

**4. Zoning By-law Amendment – 35 Highbury Park Drive**

**Modification du *Règlement de zonage* – 35, promenade Highbury Park**

**Committee recommendation**

**That Council approve an amendment to Zoning By-law 2008-250 for 35 Highbury Park Drive to permit a restaurant as an ancillary use, as detailed in Document 2.**

**Recommandation du Comité**

**Que le Conseil approuve la modification du *Règlement de zonage* (n° 2008-250) visant le 35, promenade Highbury Park afin de permettre l'aménagement d'un restaurant comme utilisation accessoire, comme le détaille le document 2**

**Documentation/Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 26, 2020 (ACS2020-PIE-PS-0071)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 26 juin 2020 (ACS2020-PIE-PS-0071)

Report to  
Rapport au:

Planning Committee  
Comité de l'urbanisme  
9 July 2020 / 9 juillet 2020

and Council  
et au Conseil  
15 July 2020 / 15 juillet 2020

Submitted on 26 June 2020  
Soumis le 26 juin 2020

Submitted by  
Soumis par:  
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Planning Services / Services de la planification  
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Ward: BARRHAVEN (3)

File Number: ACS2020-PIE-PS-0071

**SUBJECT: Zoning By-law Amendment – 35 Highbury Park Drive**

**OBJET: Modification du *Règlement de zonage* – 35, promenade Highbury  
Park**

#### **REPORT RECOMMENDATIONS**

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 35 Highbury Park Drive to permit a restaurant as an ancillary use, as detailed in Document 2.

2. 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 July 15, 2020", 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 la modification du *Règlement de zonage* (n° 2008-250) visant le 35, promenade Highbury Park afin de permettre l'aménagement d'un restaurant comme utilisation accessoire, comme le détaille le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation, 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 15 juillet 2020 », 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

35 Highbury Park Drive

### Owner

Sequoia Church

## **Applicant**

Paul McDonald, McDonald Brothers Construction Inc.

## **Architect**

N45 Architecture Inc.

## **Description of site and surroundings**

The subject property is located at 35 Highbury Park Drive, between the Transitway and Greenbank Road. The property is currently undeveloped and is 1.17 hectares in size. To the east of the site runs a portion of the Transitway, with low-rise residential development to the further east. South of the property across Highbury Park Drive is a mixed development containing retail and commercial uses. West of the property is Greenbank Road, with low-rise residential beyond the road. North of the site is undeveloped property and the VIA rail corridor.

## **Summary of requested Zoning By-law amendment proposal**

The site is currently zoned Minor Institutional Zone (I1B), which permits uses such as: community centre, place of worship, and retail food stores limited to farmers' market. The zoning amendment is to permit a restaurant (café) as an ancillary use.

The property is also subject to a Site Plan Control application for a 2,100 square metres, two-storey church with a community centre and café. The café is proposed to be 170 square metres and located on the southwest corner of the main floor of the building to provide visibility of the use from Highbury Park Drive, as shown in Document 3.

## **DISCUSSION**

### **Public consultation**

Public consultation for this application was conducted in accordance with the procedure for Zoning By-law Amendment applications. Property owners within 120 metres of the subject site were notified through a direct mailing, and one sign was posted on site. No comments were received for this notice.

### **Official Plan designations**

The subject lands are designated as General Urban Area under Schedule B of the Official Plan. The General Urban Area permits a range of uses, including retail,

services, and cultural uses, to develop complete and sustainable communities.

The site is adjacent to Greenbank Road, which is an arterial road, and Highbury Park Drive, which is a collector. Greenbank Road is also identified as a cycling spine route on Schedule C, with a multi-use pathway running along the east side of the Transitway.

### **Other applicable Policies and Guidelines**

The subject lands are within the South Nepean Area 1 Secondary Plan boundary. This Secondary Plan identifies these lands as Mixed Use. Permitted uses identified for this designation are restaurants and service commercial, as well as places of worship, which are considered compatible and complimentary to the primary residential use of the area.

### **Planning rationale**

The Official Plan's designation for the property is General Urban Area, where a mix of uses are permitted to facilitate the development of complete and sustainable communities, which includes retail, services, and cultural uses.

The South Nepean Area 1 Secondary Plan identifies the lands as Mixed Use, which may include restaurants, service commercial, and places of worship, which are considered to be compatible and complementary to the primarily residential use of the area.

The Minor Institutional Zone (I1B), which the property is currently zoned, does not allow a restaurant. The I1B zone currently permits community centre, place of worship, retail food stores limited to a farmers' market. The restaurant is proposed to be 170 square metres and located on the southwest corner of the main floor of the building to provide visibility of the use from Highbury Park Drive.

The site is isolated from neighbouring residential uses by site topography, as well as being bordered by Greenbank Road to the west, Transitway to the east, and Via Rail corridor to the north. The separation of the site from surrounding residential areas mitigates potential noise or traffic impacts that the proposed church and an additional restaurant may cause towards the surrounding areas.

The Zoning By-law amendment to allow for a restaurant (café), as an ancillary use to a proposed church and community centre, is consistent with the intent of the Official Plan and Secondary Plan.

## **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2014 and 2020 Provincial Policy Statements.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Harder provided the following comment:

“I am very pleased to support this application. It is more than 15 years ago that members of the Sequoia Church congregation came to meet with me to look for land for a future church and community building. I want to thank Pastor Ryan Dawson and City Real Estate Planner Dhaneshwar Neermul for their steadfast resolve. I am happy indeed to support this application.”

## **LEGAL IMPLICATIONS**

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

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

## **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**

Development of the subject property is subject to Site Plan Control review to ensure that the City of Ottawa Accessibility Design Standards are followed and building permits will ensure all buildings are constructed to the standards of the Ontario Building Code.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

- Thriving Communities

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-19-0065) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to complexity of issues needing to be resolved.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Proposed Site Plan and Elevations

## **CONCLUSION**

The Planning, Infrastructure and Economic Development Department recommends approval of the application to include a restaurant as an ancillary use. The application is consistent with the Provincial Policy Statement, the City's Official Plan, and the applicable Secondary Plan.

## **DISPOSITION**

Legislative Services, Office of the City Clerk to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (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](http://geoOttawa).





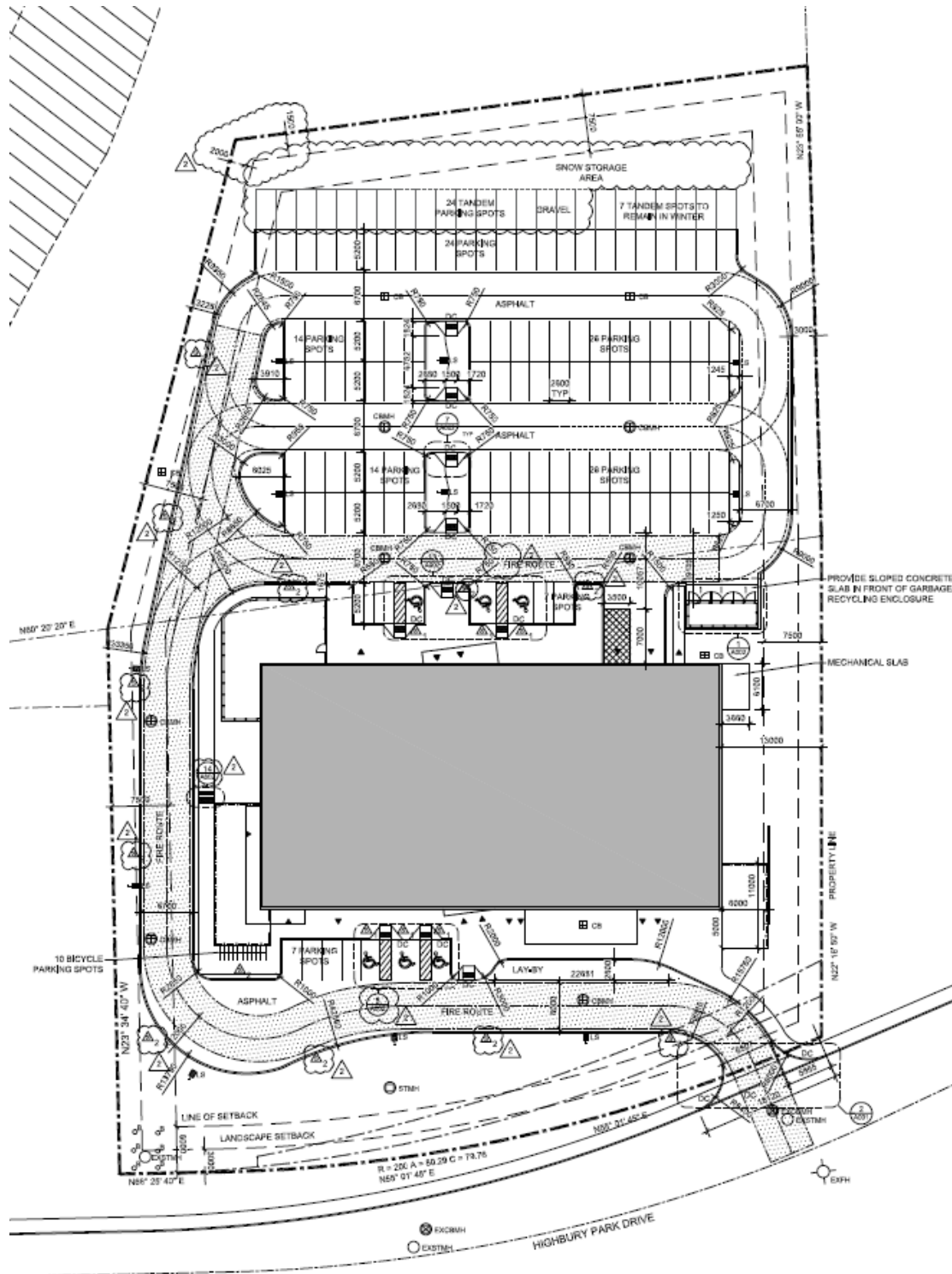
**Document 2 – Details of Recommended Zoning**

1. Rezone the lands as shown in Document 1 as follows:
  - a. Area A from I1B[1] to I1B[xxx1]
  - b. Area B from I1B to I1B[xxx1]
2. Add a new exception, xxx1 to Section 239 – Urban Exceptions with provision similar in effect to the following:
  - a. In Column II, add the text “I1B[xxx1]”
  - b. In Column III, add the text:

“- restaurant”
  - c. In Column v, add the text:

“- a restaurant is permitted subject to being ancillary to a principal use permitted in the I1B zone”

Document 3 – Site Plan and Elevations





3 NORTH ELEVATION  
A1015 1:200



1 SOUTH ELEVATION  
A1010 1:200



2 WEST ELEVATION  
A1020 1:200