

<p>7. Zoning By-law Amendment – 1158 Old Second Line Road</p> <p>Modification au Règlement de zonage – 1158, chemin Old Second Line</p>

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 1158 Old Second Line Road to permit 47 two-storey townhouse dwellings on private streets, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification du Règlement de zonage 2008-250 pour le 1158, chemin Old Second Line afin que l'on puisse aménager sur de rues privées 47 habitations en rangée de deux étages, comme l'indique le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 11, 2020 (ACS2020-PIE-PS-0044)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 11 mars 2020 (ACS2020-PIE-PS-0044)

2. Extract of draft Minutes, Planning Committee, May 14, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 14 mai 2020

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
14 May 2020 / 14 mai 2020**

**and Council
et au Conseil
27 May 2020 / 27 mai 2020**

**Submitted on 11 March 2020
Soumis le 11 mars 2020**

**Submitted by
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**Ward: KANATA NORTH (4) / KANATA
NORD (4)**

File Number: ACS2020-PIE-PS-0044

SUBJECT: Zoning By-law Amendment – 1158 Old Second Line Road

**OBJET: Modification au Règlement de zonage – 1158, chemin Old Second
Line**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 1158 Old Second Line Road to permit 47**

two-storey townhouse dwellings on private streets, 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 May 27, 2020" 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* pour le 1158, chemin Old Second Line afin que l'on puisse aménager sur de rues privées 47 habitations en rangée de deux étages, comme l'indique 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 27 mai 2020 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

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

1158 Old Second Line Road

Owner

Theberge Developments (South) Limited

Applicant

Holzman Consultants Inc.

Architect

Urbandiva Design Inc.

Description of site and surroundings

The subject lands are located on the east side of Old Second Line Road between Klondike Road to the south and Old Carp Road to the north. Approximately 12,296.3 square metres in area, with 95 metres of frontage on Old Second Line Road, the subject lands are partially treed, with an existing detached dwelling on the southern part of the site.

Surrounding land uses include the South March Highlands natural area to the west and low-rise residential developments comprised of detached dwellings in the Morgan's Grant community to the north, south, and east. A hydro corridor, which contains a recreational trail, abuts the east side of the subject site with the existing residential development being located further east of the corridor.

The lands are subject to a concurrent Plan of Subdivision application. The subdivision plan received Draft Approval on November 4, 2019 and the proponent intends to register the Plan of Subdivision later this year.

Theberge Homes is proposing to develop 47 two-storey townhouse dwellings on nine residential blocks. Each block is to contain four to six townhouse units. A block of four townhouse dwellings have been sited and designed with the primary entrances facing Old Second Line Road with parking provided off the private street in the centre of the development. The remaining units and blocks are oriented to the private streets with the primary entrances for the two end units located within the southwest and northwest blocks being additionally oriented to Old Second Line Road.

Two points of access are proposed from Old Second Line Road with an internal 6.7-metre wide private street network. Each proposed townhouse dwelling has an associated attached garage and private driveway for an additional parking space with

eighteen visitor parking spaces proposed in the centre of the site. A portion of the existing recreational pathway within the hydro corridor, which is located on the subject site, is proposed to be relocated outside of the development lands. One internal sidewalk is proposed in order to connect Old Second Line with the pathway.

Summary of requested Zoning By-law amendment proposal

The zoning by-law amendment application is to rezone the lands from Development Reserve, Schedule 183 (DR S183) to Residential Third Density, Subzone Z with a site-specific Exception (R3Z[xxxx] S183) to implement the Draft-Approved Plan of Subdivision. The proposed R3 zone permits single, semi-detached, and townhouse dwellings. The site-specific exception denotes that the private street is recognized as a public street for the purposes of the Zoning By-law and specifies certain yard setbacks, lot widths, lot areas, and building height requirements in order to permit a slightly more compact form of development.

DISCUSSION

Public consultation

Public consultation was carried out in accordance with the City's Public Notification and Consultation Policy for Zoning By-law amendment applications. A statutory public meeting was held in the community for the associated Plan of Subdivision on June 21, 2018 and attended by approximately 40 residents. Several comments were received through the public notification and consultation process.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designations

The Official Plan designates the subject property as General Urban Area, which permits the development of a full range of housing types to meet the needs of all ages, incomes and life circumstances in combination with conveniently located employment, retail, service, leisure and institutional uses. The proposed Zoning By-law amendment is consistent with the goals, objectives and policies of the General Urban Area designation.

Policy 3.6.1. 5 of the Official Plan supports intensification where it will complement the existing pattern and scale of development and planned function of the area. The proposed Zoning By-law amendment permits intensification and will compliment the existing community. Furthermore, Policy 3.6.1.5(b) states that intensification should

achieve a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles throughout the General Urban Area.

The proposed Zoning By-law amendment also conforms to the relevant policies of Section 4.11 in the Official Plan addressing compatibility. Such considerations as traffic, adequate parking, building design, massing and scale of the proposed dwellings, landscaping, and outdoor amenity area have all been reviewed through the Plan of Subdivision to ensure the intent of the policies are met.

Planning rationale

The proposed Zoning By-law amendment responds to the policies for the General Urban Area by allowing for infill on the edge of an established neighbourhood with appropriate infrastructure and servicing. The site is located along the periphery of a developed neighbourhood and has full access to urban services such as sewers and watermain. The studies submitted in support of the zoning and subdivision applications confirm that there are adequate municipal services in terms of water, sanitary sewer and stormwater facilities.

The General Urban Area designation supports ground-oriented housing forms such as townhomes as an appropriate housing form for infill development in established low-rise residential communities. This development proposes a total of 47 townhouse dwellings into a neighbourhood that is primarily developed with single detached dwellings. This will provide another form of housing opportunities for Kanata North. The proposed plan complies with the urban design and development guidelines of the Official Plan.

The Official Plan provides guidance on how to appropriately incorporate infill development into existing built-up areas. The proposed development is designed to both complement and be compatible with the existing Morgan's Grant neighbourhood, which is comprised of detached dwellings and townhouses. The proposed zoning of R3Z[xxxx] permits townhouse dwellings, specifies minimum setbacks to ensure adequate spacing from adjacent properties and permits a form of development that is compatible with the surrounding area.

New developments are to respect the privacy of outdoor amenity areas on adjacent lots. The proposed development provides adequate separation from the lot lines of abutting lots by siting the proposed residential buildings close to the internal private road network. The Concept Plans submitted in support of the rezoning application indicate that the development will provide a minimum rear yard setback of 7.5 metres for blocks that back onto the rear yards of existing abutting lots.

The proposed development provides adequate parking and by providing one resident parking space per unit, as well as an 18 additional visitor parking spaces. The by-law does not require visitor parking spaces in this type of development, however, due to the community's and Councillor's concerns the applicant agreed to the addition of numerous visitor parking spaces.

The applicant filled out the Transportation Impact Assessment (TIA) screening form; based on the minimal number of units proposed, this development did not necessitate a TIA as per the City's guidelines. There is no significant impact on traffic as a result of this development, and no road modifications are required. Any existing congestion is unrelated to the development application and will not be exacerbated by the proposal. The configuration and alignment of the proposed site access is considered to be safe and appropriate. The private road network as proposed meets the standards for private roads.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement of 2014 and 2020.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Sudds is aware of the application related to this report and the staff recommendation.

LEGAL IMPLICATIONS

In the event that the recommendations in this report are adopted and the matter appealed to the Local Planning Appeal Tribunal, it is estimated that a three-day hearing would be required. It is anticipated that such hearing could be conducted within staff resources.

If the application for a rezoning is refused, reasons must be provided. In the event of an appeal of the refusal, it would be necessary to retain an outside planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

Design considerations with respect to accessibility are generally addressed through the draft approval and detailed design review process and are not a key consideration related to a Zoning By-law amendment.

ENVIRONMENTAL IMPLICATIONS

An Environmental Impact Statement (EIS) was submitted in support of the proposed application to address the natural environment, which included species at risk and significant woodlands. Surveys were completed for Blanding's Turtles; however, none were observed, and it was thus concluded that the site did not correspond to the habitat requirements of this species. The Ministry of Natural Resources and Forestry (MNRF) identified the subject property as Category 3 Habitat for Blanding's Turtle as identified under the Endangered Species Act (ESA), therefore, the applicant submitted an Information Gathering Form and Avoidance Alternative Form (AAF) to the MNRF. However, discussion between the applicant and MNRF concluded that activities proposed during construction would prevent all unlikely impact to Blanding's Turtle as a result of the proposed development. MNRF subsequently concurred via email that "the works, as proposed will not likely contravene the ESA with the mitigation described in the AAF".

The 2014 Provincial Policy Statement and Official Plan Amendment 179 introduced revised significant woodland policies that apply to this site. A Significant Woodlands Memorandum was completed, and it was concluded that the proposed development would result in a small decrease in ecosystem services provided to the community, primarily as a direct result of tree cover loss. The development plan provides few compensating benefits on site, because of inadequate soil volumes for planted trees and lack of Low Impact Development (LID) measures.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities
- Economic Growth and Diversification

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-18-0040) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications. The application was on hold for an extended period of time while issues associated with the corresponding Plan of Subdivision were resolved.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Draft Plan of Subdivision

CONCLUSION

The proposed development conforms to the Official Plan and considers the need for intensification and infill. In consideration of the applicable Official Plan policies and compatibility of the use in the area, the Zoning By-law amendment is recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

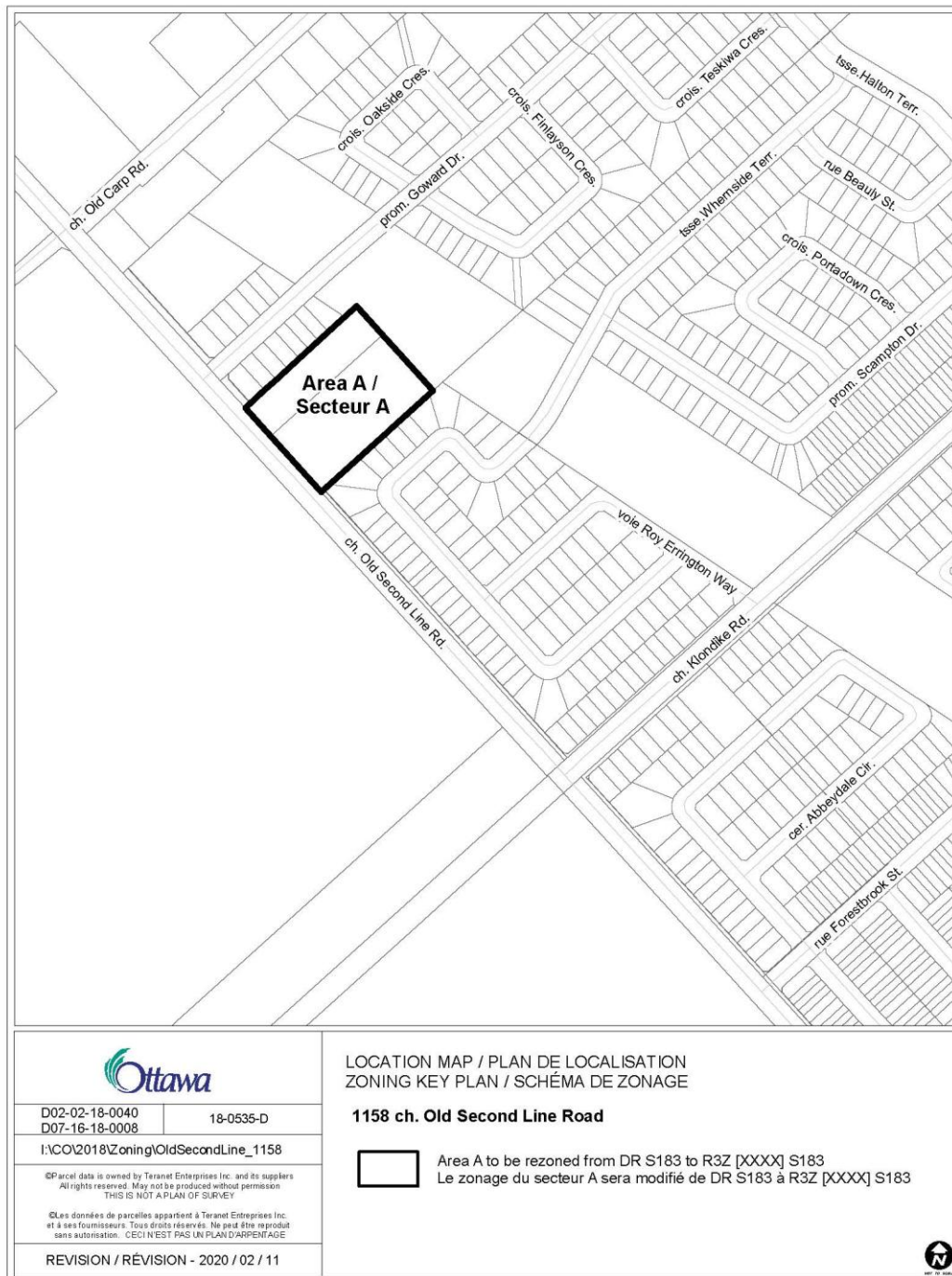
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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 and Zoning Key Plan

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



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1158 Old Second Line Road:

1. Rezone the lands shown in Document 1 from DR S183 to R3Z [xxxx] S183.
2. Amend Section 239 – Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - a) Despite Section 59, a lot is considered to have frontage where it abuts a private way that serves as a driveway leading to a public street.
 - b) The lot line that abuts a private way is considered to be the front lot line, and when more than one property line abuts a private way, the front lot line is considered to be the shortest property line abutting a private way and the other lot line that abuts a private way is considered a corner side lot line.
 - c) For the purposes of Part 4, the private way is considered a public street.
 - d) Where a through lot abuts both a public street and private way, the front lot line shall be along the public street.
 - e) Minimum lot width: 5 metres
 - f) Minimum lot area: 130 square metres
 - g) Maximum building height: 10 metres
 - h) Minimum front yard setback: 1.3 metres
 - i) Minimum corner side yard setback: 1.2 metres
 - j) Minimum rear yard setback: 7.5 metres for lots abutting a residential zone and 3 metres for all other lots
 - k) Minimum interior side yard setback: 1.2 metres

Document 3 – 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.

A statutory public meeting for the associated Plan of Subdivision was held in the community on June 21, 2018 at the Richcraft Complex. During this meeting, displays boards were available for viewing, and the consultant team provided a presentation of the proposal followed by an open question and answer period. Approximately 40 individuals attended. Staff also attended the meeting to field questions on process and next steps.

Changes were made since the original submission including the reduction of units from 49 to 47, the introduction of 18 visitor parking spaces, as well as the increase in perimeter for tree protection.

Several comments were submitted during the application review process. Few comments were submitted in support, with the majority in opposition based on density, parking and traffic, and tree removal.

The following is a list of comments by various members of the public in response to the application.

Comment

I have concerns about changing demographics of the location.

Response

Changing demographics is not taken into consideration when reviewing an application.

Comment

This development will affect our property values.

Response

There is no evidence that this type of development causes property values to decrease.

Comment

The inevitable blasting of the heavy bedrock will have harmful effects on our foundation.

Response

There are subdivision conditions of approval related to blasting in order to protect neighbouring properties.

Comment

The shockingly close proximity of the proposed buildings will inevitably kill any and all trees that are anywhere in the vicinity.

Response

The applicant submitted a Tree Conservation Report, which proposes to retain a number of trees around the perimeter of the property, specifically in locations abutting existing residential development. Staff have reviewed the report and are satisfied with its findings and recommendations to retain trees around the perimeter.

Comment

The thought of having neighbours peering into our backyard is enough for everyone to want to move away from the neighbourhood as fast as they possibly can.

Response

The application proposes a rear-yard setback of 7.5 metres which is typical for this type of application. There is no request for an increase in height for this development, therefore these town homes will be similar in nature to the existing surrounding homes.

Comment

A significant premium was also paid by all of the homeowners on both streets, for the opportunity to have a private lot backing onto a wooded area (private greenspace), as opposed to a two-storey brick wall.

Response

This property is not considered to be a wooded area, nor private greenspace, that is to be protected by the City; it is a private property not in City ownership. Furthermore,

should the developer of the abutting property choose to sell lots at a premium, that is between the potential purchaser and developer.

Comment

An endangered species of turtles has been identified on this very property that is being proposed for building. The endangered species name is the Blanding's Turtle, and they are protected.

Response

The applicant submitted an Environmental Impact Statement (EIS) that was reviewed by the Ministry of Natural Resources and Forestry (MNRF) who concluded that activities proposed during construction would prevent all unlikely impact to Blanding's Turtle as a result of the proposed development.

Comment

Are you aware the Developer is already marketing the sale of these 'proposed' homes? How is that allowed or legal when a decision has yet to be made? ...perhaps the decision has already been agreed upon and these notifications and meetings are just a procedural step?

Response

Developers are allowed to advertise at any time, which is irrespective of the City's planning and decision-making process.

Comment

This application would require redesigning a portion of the recreational path that is frequently used by a great number of Morgan's Grant residents.

Response

As part of the application, a condition of approval is for the applicant to relocate part of the pathway that currently exists on private property into the hydro corridor to connect to the rest of the pathway.

Comment

I am concerned about the increased traffic on Goward and the associated risk to my children.

Response

The applicant filled out the Transportation Impact Assessment (TIA) screening form, and based on the number of units proposed, a TIA was not required for the application.

Comment

I also note a significant gap in the availability of parking relative to the number of units.

Response

The first submission only included two visitor parking spaces. Upon feedback from the Planning Staff, the community and the Councillor, the applicant revised the submission to include 18 visitor spaces.

Comment

I fear significant impacts on the wildlife from the South March Highlands.

Response

The applicant submitted an EIS in support of the application and staff are satisfied, as is the MNRF, that there will be no detrimental effects on wildlife as a result of this application.

Comment

The other challenge will be City Winter Snow Plowing given the width of the roads.

Response

The applicant will be responsible for snow removal as well as snow storage. Conditions of approval are included to ensure that snow is removed responsibly.

Comment

A sewage system that is sufficient for one house wouldn't be sufficient for 49 townhouses leading to health hazards and creature infestations of the neighbourhood.

Response

The applicant has demonstrated that existing City infrastructure has capacity to handle the additional 47 townhomes, to which staff agree.

Comment

The roads are much too narrow for a large development in this car-oriented suburban area.

Response

The road width as proposed meets the standards for private roads.

Comment

Even if there is a sidewalk built along the property on Old Second Line Road, there will still be a gap between the north end and Goward Street.

Response

Conditions of approval include the extension of the multi-use pathway (MUP) along Old Second Line Road from where the MUP currently exists to Goward Drive.

Document 4 – Draft Plan of Subdivision

