

- 3. Zoning By-law Amendment – 521 Brigatine Avenue and 501 Khamsin Street**
Modification au Règlement de zonage – 521 avenue Brigatine et 501 rue Khamsin

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 521 Brigatine Avenue and 501 Khamsin Street, to modify certain performance standards of the R3YY[1297]-h Zone, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification du Règlement de zonage 2008-250 pour le 521, avenue Brigatine et le 501, rue Khamsin afin de changer certaines normes de rendement de la zone R3YY[1297]-h, comme le précise le document 2.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 19, 2021 (ACS2021-PIE-PS-0116)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 19 août 2021 (ACS2021-PIE-PS-0116)
2. Extract of draft Minutes, Planning Committee, September 9, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 9 septembre 2021

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**Comité de l'urbanisme
Rapport 48
Le 22 septembre 2021**

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
9 September 2021 / 9 septembre 2021**

**and Council
et au Conseil
22 September 2021 / 22 septembre 2021**

**Submitted on 19 August 2021
Soumis le 19 août 2021**

**Submitted by
Soumis par:
Lee Ann Snedden,
Director / Directrice**

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

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Ward: STITTSVILLE (6)

File Number: ACS2021-PIE-PS-0116

**SUBJECT: Zoning By-law Amendment – 521 Brigatine Avenue and 501 Khamsin
Street**

**OBJET: Modification au Règlement de zonage – 521 avenue Brigatine et 501
rue Khamsin**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 521 Brigatine Avenue and 501 Khamsin Street,**

to modify certain performance standards of the R3YY[1297]-h Zone, 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 September 22, 2021 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 521, avenue Brigatine et le 501, rue Khamsin afin de changer certaines normes de rendement de la zone R3YY[1297]-h, comme le précise 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 22 septembre 2021», 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

521 Brigatine Avenue and 501 Khamsin Street

Owner

Mattamy Homes

Applicant

FoTenn Consultants Inc

Description of site and surroundings

The lands are located at the northeast corner of Brigatine Avenue and Khamsin Street in Mattamy's Fairwinds subdivision and are currently occupied by a temporary stormwater management pond that will be decommissioned in 2022 when the permanent stormwater management pond is completed in the abutting subdivision. Lands to the north are part of the Poole Creek corridor, while lands to west and south are occupied by detached and townhouse dwellings developed in earlier phases of Fairwinds. Lands to the east will be developed with the future extension of the Robert Grant Avenue and a residential subdivision. The site has an area of approximately 1.4 hectares, with 136 metres of frontage along Brigatine Avenue on the south side and 65 metres of frontage along Khamsin Street on the west side. A concurrent plan of subdivision application has also been submitted.

Plan of Subdivision

The parcel was part of a plan of subdivision that received draft approval in 2009, and the other phases have been registered. Draft approval for this parcel was not extended, so the draft approval lapsed and the new subdivision application was required.

The Plan of Subdivision proposes an extension of Brigatine Avenue, together with 15 lots for detached dwellings and blocks for 32 townhouses. The lots for detached dwellings will be on the northerly arm of Brigatine Avenue, backing onto Poole Creek, 10 of these lots will have a lot width of 9.14 metres and five lots will have a lot width of 11 metres. The townhouses will occupy the southerly portion of the site, including on the north side of existing Brigatine Avenue. The townhouse lots are all proposed to be 25 metres in depth and will vary in width between 6.5 and 8.2 metres, with corner lots being slightly wider. The proposed detached dwellings will have a front yard setback ranging from four metres to 4.9 metres and the townhouses, attached in rows of four units, will have a front yard setback between three and 3.8 metres.

Summary of requested Zoning By-law Amendment proposal

The westerly portion of the site fronting on Khamsin Street is zoned R3YY[1297]. This zone permits detached, semi-detached and townhouse dwellings, and exception 1297 establishes site-specific lot sizes, setbacks and projection provisions that permit a compact form of development and are applicable to a large portion of the Fairwinds community. The remainder of the site is zoned R3YY[1297]-h, with the 'h' denoting a holding provision where all uses are prohibited until the holding symbol is removed, except those that existed on July 14, 2010. The holding symbol can be removed only once it is demonstrated to the satisfaction of the City that the interim storm water management facility can be decommissioned and the site can utilize the ultimate stormwater facility and Kanata West Sanitary Sewage Pumping Station, as indicated in the Kanata West Master Servicing Study. The ultimate stormwater management pond in the adjacent subdivision must be constructed and operational before the holding provision will be lifted.

This Minor Zoning By-law Amendment application was submitted concurrently with the Plan of Subdivision application to make slight adjustments to the existing zoning provisions that are applicable to projections such as balconies, porches, chimney boxes and air conditioning units in order to reflect Mattamy's latest residential models. The other provisions applicable to lot size, setbacks and building height that are specified in Exception [xxxx] are unchanged from what is currently permitted by Exception [1297]. The new exception replaces the same provisions and adds the new projection provisions. Two additional site-specific exceptions are sought to address the specific lot configuration: Exception [yyyy] would reduce the rear yard setback from six metres to 5.2 metres for three lots and Exception [zzzz] would reduce the lot width from 8.8 metres to 8.7 metres for one lot. The holding provision 'h' would remain in effect on the westerly portion of the property until the ultimate stormwater management pond has been constructed and is operational.

The original rezoning request that was submitted included additional modifications to the current provisions, including requests for increase in building height, increase in lot coverage and reduction in certain yard setbacks. In response to public concerns and after a thorough review of the proposed development concept, the proponent has withdrawn the request for several modifications and is now seeking only the following amendments to the Zoning By-law:

- Replace Exception [1297] with a new Exception [xxxx] having the same provisions applicable to lot width, lot area, lot coverage, yard setbacks and building height for both detached and townhouse dwellings, and provide relief for projections such as balconies, porches, chimney boxes and air conditioning units projecting into a required yard;
- New Exception [yyyy] reducing the rear yard setback from six metres to 5.2 metres for three lots with the other provisions of Exception [xxxx] continuing to apply; and
- New Exception [zzzz] reducing the lot width from 8.8 metres to 8.7 metres for one lot with the other provisions of Exception [xxxx] continuing to apply;

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, with notice provided to the registered community association and property owners within 120 metres, and a notification sign posted. A statutory public meeting for the plan of subdivision application was held via Zoom on February 4, 2021 and was attended by 20 residents, with 15 public comments opposing the application received. Residents expressed opposition to the development of townhouses, which are permitted by the current zoning and to the modification of performance standards that would have permitted larger buildings. These requests have now been withdrawn. A synopsis of the comments and responses are outlined in Document 3.

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

Official Plan designation

The property is designated General Urban Area on Schedule B of the City's Official Plan. This designation permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances. Residential intensification through infill will relate to the existing character to enhance desirable patterns and built form while also achieving a balance of housing types and tenures.

Review of development applications is also guided by Sections 2.5.1 and 4.11 of the Official Plan. The Designing Ottawa policies in Section 2.5.1 of the Plan encourage

compatible development that is not necessarily the same as the existing buildings but coexist without causing undue adverse impact. The Urban Design and Compatibility policies in Section 4.11 of the Plan assesses compatibility of new building design with their surroundings in the context of elements such as setbacks; height and transition; roofline articulation and incorporating elements and details of common characteristics of the area.

Other applicable policies and guidelines

Kanata West Secondary Plan

The subject lands are located within the Kanata West Secondary Plan. The Secondary Plan defines maximum building heights for lands within the plan area. Schedule A of the Secondary Plan designates the subject lands as 'Area D', which does not provide a maximum permitted building height, but instead refers back to the City of Ottawa Official Plan for guidance on the permitted building height. The Official Plan permits buildings of four storeys in stable low rise neighbourhoods.

Kanata West Concept Plan

The subject lands are designated 'Residential Area B' in the Kanata West Concept Plan, which permits a range of residential dwelling types in a transit-oriented and pedestrian friendly environment. Detached dwellings, townhouses and low-rise apartment buildings are permitted in the 'Residential Area B' land use designation.

Planning Rationale

The proposed Zoning By-law Amendment conforms to the strategic directions and policies of the Official Plan. The development will provide a housing form that is in keeping with and compliments the existing urban character and scale of the surrounding community. The proposed uses are in conformity with the Kanata West Concept Plan's 'Residential Area B' land use designation.

The R3YY zone applicable to the site is widely used within developing urban communities and allows detached, semi-detached and townhouse dwellings in a compact form of development. The site-specific provisions that were implemented by Exception [1297] for a large portion of the Fairwinds community in 2013. The provisions relating to lot size, setbacks and building height are unaffected by this application. The minor modifications to performance standards sought through this application include modest relief for certain projections such as porches, chimney boxes and air

conditioning units. The proposed provisions are similar to those applicable in newer developments and are proposed to reflect the newest models of houses offered for sale. The modifications allow compact and efficient development with porches and other elements providing an attractive streetscape.

An additional site-specific exception is applicable to three lots abutting the Poole Creek corridor where a shallower lot depth provides a smaller building envelope. The typical house models would extend slightly into the typical 6-metre rear yard, so a 5.2-metre rear yard setback is proposed. This minor reduction is appropriate to suit the lot fabric. Other lots on the street are unaffected and rear yard setbacks of deeper lots to the east and west increases to over 10 metres. Because the lots back onto the Poole Creek corridor, there is no impact on an abutting lot to the rear.

A third site-specific exception is applicable to a pie-shaped lot in the northeast corner of the subdivision, where a slight reduction in lot width from 8.8 metres to 8.7 metres is proposed. The reduced lot width is only present on the front portion of the pie-shaped corner lot, which widens toward the rear yard. This minor reduction is appropriate to suit the lot fabric.

The following outlines the proposed zoning amendments for the subject lands, as shown in Document 1 and detailed in Document 2

- a) Area A is the portion of the site along Khamsin Street that is not affected by the holding provision and would be rezoned from R3YY[1297] to R3YY[xxxx], with the new Exception [xxxx] retaining the lot size, setback and height provisions of current Exception [1297] and modifying certain projection provisions;
- b) Area B is portion of the site that is affected by the holding provision and would be rezoned from R3YY[1297]-h to R3YY[xxxx]-h. The provisions of Exception [xxxx] detailed above would apply and the holding provision 'h' remains in effect;
- c) Area C affects three lots backing onto the Poole Creek corridor and would be rezoned from R3YY[1297]-h to R3YY[yyyy]-h, with the holding provision 'h' remaining in effect. The provisions of Exception [xxxx] detailed in (a) above would apply, except that the rear yard setback for a detached dwelling would be reduced from 6.0 metres to 5.2 metres;

- d) Area D affects one corner lot in the northeast corner of the subdivision and would be rezoned from R3YY[1297]-h to R3YY[zzzz]-h, with the holding provision 'h' remaining in effect. The provisions of Exception [xxxx] detailed in (a) above would apply, except that the required lot width for a detached dwelling would be reduced from 8.8 metres to 8.7 metres.

Staff have no concerns with the modest modifications to the performance standards requested because they are minor in nature and have no impact on surrounding properties. Staff are satisfied that the proposed Zoning By-law Amendment is consistent with the Official Plan and represents good planning.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Gower is aware of this report and recommendation.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no Risk Management implications associated with the recommendations in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct Asset Management implications associated with the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed buildings will be required to meet the accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application D02-02-20-0126) was processed by the "On Time Decision Date" established for the processing of Zoning By-law Amendment applications. The application was on hold while the proposal was revised.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Subdivision Plan

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law Amendment. The proposed modifications to performance standards achieve a desired and compatible built form and have no negative impact on the surrounding neighborhood. It is consistent with the objectives of the Official Plan, the Kanata West Concept Plan and represents good planning.

DISPOSITION

Committee and Council 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.

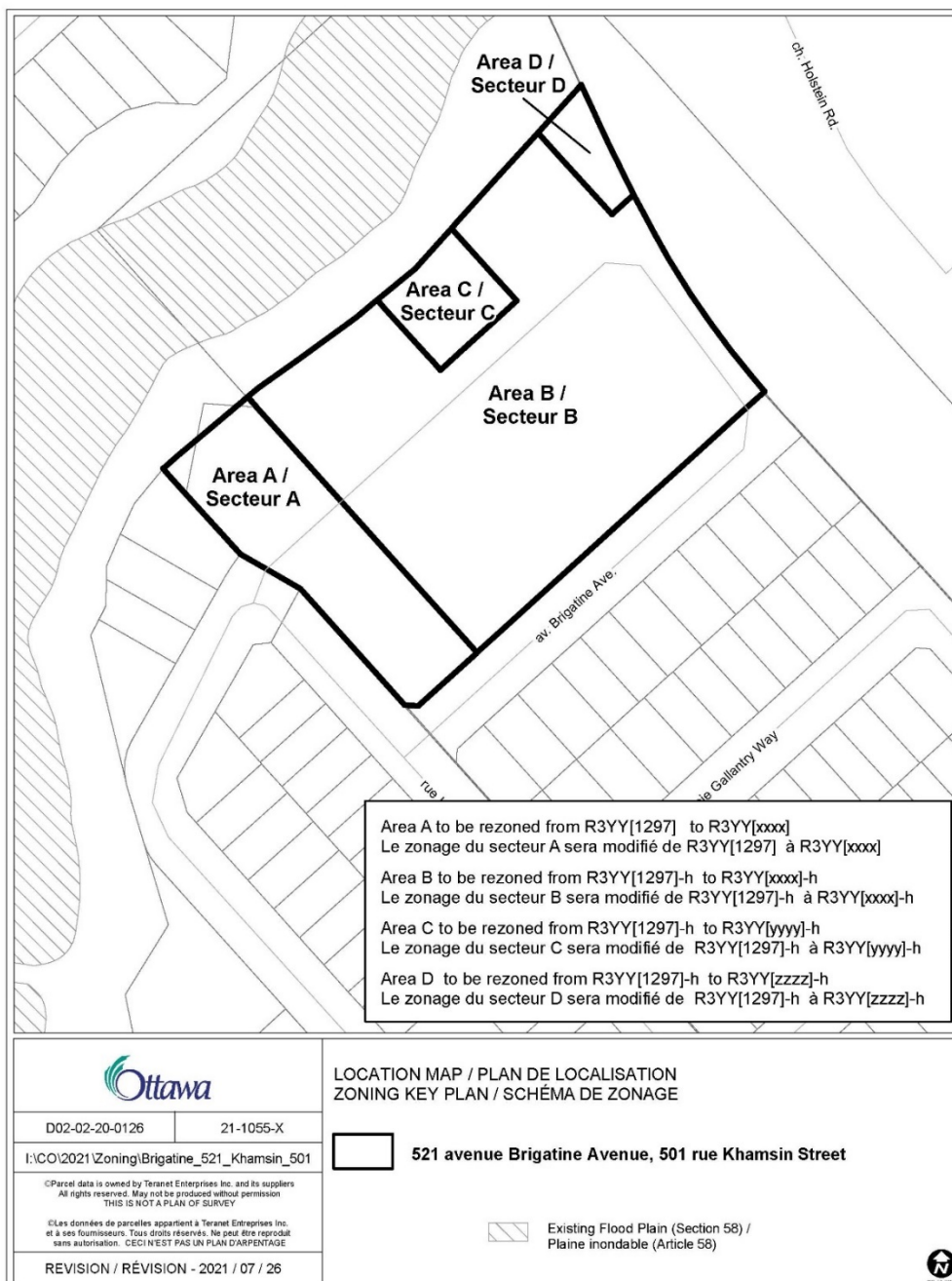
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Zoning Key Plan

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

The zoning key plan shows the property to be rezoned and the proposed zoning.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 528 Brigatine Avenue and 501 Khamsin Street:

1. Rezone the lands shown in Document 1 as follows:
 - a. Area A to be rezoned from R3YY[1297] to R3YY[xxxx];
 - b. Area B to be rezoned from R3YY[1297]-h to R3YY[xxxx]-h;
 - c. Area C to be rezoned from R3YY[1297]-h to R3YY[yyyy]-h; and
 - d. Area D to be rezoned from R3YY[1297]-h to R3YY[zzzz]-h.
2. Revise Section 239 – Urban Exceptions to add new exception [xxxx] with provisions similar in effect to the following:
 - a. In Column II, add text, “R3YY[xxxx]; R3YY[xxxx]-h”
 - b. In Column IV, add text ‘on land zoned with a holding symbol, all uses are prohibited until the holding symbol is removed, except those that existed on July 14, 2010’;
 - c. In Column V, add provisions similar in effect to the following:
 - A chimney, chimney box, fireplace box, eaves, eave-troughs, gutters and ornamental elements such as sills, belts, cornices, parapets and pilasters may project one metre into a required front, corner side or interior side yard but no closer than 0.2 metres to the lot line;
 - Balconies and porches may project to within zero metres of a corner lot line;
 - An air conditioning condenser unit may project two metres into a corner and interior side yard, and two metres into a rear yard, but no closer than 0.2 metres to a lot line and may not be located in a front yard;
 - No more than 60 per cent of a front yard may be used as a driveway or parking space;

- In the case of a home-based business operating within a townhouse, the required parking space is only required if the business involves an outside employee;
- Section 57 does not apply;
- The holding symbol may only be removed at such time as it is shown to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development that the interim storm water management facility can be decommissioned and the site can utilize the ultimate stormwater facility and Kanata West Sanitary Sewage Pumping Station, as indicated in the Kanata West Master Servicing Study. The SWM facility (Stormwater Management Pond 5) and the Kanata West Sanitary Sewage Pumping Station must be constructed and operational and have the necessary capacity to permit the development of the property, all to the satisfaction of the City.
- The requirements for detached dwellings:
 - minimum lot area is 220 square metres
 - minimum lot width is 8.8 metres
 - minimum front yard setback is three metres for the principal building and 3.5 metres for an attached garage
 - minimum combined interior side yard setback is 1.8 metres with a minimum of 0.6 metres on one side
 - minimum corner side yard is 2.5 metres
 - minimum rear yard is six metres
 - maximum lot coverage is 55 per cent
 - maximum building height is 12 metres
- The requirements for townhouse dwellings:
 - minimum lot area is 137 square metres

- minimum lot width is 5.5 metres
 - minimum front yard setback is three metres for the principal building and 3.5 metres for an attached garage
 - minimum interior side yard setback is 1.5 metres
 - minimum corner side yard is 2.5 metres
 - minimum rear yard is 6 metres
 - maximum lot coverage is 65 per cent
 - maximum building height is 12 metres
3. Revise Section 239 – Urban Exceptions to add new exception [yyyy] with provisions similar in effect to the following:
- a. In Column II, add text, “R3YY[yyyy]-h”
 - b. In Column IV, add text ‘on land zoned with a holding symbol, all uses are prohibited until the holding symbol is removed, except those that existed on July 14, 2010’;
 - c. In Column V, add provisions similar in effect to the following:
 - Rear yard setback for a detached dwelling is 5.2 metres; and
 - All other provisions of Urban Exception [xxxx] apply.
4. Revise Section 239 – Urban Exceptions to add new exception [zzzz] with provisions similar in effect to the following:
- a. In Column II, add text, “R3YY[zzzz]-h”
 - b. In Column IV, add text ‘on land zoned with a holding symbol, all uses are prohibited until the holding symbol is removed, except those that existed on July 14, 2010’;
 - c. In Column V, add provisions similar in effect to the following:
 - Lot width for a detached dwelling is 8.7 metres; and
 - All other provisions of Urban Exception [xxxx] apply.

Document 3 – Consultation Details

Notification and Consultation Process

Public consultation was carried out in accordance with the City's Public Notification and Consultation Policy for Zoning By-law Amendment applications, with notice provided to the registered community association and property owners within 120 metres, and a notification sign posted. A statutory public meeting for the plan of subdivision application was held via Zoom on February 4, 2021 and was attended by 20 residents, with 15 public comments opposing the application.

In response to public comments and a review of the concept, it was determined that some of the modifications to performance standards that were initially requested in the rezoning application, such as increase in building height and lot coverage, and reductions in yard setbacks, were not required and have been withdrawn.

The following summarizes a list of concerns raised by members of the public in response to the application:

Type of development

- When we purchased our houses, we were told that the north side of Brigatine Avenue would be developed with single homes. Allowing townhouse development will decrease our property value and block our views of the creek.
- The original plan for the site attached to our purchase agreement was for 32 detached homes. Squeezing 15 additional homes into the same space will overcrowd a neighborhood of single family homes and ultimately decrease the property value of everyone's homes in the neighborhood.
- This amendment to allow townhouses goes against the community standard in this particular area of Fairwinds.
- Requesting increases in building height and lot coverage together with reductions in yard sizes is unacceptable and incompatible with our single homes across the street. The developer should design the proposal in accordance with the current zoning rules.

Response: The current zoning of the site permits detached, semi-detached and townhouse dwellings. Although an early concept for that phase of Fairwinds showed

detached dwellings on the north side of Brigatine Avenue, that proposal was not pursued. Some of the modifications to performance standards that were initially requested in the rezoning application, such as increase in building height and lot coverage, and reductions in yard setbacks, have been withdrawn. The proposed development satisfies the current zoning By-law provisions in terms of land use, lot width, lot area, building height and yard setbacks, with two minor adjustments to suit the configuration of a few specific lots. The two site-specific exceptions relating to a 0.7-metre reduction in rear yard setback and a 0.1-metre reduction in lot width affect a few lots that are located in the interior portion of the subdivision. The modest reductions to certain projections will have no impact on surrounding properties and promote an attractive streetscape.

Insufficient Parking

- The townhouses will only provide one parking space per house, so on-street parking will be a problem. As more people park on the street in winter, this will make navigating the street much more difficult and less safe.

Response: The Zoning By-law requires one parking space per unit and the proposal would provide two parking spaces per unit, one in the garage and one in the driveway. Residents and visitors using on-street parking nearby will have to comply with the Traffic and Parking By-law and Encroachments on City Highways By-law.

Traffic

- The City has already caused our neighbourhood to have traffic issues by relying on Huntmar Drive to be a high volume road and not deterring speeders.
- The added traffic coming in and out of these units is going to pose a challenge.
- An additional 47 homes will generate 94 more cars on our street. There is only two ways in and out of our neighbourhood - Gallantry Way and Brigatine Avenue.

Response: The proposal has been reviewed from a transportation perspective and no road modifications are required. The additional vehicle traffic that will be generated by the proposal was already captured during the Transportation Impact Study that was done for the original plan of subdivision application and the site is developing as expected.

Loss of Open Space

- The stormwater pond is home to geese and other wildlife. Development will cause the loss of their habitat, so this natural area should be kept as open space and improved with pathways and benches.

Response: A combined Environmental Impact Statement/Tree Conservation Plan was undertaken in 2020 as a component of this application. The assessment concluded that the site contained no wooded areas, rare vegetation, species at risk or significant wildlife habitat. The site had originally been evaluated in 2008 at the time of the Fairwinds subdivision application and an update confirmed that there were no environmental features worthy of retention. The Poole Creek corridor was acquired by the City and retained as an environmental feature through the original fairwinds subdivision. This parcel has been zoned for development for many years and is not intended or required for park purposes.

Community Organization Comments

No comments were received from the Stittsville Village Community Association.

Document 4 – Subdivision Layout

The plan illustrates the proposed layout of the subdivision.

