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| <p>1. ZONING – 2101 AND 3101 INNOVATION DRIVE
ZONAGE – 2101 ET 3101, PROMENADE INNOVATION</p> |
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COMMITTEE RECOMMENDATIONS AS AMENDED

That Council:

1. Refuse an amendment to Zoning By-law 2008-250 to change the zoning of 2101 and 3101 Innovation Drive from General Industrial, Subzone 6, Height Maximum 44 metres (IG6 H(44)) to General Industrial, Subzone 6, Exception XXXX Height Maximum 44 metres (IG6 H(44) [XXXX]), as shown in Document 1, to permit a school and
2. Approve that the Disposition of the Report be amended to replace it with the following:

“City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, of City Council’s decision.”

RECOMMANDATIONS MODIFIÉES DU COMITÉ

Que le Conseil :

1. Refuse une modification au Règlement de zonage no 2008-250 qui changerait la désignation de zonage des 2101 et 3101, promenade Innovation, de zone d'industrie générale, sous-zone 6, hauteur maximale de bâtiment de 44 m (IG6 H(44)) à zone d'industrie générale, sous-zone 6 assortie d'une exception [xxxx], hauteur maximale de bâtiment de 44 m (IG6 H(44) [XXXX]), comme le montre le document 1, afin de permettre une école et
2. Approuve que la suite à donner du rapport soit modifiée avec ce qui suit :
« La Direction des services législatifs du Bureau du greffier municipal et chef du contentieux devra aviser le propriétaire (le demandeur), OttawaScene, 1565, avenue Chatelain, Ottawa (Ontario) K1Z 8B5, de la décision du Conseil. »

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 31 January 2014 (ACS2014-PAI-PGM-0026).

Rapport de la directrice municipale adjointe, Urbanisme et Infrastructure, daté le 31 janvier 2014 (ACS2014-PAI-PGM-0026).

2. Extract of Draft Minute, 11 February 2014.

Extrait de l'ébauche du procès-verbal, le 11 février 2014.

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme**

**and Council
et au Conseil**

**January 31, 2014
31 janvier 2014**

**Submitted by
Soumis par:**

**Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning
and Infrastructure/Urbanisme et Infrastructure**

**Contact Person
Personne ressource:**

**Michael Mizzi, Chief/Chef, Development Review Services / Services d'Examen des
projets d'aménagement, Planning and Growth Management/Urbanisme et Gestion
de la croissance**

(613) 580-2424, 15788, Michael.Mizzi@ottawa.ca

**Ward: KANATA NORTH (4) / KANATA
NORD (4)**

File Number: ACS2014-PAI-PGM-0026

SUBJECT: Zoning – 2101 and 3101 Innovation Drive

OBJET: Zonage – 2101 et 3101, promenade Innovation

REPORT RECOMMENDATION

**That Planning Committee recommend Council refuse an amendment to Zoning
By-law 2008-250 to change the zoning of 2101 and 3101 Innovation Drive from
General Industrial, Subzone 6, Height Maximum 44 metres (IG6 H(44)) to General
Industrial, Subzone 6, Exception XXXX Height Maximum 44 metres (IG6 H(44)
[XXXX]), as shown in Document 1, to permit a school.**

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil de refuser une modification au Règlement de zonage no 2008-250 qui changerait la désignation de zonage des 2101 et 3101, promenade Innovation, de zone d'industrie générale, sous-zone 6, hauteur maximale de bâtiment de 44 m (IG6 H(44)) à zone d'industrie générale, sous-zone 6 assortie d'une exception [xxxx], hauteur maximale de bâtiment de 44 m (IG6 H(44)) [XXXX], comme le montre le document 1, afin de permettre une école.

EXECUTIVE SUMMARY

The site, 2101 and 3101 Innovation Drive, has been the subject of a number of policy changes over the past decade in response to changes in economic conditions. This area formed part of the Kanata North Business Park and was designated as such prior to amalgamation. In 2003, this site was designated as "Employment Area" as part of an Official Plan amendment (OPA), but subsequently designated General Urban Area in OPA No. 28 in 2005 as a mediated settlement in response to a residential development proposal and appeal to the Ontario Municipal Board. A prior Zoning By-law application in 2003 to permit residential uses was ultimately unsuccessful, and the lands have been zoned for industrial purposes to this day.

Most recently, a report to Planning Committee in the fall of 2013 recommended approval of the Zoning By-law application; however, the decision was deferred when an error in process was uncovered involving a failure to properly circulate and inform nearby businesses. Further to a circulation and comment period, submissions of opposition from Nordion and Best Theratronics, the Kanata North Business Improvement Area, and a letter recommending reconsideration from the Canadian Nuclear Safety Commission (CNSC) were received expressing concerns about compatibility, appropriate fit within a policy context, and potential economic impact on their ability to operate effectively.

Staff have carefully considered these concerns, and considered the impact of these submissions on the overall policy context and question of compatibility of an elementary school in this location. This application has been evaluated against the policies of the Provincial Policy Statement, the Ministry of the Environment D-1 and D-6 Guidelines and the City's Official Plan.

Based on staff's analysis, a Zoning By-law amendment to add "school" as a permitted use to the IG6 zone is not recommended. While it is recognized that Kanata North has a real and immediate need for an additional school in the area, there are significant policy and land use incompatibilities associated with this site.

RÉSUMÉ

Compte tenu de l'évolution de la conjoncture économique, le secteur, situé au 2101 et 3101, promenade Innovation Drive, a fait l'objet de plusieurs changements politiques au cours des dix dernières années. Cette zone, dont la conception date d'avant la fusion, comprend le parc d'affaires de Kanata Nord. En 2003, ce site avait d'abord été désigné « secteur d'emploi » en vertu d'une modification du Plan officiel, puis « secteur urbain général » dans le cadre de la modification n° 28 du Plan officiel approuvée en 2005, à l'issue d'un règlement par médiation adopté à la suite d'une proposition d'aménagement résidentiel et d'un appel interjeté auprès de la CAMO. Une demande de modification au règlement précédente déposée en 2003 en vue d'obtenir l'autorisation des utilisations résidentielles avait été rejetée, et depuis lors, ces terrains ont une vocation industrielle.

Tout récemment, un rapport remis à l'automne 2013 au Comité de l'urbanisme recommandait d'approuver la demande de modification au règlement. Cette décision a néanmoins été reportée, car une erreur a été relevée dans le processus, les commerces du voisinage n'ayant pas été informés de manière appropriée. Outre le manque d'information et la période réservée aux commentaires, des oppositions émanant de Nordion, de Best Theratronics et de la zone d'amélioration commerciale de Kanata Nord, ainsi qu'une lettre de la Commission canadienne de sûreté nucléaire (CCSN) recommandant un nouvel examen ont été transmises et manifestent des préoccupations à propos de la compatibilité, de la solution appropriée compte tenu du contexte politique et des répercussions économiques que celle-ci pourrait avoir sur leur capacité à fonctionner efficacement.

Le personnel a étudié attentivement ces préoccupations et examiné les conséquences de ces demandes sur le contexte politique général, ainsi que la question de la compatibilité d'une école élémentaire dans ce secteur. Il a comparé cette demande aux politiques de la Déclaration de politique provinciale, aux lignes directrices D-1 et D-6 du ministère de l'Environnement et au Plan officiel de la Ville.

Sur la base des analyses du personnel, les autorités ne recommandent pas la modification du zonage en vue d'ajouter « école » aux utilisations autorisées dans la zone IG6. Tout en admettant que Kanata Nord a vraiment et immédiatement besoin d'une école supplémentaire, ce site demeure associé à de nombreuses incompatibilités liées aux mesures en place et à sa vocation.

BACKGROUND

The site is located at 2101 and 3101 Innovation Drive in the Northtech Business Park (known as the 'Kanata North Business Park'). The site is comprised of two adjacent lots, both of which are currently vacant. The property to the immediate west is the Richcraft Recreation Complex, Shirley's Brook abuts the site directly to the south, and the Monk Environmental Park is located to the south-west. Solandt Road Collector extension is proposed to extend west to Goulbourn Forced Road, running along the south side Shirley's Brook and through property currently held by Nordion.

Light industrial buildings are located along Innovation Drive to the north, east and south of the site ranging in height from one to five storeys. The residential neighbourhood of Morgan's Grant is located approximately 800 metres north of the site on the north side of Terry Fox Drive while Beaverbrook and Kanata Lakes are approximately 700 metres south of the site. The proposed South March community is located approximately 600 meters to the west on the other side of Trillium Woods (see Document 1).

Current Zoning

The site is currently zoned General Industrial, Subzone 6, with a height maximum of 44 metres (GM 6 H(44)). The intent of the General Industrial zone is to "permit a wide range of low to moderate impact, light industrial uses in accordance with the General Urban designation where applicable along with a variety of complementary uses, such as recreational, health and fitness uses and service commercial to service employees, general public and passing traffic".

Zoning Proposal

The purpose of this Zoning By-law amendment application is to add "school" to the list of permitted uses on 2101 and 3101 Innovation Drive.

DISCUSSION

The site has been the subject of a number of policy changes over the past decade in response to changes in economic conditions. This area formed part of the Kanata North Business Park and was designated as such prior to amalgamation. In 2003, this site was designated as Employment Area as part of an OPA, but subsequently designated General Urban Area in OPA No. 28 in 2005 as a mediated settlement in response to a residential development proposal and appeal to the Ontario Municipal Board. A prior Zoning By-law application in 2003 to permit residential uses was ultimately unsuccessful, and the lands have been zoned for industrial purposes to this day.

A previous report was prepared for consideration by Planning Committee in the fall of 2013 which recommended approval of the Zoning By-law application based upon technical compatibility with the directly adjacent land uses and leveraging the nearby assets of Monk Environmental Park and Richcraft Recreation Centre. The report noted that despite the significant distance from residential areas, the lack of pedestrian orientation, and the intrinsic industrial character of the area, the immediate need for an elementary school to deal with overcrowding and its centralized location within North Kanata outweighed the significant policy challenges associated with the site. However, prior to Planning Committee consideration an error in process was uncovered involving a failure to properly circulate and inform businesses within 120 metres of the site of the application, and the application was deferred.

As a result, a new circulation resulted in submissions of opposition from Nordion and Best Theratronics, the Kanata North Business Improvement Area, and a letter recommending reconsideration from the Canadian Nuclear Safety Commission (CNSC). These organizations expressed concerns about compatibility, appropriate fit within a policy context, and potential economic impact on their ability to operate effectively.

Staff have carefully considered these concerns, and considered the impact of these submissions on the overall policy context and question of compatibility of an elementary school in this location. This application has been evaluated against the policies of the Provincial Policy Statement, the Ministry of the Environment D-1 and D-6 Guidelines and the City's Official Plan. Analysis of the proposal by staff, with specific reference to the applicable policies, is provided below.

Provincial Policy Statement

Overview

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land-use planning and development. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land. Appropriate development is supported which protects resources of provincial interest, public health and safety, and the quality of the natural environment.

The PPS supports strong liveable communities through effective and efficient land use patterns, while supporting the financial well-being of the Province and municipalities. The long-term vision is to maintain and promote strong liveable communities through wise planning decisions.

Efficient development patterns are interpreted to mean those that optimize the use of land, resources and public investment in infrastructure and public facilities, and promote a mix of housing, employment, parks and open space, and transportation choices that facilitate pedestrian mobility and other modes of travel. They also support the financial well-being of the Province and municipalities over the long-term, and minimize the undesirable effects of development, including impacts on air, water and other resources.

Section 3 of the *Planning Act* requires that all decisions related to planning matters shall be consistent with policy statements issued under the *Act*, including the Provincial Policy Statement.

This proposal has a relationship to the following policies of the PPS:

- 1.1 – Managing and directing land use to achieve efficient development and land use patterns
- 1.3 – Employment Areas
- 1.6 – Infrastructure and Public Service facilities
- 1.7 – Long-Term Economic Prosperity

Policy 1.1 – Managing and directing land use to achieve efficient development and land use patterns

This policy requires municipalities to support healthy, safe and liveable communities through a variety of means. The school site proposal conforms with Policy 1.1.1 (g) which calls for "... ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs." The shortage of available spaces within the Ottawa-Carleton School Board is clear, and constitutes an immediate

need to service the growing communities of North Kanata. The proposed school site would provide a necessary service to alleviate overcrowding at existing schools.

However, the proposal is challenged with Policy 1.1.1 (c) which notes “avoiding development and land use patterns which may cause environmental or public health and safety concern”. In submissions received by Nordion, Best Theratronics and the Kanata North Business Improvement Association, it has been noted that the addition of a school use directly adjacent to Employment Uses, particularly the type of uses currently operating, may in the future be incompatible with sensitive land uses such as an elementary school.

Nordion, Best Theratronics, and the CNSC have noted the example of the GE Hitachi Nuclear Energy Canada Inc’s facility in Toronto, which operates as a nuclear fuel processing facility in an area that had long been industrial in nature, but over time resulted in the locating of residential uses in proximity. Subsequent attempts by GE Hitachi to alter their business practices resulted in significant public concern. While Nordion and CNSC note that strong regulation and safety practices are in effect, it is also notable that public perception can, and in the land-use planning process, regularly does have a direct impact on economic potential and development opportunity.

1.3 – Employment Areas

The PPS speaks to promoting economic development and protecting employment lands through Section 1.3. The lands are designated General Urban in the OP and are not designated as “Employment Area”. The employment lands (designated as Employment Area within the OP) in the area are on the north side of Innovation Drive and south of Solandt Road.

Although this site is designated as General Urban Area in the OP, it is zoned IG6 (General Industrial Subzone 6). The purpose of the General Industrial Zone is:

- “1. permit a wide range of low to moderate impact, light industrial uses in accordance with the Employment Area designation of the Official Plan or, the General Urban Area designation where applicable;
2. allow in certain Employment Areas or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites as individual

occupancies or in groupings as part of a small plaza, to serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic...”

The IG6 zone notes that in General Urban Areas uses other than industrial are to be complementary, occupy small sites, and are intended to directly serve the employees of the Employment or General Urban Area. The past history and context of the site is relevant to this discussion. Under the previous Regional OP and Kanata OP, this site was designated as Business Park and Restricted Industrial Policy Area respectively. In 2003, the revised OP designated the entire North Kanata Business Park as Employment Lands, subsequently appealed to the Ontario Municipal Board.

As part of a mediated settlement to these appeals, Council chose to designate the portion of lands containing 2101 and 3101 Innovation Drive as General Urban Area in May, 2005 in recognition of a specific proposal to develop the west side of Innovation Drive for residential purposes. However, Council chose not to rezone 2101 and 3101 Innovation Drive from industrial to a requested residential use. In 2006, the west side of Innovation Drive was subsequently rezoned industrial to support Business Park compatible uses.

As such, the context and history of the area speaks to this site as being of an industrial character, and of an overall intent to promote land uses compatible with, and supporting employment-type uses.

Policy 1.3.1 (b) requires municipalities to promote economic development and competitiveness by “... providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.”

Further, Policy 1.3.1 (c) requires municipalities to consider “planning for, protecting and preserving employment areas for current and future uses...”

Introduction of an elementary school use on lands that have been zoned for industrial purposes and in an area that is characterized by employment uses on adjacent parcels does not demonstrate compatibility with Policy 1.3 of the PPS.

1.6 – Infrastructure and Public Service Facilities

Schools are included in the definition of a Public Service Facility under the PPS. Policy 1.6.1 directs municipalities to consider “infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs ... planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs”. There is no doubt that a real and pressing need for school sites exists in Kanata North, due to the shortage of available sites in existing and proposed residential developments and the significant environmental and technical challenges limiting opportunities in other potential available sites.

While staff are sympathetic to this issue, there exists opportunity in the development review process for school boards to review future development plans and identify potential sites. The decision to locate a school within an existing or new community is at the sole discretion of the various school boards. It is noted that 2101 and 3101 Innovation Drive are serviced, located on a collector, and are adjacent to the Monk Environmental Park and Richcraft Recreation Centre – but are not zoned to support a school use, and would not be located in an area that would generally be characteristic of the residential land uses for which a school use is intended to support.

1.7 – Long-Term Economic Prosperity

Policy 1.7.1 requires municipalities to consider and support long-term economic prosperity. In particular, Policy 1.7.1 (e) requires “planning so that major facilities . . . and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety”.

The proposed school is considered a sensitive use, as are the nearby existing and proposed residential developments of Morgan’s Grant, Beaverbrook and the developing community in the KNL lands. There are two major industrial facilities in the immediate area (Nordion and Best Theratronics), which are located south of the subject property across Shirley’s Brook and Solandt Road. Both of these companies are world leaders in the manufacturing of medical devices and products that are used for the diagnoses and treatment of disease as well as the sterilization of medical products all using nuclear technology.

The Nordion facility is classified as a Class 1B Nuclear Facility under regulation by the Canadian Nuclear Safety Commission (CNSC). A Class 1B facility is defined as “... a

plant for the processing or use of nuclear substances including (limited amounts of) uranium, thorium or plutonium” (Class 1 Nuclear Facilities Regulations SOR/2000-204).

In this case, Nordion processes several radioactive elements for use in medical therapy devices including Cobalt-60 and Molybdenum-99 (MO-99). Under CNSC regulations, Nordion is required to operate with a fundamental principle of health and safety, maintain full compliance records and is subject to regular compliance review by the CNSC. All manufacturing and processing of metals and nuclear materials, including all waste products and associated air circulation and scrubber systems, are completely contained within the building. There are no nuisance emissions from this facility beyond those considered reasonable and consistent with a light industrial facility, and as regulated by the Ministry of Environment. Furthermore, there is no outdoor storage associated with Nordion. Visually, the facility presents similarly to a standard manufacturing building with surface parking and loading docks. As such, there appears to be no existing risk to sensitive land uses associated with this industry under normal operating conditions.

It is notable that the extreme safety measures implemented by Nordion in particular are designed with the express purpose of safeguarding the handling of highly toxic radiological substances. This activity will continue, and both Nordion and Best Theratronics have expressed intention to expand in the future. Staff notes that Nordion has emergency response plans on file with the City of Ottawa Fire Services and the Canadian Nuclear Safety Commission with respect to incident management, and recommends an evacuation zone of a minimum 300 metres.

The Provincial Policy Statement, and in particular, Policy 1.7 requires a municipality to take a long-term perspective on economic prosperity. The Kanata North Business Park has been long established as a major employment node for the City, and providing employment for the residents of the entire region. Nordion and its past iterations has been a presence for more than 50 years of operation, and has gone through multiple cycles of expansion as Kanata has developed around it. Both Nordion and Best Theratronics have communicated to the City their intentions to continue to expand operations involving radioactive isotopes under CNSC regulation, including development of high-tech innovations that have significant employment and economic benefits to the City. Nordion, Best Theratronics, the Kanata North BIA, and the CNSC have expressed reservations concerning the impact of future economic opportunities should a land use proceed on 2101 and 3101 Innovation Drive of a nature potentially

incompatible with future expansion, and that would complicate or add additional burden on their licensing requirements from the CNSC for their current and future operations. In particular, Nordion is concerned about the possibility of challenges to modify or limit industrial operations.

Staff must also consider employment opportunities on Kanata North Business Park Lands directly adjacent to the proposed school site and sharing Innovation Drive. While these businesses represent low-impact high-tech and prestigious uses, the overall zoning is intended to permit low to moderate impact, light industrial uses. It is in the interest of the City, and the express intent of the IG6 zone, to ensure that land uses in the General Urban Area abutting this designation remain compatible now, and in the future with uses contemplated in the Employment Area. An elementary school, which is a use generally considered to be a supporting facility for areas characterized as residential in nature, does not demonstrate long-term compatibility.

MOE Guidelines D-1 and D-6

Overview

The Ministry of Environment has produced guidelines in the past intended for use by municipalities in assessing the potential compatibility of industrial and sensitive land uses. The intent of these guidelines is to look at land use compatibility and prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa. Industrial and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land use created by industrial operations.

In order to determine whether appropriate separation distances between the major facility and a sensitive land use would be appropriate in this context, staff have reviewed Provincial Guideline D-6 titled "Compatibility between Industrial Facilities and Sensitive Land Uses". Guideline D-6 is "intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another". Sensitive land uses clearly encompass the use of a school while Nordion and Best Theratronics are classified as industrial land uses due to the nature of their business and the potential of these facilities to produce noise, vibration, odour and dust from normal operations.

Areas of Influence and Separation Distance

The Nordion and Best Theratronics facilities are classified between a Class I and Class II Industrial Facility, as per the D-6 Definitions. A Class I facility has the lowest level for potential noise, odour, dust and emissions, while a Class III facility would be comparable to an asphalt plant where there is outdoor storage and frequent outputs of major annoyance and high probability of noise, odour and dust emissions. It is reasonable to characterize both as no greater than Class II facilities, based upon their operational characteristics including internal manufacturing focus, lack of outdoor storage, and limited noise, odour, dust and vibration profile. It is noted that both facilities operate on near 24-hour cycles, and require regular truck freighting for the importing and exporting of materials.

The D-6 Guideline identifies that a Class I and Class II facility has a 70m and 300m potential area of influence respectively, which indicates areas that may be subject to vibration, noise, odour and dust on occasion. Section 4.2.2 of this Guideline, "Determining Permitted Uses Within Industrial Land Use Designations", outlines that "permitted uses should be based on operational aspects ... such as plant emissions,

hours of operation, traffic movement". In this particular case, it can be noted that there are no emissions coming from either of the facilities and that their hours of operation and traffic movement would not appear to cause hardship or difficulties with a proposed school use.

While it would not be unreasonable to request a noise study to confirm potential noise concerns, staff do not feel it to be warranted. The primary ventilation and scrubber systems at Nordion and Best Theratronics are located inside or within shielded structures and would appear to present a minimal noise profile that is consistent with a light industrial use. While loading and unloading of materials may be a generator of noise, the distance of the existing loading docks to the future school site will provide an adequate buffer and staff do not anticipate that noise emitted from Nordion will negatively impact the school functions or planned outdoor activities including the proposed playground and field.

Both facilities operate shift work and the buildings are used between 7 a.m. and 2 a.m., although they do have the potential to work 24 hours. There are currently no operations between 2 a.m. and 7 a.m. Standard deliveries to Nordion access the facility off of March Road, which is a Major Arterial road, and Solandt Road, which is a collector road. Solandt Road is scheduled to be extended to Walden Drive to the south in the future, as shown on Schedule E of the Official Plan. Deliveries to Best Theratronics are made off of March Road and Station Road to the south. The School Board has indicated that they will mandate their school buses to access the new school site from Terry Fox Drive, regardless of where the school draws its students from, as a means to reduce the potential conflict of school bus traffic with deliveries to businesses within the Northtech Business Park.

Section 4.2.5 and 4.3 of Guideline D-6 consider recommended separation distances for off-site uses. Section 4.3 states that no incompatible development should occur within the separation distance. The recommended separation distance for a Class II facility is 70 metres. (Separation for a Class I facility is 20 metres). The closest point of the school site property line to the nearest point of the Nordion property line is approximately 65 metres. This separation naturally occurs with Shirley's Brook and the protected lands along the river. The future extension of Solandt Road would fall between the Nordion property and the subject property, further crystallizing the separation between uses. It is noted that the planned extension of Solandt Road may

require additional right-of-way to the south to provide appropriate clearance from Shirley's Brook.

The most southerly tip of the school site is therefore a minimum of 65 metres from the Nordion property boundary, whereas the recommended distance is 70 metres. The School Board has offered to sever off 5 metres of their land to allow full compliance. The School Board has indicated the southern extent of the property would be left wooded and would not be used as part of the standard playground – but would be used for instructional purposes under teacher supervision. Given the potential configuration of a future Solandt Road extension, environmental setbacks required for Shirley's Brook and the nature of the wood lot and environmental buffer between the Nordion and the property, staff do not consider this would be a necessary and applicable requirement.

Section 4.5.1 states that no sensitive land uses shall be permitted within the actual or potential influence areas without evidence to support that there are no issues. The potential influence area is 300 metres for a Class II facility and the actual influence area is 70 metres. City staff, based on site observations and discussions with Nordion and Best Theratronics staff, believe there to be no adverse emissions, noise, odour or vibrations emitting from the two facilities that would directly impact on the elementary school under normal operating conditions. The two facilities function, from the exterior, as would any other office/light industrial site.

However, as previously noted, the substances processed by Nordion involve several radioactive elements which are considered highly toxic in nature, and require extensive shielding and safety equipment at all stages, including a comprehensive air handling and filtration system. This is not discussed within the MOE D-6 Guidelines, and falls under the mandate of the CNSC to regulate.

Overall feasibility of a proposal is dealt with in Section 4.10.3. This section indicates that a "...sensitive land use, less than the minimum separation distance... may be acceptable subject to the municipality or proponent providing a justifying impact assessment". Nordion and Best Theratronics have indicated that noise, vibration, odour or dust would not be an issue under normal operating conditions. Staff notes that Nordion has emergency response plans on file with the City of Ottawa Fire Services and the CNSC with respect to incident management and recommends an evacuation zone of a minimum 300 metres, and have further noted their reservations concerning the placement of an additional sensitive use within that area of influence.

Under normal operating conditions Nordion and Best Theratronics can be characterized as “clean” industrial facilities; however it must be noted that the risks associated with an event on the Nordion properties are not well understood. Although the MOE Guidelines do not appear to detract from the opportunity to develop the property at 2101 and 3101 Innovation Drive for a sensitive land use including a school, the nature of operations at Nordion, and the involvement of radiological substances are of concern to the City and warrant a cautious approach to risk management.

Official Plan

The Official Plan (OP) is the highest-level municipal document to guide the growth and development of Ottawa, while having regard for the policies in the Provincial Policy Statement. Land is assigned various designations and compatibility between the designations is measured using specific criteria that are outlined in the Official Plan.

The OP provides specific details on schools and community facilities, guidance on the designation of land and the compatibility of uses.

Section 2.5.3 - Schools and Community Facilities

Section 2.5.3 of the OP notes “schools are a focus of community life in urban and rural areas. Besides their primary purpose as educational institutions, school facilities can be used for other purposes, such as daycares, indoor and outdoor recreational space, informal meeting places, and greenspaces within communities.” Schools are intended to represent the core of individual neighbourhoods, while noting that some schools will serve much larger communities. It is noted that in new suburban communities schools are needed to reduce crowding and the bussing of students, and are intended to form part of the building blocks of any community.

Policy 1 of Section 2.5.3 provides direction on how the City supports School Boards with the planning, identification and selection of sites for proposed school locations. Additionally, the City has developed Urban Design Guidelines for Greenfield Neighbourhoods to assist developers and staff in planning for school requirements in growing areas of the city. These, and other Council-approved documents, strongly suggest that the City considers a school in the framework of its relationship to residential neighbourhoods and does not contemplate emplacement within employment areas as a matter of course.

The decision to locate a school within an existing or new community is at the sole discretion of the various School Boards. During the development of Community Design Plans (CDP) and Plans of Subdivision, the School Boards are given the opportunity to review the plans and identify if a school site is required. An appropriate size and location for a school site is then identified and becomes available to the School Board(s) to develop.

The OP defers location selection to School Boards. However, the OP, Council-approved documents such as the Urban Design Guidelines for Greenfield Neighbourhoods, the Residential Land Strategy and the many recently completed CDPs and Community Concept Plans strongly supports the location of a school in an area designated for residential purposes and within a walkable distance from residential units, connected by appropriate pedestrian infrastructure including sidewalks and pathways, so as to provide direct support to the surrounding community.

At this point in time, there are no identified sites within the developing or developed communities in Kanata North that are available for the development of a school. There is a parcel of land in a future subdivision in Kanata North, however, there are numerous and challenging environmental constraints that must be worked through prior to any development. This location would likely not be available within the timeline desired by the School Board.

The site, 2101 and 3101 Innovation Drive, is designated General Urban Area but has been zoned for industrial and employment uses, and is adjacent to and would share direct transportation access with lands designated Employment Area by the OP. It is noted that the proposed location would be adjacent to the Monk Environmental Park, Richcraft Recreation Centre, and pedestrian walkway connections to existing and proposed residential areas. However, the distances between residential areas and this site are significant. Combined with the industrial and employment character of the area, promoting pedestrian connections and walkability to the site would be a challenge.

Section 3.6.1 - General Urban Area

The subject site is designated 'General Urban Area' in the Official Plan (Section 3.6.1), which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This will facilitate the development of complete and sustainable communities. A

broad scale of uses is found within this designation, from ground-oriented single-purpose to multi-storey mixed-use; from corner store to shopping centre.

While the City is supportive of a broad mix of uses in Ottawa's neighbourhoods, this is not meant to imply that all uses will be permitted everywhere within areas designated General Urban Area. The Zoning By-law will continue to regulate the location, scale and type of land use in accordance with the provisions of this Plan.

The history and context of the area, and of the site itself, is important and has been discussed earlier in this report. These lands have been considered to form part of the Kanata North Business Park from pre-amalgamation, and Council has consistently refused opportunities in the past to rezone these lands in the face of previous economic downturns and proposals to convert the lands for residential purposes. In July 2006, Council chose to rezone the other lands on the west side of Innovation Drive back to industrial zoning and away from permitting residential uses, citing a desire to promote business park-compatible land uses, and acknowledging the unsuitability of these lands for residential purposes given the presence of high-voltage power lines, and the overall character of the business park itself.

The zoning for the site is IG6 (General Industrial Subzone 6) and is shared with zoning for the Kanata North Business Park lands designated as Employment Area under the Official Plan. The purpose of the General Industrial Zone is:

- “1. permit a wide range of low to moderate impact, light industrial uses in accordance with the Employment Area designation of the Official Plan or, the General Urban Area designation where applicable;
2. allow in certain Employment Areas or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites as individual occupancies or in groupings as part of a small plaza, to serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic...”

The IG6 zone notes that in “General Urban Areas” uses other than industrial are to be complementary, occupy small sites, and are intended to directly serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic. An elementary school would not meet the criteria as established by

this zone in that there are no residential uses within a minimum of 600 metres distance from the site.

Section 4.11 – Urban Design and Compatibility

Issues of compatibility are addressed in the OP through the appropriate designation of land and associated policies directing where and how certain categories of land use should be permitted to develop. As the General Urban Area is a broad designation, the Zoning By-law to establish more specific permitted use lists and development regulations in a manner to achieve compatibility. The issue of “context” is critical when evaluating development opportunities.

Compatibility with Overall Land Use Policy

Determination of compatibility is based upon the policies of the site’s land use designations, Council-approved design guidelines, and the design objectives and principles of the Official Plan. Section 2.5.1 defines compatibility as “development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties ... where a new vision for an area is established ... or where the Zoning By-Law permits development that differs from what currently physically exists, addressing compatibility will permit development to evolve toward the achievement of that vision ...”

As discussed above, the nature and intent of this area is to support employment uses within the context of the Kanata North Business Park. This is supported by the overall designation of the adjacent lands as Employment Area, and the consistent zoning of these lands for industrial purposes. There exists no guidance to staff that would indicate a transition of this area towards one that would contemplate residential or residential-compatible uses on these lands from a policy perspective.

Technical Compatibility

With respect to objective criteria for compatibility, staff conducted an evaluation of the proposal both in terms of the site’s technical suitability for the requested use and its technical compatibility 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 availability of the existing municipal services infrastructure and the road network.

Access to the site is proposed to be via Innovation Drive, with a bus-loop to drop off children, as well as a second access for a staff parking lot that also provides a private vehicle drop-off area for children. There are adequate municipal services to accommodate the proposed use. The Urban Natural Features lands to the south-west of the site are being protected from development and have the potential to be used by the school for passive educational purposes.

The proposed site is not within a residential area and is not within an optimal walkable range with good pedestrian connectivity as noted in the Official Plan and Design Guidelines. The School Board has noted that the site could, through a busing program serve the Beaverbrook, Kanata Lakes and Morgan's Grant communities.

Supporting Neighbourhood Services

Staff understand that the proposed use will provide a much needed and vital service to the surrounding residential neighbourhoods. However, despite the benefits to respond to an immediate and pressing need for new schools, the long-term employment-oriented nature of the location is a fundamental challenge as is the distance from nearby residential areas which would limit walkability of the site.

The Canadian Nuclear Safety Commission has identified that there are "no CNSC health, safety or environmental protection requirements that would prohibit proceeding with the zoning proposal in question." Though it should be noted that the CNSC does not recommend that the zoning proceed, based on past experience with other similar sites including GE Hitachi in Toronto.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The City received three comments in opposition to the application and one letter for information. A summary of the comments and staff response is outlined in Document 3.

COMMENTS BY THE WARD COUNCILLOR

Councillor Wilkinson indicated that she did not feel that an industrial park is a suitable location for a school.

LEGAL IMPLICATIONS

Should the recommendation in this report be adopted and the matter appealed to the Ontario Municipal Board, it is anticipated that a three day hearing would result that could be handled within staff resources.

In the event that Council approves the rezoning request and the resulting by-law is appealed to the Board, it would be necessary to retain an external planner. It is estimated that cost of so doing would be approximately \$20,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

FINANCIAL IMPLICATIONS

Potential financial implications are outlined in the above Legal Implications. In the event that an external planner is retained, funds are not available within existing resources and the estimated \$20,000 expense would impact Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There are no accessibility issues associated with this zoning application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental issues associated with this zoning application.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

This application is directly related to the 2010-2014 Term of Council Priorities for Healthy and Caring Communities.

APPLICATION PROCESS TIMELINE STATUS

This application was not 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 Consultation Details

DISPOSITION

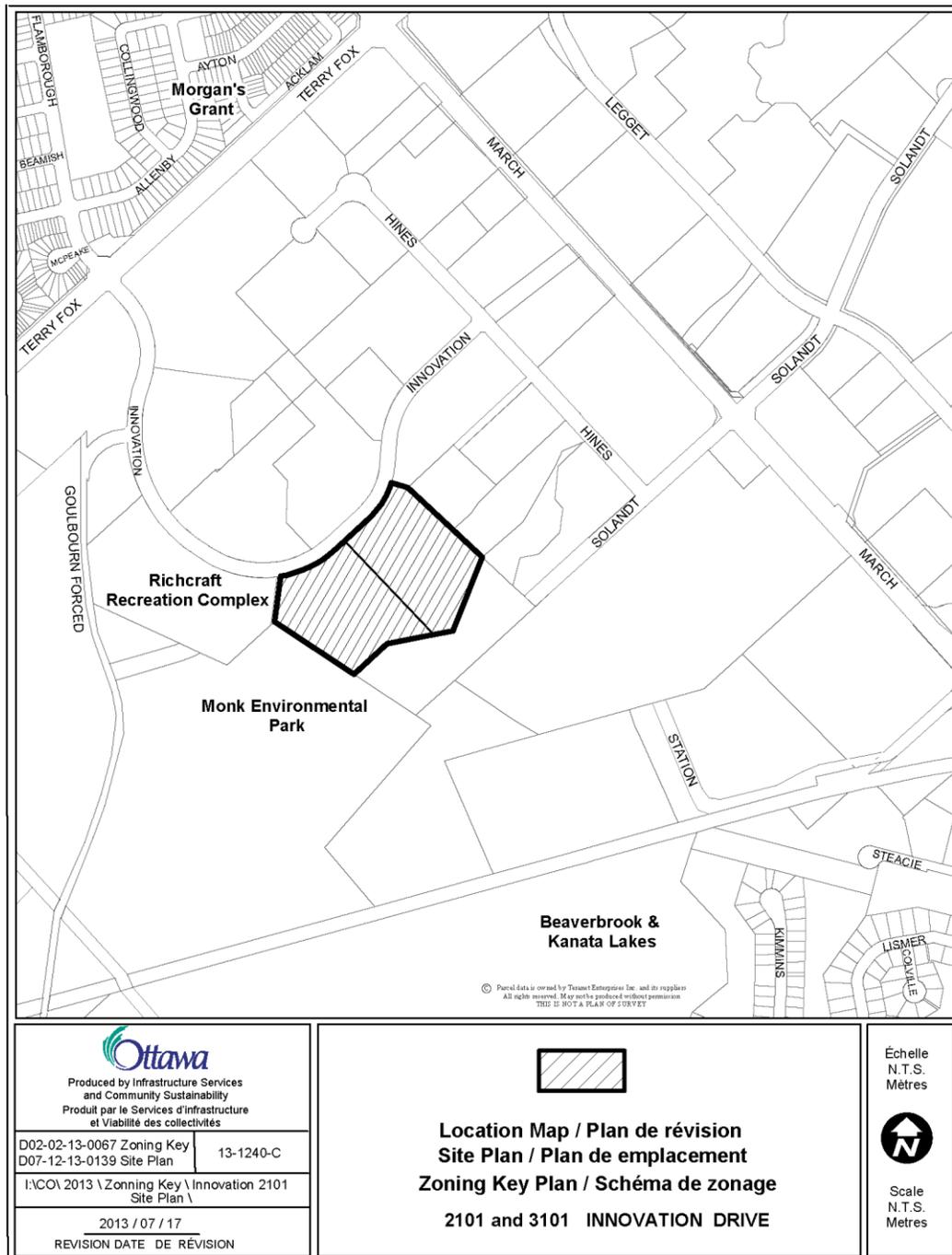
City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management Department 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.

Document 1

Location Map



**PLANNING COMMITTEE
REPORT 65
12 FEBRUARY 2014**

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**COMITÉ DE L'URBANISME
RAPPORT 65
LE 12 FÉVRIER 2014**

Document 2

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.

PUBLIC COMMENTS

Four comments were received from the public and are summarized below with the assigned planner's response.

Inappropriate Location: One resident indicated that they felt that the school should be located in a residential neighbourhood and was concerned about potential conflicting traffic patterns and potential safety concerns.

Response: Schools are considered to be under the jurisdiction of the School Board, and are generally permitted within the General Urban Area. While the City is supportive of a broad mix of uses in Ottawa's neighbourhoods, this is not meant to imply that all uses will be permitted everywhere within areas designated General Urban Area. The Zoning By-law will continue to regulate the location, scale and type of land use in accordance with the provisions of this Plan, and it has not been demonstrated that a school is an appropriate use to consider within an industrial zone at this location.

Nuclear Health and Safety: The Canadian Nuclear Safety Commission (CNSC) provided comments indicating that there are no health, safety or environmental concerns from either Nordion or Best Theratronics that would prohibit the rezoning to allow a school on the subject site. The CNSC identified that there may be opposition from members of the public to locate a school or homes near a nuclear facility caused by negative perceptions and general misinformation regarding nuclear activities.

Response: - Staff is appreciative of receiving confirmation that there are no health, safety or environmental concerns related to operations of Best Theratronics and Nordion on any adjacent or abutting property, and note that the example provided by the CNSC of the significant concerns experienced by the GE Hitachi Nuclear Energy Canada Inc. facility in Toronto is appropriate to consider with respect to long-term

economic impact and opportunity for future development of industrial operations in the employment area.

Inability to expand: Best Theratronics and Nordion provided letters and a planning report from Lehman and Associates in opposition to the rezoning and noted three concerns. The first concern is that emplacement of a school would have a direct impact on their ability to operate their business with respect to traffic impacts and renewal of their licensing. The second concern expressed is with respect to their ability to expand operations in the future, with a sensitive land use close and the accompanying public perception of their nuclear activities from the parents of children at the school, as demonstrated by the GE Hitachi nuclear safety concerns in Peterborough, Ontario where a large number of parents and children at an elementary school close by made submissions to the CNSC in opposition to their application to expand operations. The third concern expressed is with compatibility of use, where appropriateness of an elementary school and associated land activity patterns are considered to not be in keeping with the type of activities contemplated under the industrial zoning classification of these lands, with the operating patterns of Nordion specifically, and the traffic patterns and operational characteristics of the Employment Area in general.

Response: Staff appreciates the concerns expressed by Nordion and Best Theratronics regarding potential public opposition to their expansion and addresses them in the report.

Trespassing: Nordion and Best Theratronics are concerned about the security of their grounds and facilities and worry that children may trespass through the site on their way to and from school. Youth currently use the existing trails on their property for mountain biking.

Response: Staff note that there is a rail line and deep ravine that divide the residential properties of the Beaverbrook community from the property owned by Best Theratronics. This is not conducive to the free movement of children or adults to use this land as a cut-through. There are existing pathways that bypass private property and will provide connection to the proposed school and Richcraft Recreation Facility. If this proposal to add the permitted use is approved, staff have the appropriate mechanisms through the Site Plan Control Process to request that fencing be installed around the perimeter of the school property should it be deemed necessary.

Traffic: Best Theratronics and Nordion both identified an increase in traffic as being an issue for the operation of their business. Many of the products that Nordion produce are extremely time sensitive and several of them must be delivered within hours.

Response: The amount of traffic generated by the school is not considered to be significant in terms of volume, and in terms of operational impact with the Nordion facility, and do not consider a traffic study to be warranted.

Omission from 1st Planning Committee report: Best Theratronics is concerned that the nuclear facilities of Nordion and Best Theratronics were not referred to in the original planning report that was released in October 2013 at the time of the originally scheduled Planning Committee meeting.

Response: Staff apologizes for the lack of inclusion of the nuclear components of Best Theratronics and Nordion, and recognition of the concerns that they have expressed in their subsequent letters to the City. This omission was due to a City procedural error wherein the original circulation of the Zoning Amendment and Best Theratronics and Nordion were not notified. A proper circulation and notice has been carried out, accompanied by a delay in submission of the staff report to allow time for comments to be considered.