

2023-10-13



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 3150, 3160 and 3170 Hawthorne Road and 1420 Ages Drive
Legal Description: Lots 45 & 46, Registered Plan 452
File No.: D08-01-23/B-00226 to B-00229
Report Date: October 13, 2023
Hearing Date: October 17, 2023
Planner: Justin Grift
Official Plan Designation: Outer Urban Transect, Industrial and Logistics Designation
Zoning: IG3

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** of the subject applications to provide Staff more time to discuss concerns and other options with the applicant. Staff's concerns pertain to the ability for the new lots to connect to municipal services, providing adequate parking and setback requirements from the existing watercourse.

DISCUSSION AND RATIONALE

The Official Plan designates the property as Industrial and Logistics in the Outer Urban Transect. The policies pertaining to this designation look to preserve land in strategic locations for goods movement and logistics uses and to limit ancillary uses to avoid conflict with industrial uses and minimize absorption of land for non-industrial uses.

The property is zoned *General Industrial, Subzone 3 (IG3)*. The purpose of this zone is to permit a wide range of low to moderate impact, light industrial uses, as well as allow a limited sample of retail uses that is secondary and subordinate to the primary use of buildings for the manufacturing or warehousing of products.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, Staff require additional information to form a recommendation to the Committee of Adjustment. Thus, staff **requests an adjournment** of the subject applications. Staff's concerns include the proposed shape and dimension of the lot created with Consent #3 considering the setback required from the existing watercourse on the lot, as well as its viability to connect to municipal services along Hawthorne Road. Further, Staff are seeking additional information on where the parking

required for the existing industrial building at 3150 Hawthorne Road will be relocated if the parking area will be severed into a separate lot.

ADDITIONAL COMMENTS

Forestry

A Tree Conservation Report will be required with any future site plans for these properties. Plans must be designed to account for retention of as many existing trees as possible, as well as to provide space for planting new trees. A planting plan must be provided showing a minimum of one new 50mm to be planted per lot, preferably in the ROW or frontage, to improve the streetscape, screening and canopy cover of these industrial sites.

Right-of-Way

The Right-of-Way Management Department has **no concerns** with the Consent Application as there are no requested changes to private approach.

Transportation Engineering Services

Please note that Hawthorne Road has a protected right of way of 44.5m per Schedule C16 of the Official Plan. Illustrate the ROW protection on the application plans. The development plans must show the required ROW widening/protection of Hawthorne Road, dimensioned from the centreline of the road. The required ROW widening/protection should be dedicated to the City, and all required building setbacks, retaining walls, etc. must not conflict with the ROW widening requirement (see Condition 3).

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

Cash in Lieu of Parkland

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

Limiting Distance

2. That the Owner(s) satisfies the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as

a result of the proposed severance to the existing building on Part 9 of Plan 4R-draft shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the northerly of the proposed property line AND to the existing building on Part 1 of Plan 4R-draft shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the southerly and westerly of the proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

ROW Protection

3. Pursuant to Schedule C16 of the City's Official Plan, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Hawthorne Road frontage of the lands, measuring 22.25 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

The Owner is advised that the required road widening described in 1a above may be reduced or waived under certain situations, as described in Schedule C16 s.2.1.1 (c) of the Official Plan or where the right-of-way requirement exceeds the front yard setback or corner side yard setback, or where an existing building or structure encroaches into the required road widening, as of the day the Consent to Sever application was deemed complete, as applicable, and determined by the Director, Transportation Planning, Planning, Real Estate and Economic Development Department.

Servicing

4. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply with 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If

necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

In the case of a vacant parcel being created, the Owner(s) shall provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the parcel has access to sufficient services with adequate capacity.

Grading and Drainage

5. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.

Joint-Use and Maintenance Agreement

6. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.


The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

Corner Sight Triangle

7. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Ages Ave and Hawthorne Road to the City, with all costs to be borne by the Owner(s). The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.



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