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Committee of Adjustment
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Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

**Reference: 150 Dun Skipper Drive Severance
Novatech File: 124107**

Novatech has been retained by Bank and Dun Developments Inc. to prepare and file an application to sever 150 Dun Skipper Drive (the 'Subject Site') into two parcels.

Severance Application

It is proposed to sever Parts 2, 3, 4 and 5 on the Draft Reference Plan from Part 1 on the enclosed Draft Reference Plan.

A servicing easement over Part 3 on the Draft Reference Plan benefitting Part 1 on the Draft Reference Plan is also proposed.

Background

The Subject Site is current vacant. Two different developments are proposed for the Subject Site and each will be contained by a parcel created by the severance. The western part (Parts 2, 3, 4 and 5 on the Draft Reference Plan) has Site Plan and Zoning By-law Amendment applications filed for 237 mid-rise apartments (City file nos. D07-12-25-0005 and D02-02-25-0005). The eastern part (Part 1) has a separate Site Plan application filed for a commercial plaza (D07-12-24-0134).

Existing Conditions

The Subject Site is a 2.93 ha vacant parcel with frontage to Bank Street to the east, Dun Skipper drive to the south and Cedar Creek Drive to the west.

The legal description of the Subject Site is:

BLOCK 241, PLAN 4M1617 SUBJECT TO AN EASEMENT OVER PART 67, PLAN 4R31780
AS IN OC2084030 CITY OF OTTAWA

The easement (OC2084030) is over Part 5 on the Draft Reference Plan and is for utilities. It is not affected by this severance application.

To the north are 1054 Cedar Creek Drive, a recently constructed townhouse, 4816 Bank Street, a 2.63 ha parcel zoned Development Reserve (DR) and occupied by a detached dwelling and 4820 Bank Street which is occupied by a detached dwelling.

To the **east** across Bank Street is a RV Dealer, an 18.12 ha vacant parcel zoned Rural Countryside and the Hindu Temple of Ottawa Carleton.

To the **south** across Dun Skipper Drive is a commercial property and three recently constructed four storey apartment buildings.

To the **west** across Cedar Creek Drive are recently constructed detached and townhouse dwellings.

The Subject Site is zoned General Mixed Use (GM).



Figure 1: Subject Site and Surrounding Uses

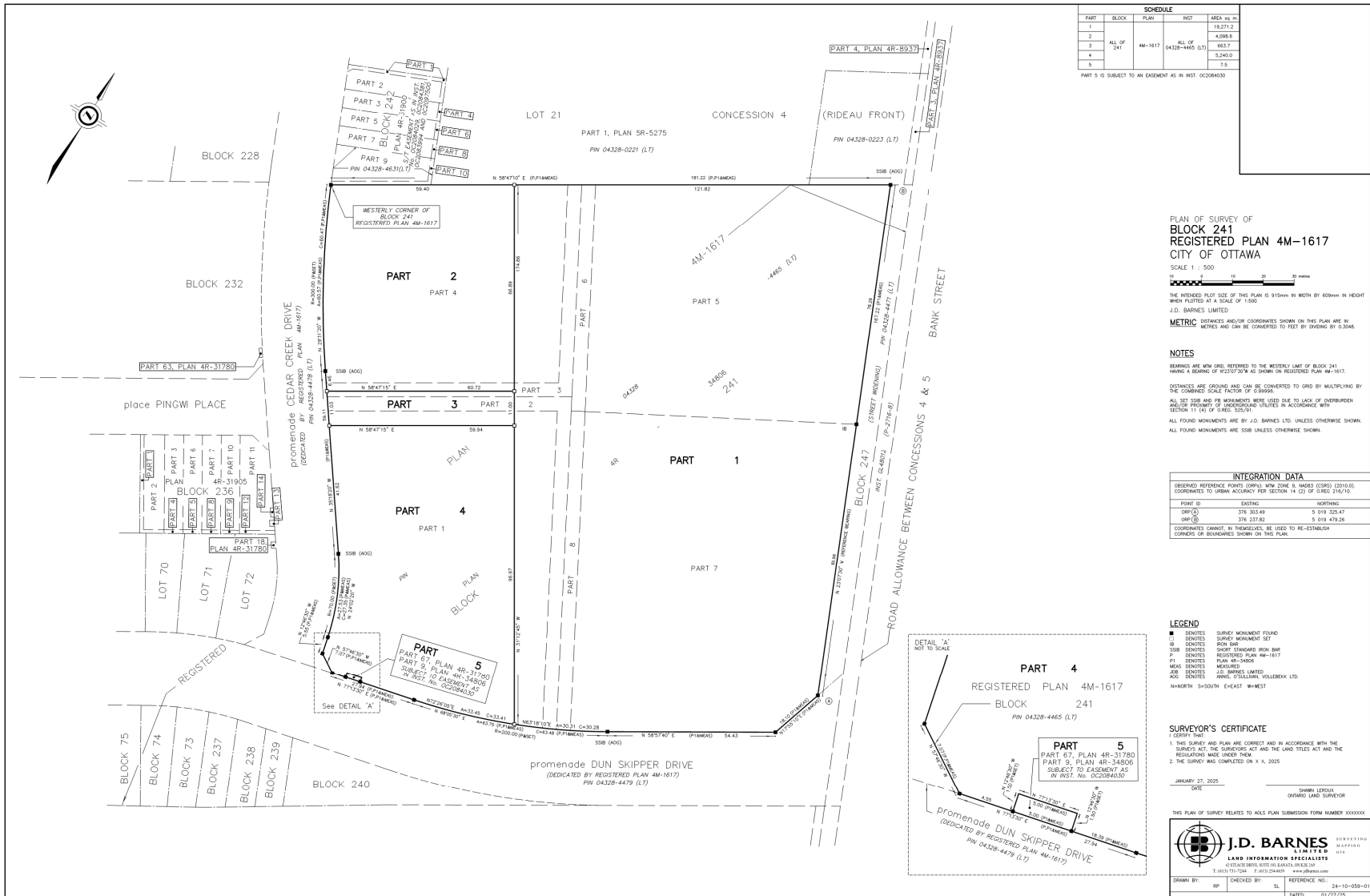


Figure 2: Excerpt of Draft Reference Plan (full version enclosed with the application)

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-1617) and is 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-1617) and is in a 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 Mainstreet Corridor. The Evolving Overlay does not apply to the Mainstreet Corridor designation.

The proposed severance facilitates residential and commercial developments on the Subject Site that are consistent with the following applicable Official Plan policy:

Policy 1 in 6.2.2 Recognize Mainstreet Corridors as having a different context and setting out policies to foster their development

1) In the Mainstreet Corridor designation, this Plan shall permit a mix of uses including offices. These uses are permitted throughout the building, however the Zoning By-law may require active commercial or service uses on the ground floor, which include those that support cultural development in order to maintain, extend, or create a continuous stretch of active frontages along a Mainstreet.

The developments provide a mix of uses including commercial uses along the Mainstreet Corridor (Bank Street).

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

The Subject Site is being severed in a manner that suits the two proposed developments, both of which are consistent with policy and zoning. A Zoning By-law Amendment has been filed to vary the building height and parking rate on the western parcel. The proposed easement enables the efficient servicing of both future parcels.

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

Affordable housing units are not 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-1617).

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

The western parcel (Parts 2, 3, 4 and 5 on the Drafter Reference Plan is 10,009.8m² and is regularly shaped to suit the residential development proposed for it. The eastern parcel (Part 1 on the Draft Reference Plan) is 19,271.2m² and is also regularly shaped to suit the commercial development proposed for it.

(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;

The Subject Site is affected by an easement (OC2084030) that is over Part 5 on the Draft Reference Plan and is for utilities. It is not affected by this severance application.

The proposed servicing easement over Part 3 on the Draft Reference Plan benefitting Part 1 on the Draft Reference Plan enables the efficient and coordinated servicing of both future parcels.

(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 able to connect to adequate existing utilities and municipal services.

(j) the adequacy of school sites;

School sites were addressed through the subdivision approval process.

(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. Road widenings were taken as part of the subdivision (4M-1617).

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

The proposed severance facilitates a high density residential development that is an energy efficient building form.

(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).

The Subject Site is current vacant. Two different developments are proposed for the Subject Site and each will be contained by the parcel created by the severance. The western part (Parts 2, 3, 4 and 5 on the attached draft R Plan) has Site Plan and Zoning By-law Amendment applications filed for 237 mid-rise apartments (City file nos. D07-12-25-0005 and D02-02-25-0005). The eastern part (Part 1) has another Site Plan application filed for a commercial plaza (D07-12-24-0134).

Conclusion

The proposed severance facilitates two significant developments. The application satisfies the criteria of Section 51(24) of the Planning Act as it has regard for matters of provincial interest, is not premature, is in the public interest, conforms to the Official Plan, is suitable for the land, has adequate utilities and municipal services and utilizes these services efficiently. It is our opinion that this application represents good land use planning.

Sincerely,

NOVATECH



James Ireland, MCIP, RPP
Project Manager