

2. Zoning By-law Amendment – 4192 Fallowfield Road

Modification au Règlement de zonage – 4192, chemin Fallowfield

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 4192 Fallowfield Road to permit a daycare and office by rezoning the property from Development Reserve to a Minor Institutional zone, as shown in Document 2 and detailed in Document 3.

Recommandation du Comité

Que le Conseil approuve une modification au *Règlement de zonage 2008-250* visant le 4192, chemin Fallowfield afin de permettre l'aménagement d'une garderie et d'un bureau en rezonant la propriété désignée « zone d'aménagement futur » à « zone de petites institutions », comme l'indique le document 2 et l'explique en détail le document 3.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 18, 2019 (ACS2019-PIE-PS-0127)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 18 novembre 2019 (ACS2019-PIE-PS-0127)

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
28 November 2019 / 28 novembre 2019**

**and Council
et au Conseil
11 December 2019 / 11 décembre 2019**

**Submitted on November 18, 2019
Soumis le 18 novembre 2019**

**Submitted by
Soumis par:
Lee Ann Snedden
Director / Directrice**

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: BARRHAVEN (3)

File Number: ACS2019-PIE-PS-0127

SUBJECT: Zoning By-law Amendment – 4192 Fallowfield Road

OBJET: Modification au Règlement de zonage – 4192, chemin Fallowfield

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 4192 Fallowfield Road to permit a daycare and office by rezoning the property from Development Reserve to a Minor**

Institutional zone, as shown in Document 2 and detailed in Document 3;
and

2. That Planning 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 December 11, 2019", 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 l'urbanisme recommande au Conseil d'approuver une modification au *Règlement de zonage 2008-250* visant le 4192, chemin Fallowfield afin de permettre l'aménagement d'une garderie et d'un bureau en rezonant la propriété désignée « zone d'aménagement futur » à « zone de petites institutions », comme l'indique le document 2 et l'explique en détail le document 3.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 11 décembre 2019 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

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

4192 Fallowfield Road

Owner

Waleed Adassi

Applicant

Waleed Adassi

Description of site and surroundings

The subject site is located at 4192 Fallowfield Road, approximately 50 metres west of the Fallowfield Road and Cedarview Road intersection and 30 metres north of Cedarview Middle School (see Document 1). The 1,376 square metre site is currently used for residential purposes and contains a detached residential dwelling on individual private water and wastewater services. The site abuts residential uses to the west, south, and east, as well as on the northern side of Fallowfield Road.

Existing applications by Phoenix Homes for an Official Plan amendment (D01-01-18-0008), Zoning By-law amendment (D02-02-18-0072) and Site Plan (D07-12-18-0117) have been submitted for the properties that surround 4192 Fallowfield Road. These applications propose 194 residential units within 14 new apartment and stacked townhouse buildings.

Proposal

The Zoning By-law amendment would facilitate the development of a daycare, subject to the City's Site Plan Control By-law for a future Site Plan application. The existing residential structure would be designed to accommodate up to a maximum of 39 children and seven staff. The site is currently serviced by both a private septic system and water system.

The site is located within the City's Public Service Area; however, municipal water and sanitary services are unavailable at the property line within Fallowfield Road. Due to the distance required to extend services, it is not financially feasible to bring municipal services to the property.

Existing Zoning

The property is currently zoned Development Reserve (DR). The intent of the DR zone is to recognize lands intended for future urban development and to permit existing uses to persist. A single detached dwelling is the current land-use on the property.

Summary of requested Zoning By-law amendment proposal

The applicant is seeking to rezone the subject property from Development Reserve to a Minor Institutional zone to add 'daycare' and 'office' uses (see Documents 2 and 3). This would facilitate the conversion of the existing dwelling into a daycare use, and maintain the ability for a professional office in the future. The existing dwelling is located approximately 0.5 metres from the eastern interior lot line and 7 metres from the western property line, and thus the applicant is seeking to ensure this setback is maintained through the rezoning request.

The maximum height set out in the South Nepean Urban Areas 9 and 10 Secondary Plan is 10.7 metres, and will be carried over into the proposed exception zone (see Document 3).

A 'holding provision', denoted by the lower case 'h', will be applied to the subject rezoning in order to ensure that prior to development of a daycare or office the applicant can demonstrate the quality and quantity of a ground water through a scoped hydrogeological report.

DISCUSSION

Public consultation

The application was submitted on June 5, 2019 and circulation included an on-site development sign and notice to property owners within 120 metres of the subject site, including the local community associations.

Applicable Policies

Provincial Policy Statement (PPS) 2014

The PPS focuses on growth and development within the urban and rural settlement areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future

needs, while achieving efficient development patterns. Further, development should be directed towards locations where infrastructure will be available and which support land-uses appropriately.

Official Plan Volume 1

General Urban Area

The property is designated General Urban Area within the City's Official Plan on Schedule B, which is intended to accommodate the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This will facilitate the development of complete and sustainable communities.

A daycare and office are both permitted uses within the General Urban Area.

Strategic Directions 2.3.2 Water and Waste Water Services

Section 2.3.2 of the City's Official Plan sets out the criteria for servicing within the Public Service Area. Policy 1 of 2.3.2 states "Development in Public Service Areas must be on the basis of both public water and wastewater services", however at some locations in the city, pockets of development exist on private services within designated Public Service Areas and the City has no commitment to extend public services to these pockets. This situation has typically resulted as the expansion of the Public Service Areas has surrounded previously established areas, as is the case for 4192 Fallowfield Road.

The City's Official Plan sets criteria for development to advance on private services in defined Public Service Areas, provided that they can demonstrate the development addresses the following:

- a. Is proposed in a circumstance where public services are not currently technically or financially feasible;
- b. Can adequately be serviced by private individual services in accordance with Section 4.4.2;
- c. Is of a minor nature that consists of a single building comprising a commercial, institutional or public use; residential infilling within residential clusters; a farm

severance as provided for in Section 3.7.3 of this Plan or other uses of similar nature and scale;

- d. Will not compromise the longer-term development of the area on public services.

While the applicant's proposal meets criteria a, c and d above, it has yet to demonstrate if the site can comply with criteria b. Under Section 4.4.2 of the City's Official Plan, development on private individual services requires sufficient information that the quality and quantity of ground water exists to service the development and the operation of an on-site wastewater system on the lot will not adversely impact a well to be constructed on the proposed lot. In order to proceed with full development of the site the applicant will need to submit a scoped hydrogeological report to determine that the quantity and quality of well water is sufficient to support the daycare and office use.

To comply with Section 4.4.2 of the City's Official Plan a 'holding provision' will be applied to the subject rezoning in order to ensure that prior to development the applicant can demonstrate the quality and quantity of a ground water through a scoped hydrogeological report.

South Nepean Urban Areas 9 and 10 Secondary Plan

The Nepean South Area 9 and 10 Secondary Plan designates the subject site as 'Office/Institutional Area'. The intent of this designation is to provide offices and community services such as medical clinics, doctors and dentists offices, other professional treatment services as well as counselling, law offices and other similar services. A limited amount of retail uses that are related to and support the principle uses, such as a pharmacy or eyewear retailer will be permitted. Within the Office/Institutional Area designation building heights are limited to 10.7 metres and the maximum permitted Floor Area Ratio is 0.5.

City of Ottawa Zoning By-law

The Minor Institutional zone is intended to permit a range of community uses and institutional accommodation while ensuring that such uses are of a scale and intensity that is compatible with neighbourhood character. The I1F subzone permits limited minor institutional uses including day care, library, and school and is appropriate for the proposed development.

Summary

The proposed Zoning By-law amendment implements the broad direction of the General Urban Area designation, where a full range of community uses are permitted. The proposal also meets the direction of the associated Secondary Plan where low scale institutional uses and professional offices are permitted and encouraged. The proposed I1f zone is appropriate for the development and the application of a 'holding provision' until such time as either a scoped hydrogeological report is submitted to ensure quantity or quality of water, or municipal servicing of the property is available, will ensure the development complies with Sections 2.3.2 and 4.4 of the City's Official Plan.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Harder is aware of this application.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- SE1 – Improve client experience through established service expectations
- GP1 – Strengthen public engagement

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to significant time allocated to resubmission of revised materials, and issue resolution.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Detailed Zoning Map

Document 3 Details of Recommended Zoning

Document 4 Consultation Details

CONCLUSION

The proposal meets the intent of the City's Official Plan and the Nepean South Area 9 and 10 Secondary Plan where the proposed zoning will contribute community uses to an otherwise predominately residential use neighbourhood. This makes for a more complete community. The proposal complies with the City's infrastructure policies for private services within the Public Service Area and will be supported by the use of a 'holding provision' to ensure water quality and quantity are sufficient.

Staff recommends approval based on Provincial Policy Statement, Official Plan and Secondary plan compliance.

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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.

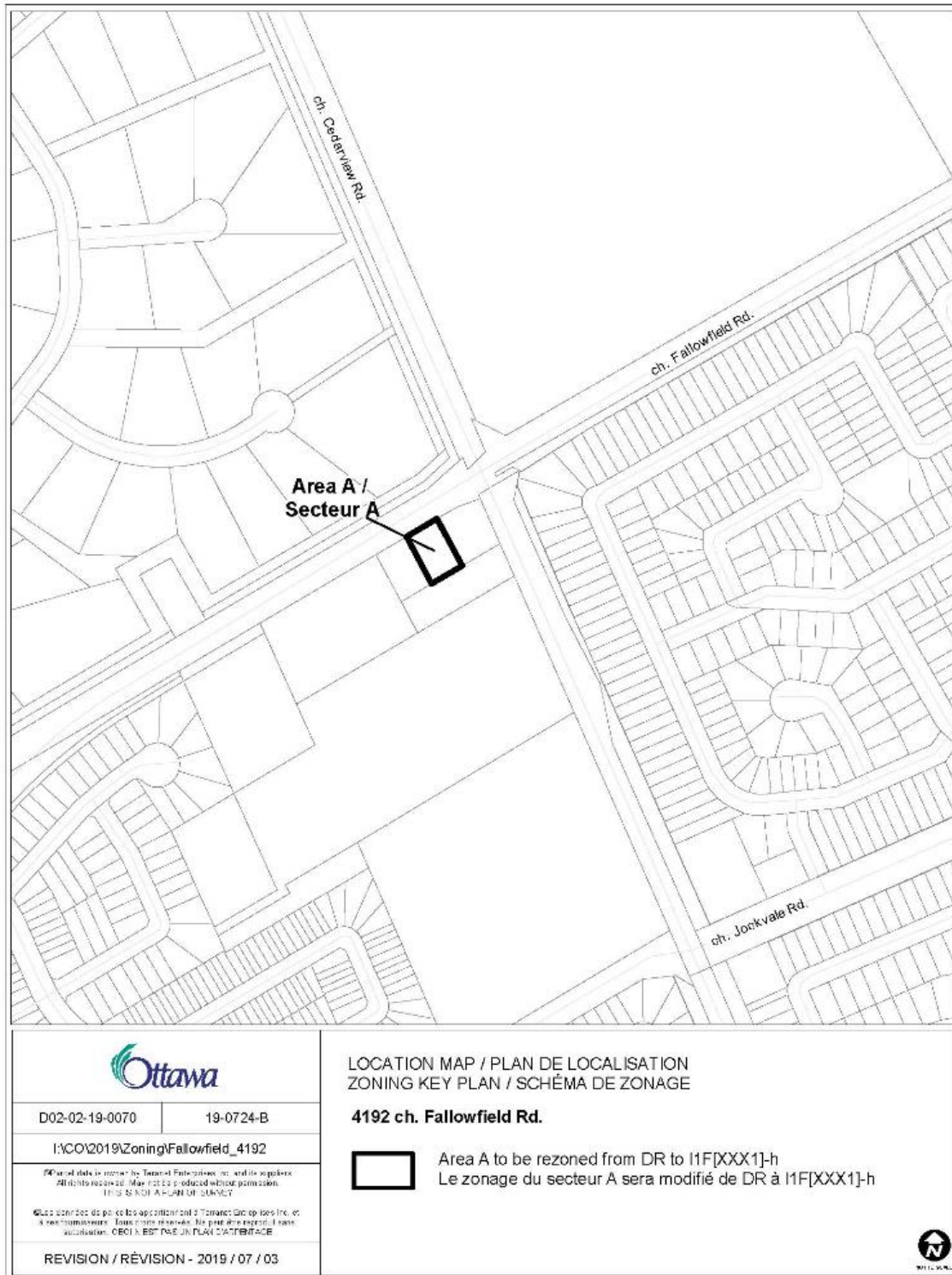
Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Detailed Zoning Map



Document 3 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law 2008-250 for 4192 Fallowfield Road are as follows:

1. Rezone the lands shown in Document 2 as Area A from DR to I1F[xxxx]-h.
2. Add a new exception I1F [xxxx]-h, to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a. In column II the text: “I1F [xxxx]-h”.
 - b. In column III the following use is added:
 - i. office
 - c. In column V
 - i. The minimum interior side yard setback is 0.5 metres on one side and 6.0 metres on the other.
 - ii. The maximum building height is 10.7 metres
 - iii. The holding symbol may not be removed until such time as one of the following have been completed to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.
 - The applicant submits a scoped hydrogeological report to demonstrate adequate quality and quantity of groundwater to the satisfaction of the City, or
 - The property connects to either municipal water or municipal sanitary services, or both municipal water and municipal sanitary services.

Document 4 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Comment

Concerns from neighbours regarding the cumulative impact on traffic and parking were raised. The daycare/office proposal, coupled with the Phoenix Home proposal, could impact traffic flow and elevate the risk of vehicle accidents to this property located very close to a high traffic intersection.

Response

The vehicular trips generated from a small professional office or daycare do not trigger the need for the applicant to submit a Transportation Study. However, the applications submitted by Phoenix Homes (D01-01-18-0008, D02-02-18-0072 and D07-12-18-0117) do need to respond to the volume of traffic generated from their 194-unit proposal, and its impacts on the existing functions of Fallowfield Road, Cedarview Road and the Fallowfield and Cedarview intersection. This study will need to contemplate the existing access to the single detached house at 4192 Fallowfield Road.