

2024-02-01



**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 & D08-01-23/B-00227  
Report Date: February 1, 2024  
Hearing Date: February 6, 2024  
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 **has no concerns with** the subject applications.

**BACKGROUND**

The applicant had previously proposed to sever the subject lands into four lots and was heard and adjourned at two separate Panel 2 hearings, on October 17 and October 31, 2023. The applicant has since revised their plans to sever the lands into two lots, separating the existing industrial buildings onto separate lots, along with creating an easement for shared access.

**DISCUSSION AND RATIONALE**

The Official Plan designates the subject 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 watercourse on the subject property is the Mather Award Drain and it is subject to the McEwan Creek Functional Design Study. As per Section 4.8.1 (Schedule C11) and Section 4.9 of the Official Plan, the setback outlined in the McEwan Creek Study is 15 metres from the top of the bank. Any development on the proposed lots adjacent to the watercourse would be subject to this setback.

Staff note, that Schedule C16 in the Official Plan asks for a right-of-way protection of 44.5 metres along Hawthorne Road. Staff request Condition 3 be included in the

approval of consent to ensure the protected right-of-way width is met and the lands are conveyed to the City. Staff also request that the owners enter into a Maintenance and Liability Agreement with the City for the maintenance of the asphalt parking area and existing landscaping that will be conveyed to the city (Condition 4).

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. The zone prescribes a minimum lot area of 1,000 square metres and no minimum lot width. As per the Draft 4R submitted, both lots meet the minimum lot size requirements.

Regarding servicing, the applicant desires to maintain the existing shared servicing for the industrial buildings which runs across the lands of 3150 Hawthorne Road. To ensure that 3160 Hawthorne and subsequent future landowners have access to municipal services, the applicant is proposing to create a blanket easement over the lands of 3150 Hawthorne. Staff are satisfied with the proposed easement but request a condition of the provisional consent that a draft of the easement is prepared and shared with City staff for review, prior to the severance being finalized (Condition 5).

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990 and subject to the proposed conditions, Staff have no concerns with the proposed severance and creation of easements and are of the opinion the severance will facilitate the creation of two industrial lots along a public road.

## **ADDITIONAL COMMENTS**

### **Forestry**

There are no tree impacts associated with this consent application. There are existing services for the buildings that will be maintained meaning no excavation is planned at this time. When future development occurs, construction plans must be designed to account for retention of as many existing trees as possible, and to provide space to plant new trees.

### **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 (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):

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.
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 5 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.
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.

4. The Owner(s) acknowledge(s) and agree(s) they shall be required to enter into a Maintenance and Liability Agreement with the City for the retained and severed parcels, for all plant and landscaping material, and asphalt placed in the City's right-of-way along Hawthorne Road in accordance with City specifications, and the Maintenance and Liability Agreement shall be registered on title, at the Owner's expense. The Owner(s) shall assume all maintenance and replacement responsibilities in perpetuity. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
5. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line. If they do cross or do not connect directly or are not independent, and there is sufficient justification for the service locations to remain, the Owner(s) must register a blanket easement as required for access and maintenance of the services, and must register a Joint Use and Maintenance Agreement, between the Owners of the services, on the title of the property, all at his/her own costs.
6. That the Owner(s) provide a draft of the proposed blanket easements to the satisfaction of the Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate and City Legal Services in order to service the proposed lot formed by Parts 4, 5, 6, 9 and 10 on the Draft 4R (3160 Hawthorne Road).

If the Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that the blanket easement is no longer necessary based on the submitted servicing plans and/or servicing brief, this condition shall be deemed as fulfilled.

7. 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, common structural elements such as, foundations, servicing infrastructure, 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, Real Estate 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, Real Estate 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.

8. 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, Real Estate 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, Real Estate and Economic Development Department, or his/her designate.
9. That the Owner convey a 5 m x 15 m corner sight triangle located at the intersection of Ages Dr and Hawthorne Rd 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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