

Subject: Minister's Zoning Order – 4085 Strandherd Drive

File Number: ACS2023-PRE-PS-0053

Report to Planning and Housing Committee on 19 April 2023

and Council 26 April 2023

**Submitted on April 4, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Barrhaven West (3)

Objet : Arrêté de zonage ministériel – 4085, promenade Strandherd

Dossier : ACS2023-PRE-PS-0053

Rapport au Comité de la planification et du logement

le 19 avril 2023

et au Conseil le 26 avril 2023

**Soumis le 4 avril 2023 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 : Barrhaven-Ouest (3)

REPORT RECOMMENDATIONS

That Planning and Housing Committee recommend Council:

1. **Receive and approve this report including the City's response to the Minister's Zoning Order request regarding 4085 Strandherd Drive, as shown in Document 2;**
2. **Direct the General Manager, Planning, Real Estate and Economic Development to submit the City's response to the Minister of Municipal Affairs and Housing with regard to the Minister's Zoning Order for 4085 Strandherd Drive.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de la planification et du logement recommande au Conseil ce qui suit :

1. **Prendre connaissance du présent rapport et de la réponse à l'arrêté de zonage ministériel concernant le 4085, promenade Strandherd, comme l'indique le document 2, et les approuver;**
2. **Demander au directeur général de la Planification, de l'Immobilier et du Développement économique de soumettre la réponse de la Ville au ministère des Affaires municipales et du Logement en ce qui a trait à l'arrêté de zonage ministériel concernant le 4085, promenade Strandherd.**

BACKGROUND

Site location

4085 Strandherd Drive

Description of site and surroundings

The subject property is known municipally as 4085 Strandherd Drive and is located on the southeast corner of the intersection of Strandherd Drive and Borrisokane Road, with a total area of 2.51 hectares. The land is undeveloped, with mature vegetation on the southeast portion of the property. To the immediate south includes a single residence and the Chapman Mills Transit Corridor. Recent low-rise residential developments are found to the east and further south, as well as low- and mid-rise residential, commercial retail and institutional uses to the north across Strandherd Drive, including a private school and a five-storey retirement home. The city-owned district park, Clark Fields

Park, is located further north. Across Borrisokane Road to the west is a piece of vacant industrial land; lands further west are planned for a low-rise residential subdivision.

Summary of proposed development

The proposed development includes two phases. The first phase proposes to construct a 192 bed, four-storey long-term care facility. Phase 2 of the development proposes to construct either 192 more long-term care beds, or a range of ancillary uses such as a retirement home, residential apartment, and community oriented commercial uses.

The Minister's Zoning Order

The Planning Act authorizes the Minister of the Ministry of Municipal Affairs and Housing (MMAH) to make a minister's zoning order (MZO) for regulating the use of land, buildings and structures anywhere in Ontario. If there is a conflict between an MZO and a municipal zoning by-law, the MZO prevails. Consultation and engagement with the municipality and the public is at the discretion of the MMAH and decided on a case-by-case basis.

On March 7, 2023, City staff received a notification from the MMAH regarding a MZO request via the Ministry of Long-Term Care (MLTC). The draft MZO is included in Document 6. The MMAH has asked for the City of Ottawa to provide technical feedback regarding this request.

The MLTC had announced a construction funding subsidy to help advance the development of new long-term care beds. To qualify for the program, eligible projects are required to have started construction by August 31, 2023. To support funding eligibility, the MLTC has identified sites where the use of an MZO would help accelerate planning approvals. MLTC has identified interest in the use of an MZO at 4085 Strandherd Drive.

The requested MZO would facilitate the creation of approximately 192 long-term care beds of up to four storeys for Phase 1. Phase 2 of the development proposes to construct either 192 more long-term care beds, or a range of ancillary uses such as a retirement home, residential apartment, and community oriented commercial uses.

The purpose of this report is to inform the Planning and Housing Committee and Council of the draft MZO and staff comments and concerns regarding the draft MZO, and to seek Council's approval of the staff response to the MMAH as included in Document 2.

The pre-application consultation

On September 27, 2022, staff held a pre-application consultation meeting with the proponent regarding the development for a four-storey long-term care home along Strandherd Drive and a six-storey retirement home along Borrisokane Road. A fulsome instruction on application submission was provided to the proponent shortly after the meeting. Should the proponent have taken necessary actions to prepare for and submit the required development applications, City staff would have treated them as a priority and processed planning approvals timely, with proper public consultation being conducted according to the Planning Act and the City's Public Consultation Policies. The MLTC funding timeline would be met and the MZO could be avoided.

DISCUSSION

Public consultation

Public consultation related to the proposal and the draft Minster's Zoning Order (MZO) has not been completed. A public consultation component may be conducted at the discretion of the Ministry of Municipal Affairs and Housing (MMAH).

Official Plan designation(s)

The lands are designated as Mixed Industrial in Schedule B6 of the Official Plan (OP). Mixed Industrial areas are characterized by a broad mix of uses including small-scale office, light industrial, small-scale commercial service uses and non-residential sensitive uses such as places of worship, indoor recreational uses and stand-alone licensed care centres that would otherwise not be permitted on lands designated Industrial and Logistics.

Schedule B6 also identifies the eastern portion of the property as Evolving Neighbourhood Overlay due to its proximity to the future terminus station of the Barrhaven Bus Rapid Transit (BRT). The Evolving Neighbourhood Overlay is applied in the Suburban transect to give guidance and direction for the creation of 15-minute neighbourhoods.

Other applicable policies and guidelines

The lands are not subject to any secondary plan or special area policies. However, across Borrisokane Road to the west, the lands are subject to Area-Specific Policy Area 5 – Volume 2C which limits the building height to 18.0 metres (four-storeys).

Planning rationale

1. Compliance with the Official Plan

The Official Plan (OP) under schedule B6 identifies the lands as Mixed Industrial which provide a broader range of non-residential uses than Industrial areas. These areas are meant to function as business parks and can also provide a transition between Industrial and Logistics areas and Neighbourhoods, providing a supply of land for non-residential sensitive uses and smaller-scale light industrial and commercial uses. Mixed Industrial may also include commercial uses serving a local neighbourhood, supporting the 15-minute neighbourhood objectives. However, policy 6.5.1, 7) states that residential uses are not permitted in Mixed Industrial areas.

A long-term care facility is regarded as an institutional use. The OP prescribes criteria in policy 6.5.3,2) for site-specific amendments to the Zoning By-law to allow sensitive institutional uses, where there are no health impacts from adjacent uses, the proposed sensitive institutional use does not impede an existing Mixed Industrial use's operation, the site is within 600 metres from a residential zone, and the site is more than 300 metres away from any heavy industrial uses.

The site is within 600 metres of a residential zone and shares the eastern boundary with existing residential properties. Additionally, there are no heavy industrial uses within 300 metres of the site, as such staff concludes that these criteria are met for the site and the proposed long-term care use.

OP policies under 6.5.3,1) also lists a range of small scale, neighbourhood-based commercial and service uses that are permitted along the edge of Mixed Industrial designation abutting residential areas, provided these uses help achieve the 15-minute neighbourhood objectives. These policies provided the direction to staff in the recommendation of additionally permitted uses as discussed in the section about zoning details.

2. Adjacent properties

There are two properties adjacent to the south, one addressed as 3231 Borrisokane Road and another unaddressed parcel, that have a total area of 2.8 hectares. The vacant city-owned lands to the east including 3150 Borrisokane Road and an un-opened right-of-way have a combined area of 0.9 hectares. All these properties fall under the Mixed Industrial designation in the OP. These properties and the subject property at 4085 Strandherd Drive occupy the two corners of the land bounded by Strandherd Drive, Borrisokane Road, the transit corridor, and the new residential developments. Given the relatively small size of these lands, with an accumulated area of 6.2 hectares, any conversion or re-designation of these employment lands, ideally, should be examined through a fulsome planning review to take into considerations of the local context and community needs, and to avoid piecemealed decisions. Staff recommend that should a MZO be issued for 4085 Strandherd Drive, staff shall conduct

a City-initiated Official Plan Amendment for the whole of the properties to examine and recommend appropriate uses and any new designation.

3. Zoning details

The lands are zoned Development Reserve (DR), which recognizes lands intended for future development and limit the range of uses to those that would not preclude future development options. A zoning by-law amendment would be required to change the property from the current DR zone to a designation which permits the long-term care home and retirement home uses.

The draft MZO includes a zoning change for the property from DR to a General Mixed-Use zone (GM), which will allow a wide range of residential, commercial, and institutional uses that are often large and serve broader areas and which may generate traffic, noise or other impacts. The GM zone would allow uses such as drive-through facility, a full scale of retail stores, and service and repair shop, etc., which are incompatible with the proposed long-term care facility at this location. The GM zone would also permit a wide range of residential uses which are prohibited in the Mixed-Industrial designation.

Staff recommends the appropriate zoning for the proposed long-term care be the Minor Institutional Zone Subzone A (I1A) exception XX. The Minor Institutional Zone is the primary zone to allow a range of community and institutional uses in the urban area in close proximity to residential uses ensuring that such uses are of a scale and intensity that is compatible with neighbourhoods. The Minor Institutional Zone reflects the true nature of the MZO request from MLTC, that it is to allow a long-term care facility with ancillary and supportive uses.

Staff further recommends a site-specific exception to allow up to 20 metres in building height, which is compatible with the surrounding context, and will provide sufficient flexibility in the design and construction of the facility. Minor commercial and services uses that are compatible with the long-term care facility, such as bank, bank machine, community health and resource centre, medical facility, office, personal service business, and small-scale grocery stores and retail are also recommended to be included as additionally permitted uses. The recommended zoning detail is included in Document 3.

4. Site Plan Control

The draft MZO also includes the exemption of the Site Plan Control process for the development. Site Plan Control is an essential tool for the City to properly review site specific design of the proposed use and to assess mitigation measures to manage any impacts on the surrounding infrastructure, roads, and uses. It will also allow the City to review and assess site specific issues such as drainage, fire protection, noise, lighting,

accessibility, parking, road widening and modification, streetscaping, garbage, snow storage, liability, and construction management. This process is critically important to ensure the safety and quality of life for both the future residents of the long-term care facility as well as the existing residents in the surrounding area.

Staff strongly recommend that Site Plan Control not be exempt through the MZO and recommend that the development proponent submit a proper site plan control application to the City. Staff is committed to prioritizing the application and supporting the applicant to meet the MLTC funding timeline and will manage the site plan approval expeditiously consistent with recently adopted provisions under Bill 109.

The applicant is encouraged to submit the Site Plan Control application as early as possible to obtain approval timely. Staff is further committed to collaborating with the applicant through the post approval process and assisting them to obtain the required building permits to meet the MLTC funding timeline.

5. Summary of technical comments

To respond to this draft MZO, staff conducted a short internal technical circulation to obtain initial technical feedbacks. Given the abnormality of the MZO process, these comments were provided according to very limited and preliminary information.

Comments received from the brief technical circulation of the draft MZO stressed the importance of reviewing the application through a site plan control review process. Specific comments noted that the site is fronting onto two high volume and high-speed arterial roads, access and egress could be difficult and would require further review. As well the need for an engineering review of infrastructure servicing the site and stormwater management was identified. Similar to stormwater management, the site is adjacent to lands associated with the floodplain of the Jock River. While the scope of the hazard is limited to a small portion of the subject lands, properly safeguarding the project and surrounding area is a necessity.

Provincial Policy Statement

Staff examined the proposal against policies under the Provincial Policy Statement (PPS) regarding the consideration of employment land conversions in the absence of a comprehensive review. The considerations include that the area is not provincially significant, the need for the conversion is identified, the land is not required for employment over the long term, there is no adverse impact on the overall viability of the employment area, and there are existing or planned infrastructure to accommodate the proposed use. City staff concludes that the proposed long-term care facility is generally consistent with PPS policies, however, the examination of sufficient infrastructure typically would be achieved through the review of development applications.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillor is aware of the MZO and is supportive of long-term care and seniors housing at this location

LEGAL IMPLICATIONS

While it is understood to be the practice of the Ministry of Municipal Affairs and Housing to seek the input of the municipality where a Minister's zoning order is being considered, any consultation is at the discretion of the Minister. There is no right of appeal under the Planning Act with respect to a Minister's zoning order or the exclusion of lands from the site plan provisions (section 41) of the Planning Act

RISK MANAGEMENT IMPLICATIONS

Should the Minister of MMAH decide to exempt the Site Plan Control through the MZO, the City will be forced to issue a building permit for a major long-term care facility without proper review, which potentially could be non-compliant with municipal servicing and design standards. Without a proper Site Plan Control process, the City will also be exposed to risks due to the lack of a site plan agreement and associated security and insurance requirements.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications.

FINANCIAL IMPLICATIONS

The use of the MZO does not allow the City to collect application fees to cover the resources needed to examine the proposal and study the site-specific impacts, resulting in a loss of revenue. The application fee for an Official Plan Amendment is \$26,187, for a major Zoning By-law amendment is \$22,340 and for a complex Site Plan Control application the fee ranges between \$51,359 to \$61,359. The Site Plan Control process, if exempted, will also result in a lost revenue of engineering review and inspection fees, which are typically collected based on 4.5 per cent of hard servicing and 2.25 per cent of soft servicing costs.

ACCESSIBILITY IMPACTS

A change in land use to permit the proposed development would not create accessibility impacts. New construction related to the proposal is to be constructed in accordance

with the *Ontario Building Code and Accessibility for Ontarians with Disabilities Act* (AODA). This is typically ensured through the Site Plan Control process.

APPLICATION PROCESS TIMELINE STATUS

There are no formal timelines for processing the MZO request. A response to the MMAF is to be provided expeditiously following a short technical circulation and Council consideration.

SUPPORTING DOCUMENTATION

Document 1 – Location Map

Document 2 – Ottawa's response letter to the MMAH

Document 3 – Ottawa's edits to the Draft MZO 4085 Strandherd Drive

Document 4 – Draft Site Plan (as included in the MZO package)

Document 5 – Development Options Report (as included in the MZO package)

Document 6 – Draft MZO 4085 Strandherd Drive (as included in the MZO package)

CONCLUSION

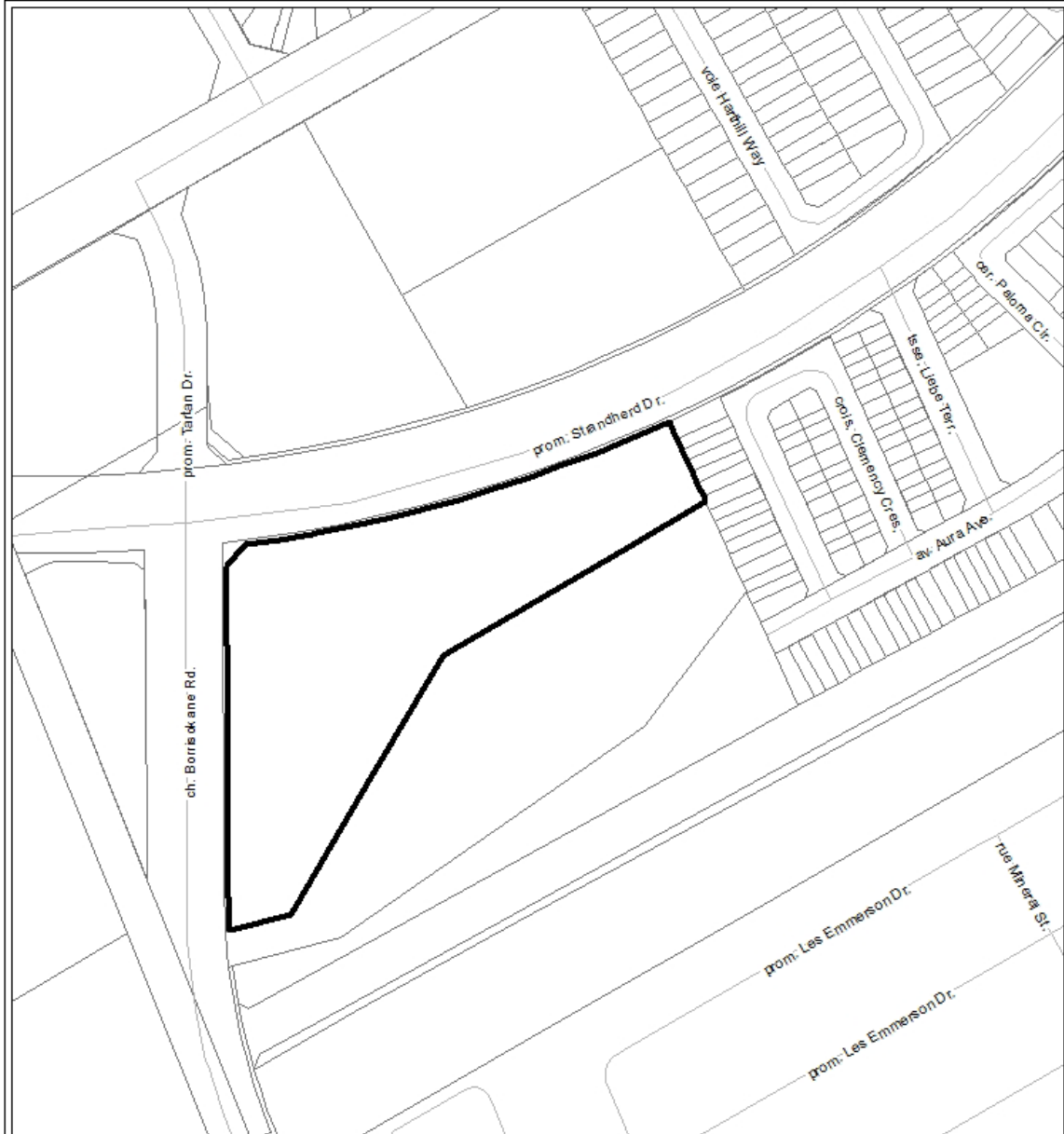
The Planning, Real Estate and Economic Development Department recommend Council approve this report and the response letter to the Minister of MMAH with regards to the Minister's Zoning Order for 4085 Strandherd Drive.



DISPOSITION

Office of the City Clerk, Council and Committee Services to notify Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Legal Services, Innovative Client Services Department to forward the information package to City Council.

Document 1 – Location Map



	<p>LOCATION MAP / PLAN DE LOCALISATION SITE PLAN / PLAN D'EMPLACEMENT</p>
<p>23-0288-R</p>	
<p>I:\CO\2023\Site\Standherd_4085</p>	
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<p>REVISION / RÉVISION - 2023 / 03 / 28</p>	<div data-bbox="1321 1751 1365 1801" style="text-align: right;">  </div>