

2023-10-27



**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 27, 2023
Hearing Date: October 31, 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 **has no concerns with** the consent application, subject that an easement is established for shared vehicular access on both lots.

BACKGROUND

The applicant has informed staff that they are looking to sever the subject property into two lots as opposed to the four listed in the Notice. This PRED Report was modified to reflect the two proposed lots:

Lot 1: Parts 1-4 on the Draft 4R and Parts 5 & 6 on Plan 4R-6866 (3150 Hawthorne)

Lot 2: Parts 5-10 on the Draft 4R and Parts 9 & 10 on 4R-19605 (3160 Hawthorne)

Staff has notified the applicant that the Draft 4R will need to be updated to reflect the two lots as well as the easement being established. Once updated, staff will verify that the easement is properly demonstrated for shared vehicular 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 lands to meet the protected right-of-way width are conveyed to the City. Staff also request that the owner(s) 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 4R plans and 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, Staff have no concerns with the proposed severance subject to confirmation that an easement is being established for shared access onto the two lots. If the 4R plan is modified prior to the Committee Hearing, staff will confirm whether the easement is satisfactory.

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

110 Laurier Avenue West, Ottawa ON K1P 1J1 Mail code: 01-14
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1 Courrier interne : 01-14

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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):

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.

Maintenance and Liability Agreement

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.

Servicing

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.

Blanket Easement

6. 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 5 – 10 on the Draft 4R and 9 & 10 of Plan 4R-19605 (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.

Joint-Use and Maintenance Agreement

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.

Grading and Drainage

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.

Corner Sight Triangle

9. 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.



Justin Grift
Planner I, Development Review, South
Planning, Real Estate and Economic
Development Department



Stream Shen, MCIP, RPP
Planner III, Development Review, South
Planning, Real Estate and Economic
Development Department