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Committee of Adjustment

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City of Ottawa | Ville d'Ottawa

Comité de dérogation

August 13, 2024

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

Attention: Michel Bellemare, Secretary - Treasurer

Dear Mr. Bellemare:

**Reference: 375 des Épinettes Avenue
Applications for Consent
Our File No. 124136**

Novatech has been retained by the owner of the property municipally known as 375 des Épinettes Avenue (the "Subject Site") to prepare and file Consent applications to sever the existing lot and establish a newly created vacant lot for the purpose of conveyance.

The following letter describes the existing conditions of the site, the proposed severances, and the rationale in support of the application.

Existing Conditions

The Subject Site is located in the Orléans East-Cumberland ward of the City of Ottawa, within the Queenswood Heights neighbourhood, on the north side of des Épinettes Avenue. The Subject Site is in an area bounded by Duval Lane to the north, des Épinettes Avenue to the south, Prestwick Drive to the west, and Tenth Line Road to the east (see Figure 1). The Subject Site is a corner lot with 71.4 metres of frontage along des Épinettes Avenue, 96.75 metres of frontage along Prestwick Drive and an area of 5943.4 square metres.

The Subject Site is legally known as Part of Block C, Registered Plan 50M-23, within the City of Ottawa. The Subject Site is zoned Local Commercial, Subzone 5, Height restricted to 9.5 metres (LC5 H(9.5)) in the City of Ottawa Zoning By-law 2008-250.

Figure 1. Site Location



Proposed Development

The Subject Site is currently developed as a commercial plaza with surface parking. The north west portion of the existing property is vacant. It is proposed to sever the existing lot into two newly created parcels. Following completion of the severance, it is proposed to retain the existing commercial plaza on one parcel and facilitate conveyance of the vacant parcel. The newly severed lots will facilitate separate ownership for each parcel that fully conform to the zoning requirements for commercial or mixed use buildings in the LC5 H(9.5) zone. A separate driveway will be required off Prestwick Avenue to provide access to the newly created vacant lot.

Figure 2. Draft Reference Plan



Severance Application

This application will sever the existing lot to create two separate parcels labelled as Part 1 and Part 2, as shown on the Draft Reference Plan (see Figure 2).

Part 1:

Part 1 will have a total area of 4,868.4 square metres, a frontage of 54.4 metres on Prestwick Drive and a frontage of 71.4 metres on des Épinettes Avenue. This parcel will be occupied by the existing commercial building and surface parking area to be retained.

Part 2:

Part 2 will have a total area of 1,075.0 square metres, and a frontage of 42.3 metres on Prestwick Drive. This parcel is proposed to be severed for the purpose of conveyance and will remain vacant pending a development application.

Rationale

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

The proposed severance will facilitate conveyance of the newly created lot for future development while maintaining the existing commercial plaza on the Subject Site. The proposed severance supports an appropriate range and mix of potential land uses, including residential and employment uses on the Subject Site to meet the long-term needs of residents in the neighbourhood. The proposal also promotes cost-effective development patterns by creating an opportunity to intensify lands within the urban boundary, minimizing land consumption and municipal servicing costs.

Planning Act

Subsection 53(1) of the Planning Act states:

“An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’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. 2021, c. 25, Sched. 24, s. 4 (1).”

The proposal does not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

“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;

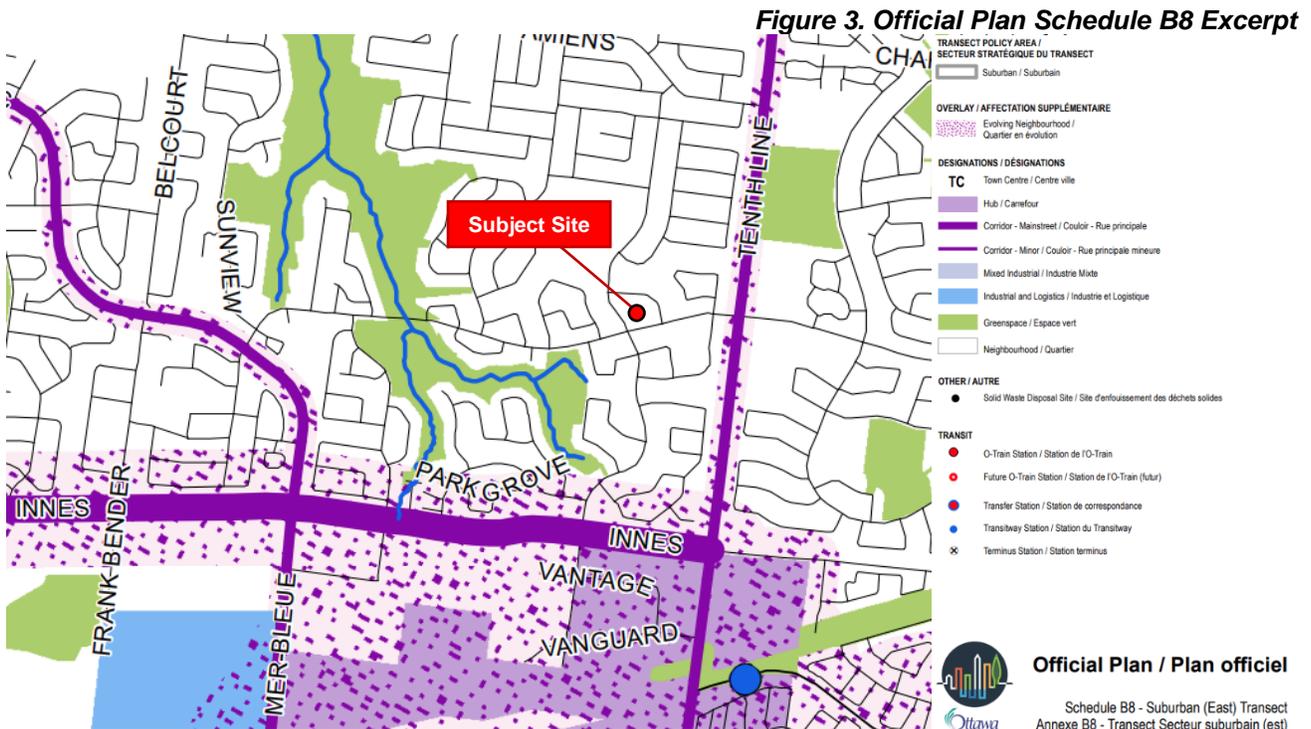
375 des Épinettes Avenue is within the urban area of the City of Ottawa. The proposed severance has regard for the following matters of provincial interest:

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the adequate provision of employment opportunities; and
- the appropriate location of growth and development.

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

The Subject Site is located within a fully developed neighbourhood where hard and soft services are available. The proposed severance is not premature and is in the public's interest.

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



City of Ottawa Official Plan

The Subject Site is designated “Neighbourhood” in the Suburban Transect on Schedule B8 of the City of Ottawa Official Plan (see Figure 3). Section 3.2 of the Official Plan encourages infill and intensification within the urban area. Policy 3 of Section 3.2 of the Official Plan states that: “The vast

majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them” and, Policy 4 of Section 3.2 of the Official Plan states that: “Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.”

The severance application will support intensification in a Neighbourhood designation that is in proximity to Tenth Line Road, designated as a Minor Corridor in the Official Plan. Although no specific development proposal has been prepared, a range of land uses including residential and commercial are permitted on the Subject Site and could be developed on the newly created lot “as-of-right”. The newly created lot has municipal water and sewer services and is of a sufficient size to compliment the existing lot pattern, scale, and desirable characteristics of development along Prestwick Drive and des Épinettes Avenue that contribute to the growth of 15-minute neighbourhoods.

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

The proposed severances will facilitate conveyance of the newly created parcel for future development. The newly created lot is of a sufficient size to support a range of permitted land uses including residential and commercial. A range of land uses compatible with the existing lot fabric of the neighbourhood could be developed on the newly created lot “as-of-right”.

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

Not applicable.

(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;*

Not applicable.

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

The proposed severance will result in lot widths and lot areas for the newly created parcels that are compatible with existing land use patterns and the lot fabric of the neighbourhood.

(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;*

Not applicable.

(h) *conservation of natural resources and flood control;*

The Subject Site is not within or adjacent to a flood plain or any areas of natural interest.

(i) *the adequacy of utilities and municipal services;*

The proposed lots will connect to existing utilities and municipal services.

(j) the adequacy of school sites;

Our Lady of Wisdom School, Dunning-Foubert Elementary School, Jeanne-Sauve Public Elementary School and Sir Wilfred Laurier Secondary School are in proximity to the Subject Site.

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

It is anticipated that cash-in-lieu of parkland dedication will be a condition of approval.

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

Infill and intensification within the urban area efficiently utilizes energy (infrastructure, services, transit, etc.) and land.

(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.

The proposed consent application on the Subject Site represents good land use planning.

A Tree Information Report was prepared in support of the application for consent by Dendron Forestry Services, dated August 9, 2024. The Tree Information Report provides recommendations on proposed tree protection and states that *"No development has been proposed at this time. All trees are to be retained during the severance and tree protection measures are to be determined when development is proposed"*. No impacts to existing trees on abutting properties are anticipated as a result of the proposed severance.

The proposed severance at des Épinettes Avenue represents good land use planning. The proposed severance is within an urban area and has regard for matters of provincial interest. The proposed severance is not premature and is in line with public interest. The severance conforms to policies of the City of Ottawa Official Plan with regards to infill and intensification. The proposed severance will result in lots that fully comply with the LC5 H(9.5) zone provisions for lot width and lot area.

In support of the applications for consent, please find enclosed:

- One (1) copy of this Covering Letter;
- Severance Application Form for Part 1 and Part 2 (one original copy)
- Severance Sketch for Part 1 and Part 2 (one copy of 11 x 17 and one 8 ½ x 11)
- Draft Reference Plan (one copy of 11 x 17 and one 8 ½ x 11)
- Plan of Survey (one copy of 11x17 and one 8 ½x11)
- Tree Information Report (one copy)
- Parcel Abstract for the Subject Site (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Jeffrey Kelly, MCIP, RPP
Project Planner