

**Subject: Zoning By-law Amendment - 2370 Tenth Line Road**

**File Number: ACS2022-PIE-PS-0120**

**Report to Planning Committee on 27 October 2022**

**and Council 9 November 2022**

**Submitted on October 12, 2022 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

**Contact Person: Michael Boughton, Planner III, Development Review East**

**613-580-2424, ext. 27588; Michael.Boughton@ottawa.ca**

**Ward: Cumberland (19)**

**Objet : Modification du Règlement de zonage – 2370, chemin Tenth Line**

**Dossier : ACS2022-PIE-PS-0120**

**Rapport au Comité de l'urbanisme**

**le 27 octobre 2022**

**et au Conseil le 9 novembre 2022**

**Soumis le 12 octobre 2022 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne ressource : Michael Boughton, Urbaniste III, Examen des demandes  
d'aménagement est**

**613-580-2424, poste 27588; Michael.Boughton@ottawa.ca**

**Quartier : Cumberland (19)**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 2370 Tenth Line Road, as shown in Document 1, to permit a planned unit development consisting of stacked dwellings, three-storey mixed use buildings and a park, as detailed in Document 2.**

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 9 November 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 d’approuver une modification du Règlement de zonage 2008-250 visant le 2370, chemin Tenth Line, un bien-fonds illustré dans le document 1, afin de permettre l’aménagement d’un complexe immobilier constitué d’habitations superposées, d’immeubles polyvalents de trois étages et d’un parc, comme l’expose en détail le document 2.
2. Que le Comité de l’urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d’explication’ aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 9 novembre 2022, sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

## EXECUTIVE SUMMARY

### Staff Recommendation

Planning staff recommend approval of the Zoning By-law Amendment for 2370 Tenth Line Road to permit a planned unit development consisting of low-rise stacked dwellings, 3-storey mixed use buildings, and a park.

The applicant proposes to rezone the subject site from “General Mixed Use, Exception 950 (GM[950]) to “Parks and Open Space” (O1) to permit a park over a portion of the site, and to GM[XXXX] over the remainder of the site to replace the Exception 950 provisions and restriction on residential uses with several new site-specific provisions to

allow the proposed mixed use development comprising a linear park, approximately 144 stacked townhouse dwelling units, three low-rise, mixed use buildings containing 84 dwelling units and approximately 2,700 square metres of retail floor space, as illustrated on the preliminary site plan attached as Document 3.

The proposal conforms with the applicable Official Plan policies for this area of Orléans. The site is designated General Urban Area in the current Official Plan, and Minor Corridor, subject to the Evolving Neighbourhood Overlay, in the new Official Plan.

### **Applicable Policy**

The General Urban Area policies set out in Section 3.6.1 of the current Official Plan generally permit a broad range of low-rise housing types and densities and non-residential uses. Building heights predominantly are limited to low-rise. Ground-oriented multiple unit housing is among the predominant form of development and intensification expected, provided it is compatible with the existing community character and contributes to the achievement of a balance of housing types and tenures. The proposed development conforms with this policy direction.

Section 6.2 of the new Official Plan states that the Minor Corridor designation applies to lots abutting a corridor, in this case both Tenth Line Road and Brian Coburn Boulevard, and it permits both a mix of uses and residential-only buildings and requires buildings of maximum four storeys in height and densities to locate closest to the corridor. Appropriate transitions in building height, land use, site design and development character to the surrounding development is paramount. The Evolving Neighbourhood Overlay policies of Section 5.6.1 are intended to provide built form direction in cases where a change in character is anticipated, and it applies to areas that are in a location or at a stage of evolution that creates the opportunity to achieve an urban form in terms of use, density, built form and site design. The proposed development conforms with the policy directions of the new Official Plan.

### **Other Matters**

The subject site is also designated as “Commercial” in the Mer Bleue Community Design Plan, 2006 (CDP), the intent of which designation is to provide a range of supporting commercial uses to residents of the surrounding neighbourhoods. The Plan does not identify residential uses as being permitted in the Commercial designation. While the CDP’s Implementation provisions direct that proposed substantive changes to the Plan require an amendment to it prior to approval of a zoning by-law amendment, it is staff’s opinion that permitting residential use buildings comprised solely of residential

units within the Commercial land use designation does not constitute a substantive change to the CDP.

The recommended zoning amendment to rezone the site from GM[950] to O1 and GM[XXXX] would allow for the implementation of the proposed low-rise, mixed-use development. The proposed zones and site-specific exceptions referenced in the report are appropriate and desirable to support good site design.

### **Public Consultation/Input**

Notification and public consultation were undertaken in accordance with Council's Public Notification and Public Consultation Policy for Zoning By-law amendments. The holding of a formal City-organized public information session during the public consultation period was deemed not necessary.

Approximately 20 separate submissions of public comments concerning the proposed zoning amendment and related application for site plan control approval were received, most of which expressing opposition to various aspects of the initially proposed site development. Comments also were received from the Ward Councillor. Many of the comments expressed relevant arguments based on sound planning principles that City staff also considered in the review and evaluation of the proposed zoning amendment.

## **SYNTHÈSE ADMINISTRATIVE**

### **Recommandation du personnel**

Le personnel des Services de planification recommande d'approuver la modification du *Règlement de zonage* pour le 2370, chemin Tenth Line afin de permettre d'aménager un complexe immobilier planifié constitué d'habitations superposées de faible hauteur, d'immeubles polyvalents de trois étages et d'un parc.

Le requérant propose de rezoner le site visé pour passer de la « zone d'utilisations polyvalentes, exception 950 (GM[950] » à la « zone de parc et d'espace vert (O1) », pour pouvoir aménager un parc sur une partie du site, ainsi qu'à la zone GM[XXXX] sur le reste du site afin de remplacer les dispositions de l'exception 950 et la restriction imposée aux aménagements résidentiels par plusieurs dispositions nouvelles propres au site afin de permettre d'aménager le complexe polyvalent proposé, constitué d'un parc linéaire, d'environ 144 logements superposés en rangée, de trois immeubles polyvalents de faible hauteur regroupant 84 habitations et d'environ 2 700 mètres carrés de superficie consacrée au commerce de détail, comme l'indique le plan d'implantation préliminaire reproduit dans la pièce 3.

La proposition est conforme aux politiques applicables du Plan officiel pour ce secteur d'Orléans. Le site porte la désignation de « secteur urbain général » dans la version actuelle du Plan officiel et de « couloir mineur », subordonné à la surzone des quartiers évolutifs, dans le nouveau Plan officiel.

### **Politiques applicables**

Les politiques du secteur urbain général dont fait état la section 3.6.1 de la version actuelle du Plan officiel permet généralement d'aménager différents types d'habitations de faible hauteur et de différentes densités, ainsi que des ouvrages non résidentiels. Les bâtiments sont essentiellement limités à de faibles hauteurs. Les habitations multifamiliales de plain-pied font partie de la forme prépondérante des aménagements et de la densification prévus, à la condition d'être compatibles avec le caractère existant de la collectivité et de concourir à la réalisation d'un ensemble de types de logements et de modes d'occupation. Le projet d'aménagement proposé est conforme à cette orientation des politiques.

La section 6.2 du nouveau Plan officiel précise que la désignation du couloir mineur s'applique aux lots jouxtant un couloir, soit le chemin Tenth Line et le boulevard Brian Coburn dans ce cas, et qu'elle permet d'aménager différentes vocations et bâtiments résidentiels exclusivement et qu'elle oblige à construire des bâtiments d'au plus quatre étages de hauteur et différentes densités pour qu'ils soient les plus proches possible du couloir. Les transitions voulues dans la hauteur des bâtiments, l'aménagement du terrain, la conception du site et le caractère de l'aménagement pour les alentours sont primordiales. Les politiques de la surzone des quartiers évolutifs de la section 5.6.1 visent à définir l'orientation de la forme bâtie dans les cas où l'on prévoit un changement de caractère et s'applique aux secteurs qui se trouvent dans une zone ou à une étape de l'évolution qui offre l'occasion de réaliser une forme urbaine du point de vue de la vocation, de la densité, de la forme bâtie et de la conception du site. Le projet d'aménagement proposé est conforme aux orientations des politiques du nouveau Plan officiel.

### **Autres questions**

Le site visé porte aussi la désignation de « zone commerciale » dans le Plan de conception communautaire (PCC) de la zone d'expansion urbaine de Mer Bleue de 2006 et porte une désignation dont l'objectif est de permettre d'aménager différents bâtiments commerciaux auxiliaires pour les résidents des quartiers environnants. Le Plan n'indique pas que les aménagements résidentiels sont autorisés dans la désignation de la zone commerciale. Si, d'après les dispositions prévues pour la mise

en œuvre dans le PCC, les changements essentiels que l'on propose d'apporter au Plan obligent à y apporter une modification avant d'approuver la modification du *Règlement de zonage*, le personnel est d'avis qu'autoriser des bâtiments à vocation résidentielle constitués exclusivement d'habitations dans la désignation de la zone commerciale ne constitue pas un changement essentiel apporté au PCC.

La modification que l'on recommande d'apporter au zonage afin de rezoner le site pour passer de la zone GM[950] à la zone O1 et à la zone GM[XXXX] permettrait de mettre en œuvre les aménagements polyvalents de faible hauteur proposés. Les zones proposées et les exceptions propres au site et évoquées dans le rapport sont appropriées et souhaitables pour assurer la qualité de la conception du site.

### **Consultation et commentaires du public**

La notification et la consultation du public se sont déroulées conformément à la Politique sur l'avis et la consultation publique approuvée par le Conseil municipal pour les modifications du *Règlement de zonage*. On n'a pas jugé qu'il était nécessaire de tenir une séance d'information publique officielle organisée par la Ville pendant la durée de la consultation publique.

Une vingtaine de mémoires distincts de commentaires publics sur la modification que l'on propose d'apporter au zonage et sur la demande connexe d'approbation de la réglementation du plan d'implantation ont été déposés; dans la plupart de ces mémoires, on s'oppose à différents aspects de l'aménagement du site proposé à l'origine. Le conseiller du quartier a aussi déposé des commentaires. Dans bien des commentaires, on faisait valoir des arguments pertinents, fondés sur des principes de planification rigoureux, dont le personnel de la Ville a également tenu compte dans le cadre de l'examen et de l'évaluation de la modification que l'on propose d'apporter au zonage.

### **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**

2370 Tenth Line Road

**Owner**

Mattamy Homes Canada

**Applicant**

Nathan Petryshyn, Fotenn Planning & Design

**Architect**

Q4 Architects Inc.

**Description of site and surroundings**

The subject site is located on the west side of Tenth Line Road in Orléans and extends from Brian Coburn Boulevard at the site's north limit to Décoeur Drive at the south limit of the property, as shown on Document 1. The 3.64-hectare vacant site is irregular in shape and abuts two vacant, rectangular corner properties fronting Tenth Line Road, one at the intersection of Brian Coburn Boulevard and the other at the intersection of Décoeur Drive. The site is west of and opposite Tenth Line Road from the established low-rise residential community of Avalon, and south of and opposite Brian Coburn Boulevard from an existing retail shopping centre. Abutting the site to the west are an elementary school and the rear yards of several residential townhouses. Farther south and opposite Décoeur Drive is a stacked townhouse development next to a municipal neighbourhood park.

**Summary of requested Zoning By-law amendment proposal**

The current zoning in effect on the site is "General Mixed Use, Exception 950" (GM[950]), which generally allows a broad range of residential, commercial and institutional uses, including mixed use development. However, Exception 950 adds a few automobile-related uses otherwise not permitted in the GM zone and prohibits a few other uses, notably a "residential use building" comprised solely of residential units so as to restrict residential uses only to a mixed-use building. The exception provision also limits the gross leasable floor area for non-residential uses on the site to 9,999 square metres.

The applicant proposes to rezone a portion of the site to "Parks and Open Space" (O1) to permit a park, as shown in Document 1, and to retain the GM zone over the remainder of the site but replace the Exception 950 provisions and restriction on residential uses with several new site-specific provisions to allow the proposed mixed use development comprising a 0.46-hectare linear park, approximately 144 stacked

townhouse dwelling units, three low-rise, mixed use buildings containing 84 dwelling units and approximately 2,700 square metres of retail floor space, and approximately 380 surface parking spaces, as illustrated on the preliminary site plan attached as Document 3.

### **Brief history of proposal**

On 14 September 2005, City Council adopted Official Plan Amendment 35 to redesignate approximately 160 hectares of vacant land directly south of the planned future Bus Rapid Transit (BRT) corridor and between Mer Bleue Road and Tenth Line Road from Employment Area to General Urban Area and Mixed Use Centre in recognition of the area's greater potential to develop as a mixed-use, transit-supported residential community rather than solely as an employment area. The Mer Bleue Community Design Plan (CDP) subsequently was adopted by Council on 24 May 2006, the purpose of which Plan is to provide a detailed approach to the implementation of the applicable Official Plan policies and to guide the development of the, then, new community. The subject site lies within the area that is subject to the CDP. On 13 September 2006, By-law 2006-367, an amendment to the former City of Cumberland Zoning By-law 1-84, was passed to rezone the site to "Commercial Neighbourhood - Exception Three" (CN-X3) consistent with the development direction outlined in the CDP for the site. Later, with the passing of the current City of Ottawa Zoning By-law 2008-250 on 25 June 2008, the site once again was rezoned to its current "General Mixed Use – Exception 950" (GM[950]) zone, which had the effect of introducing mixed uses and allowing a residential dwelling use within a mixed-use building.

Today, the residential areas within the CDP area are largely built out or under development, but several school blocks, two of the designated commercial and mixed-use blocks, and the BRT remain undeveloped. Given the delivery of the BRT through the southern extent of Orléans is not within the City's affordability network plan (post 2031), the current marketability and development potential of the remaining vacant designated commercial and mixed-use blocks, including the subject site, is now in question. The subject zoning by-law amendment application is a reflection of a change in the commercial and housing market direction for the area.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation were undertaken in accordance with Council's Public Notification and Public Consultation Policy for Zoning By-law amendments. The



holding of a formal City-organized public information session during the public consultation period was deemed not necessary.

Approximately 20 separate submissions of public comments concerning the proposed zoning amendment and related application for site plan control approval were received, most of which expressed opposition to various aspects of the initially proposed site development. Comments also were received from the Ward Councillor. Many of the comments expressed relevant arguments based on sound planning principles that City staff also considered in the review and evaluation of the proposed zoning amendment.

The majority of the public submissions received expressed concern primarily with the extent of housing proposed on the site that was originally intended for mostly commercial uses, the inadequate setback of the proposed buildings from the existing townhouses immediately west of the site to provide sufficient building separation, the lack of open space along the west property line to provide for an effective landscaped visual buffer and privacy screen, the overall high concentration of development dominated by a sea of parking spaces and a general lack of landscaping throughout the site, and finally, the impact of increased traffic volume on the surrounding roads and generally throughout Orléans South. A few other public submissions expressed support for the incorporation of commercial uses in the proposed development.

City staff considered all the public comments and submissions in the evaluation of the proposed Zoning By-law amendment. In response to the above concerns and City staff's own similar comments, the applicant submitted a revised preliminary site plan shown in Document 3. It now introduces a 15-metre wide linear park along the site's entire west property line that not only provides much needed dedicated municipal parkland but also a significant separation of buildings, landscaped open space and visual buffer to significantly reduce the intrusion on the abutting residential properties. The remaining public concerns are being addressed through City staff's ongoing review of the concurrent application for site plan control approval.

For this proposal's consultation details, see Document 4 of this report.

### **Official Plan designation(s)**

The Zoning By-law Amendment application was received after Council's adoption of the new Official Plan on 26 October 2021. During this current period between Council approval of the new Official Plan and the Minister's approval of the new Official Plan, staff are to evaluate the proposed zoning amendment against the existing Official Plan and must also include an evaluation of the application against the Council-approved

new Official Plan and apply whichever provisions of the current and new Official Plans are more restrictive.

### **Current Official Plan**

Schedule B of the Official Plan (2003) designates the site as General Urban Area, which designation generally permits a broad range of low-rise housing types and densities and non-residential uses. For sites within the General Urban Area and outside of those specific land use designations targeted for intensification, building heights predominantly are limited to low-rise, or four storeys. The relevant General Urban Area policies against which the proposed zoning amendment and development were evaluated are outlined in Section 3.6.1 of the Plan.

Policy 5 of Section 3.6.1 supports intensification where it will complement the existing pattern and scale of development and planned function of the area. Ground-oriented, multi-unit housing is among the predominant form of development and intensification expected, provided it is compatible with the existing community character and contributes to the achievement of a balance of housing types and tenures. Policy 8 encourages the provision of a variety of small, locally oriented convenience and service uses that are compatible with and complement adjacent residential land uses, are of a size and scale consistent with the needs of nearby residential areas and are conveniently located to concentrations of residential development.

Policy 2 of Section 3.6.1 further states that development applications are to conform with Sections 2.5.1 and 4.11 of the Plan, which contain the objectives and principles to guide and assess the urban design and compatibility of intended uses.

### **New Official Plan**

Schedule B8 – Suburban (East) Transect – of the new Official Plan designates the subject site as Minor Corridor and it is also subject to the Evolving Neighbourhood Overlay policies. A portion of the site within its southwest corner lies beyond the limits of the Minor Corridor designation and, therefore, is subject to the policies of the Neighbourhood designation.

The planned function of the Minor Corridor designation combines a higher density of development, a greater degree of mixed uses and a higher level of street transit service than abutting Neighbourhoods. The designation applies to lots abutting the corridor(s), in this case both Tenth Line Road and Brian Coburn Boulevard, that are generally a maximum depth of 120 metres from the centreline of the street. The policies permit both a mix of uses and residential-only buildings and require buildings having the maximum

permitted height (up to four-storeys) and densities to locate closest to the corridor. Appropriate transitions in building height, land use, site design and development character to the surrounding built environment is paramount.

The Evolving Neighbourhood Overlay is intended to provide built form direction in cases where a change in character is anticipated, and it applies to areas that are in a location or at a stage of evolution that creates the opportunity to achieve an urban form in terms of use, density, built form and site design.

The Neighbourhood designation generally permits a range of low-rise residential and non-residential uses and built forms that achieve the residential intensification and density targets of the Plan.

### **Other applicable policies and guidelines**

The subject site lies within the limits of the Mer Bleue Community Design Plan (2006). The Land Use Plan contained within the Community Design Plan designates the subject site as “Commercial”, the intent of which is to provide a range of supporting commercial uses to residents of the surrounding neighbourhoods. The Plan does not identify residential uses as being permitted in the Commercial designation.

The site is the southernmost of two large designated commercial sites adjacent to each other at the intersection of Tenth Line Road and Brian Coburn Boulevard. The commercial site on the north side of Brian Coburn Boulevard is developed and comprises a large commercial shopping centre of approximately 10,000 square metres of floor area.

The Urban Design Guidelines for Greenfield Neighbourhoods, approved by Council on 26 September 2007, provide guidance for the design of new and developing neighbourhoods. While they do not address the details of individual properties, they do provide guidance regarding the relationship between adjacent sites and between a site and the public street. It is within such context that the proposed zoning by-law amendment and companion site development plan were evaluated.

### **Urban Design Review Panel**

The site is not within a Design Priority Area and the Zoning By-law Amendment application was not subject to the Urban Design Review Panel process.

### **Planning rationale**

With respect to the suitability of the site's physical characteristics and adequacy of existing municipal services and road network to support the proposed uses, it is staff's opinion based on the review of the supporting technical reports filed with the application that the site is adequately suited for the proposed uses.

It is also staff's opinion that the proposed zoning amendment supported by the preliminary development site plan conforms with the relevant land use policies of both the current and new Official Plans. It provides a range and choice of housing types in combination with locally oriented commercial uses in a low-rise urban built form that frames the public streets with higher density mixed use buildings. Furthermore, with the introduction of a 15-metre wide linear park along the west limit of the site and flanked by the stacked dwellings, the proposed development transitions well to and is compatible in scale and built form with the existing surrounding low-rise residential character. In this regard, therefore, it conforms with the current Official Plan's relevant policies of Sections 2.5.1 and 4.11.

The proposed zoning amendment and supporting preliminary development site plan also conform with the Evolving Neighbourhood policies of the new Official Plan by proposing a combination of residential and mixed use building typologies having a more urban form and density of site design within this part of Orléans, and particularly along the Minor Corridors of Tenth Line Road and Brian Coburn Boulevard, where such evolution in neighbourhood character within the Suburban (East) Transect area is anticipated and encouraged.

The proposed site development is also consistent with the Urban Design Guidelines for Greenfield Neighbourhoods through its attention to appropriate building orientation along the street edges and placement of parking areas interior to the site.

With respect to the Mer Bleue Community Design Plan, the proposed zoning amendment introduces residential uses on the subject site that is designated specifically for commercial uses in the Plan. While the CDP is intended to guide the development of the Mer Bleue community, it does permit some flexibility in its interpretation, provided the general intent of the policies and guiding principles of the Plan are maintained.

The Implementation section of the CDP provides direction when changes to the Plan are proposed prior to approval of a zoning by-law amendment. It states that substantive changes that could jeopardize the Plan's ability to achieve its guiding principles and land use objectives for the community or the Official Plan's strategic directions, such as a reduction in the number of high-density residential blocks, the relocation of arterial and collector roads and protected infrastructure corridors, or the removal of park blocks,

will require the approval of Planning Committee and City Council. However, it is staff's opinion that permitting residential use buildings comprised solely of residential units in combination with mixed use buildings within the Commercial land use designation does not constitute a substantive change to the CDP.

Despite the proposed introduction of residential uses to the Commercial land use designation, the proposed mixed use site development respects the CDP's relevant guiding principles in that it would continue to provide opportunities for jobs and contribute toward achieving a desired mix of uses in a compact urban form that makes efficient use of land and existing and planned infrastructure.

#### Details of Proposed Zoning

The evaluation of the Zoning By-law amendment was guided by the policies of Section 2.5.1 and 4.11 of the current Official Plan.

The policies of Section 2.5.1 contain broadly stated design objectives intended to enhance and influence the built environment. Section 4.11 addresses compatibility of new development with the surrounding context through an evaluation of views, building height and form, setbacks, transition, shadowing, relationship with the public realm, accommodation of parking and access, location of loading and service areas, and clearly defined public spaces. While the proposed development plan shown in Document 3 is preliminary and subject to further review and refinement through the ongoing site plan control review process, it is consistent with these policy expectations sufficient to warrant consideration of the proposed zoning amendment.

The proposed O1 and GM[XXXX] zones would allow for the implementation of the proposed low-rise, mixed-use development. The proposed zones and site-specific exceptions, shown in Document 1 and detailed in Document 2, are appropriate and desirable to support good site design. Specifically, the O1 zone introduces the park use, while the GM zone permits the continuation of appropriate residential and non-residential uses for the site and prohibits those non-residential uses deemed undesirable for the site's context. The proposed Exception [XXXX] provisions introduce site-specific minimum building setbacks in all yards, a minimum landscape strip width adjacent to the two abutting future commercial sites, a reduced residential parking rate, from 1.2 spaces to 1.0 space per dwelling unit, and a single, all-encompassing commercial parking rate of 3.4 spaces per 100 square metres of gross floor area that is considered appropriate in the context of the proposed site development. Finally, the maximum gross leasable floor area cap of 9999 square metres for commercial uses is to be carried forward from the exception provisions currently in effect.

**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 associated with this report.

**COMMENTS BY THE WARD COUNCILLOR**

Councillor Kitts provided the following comments:

“Any comments made by the Councillors whose wards are affected by this report should be included in this section. Report writers are to request the Councillors to provide their comments within 5 working days and advise that if no comments are received in that time period, the report will read “The Councillor is aware of the application related to this report.”. This section does not apply to City-wide items”.

**ADVISORY COMMITTEE(S) COMMENTS**

No Advisory Committee comments were received in response to the proposed zoning by-law amendment.

**LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendations contained within this report.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

**ASSET MANAGEMENT IMPLICATIONS**

The proposed rezoning of this land will generate increased demands on the City’s water and sanitary systems. It has been confirmed that there is sufficient capacity available to support the increased demands. The on-site infrastructure will remain under private ownership and therefore will not add to the City’s inventory of assets to be managed.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

## **ACCESSIBILITY IMPACTS**

Design considerations with respect to accessibility are not a key consideration of this Zoning By-law amendment application. If the application is approved, accessibility impacts will be assessed in detail during the ongoing review of the related application for site plan control approval.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Thriving Communities

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-21-0156) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to workload volumes and the time required to resolve matters of appropriate site design.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map / Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Preliminary Site Plan

Document 4 Consultation Details

## **CONCLUSION**

The proposed Zoning By-law amendment respects and upholds the intent of the relevant policies of the current and new Official Plans and those of the Mer Bleue Community Design Plan, and it contains appropriate zones and site-specific performance standards to permit the proposed low-rise mixed-use development. In staff's opinion, the proposed zoning amendment is appropriate and would be compatible with the existing surrounding residential community.

The department recommends that the proposed Zoning By-law amendment be approved.

**DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & 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.

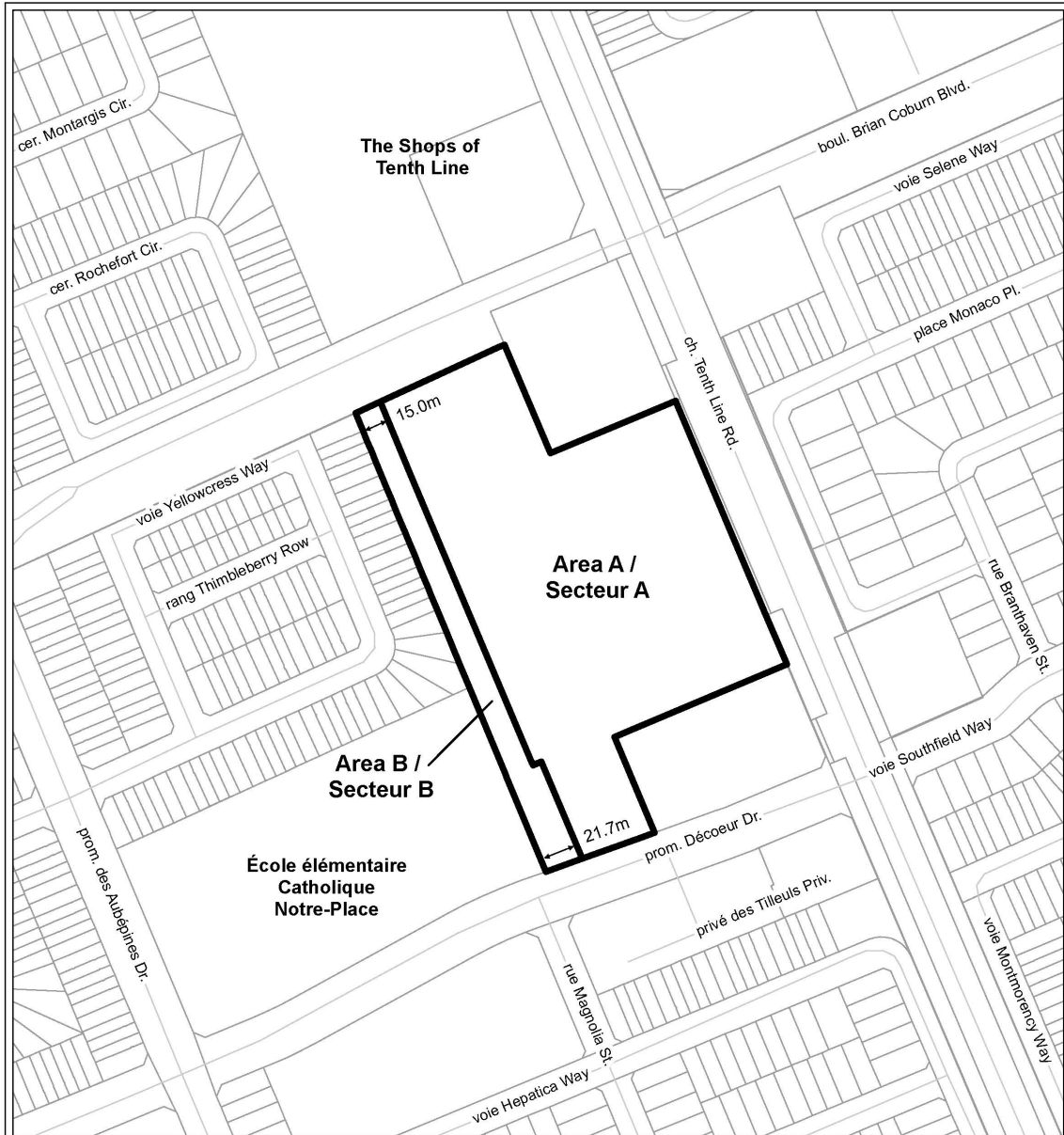
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.




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



**Document 1 – Location Map / Zoning Key Plan**

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0156	22-0917-X	<b>2370 chemin Tenth Line Road</b>	
I:\CO\2022\Zoning\Tenth_Line_2370\...rezone			
<small>©Parcel data is owned by Terranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2022 / 09 / 19		 Area A to be rezoned from GM[950] to GM[xxxx] Le zonage du secteur A sera modifié de GM[950] à GM[xxxx]	Area B to be rezoned from GM[950] to O1 Le zonage du secteur B sera modifié de GM[950] à O1
			 <small>NOT TO SCALE</small>

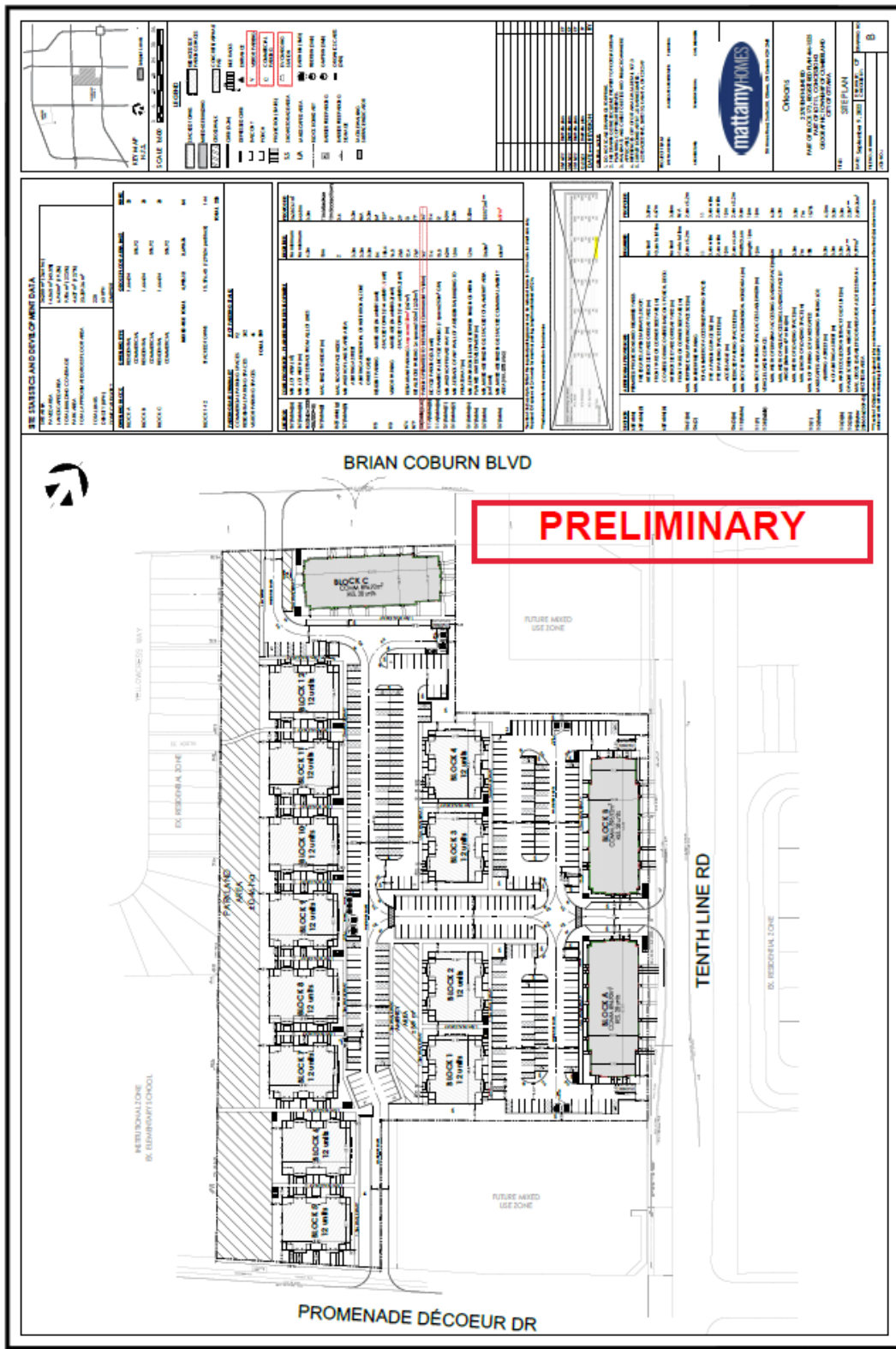
## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 2370 Tenth Line Road is as follows:

1. Rezone the lands as shown in Document 1.
2. Amend Section 239 – Urban Exceptions by adding a new exception [XXXX] with provisions similar in effect to the following:
  - a) In Column II, “Applicable Zone”, add the text, “GM[XXXX]”
  - b) In Column IV, “Exception Provisions – Land Uses Prohibited”, add the text,
    - “Funeral home
    - Place of assembly
    - Place of worship”
  - c) In Column V, “Exception Provisions – Provisions”, add the following text:
    - i. Minimum yard setback from a lot line abutting a public street is 3 metres
    - ii. Minimum yard setback from all other lot lines is 4 metres
    - iii. Minimum width of a landscaped area abutting a mixed use and/or commercial zone is 3.0 metres
    - iv. Minimum parking space rate for a stacked dwelling is 1.0 per dwelling unit
    - v. Minimum parking space rate for non-residential uses is 3.4 per 100 square metres of gross floor area
    - vi. For the purposes of Section 104 – Shared Parking Provisions, a restaurant use may be calculated at the rate of 3.4 spaces per 100 square metres of gross floor area
    - vii. Minimum width of a drive aisle providing access to required and provided parking spaces for commercial uses is 6.7 metres
    - viii. Minimum width of a landscaped buffer for a parking lot containing 100 or more spaces abutting an O1 zone is 1.5 metres

- ix. The landscaping provisions of Section 110(1) for parking lots do not apply to a shared driveway divided along the common lot line of abutting properties
- x. Maximum gross leasable floor area for non-residential uses on a lot less than 4 hectares in area is 9999 square metres

Document 3 – Preliminary Site Plan



## Document 4 – Consultation Details

### Notification and Consultation Process

Notification and public consultation was undertaken in accordance with Council's Public Notification and Public Consultation Policy for Zoning By-law amendments. The holding of a formal City-organized public information session during the public consultation period was deemed not necessary.

The following public submissions from approximately 20 members of the public and another representing five owners of residential properties abutting the subject site, were received in response to the initial proposed zoning amendment and related application for site plan control approval. No comments from community organizations were received.

### Public Comments and Responses

Question/Comment	Staff Response
<b>Density</b>	
<p>There are an exorbitant number of residential and mixed-use buildings with a high concentration of residential units, and there is not much distance between the buildings and adjacent property lines.</p>	<p>The revised preliminary site plan shows an overall decrease of 12 dwelling units and approximately 400 sq.m. of retail floor space, and the removal of one of the mixed-use buildings from the plan initially proposed. The residential density is approximately 63 dwelling units per hectare, which is consistent with Official Plan policies.</p>
<p>The height of the dwelling blocks is higher than the adjacent two-storey townhouses. The mixed-use buildings and residential dwellings adjacent to the abutting residential neighbourhood should be two storeys.</p>	<p>The Official Plan permits a low-rise built form, or four storeys or less, throughout the site and neighbourhood. The visual impact of the proposed 3.5-storey stacked townhouse dwelling blocks on the abutting residential properties has been significantly reduced with the introduction of a 15-metre wide linear park abutting the existing residential properties.</p>

Question/Comment	Staff Response
<b>Land Use/Compatibility/Housing</b>	
<p>The proposed site development plan feels very out of place and inconsistent with other Orléans communities.</p>	<p>The current Official Plan's definition for compatible development states that it is not necessary to be the same as or similar to existing buildings in the vicinity. Rather, it should fit well within its physical context and work well with the existing and planned function. The integration of stacked townhouse dwellings and mixed-use building typologies is not uncommon, and in City staff's opinion, the proposed site development is compatible with the surrounding existing density and built form.</p>
<p>The incorporation of commercial and residential uses will help the City achieve its goal of 15-minute neighbourhoods. Orléans is certainly in need of a greater variety and mixed of residential development</p>	<p>Agreed.</p>
<p>This site was not expected to be developed with mostly housing, and especially not the amount proposed. It was expected that the buffer and setback to the residential and commercial buildings from the west residential property line would be much greater than what is proposed. A greater setback is required along the entire west property line; the dwelling blocks are simply too close and offer no open space for screen planting.</p>	<p>The separation of the initially proposed stacked townhouse dwelling blocks from the abutting residential properties has been significantly increased with the introduction of a 15-metre wide linear park.</p>
<p>There is not much greenspace at all along the frontage of the proposed</p>	<p>The provision of adequate green space throughout the proposed site development</p>

Question/Comment	Staff Response
multi-residential dwelling blocks. It appears to be dominated by a sea of parking spaces and lots.	is a matter that is being addressed through ongoing discussions with the proponents. The revised preliminary site plan reduces the amount of parking spaces by 70 spaces.
The mix of commercial and residential on the same site is likely to cause congestion and on-site traffic conflict. Of utmost concern is the safety of the residents in the development, given the limited recreational space proposed.	Prior to recommending approval of the related site development plan, City staff will ensure that the network of internal walkways and amenity areas throughout the site are adequate. The revised plan now incorporates a 0.46-hectare linear park.
The number of highly concentrated residential buildings should be reduced to provide more space between buildings to allow for adequate privacy, access to sunlight and landscape screening.	The number of residential buildings on the revised preliminary site plan has not decreased, but the arrangement of them throughout the site has changed. One of the mixed used buildings has been removed from the plan.
The proposed rezoning of the site to permit residential dwellings does not comply with the City's longstanding plan for the site to remain "Commercial" only. Expanding the current zoning of the site to allow residential uses and mixed-use buildings does not fit with the existing character of the surrounding neighbourhood.	The site has been zoned for mixed uses, excluding buildings solely for residential use, since 2008. The proposed zoning amendment reflects changes in the commercial market across South Orléans and the continuing need for alternative forms of housing in the community.
Will there be any affordable, inclusive housing?	Developers are not required to share their expected rental rates with the City and, therefore, City staff do not know how affordable any particular development might be. The City encourages the provision of a range of housing (ownership and rental) to increase choice and provide a range of

Question/Comment	Staff Response
	affordability. However, there currently are no tools that City staff can use to require the provision of a certain number of affordable units or a specific level of affordability.
Consideration for a barrier-free design has not been included in the proposal.	Design considerations with respect to accessibility will be assessed in detail during the ongoing review of the related application for site plan control approval.
<b>Privacy/Enjoyment of Property</b>	
The residents of the dwelling units proposed along the rear yards of the adjacent townhouse development will have a clear and direct view into the adjacent homes and backyard. This clearly and unexpectedly affects the residents' privacy, access to sunlight and level of enjoyment of their properties.	The separation of the initially proposed stacked townhouse dwelling blocks from the abutting residential properties has been significantly increased with the introduction of a 15-metre wide linear park shown on the revised preliminary site plan attached as Document 3.
There are several large parking areas very close to the adjacent Yellowcress Way properties. The increased fumes from car exhaust would impact the air quality and enjoyment by residents of their backyards.	The revised preliminary site plan illustrates that the parking areas in proximity to the adjacent residential properties have been relocated. Furthermore, the introduction of a 15-metre wide linear park along the entire west yard of the site effectively mitigates any issues with car exhaust fumes.
<b>Transportation/Traffic</b>	
There is already significant congestion caused by cars attempting to enter and exit the existing shopping centre on the north side of Brian Coburn Boulevard. Adding an additional driveway to the south side of Brian Coburn Boulevard	The functionality of the planned driveway access to the proposed site development on the south side of Brian Coburn Boulevard is being appropriately addressed as part of the



Question/Comment	Staff Response
will undoubtedly exacerbate this issue and lead to more congestion and increased traffic noise.	ongoing review of the related application for site plan control approval.
Décoeur Drive is a residential street with a school and park along it. It is already congested during the school pickup and drop off times. There is also another future school block across from the school. Décoeur Drive is a community street and should not be used as a transition from commercial sites to another neighbourhood to avoid traffic lights or congestion; the proposed development would encourage this behaviour.	Appropriate traffic management measures will be implemented as may be deemed necessary as part of the ongoing review of the related application for site plan control approval.
The traffic throughout Orléans South already has no way in and out of the community without the extension of Brian Coburn Boulevard/BRT corridor to Blair Station and the road's widening to its ultimate 4-lane divided roadway. The community's quality of life is suffering. The City needs to act now to upgrade and widen the main arterial roads with better traffic controls.	As per the current Transportation Master Plan (TMP), Navan Road and Brian Coburn are currently listed on the ultimate road network and scheduled to be widened sometime after 2031. The TMP is currently under revision for approval in 2023 and these road project schedules may be reevaluated.
<b>Noise</b>	
The anticipated noise from construction operations will impact the surrounding residents. What is to be done to mitigate such disruption?	Development adjacent to existing buildings is commonplace in developing communities, and appropriate construction measures are taken to safeguard against undesirable impacts.
There will be an increase in noise levels emanating from the parking	The revisions to the proposed preliminary site layout, including the introduction of a

Question/Comment	Staff Response
areas situated in close proximity to the abutting residential yards to the west.	15-metre wide linear park along the entire west limit of the site, will significantly reduce noise levels within the outdoor amenity spaces of the adjacent residential properties.
<b>Construction</b>	
Should excavation involve blasting, then there are serious concerns respecting possible damage to the foundations of existing nearby dwellings.	City staff regularly include as a condition of site plan control approval the requirement for the owner to conduct pre- and post-construction inspections of adjacent residence foundations whenever there is blasting or hoe ramming required.