

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
25 September 2018 / 25 septembre 2018**

**and Council
et au Conseil
10 October 2018 / 10 octobre 2018**

**Submitted on 11 September 2018
Soumis le 11 septembre 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**

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Ward: STITTSVILLE (6)

File Number: ACS2018-PIE-PS-0109

SUBJECT: Zoning By-law Amendment – 5897 Fernbank Road

OBJET: Modification au Règlement de zonage – 5897, chemin Fernbank

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 5897 Fernbank to permit commercial uses, a detached dwelling and home-based business on the subject lands, 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 10 October 2018”, subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil d’approuver une modification au *Règlement de zonage (2008-250)* visant le 5897, chemin Fernbank, afin de permettre des utilisations commerciales, l’aménagement d’une habitation isolée et l’exploitation d’une entreprise à domicile sur le terrain visé, comme l’indique 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 10 octobre 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.

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

5897 Fernbank Road

Owner

Farmhouse Investments Inc.

Applicant

FOTENN Planning and Design

Description of site and surroundings

The property is located in the northeast corner of the intersection of Fernbank Road and Shea Road in the west end of the city. The site is currently occupied by a dwelling that is designated as an Individual Building of Cultural Heritage under Part IV of the *Ontario Heritage Act*, designated by Council on February 10, 2015. The farmhouse is considered to be a good example of late 19th century Gothic Revival farmhouse architecture. The building is setback from the road with a driveway for access. The southeast corner of the property contains a small orchard as well as largely grassed areas and several treed areas throughout.

The site is bordered to both the north and east by rural residential lots and development reserve lands. To the south and west of the subject property are additional vacant lands subject to plans of subdivision by Tartan Homes and Cavanagh Construction. A hydro corridor runs north to south along the western boundary of the site, located on Shea Road.

Summary of requested Zoning By-law amendment proposal

The subject property is currently zoned Development Reserve (DR). The applicant is proposing to rezone the property from DR to General Mixed Use (GM), which allows for residential, commercial and institutional uses. Particularly, the amendment requests to permit a medical facility to be established within the existing heritage dwelling.

Urban services (storm, sanitary, water) have not yet been extended to this site but will be provided as part of neighbouring developments within the next several years. Any future connections to municipal services would be at the applicant's expense. However, there is the potential for the existing house and an expanded list of uses to operate on the existing well and septic systems, provided a hydrogeological assessment demonstrates that there are no concerns regarding the quality and quantity of the water.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the requirements of the *Planning Act* and City of Ottawa consultation practices. This included a mail out to all property owners within 120 metres of the property, the posting

of an on-site sign and notification to all community associations registered for this area. No comments were received.

Official Plan designations

The City's Official Plan designates the subject property as General Urban Area under Schedule B (Urban Policy Plan). The General Urban Area encourages the development of a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses and area of a size and scale consistent with the needs of nearby residential areas. In conjunction with the Zoning By-law, the General Urban Area designation allows uses that provide a variety of shopping and services.

Due to the Cultural Heritage Designation on the dwelling, Section 4.6, Cultural Heritage Resources, of the City's Official Plan applies. The policies of Section 4.6 state that in the event a heritage structure designated under Part IV is to be altered, added to, partially demolished, demolished or relocated, a Cultural Heritage Impact Statement would be required to detail the heritage elements of the property and assess the changes. The current proposal contains no such changes.

Policy 2.3.2.14(b) of the Official Plan states that where no provision for public services exists, the City may permit development on private services in defined Public Service Areas. It must be demonstrated to the satisfaction of the City that such development can adequately be serviced by private individual services in accordance with Section 4.4 (Water and Wastewater Servicing). This section stipulates that an applicant must submit a servicing options report where services are found to be limited in Public Service Areas.

Other applicable policies and guidelines

The property is subject to the provisions of the Fernbank Community Design Plan (CDP). The site is identified as Low Density Residential under the Fernbank Land Use Plan, which is consistent with the current use of the property. The Fernbank CDP Land Use Plan allows for a variety of uses to be permitted on lands designated Low Density Residential, including small-scale retail convenience uses.

Planning rationale

The proposed amendment to permit a non-residential use on the subject property is consistent with the policies for development in the General Urban Area, including policies relating to permitted uses.

Areas surrounding the site are development reserve lands, large rural residential lots and sites subject to a proposed plan of subdivision, which will be governed by the same General Urban Area policies. With the development reserve designation surrounding the site, as well as the two proposed plan of subdivision applications, there will be an increased density surrounding the site, making the proposed uses further compatible to surrounding properties.

The proposed rezoning to GM will permit a variety of uses that will provide access to goods and services to a developing community. The location of the subject site is in proximity to existing residential neighbourhoods as well as future residential subdivisions, which makes the subject property a convenient location for the proposed retail and commercial uses.

As mentioned above regarding servicing, there is potential for the property to operate on the existing well and septic system. However, through submission of the hydrogeological assessment it has been determined that a potable source of drinking water to support the expanded list of requested uses and future development cannot be found onsite. The City specifically has concerns with the high levels of chloride, sodium and sulphate. All three of these parameters exceed the Maximum Concentrations Considered Reasonably Treatable (MCCRT) in the Ministry of the Environment and Climate Change's Procedure D-5-5, which the City uses to ensure compliance. As the groundwater does not meet the MCCRT for the above-noted parameters, a holding symbol is also being recommended due to servicing not currently being available to the site.

Servicing for storm, sanitary and water are all dependent on adjacent developments to provide services and the holding zone can only be lifted once these services are available. Placing a holding symbol on the property will ensure that development cannot occur until all urban services are available and it has been illustrated that there is sufficient capacity to support the development. Any future connections to municipal services would be at the applicant's expense.

Staff are also recommending that one detached dwelling (the existing house) and a home-based business be permitted in the interim. This is permitted under the current DR zoning and staff would like to see this use continued in the rezoning of the site. By permitting a residential use to continue, this will allow the home to be in keeping with its historical designation.

The proposal is generally consistent with the direction and intent of the Fernbank Community Design Plan as well as the City's Official Plan. Staff are supportive of

rezoning the subject property from DR to GM to expand the permitted uses allowed on the site.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Qadri is aware of the recommendations in this report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in the 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.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- 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 significant issues related to the hydrogeological assessment.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

CONCLUSION

The request to rezone the subject property from DR to GM to permit non-residential uses is consistent within the current policies of the City's Official Plan and the Fernbank Community Design Plan and is appropriate given the current and expected future built context surrounding the site.

DISPOSITION

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.

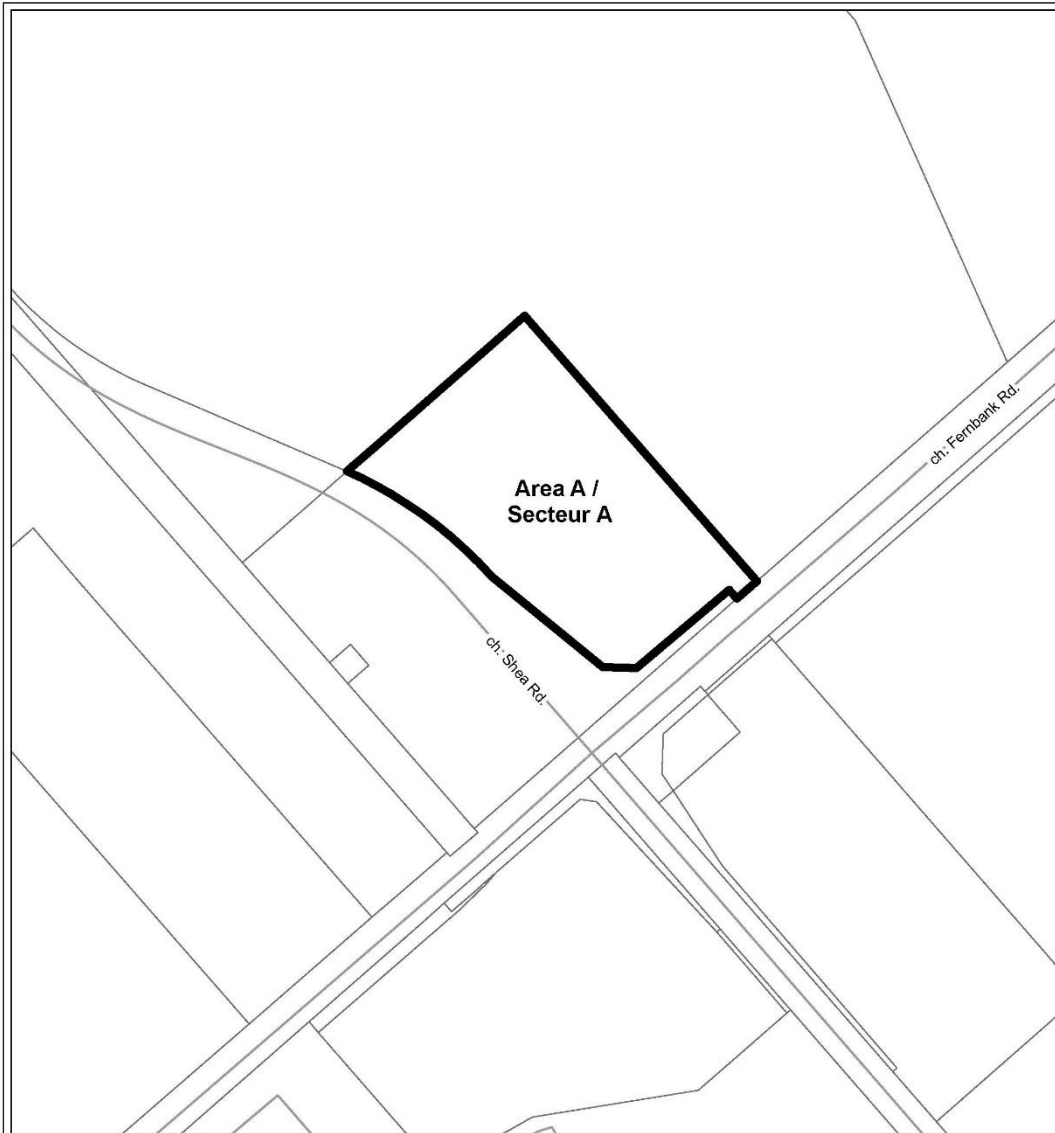
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-16-0083	18-1089-X		
I:\CO\2018\Zoning\Fernbank_5897		 5897 chemin Fernbank Road	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY</small>		Area A to be rezoned from DR to GM[xxxx]-h Le zonage du secteur A sera modifié de DR à GM[xxxx]-h	
REVISION / RÉVISION - 2018 / 08 / 27			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 5897 Fernbank Road:

1. Rezone the lands as shown in Document 1.
2. Amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following in Column V:
 - a. In Column II, add the text, “GM[xxxx]-h”;
 - b. In Column III, add the text, “detached dwelling, home-based business”;
 - c. In Column IV, add the text, “-all uses except a detached dwelling and home based business until such time as the holding symbol is removed.”
 - d. In Column V, add the following text:

“-The holding symbol may not be lifted until a Site Plan application is approved to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development which specifically addresses the availability of sufficient municipal services including water, sanitary and stormwater; and

-A detached dwelling and home-based business are subject to the provisions of the DR zone and are not subject to the holding symbol.”