

<p>3. ZONING BY-LAW AMENDMENT – 6690 MITCH OWENS ROAD</p> <p>MODIFICATION AU RÈGLEMENT DE ZONAGE – 6690, CHEMIN MITCH OWENS</p>

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 6690 Mitch Owens Road to permit a range of rural commercial uses as detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 relativement au 6690, chemin Mitch Owens, de façon à permettre un éventail d'utilisations commerciales rurales, comme le décrit en détail le document 2.

DOCUMENTATION / DOCUMENTATION

Director, Planning Services, Planning, Infrastructure and Economic Development Department report dated 14 August 2017 (ACS2017-PIE-PS-0105).

Rapport du Directrice, Services de la planification, Direction de la planification, de l'infrastructure et du développement économique daté le 14 août 2017 (ACS2017-PIE-PS-0105).

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 27
13 SEPTEMBER 2017**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 27
LE 13 SEPTEMBRE 2017**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
7 September 2017 / 7 septembre 2017**

**and Council / et au Conseil
September 13, 2017 / 13 septembre 2017**

**Submitted on August 14, 2017
Soumis le 14 août 2017**

**Submitted by
Soumis par:**

**Lee Ann Snedden,
Director / Directrice,**

Planning Services / Service de la planification

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

Contact Person / Personne ressource:

**Natalie Persaud, Planner / Urbaniste, Development Review Rural / Examen des
demandes d'aménagement ruraux**

(613) 580-2424, 12681, Natalie.Persaud@ottawa.ca

Ward: OSGOODE (20)

File Number: ACS2017-PIE-PS-0105

SUBJECT: Zoning By-law Amendment – 6690 Mitch Owens Road

OBJET: Modification au Règlement de zonage – 6690, chemin Mitch Owens

REPORT RECOMMENDATIONS

That Agriculture and Rural Affairs Committee:

- 1. Recommend Council approve an amendment to Zoning By-law 2008-250 for 6690 Mitch Owens Road to permit a range of rural commercial uses as detailed in Document 2.**
- 2. 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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 13 September 2017," subject to submissions received between the publication of this report and the time of Council's decision.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales

- 1. recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 relativement au 6690, chemin Mitch Owens, de façon à permettre un éventail d'utilisations commerciales rurales, comme le décrit en détail le document 2.**
- 2. 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 de l'avocat général 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 du projet de loi 73 », à la réunion du Conseil municipal prévue le 13 septembre 2017, 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

6690 Mitch Owens Road

Owner

Louis DiRaimo, 1343487 Ontario Inc.

Applicant

Barrett Wager, Lloyd Phillips & Associates Ltd.

Description of site and surroundings

The site is located on the south side of Mitch Owens Road, east of Albion Road. The site is currently used for an immobile chip stand and contains two derelict buildings once used for a home and a hotel. Where there are no buildings or structures, the site is landscaped with trees and shrubs.

The site is approximately 7.1 hectares with a depth of 192 metres and has a frontage of approximately 340 metres. It is surrounded by residential uses, a low-rise dwelling subdivision to the south, and a private residential development to the west. A mineral extraction operation is located on the north side of Mitch Owens Road.

Summary of requested Zoning By-law amendment proposal

The site is a single property that is dual-zoned. As shown in Document 1, Area A is zoned Rural Commercial, Subzone 3, Exception 194r (RC3[194r]) which only permits for a convenience store, gas bar, automobile service station, and a fast food restaurant. Area B, zoned Rural Commercial, Subzone 3, Exception 195r (RC3[195r]) only permits

for a hotel. The proposed amendment is to unify the site under a single zoning designation that would also include permitting additional commercial uses, which are described in Document 2.

Brief history of proposal

The site was once used for a motel, constructed in the 1960s. The operation ended in the 1990s. The site was developed under the previous Zoning By-law of the former Township of Osgoode, where the site was zoned for commercial uses. The permitted uses under the former Zoning By-law carried over to the consolidated Zoning By-law of the City of Ottawa. The owner wishes to expand the permitted uses to allow for development that supports the intensification of the surrounding area and provides services to the travelling public.

DISCUSSION

Public consultation

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

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation

The subject site is designated in Schedule A, Rural Policy Plan of the Official Plan as Rural Natural Features. These areas may contain significant woodlands, wetlands, and wildlife habitat, and include components of the natural heritage system. Development within or adjacent to these lands must be assessed for impact on the area's natural features and functions. Given that the site is currently zoned for commercial uses, review of an Environmental Impact Statement and Tree Conservation Report is deferred until the review of a Site Plan Control application, where proposed buildings and infrastructure are considered for any impacts to the natural environment.

Planning rationale

The site is currently zoned for commercial uses that are prescriptive. Some of the uses proposed are an expansion to the definition of the permitted uses. For example, a convenience store is currently permitted. A convenience store is a retail store which only sells a range of day to day items in small quantities. The use of retail store is being proposed and would allow for the sale of any type of good. The site permits for fast-food restaurant, whereas restaurant is proposed and would allow all other types of restaurants. The proposed uses and other proposed zoning provisions are described in Document 2 of this report.

The uses proposed are considered to not have a greater impact on the surrounding area than the current permitted uses. These will further be mitigated by additional zoning provisions such as a required 30-metre soft landscape buffer, where the current provision is a 30-metre setback, as well as applying this buffer to lot lines abutting residential uses. Where there are commercial uses to the east, the 30-metre setback is reduced to shift the buffer to where it is most needed, which is to separate residential and commercial uses. Given the proximity to a mineral extraction operation, sensitive uses that could be disrupted by the operation and potentially limit possible expansion are not proposed.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

The proposed development will provide a positive contribution to the rural community by providing uses that support the local economy; existing enterprises, nearby residential development, and the travelling public. Future applications for site plan control ensure proposed development is reviewed in greater detail for access, site layout, architectural design, site layout, landscaping, and infrastructure.

COMMENTS BY THE WARD COUNCILLOR

Councillor Darouze is aware of the application.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in the report.

RISK MANAGEMENT IMPLICATIONS

The subject site is located within the Wellhead Protection Area for the private communal well at Albion Woods. To mitigate the potential of well interference, industrial type uses will not be permitted at the site. The site currently permits for a gas bar and automobile service station which is not proposed to be removed and is instead proposed to be permitted anywhere on the property. Should these uses be proposed for construction at the site, site plan control will provide further oversight to ensure protection of nearby wells.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report. At the time development is proposed, accessibility guidelines will be considered during site plan control and prior to issuance of a building permit.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report. At the time of an application for site plan control, an Environmental Impact Statement will be reviewed in consideration of reducing impacts to any significant environmental features that may be present on or near the site.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

EP2 – Support growth of local economy.

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommend Zoning

Document 3 Public Consultation Details

CONCLUSION

Planning, Infrastructure, and Economic Development recommends approval of the proposed Zoning By-law, because it is consistent with the Official Plan and Provincial Policy Statement, being for development that is compatible with the surrounding area, and representative of good planning.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

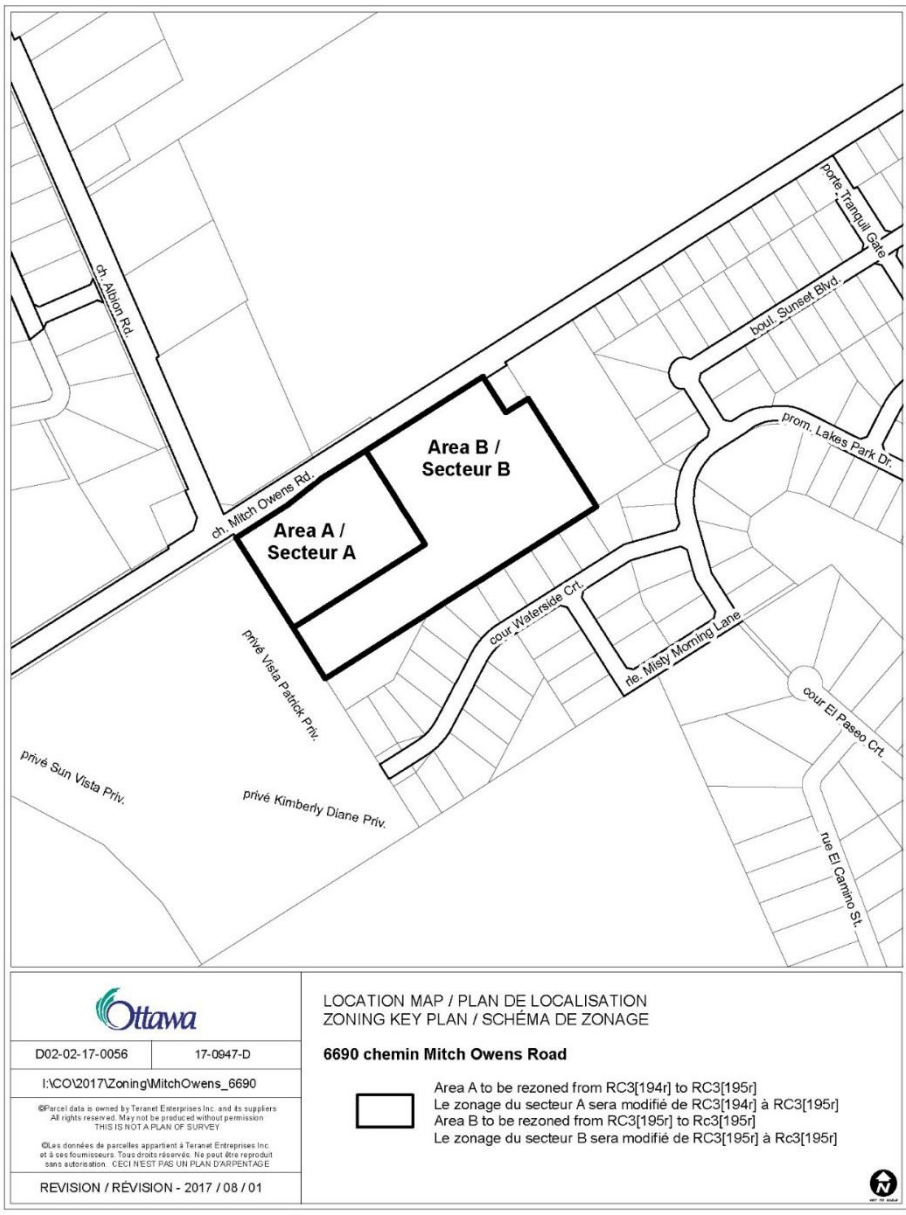
Zoning and Interpretations Unit, Economic Development and Long Range Planning to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor 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 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law No. 2008-250 for 6690 Mitch Owens Road:

- 1) Rezone the lands shown in Document 1, from RC3[194r] to RC3[195r]
- 2) Amend the rural exception [195r] as follows:
 - a) By replacing the text in Column IV with the following:

“All uses except: artist studio, automobile dealership, automobile rental establishment, automobile service station, bar, drive-through facility, gas bar, hotel, outdoor storage, retail food store, retail store, restaurant, service and repair shop, warehouse.”
 - b) By replacing all of the provisions in Column V with provisions similar in intent to the following:
 - i. A retail food store is limited to a farmers' market
 - ii. A retail store is limited in size to 200 square metres per occupancy
 - iii. Where a lot line abuts an RM, RU, or V1 zone, the minimum setback is 30 metres.
 - iv. Where a lot line abuts an RM, RU, or V1 zone, a 30-metre soft landscape buffer is required.
 - v. Clause 217(1)(c) and Zoning Mechanism (l) of Table 218A do not apply.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. No public meetings were held in the community.

Public Comments and Responses

Comment:

Proposed rear yard greenspace allocated is unacceptable.

Response:

The proposal is conceptual showing a possible layout to demonstrate how the requested zoning would work. The existing zoning requires a minimum building setback of 30 metres and this does not translate to a 30 metre landscape buffer. The zoning provisions proposed as part of this amendment (see Document 2) will require a 30 metre soft landscape buffer in addition to the required minimum 30 metre building setback. While the zoning by-law cannot regulate the type of soft landscaping, like grass, shrubs, or trees, future development will require site plan control, another planning application that examines the details of the site's layout. At this time, specific landscaping would be reviewed. It is in the interest of the Owner to maintain the trees as they are the best natural buffer to mitigate if any potential for noise or light.

Comment:

Lights will glare on to adjacent residential properties.

Response:

The City is required standard for commercial light is full cut off fixtures that do not spill on to adjacent property.

Comment:

The natural environment will be negatively affected by development. There is a concern for wildlife, trees, and the natural lakes.

Response:

Characteristics of the natural environment will be evaluated at the time of site plan control when development is proposed. This application is to determine types of uses. Any impacts to the natural environment can be mitigated through building siting and landscaping. There are also provincial regulations in place to protect against harm to endangered species and species at risk. The lakes in the surrounding area are not natural, they are engineered storm ponds designed to capture runoff from the surface.

Comment:

Noise will be generated from the site that will be disruptive to adjacent homes.

Response:

At the time of proposed development, the noise study will have to be refined to address the specific development proposed. Noise will have to be mitigated to acceptable levels by Ministry of Environment and Climate Change Guidelines. The City's Noise By-law also regulates acceptable sources of noise and noise levels, specifically when these activities can and cannot happen each day.

Comment:

The development will be unsafe for children who may access the site.

Response: No person should be trespassing on private property. If there is an identified risk of people entering the property, the Owner could construct a fence.

Comment:

The existing property is unkempt and rundown.

Response:

The proposed zoning amendment is an effort on the Owner's part to create greater opportunity for development of the site, which would encourage the removal of what is there. If there is a concern for the current state of the property, the City's Property Standards group should be notified.

Comment:

Traffic will be affected. There have been several fatalities within this section of Mitch Owens Road and that should be addressed prior to development of the site.

Response:

Details of the traffic design will be reviewed at site plan control when specific development is proposed. The location of the accesses, driveway design, and proposed volumes will be reviewed. This would inform traffic movements and possibly identify the need for additional controls, as required.

Comment:

The property is within the capture zone of the wells that supply drinking water to the Albion Sun Vista and Albion Woods sites and the requested and permitted uses pose a risk for potential contamination of the groundwater.

Response:

Staff have recognized the location of the property as being within the Wellhead Protection Area and are not recommending uses that would potentially cause contamination. The permitted uses will continue to remain on the basis that this proposed Zoning By-law amendment was initiated by the Owner to achieve additional uses, and not remove what is currently permitted.