

5. Zoning By-law Amendment – 350 Terry Fox Drive

Modification au *Règlement de zonage* – 350, promenade Terry Fox

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 350 Terry Fox Drive to permit the additional uses of a catering establishment and take-out restaurant, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification apportée au *Règlement de zonage 2008-250* et visant le 350, promenade Terry-Fox afin de permettre l'ajout des utilisations « traiteur » et « restaurant de mets à emporter », comme le précise le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Infrastructure and Economic Development Department, dated September 19, 2019 (ACS2019-PIE-PS-0099)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 19 septembre 2019 (ACS2019-PIE-PS-0099)

2. Extract of draft Minutes, Planning Committee, October 10, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 10 octobre 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
10 October 2019 / 10 octobre 2019**

**and Council
et au Conseil
23 October 2019 / 23 octobre 2019**

**Submitted on 19 September 2019
Soumis le 19 septembre 2019**

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

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
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**Ward: KANATA NORTH (4) / KANATA
NORD (4)**

File Number: ACS2019-PIE-PS-0099

SUBJECT: Zoning By-law Amendment – 350 Terry Fox Drive

OBJET: Modification au *Règlement de zonage* – 350, promenade Terry Fox

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 350 Terry Fox Drive to permit the additional uses**

of a catering establishment and take-out restaurant, as detailed in Document 2.

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 October 23, 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 apportée au Règlement de zonage 2008-250 et visant le 350, promenade Terry-Fox afin de permettre l'ajout des utilisations « traiteur » et « restaurant de mets à emporter », comme le précise 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 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 23 octobre 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

350 Terry Fox Drive

Owner

Wesley Clover International

Applicant

Greg Winters, Novatech

Description of site and surroundings

The site is approximately 1.91 hectares in area and is located on the north side of Terry Fox Drive, between Helmsdale Drive and McKinley Drive in the Kanata North Business Park. The site is occupied by a three-storey multi-tenancy office building. The surrounding uses in the business park primarily consist of light industrial and office uses. The Shirley's Brook Creek corridor is located to the west and residential uses lie to the north.

Summary of requested Zoning By-law amendment proposal

The property is currently zoned Business Park Industrial Zone, Subzone 6 (IP6). The current zoning permits a range of uses including office, light industrial uses, place of assembly, service and repair shop and technology industry. Certain uses including a restaurant are prohibited by the provisions of the subzone.

The requested Zoning By-law amendment would create a site-specific exception for the property, permitting catering establishment and take-out restaurant in addition to the uses currently permitted in the IP6 zone.

DISCUSSION

Public consultation

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. One public comment was received for this application. Consultation details are found in Document 3.

Official Plan designation

The property is designated Urban Employment Area under Schedule B of the City's Official Plan. Under Section 3.6.5 of the Official Plan, the Urban Employment Area designation permits a wide array of employment-generating uses such as offices,

manufacturing, warehousing, and distribution. Complementary uses, such as recreational, fitness, health care, child care and service commercial, are also permitted to meet the day-to-day needs of employees and reduce their need to travel outside the area. Zoning provisions in Urban Employment Areas may permit a variety of these ancillary uses, such as service commercial businesses consisting of small occupancies that are incidental to the primary employment-generating uses.

Planning rationale

The proposed Zoning By-law amendment to create a site-specific exception allowing the two additional uses of catering establishment and take-out restaurant is consistent with the policies of the Urban Employment Area, and as such, the amendment meets the policies set out in the Official Plan.

A catering establishment means a place where food is prepared in large quantities and then delivered and consumed elsewhere. This is a light industrial type of use that is an appropriate use for the property.

The Urban Employment Area designation also permits a variety of ancillary uses, such as recreational, health and fitness, child care, and service commercial uses. The intent is to permit uses such as convenience store, doctor and dentist office, shoe repair shop, coffee shop, restaurant, bank or dry-cleaning outlet. These complementary-type uses are to be clearly incidental to the primary employment-generating uses and are intended to serve the employees of Urban Employment Areas.

The proposed take-out restaurant is an example of a complementary use. A take-out restaurant does not have seating capacity for diners and instead sells food and beverages over the counter for pick-up by the consumer for consumption off the premises or delivers food and beverages directly to the consumer for consumption off the premises. Adding the use enables the catering business to offer an associated take-out counter to serve food prepared on the premises, together with other food, to local employees.

This will provide a complementary-type service to the employees of the employment area without detracting from the overall characteristics of the business park and its primary function as an employment generator. No site alterations are proposed.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Sudds is very supportive of this report and recommendation.

“This is a positive step forward to diversify the business park, and also to add needed amenities.”

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk implications with the recommendations 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

Any alterations to the existing building during tenant fit-up will be required to meet the accessibility criteria contained within the Ontario Building Code.

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 Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department recommends approval of the Zoning By-law amendment from Business Park Industrial Zone, Subzone 6 (IP6) to Business Park Industrial, Subzone 6, Exception [xxxx] (IP6[xxx]) to permit the two additional uses of catering establishment and take-out restaurant. The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement, conforms to the policy direction within the City's Official Plan and represents good planning.

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.

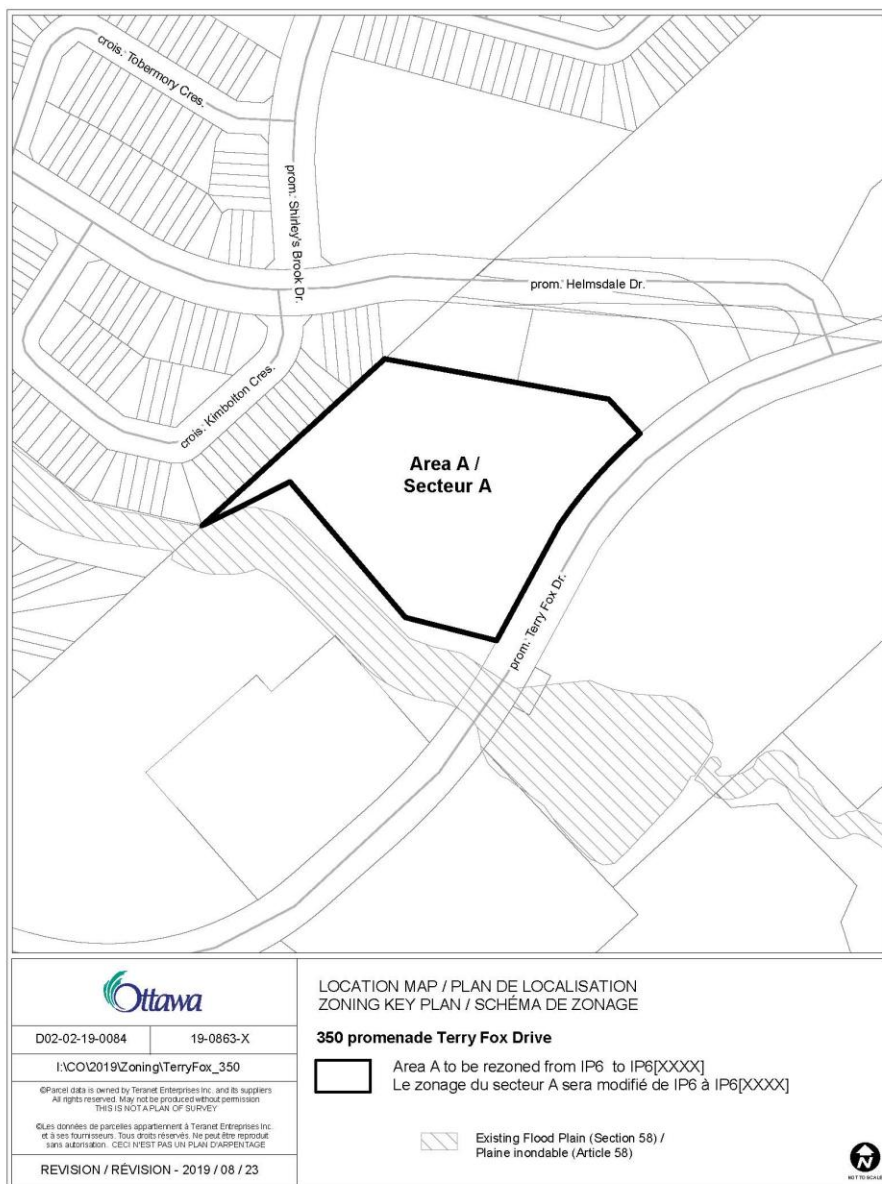
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Zoning Key Plan

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa.ca).

This is a map showing the location of 350 Terry Fox Drive, on the north side of Terry Fox Drive, between Helmsdale Drive and McKinley Drive.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 350 Terry Fox Drive:

1. Rezone the lands shown in Document 2 as follows:
 - a. Area A: from IP6 to IP6 [xxxx]
2. Add a new exception [xxxx] to Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. A catering establishment and take-out restaurant are permitted.

Document 3 – Consultation Details

Notification and Consultation Process

This application was subject to the Public Notification and Consultation Policy approved by City Council for Zoning By-law Amendments. One comment in opposition to the rezoning was received through the public notification and consultation process. The resident's concerns and staff responses are listed below:

In the current IP6 Zone, certain uses including a restaurant are prohibited, so the owner should follow the law.

Response: Property owners have the right to submit applications for zoning bylaw amendments and each application is considered on its own merits. The request is considered appropriate for the reasons stated in the rationale section of this report.

The site is part of the natural environment. The uses will increase the traffic, pollution, and danger to residents and animals.

Response: The proposed uses will have no environmental impact because they are located within an existing multi-tenancy building in the business park

There are many restaurants nearby, in addition to online and food delivery services. It is not necessary to introduce a new catering establishment and take-out restaurant.

Response: Market conditions are not a factor in the City's consideration of a proposed zoning by-law amendment. Each application is considered in the context of the planning policies in effect.