requiring the demolition of these existing residential buildings. This protection is needed until the width of the Corridor has been confirmed and approved.

Staff recommend that a City-initiated zoning amendment be undertaken following approval of the Corridor alignment to modify the prohibition on development to only those lands needed to accommodate the approved Corridor width.

The proposed amendment is consistent with policies in the Provincial Policy Statement requiring planning authorities to plan for and protect corridors and rights of way for transportation and transit facilities and to not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purposes for which it was identified.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owners; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 2 - Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for portions of 1, 7 Cheryl Road, and of 5 Majestic Drive:

1. Amend the Zoning Map as shown in Document 1.
2. Amend Part 15, Section 239, Urban Exceptions by adding a new Exception [XXXX] with the following provisions similar in effect to the following:
 - a. In Column II add the text, “R3WW[XXXX]”
 - b. In column V add the text:
 - No development is permitted. Development includes construction of buildings and structures, and the construction of surface parking lots and underground structures.
 - Despite the foregoing, for buildings and structures that existed prior to November 9, 2022, the following projections and accessory structures may be constructed:
 - i. projections listed in Section 65 that do not add Gross Floor Area and are above grade
 - ii. accessory structures and buildings listed in Section 55 that do not add Gross Floor Area and are above grade.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. The public was invited to comment on the amendment through the public notice, involving the installation of three signs on the affected properties, as well as mailouts sent to all addresses and community associations within 150 metres of the affected properties. Care was taken to ensure that tenants in the affected properties were added to the circulation, as well as the property owners. Comments were received by mail, phone, and email.

Summary of Public Input

A total of 14 responses were received. Of those, five indicated opposition, three indicated support, and the rest did not express either.

The five comments in opposition were from residents of the affected lands, expressing strong concerns over the potential future loss of their homes, the loss of affordable housing, and the dispersal of their community. Staff replied to these comments, explaining that the amendment under consideration does not impact existing homes and structures. It will only prevent new buildings from being built on the lands that have been identified as the preferred alignment for LRT. Any acquisition and demolition processes are separate and will only be pursued once the LRT project is ready to move ahead, and if these lands are still deemed necessary at that time. Questions of relocation and the provision of comparably affordable homes are tied to the acquisition process.

The three comments received in support of the amendment were from outside the affected lands. These comments cited the benefits of new active and public transportation nearby.

The remaining six comments that expressed neither support nor opposition were prompts for clarification regarding the amendment. Staff provided answers, and no follow-up questions were received.

Concern / Topic	Response
Loss of homes and community following expropriation and demolition	The amendment under consideration does not impact existing homes and structures. It will only prevent new buildings from being built on the lands that have been identified as the preferred alignment for LRT. Future acquisition and demolition processes are separate and would only be pursued once the LRT project is ready to move ahead and it is determined the lands are needed to complete the corridor.
Loss of affordable housing following expropriation and demolition	
Support of LRT project	This amendment is being considered to facilitate the construction of the LRT project.

Comments from the owners of the affected parcels

The owners of 1 and 7 Cheryl Road were contacted on July 6, 2021. A meeting was organized on July 8, 2021 to discuss the implications for the property. During the meeting, staff answered questions regarding the process and impacts upon the lands. The owners did not bring up any objections but stressed the importance of ensuring that the tenants be kept informed on the amendment and any future acquisition process.

City staff have met with the owners of 5 Majestic Drive to discuss their concerns relating to the impacts of this amendment on their ability to develop the land.