

August 24, 2023

City of Ottawa
Committee of Adjustment
101 CentrepoinTE Drive
Ottawa, ON K2G 5K7

Attention: Michel Bellemare, Secretary-Treasurer

**Reference: 105 Helmsdale Drive and 340 Terry Fox Drive
Lot Line Adjustment and Drainage Easement
Novatech File: 123031**

Please note this is a revised version of the cover letter dated June 12, 2023. A secondary consent for a drainage easement has been added. An additional application form and fee have been provided.

Novatech has been retained by KRP Properties to prepare and file applications for a lot line adjustment and drainage easement between two properties they own, being 340 Terry Fox Drive and 105 Helmsdale Drive (together these are the 'Subject Site').

Existing Conditions

The Subject Site is 4.33 ha in total area and is located north of the intersection of Terry Fox Drive and Helmsdale Drive in the Kanata Research Park. The eastern part of the Subject Site (340 Terry Fox Drive) is occupied by a low-rise office building and surface parking that was built in the 1990s. The western part (105 Helmsdale Drive) is used as a soccer field.

To the north is a discussed railway corridor (with the rail tracks removed) and beyond that The Marshes Golf Course. To the east across March Valley Drive is the club house for the golf course. To the south across Terry Fox Drive is a low-rise office building and across Helmsdale Drive is the Kanata Research Park Family Centre, a daycare. To the west is a low-rise residential area.

The Subject Site is legally described as:

PART OF BLOCK 4 ON PLAN 4M-642 BEING PARTS 2, 3 AND 4 ON PLAN 4R-14329,
KANATA (340 Terry Fox Drive)

PART OF BLOCK 4 ON PLAN 4M-642 BEING PART 5 ON PLAN 4R-14329, KANATA (105
Helmsdale Drive)

The Subject Site is zoned General Industrial with an exception (IG [1525]). It is proposed to continue the existing office use at 340 Terry Fox Drive, and 105 Helmsdale Drive is currently vacant. The intent of the lot line adjustment is to include all of the existing parking lot used by 340 Terry Fox Drive wholly within that property. The parking lot is across the current property line. A drainage easement over 105 Helmsdale Drive benefitting 340 Terry Fox Drive is also proposed.

The Subject Site is shown at Figure 1 below.

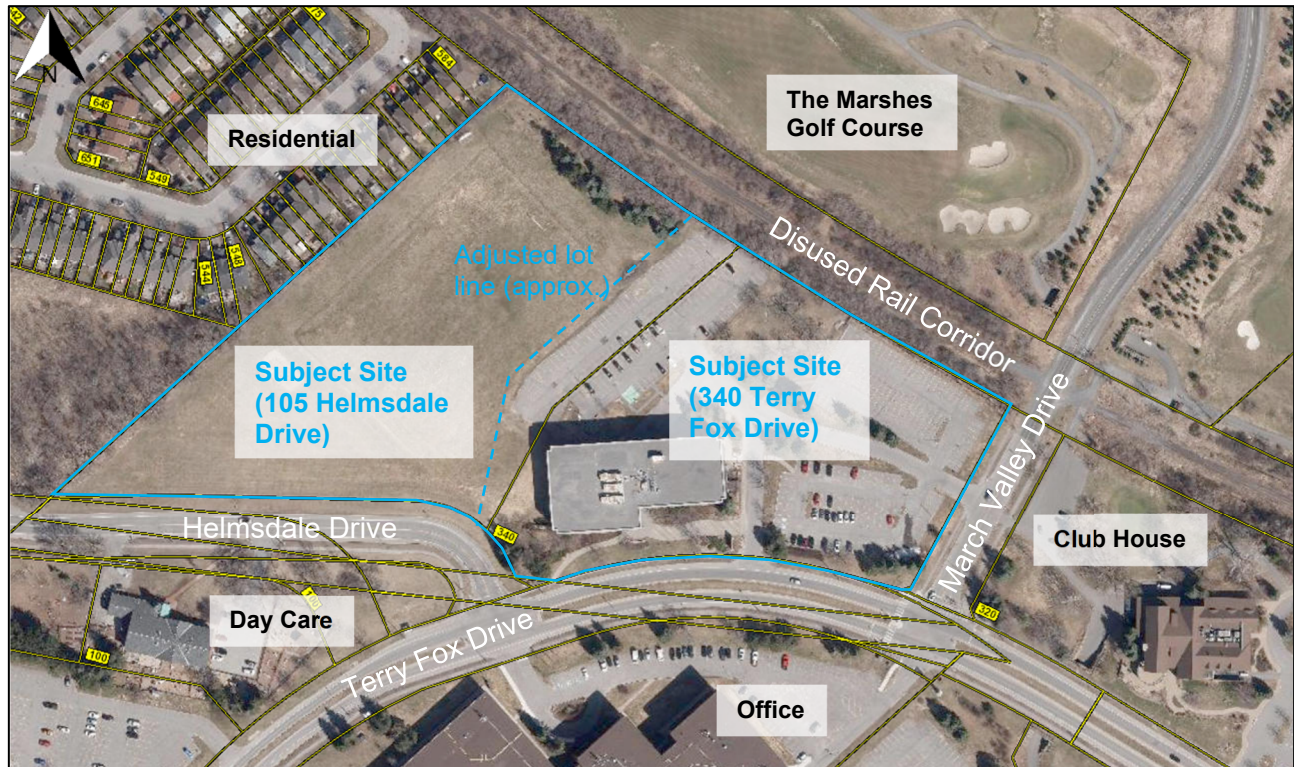


Figure 1: Subject Site and Surrounding Uses

Lot Line Adjustment Application

It is proposed to adjust the lot line between the two parcels and create a drainage easement as described below and shown on the enclosed Plan 4R-14329 and Draft Reference Plan:

1. Sever Part 1 on the Draft Reference Plan from Part 5 on Plan 4R-14329 (105 Helmsdale Drive) and add it to Parts 2, 3 and 4 on Plan 4R-14329 (340 Terry Fox Drive). The lot line adjustment adds the 2,653m² taken from 105 Helmsdale Drive to 340 Terry Fox Drive.
2. A drainage easement over Part 5 on 4R-14329 save and except for Part 1 on the Draft Reference Plan in favour of Parts 2, 3 and 4 on 4R-14329 and Part 1 on the Draft Reference Plan. The easement is for drainage from 340 Terry Fox Drive to drain across 105 Helmsdale Drive.

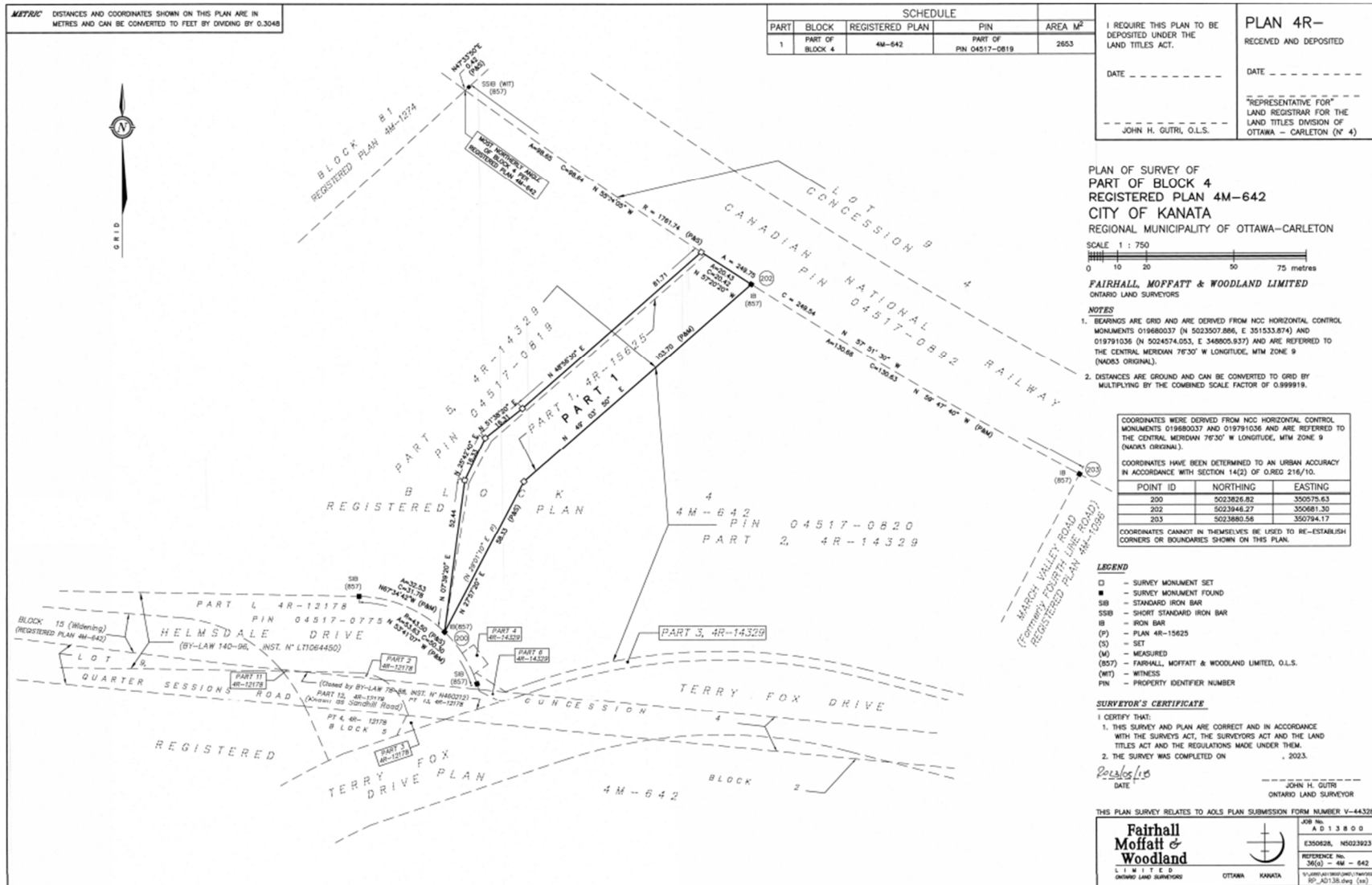


Figure 2: Excerpt of Draft Reference Plan (full version enclosed with the application)



Figure 3: Excerpt of Plan 4R-14329 (full version enclosed with the application)

Rationale

Subsection 53(1) of the Planning Act states:

(1) An owner or chargee of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).

The Subject Site is part of a previous subdivision (4M-642) and is located in an area where existing infrastructure can support the lot line adjustment. Accordingly, a further plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

53. (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed development has regard for the following matters of provincial interest:

- the supply, efficient use and conservation of energy and water;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the minimization of waste;
- the orderly development of safe and healthy communities;
- the appropriate location of growth and development; and
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

(b) whether the proposed subdivision is premature or in the public interest;

The Subject Site is part of a previous subdivision (4M-642) and is located in a fully developed neighbourhood where services are available. As such, the severance of the Subject Site is not premature.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Pursuant to the Official Plan the Subject Site is in the Suburban Transect and is designated as part of the Kanata North Economic District, one of two Special Economic Districts detailed in Section 6.6. As the Subject Site is outside the two Activity Centres in the District, policy 1) d) is applicable:

“ Permit a wide range of uses within the district. These include residential, employment, commercial and institutional land uses. However, the land outside of the activity centres, March Road and Legget Drive should generally be focused on employment and ancillary use”

The existing office use will continue on the Subject Site. The proposed lot line adjustment does not affect this.

(d) the suitability of the land for the purposes for which it is to be subdivided;

340 Terry Fox Drive is used for office. The lot line adjustment brings all the parking for this use onto the site and leaves 105 Helmsdale Drive vacant and more suitable for future development.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

This is not applicable as no residential use is proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

These matters would have been addressed through the subdivision approval process (Plan 4M-642).

(f) the dimensions and shapes of the proposed lots;

The lot line adjustment adds 2,653m² to 340 Terry Fox Drive. Both lots retain regular shapes and sizes (larger than 2 ha) to allow for future development.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions on the land, the existing buildings, or the adjoining land.

(h) conservation of natural resources and flood control;

No natural resources or flooding issues were identified on the Subject Site.

(i) the adequacy of utilities and municipal services;

The Subject Site is connected to existing utilities and municipal services. Adequate municipal services are available to service the site.

(j) the adequacy of school sites;

This is not applicable as no residential use is proposed.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No land is to be conveyed for public purposes. There is no Right of Way protection for Helmsdale Drive or for these sections of Terry Fox Drive and March Valley Road identified in Table 1 at Schedule C16 of the Official Plan (Road Classification and Rights-of-Way Protection).

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

340 Terry Fox Drive is used for office. The lot line adjustment brings all the parking for this use onto the site and leaves 105 Helmsdale Drive vacant and more suitable for future development.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Not applicable.

Conclusion

The lot line adjustment and drainage easement will allow for the continued office use of the eastern part of the Subject Site (340 Terry Fox Drive) and allows for the future development of the western part (105 Helmsdale Drive). The applications satisfy the criteria of Section 51(24) of the Planning Act as they have regard for matters of provincial interest, are not premature, are in the public interest, conforms to the Official Plans, are suitable for the land, have adequate utilities and municipal services and utilize these services efficiently.

It is our opinion that this application represents good land use planning.

Sincerely,

NOVATECH



James Ireland, MCIP, RPP
Project Planner