

Report to/Rapport au:

**Planning Committee
Comité de l'urbanisme**

and Council / et au Conseil

**June 4, 2012
4 juin 2012**

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

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Cumberland (19)

Ref N°: ACS2012-ICS-PGM-0141

SUBJECT: ZONING - 4471, 4479 AND 4487 INNES ROAD

OBJET : ZONAGE - 4471, 4479 ET 4487 CHEMIN INNES

REPORT RECOMMENDATIONS

That the Planning Committee recommend Council:

- 1. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 4471 Innes Road from General Mixed Use, Subzone 15, Height Limit of 8 metres (GM 15 H(8)) to General Mixed Use, Subzone 15, Exception zone, Height Limit of 8 metres with a schedule (GM 15 [XXXX] H(8) SXXX), as shown in Documents 1 and 3 and as detailed in Document 2; and**
- 2. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 4479 and 4487 Innes Road from Residential, First Density, Subzone HH, Exception 1173 (R1HH [1173]) to General Mixed Use, Subzone 15, Exception zone, Height Limit of 15 metres with a schedule (GM 15 [XXXX] H(15) SXXX); as shown in Documents 1 and 3 and as detailed in Document 2.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

- 1. d'approuver la modification au Règlement de zonage 2008-250 afin de changer la désignation de zonage du 4471, chemin Innes de Zone d'utilisations polyvalentes générale, sous-zone 15, assortie d'une limite de hauteur de 8 mètres (GM 15H(8)) à Zone d'utilisations polyvalentes générale, sous-zone 15, assortie d'une exception, d'une limite de hauteur de 8 mètres et d'une annexe (GM 15 [XXXX] H(8) SXXX), comme il est indiqué dans les documents 1 et 3 et expliqué en détail dans le document 2; et**
- 2. d'approuver une modification au Règlement de zonage 2008-250 afin de changer la désignation de zonage du 4479 et du 4487, chemin Innes de Zone résidentielle de densité un, sous-zone HH assortie de l'exception 1173 (R1HH [1173]) à Zone d'utilisations polyvalentes générale, sous-zone 15 assortie d'une exception, d'une limite de hauteur de 15 mètres et d'une annexe (GM 15[XXXX] H(15) SXXX), comme il est indiqué dans les documents 1 et 3 et expliqué en détail dans le document 2.**

BACKGROUND

The subject site includes three adjacent properties known as 4471, 4479 and 4487 Innes Road that are located on the north side of the road, slightly east of Tenth Line Road, in Orleans.

The property known as 4471 Innes Road is currently vacant and is located immediately to the east of an existing gas station and car wash. The properties known as 4479 and 4487 Innes Road are currently occupied by single detached residential dwellings. Together, the three parcels have a combined frontage of 101.3 metres and an area of 6357m², as shown in Document 1.

To the east of the subject site along Innes Road are additional single detached dwellings and a Place of Worship. To the west along Innes Road is a gas station and associated car wash at the Tenth Line Road intersection. To the west of Tenth Line Road on the north side of Innes Road there are commercial developments interspersed among single detached dwellings and a vacant parcel of land. The Queenswood Heights Residential development is to the north of this commercial area.

Along the south side of Innes Road opposite the subject parcels is a large commercial shopping centre, including a Home Depot and a Loeb grocery store. Commercial development also continues along Innes Road west of Tenth Line Road. The "Avalon" residential development lies to the south of this commercial development.

Purpose of Zoning Amendment

The purpose of this Zoning By-law amendment is to permit the development of a four-storey retail/office building with a reduced landscape buffer and a reduced loading space requirement.

Existing Zoning

The vacant site at 4471 Innes Road adjacent to the gas station at the intersection of Innes and Tenth Line Road is currently zoned General Mixed Use, subzone 15 with a height limit of 8 metres (GM15 H(8)). This zone currently permits a service station, car wash, gas bar, animal hospital, convenience store, funeral home, library, medical facility, office, restaurant as well as many other similar uses.

The two parcels with existing residential units at 4479 and 4487 Innes Road are currently zoned "Residential, First Density, subzone HH, exception 1173" (R1HH [1173]). This zone currently permits single detached dwellings, group homes, home based businesses, converted retirement homes, bed and breakfasts, community gardens, home based daycares, diplomatic missions, parks and secondary dwelling units. The exception [1173] permits a low-rise apartment dwelling with a minimum lot area of 5500m² and maximum lot coverage of 40 per cent with maximums of 9 metres height and 2 1/2 storeys.

History of Development Proposal

The Applicant submitted concurrent applications for zoning and site plan control which were deemed complete in April 2011. The original application called for two buildings: a two-storey building to house an Arby's restaurant with associated drive-through and additional retail space; and a four-storey mixed use building with retail on the ground floor and three-storeys of residential units above.

The two-storey Arby's building was proposed to be 7.9 metres in height with the main entrance to Arby's and the additional retail space fronting on the Innes Road side. The building was to be setback 23 metres from the front property line due to protected 'sight lines' registered on title to permit an unobstructed view of the adjacent gas station. A side entrance on the east side of the building was to serve as access to the second floor. The drive-through and associated stacking lane was proposed on the west side of the building extending to the rear of the property. A small outdoor patio was proposed at the south-east corner of the building. A small amount of grass and two trees were provided at the northern (rear) property line, with additional plantings along the street, however, the majority of the existing trees were proposed to be removed.

The four-storey mixed use building was proposed to be 18 metres in height with retail on the first floor and three storeys of residential units and a roof-top terrace. The building was proposed to be located close to the south (front) property line and designed with balconies on all units. Most of the existing trees were proposed to be removed from the site.

One hundred and six parking spaces were proposed for the entire site with two access points onto Innes Road.

In response to concerns expressed by the Councillor, the public and City staff, a number of revisions have occurred to the original plans, which were submitted to the City in July 2011. The changes are as follows:

The proposed four-storey, 18-metre, mixed use building (residential and retail) is now proposed to be a four-storey building with one floor of retail and three-storeys of office and medical use with a proposed maximum height of 15-metres. The associated balconies and roof top terrace have also been removed. The building has a reduced footprint to allow an additional one-way driveway for better on-site manoeuvring.

The proposed two-storey "Arby's Building" has not changed in use or layout, however, the amount of glazing at the rear of the second storey has been revised due to privacy concerns from the adjacent residential property owners to the rear(north) of the site. Landscaping to the rear of the property, adjacent to the residential dwellings, has been improved and a 4.6 metre buffer with existing mature trees is now proposed. The original patio has also been removed in order to reduce the chances of large gatherings causing disruption to the nearby residential properties.

The amount of landscaping buffer has also increased as a result of modifying space allocations of some of the proposed uses within the buildings which reduced the required number of parking spaces. The existing trees to the rear of the site of 4471 Innes Road will be maintained along with three large healthy trees along the eastern edge of the parking lot in the rear of the proposed Arby's building.

A tree conservation report will need to be approved by City staff prior to the approval of the associated site plan and a City-issued tree cutting permit will be required prior to the removal of any trees on site.

There are currently three access points proposed: a right-out exit-only at the western edge of the property; a two-way driveway between the two buildings at the mid-point of the development; and a new, one-way exit-only at the eastern edge of the site. The western and central access points replace the permitted/existing driveways while the eastern exit only driveway is planned to become part of a joint two-way access to the adjacent property at 4495 Innes Road when that property is developed. Discussions have been held between the two subject property owners and agreement has been reached. However, the subject properties will also function safely and efficiently on their own until such time as both properties redevelop. This future joint access will be a condition during site plan approval for the respective properties.

The new plan includes one hundred and two (102) parking spaces, which meets the requirements of the shared-parking provision of the zoning by-law.

Proposed Zoning

The vacant site at 4471 Innes Road is currently zoned to permit the proposed use of restaurant and drive-through. The proposed zoning for 4479 and 4487 Innes Road is to facilitate a four-storey building that will be comprised of retail on the first floor with three

additional storeys for office and medical use. The full development site (4471, 4479 and 4487 Innes Road) requires the exception and the schedule which reduces the number of required loading spaces and reduces the minimum landscaping requirements to buffer a parking lot. All of the subject lands will be considered one lot for zoning property line setbacks, however, there will be a height limit of 8 metres for the western portion of the site for the proposed Arby's building and a height limit of 15 metres for the eastern portion of the site for the proposed 4-storey office building.

DISCUSSION

Provincial Policy Statement

The *Provincial Policy Statement* (PPS) "provides policy direction on matters of provincial interest related to land use planning and development." The long-term vision is to maintain and promote strong liveable communities through wise planning decisions. The *Planning Act* legislation requires that decisions related to planning matters "shall be consistent with" policy statements issued under the PPS.

The subject proposal conforms to the PPS by developing within an already built-up area well served by municipal infrastructure and transit and will provide services to help maintain a strong and liveable community.

Official Plan

The subject site is designated as "General Urban Area" in the Official Plan, which permits a wide range of uses such as low- to high-density residential, employment, retail, cultural, leisure, entertainment and institutional uses.

Staff conducted thorough evaluations of the proposal in terms of the site's suitability for the requested use and the compatibility of the requested use with the surrounding uses and environment. With respect to the suitability of the site for the proposed use, staff assessed the physical characteristics of the site itself as well as the ability of existing municipal service infrastructure and road network to support the intended uses.

As stated earlier, access to the site will be via three driveways. A centrally located driveway for two-way traffic and two exit only driveways at both property edges. This configuration functions for proper vehicular flow within the site without disrupting traffic along Innes Road and also allows for safe pedestrian access along the sidewalk on Innes Road. City staff is satisfied that there is suitable and safe access to the existing site for both pedestrians and vehicles.

There are adequate municipal services to accommodate the proposed use and the parking area on the subject site has sufficient capacity to serve the proposed uses.

City staff is satisfied that the subject site is suitable for the proposed restaurant, retail and office uses.

Section 4.11 of the Official Plan outlines policies for compatible developments. The proposed development has been reviewed based on these policies, namely, traffic, noise, privacy, building height, sunlight and parking.

The following key considerations have been applied to the proposed rezoning to determine whether the intent of the Official Plan is being met.

Traffic: Innes Road is a four-lane arterial road with cycling lanes and sidewalks on both sides of the road. A Transportation Impact Study taking the proposed development into account was submitted with the application, and it indicated that Innes Road has adequate capacity, now and in the future, to ensure a reasonable level of service. Two modifications to the road are required to ensure that the road and site function to the best ability. The middle median that is currently depressed will be raised to prevent left-turning movements into the site, while still allowing left-turning movements for the two remaining residences at 4495 and 4499 Innes Road. Secondly, the westbound right turn lane will be extended by 42 metres to reach the beginning of the proposed middle access.

Vehicular Access: The site will be served by one two-way central driveway and two one-way exits at each extremity of the site. The centre median along Innes Road will be raised to prevent left turns into the site. The one way exit at the eastern limit of the site will become a shared two-way access at such time as the abutting property at 4495 Innes Road is redeveloped. This will help minimize the number of accesses onto Innes Road.

Noise: A Noise Impact Assessment was conducted and submitted in support of this proposal. The report found that the noise of the restaurant, drive-through and order board are below threshold levels outlined in Municipal and Provincial Guidelines. Noise generated from rooftop heating and cooling units will be brought to acceptable levels through the use of enclosures. Staff has also suggested that the proposed buildings will likely buffer some of the current noise from traffic along Innes Road that is likely heard by the residents.

Shadowing: A sunshadow study was prepared and shows no additional shadowing on the adjacent rear residential properties to the north at the June time period and very minimal impacts during the other time periods.

Outdoor Amenity Area/Privacy: Privacy for the adjacent residential properties should not be an issue as the building is no longer residential and the balconies and roof-top terrace have been removed. Windows on the rear (north) of the second storey of the proposed Arby's building have also been eliminated. A fence will buffer the entire site from the residential properties and some mature trees will provide additional screening.

Building Height and Massing/Pattern of Surrounding Community: The existing built context surrounding the subject site is one of low-profile residential backing onto the site and commercial, institutional facilities and some detached dwellings fronting on an arterial road. The construction of a four-storey office building does not overpower

the existing buildings, fits well and is deemed appropriate for an arterial road on the periphery of a neighbourhood. The current proposal for both buildings over the full site is 20 per cent coverage while the office building on its own covers approximately 27 per cent of the eastern portion of the site.

Parking Requirements: The site provides for the required number of parking as determined by the shared parking table in the Zoning By-law 2008-250.

Supporting Neighbourhood Services: The proposed development adds additional employment and services to the community, which is positive and helps to create a more liveable neighbourhood.

Lighting: Lighting will be located so that it is directed away from adjacent uses. Site plan control specifications require that full cut-off lighting fixtures be used to prevent glare on adjacent properties.

City staff has concluded that the development meets the compatibility criteria.

Details of Proposed Zoning

The proposed zoning for 4471 Innes Road is General Mixed Use, Subzone 15, Height Limit of 8 metres (GM 15 [XXXX] H(8) SXXX will permit the same uses as currently allowed and will permit a reduction of loading spaces and reduced landscaped buffer around a parking lot.

The proposed zoning for 4479 and 4487 is General Mixed Use, Subzone 15, Height Limit of 15 metres (GM 15 [XXXX] H(15) SXXX and will permit a 15-metre commercial/medical/office building with reduced loading spaces and reduced landscaped buffer around a parking lot. Please see Document 2.

Conclusion

The proposed development balances the need for intensification and infill as supported in the Official Plan with neighbourhood compatibility considerations. The proposed Zoning By-law amendment conforms to the general intent of the Official Plan and staff recommend approval of the proposed zoning. The Site Plan Control application would be approved under Delegated Authority at such time as the proposed Zoning By-law amendment is in full force and effect.

RURAL IMPLICATIONS

There are no rural implications associated with this application.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. A summary of public comments is included in Document 3.

COMMENTS BY THE WARD COUNCILLOR

Councillor Steven Blais, Cumberland Ward, is aware of the report.

LEGAL IMPLICATIONS

Given the controversial nature of this report, it is possible that an appeal may be brought to the Ontario Municipal Board if the zoning amendment is carried. In that case, it is anticipated that a hearing would take approximately two days and would utilize staff resources. If the zoning amendment is not carried and an appeal is brought before the OMB, it is estimated that the hearing time would remain the same, but that an external planning consultant would need to be retained. The approximate cost would be in the range of \$20,000-\$25,000. Should the zoning amendment not be carried, Council will have to provide written reasons to support its decision.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

If the zoning amendment is carried and an appeal is brought before the Ontario Municipal Board, staff resources would be utilized to defend Council's position. In the event the zoning amendment is not be carried, an external planning consultant would need to be retained at an estimated cost of \$20,000 to \$30,000. Funds are not available from within existing resources and the expense would impact Planning and Growth Management's 2012 operating status.

ACCESSIBILITY IMPACTS

The site is fully accessible to those with mobility issues.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this site.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

The proposed development and planning applications align with the City Strategic Plan in that it respects the existing urban fabric, neighbourhood form, and the limits of existing hard services, so that new growth is integrated seamlessly with established communities.

APPLICATION PROCESS TIMELINE STATUS

The Zoning By-law amendment application was not processed by the "On Time Decision Date" established for the processing of this type of application, due to the time required to resolve complex issues. In addition, two public consultation forums were held.

SUPPORTING DOCUMENTATION

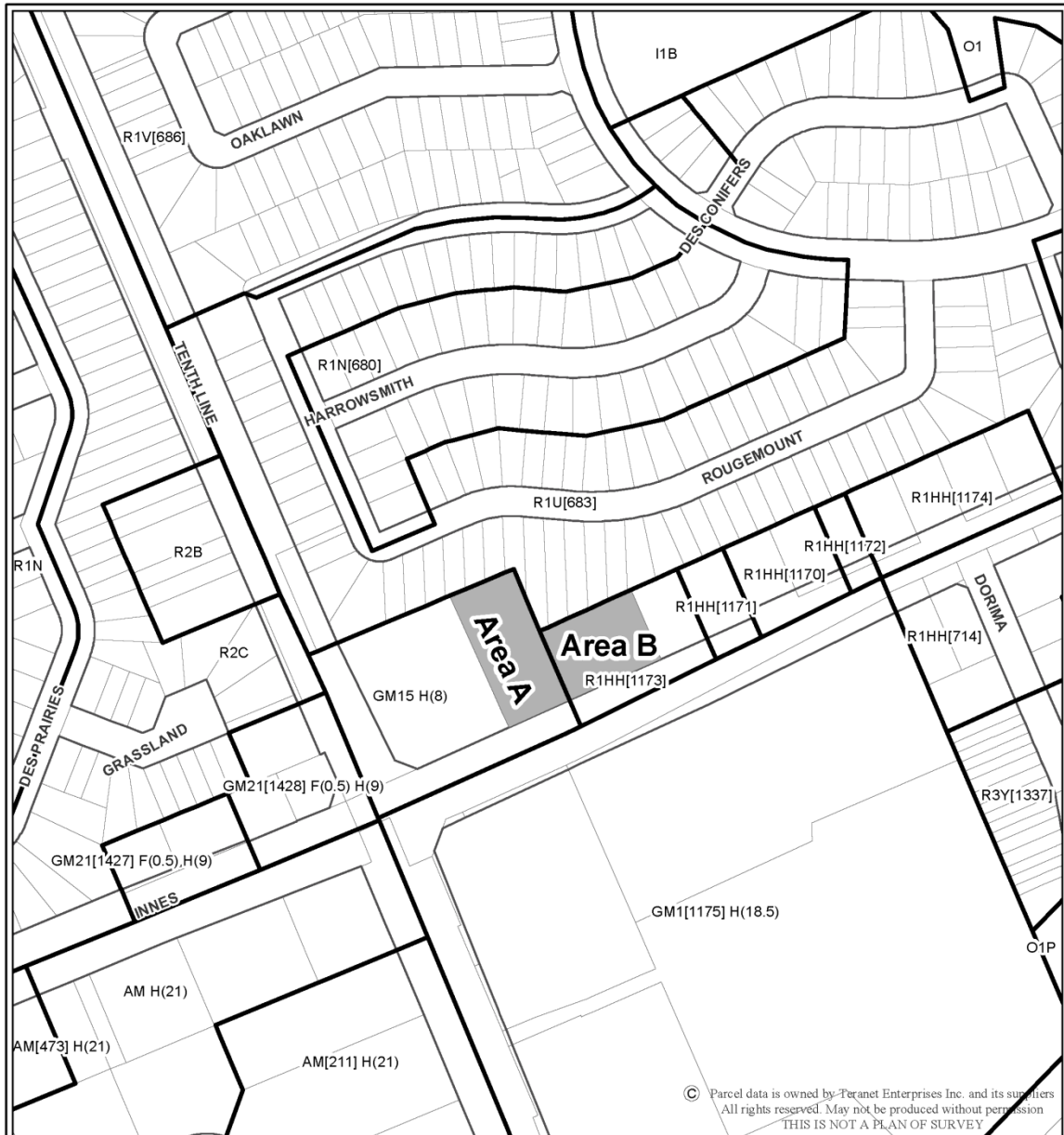
- Document 1 Location Map
- Document 2 Details of Recommended Zoning
- Document 3 Zoning Schedule
- Document 4 Consultation Details
- Document 5 Draft Site Plan
- Document 6 Artist Rendering

DISPOSITION

City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, OttawaScene.com, 174 Colonnade Road, Unit #33, Ottawa, ON K2E 7J5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26--76) of City Council's decision.

Planning and Growth Management to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.



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2012 / 05 / 22	
REVISION DATE	DE RÉVISION

Location Map / Plan de révision
Zoning Key Map / Carte clé du zonage
4471, 4479, 4487 Rue Innes Road

Area A rezoned from GM 15 H(8) to GM 15[XXXX] H(8) SXXX
 Area B rezoned from R1H [1173] to GM 15[XXXX] H(15) SXXX

145210531 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres

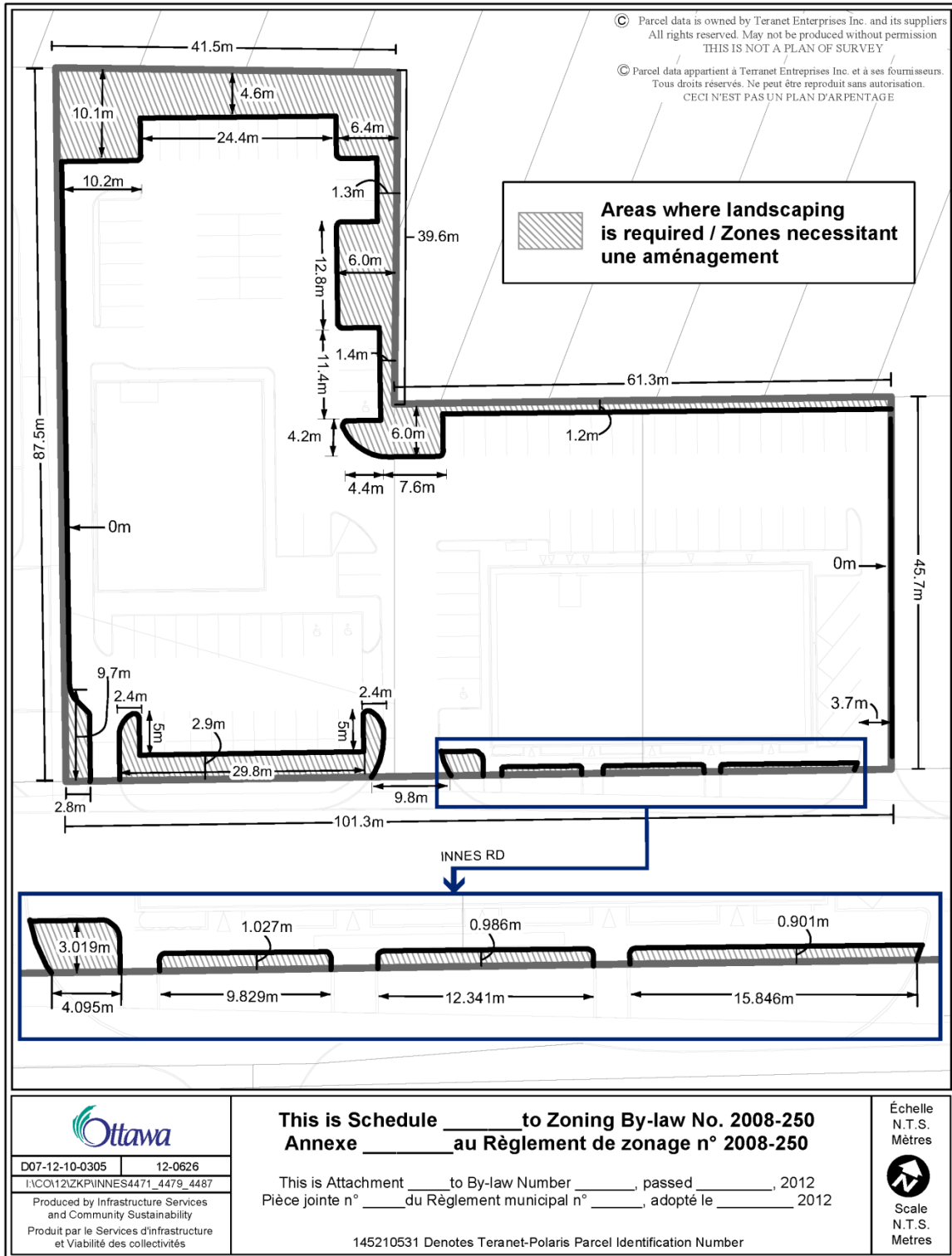
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DETAILS OF RECOMMENDED ZONING

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

1. Rezone the lands shown as Area A in Document 1 from GM 15 H(8) to GM 15[XXXX] H(8) SXXX
2. Rezone the lands shown as Area B on Document 1 from R1H [1173] to GM 15[XXXX] H(15) SXXX
3. Add a new exception, GM 15 [XXXX] H(15) SXXX, and GM 15 [XXXX] H(8) SXXX to Section 239 with provisions similar in effect to the following:
 - a) In Column II the text “GM 15 [XXXX] H(15) SXXX” and “GM 15 [XXXX] H(8) SXXX”;
 - b) In Column V the text
 - The minimum required perimeter landscaped buffer under section 110, and the minimum landscaped area required under Table 187(h) do not apply, and instead landscaped areas must be provided at a minimum within those areas shown on Schedule XXX.
 - Total minimum number of required loading spaces for all uses on the lot: 2 spaces
4. Add Document 3 as a new schedule to Part 17 – Schedules.



Ottawa

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Produced by Infrastructure Services and Community Sustainability
Produit par le Services d'infrastructure et Viabilité des collectivités

This is Schedule _____ to Zoning By-law No. 2008-250
Annexe _____ au Règlement de zonage n° 2008-250

This is Attachment _____ to By-law Number _____, passed _____, 2012
Pièce jointe n° _____ du Règlement municipal n° _____, adopté le _____ 2012

145210531 Denotes Teranet-Polaris Parcel Identification Number

Échelle
N.T.S.
Mètres

Scale
N.T.S.
Mètres

CONSULTATION DETAILS

DOCUMENT 4

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. In addition to the standard Council approved consultation, additional public consultation was carried out. A public consultation session, organized and advertised by the Councillor, was held June 27, 2011, to obtain public comments regarding the proposal. The meeting was attended by approximately 30 residents. The applicant revised their plans based on feedback received and resubmitted plans in April 2012. A second public information session is scheduled for June 5, 2012 to present the revised plans to the community prior to the application being heard at Planning Committee. This report was prepared in advance of the second meeting, to meet deadlines for the anticipated June 26, 2012 Planning Committee Meeting. The community will have the opportunity to voice their comments at the public information session and at the Planning Committee Meeting.

PUBLIC COMMENTS**SUMMARY OF PUBLIC INPUT**

There were numerous comments received from the public. The concerns can be summarized as follows:

Height /Shadow: Concern that the height of the proposed building is not appropriate and will overshadow the rear yards adjacent residents.

Response: A four-storey building is not considered unreasonable for an Arterial Road. Sun-shadow studies have been prepared and show very little shadowing from the proposed buildings over the adjacent rear yards.

Privacy: Residents were concerned with the original residential concept with balconies and the roof-top terrace on the 4-storey building and with the rear (north-facing) windows from 2nd storey Arby's.

Response: The proposed four-storey building is now an office building and will not have balconies or a roof-top terrace. The windows on the second storey at the rear of the Arby's building have been changed to glazing – so that they only appear to be windows from the outside – but will be opaque.

Traffic: Residents expressed concern regarding the potential increases in traffic and accidents along Innes Road.

Response: A traffic report was submitted in support of this application which indicated that Innes Road has the road capacity to handle the proposed

development with two roadway modifications. The westbound right turn lane will be extended by 42 metres to measure a 74-metre taper and the depressed median along Innes Road in front of the proposed development be raised – to prevent left turns into the subject site. Access points have been proposed that provide for safe access and egress. In addition, provisions will be made in the site plan agreement to provide for future shared access to the adjacent property owner to minimize the number of accesses onto Innes Road.

Noise: Concern was expressed regarding potential noise from the proposed patio, potential 24hr operations of the restaurant and from the order board.

Response: The patio has been removed from the site and Arby's does not operate 24 hours/day. The order board has been placed approximately 42 metres from the rear property line. A noise study has shown that the level of noise measured from the exterior wall of the closest noise-sensitive receptor (rear wall of residence) will be approximately 58 dBA, while Provincial standards allow noise levels to be 73dB. No noise mitigation is required for the proposed Arby's restaurant and order board. The heating and cooling units on the roof of the proposed office building will require enclosures to reduce the noise to an acceptable level.

Headlight Glare: Several residents were concerned about headlight glare from cars using the parking lot, shining into their back yards.

Response: A fence will extend along the rear of the full property to block light and glare from headlights. There are also several large trees to the rear and east of the proposed Arby's restaurant that will provide additional buffering.

Loss of trees: Concern that the mature trees that were planted as part of the adjacent gas station site plan are being removed.

Response: A large number of the existing trees will be retained as well and there will be additional plantings of trees and shrubs at the front (south side) of the building along Innes Road. As stated earlier - a tree conservation report will need to be approved by City staff prior to the approval of a subsequent site plan and a City-issued tree cutting permit will be required prior to the removal of any trees on site.

Loss in Property Value: One resident was concerned about the loss of value of her home.

Response: There is no evidence of any impact on property values.

