

2024-02-15



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 839 Shefford Road
Legal Description: Part of lot 15, Concession 1 (Ottawa Front), Gloucester;
Parts 1 to 4 on Plan 4R-10693
File No.: D08-01-23/B-00349
Report Date: February 15, 2024
Hearing Date: February 20, 2024
Planner: Jerrica Gilbert
Official Plan Designation: Outer Urban, Mixed Industrial
Zoning: IL2[294]H(14)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns with** the application.

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have concerns with the proposed consent.

The City of Ottawa's Official Plan under Section 4 City-Wide Policies seeks to support the shift towards sustainable modes of transportation. There is a City-owned multi-use pathway, which is considered a cycling facility, within the east boulevard of Shefford Road fronting the subject lands. Under Section 4.1.2 Policy 4, development of land abutting an existing or planned cycling facility identified in the Transportation Master Plan and associated plans will be designed to minimize vehicle access across the cycling facility (in this instance, the multi-use pathway) in order to reduce potential conflict points between active transportation users and vehicles.

If the severance is granted as presented, there would be another vehicular access cutting through this multi-use pathway. This concern can be addressed by an access easement being registered over Part 2 on Plan 4R-10693 in favour of Part 3 and a 30cm reserve being placed along the frontage of Part 3 to restrict vehicular access.

Staff have discussed this concern with the applicant, who is amendable to an access easement being established over Part 2. If the severed and retained lots are to share a vehicular access, there would be no issue with the consent conforming to the Official Plan, as required by section 51(24)(c) of the Planning Act. The severed and retained lot would conform to the Light Industrial requirements of the Zoning By-law.

ADDITIONAL COMMENTS

Building Code Services

One condition has been included for the consent to ensure that the existing building on Part 1 conforms to the limiting distance requirements of the Ontario Building Code. This condition is to ensure that there is adequate consideration of fire safety for the windows on the southern building face.

Infrastructure Engineering

Two standard comments have been recommended for the consent to ensure that the lots can be adequately graded and independently serviced.

Planning Forestry

There are no tree impacts associated with this consent application. Future development will be subject to Site Plan Control and will need to prioritize retention of existing trees. Tree retention and future planting opportunities will be addressed through the site plan process.

Transportation Engineering

The Department recommends that an easement is provided over Part 2 for shared access to the site from Shefford Road. The establishment of an easement would reduce the number of vehicular accesses across the multi use pathway on the east side of Shefford Road. Restricting new accesses from Parts 3 and 4 would ensure that Official Plan Section 4.1.2 Policy 4 will be met by reducing potential conflict points for the cycling facility.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Application. The property owners should be aware that they may need to obtain a private approach permit to establish any required new approaches or remove redundant approaches. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of the City's Private Approach By-law, being By-law No. 2003-447, and a road cut permit in accordance with the provisions of By-law No. 2003-445, being the City's Road Activity By-law or a successor by-law thereto.

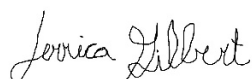
CONDITIONS

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

1. That the Owner(s) provide a combined **Grading and Drainage Plan** and **Site Servicing Plan** to the satisfaction of the Managers of the relevant branches of Planning, Real Estate, and Economic Development, or designate. The plans can be shown on one sheet or multiple sheets, but must include the following information:
 - a. The Grading and Drainage Plan must be prepared by a relevant professional (Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA)) and must adhere to the following:
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a relevant professional (Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS)) and adhere to the same requirements as noted for the Grading and Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet and has access to services with adequate capacity.
 - d. The Grading and Servicing Plans must show the proposed planting locations from the associated Tree Planting Plan to be prepared as a condition of the severance.
2. 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 to 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.
3. That the Owner(s) satisfies the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that the proposed severance of the existing building on Part 1 of Plan 4R-10693 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting

distance along the southerly proposed property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

4. That the Owner(s) obtain the approval of the Committee to grant easement(s) over Part 2 on Plan 4R-10693 for the benefit of Parts 3 and 4 for access and maintenance purposes, and must register a Joint Use and Maintenance Agreement between the Owners on the title to the property, all at their own costs.
5. That the Owner(s) convey to the City, at no charge to the City, a 0.30-metre reserve over Part 3 on Plan 4R-10693 for the purpose of restricting vehicular access to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department**, or designate. The Transfer must be registered by the **City Legal Services**. The Committee requires written confirmation from City Legal Services that the land for the reserve has been conveyed to the City.



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