

Subject: Zoning By-Law Amendment –Part of 4149 Strandherd Drive

File Number: ACS2023-PRE-PS-0013

Report to Planning and Housing Committee on 31 January 2023

and Council 8 February 2023

**Submitted on January 19, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Barrhaven West (3)

**Objet : Modification du Règlement de zonage – Partie du 4149, promenade
Strandherd**

Dossier : ACS2023-PRE-PS-0013

Rapport au Comité de la planification et du logement

le 31 janvier 2023

et au Conseil le 8 février 2023

**Soumis le 19 janvier 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne-ressource : Mélanie Gervais, urbaniste, Examen des demandes
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Quartier : Barrhaven-Ouest (3)

REPORT RECOMMENDATIONS

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for part of 4149 Strandherd Drive, as shown in Document 1, from IP[2636]H(22) to IP[2635]H(18), to permit an automobile dealership, as detailed in Document 2.**

2. That Planning and Housing 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 February 8, 2023” 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 la planification et du logement recommande au Conseil municipal d’apporter une modification au *Règlement de zonage n° 2008-250* pour une partie du 4149, promenade Strandherd, comme l’indique la pièce 1, afin d’autoriser l’aménagement d’une concession automobile, selon les modalités précisées dans la pièce 2.
2. Que le Comité de la planification et du logement approuve l’intégration de la section Détails de la consultation du rapport dans le cadre de la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffier municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux « explications obligatoires » de la *Loi sur l’aménagement du territoire* à la réunion que tiendra le Conseil municipal le 8 février 2023 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision.

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

4149 Strandherd Drive

Owner

Zena Investment Corporation

Applicant

NOVATECH

Architect

KWC Architects Inc.

Description of site and surroundings

The subject site is located at 4149 Strandherd Drive within Ward 3 (Barrhaven West). The overall site is approximately 33,784.0 square metres, the site for the new development of the Subaru dealership is approximately 11,071.0 square metres and the site for the new development of the Nissan dealership is approximately 11,453.0 square metres. The overall site currently consists of one two-storey Volkswagen dealership located on the corner of Dealership Drive and Strandherd Drive. The area where the Subaru and Nissan dealerships are proposed is currently vacant and is located to the north and west of the Volkswagen dealership. Surrounding land uses include industrial to the north, south and west of the site. To the east, across Strandherd Drive, is mostly residential except for one commercial plaza.

Summary of requested Zoning By-law amendment proposal

The property as a whole is currently zoned Business Park Industrial, Exception 2636 with a height limitation of 22.0 metres (IP[2636]H(22)) and Business Park Industrial, Exception 2635 with a height limitation of 18.0 metres (IP[2635]H(18)). The site subject to this Zoning By-law amendment is currently zoned IP[2636]H(22). The general purpose of the IP zone is to accommodate mixed office, office type uses and low impact, light industrial uses in a business park setting, while exception 2636 prohibits automobile dealerships and automobile rental establishments.

A Major Zoning By-law amendment application was submitted to permit the use of “automobile dealership” on the property through replacing exception 2636 with exception 2635, as shown in Document 2. The permission will allow the applicant to add two two-storey automobile dealerships. A complex site plan application was also submitted concurrently with this Zoning By-law amendment.

Brief history of proposal

Part of the property, not subject to this Zoning By-law amendment, is zoned IP[2636]H(18). That portion of the property, located at the corner of Dealership Drive and Strandherd Drive, currently contains a two-storey Volkswagen Dealership.

The South Nepean Secondary Plan which prohibited dealerships was repealed when the new Official Plan was approved. Since dealerships at the subject property are no longer prohibited in the new Official Plan, the applicant wishes to apply Exception 2635 to the entirety of the property.

DISCUSSION

Public consultation

Notice of the application was circulation to property owners with 120.0 meters from the subject property. The public's comments are summarized below.

Concerns were raised regarding a restrictive municipal covenant registered on the property which prohibits the automobile dealership use. Explanation is included in Document 3.

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

Official Plan designation(s)

The site is located within the Suburban Transect, which comprises neighbourhood within the urban boundary located outside the Greenbelt. Neighbourhoods in the suburban transect typically reflect the conventional suburban model and are characterized by the separation of land uses, stand alone buildings, generous setbacks and low-rise building forms.

The site is designated Mixed Industrial on Schedule B6 – Suburban (Southwest) Transect of the new Official Plan. This designation promotes clusters of economic activity that are less impactful and provide a broader range of non-residential uses than Industrial areas. These areas can provide a transition between Industrial and Logistics areas and Neighbourhood areas. Policy 6.5.1.2 specifies that automotive sales and services are permitted with the Mixed Industrial designation. On Schedule C4 – Urban Road Network, Strandherd Drive is identified as an Arterial – Existing and Dealership Drive is identified as a Collector – Existing.

Other applicable policies and guidelines

The site is also part of the Area-Specific Policy #5 Barrhaven – Portion of Highway 416 Mixed Industrial and Industrial and Logistics Land in Volume 2C of the new Official Plan. This area-specific policy requires owners to enter into a cost sharing agreement to be conditioned as part of plans of subdivision, plans of condominium, consents and/or Site Plan Control applications. Additionally, this area-specific policy regulates permitted

heights as per Schedule 5.A – Maximum Building Heights. As per Schedule 5.A the maximum height of the subject site is 18.0m (4 storeys).

Planning rationale

The proposed automobile dealerships are in keeping with the intent of the policies of the new Official Plan. The policies are supportive of automotive sales and services within Mixed Industrial designations as indicated in policy 6.5.1.2. Additionally, limiting the height of the zoning to 18.0m will align the zoning with Schedule 5.A of the Area-Specific Policy #5 located in Volume 2C of the new Official Plan.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillor is aware of the application related to this report.

ADVISORY COMMITTEE(S) COMMENTS

Not applicable.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk 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

There are no accessibility impacts associated with this report. This development will be required to meet the accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

N/A

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0023) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to timelines associated with ministerial approval of the new Official Plan.

SUPPORTING DOCUMENTATION

Document 1 Location Map/Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the proposed Zoning By-law amendment to amend the zoning for part of 4149 Strandherd Drive to permit automobile dealerships as per Documents 1 and 2. The application is consistent with the Provincial Policy Statement and the new Official Plan.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

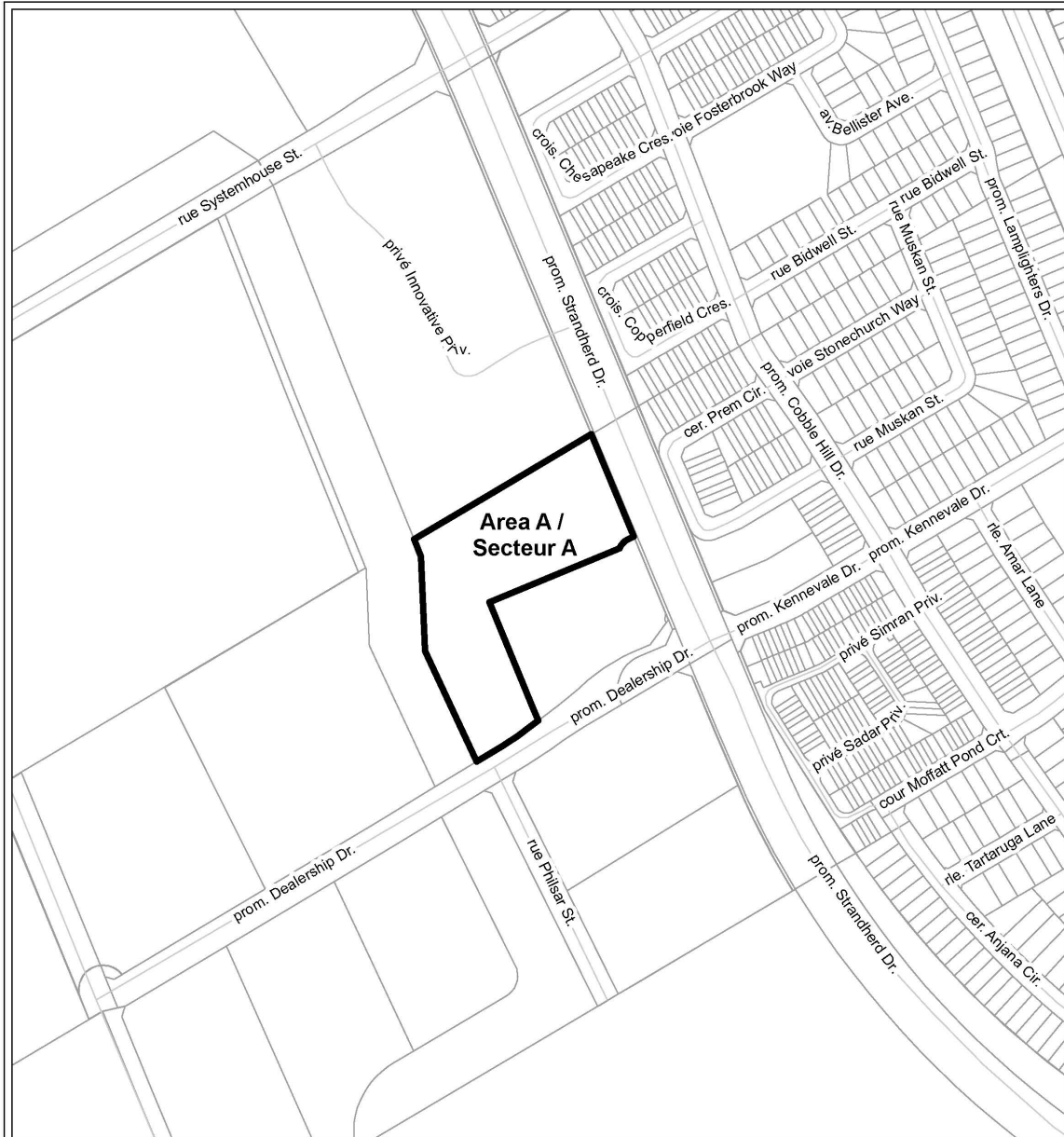
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council and to register documents required to discharge covenants restricting the Owner from using the affected lands for automobile dealership uses.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN DE EMPLACEMENT	
D02-02-22-0023 D07-12-22-0040	22-0322-X	 Part of / partie de 4149 promenade Strandherd Drive	
I:\CO\2022\Zoning\Strandherd_4149			
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REVISION / RÉVISION - 2022 / 04 / 21			
			 <small>NOT TO SCALE</small>

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for part of 4149 Strandherd Drive:

1. Rezone the lands shown in Document 1 as follows.
 - a. Area A from IP[2636]H(22) to IP[2635]H(18)

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. Notification was sent by mail to residents within 120 metres and signs were posted on the property.

Public Comments and Responses

Comment:

One resident wanted to be notified of any meetings and the decision.

Response

They've been added to the notification list.

Comment:

One resident indicated that there is a restrictive municipal covenant registered on this property through the Subdivision Agreement. In 2013 applications to permit automobile dealership was dealt with, through that application it was indicated that the Prestige Business Park land use designation per the Nepean Areas 9 and 10 Secondary Plan would not be amended further to allow additional dealerships in this area. A restrictive covenant was included as part of Appendix D of the Subdivision Agreement registered in 2014 which prohibits the use of automobile dealership use on Blocks 1, 2, 3, 4, 14, 15 and 16. Block 4 is known as 4149 Strandherd Drive. In 2020 a portion of 4149 Strandherd Drive was rezoned to permit the automotive dealership use, the planning report did not make reference to the restrictive covenant. Expanding the automotive dealership use should not be supported as it contravenes the restrictive municipal covenant and the City cannot make any changes without the consent of all Owners party to that agreement.

Response:

The restrictive covenant registered on title reflects the intent of Council for these lands that was identified within the South Nepean Secondary Plan. With the approval of the new Official Plan, and repeal of the South Nepean Secondary Plan, the City's intention for the future development of these lands has changed. Since dealerships are no longer prohibited in the new Official Plan, from a policy perspective the proposed Zoning

By-law Amendment respects the Official Plan. Concerning the restrictive covenant within the subdivision agreement, it's a municipal covenant, and the City is free to delete or otherwise amend it at the City's discretion with respect to this particular parcel.