

**9. ZONING BY-LAW AMENDMENT – 3500 HAWTHORNE ROAD**  
**MODIFICATION AU RÈGLEMENT DE ZONAGE – - 3500, CHEMIN**  
**HAWTHORNE**

**COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. consider this report at its meeting on July 11, 2018, pursuant to Sub-Section 35. (5) of Procedure By law 2016-377**
- 2. approve an amendment to Zoning By-law 2008-250 for 3500 Hawthorne Road to permit a fast food and drive-through facility, as detailed in Document 2.**

**RECOMMANDATIONS DU COMITÉ**

**Que le Conseil :**

- 1. étudie ce rapport à sa réunion du 11 juillet 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377;**
- 2. approuve une modification au Règlement de zonage 2008-250 visant le 3500, chemin Hawthorne afin de permettre un restaurant-minute avec service au volant, comme il est expliqué en détail dans le document 2.**

**DOCUMENTATION / DOCUMENTATION**

- 1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 19, 2018 (ACS2018-PIE-PS-0081)**

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté

le 19 juin 2018 (ACS2018-PIE-PS-0081)

2. Extract of draft Minutes, Planning Committee, July 11, 2018

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 11 July 2018

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 29 August 2018, 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 11 July 2018".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 29 août 2018 du Conseil, dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73, à la réunion du Conseil municipal prévue le 11 juillet 2018 »

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
10 July 2018 / 10 juillet 2018**

**and Council  
et au Conseil  
11 July 2018 / 11 juillet 2018**

**Submitted on 19 June 2018  
Soumis le 19 juin 2018**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Services de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

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demandes d'aménagement sud**

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**Ward: GLOUCESTER-SOUTHGATE  
(10)**

**File Number: ACS2018-PIE-PS-0081**

**SUBJECT: Zoning By-law Amendment – 3500 Hawthorne Road**

**OBJET: Modification au Règlement de zonage – - 3500, chemin Hawthorne**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3500 Hawthorne Road to permit a fast food and drive-through facility, 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 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 11 July 2018", subject to submissions received between the publication of this report and the time of Council's decision.
3. That Planning Committee recommend Council consider this report at its meeting on 11 July 2018, pursuant to Sub-Section 35. (5) of Procedure By-law 2016-377.

#### RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant le 3500, chemin Hawthorne afin de permettre un restaurant-minute avec service au volant, comme il est expliqué en détail dans 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 de l'avocat général 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 du projet de loi 73 , à la réunion du Conseil municipal prévue le 11 juillet 2018» 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.
3. Que le Comité de l'urbanisme recommande au Conseil d'étudier ce rapport à sa réunion du 11 juillet 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377.

#### 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**

3500 Hawthorne Road

### **Owner**

Sahil Behal

### **Applicant**

Nancy Meloshe, Stantec Consulting

### **Architect**

McRobie Architects & Interior Design

### **Description of site and surroundings**

The site is located within the Hunt Club Park Neighbourhood of Gloucester-Southgate. It is a 3700-square metre parcel of land on the northwest corner of the Hunt Club Road and Hawthorne Road intersection. The site is currently vacant and contains some sparse vegetation.

Directly to the north and west of the site are established residential neighbourhoods comprised of single detached dwellings and townhomes. To the south of the property beyond Hunt Club Road is the Greenbelt and to the east, on the opposite corner of the intersection, are light industrial lands, which include a gas station with car wash and convenience store.

### **Summary of requested Zoning By-law amendment proposal**

The site is currently zoned as "General Mixed Use, Subzone 1, Exception 50 (GM1[50] F(0.25))" under the City of Ottawa Zoning By-law 2008-250. The general intent of the GM1 zone is to accommodate a broad range of uses including residential, commercial, and institutional uses. Exception [50] currently permits a gas bar, car wash, and retail store.

The applicant is proposing to amend the zoning to allow a fast-food restaurant and a drive-through facility for this site.

### **Related applications**

A Site Plan Control application was submitted concurrently with the subject Zoning By-law amendment application.

### **DISCUSSION**

#### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

The first public meeting was held on June 12, 2017 at the Greenboro Community Centre. The Planner, Project Manager, and Transportation Engineer were in attendance on behalf of the City of Ottawa, as well as the Councillor and her assistant. Approximately thirty residents were in attendance.

A second public consultation was held on February 7, 2018 at the Greenboro Community Centre. Again, the Planner and a Transportation Engineer was in attendance, as well as the Councillor and her assistant. Approximately six residents were in attendance.

Issues and objections expressed generally related to traffic, noise, pollution, property value impacts, garbage, insufficient buffering, and restaurant odors.

Many of the residents and planning's concerns have been addressed in the final plan. The two-lane drive aisle has been reduced to one-lane, thereby reducing the amount of potential noise and pollutants from the vehicles. As a result of this reduction, the width of the landscape buffer was increased and is now able to accommodate additional coniferous trees and other plantings to create an enhanced visual buffer to the commercial use. The original garbage containers and enclosure have been replaced by a Molok system, which will reduce the visual impact of the garbage containers as well as reduce the odour due to their design. Pedestrian access into the site has also been greatly improved with concrete sidewalks and pedestrian crossing lines. Due to the relocation of the exhaust vents and mechanical equipment towards the front of the proposed building, the proposed level of noise for the residential properties has lowered significantly. This has resulted in the professional recommendation by the noise consultant that the existing noise wall along the rear of the residential units will be satisfactory to ensure that the noise levels for the residential properties will be within acceptable limits as required by Provincial and Municipal Guidelines. The proposed

uses will likely serve those who are driving through this intersection during their usual commute.

Comments regarding the necessity of the use is determined through market demand and is the responsibility of the Applicant. The fuel tank design, construction, and operations are regulated by the provincial government to ensure safety.

Please refer to Document 4 for details of consultation, including comments received and staff's response.

### **Official Plan designations**

According to Schedule B of the Official Plan, the property is designated as General Urban. This designation permits the development of a full range and choice of housing types, 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 corner store to shopping centre.

### **Other applicable policies and guidelines**

The "Urban Design Guidelines for Drive-Through Facilities" document contains five main objectives to assess and promote appropriate development of drive-through facilities. The Guidelines pertain to all drive-through facilities throughout the City. The objectives seek to promote development that fits well, that enhances the public street that creates efficient stacking on-site that creates safe pedestrian environment on-site and minimizes the impacts on adjacent lands.

### **Planning rationale**

The *Planning Act* requires that all city planning decisions be consistent with the Provincial Policy Statement (PPS), 2014. The recommended Official Plan and Zoning By-law amendments are considered consistent with the matters of provincial interest, as outlined in the *Planning Act*, and is in keeping with the PPS by promoting an intensified land use pattern within a settlement area. Staff have thoroughly reviewed this proposal and have determined that it is consistent with the PPS, 2014.

The proposal meets the intent of the General Urban Designation as it is providing a retail and service function to the community. Additionally, it is a use that also serves the wider City, and is appropriately located on the edge of the existing neighbourhood.

Direction from “Urban Design Guidelines for Drive-Through Facilities” was used during the review of this application. The development has met all of the objectives in terms of creating a compatible development that fits well and improves the existing context. The site is currently vacant with scrub vegetation and this development will create a developed site that will have proper landscaping and sidewalks around and through the site to enhance the public street and create a safe and comfortable pedestrian environment. The stacking movements have been designed as per the standards and the proposal has been well-buffered from the abutting residential properties.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Deans provided the following comments:

“The 3500 Hawthorne site is a small piece of land located at the busy intersection of Hunt Club Road and Hawthorne Road. The introduction of a gas station, drive-thru and additional access point onto the busy Hunt Club Road has caused concern for residents and the local Community Association but I am content with the overall results after consultation.

I am pleased to see the drive-thru will be reduced to one lane, the creation of an internal sidewalk, a plan to address lighting spillage and the use of an in ground Molok garbage system. It is also imperative that the smart channel be installed at the Hunt Club and Hawthorne corner to provide the safest access for both pedestrians and vehicles.

I would also like to ensure that appropriate landscaping is included on the site to help create an overall aesthetically pleasing environment and intersection.”

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the recommendation contained within this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with 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**

There are no accessibility impacts associated with this report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

TM2 – Provide and promote infrastructure to support safe mobility choices

GP1 – Strengthen public engagement

EP2 – Support growth of local economy

## **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 time required to resolve several of the resident, engineering, and planning concerns.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Site Plan

Document 4 Consultation Details

**DISPOSITION**

Staff are recommending this report be considered at the July 11, 2018 Council meeting to prevent delays in approval caused by the eight-week delay before the next scheduled Council meeting on August 29, 2018.

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

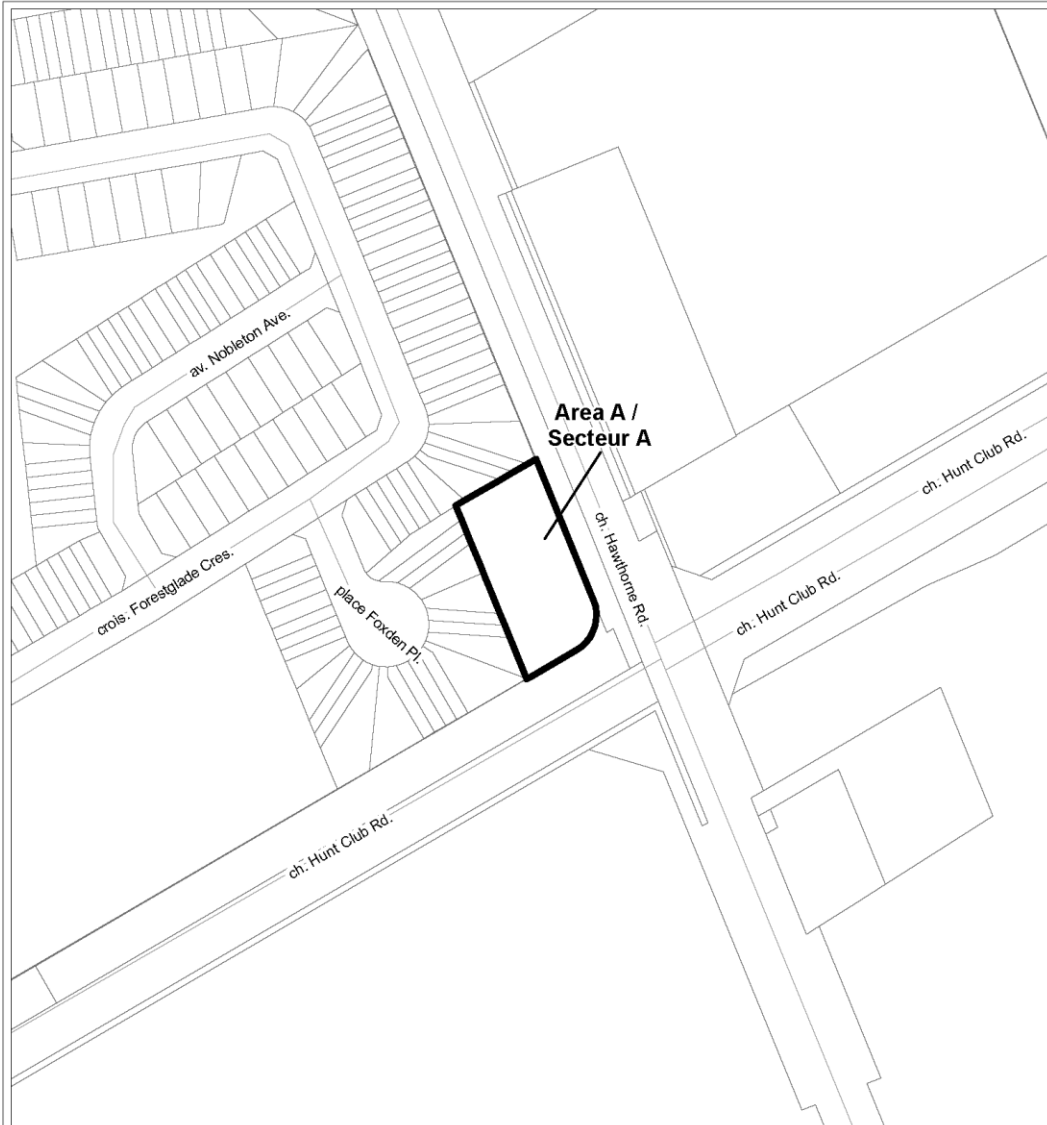
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Location Map

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



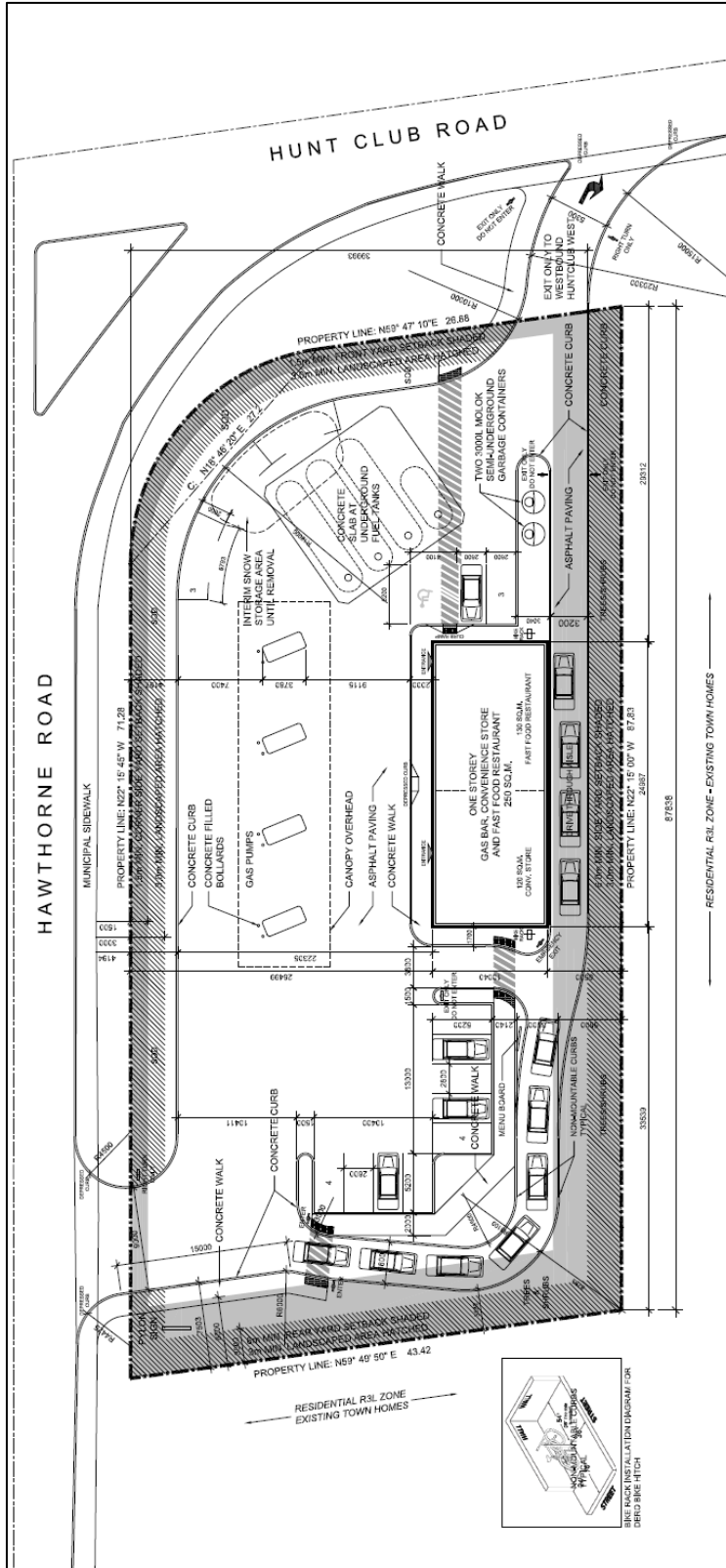
		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN D'EMPLACEMENT	
D02-02-17-0032	18-0748-D	<b>3500 chemin Hawthorne Road</b>	
I:\CO\2017\Zoning\Hawthorne_3500_V2		 Area A to be rezoned from GM1[50] F(0.25) to GM1[XXXX]F(0.25) Le zonage du secteur A sera modifié de GM1[50] F(0.25) à GM1[XXXX]F(0.25)	
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REVISION / RÉVISION - 2018 / 06 / 06			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for Address of the site:

1. Area A shown on Document 1 to be rezoned from GM1[50] F(0.25) to GM1[XXXX] F(0.25).
2. Add a new exception, GM1[XXXX] F(0.25) to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column IV add the following:
    - i. All commercial uses except for:
      - car wash
      - gas bar
      - retail food store
      - retail store
      - small batch brewery
      - drive-through facility
      - fast-food restaurant
  - b. In Column V, Provisions add the following:
    - full floor space index may be used for commercial uses
    - retail store limited to cumulative total of 120 m<sup>2</sup> of gross floor area
    - minimum front yard setback: 1.5 m
    - minimum side yard setback not abutting Hawthorne Road: 6 m
    - minimum side yard setback abutting Hawthorne Road: 1.5 m
    - minimum rear yard setback: 6 m
    - landscaping required in all yards, exclusive of a driveway or walkway

Document 3 – Site Plan



#### **Document 4 – Consultation Details**

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. Two public meetings were also held in the community: June 12, 2017 at the Greenboro Community Centre; and February 7, 2018 at the Greenboro Community Centre.

Comment:

This use will increase the amount of traffic in the area and will make Hunt Club Road and Hawthorne Road more congested than it already is.

Response:

The uses proposed are expected to serve traffic already passing through the area and will not necessarily be a contributor of traffic as a travel destination would.

Comment:

There will be additional and unreasonable amounts of noise during the construction, and during the operation of the business from the speaker box and cars and pedestrians accessing the site at night. A sound-attenuation wall is requested. They requested only one lane for the drive-through instead of the originally proposed two.

Response:

Subsequent designs have adequately addressed noise concerns. The drive-through has been reduced to a single lane with a single speaker box. The existing fence along the residential properties is a noise fence and through careful site design and relocation of noise generating equipment, this fence will be sufficient in attenuating noise.

Comment:

The construction process and operation of the business will cause environmental hazards to humans through exposure to air-borne chemicals and dust and to the ground if there are leaks and chemicals that leach into the ground.

Response:

The storage, handling, and use of fuels fall under the Technical Standards and Safety Authority's (TSSA) jurisdiction. The Owner will need to obtain the proper licensing

through the TSSA, which includes review and inspection to ensure that the gas station is safely constructed and operated.

Comment:

The proposed use will lower the value of the residents' properties and their residential properties could be damaged through the vibrations during the construction period.

Response:

There is no empirical evidence that property values would be negatively impacted and are not a consideration reviewing the merits of a development application. The proposed zoning changes do not deviate far from what was originally envisioned for the site.

Comment:

The garbage would create odour and attract rodents to the area. A request was made to move the garbage container and also for a total enclosure of the garbage.

Response:

The proposed location for the waste bins are well positioned on the property. The Proponent has offered to use Molok bins instead of standard waste bins. These bins are designed to limit odors being fully enclosed and built into the ground.

Comment:

The reduced landscape buffer and planting material along the residential lots are insufficient in depth. Evergreen trees were requested for the buffer.

Response:

The reduction in drive-through lanes has resulted in a larger landscape buffer. Additional trees have been added, as well as a mix of deciduous and coniferous trees for year-round buffering.

Comment:

There is already a gas bar and fast-food drive through restaurants close by and a new one is not needed.

Response:

Necessity and market support of a specific use is not a planning consideration.

Comment:

There will be odours coming from the restaurant use that will impact the use their property.

Response:

Exhaust and odours will be controlled using specialized rooftop equipment.