

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
September 25, 2018 / 25 septembre 2018**

**and Council / et au Conseil
October 10, 2018 / 10 octobre 2018**

**Submitted on 11 September 2018
Soumis le 11 septembre 2018**

**Submitted by
Soumis par:**

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

Planning Services / Service 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: BAY (7) / BAIE (7)

File Number: ACS2018-PIE-PS-0108

**SUBJECT: Zoning By-law Amendment – Part of 401 and Part of 411 Corkstown
Road**

**OBJET: Modification au Règlement de zonage – parties du 401 et du 411,
chemin Corkstown**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 401 Corkstown Road to permit the use of a park and recreation and athletic facility, as detailed in Document 2.**

2. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 401 Corkstown Road to temporarily permit the use of a theatre, as detailed in Document 2.
3. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for Part of 411 Corkstown Road to permit the use of a daycare and instructional facility, as detailed in Document 2.
4. 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 10 October 2018", 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 2008-250 visant une partie du 401, chemin Corkstown, afin de permettre l'utilisation d'un parc et d'une installation récréative et sportive, comme l'expose en détail le document 2.
2. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant une partie du 401, chemin Corkstown, afin de permettre temporairement l'utilisation d'un théâtre, comme l'expose en détail le document 2.
3. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant une partie du 411, chemin Corkstown, afin de permettre l'utilisation d'une garderie et d'un établissement d'instruction, comme l'expose en détail le document 2.
4. 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 10 octobre 2018 », 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

401 and 411 Corkstown Road

Owner

National Capital Commission (NCC), on lease to the Wesley Clover Foundation

Applicant

Novatech, Greg Winters

Description of site and surroundings

The property is located within the Greenbelt to the north of Highway 417 immediately west of the intersection of Corkstown Road and Moodie Drive. The application applies to the southern portion of the property, in the area bounded by the Trans-Canada Trail to the north, Corkstown Road to the east and south and a rail line to the west. The site is currently used for equestrian lessons and outdoor recreation. Still Water Creek bisects the property running north to south.

Adjacent land uses include the Department of National Defence complex, vacant land and two natural environment areas to the north. An active Canadian National railway corridor is located to the west of the site, agricultural lands to the south and an office complex and the Crystal Beach neighbourhood are located to the east.

Summary of requested Zoning By-law Amendment proposal

The application has been submitted to permit a theatre, recreational and athletic facility and park at 401 Corkstown Road and a daycare and instructional facility at 411 Corkstown Road. The applicant is also proposing to make a site-specific change to the definition of the current permitted use of environmental preserve and education area to eliminate the restriction that prohibits the construction of a building in order to enable an expanded Forest and Nature School operation in the future.

Brief history of proposal

A temporary rezoning (D02-02-15-0020) was considered by Planning Committee on April 28, 2015, with subsequent approval by Council on May 13, 2015. The use of a theatre was permitted for one day to allow a concert to occur on the site.

A second temporary rezoning (D02-02-17-0025) was considered by Planning Committee on May 9, 2017, with subsequent approval by Council on May 10, 2017. This temporary rezoning was facilitated to accommodate a range of events throughout the year until a permanent rezoning would be submitted and considered by the City.

As the redevelopment of this site continues to evolve, the number and size of non-equestrian events has a potential to increase over time. It is apparent that, due to the success of these events, the facility is outgrowing the current zoning, and as such, the applicant has submitted a rezoning application to capture the additional uses requested.

The National Capital Commission has provided correspondence indicating their support for the proposed uses.

DISCUSSION

Public consultation

Public consultation of the application was carried out in accordance with the City's Public Notification and Consultation Policy.

Several public comments were received from members of the public. Details of the response are included in Document 3 of this report.

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

Official Plan designations

The property at 401 Corkstown Road is designated Greenbelt Rural on Schedule B of the Official Plan and is adjacent to lands designated Greenbelt Employment and Institutional Area. Policy 3.5.1.3 states that lands designated Greenbelt Rural and located adjacent to a Greenbelt Employment and Institutional Area may also be used for operational uses ancillary to the main permitted uses in the Greenbelt Employment and Institutional Area provided that the ancillary uses have limited employment associated with them.

The property at 411 Corkstown Road is designated Natural Environment Area on Schedule B of the Official Plan and this designation applies to land having a high environmental value. The lands within this designation typically contain several

components of the City's natural heritage system. Natural Environment Areas within the Greenbelt were identified by the NCC and are owned and managed, for the most part, by the federal government.

Planning rationale

Planning Act and Provincial Policy Statement

Section 2 of the *Planning Act* outlines those land use matters that are of Provincial interest to which all City planning decisions shall have regard. The Provincial interests that apply to this site include the orderly development of safe and healthy communities, the appropriate location of growth and development, the promotion of development that is designed to be sustainable to support public transit and to be oriented to pedestrians, and the promotion of a built form that is well-designed and encourages a sense of place and provides for public spaces.

In addition, the *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014: a document that provides further policies on matters of Provincial interest related to land use development. Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

Official Plan Policies

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council-approved amendments contained within Official Plan Amendment 150 (OPA 150). The proposal conforms to the specific amendments introduced through OPA 150.

Policy 3.5.1.3 states that lands designated Greenbelt Rural may also be used for operational uses ancillary to the main permitted uses in the Greenbelt Employment and Institutional Area provided the ancillary uses have limited employment associated with them. The uses as proposed have limited employment associated as any future events planned under these uses do not run year-round.

Per Policy 3.5.2.1, Greenbelt Employment and Institutional Area lands permit cultural and recreational facilities provided that the programming respects the Greenbelt's rural character and benefits from an extensive open area, isolation or a rural environment. A theatre is a cultural use that will benefit from the isolation of the site in order to mitigate noise disturbances for neighbours. Per Policy 3.1.14, parks are permitted in the Greenbelt Rural land use designation. The size and natural state of the site match the conditions required by both parks and outdoor recreation facilities, with neither use likely to degrade or change the rural context.

A holding symbol is proposed for the use of a theatre (401 Corkstown Road) in order to ensure that potential traffic concerns associated with this use have been addressed.

The provisions as related to the holding symbol are as follows:

1. The theatre use is limited to outdoor events with a maximum of 5,000 participants until such time as a traffic management plan/transportation impact assessment (TIA) has been provided to the satisfaction of the City; and
2. Notwithstanding the above regarding capping the number of participants allowed to attend an event, for the days of June 29th and June 30th, 2019, a cap of 25,000 participants will apply.

Wesley Clover Parks has confirmed an outdoor concert is planned for the above noted dates and requires the theatre use with a larger number of participants to be permitted. The rezoning proposed is unlikely to pose any negative effects on the adjacent properties due to the isolation of the site, the primarily non-residential adjacent uses and the low-impact nature of the proposed uses. While there were traffic concerns related to the large crowd attending a concert in 2015, this experience has provided an opportunity to refine the traffic management plan and incorporate greater controls on traffic and pedestrian movements, as well as integrate greater use of transit. The holding symbol requires a detailed traffic management plan/TIA be submitted demonstrating that the lands can accommodate larger events without adverse impacts on the transportation network. The review of the traffic management plan/TIA will be completed from within existing resources.

The proposed event in 2019 will provide a further opportunity to demonstrate that this site can function as a potential venue for large outdoor theatre events. Additionally, capping the number of participants allowed with the theatre use further ensures that no major disruption will occur until a permanent plan and agreements are in place.

The applicant is requesting to add a daycare and instructional facility to the list of permitted uses for 411 Corkstown Road to recognize the existing Forest and Nature School that has been operating on site. Section 3.2.2.5(b) states that development is not permitted unless an Environmental Impact Statement (EIS) demonstrates that there will be no negative impacts on the natural features within the area or their ecological functions. At the current time, there is no immediate need for a structure or building as the Forest and Nature School currently utilizes existing indoor space within the campground during inclement weather.

A holding symbol is recommended for 411 Corkstown Road to ensure that when the applicant would like to expand the daycare use/instructional facility to include a building, a Site Plan Control application will be required. An EIS will also be a requirement in

order to lift the holding symbol that must demonstrate the proposed building will not have any negative effects on the natural areas or their features. The holding symbol will not be removed until staff are satisfied with any mitigation measures or recommendations within the EIS.

The purpose of the Rural Countryside zone is to regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context. The temporary rezoning proposed is unlikely to pose any negative effects on the adjacent properties due to the isolation of the site, the primarily non-residential adjacent uses and the low-impact nature of the proposed uses. The size and natural state of the site match the conditions required by both parks and outdoor recreation facilities, with neither use likely to degrade or change the rural context. The rezoning will allow for a more diverse range of activities to be offered at the site.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Taylor provided the following comments:

“I am fully supportive of the suggested staff direction in this report. My thanks to our city staff and the team at Wesley Clover for working collaboratively towards a progressive yet responsible outcome that will position the parks venue as an additional space for entertainment in Ottawa. Upon the successful conclusion of a 2019 special event and subsequent to the provision of any other required background to the city I would hope the future holding symbol would be lifted in the not too distant future.”

LEGAL IMPLICATIONS

In accordance with Bill 139, if the proposed Zoning By-law is adopted, it can only be appealed on the basis of inconsistency with the Provincial Policy Statement or lack of conformity with the Official Plan. Were the Zoning By-law appealed, the preparation of the necessary documentation for the Local Planning Appeal Tribunal and the making of submissions to the Tribunal could be done within staff resources. If the Zoning By-law amendment is refused, reasons must be provided. Due to the limited timeframes now associated with Local Planning Appeal Tribunal matters, the City Clerk and Solicitor Department would seek to retain an external planner to provide an affidavit in support of the refusal for the initial Tribunal review of the item should an appeal of the refusal be forthcoming. For an appeal of a refusal of a zoning application to succeed, the appellant must show that the existing zoning is inconsistent with the Provincial Policy Statement and/or does not conform to the Official Plan.

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 associated with the approval of the proposed zoning by-law. In the event the zoning amendment is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- EP1 – Promote Ottawa
- EP2 – Support growth of local economy
- HC2 – Revitalize recreation services

APPLICATION PROCESS TIMELINE STATUS

This application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to the complexity of issues associated with the environment and transportation.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Public Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law amendment. The proposed amendment will rezone the properties to permit the uses of a park and recreation and athletic facility, and

temporarily permit a theatre. The proposed rezoning conforms to both provincial and municipal planning policy and is unlikely to cause negative impacts on the area. The proposed amendment will benefit the community and represents good planning. Two holding symbols have been applied to 401 and 411 Corkstown Road to ensure the natural area and its features are not compromised should the Forest and Nature School wish to expand and that potential traffic concerns associated with the theatre have been addressed. In order for the theatre use to be permitted permanently, the applicant will be required to submit a TIA that must demonstrate that larger events can be accommodated.

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.

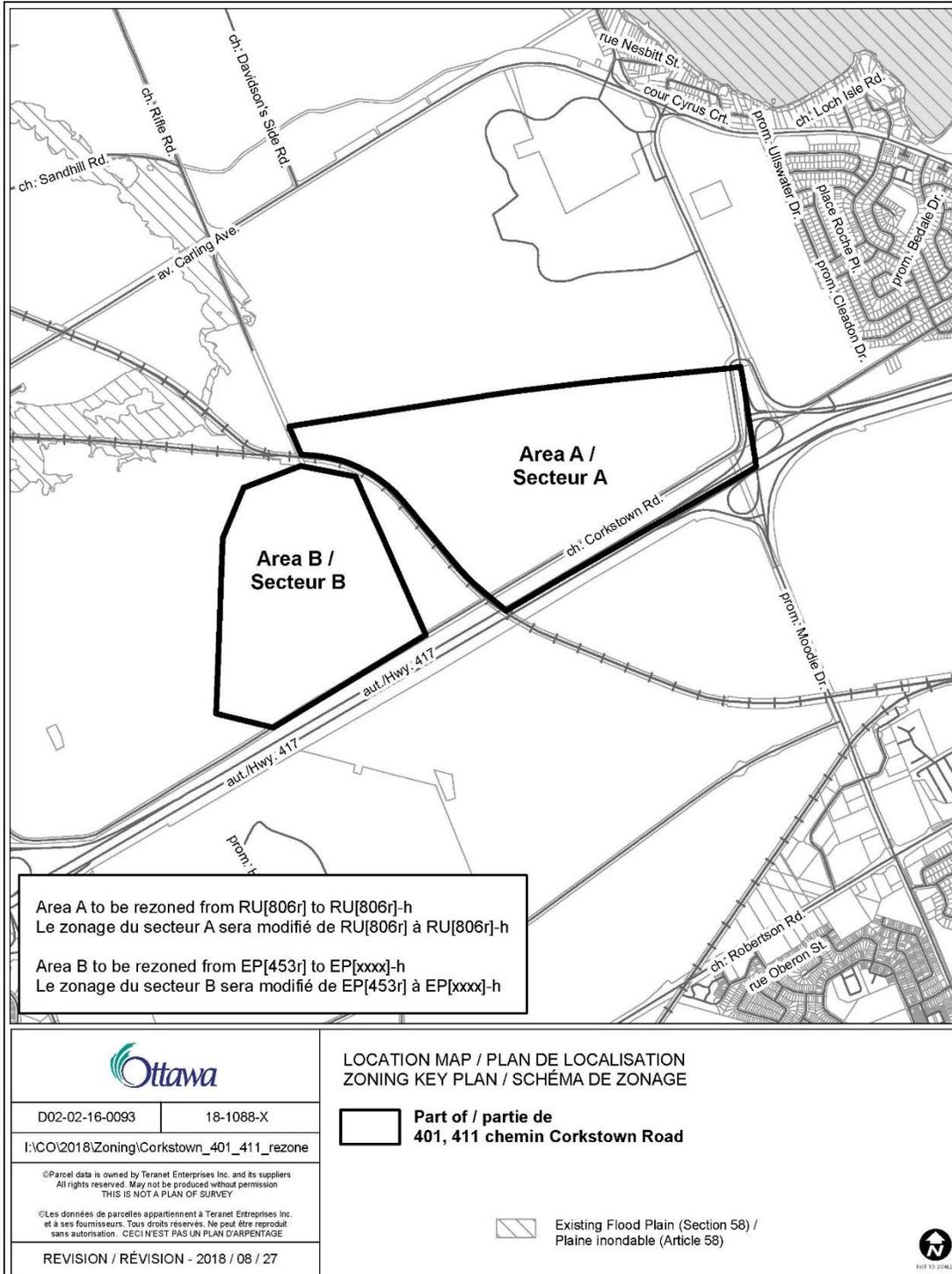
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

The subject property is located within the Greenbelt, immediately north of Highway 417 and west of the intersection of Moodie Drive and Corkstown Road.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for Part of 401 and Part of 411 Corkstown Road.

1. Rezone the lands shown on Document 1.
2. Amend exception 806r to Section 240 – Rural Exceptions by replacing it in its entirety with provisions similar in effect to the following:

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
[806r]	RU[806r]	<ul style="list-style-type: none"> - park - recreation and athletic facility - theatre - fairground limited to equestrian events 	-theatre, until such time as the holding symbol is removed	<p>The following provisions apply to a theatre:</p> <ul style="list-style-type: none"> - a theatre use is limited to outdoor events with a maximum of 5,000 participants per day until such time the holding symbol is lifted - the holding symbol applies only to a theatre and shall not be lifted until a detailed Traffic Impact Assessment is submitted and approved demonstrating that the lands can accommodate larger events without adverse impacts on the transportation

				<p>network.</p> <p>- notwithstanding the holding symbol, a theatre use for an outdoor event is permitted to a maximum of 25,000 participants per day limited to June 29, 2019 and June 30, 2019.</p>
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3. Amend Section 240 – Rural Exceptions by adding a new exception [xxxx] with provisions similar in effect to the following:

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
[xxxxr]	RU[xxxxr]	<ul style="list-style-type: none"> - campground - daycare - instructional facility 	-all uses except existing uses, until such time as the holding symbols is removed.	<p>-daycare and instructional facility uses are limited to the buildings and facilities existing on site, at the time of the adoption of this by-law, until such time that the holding symbol is removed.</p> <p>- the holding symbol may not be lifted until such time that a Site Plan Control application is submitted to the satisfaction of the General Manager of Planning,</p>

				<p>Infrastructure and Economic Development which includes:</p> <ul style="list-style-type: none">- an environmental impact statement demonstrating that any future expansion will not pose any negative effects on the natural environment area and its features.
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Document 3 – Consultation Details

Notification and Consultation Process

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

Comment:

Is this land to be sold by the National Capital Commission to Novatech (applicant) or simply released?

Response:

The National Capital Commission will continue to lease the land to the Wesley Clover Foundation.

Comment:

Where would the access to new buildings and facilities be from March Road or Corkstown Road?

Response:

This application does not propose any new buildings or facilities. Any new building or facility would require a Site Plan Control application through which any new proposed accesses would be evaluated.

Comment:

Add forest buffer zones at the perimeter of each lot (401 and 411 Corkstown Road) to enhance adjacent natural areas within the Greenbelt.

Response:

This application is only to add additional permitted uses to each property. Issues such as forest buffer zones would typically be dealt with through the Site Plan Control process.

Comment:

Any additional parking lots or paths be developed with permeable surfaces to maximize water filtration to recharge the water table.

Response:

This application is only to add additional permitted uses to each property. This issue is typically dealt with through the Site Plan Control process.

Comment:

Buildings be built as models of zero energy use, green buildings.

Response:

No new buildings are proposed as part of this application; therefore, this issue would be dealt with through the Site Plan Control process.

Comment:

I find it quite worrisome that the City/NCC would allow a theatre, sports facility etcetera to be built on this land. Especially given that we have such limited “green space” left in our area and the purpose of the land in question is to maintain that greenbelt, not erect sporting and leisure structures that would permanently change the landscape from rural/EP.

Response:

The City’s Official Plan policies allow for small-scale commercial uses directly related to rural activities. The proposed uses are unlikely to pose any negative effects on the adjacent properties due to the isolation of the site, the primarily non-residential adjacent uses and the low-impact nature of the proposed uses. The theatre use is intended to provide a venue for outdoor theatre events. Likewise, sports facilities are also intended to be related to outdoor activities.

Comment:

Are the current uses on the property explicitly permitted under the terms of lease? These include the “forest school” currently operating on the campground parcel, the use of the equestrian park parcel for outdoor concerts, and the use of the eastern-most area for the FIFA standard artificial turf sports field and the four newly added natural turf soccer fields. Is this correct?

Response:

The City cannot comment on what is permitted under the terms of lease with the National Capital Commission. The City evaluates each proposal based on the planning policies. The NCC has provided correspondence in support of this application.

Comment:

My understanding is that adding these uses to the list of permitted uses for the subject zoning in no way grants permission to the proponent to introduce new uses, facilities or structures on these premises and that the introduction of new uses, facilities or structures would require prior approval by the NCC under the terms of the lease and in accordance with Greenbelt plans and policies.

Response:

The application is proposing to add the following uses: park, recreation and athletic facility, theatre, daycare and instructional facility.

Should the applicant wish to build a new building or facility, a Site Plan Control application would be required. Not only would the building or facility have to satisfy the City's Zoning By-law, they would also have to be in accordance with the lease agreement with the National Capital Commission and any other Federal Land Use Approvals.

Should the applicant wish to add additional uses in the future, a subsequent zoning application must be filed to request additional uses.

Comment:

More public consultation should be undertaken to make clear what the limited intent of the current application is.

Response:

Public consultation of the application was carried out in accordance with the City's Public Notification and Consultation Policy. The application was circulated to persons within 120 metres of the subject property; a notification sign was posted on site; and the application was posted on the City's Development Application Search Tool website. One public meeting is required to be held under the Ontario *Planning Act*. The City considers Planning Committee as the public meeting.

Comment:

There are potential issues related to environmental greenspace, impact on wetlands, wildlife conservation, potential restriction of public use of public lands in favour of private revenue generating activities, and the holistic management of the natural environment in general.

Response:

The City is recommending a holding provision that will require the applicant to submit an environmental impact statement should they wish to construct any type of building or facility. The applicant is going to use the existing facilities on site with the potential to add a structure or building at a later date. At the current time, the applicant is unsure as to the size or location of a structure or building. By requiring an EIS at the Site Plan Control stage, the applicant would be required to demonstrate that there will not be any negative effects on the environment as a result of adding a structure or building.