

**EXTRACT OF DRAFT MINUTES 41  
PLANNING COMMITTEE  
28 MARCH 2017**

**EXTRAIT DE L'ÉBAUCHE DU  
PROCÈS-VERBAL 41  
COMITÉ DE L'URBANISME  
LE 28 MARS 2017**

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OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS – 102 BILL LEATHEM DRIVE  
ACS2017-PIE-PS-0041 GLOUCESTER-SOUTH NEPEAN (22)

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## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council refuse an amendment to Zoning By-law 2008-250 and an amendment to the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone'.**
- 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 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 12 April 2017," subject to submissions received between the publication of this report and the time of Council's decision.**

The following staff responded to questions on this matter: Ms. Christine Enta, Legal Counsel, Office of the City Clerk and Solicitor, Mr. Mike Schmidt, Planner, Mr. Don Herweyer, Manager, Development Review – South, and Mr. John Smit, Director, Economic Development, Planning, Infrastructure and Economic Development Department.

The Committee heard two delegations (represented by various individuals):

- Ottawa International Airport Authority (OIAA), represented by Ms. Krista Kealey, Vice President, Communications and Public Affairs, OIAA; Ms. Nancy Meloshe, Stantec; Mr. Jim McIninch, Bell Baker LLP Barristers & Solicitors. They spoke in support of the staff recommendation to refuse the requested Zoning By-law

amendment. Noting that the proposed development is located 2500 m off the end of the airport's most used runway, they suggested the development should not be permitted within the AOIZ in order to safeguard the public's economic interests by protecting the long-term operation of airport, and in order to prevent any adverse effects of aircraft noise on public health and safety. They stated that the proposed development is a noise-sensitive use that is prohibited within the Airport Operating Influence Zone (AOIZ), and asserted that this prohibition of places of worship, because they are noise-sensitive uses, is consistent with the Provincial Policy Statement (PPS), the Ministry of Environment's Environmental Noise Guidelines, stationary and transportation sources, as well as the City's Official Plan (OP) policies.

- Salvation Army (owner), represented by Mr. Joshua Foster, Gradient Wind Engineering Inc.; Ms. Ursula Melinz, Soloway Wright LLP; Mr. Miguel Tremblay, FOTENN Consultants Inc. (applicant); Mr. Jeff Barrett, Salvation Army; Captain Jim Mercer, Salvation Army. They spoke in opposition to the staff recommendation, asking that the Zoning By-law amendment be granted to permit the development of their multi-purpose facility. They noted that the development is located in the South Merivale Business Park, in the Employment Area, and that Official Plan Amendment 180 reinforces that institutional uses (community centres, places of assembly, places of worship) are permitted in Employment Areas. They disagreed with the staff position that the requested amendments do not comply with the City's OP policies and the PPS, asserting that although those documents require protection for the long term prosperity of airport, they also indicate that major facilities and noise-sensitive land uses can cohabitate with proper buffering, separation and design. They disagreed that a house of worship is a noise-sensitive land use and that the PPS says they must be excluded. Further they noted that 'place of worship' is not defined in City's Environmental Noise Control Guidelines, and that federal regulations, through Transport Canada, permits this type of use if a detailed noise analysis is conducted and noise insulation / mitigation features are considered, both of which the Salvation Army has done.

Noting that the Committee Minutes can only contain a high-level synopsis of the public comments and submissions presented to Committee, Chair Harder asked the delegations to submit their detailed positions in writing to the Committee Coordinator prior to the April 12, 2017 Council meeting if they wished them to be circulated to Members of Council and placed on record.

The committee received the following correspondence between 21 March 2017 (the date the report was published in the committee agenda) and the time public delegations were heard on 28 March 2017, a copy of which is held on file:

- Comments dated March 27 and 28, 2017 from Brian Ford in support of the Salvation Army's request for the Zoning By-law amendment.

Vice-chair Tierney proposed the following motion:

*WHEREAS Recommendation 1 of Staff Report ACS2017-PIE-PS-0041 recommends the refusal of amendments to Zoning By-law 2008-250 and the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone'; and*

*WHEREAS having heard the submissions in support of the matter;*

*THEREFORE BE IT RESOLVED that Recommendation 1 of Staff Report ACS2017-PIE-PS-0041 be amended by replacing the word "refuse" with the word "approve"; and*

*BE IT FURTHER RESOLVED THAT the proposed site-specific amendments shall be subject to the following conditions:*

- 1. That the only noise-sensitive land uses permitted at this location shall be those defined exclusively as place of assembly, place of worship and community centre;*
- 2. That the above noise-sensitive land uses shall only be permitted where the Owner has provided a noise study demonstrating there will be no negative impacts on the long-term function of the airport. It is understood that the noise mitigation measures recommended in the noise study shall be implemented. The study shall be submitted to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development;*
- 3. That the following uses are prohibited at this location:*
  - *daycare*
  - *rooming unit and rooming house*

- *retirement home*
- *residential care facility*
- *shelter*

Councillor Nussbaum proposed a friendly amendment, accepted by Vice-chair Tierney, regarding placing a covenant on title to reflect that the property in question is within the Ottawa Airport Operating Influence Zone.

Committee took a brief recess while Legal Counsel aided in the preparation of a revised motion.

**Motion N°PLC 41/2**

Moved by Councillor T. Tierney

**WHEREAS Recommendation 1 of Staff Report ACS2017-PIE-PS-0041 recommends the refusal of amendments to Zoning By-law 2008-250 and the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone'; and**

**WHEREAS having heard the submissions in support of the matter;**

**THEREFORE BE IT RESOLVED that Recommendation 1 of Staff Report ACS2017-PIE-PS-0041 be amended by replacing the word "refuse" with the word "approve"; and**

**BE IT FURTHER RESOLVED THAT the proposed site-specific amendments shall be subject to the following conditions:**

1. **That the only noise-sensitive land uses permitted at this location shall be those defined exclusively as place of assembly, place of worship and community centre;**
2. **That the above noise-sensitive land uses shall only be permitted where the Owner has provided a noise study to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. It is understood that the noise mitigation measures recommended in the noise study shall be implemented to the satisfaction of the General Manager,**

**Planning, Infrastructure and Economic Development;**

**3. That the following uses are prohibited at this location:**

- **daycare**
- **rooming unit and rooming house**
- **retirement home**
- **residential care facility**
- **shelter**

**4. That an appropriate covenant be placed on title reflecting the fact that the property in question is within the Ottawa Airport Operating Influence Zone.**

CARRIED on a division of 9 yeas and 1 nays, as follows:

YEAS (9): Councillors S. Blais, R. Brockington, R. Chiarelli, A. Hubley, J. Leiper, T. Nussbaum, S. Qadri, Vice-chair T. Tierney and Chair J. Harder

NAYS (1): Councillors J. Cloutier

Councillor R. Brockington dissented on recommendation #1 of PLC Motion 41/2.

Item 7 of Planning Committee Agenda 41, as amended by Motion 41/2 and set out in full below, was put to Committee:

**1. That Planning Committee recommend Council approve:**

- a. **an amendment to Zoning By-law 2008-250 and an amendment to the City of Ottawa Official Plan to permit the development of a multi-purpose facility which is proposed to include place of worship, place of assembly and community centre uses in the 'Ottawa Airport Operating Influence Zone';**
- b. **that the proposed site-specific amendments shall be subject to the following conditions:**
  - i. **That the only noise-sensitive land uses permitted at this location shall be those defined exclusively as place of**

**assembly, place of worship and community centre;**

- ii. That the above noise-sensitive land uses shall only be permitted where the Owner has provided a noise study to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. It is understood that the noise mitigation measures recommended in the noise study shall be implemented to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development;**
- iii. That the following uses are prohibited at this location:**
  - daycare**
  - rooming unit and rooming house**
  - retirement home**
  - residential care facility**
  - shelter**
- iv. That an appropriate covenant be placed on title reflecting the fact that the property in question is within the Ottawa Airport Operating Influence Zone.**

- 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 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 12 April 2017," subject to submissions received between the publication of this report and the time of Council's decision.**

**CARRIED**

Chair Harder issued the following DIRECTION TO STAFF:

Today's places of worship have changed immeasurably. In my community alone from the Ottawa Torah Centre, to Sequoia, to Cedarview Alliance, to South Nepean Mosque to Salvation Army....all leaders of these places came to me with a vision for "community space". All aforementioned examples are vibrant communities within Barrhaven as are others across this City. Yes there is a celebration of their faith but the vast majority of time, 7 days a week, these large community centres are just that. So my direction to staff is that they study where these larger places of worship and places of assembly should be placed in the future and that staff prepare a motion for Council at its next meeting outlining how this will be done.