

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
24 October 2019 / 24 octobre 2019**

**and Council
et au Conseil
6 November 2019 / 6 novembre 2019**

**Submitted on 9 October 2019
Soumis le 9 octobre 2019**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
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Ward: KNOXDALE-MERIVALE (9)

File Number: ACS2019-PIE-PS-0102

SUBJECT: Zoning By-law Amendment – 1970 Merivale Road and 22 Slack Road

**OBJET: Modification du *Règlement de zonage* – 1970, chemin Merivale et
22, chemin Slack**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1970 Merivale Road and 22 Slack Road to permit a list of office and industrial uses, as detailed in Document 3.**

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 Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of November 6, 2019” 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 apportée au Règlement de zonage 2008-250 visant le 1970, chemin Merivale et le 22, chemin Slack afin d’y autoriser une liste d’utilisations industrielles et de bureaux, comme le précise le document 3.
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 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 de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 6 novembre 2019 », 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

1970 Merivale Road and 22 Slack Road

Owner

Butler Group

Applicant

Julie Carrara, Fotenn Consultants Inc.

Description of site and surroundings

The site, which is the former Hydro Ottawa office and works yard, is approximately 2.9 hectares and is currently occupied by a two-storey office building, light industrial uses and surface parking. It is located at the southwest corner of Merivale Road and Slack Road in the Merivale Industrial Area with frontage also on Capital Drive to the south and Grenfell Crescent to the west. A mix of light industrial, office and retail uses surround the area, as well as low-rise residential neighbourhood across from the Smiths Falls Rail Corridor.

Summary of requested Zoning By-law amendment proposal

The property is currently zoned Minor Institutional Zone, Subzone B (I1B). The current zoning permits a variety of institutional uses.

The requested Zoning By-law amendment seeks to change the zoning to a Business Park Industrial Zone (IP), Exception [XXXX] which permits a variety of office and light industrial uses and includes a site-specific Exception to allow for additional uses beyond those permitted in the parent IP zone. The additional uses being proposed are automobile body shop, heavy equipment and vehicle sales, rental and servicing, and storage yard.

DISCUSSION**Public consultation**

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law Amendment Applications. Two comments were received and detailed in Document 4 Consultation Details.

Official Plan designations

The properties are designated as Urban Employment Area under Schedule B of the City's Official Plan. Under Section 3.6.5 of the Official Plan, Urban Employment Area designation permits a wide range of employment generating uses such as offices, manufacturing, warehousing, distribution and storage.

Section 2.2.3 of the Official Plan outlines the City-wide Employment Area policies which

supports the protection of Urban Employment Areas for employments uses and promotes economic diversity.

Planning rationale

The proposed Zoning By-law amendment to rezone the properties from Institutional Zone (I1B) to Business Park Industrial Zone (IP [XXXX]) conforms to the policies of the Official Plan. The existing institutional zoning was assigned to facilitate the former Hydro Ottawa operation and represents an anomaly within the industrial area. In reviewing the surrounding lands, the parcels north of the sites are primarily zoned General Industrial with the land south of the sites zoned as Business Park Industrial. The rezoning of the lands is not expected to result in any adverse impact to the adjacent properties. Existing residential homes are located further south beyond the industrial park and are buffered by existing industrial and office uses, and the Smiths Fall rail corridor. Similarly, there are no expected adverse impacts to the existing homes. The applicant is not proposing any new buildings or changes to site layout at this time. Any proposed additions or modifications in the future will likely trigger a site plan control application, where impact to transportation and compatibility with adjacent uses will be reviewed.

In addition to the rezoning from an institutional zone to a business park industrial zone, the applicant is seeking a site-specific Exception to allow for an automobile body shop, heavy equipment and vehicle sales, rental and servicing, and storage yard. The three additional uses are all permitted uses within a General Industrial Zone. Given that the site borders with other General Industrial Zones to the north, the uses are considered compatible and are not expected to produce adverse impact on the adjacent developments. Furthermore, the Exception requires that the three additional uses are setback at least 40 metres away from the Merivale Road property lines to allow for an added transition to nearby uses.

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 Egli provided the following comments:

“I have reviewed the comments provided by the Glens Community Association and have sympathy for them. I especially share their concerns about the impact on water quality in the area. I would expect that a proper ground water study would be necessary should an actual use and/or new construction be requested at a later date. Further, should a car dealership proceed at this location I would urge a plan be presented for consideration as to how inventory will be moved on and off the premises.

The community association reps for both The Glens and Country Place as well as myself met with representatives of the applicant to discuss possible zoning changes. This meeting took place October 9, 2019. During the course of the meeting the community outlined its concerns especially around the frustration of responding to such a broad based application when it is not clear and transparent on the face of it what the eventual use will be. The proposed use that caused the most concern is the possibility of an auto dealership.

It was decided at the end of the meeting that the community reps would fully review the proposed list of uses along with a City Planner and get back to the owner with their position. As part of this process they also agreed to look at the possibility of a dealership and if open to it they would provide a list of conditions they would require to concur with this option.

For these reasons it is premature for the Planning Committee to deal with this matter at this time. I will be asking a colleague to bring a motion on my behalf to adjourn this matter to a future time that will allow the community to carry out the work they agreed to do in good faith. In this way possibly a resolution can be reached between the community and the applicant and if not it will still allow for a more fulsome and constructive conversation to happen at Committee.”

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk 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

Any future building will be required to meet the accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- EP2 – Support growth of local economy

APPLICATION PROCESS TIMELINE STATUS

This application was 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 Zoning Key Plan

Document 3 Details of Recommended Zoning

Document 4 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department recommends approval for the Zoning By-law amendment to permit a Business Park Industrial Zone with a site-specific exception to allow for a range of office and industrial uses. The proposed Zoning By-law amendment is consistent with the Provincial Policy Statement, conforms to the policy direction within the City's Official Plan and represents good planning.

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; 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.

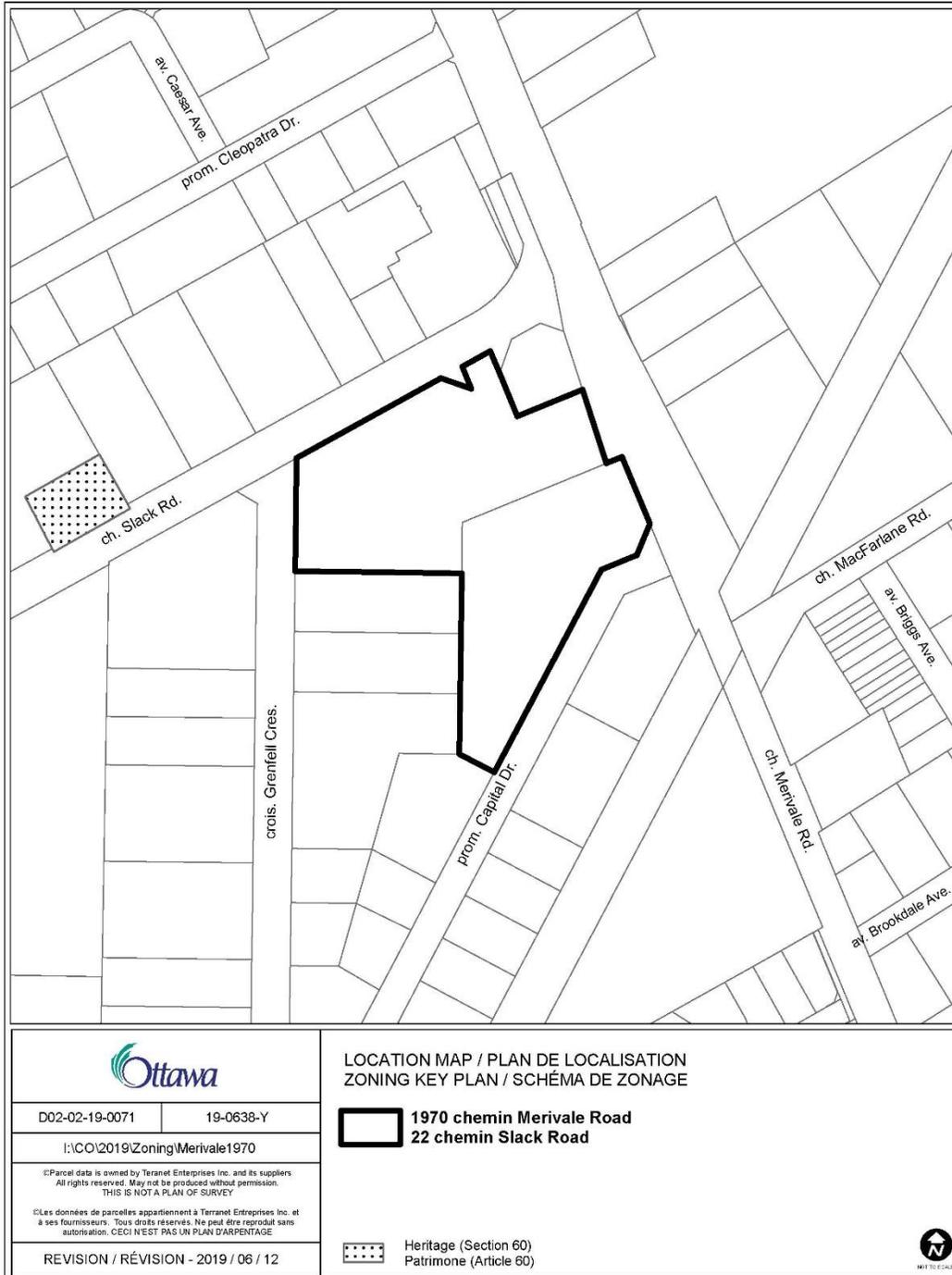
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

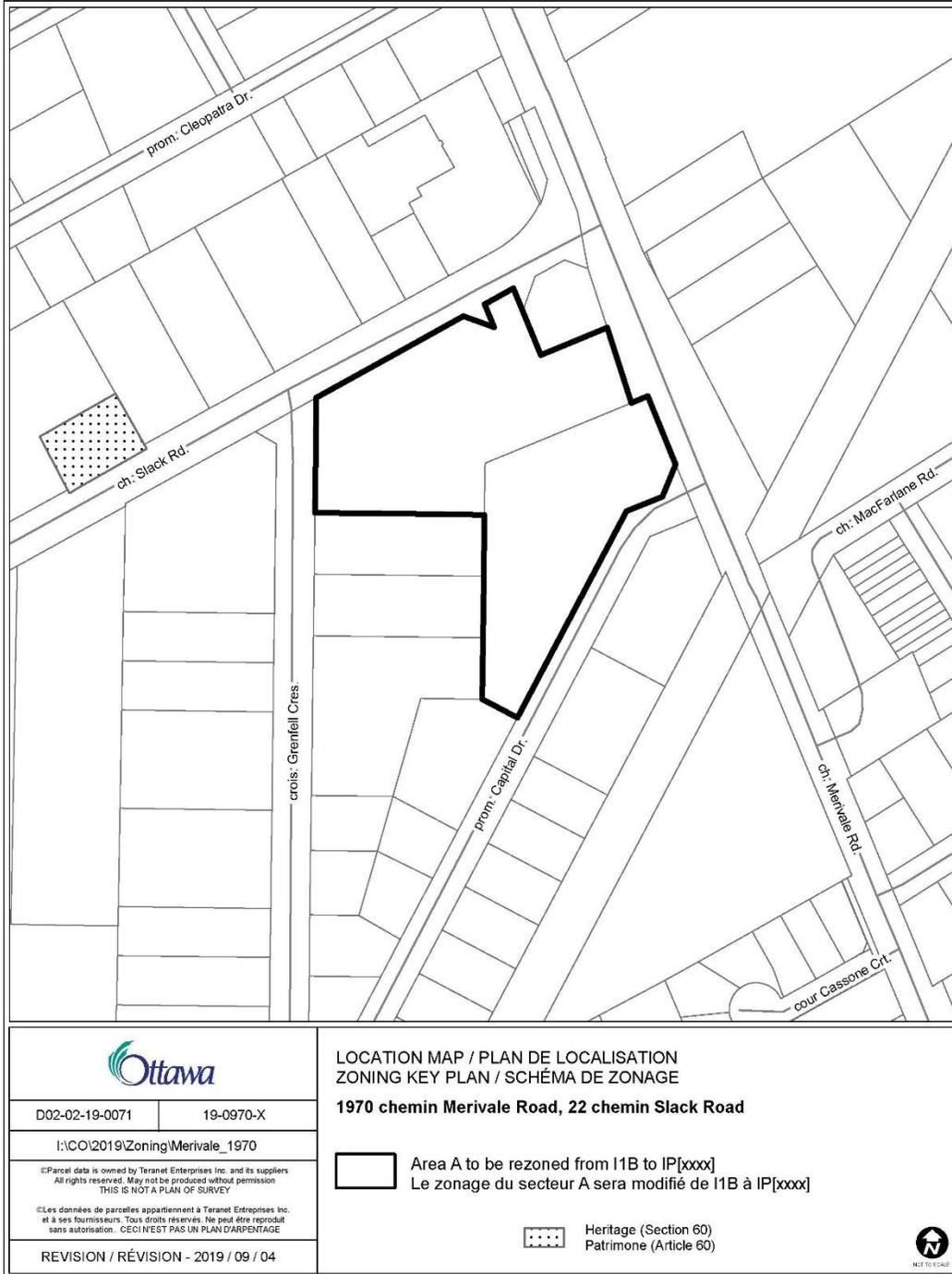
For an interactive Zoning map of Ottawa visit geoOttawa.

This is a map showing the location of 1970 Merivale Road and 22 Slack Road. It is located on the southwest corner of Merivale Road and Slack Road.



Document 2 – Zoning Key Plan

This is a zoning key plan showing the proposed “Area A” on 1970 Merivale Road and 22 Slack Road subject to the rezoning application.



Document 3 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1970 Merivale Road and 22 Slack Road:

1. Rezone the lands shown in Document 2 as follows:
 - a. In Area A, from I1B to IP [XXXX]
2. Add a new exception XXXX to Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. In Column II, add the text:
 - IP [XXXX]
 - b. In Column III, add the text:
 - automobile body shop
 - heavy equipment and vehicle sales, rental and servicing
 - storage yard
 - c. In Column V, add the text:
 - The additional land uses permitted in Column III must be setback a minimum of 40 m from the property line(s) abutting Merivale Road.

Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Two public comments were received.

Public Comments and Responses

Comment 1:

We have no issues with the Rezoning of the land.

Response:

Noted.

Comment 2a:

The Glens Community is a privately serviced residential community.

The area is characterized by large privately serviced lots (individual wells for our water supply and septic/sanitary systems). Because of our rather unique characteristic despite being located in the urban area, we are concerned with development as construction activities and increased automotive land use may disturb the ground or exposed it to contaminants that could spread down into the groundwater aquifers and potentially have a devastating effect on our neighbourhoods. There was a groundwater characterization study done in 2009. The cost of converting from private wells to city water is very high and would be a great burden to residents who have lived in the Glens for many years. If the pollution occurs the city may also be financially affected. We have read the comments in the planning rationale but still are apprehensive that the major re-zoning can have more impact than stated. We would be most interested in seeing a groundwater impact study as a requirement for this application submission.

Response:

Given that it is just a rezoning application and there are no proposed addition/new buildings at this time, a groundwater impact study was not required.

Comment 2b:

The property enjoys legal non-conforming rights. It is our understanding that the new owner plans to significantly expand or upgrade the non-conforming use. The applicant is

proposing a re-zoning application to permit a range of uses including motor vehicle and RV storage and sales, medical facility, office and smaller ancillary commercial components. We further understand that the non-conforming and non-complying uses are not fixed, but can evolve over time, provided that the impact on the surrounding neighbourhood is minimal. In this respect we expect that the planning department will maintain a fair balance between the potential owner's interest and the community's interest. As a community we do feel that the proposed expansion overreaches itself and also adds new activities that may aggravate the community. We are wondering whether proposed activities constitute a community impact. Grenfell Glens and Pineglen area are already suffering unintended consequences of expanding suburban areas and growing industrial parks abutting our communities.

Response: A rezoning process is different from an expansion to legal non-conforming rights. The test for a rezoning application is conformity to the City's Official Plan policies and consistency to the Provincial Policy Statements. The Urban Employment Area designation under the City's Official Plan permits traditional industrial uses such as manufacturing, warehousing, distribution, storage, as well as office, and various ancillary uses.

Comment 2c:

The proposed amendment introduces several activities that can create additional traffic. However, we have not even seen a traffic study being part of the requirement which is rather surprising as Grenfell Crescent, Slack Road and Merivale Road have traffic issues. Capital Drive has further access limitations.

Response:

There are no proposed new construction or addition to any of the existing buildings at this time. Based on the transportation impact assessment screening form submitted by the applicant, a transportation impact assessment was not triggered.

Comment 2d:

This particular stretch of Merivale Road has excessive traffic and access issues. The proposed grade separation of Merivale Road suggested closing Capital Drive. Study consultants lamented planning decisions along Merivale Road and noted that "Redevelopment of lands to the north and east of the crossing (Suds Car Wash, Enterprise Rent a Car agency, etc.) have created additional access and detour road constraints." I hope City planners are mindful that adjacent development may infringe on the required land and driveway access needed for a future grade separation. We hope

that when approving this development planners will not overlook restrictions to future safety measures at the VIA crossing.

Response: Noted.

Comment 2e:

Our Community is apprehensive particularly in expanding the commercial element to include many options such as a retail food store. We recognize that a retail food store is part of the current zoning. To limit excess traffic, we ask that the same retail food store limits as under the current zoning be honoured. In other words, a retail food store is limited to a farmers' market.

Response:

The request for retail uses have been removed by the applicant.