

Report to/Rapport au :**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales****and Council / et au Conseil****October 4, 2012
4 octobre 2012****Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure / Urbanisme et Infrastructure**

*Contact Person / Personne ressource: Derrick Moodie, Manager/Gestionnaire,
Development Review-Rural Services/Examen des projets d'aménagement-Services
ruraux, Planning and Growth Management/Urbanisme et Gestion de la croissance
(613) 580-2424, 15134 Derrick.Moodie@ottawa.ca*

Osgoode (20)**Ref N°: ACS2012-PAI-PGM-0081**

SUBJECT: ZONING – 5699, 5700 AND 5710 LONGSHADOW STREET**OBJET : ZONAGE – 5699, 5700 ET 5710, RUE LONGSHADOW****REPORT RECOMMENDATIONS****That the Agriculture and Rural Affairs Committee recommend Council:**

- 1. Approve an amendment to Zoning By-law 2008-250 to change the zoning of 5699 Longshadow Street shown as Area A in Document 1 by amending the existing Exception [436r] as detailed in Document 2; and**
- 2. Approve an amendment to Zoning By-law 2008-250 to change the zoning of 5700 and 5710 Longshadow Street shown as Area B in Document 1 by amending the existing Exception [437r] as detailed in Document 2.**

RECOMMANDATIONS DU RAPPORT**Que le Comité de l'agriculture et des affaires rurales recommande au Conseil :**

- 1. d'approuver une modification au Règlement de zonage 2008-250 afin de changer le zonage du 5699, rue Longshadow, illustré comme le secteur A**

dans le document 1, en modifiant l'exception actuelle [436r], comme le précise le document 2; et

- 2. d'approuver une modification au Règlement de zonage 2008-250 afin de changer le zonage du 5700 et du 5710, rue Longshadow, illustré comme le secteur B dans le document 1, en modifiant l'exception actuelle [437r], comme le précise le document 2.**

BACKGROUND

The subject sites are located at 5699, 5700 and 5710 Longshadow Street. 5699 Longshadow Street, shown as Area A on Document 1, is bounded by Mitch Owens Road to the north, Dozois Road to the West, an existing storm water management pond to the east, and Longshadow Street to the south. 5700 and 5710 Longshadow Street, shown as Area B on Document 2, are bounded by Longshadow Street to the north, Dozois Road to the West, an existing storm water management pond and residential development to the east, and a hobby farm and residential development to the south. St. Marks High School is located across from the subject sites, on the west side of Dozois Road.

Purpose of Zoning Amendment

The purpose of the amendment is to expand the list of permitted commercial uses on the subject sites.

The proposal for 5699 Longshadow Street, located on the north side of Longshadow Street, is to develop a series of commercial buildings. The existing zoning is Rural Commercial - RC [436r], which limits the permitted uses to the following: artist studio, convenience store, day care, office, personal service business, animal hospital, hotel, and restaurant. This site was previously zoned as Highway Commercial with exception - C2[291] under the former Township of Osgoode Zoning By-law, which permitted the same list of uses apart from an artist studio.

The proposal for 5700 and 5710 Longshadow Street, located on south side of Longshadow Street, is to develop a series of commercial buildings. The existing zoning is Rural Commercial - RC [437r], which limits the permitted uses to the following: Golf course, place of assembly, recreational and athletic facility, school, amusement park, campground, personal service business limited to hair stylist and spa. This site previously was zoned as Private Open Space Zone with exception - O2[293] under the former Township of Osgoode Zoning By-law, which permitted the same list of uses apart from a personal service business.

The following table compares the uses that are presently permitted on 5699 Longshadow Street (Area A) to those being proposed:

RC [436r]	Proposed uses not already permitted
<ul style="list-style-type: none"> - Artist studio - Convenience store - Day care - Office - Personal service business - Animal hospital - Hotel - Restaurant 	<ul style="list-style-type: none"> - Animal care establishment - Automobile rental establishment - Automobile dealership - Automobile service station - Bank - Bar - Bank Machine - Car Wash - Drive thru facility - Gas bar - Instructional Facility (Drivers Education) - Kennel - Medical Facility - Parking lot - Place of Assembly - Retail food store - Retail Store - Pharmacy - Recreation and Athletic Facility - School

The following table compares the uses that are presently permitted on 5700 and 5710 Longshadow Street (Area B) to those being proposed:

RC [437r]	Proposed uses not already permitted
<ul style="list-style-type: none"> - Golf course - Place of assembly - Recreational and athletic facility - School - Amusement park - Campground - Personal service business limited to hair stylist and spa 	<ul style="list-style-type: none"> - Animal care establishment - Animal Hospital - Artist Studio - Automobile rental establishment - Automobile dealership - Automobile service station - Bank - Bar - Bank Machine - Car Wash - Convenience store - Day Care - Drive thru facility - Gas bar - Hotel - Instructional Facility - Kennel

	<ul style="list-style-type: none"> - Medical Facility - Office - Parking lot - Restaurant - Retail food store - Retail store - Personal service business (all types) - Pharmacy - Medical facility - Office
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The applicant also wishes for the required rear yard setback to be reduced from 10 metres to 6.0 metres (from the east property line) for the property located at 5699 Longshadow Street.

The proposed amendment was first presented to Agriculture and Rural Affairs Committee (ARAC) on May 31, 2012, where the decision was deferred at the request of the Applicant to allow the submission of a revised application and additional/revised traffic counts <http://ottawa.ca/cgi-bin/docs.pl?Elist=19153&lang=en>. The Applicant now wishes to limit the total gross leasable area for Retail store of the two sites combined to 1000 square metres. He also wishes to add a Medical facility and Instructional facility to the list of permitted uses for Area B (5700 and 5710 Longshadow Street). The rationale behind the Instructional Facility being to bring into conformity the existing dance studio, which does not comply with zoning.

DISCUSSION

Official Plan

The subject sites are designated General Rural Area. The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location and a limited amount of residential development where such development will not preclude continued agricultural and non-residential uses.

The intent of the General Rural Areas is to provide a location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations. However, non-agricultural and non-residential uses that would not be better located within a Village and which are in keeping with the rural character or those uses that meet the needs of the travelling public (such as a restaurant, gas station, motel, retail of up to 1,000 square metres gross leasable area) can be permitted through a Zoning By-law amendment.

Among the uses requested by the Applicant, staff is of the opinion that the following uses could be considered within the General Rural Area:

- Animal care establishment
- Animal hospital
- Automobile service station
- Car Wash
- Convenience store
- Drive thru facility
- Gas bar
- Hotel
- Restaurant
- Retail of up to 1,000 square metres gross leasable area
- Small scale retail

The other requested uses are by their nature not suitable outside of villages or the urban area and their consideration for this site is not supported.

Uses that are traffic generators by nature should be supported by a traffic brief demonstrating that the volume and pattern of traffic flow anticipated will not interfere with the proper functioning of the local road network. The Transportation Brief submitted with the application demonstrated there are presently traffic operations problems on Dozois Road and at the Dozois Road/Longshadow Street intersection for about 30 minutes during weekdays' morning peak period. More specifically, during this time, there are higher turning volumes to/from Longshadow Street and to/from the High School, as well as longer northbound queues extending back from the Mitch Owens Road intersection.

The Transportation Brief also recommended that the following modifications to be considered by the City to improve the existing problem:

- provide separate left-turn northbound and southbound left-turn lanes on Limebank and on Dozois Roads at their intersection with Mitch Owens Road;
- provide a southbound deceleration lane Dozois Road on its approach to the High School's driveway to reduce delay and improve operations at the Dozois Road/High School/Longshadow Street intersection; and
- Provide a protected pedestrian crossing across both Dozois Road and Longshadow Street.

The Applicant is not contemplating any access from Mitch Owens Road to 5699 Longshadow Street. Staff is also of the opinion that an access is not feasible due to the proximity to the intersection with Dozois Road.

The updated Transportation Brief indicated three different options (see table below) where a sit-down restaurant, a restaurant with drive thru, retail and convenience store would be introduced on the north site (Area A - 5699 Longshadow Street), combined with school (Montosseri), retail, and medical facility on the south site B – 5700 and 5710).

Site	Land Use	Transportation Overview	Current		
			Option 1	Option 2	Option 3
North Site	Restaurant (licensed sit down)	5059 ft ²	2000 ft ²	2000 ft ²	4000 ft ²
	Restaurant (drive through)	2289 ft ²	2500 ft ²	1500 ft ²	2500 ft ²
	Specialty Retail ¹	4707 ft ²	12,500 ft ²	13,500 ft ²	10,500 ft ²
	Office	4702 ft ²	-	-	-
	Convenience Store	-	1000 ft ²	1000 ft ²	1000 ft ²
Sub-total		16,757 ft²	18,000 ft²	18,000 ft²	18,000 ft²
Site	Land Use	Transportation Overview	Current		
South Site	Office	42,751 ft ²	Option 1		
	Montessori	-	-		
	Specialty Retail ²	-	10,000 ft ²		
	Mixed-Use Medical	-	20,500 ft ²		
	Sub-Total	42,751 ft²	12,500 ft²		
			Option 1	Option 2	Option 3
TOTAL (North + South)		59,508 ft²	61,000 ft²	61,000 ft²	61,000 ft²
¹ Includes 3500 ft ² of Deli/Café ² Is comprised of 8000 ft ² hair salon, 7500 ft ² dance studio and 5000 ft ² Tony Greco Fitness					

Land Use Scenario	"New" Two-Way Site-Generated Vehicle Trips	
	AM Peak	PM Peak
Initial Transportation Overview	156 vph	158 vph
North + South Option 1	126 vph	144 vph
North + South Option 2	114 vph	137 vph
North + South Option 3	124 vph	153 vph

According to the conclusions of the Transportation Brief, although all scenarios are exceeding the maximum 1000 m² Gross Floor Area for retail, traffic counts indicate that the sites-generated vehicle trips will not cause the Mitch Owens/Dozois intersection to fail if signal timing is optimized.

Restaurant and Convenience Store are already permitted on Area A (5699 Longshadow). Although Retail is not a permitted use, since it could be considered as supporting the travelling public, as permitted through a zoning amendment under the General Rural Designation, and based on the above observations/expectations/conclusions of the Transportation Brief, staff is of the opinion it could be supported to a maximum, two sites combined, of 1000 m² Gross Leasable Area.

With regards to the existing Instructional Facility (dance studio), staff was requested to verify if the use was legal non-conforming. The result of the investigation indicated that the dance studio was not in compliance with the former Township of Osgoode Zoning By-law at the time of its introduction on the property. An Instructional Facility is a use

that staff believe would be better suited in a Village. Staff is therefore not in a position to support the proposed Instructional Facility.

Owing to no possible access from Mitch Owens Road, the proposed uses that are by nature oriented to travelling public (Automobile Service Station, Car wash and Gas bar) cannot be supported. With regards to the other proposed uses not covered under the Transportation Brief, staff is not in position to fully assess them until a traffic assessment, that reviews their potential impact is provided. Any uses that will result as significant traffic generators will not be supported until the above-mentioned road modifications are completed. The City currently has no plans to complete these works.

Finally, staff has no concern with the proposed reduced setback since the site is adjacent to a stormwater pond, which provides sufficient buffer from the closest residential uses to the east.

RURAL IMPLICATIONS

Staff is concerned that the development as proposed by the Applicant would compete with the nearby Villages of Greely and Manotick.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The City did receive a significant amount of concerns and opposition to this application. Details of the consultation can be seen in Document 2.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of the application.

LEGAL IMPLICATIONS

Given the controversial nature of this report, if carried, an appeal may be brought before the Ontario Municipal Board. In that circumstance, a hearing is estimated to take approximately two to three days and will be conducted using staff resources. If the report is not carried and an appeal is brought, the hearing is estimated to take the same amount of time but an outside planning consultant, as well as a traffic consultant will need to be retained. The cost associated with retaining outside consultants will be in the range of \$35,000-\$45,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications association with the recommendation in this report.

FINANCIAL IMPLICATIONS

If the recommendations are adopted and appealed, staff resources will be used to defend Council's position. In the event that the recommendations are not carried and an appeal is brought, an outside planner as well as a traffic consultant will need to be retained at an estimated cost of \$35,000 to \$45,000. Funds are not available within existing resources, and the expense would impact Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environment implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

The development, as proposed, is perceived as competing rather than supporting the growth of the economy of the nearby villages of Manotick and Greely.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the applicant revising its application on several occasions.

SUPPORTING DOCUMENTATION

Document 1 Location Map
Document 2 Details of Recommended Zoning
Document 3 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 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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Ottawa
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 and Community Sustainability
 Produit par Services d'infrastructure
 et Viabilité des collectivités

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2012 / 05 / 17	
REVISION	DATE DE RÉVISION

 **Location Map / Plan de révision
 Zoning Key Plan / Schéma de zonage
 5699 and 5710 Longshadow Street**

Area A - 5699 Longshadow Street - Existing exception
 436r to be amended

Area B - 5710 Longshadow Street - Existing exception
 437r to be amended

043170574 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

DETAILS OF PROPOSED ZONING

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

Add the following use to Column IV of Rural Exception 436r:

- Retail Store

Add the following provisions to Column V of Rural Exception 436r:

- The maximum total gross leasable area permitted for a Retail Store on 5699, 5700, and 5710 Longshadow Street, all sites combined, is 1000 square metres.
- Section 217(1)(c) does not apply.
- The minimum rear yard setback is 6 meters.

Add the following use to Column IV of Rural Exception 437r:

- Retail Store

Add the following provisions to Column V of Rural Exception 437r:

- The maximum total gross leasable area permitted for a Retail Store on 5699, 5700, and 5710 Longshadow Street, all sites combined, is 1000 square metres.
- Section 217(1)(c) does not apply.

CONSULTATION DETAILS

DOCUMENT 3

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. A Community Information Session was held in the community on February 15, 2012.

PUBLIC COMMENTS

The members of the public indicated that traffic in the area is of major concern. More specifically, the intersection at Dozois Road and Longshadow Street is problematic. Traffic getting into and out of the neighbourhood at peak hours is an issue in the sense that cars are backed-up at the intersections of Mitch Owens Road and Dozois Road and Dozois Road and Longshadow Streets. According to them, many of the proposed uses, which are significant traffic generators, would further worsen the problem. The uses that were mentioned as being of concern are automobile rental, car wash, gas station, car sales, service station, and drive-thru, medical/dental clinic, bank and animal hospital. Initially, under the previous developer, the commercial uses were to be restaurant, bistro and possibly small offices.

The members of the public also indicated that the proximity to St Mark School is an issue. According to them, cars park along Dozois Road and Longshadow Street, students are crossing over Dozois Road and Mitch Owens Road, meandering throughout the area and trespassing onto private properties. The members of the public indicated that the proposed development should not introduce uses that would attract students, as this would worsen the issue mentioned above.

Concerns were also raised by the members of the public with regards to possible contamination of the water table resulting from the introduction of uses that would represent environmental risks.

SUMMARY OF PUBLIC INPUT

Comments were received by the registered community organisation as part of the Community Heads-up. Comments were also received as part of the Public Circulation required under the *Planning Act*. A Community Information session was requested by the Municipal Councillor following the important amount of concerns that resulted from the Public Circulation.

FEBRUARY 15, 2012 – COMMUNITY INFORMATION SESSION

The people who attended the Community Information Session indicated that the intersection at Dozois Road and Longshadow Street is problematic. Traffic getting into and out of the neighbourhood at peak hours is an issue in the sense that cars are

backed-up at the intersections of Mitch Owens Road and Dozois Road and Dozois Road and Longshadow Street. They complained that they have been requesting for the intersection to be improved for years with no results. According to them, many of the proposed uses, which are significant traffic generators, would further worsen the problem. The uses that were mentioned as being of concern are gas station, and drive-thru. Although the members of the public were opposed to the above-mentioned uses, they indicated they were not concerned with the proposed smaller buildings.

COMMUNITY ORGANIZATION COMMENTS

The Manotick Village and Community Association indicated its opposition to the proposed rezoning. The association indicated that the proposed development will not be in keeping with the original vision in that it will double the size of the commercial building stock, requiring unacceptable encroachment upon the residences closest to the commercial zone, and increasing both traffic and associated noise and light spilling.