

Subject: Zoning By-law Amendment - 1298 Ogilvie Road

File Number: ACS2022-PIE-PS-0036

Report to Planning Committee on 14 April 2022

and Council 27 April 2022

**Submitted on March 29, 2022 by Lily Xu, Acting Director, Planning, Real Estate
and Economic Development**

Contact Person: Shoma Murshid, Planner II, Development Review East

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Ward: Beacon Hill-Cyrville (11)

Objet : Modification *du Règlement de zonage* – 1298, chemin Ogilvie

Dossier : ACS2022-PIE-PS-0036

Rapport au Comité de l'urbanisme

le 14 avril 2022

et au Conseil le 27 avril 2022

**Soumis le 29 mars 2022 par Lily Xu, Directrice par intérim, Direction générale de
la planification, des biens immobiliers et du développement économique**

**Personne ressource : Shoma Murshid, Urbaniste, Examen des demandes
d'aménagement est**

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Quartier : Beacon Hill-Cyrville (11)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1298 Ogilvie to permit a Planned Unit Development within a R4-UB zone, with exceptions, as detailed in Document 4.**
- 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 April 27, 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 municipal d’approuver une modification à apporter au *Règlement de zonage n° 2008-250* pour le 1298, chemin Ogilvie afin de permettre d’aménager un complexe immobilier planifié dans la zone R4-UB, sous réserve de certaines exceptions, selon les modalités précisées dans la pièce 4.
2. Que le Comité de l’urbanisme approuve l’intégration de la section Détails de la consultation du rapport dans le cadre de la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffier municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux “explications obligatoires” de la *Loi sur l’aménagement du territoire* à la réunion que tiendra le Conseil municipal le 27 avril 2022 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision..

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of the Zoning By-law Amendment for 1298 Ogilvie Road to permit a planned unit development (PUD) consisting of seven blocks of residential stacked dwelling units within a Residential, Fourth Density, Subzone UB with Exceptions (R4-UB[XXXX]) zone.

The development proposal complies with the general intent of the R4 zone within a greenbelt but due to the unusual nature of the lot configuration and, because it also complies with the Planned Unit Development (PUD) provisions of the Zoning By-law, it must seek exceptions to certain zoning permissions, such as setbacks along a side road (Aviation Parkway), a rear yard that abuts a Hydro One transmission corridor, as well as clarifications that it not be trumped by other existing provisions of the By-law.

The Provincial Policy Statement (PPS) and both Official Plans support intensification throughout the urban area where opportunities to accommodate more jobs and housing exist and increase transit use. The proposed development will result in a greater number of housing units within proximity to services offered along an Arterial Mainstreet corridor, while contributing to the critical mass required within 600 metres of a transit station. This site is also within walking distance to existing bus stops on Ogilvie Road and the existing and upcoming multi-use pathways on Aviation Parkway and towards Blair Station. This up-zoning at this location fulfills the General Urban Area and Outer Urban Transect Neighbourhoods designations.

Given the lands are vacant, under-utilized and located within an established area, the subject site is well-suited for residential intensification.

Public Consultation/Input

Residents wrote in to identify concerns. A summary of the concerns is outlined in Document 5.

SYNTHÈSE ADMINISTRATIVE

Recommandation du personnel

Le personnel des Services de planification recommande d'approuver la modification du *Règlement de zonage* pour le 1298, chemin Ogilvie afin de permettre d'aménager un complexe immobilier planifié (CIP), constitué de sept ensembles d'habitations superposées dans une sous-zone résidentielle de densité 4 UB avec exceptions (R4-UB[XXXX]).

La proposition d'aménagement respecte l'intention générale de la zone R4 dans une ceinture de verdure; toutefois, en raison du caractère exceptionnel de la configuration du lot et parce qu'elle respecte aussi les dispositions relatives aux complexes immobiliers planifiés (CIP) du *Règlement de zonage*, il faut demander des exceptions à certaines autorisations du zonage, dont les marges de reculement le long d'une route secondaire (promenade de l'Aviation) et des cours arrière qui jouxtent un couloir de transport d'Hydro One, ainsi que des précisions pour confirmer que la proposition ne peut pas être subordonnée à d'autres dispositions du Règlement.

La Déclaration de principes provinciale (DPP) et les deux Plans officiels favorisent la densification dans tout le secteur urbain dans les cas où l'on a l'occasion de créer plus d'emplois, dans les zones où il existe des logements et dans les situations dans lesquelles on peut promouvoir l'utilisation des transports en commun. Le projet

d'aménagement proposé viendra accroître le nombre de logements à proximité des services offerts dans le couloir d'une artère principale, en contribuant à la masse critique nécessaire à moins de 600 mètres d'une station de transport en commun. Ce site se trouve aussi non loin à pied des arrêts d'autobus existants sur le chemin Ogilvie et des sentiers polyvalents existants et projetés sur la promenade de l'Aviation et en direction de la station Blair. Sur ce site, ce surzonage respecte les désignations de quartier du secteur urbain général et du transect du secteur urbain extérieur.

Puisque les terrains sont vacants et sous-utilisés et qu'ils se trouvent dans une zone établie, le site visé est bien adapté à la densification résidentielle.

Consultation et commentaires du public

Les résidents ont exprimé par écrit leurs inquiétudes à la Ville. La pièce 5 comprend la synthèse de ces inquiétudes.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

1298 Ogilvie Road

Owner

Richcraft Homes Ltd.

Applicant

Kevin Yemm, Richcraft Homes Ltd.

Architect

M. David Blakely Architect Inc.

Address of the site

1298 Ogilvie Road

Description of site and surroundings

The site is located southeast of Ogilvie Road and Aviation Parkway, in the east end of Ottawa (Ward 11). This irregular-shaped parcel has 18.24 metres of frontage on Ogilvie Road and a lot area of 14,851 square metres, as shown on the attached Location Map. The frontage primarily serves as an access point into the site. The developable area is located approximately 100 metres south and has no visibility from Ogilvie Road. The land is currently vacant and densely vegetated.

The access from Ogilvie Road is shared with an existing place of worship, Epiphany Church, a use that abuts to the west of the site. The subject property has access ownership and provides consent to the church for travel. Other surrounding land uses include an existing low-rise residential condominium development to the east, and a Hydro One transmission corridor to the south. One transmission tower is situated within this corridor, directly behind the property.

Further north, across Ogilvie Road, is a residential neighborhood comprised of detached dwellings and townhouses. Further south of the Hydro One corridor is Regional Road 174/Highway 417 split, and a light rail train line. Further west, across Aviation Parkway, lands are designated to permit Transit Oriented Development.

The subject site's eastern half is currently zoned Residential, 3rd Density, Subzone Y, Exception 708 (R3Y [708]) whereas the western half is zoned Open Space, Subzone 1 (O1).

Summary of requested Zoning By-law amendment proposal

The Zoning By-law Amendment proposal seeks to rezone the entire site to Residential, Fourth Density, Subzone UB with Exceptions (R4-UB[XXXX]). This will permit a planned unit development (PUD) consisting of seven blocks of residential stacked dwelling units, within the greenbelt. The total number of residential units proposed is seventy-eight, whereas each building will be two and a half storeys in height.

Brief history of proposal

A Site Plan Control application (City File No. D07-12-18-0032) was submitted concurrently in March 2018 with this Zoning Amendment application (City File No. D02-02-18-0020). As the land abuts east of Aviation Parkway and due to a covenant on title, federal consent is required prior to the approval of the associated Site Plan Control process, for design and height. There is also a City of Ottawa easement running through the west side of the property, legally described as "Part 2" on Plan 4R-26063.

Asset Management is reviewing the details of this proposal under the Site Plan Control proposal. This easement is to protect and provide access to a 2250-millimetre diameter storm sewer, which discharges into the Cote-Martin Drain, south of the site. The access road proposed onto this site and for the 7 blocks of stacked dwellings is a private way, Zulu Private.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. To date, there have been no public meetings.

Residents wrote in to identify concerns. A summary of the concerns is outlined in Document 5.

For this proposal's consultation details, see Document 5 of this report.

Official Plan designation(s)

If a complete Zoning By-law amendment application is received by no later than the day before the new Official Plan is adopted, it will be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement. This Zoning By-law Amendment has been received prior to the adoption of the new Official Plan and is subject to the existing Official Plan policies.

Current Official Plan

The site is designated General Urban Area and Arterial Mainstreet on Schedule B of the current OP. The General Urban Area designation permits a full range and choice of housing types and densities to meet the needs of all ages, incomes and life circumstances. The proposed stacked dwelling use is a residential use that is permitted within this designation.

The OP promotes opportunities for intensification where appropriate. While the focus for intensification is along Mainstreets, within Mixed-Use Centres, and Town Centres, the OP does contemplate intensification in the General Urban Area designation, which comprises much of the Urban Area. In such cases, the scale of intensification and the heights and density of development will vary depending upon factors such as the existing built context and proximity to major roads and transit.

The site is also designated “Arterial Mainstreet”. The policies of Section 3.6.3 in the Official Plan are also to be considered. Policy 2 of this section states that “. . . boundary of the Traditional and Arterial Mainstreet designation is flexible depending on site circumstance and lot configuration, but generally applies to those properties fronting on the road so designated”. The frontage of this property is 18.24 metres and currently operates as the sole vehicle access for both the abutting place of worship as well as the subject site. Development on the lot is only feasible 100 metres south of the mainstreet, where the lot area widens to approximately 72 metres. Given that this results in a 100 metres setback for any development on the site, with no visibility from the arterial mainstreet, Ogilvie Road, the site becomes unable to meet the intent of the policy guidelines for Arterial Mainstreet. It is in Planning Services’ opinion that the boundary and the policies of the Arterial Mainstreet do not apply to this property. Rather, the underlying designation of General Urban Area is to be applied.

New Official Plan

The site is identified within the Outer Urban Transect Policy Area on Schedule A of the City of Ottawa’s New Official Plan within the urban boundary and Greenbelt. These neighbourhoods are generally characterized by neighbourhoods built in the last third of the twentieth century that have a separation of land uses. The focus of growth in Outer Urban Transect neighbourhoods will be to support a gradual evolution to becoming 15-minute neighbourhoods. In this area, change is expected to be more rapid on account of the site’s proximity to light rail transit.

The site is designated “Neighbourhood” in the New Official Plan and includes an Evolving overlay. Neighbourhoods are urban areas that constitute the heart of communities and are intended to permit a mix of building forms and densities. Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development. The Evolving overlay is applied in close proximity to Hubs and Corridors to signal a desire to see change in character to support intensification, including guidance for a change in character from suburban to urban by allowing new built forms and more diverse functions of land.

This proposal also meets the Neighbourhood and Minor Corridor Residential Density and Large Dwelling Targets for an *Outer Urban Transect* (Table 3b), as has been set out under Section 3’s Growth Management Framework’s, of between 40-60 units per hectare. This proposal’s density is 52 units per hectare.

Urban Design Review Panel

The property was not subject to the Urban Design Review Panel (UDRP) process.

Other applicable policies and guidelines

The subject site property is within the 600-metre radius of an existing LRT station but is considered just outside the Cyrville Transit-Oriented Development (TOD) study area. The Cyrville TOD plan area is approximately 99 ha in size. The study area is generally bounded by the Aviation Parkway and Highway 417 to the east, Algoma Road to the south, Michael Street to the west, and Ogilvie Road to the north. Its westerly boundary is shared with the easterly boundary of the St. Laurent TOD Plan Area. The study area is divided into two quadrants by Highway 417. The study area is centred around Cyrville Road, which runs diagonally through the study area from northwest to southeast, giving it a somewhat distinct, obtuse shape. The Cyrville light rail transit (LRT) station has replaced the Bus Rapid Transit (BRT) station, which is situated at grade, but is underneath the Cyrville Road overpass at Highway 417. The subject site falls outside the study area but is within 600 metres of the existing LRT station and, for this reason, a reduced parking rate of 0.5 spaces/unit has been applied to the proposal, to support investment in transit.

Planning rationale

The Zoning By-law Amendment application requests a change in the current O1 and R3Y[708] zoning to a R4-UB[XXXX] zone. The development proposal complies with the general intent of the R4 zone within the greenbelt but due to the unusual nature of the lot configuration, and because it also complies with the Planned Unit Development (PUD) provisions of the Zoning By-law, it must seek exceptions to certain zoning permissions, such as setbacks along a side road (Aviation Parkway), a rear yard that abuts a transmission corridor, as well as clarifications that it not be trumped by other existing provisions of the By-law.

Section 139 - Low-Rise Residential Development in All Neighbourhoods within the Greenbelt

The property is located within the boundaries of Area A on Schedule 342, and therefore subject to the provisions of Section 139 - Low-Rise Residential Development in All Neighbourhoods within the Greenbelt. The intent of these provisions is to ensure a quality street-fronting interface for new infill development. Provisions refer to soft landscaping, driveways, carports, garages, and walkways. As noted, this proposal does not directly interface with the street and functions on its internal private way as a

planned unit development. Nonetheless, the principles encouraged in this section are generally applied to the proposal. The distance between the building frontages and private way incorporates soft landscaping and walkways in line with the intent of this section of the Zoning By-law. However, it is the Planning, Real Estate and Economic Development Department's (PRED) opinion that Section 139 does not apply as this stacked dwelling proposal is for seven blocks within a Planned Unit Development (PUD) and therefore the provisions of PUD Section 131 of the Zoning By-law prevail.

Section 144 – Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt

The property is located within the boundaries of Area A on Schedule 343, and therefore subject to the provisions of Section 144 – Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt. The purpose of this section is to ensure compatibility of new proposals where there is an established and immediate built form and lot fabric context. The zoning standards therefore rely on the adjacency of an established lot fabric for their provisions. In this case, as the proposal is a PUD, the provisions of PUD Section 131 of the Zoning By-law again prevail.

Section 107(3)(b)(i)

This provision states that “in the R1, R2, R3, R4 and R5 zones, no part of the driveway may be located between the front wall of the residential use building and the street nor, in the case of a corner lot, between the corner side wall of the residential use building and the street”. Section 131 of the Zoning By-law provides its own provisions for the establishment of private ways. To avoid misinterpretation between the two requirements, it is recommended that an exception be sought from this provision.

This is an infill development that will result in residential intensification. This application seeks to intensify from the as-of-right permission by seeking a new zone that permits a higher density of residential uses. The PPS, both Official Plans, support intensification throughout the urban area where opportunities to accommodate more jobs and housing exist and increase transit use. The proposed development will result in a greater number of housing units within proximity to services offered along an Arterial Mainstreet corridor, while contributing to the critical mass required within 600 metres of a transit station. This site is also within walking distance to existing bus stops on Ogilvie Road and the existing and upcoming multi-use pathways on Aviation Parkway and towards Blair Station. This up zoning at this location fulfills the General Urban Area and Outer Urban Transect Neighbourhoods designations.

Given the lands are vacant and under-utilized and located within an established area, the subject site is well-suited for residential intensification.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications with this report.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There is a City of Ottawa easement running through the west side of the subject land, legally described as “Part 2” on Plan 4R-26063. Asset Management is reviewing the details of this proposal under the associated Site Plan Control proposal. This easement is to protect and provide access to a 2250-millimetre diameter storm sewer, which discharges into the Cote-Martin Drain, south of the site.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

This proposal is for rental residential units to be added to the housing stock. As this is a private site where the landowner wishes to develop stacked dwellings within a planned unit development on a private way, the development will not comply with accessibility standards.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities
- Sustainable Infrastructure

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-18-0020) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Cyrville TOD Plan Area and Pedestrian Network

Document 3 Site Plan

Document 4 Details of Recommended Zoning

Document 5 Consultation Details

CONCLUSION

Planning staff support the requested Zoning By-law amendment as the proposal continues to support the Provincial Policy Statement, the City's Official Plan and the general intent of the Zoning By-law. The proposed Zoning By-law amendment represents good planning.

Staff recommends that the application be approved.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (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.

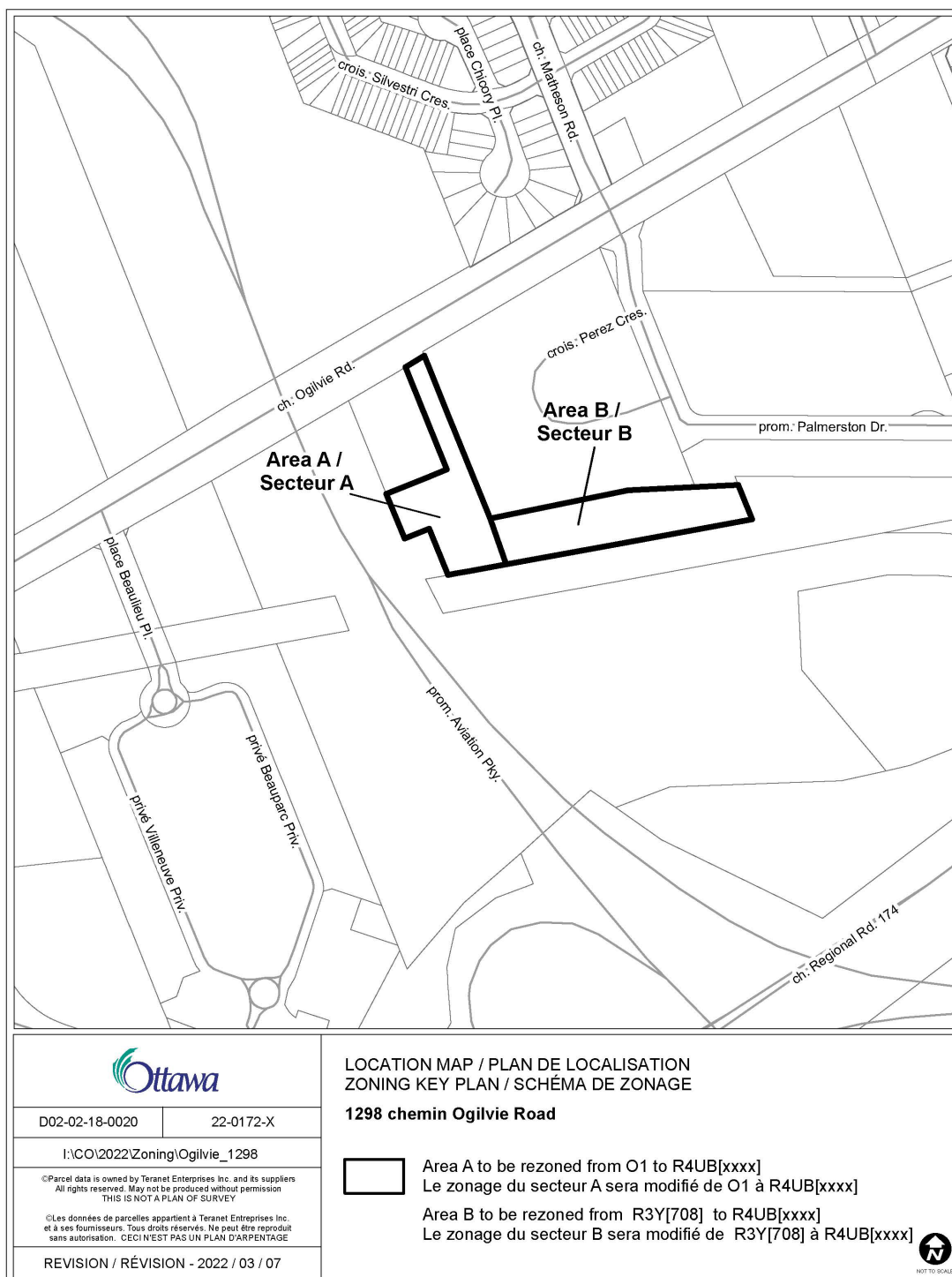
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

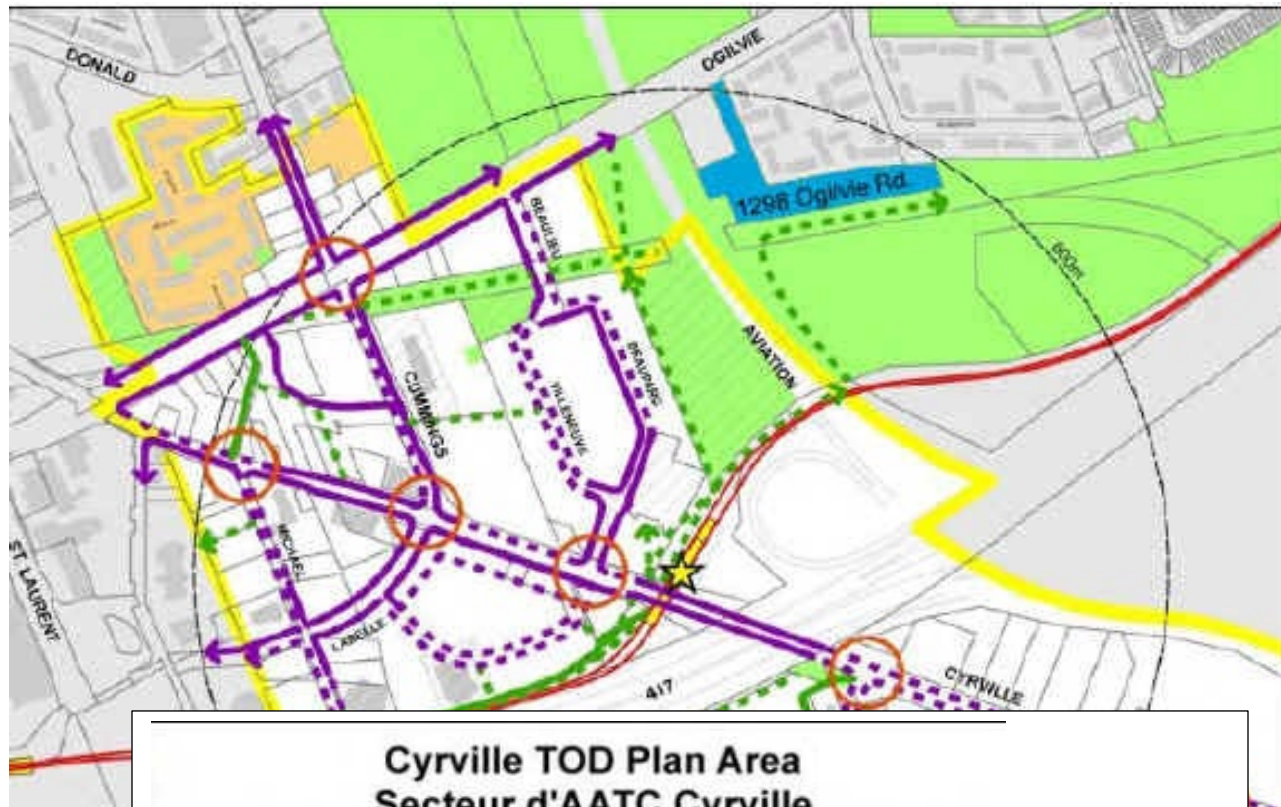
Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.ca)

The subject site is south of Ogilvie Road, east of Aviation Parkway and shares an access way with Epiphany Church.



Document 2 – Cyrville TOD Plan Area and Pedestrian Network



Cyrville TOD Plan Area Secteur d'AATC Cyrville

LRT Station Area Transit-Oriented Development Study (TOD)
Études sur les aménagements axés sur le transport en commun (AATC)
dans les secteurs de station de TLR

Pedestrian Network Réseau pour piétons

November 2012 / Novembre 2012

○ Key Pedestrian Crossing / Passage principal pour piétons

— Existing Sidewalk / Trottoir existant

— Future Sidewalk / Futur trottoir

— Existing Multi-Use Pathway / Sentier polyvalent existant

— Future Multi-Use Pathway / Futur sentier polyvalent

☆ Future LRT Station / Future station de TLR

— Future LRT / Futur tracé du TLR

□ Areas Not Under Consideration For Intensification /
Secteurs non pris en compte pour une densification de l'utilisation du sol

□ TOD Plan Boundary / Limite du plan d'AATC

□ Stable Residential Neighbourhood / Voisinage résidentiel actuel

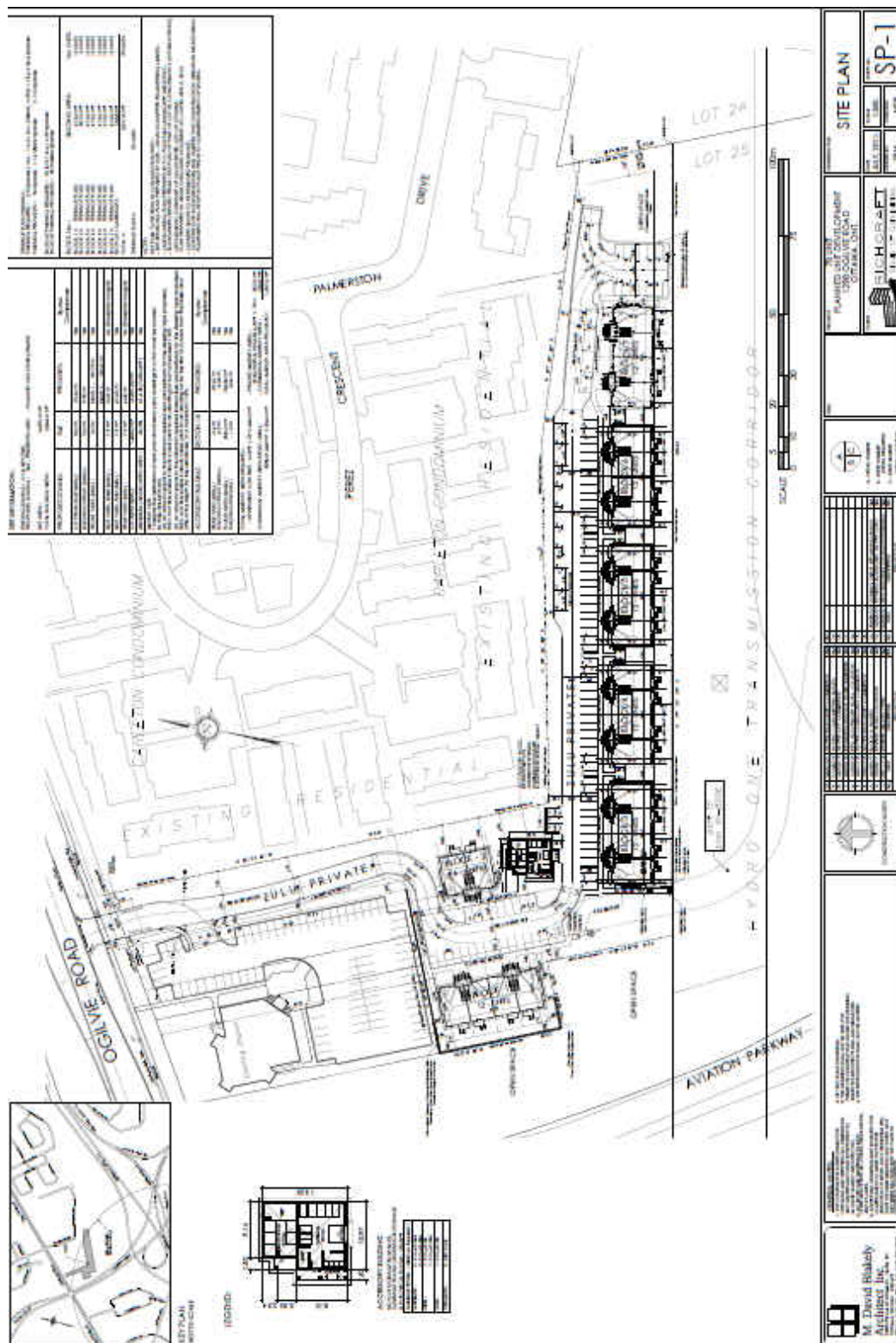
□ Property Boundary / Limite de propriété

□ Building Footprint / Empreinte de l'immeuble

0 50 100 150 200 Metres / Mètres
1:2,000



Prepared by: Planning and Growth Management Department, Planning & Growth Unit
Préparé par: Services de l'urbanisme et de la planification, Unité de la planification et des aménagements
Document: 101117, November 2012



Document 4 - Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1298 Ogilvie Road:

1. Rezone the property shown in Document 1 as follows:

- a. Area A - R3Y[708] to R4-UB[XXXX]
- b. Area B - O1 to R4-UB[XXXX]

2. Amend Section 239, Urban Exceptions, by adding a new exception, XXXX, with provisions similar in effect to the following:

- a. In Column II, add the text, "R4-UB[XXXX]"
- b. In Column V, add the text:

For a PUD of 'stacked dwellings':

- i. Minimum rear yard setback: 6.0 metres
- ii. Where the lot line abuts Aviation Parkway:
 - a) For the lot line that is 40.00 metres, the setback shall be 6.0 metres
 - b) In all other cases: 3.0 metres
- iii. Minimum interior side yard setback: 3.0 metres
- iv. Required or provided resident parking may be provided as parallel parking on a private way, provided the private way when combined with the parallel parking width, has a minimum width of 8.5 metres.
- v. Section 139(1) does not apply
- vi. Section 144 does not apply
- vii. Section 107(3)(b)(i) does not apply

Document 5 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

Comment: Concern over loss of greenspace, particularly regarding the failure to retain any trees and the loss of wildlife.

Response: There was an accompanying Environmental Impact Statement and Tree Conservation Report that was submitted with this proposal. There are no significant habitat or species that have been identified for protection. Under the accompanying Site Plan Control process, the City will continue to balance the private landowner's right to develop with opportunities to add trees on-site.

Comment: Concern over height of proposed buildings, and that that proposed density is too high.

Response: The proposed height is 9.5 metres high or 2.5 storeys high for the building blocks proposed. The height is comparable to the existing development to the east. The highest points of the planned unit development's residences are also setback from the yards of the existing residences to the northeast by at minimum a 6.0 metre back yard or higher when combined at other locations with the width of the private way. Where the grade drops towards the south, the buildings' height increases to approximately 9.9 metres– along the transmission corridor and furthest away from abutting residential developments.

Comment: Concern over increase in traffic and particularly U-Turns on Ogilvie Road.

Response: The traffic impact statement submitted with this proposal did not identify that this development would exacerbate the existing levels of service on Ogilvie Road.

Comment: Concern over increased noise due to loss of trees.

Response: Noise levels will fall below the 55 dBA noise criterion throughout the site. There are a few locations along Aviation Pathway, where it may exceed the 55 dba criterion. Along Aviation, where noise levels are higher, mitigation measures, such as noise walls, will be investigated as part of the application for Site Plan Control.

Comment: Accessibility considerations have not been addressed.

Response: This is a private development site where the property management will be running a business for customers who are able-bodied persons living in stacked dwellings. This residential use is not accessible. Market analysis and tenant retention are at the discretion of the landowner.

Comment: Questions over affordability of proposed housing, and whether the proposed is adding to needed housing stock.

Response: The City understand that these 78 residential units will be added to the housing's rental stock –a stock which needs more tenancy options.