

3. ZONING BY-LAW AMENDMENT – PART OF 5831 HAZELDEAN ROAD
MODIFICATION AU RÈGLEMENT DE ZONAGE – UNE PARTIE DE 5831,
CHEMIN HAZELDEAN

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for Part of 5831 Hazeldean Road to permit an adjustment in zoning boundary as shown in Document 1 and detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage n° 2008-250 visant une partie du 5831, chemin Hazeldean, afin d'ajuster la limite de la zone, comme l'illustre le document 1 et le décrit en détails le document 2.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department dated 27 September 2017 (ACS2017-PIE-PS-0117)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 27 septembre 2017 (ACS2017-PIE-PS-0117)
2. Extract of draft Minutes, Planning Committee, 10 October 2017

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 10 octobre 2017
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 8 November 2017, as part of the Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements'.

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 8 novembre 2017 du Conseil, comme faisant partie du Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d'explication » aux termes de la Loi 73.

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
October 10, 2017 / 10 octobre 2017**

**and Council / et au Conseil
October 25, 2017 / 25 octobre 2017**

**Submitted on September 27, 2017
Soumis le 27 septembre 2017**

Submitted by / Soumis par:

**Lee Ann Snedden,
Director / Directrice,**

Planning Services / Service de la planification

**Planning, Infrastructure and Economic Development Department / Services de la
planification, de l'infrastructure et du développement économique**

Report Author / Auteur du rapport:

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Ward: STITTSVILLE (6)

File Number: ACS2017-PIE-PS-0117

SUBJECT: Zoning By-law Amendment – Part of 5831 Hazeldean Road

**OBJET: Modification au Règlement de zonage – une partie de 5831, chemin
Hazeldean**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 5831 Hazeldean Road to permit an adjustment in zoning boundary as shown in Document 1 and 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 City Clerk and**

Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 25 October 2017 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 au Règlement de zonage n° 2008-250 visant une partie du 5831, chemin Hazeldean, afin d'ajuster la limite de la zone, comme l'illustre le document 1 et le décrit en détails 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 de l'avocat général 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 du projet de loi 73 », à la réunion du Conseil municipal prévue le 25 octobre 2017, 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

Part of 5831 Hazeldean Road

Owner

Maple Grove Co-Tenancy

Applicant

Tartan Land Consultants Inc.

Description of site and surroundings

The site is located in the southerly portion of the Poole Creek Village subdivision between Hazeldean Road and Rosehill Avenue, west of the Poole Creek corridor. The Plan of Subdivision received Draft Approval in 2012 and the first two phases are under construction. The lands are in the third and final phase. The land proposed to be rezoned are approximately 0.25 hectares in size and are currently vacant. The lands north of Rosehill Avenue are occupied by a mix of detached and townhouse dwellings, while the lands immediately to the north and west of the site will be developed as the third phase of the subdivision. Lands to the east are within the portion of the Poole Creek corridor being dedicated to the City through the subdivision. Lands to the south are occupied by a used automobile sales operation.

Summary of proposed Zoning By-law Amendment

The site is currently zoned Parks and Open Space (O1), and forms part of the lands within the Poole Creek corridor. The applicant has requested that the site be rezoned to Residential Third Density Zone Subzone Z Exception 2017, holding provision, (R3Z[2017]-h) to permit residential development. The R3 Zone permits detached, semi-detached and townhouse dwellings, while Subzone Z establishes zoning provisions for minimum lot width, area, coverage, setbacks, and maximum building height. Exception 2017 denotes a holding provision that prohibits all uses until it has been demonstrated that the existing infrastructure has the necessary capacity to allow for development of the subject lands.

Rezoning the subject parcel would allow for a slight realignment of one street (Vivera Place) and the reconfiguration of a few lots adjacent to the creek corridor. Three residential lots would be created within the area currently zoned O1.

Brief history of proposal

The Maple Grove Co-Tenancy subdivision now known as Poole Creek Village received draft approval in 2012. At the time of the original zoning by-law amendment for the subdivision in 2013, the subject lands were affected by the floodplain overlay for Poole Creek and were therefore zoned O1 because development within the floodplain is not permitted.

In 2016, the Mississippi Valley Conservation Authority and the City updated floodplain mapping for a number of creeks and rivers within the City boundaries. Council approved these updates on May 11, 2016, resulting in amendments to the Official Plan and Zoning By-law. Through this process, the Poole Creek floodplain overlay was removed from the subject site, resulting in additional lands being available for development. The floodplain had been the most restrictive setback for the limit of development to the west of the Poole Creek corridor.

Technical studies have been submitted in support of the rezoning including an updated Slope Stability Assessment and Environmental Impact Statement.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Development Applications. Please refer to Document 3 for consultation results.

Provincial Policy Statement

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

Official Plan designation

The Official Plan designates the property as General Urban Area, which permits the development of a full range of residential uses in order to facilitate the development of complete and sustainable communities. The proposed Zoning By-law Amendment is consistent with the goals, objectives and policies of the General Urban Area designation.

Section 4.7.3 of the Official Plan, Erosion Prevention and Protection of Surface Water, outlines the basis on which a creek corridor is established. Criteria to be considered are the regulatory flood line, development limits as established by the geotechnical limit of the hazard lands, a 30-metre setback from the normal high water mark as determined in consultation with the Conservation Authority, or 15 metres from the existing top of bank, where there is a defined bank.

In line with this policy, and site-specific considerations for the appropriate erosion and access allowances, the agreed corridor width for Poole creek was based on a

combination of these criteria. The proponent has submitted technical documentation demonstrating that all environmental considerations have been re-evaluated based on the proposed amendment and all criteria have been satisfied.

Kanata West Concept Plan

The lands are within the area affected by the Kanata West Concept Plan, with the residential lands identified as Residential Area B, intended to provide a range of residential dwelling types in a transit-integrated and pedestrian-friendly environment. The Poole Creek Corridor is identified as River/Creek Corridor.

Urban Design Review Panel

The property is not within a Design Priority Area and is therefore not subject to the Urban Design Review Panel process.

Planning Rationale

The property is located within the area affected by the Kanata West Concept Plan and the nature of the proposal is to permit a minor zoning boundary adjustment between the Residential Third Density Zone and the Parks and Open Space Zone.

On May 11, 2016 Council approved an amendment to Section 4.8.1 of the Official Plan concerning flood plan policies as well as a Zoning By-law amendment to implement mapping changes based on revision of floodplain limits in numerous locations across the City. The floodplain overlay was removed from the subject lands, allowing for the opportunity to develop the lands for residential purposes.

The related Plan of Subdivision demonstrates conformity to the Kanata West Concept Plan with regard to land use, road network layout, and density of development. The proposed new residentially-zoned area is a minor modification to the draft-approved subdivision and would permit three additional lots. The rezoning of the subject property is appropriate, as all environmental matters related to the Poole Creek Corridor have been addressed to the satisfaction of the City and the Mississippi Valley Conservation Authority.

At the time of the 2012 zoning by-law amendment for the subdivision, the Phase 1 lands were zoned R3Z and were to be serviced and developed immediately. The Phase 2 and 3 lands were subject to a holding provision due to servicing constraints. The holding provision was to be lifted once adequate servicing capacity could be demonstrated. The

Phase 3 lands are still subject to the holding provision, so it will be applied to the subject parcel as well.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Qadri is aware of the application and the staff recommendation.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

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

ENVIRONMENTAL IMPLICATIONS

An Environmental Impact Statement and Slope Stability Study were submitted in support of the rezoning request.

The City of Ottawa and the Mississippi Valley Conservation Authority had recently evaluated the floodplain along the Poole Creek corridor and in 2016 the City approved Official Plan and Zoning By-law amendments for the new floodplain. For this site, the floodplain along the west side of Poole Creek was reduced in width. This provided additional lands for potential development as the floodplain had been the most restrictive setback for the limit of development to the west of the Poole Creek corridor. The most limiting setback is now a 13-metre offset from the top of valley slope along the west side of the Poole Creek corridor. This is greater than the geotechnical hazard land

limit, which is 11 metres from the top of valley slope. An Environmental Impact Statement and Slope Stability Assessment were evaluated and it has been demonstrated that the proposed works associated with the three new lots are outside the limits of any hazard lands associated with the creek corridor.

The Poole Creek corridor to the east will not be directly impacted by the proposed development and will be protected with permanent chain-link fencing. An application to Ministry of Natural Resources for an Overall Benefit permit under the *Endangered Species Act, 2007* (ESA) related to minor modifications to Blanding's Turtle and butternut habitat is in progress, to reflect minor changes to the previous Overall Benefit permit that was issued for the remainder of the subdivision lands. Off-site measures will be undertaken to provide an overall benefit for butternut trees, including scion collection and associated rearing of pure butternut seedlings that may have resistant characteristics to the butternut canker. Fencing along the creek corridor will ensure that turtle habitat is protected and that turtles are prevented from entering the developed lands. With proper sediment and erosion control and other mitigation measures, the six additional lots and road alignment modification is not anticipated to have any long-term impact on the values and functions of the Poole Creek corridor. No site alterations will occur in the Poole Creek corridor as a result of the additional proposed development.

Section 4.7.3 of the Official Plan, Erosion Prevention and Protection of Surface Water, outlines the basis on which a creek corridor is established as being established by the regulatory flood line; development limits as established by the geotechnical limit of the hazard lands; 30-metre setback from the normal high water mark as determined in consultation with the Conservation Authority; or 15 metres from the existing top of bank, where there is a defined bank.

In line with this policy, and site specific considerations for the appropriate erosion and access allowances, the agreed corridor width for Poole creek was based on the greater of:

- a) 100-year flood line as established by the Conservation Authority;
- b) 13-metre offset from top of bank as established by survey;
- c) Limit of the geotechnical hazard land as defined by Golder Associates; and/or,
- d) 30-metre buffer from the normal high water mark.

The proposed development lands lie outside the limit of hazard lands and is acceptable from an environmental perspective.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

EP3 – Support growth of local economy

ES2 – Enhance and protect natural systems

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law Amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Public Consultation

CONCLUSION

The Planning, Infrastructure and Economic Development Department is satisfied that the proposed amendment is minor in nature and appropriate. All environmental considerations have been addressed to the satisfaction of the City and the Mississippi Valley Conservation Authority. In conclusion, staff recommend that this Zoning By-law amendment be approved.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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.

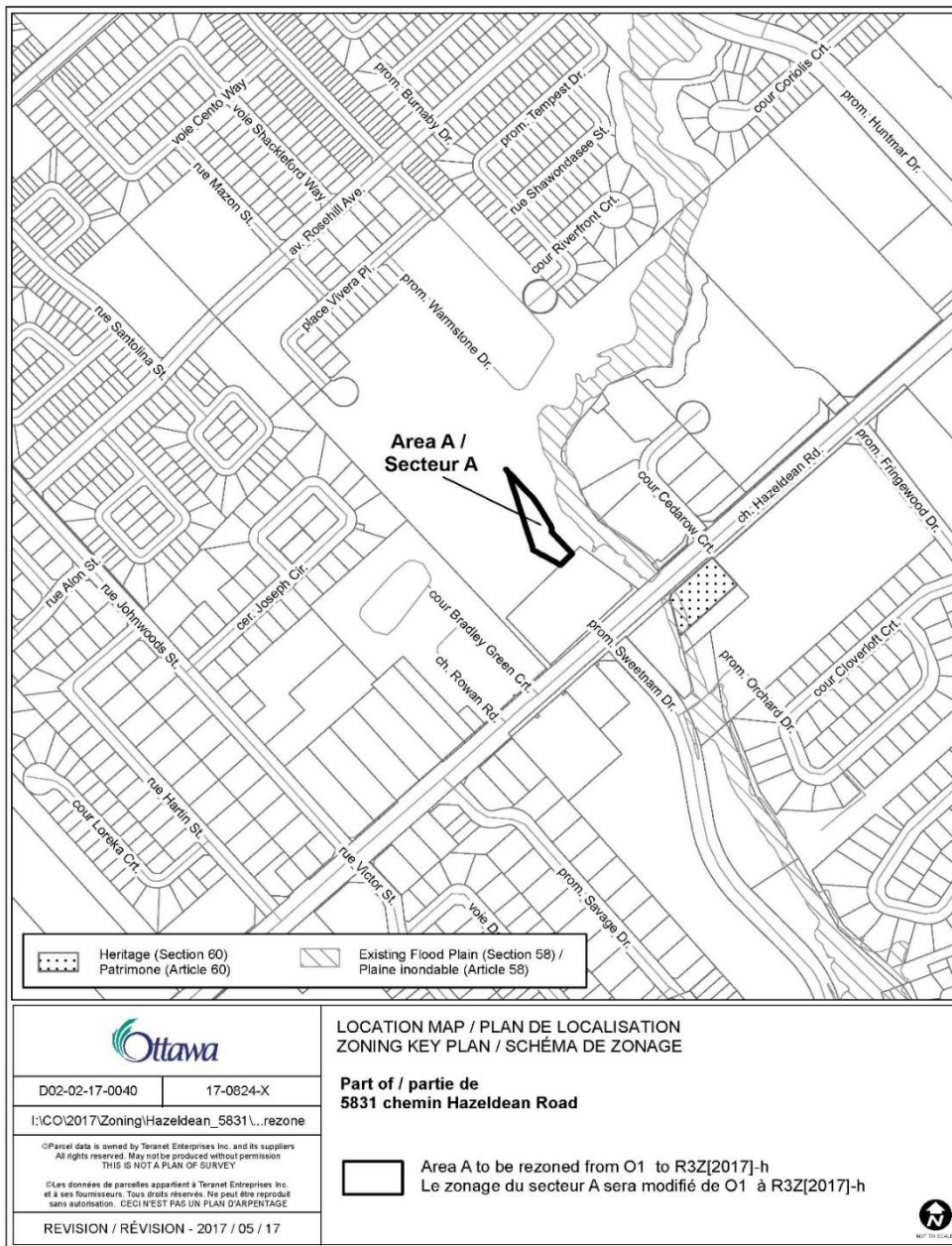
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Zoning Key Plan

For an interactive zoning map of Ottawa visit geoOttawa.

This is a map showing the proposed zone for the property that is subject to the Zoning By-law Amendment. The subject site is located in the southern portion of the Poole Creek Village subdivision.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for part of 5831 Hazeldean Road:

1. Rezone the lands shown on Document 1 as follows:
 - a) Area A from O1 to R3Z [2017]-h.

Document 3 – Public Consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by Council for Zoning By-law amendments. One member of the public provided comments. The concern and response are summarized below:

Comment:

The proposed development would impact surrounding wildlife habitat.

Response:

An Environmental Impact Statement was submitted in support of the requested amendment, demonstrating that there will be no impacts to wildlife habitat as a result of rezoning the small segment along the westerly edge of the Poole Creek Corridor. Chain link fencing will be installed along the easterly edge of the subdivision to delineate the corridor.