



**SITE PLAN CONTROL APPLICATION
DELEGATED AUTHORITY REPORT
MANAGER, DEVELOPMENT REVIEW, WEST**

Site Location: 471 Terry Fox Drive

File No.: D07-12-19-0017

Date of Application: February 4, 2019

This SITE PLAN CONTROL application submitted by Dreessen Cardinal Architects Inc., on behalf of 7873794 Canada Inc., is APPROVED as shown on the following plan(s):

1. **Site Plan**, drawing number A100, prepared by Dreessen Cardinal Architects Inc., Consultant's project #3082, dated January 11, 2019, revision #11, dated September 5, 2019.
2. **Site Plan**, Sheet number C101.0, prepared by AECOM, Consultant's project # 60546152, dated October 14, 2018, revision L, dated September 12, 2019.
3. **Landscape Plan**, drawing number 118133-L1, prepared by Novatech, Consultant's project # 118133, dated January 25, 2019, revision # 3, dated July 9, 2019.
4. **Landscape Plan**, Sheet number L101.0, prepared by AECOM, Consultant's project # 60546152, dated October 5, 2018, revision G, dated September 12, 2019.
5. **General Plan of Services**, drawing number 118133-GP, prepared by Novatech, Consultant's project # 118133, dated January 17, 2019, revision # 6, dated July 9, 2019.
6. **Grading and Erosion & Sediment Control Plan**, drawing number 118133-GR, prepared by Novatech, Consultant's project # 118133, dated January 17, 2019, revision # 6, dated July 9, 2019.
7. **Stormwater Management Plan**, drawing number 118133-SWM, prepared by Novatech, Consultant's project # 118133, dated January 17, 2019, revision # 4, dated July 9, 2019.
8. **Site Servicing Plan**, Sheet number C103.0, prepared by AECOM, Consultant's project # 60546152, dated December 06, 2018, revision J, dated September 12, 2019.
9. **Site Grading Plan**, Sheet number C102.0, prepared by AECOM, Consultant's project # 60546152, dated December 06, 2018, revision J, dated September 12, 2019.
10. **Site Erosion and Sediment Control Plan**, Sheet number C100.0, prepared by AECOM, Consultant's project # 60546152, dated December 14, 2018, revision H, dated September 12, 2019.

11. **Stormwater Management Plan**, Sheet number C104.0, prepared by AECOM, Consultant's project # 60546152, dated December 06, 2018, revision H, dated September 12, 2019.
12. **General Notes**, Sheet number C001.0, prepared by AECOM, Consultant's project # 60546152, dated February 01, 2019, revision G, dated September 12, 2019.
13. **Details**, Sheet number C501.0, prepared by AECOM, Consultant's project # 60546152, dated August 14, 2018, revision H, dated September 12, 2019.
14. **Site Details**, Sheet number C502.0, prepared by AECOM, Consultant's project # 60546152, dated August 14, 2018, revision H, dated September 12, 2019.
15. **Stone Strong Retaining Wall Design**, drawing number PG4564-3, prepared by Paterson Group, Consultant's report # PG4564, dated September 2019, revision no. 1, dated October 22, 2019.
16. **Stone Strong Retaining Wall Design**, drawing number PG4564-4, prepared by Paterson Group, Consultant's report # PG4564, dated September 2019, revision no. 1, dated October 22, 2019.
17. **Elevations**, drawing number A300, prepared by Dreessen Cardinal Architects Inc., Consultant's project #3082, dated January 11, 2019, revision #8, dated May 15, 2019.
18. **Elevations**, drawing number A301, prepared by Dreessen Cardinal Architects Inc., Consultant's project #3082, dated January 11, 2019, revision #8, dated May 15, 2019.
19. **Elevations**, drawing number A302, prepared by Dreessen Cardinal Architects Inc., Consultant's project #3082, dated January 11, 2019, revision #8, dated May 15, 2019.
- 20.

And as detailed in the following report(s):

1. **Heritage Hills Retail Plaza, 471 Terry Fox Drive, Development Servicing and Stormwater Management Report** prepared by Novatech, Consultant's project # 118133, dated January 25, 2019, revised July 9, 2019.
2. **Stormwater Management Report, Shell Canada, Heritage Hills, Ottawa, ON**, prepared by AECOM, dated October 2019.
3. **Geotechnical Investigation, Proposed Commercial Development, Terry Fox Drive at Kanata Ave., Ottawa, Ontario**, prepared by Paterson Group, Consultant's report # PG4564-1revision 3, dated May 6, 2019.
4. **Phase I-Environmental Site Assessment, 471 Terry Fox Drive, Ottawa, Ontario**, prepared by Paterson Group, Consultant's report # PE4407-1, dated September 5, 2018.
5. **Heritage Hills Gas Station and Retail Plaza - Stationary Noise Impact Study Report**, prepared by AECOM, Consultant's project # 60546152, dated April 8, 2019.
6. **Heritage Hills Retail Plaza, 471 Terry Fox Drive, Ottawa, Transportation Impact Assessment**, prepared by Novatech, Consultant's project # 118133, dated January 2019, revised July 2019.

And subject to the following Requirements, General and Special Conditions:

Requirements to be Satisfied Concurrent with Registration

- a. Insert all required easements agreements and reference plans required for municipal infrastructure.
- b. Insert all special covenant restrictions to be registered on title of the property.
- c. Insert any road dedication requirements and/or related conveyances.
- d. Insert any special area payments (collect backs/frontage charges/etc.)

General Conditions

1. **Execution of Agreement Within One Year**

The Owner shall enter into this Site Plan Control Agreement, including all standard and special conditions, financial and otherwise, as required by the City. In the event that the Owner fails to sign this Agreement and complete the conditions to be satisfied prior to the signing of this Agreement within one (1) year of Site Plan approval, the approval shall lapse.

2. **Permits**

The Owner shall obtain such permits as may be required from municipal or provincial authorities and shall file copies thereof with the General Manager, Planning, Infrastructure and Economic Development.

3. **Barrier Curbs**

The Owner acknowledges and agrees that the parking areas and entrances shall have barrier curbs and shall be constructed in accordance with the drawings of a design professional, such drawings to be approved by the General Manager, Planning, Infrastructure and Economic Development.

4. **Water Supply For Fire Fighting**

The Owner shall provide adequate water supply for firefighting for every building. Water supplies may be provided from a public water works system, automatic fire pumps, pressure tanks or gravity tanks.

5. **Reinstatement of City Property**

The Owner shall reinstate, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development, any property of the City, including, but not limited to, sidewalks, curbs and boulevards, which is damaged as a result of the subject development.

6. **Construction Fencing**

The Owner acknowledges and agrees to install construction fencing, at its expense, in such a location as may be determined by the General Manager, Planning, Infrastructure and Economic Development.

7. **Construct Sidewalks**

The Owner shall design and construct sidewalk(s) within public rights-of-way or on other City owned lands to provide a pedestrian connection from or to the site as may be determined by the General Manager, Planning, Infrastructure and Economic Development. Such sidewalk(s) shall be constructed to City Standards.

8. **Extend Internal Walkway**

The Owner shall extend internal walkways beyond the limits of the subject lands to connect to existing or proposed public sidewalks, at the sole expense of the Owner, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

9. **Completion of Works**

The Owner acknowledges and agrees that no building or no new building (if existing building on site that is to be occupied during construction) shall be occupied on the lands, nor will the Owner convey title to any building until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Infrastructure and Economic Development, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, conveyance and/or occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Infrastructure and Economic Development for such conveyance and/or occupancy in writing.

10. **Development Charges**

The Owner shall pay development charges to the City in accordance with the by-laws of the City.

Special Conditions

11. **Private Approach Detail**

The Owner agrees that all private approaches, including temporary construction access to the subject lands, shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the General Manager, Planning, Infrastructure and Economic Development.

12. **Slope Stability**

The Owner shall have a Professional Structural Engineer and a Soils Engineer, licensed in the Province of Ontario to inspect and confirm the constructed retaining walls have been constructed in accordance with the approved Slope Stability Analysis Report and the Approved Retaining Wall Plan.

13. **Geotechnical Investigation**

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the Geotechnical Investigation Report (the "Report"), referenced in Schedule "E" herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Infrastructure and Economic Development with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

14. **Retaining Wall**

The Owner agrees to submit to the General Manager, Planning, Infrastructure and Economic Development, prior to issuance of a building permit, details of the retaining walls which are greater than one metre in height, as shown on the approved Landscape Plan referenced in Schedule "E" hereto, which shall be designed and prepared by a Professional Structural Engineer, licensed in the Province of Ontario, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development. The Owner shall provide confirmation to the General Manager, Planning, Infrastructure and Economic Development that the Professional Structural Engineer has inspected and confirmed that the retaining walls have been constructed in accordance with the approved retaining wall details.

15. **Retaining Wall - Stability**

The Owner acknowledges and agrees to install the proposed retaining walls in accordance with the approved Retaining Wall Design for north-east (location) and as shown on the approved Site Plan, both referenced in Schedule "E" hereto. The Owner shall provide written confirmation, satisfactory to the General Manager, Planning, Infrastructure and Economic Development, that a Geotechnical Engineer/Professional Structural Engineer, licensed in the Province of Ontario, has inspected and confirmed that the retaining walls have been constructed in accordance with the said approved Retaining Wall Design for north-east (location). The Owner further acknowledges and agrees to provide an Internal Compound Stability (ICS) analysis from a Geotechnical Engineer / Professional Structural Engineer, licensed in the Province of Ontario, that all retaining walls, which are greater than one metre in height have been checked for global stability, have a factor of safety of at least 1.5 for static conditions (as calculated through SLIDE) and 1.1 for seismic conditions is achieved, which shall be to the satisfaction

of the General Manager, Planning, Infrastructure and Economic Development. The report shall provide structural details of the retaining wall(s).

The Owner further acknowledge and agrees to retain the services of a Professional Structural Engineer and a Soils Engineer, licensed in the Province of Ontario, to inspect any retaining walls on the subject lands and confirm that the retaining walls have been constructed in accordance with the approved retaining wall details.

16. **Spill Contingency and Pollution Prevention Plan**

The Owner shall, within six (6) months of signing this Agreement, develop and implement a spill contingency and pollution prevention plan, which plan, at a minimum, will include a set of written procedures describing how to prevent and/or mitigate the impacts of a spill within the area serviced by the Works:

- (a) the name, job title and location (address) of the Owner, person in charge, management or person(s) in control of the buildings;
- (b) the name, job title and 24-hour telephone number of the person(s) responsible for activating the spill contingency and pollution prevention plan;
- (c) a site plan drawn to scale showing the facility, nearby buildings, streets, catch basins and manholes, drainage patterns (including direction of flow in storm sewers), and receiving water course that could potentially be significantly impacted by a spill and any features which need to be taken into account in terms of potential impacts on access and response (including physical obstructions and location of response and clean-up equipment);
- (d) steps to be taken to report, contain, clean up and dispose of contaminants following a spill;
- (e) a listing of telephone numbers for local clean-up companies who may be called upon to assist in responding to spills, local emergency responders including health institution(s), and the Ministry of the Environment, Conservation and Parks Spills Action Centre;
- (f) Materials Safety Data Sheets (MSDS) for each hazardous material which may be transported or stored in the said building;
- (g) the means (internal corporate procedures) by which the spill contingency and pollution prevention plan is activated;
- (h) a description of the spill response training provided to employees assigned to work in the said building, the date(s) on which the training was provided and by whom;
- (i) an inventory of response and clean-up equipment available to implement the spill contingency and pollution prevention plan, location and date of maintenance/replacement if warranted; and

- (j) the dates on which the spill contingency and pollution prevention plan was prepared and subsequently, amended.

The Owner covenants and agrees to maintain the spill contingency and pollution prevention plan up to date through revisions undertaken from time to time as required by changes to the general operations of the site. The Owner further covenants and agrees to retain a copy of the spill contingency and pollution prevention plan in a conspicuous, readily accessible location on-site such that it can be used as a reference by employees assigned to work in the said building. The Owner further covenants and agrees that it will make available, for inspection and copying by City personnel, the spill contingency and pollution prevention plan.

17. **Requirement for a Grease Trap**

In accordance with the City's Sewer Use By-law, being By-law No. 2003-514, as amended, the Owner acknowledges and agrees to install a grease trap on the internal sanitary plumbing system when a restaurant is established on the lands.

18. **Requirement for Grease and Oil Interceptor**

The Owner shall, in accordance with the City's Sewer By-law, being By-law No. 2003-514, as amended, install a grease and oil interceptor on the internal sanitary plumbing system in such a location where the storage or repair of vehicles occurs.

19. **Stormwater Management Memorandum**

Prior to registration of this Agreement, the Owner acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development, with a memorandum prepared by a Professional Engineer, licensed in the Province of Ontario, confirming that the designed roof-top scuppers and associated spill point elevations will be set equivalent to the top of the control weir of the approved roof drain elevation(s). The Owner further acknowledges and agrees that said memorandum shall be to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development, and all associated costs shall be the Owner's responsibility.

20. **Protection of City Sewers**

- (a) Prior to the issuance of a building permit, the Owner shall, at its expense:
 - (i) obtain a video inspection of the City Sewer System within Tillsonburg Street prior to any construction to determine the condition of the existing City Sewer System prior to construction on the lands and to provide said video inspection to the General Manager, Planning, Infrastructure and Economic Development.
- (b) Upon completion of construction on the lands, the Owner shall, at its expense and to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development:

- (i) obtain a video inspection of the existing City Sewer System within Tillsonburg Street to determine if the City Sewer System sustained any damages as a result of construction on the lands; and
- (ii) assume all liability for any damages caused to the City Sewer System within Tillsonburg Street and compensate the City for the full amount of any required repairs to the City Sewer System.

21. **Inlet Control Devices (ICDs)**

The Owner acknowledges and agrees to install and maintain in good working order the required roof-top and in-ground stormwater inlet control devices, as recommended in the approved General Plan of Services and Site Servicing Plan, referenced in Schedule “E” herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

22. **Professional Engineering Inspection**

The Owner shall have competent Professional Engineering inspection personnel on-site during the period of construction, to supervise the Works, and the General Manager, Planning, Infrastructure and Economic Development, shall have the right at all times to inspect the installation of the Works. The Owner acknowledges and agrees that should it be found in the sole opinion of the General Manager, Planning, Infrastructure and Economic Development, that such personnel are not on-site or are incompetent in the performance of their duties, or that the said Works are not being carried out in accordance with the approved plans or specifications and in accordance with good engineering practice, then the General Manager, Planning, Infrastructure and Economic Development, may order all Work in the project to be stopped, altered, retested or changed to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

23. **Stormwater Works Certification**

Upon completion of all stormwater management Works, the Owner acknowledges and agrees to retain the services of a Professional Engineer, licensed in the Province of Ontario, to ensure that all measures have been implemented in conformity with the approved Plans and Reports, referenced in Schedule “E” herein. The Owner further acknowledges and agrees to provide the General Manager, Planning, Infrastructure and Economic Development with certificates of compliance issued by a Professional Engineer, licensed in the Province of Ontario, confirming that all recommendations and provisions have been implemented in accordance with the approved Plans and Reports referenced in Schedule “E” herein.

24. **Site Dewatering**

The Owner acknowledges and agrees that while the site is under construction, any water discharged to the sanitary sewer due to dewatering shall meet the requirements of the City's Sewer Use By-law No. 2003-514, as amended.

25. **Water Plant**

The Owner acknowledges and agrees that the water plant within the lands is a private watermain. The Owner further acknowledges and agrees that the private watermain and appurtenances thereto are to be maintained by the Owner at its own expense, in perpetuity. The Owner performing maintenance on critical infrastructure, such as private watermains and private fire hydrants, shall maintain adequate records as proof of having done so in accordance with applicable regulations, and that the records shall be retained for review by the City and or the Ottawa Fire Services when requested.

26. **Private Storm Sewer Connection to City Sewer System**

The Owner acknowledges and agrees that any new storm sewers to be installed as part of this development shall not be connected to the City's existing storm sewer system until such time as either:

- (a) a certificate of conformance and Record Drawings have been received from a Professional Engineer, licensed in the Province of Ontario, certifying that all required inlet control devices have been properly installed to City Standards or Specifications, and that the storm sewer system has been installed in accordance with the approved engineering drawings for site development and City Sewer Design Guidelines. The inlet control devices shall be free of any debris; or
- (b) a flow limiting orifice plate, designed by a Professional Engineer licensed in the Province of Ontario and to the satisfaction of the City, has been installed at the storm water outlet prior to connecting any upstream storm sewers. Such orifice plate shall not be removed until subsection (a) above has been satisfied and approved by the General Manager, Planning, Infrastructure and Economic Development.

27. **Leak Survey**

The Owner acknowledges and agrees that the Water Plant and sewer service within the lands is a private system, including Private Services and sewer services and appurtenances, and the Owner acknowledges and agrees that it is responsible for the operation, maintenance and/or replacement, in perpetuity, of the Private Services and sewer system, including the Private Watermains, private hydrants, private sanitary and storm sewer infrastructure (collectively the "private system") which are located on the lands and that the Owner will retain copies of all the associated Work and maintenance contracts, and make said contracts available for inspection upon demand by the City.

Further, the Owner acknowledges and agrees to have a Professional Engineer, licensed in the Province of Ontario, conduct regular inspections of the water system and sewer system, which includes a leak detection survey at least every five (5) years and a video of the sanitary sewer system to check for major water infiltration into the private system. Copies of the inspection reports and videos shall be provided to the General Manager, Public Works and Environmental Services and Fire Services. The Owner further acknowledges and agrees that as part of the Owner's ongoing maintenance responsibility for the private system, repairs to the system must be completed immediately to correct any deficiencies which contribute to water loss or leakage of infiltration within the private system. Any deficiencies shall be immediately reported to the City. The Owner acknowledges and agrees to notify the General Manager, Public Works and Environmental Services when such repairs have been completed.

28. **Site Lighting Certificate**

- (a) In addition to the requirements contained in clause 19 of Schedule "C" hereto, the Owner acknowledges and agrees, prior to the issuance of a building permit, to provide the City with a certificate from an acceptable professional engineer, licensed in the Province of Ontario, which certificate shall state that the exterior site lighting has been designed to meet the following criteria:
 - (i) it must be designed using only fixtures that meet the criteria for full cut-off (sharp cut-off) classification, as recognized by the Illuminating Engineering Society of North America (IESNA or IES);
 - (ii) and it must result in minimal light spillage onto adjacent properties. As a guideline, 0.5 fc is normally the maximum allowable spillage.
- (b) The Owner acknowledges and agrees that, upon completion of the lighting Works and prior to the City releasing any associated securities, the Owner shall provide certification satisfactory to the General Manager, Planning, Infrastructure and Economic Development, from a Professional Engineer, licensed in the Province of Ontario, that the site lighting has been constructed in accordance with the Owner's approved design plan.

29. **Access Easement to City**

The Owner acknowledges and agrees it shall grant to the City, at the Owner's expense, a Blanket Easement over the lands, with the right and licence of free, uninterrupted, unimpeded and unobstructed access to the City to enter on and to pass at any and all times, on, over, along and upon the lands with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to construct, maintain, repair and replace the Private Watermains, Private Service Posts and fire hydrants at the Owner's expense. The Owner acknowledges and agrees that notwithstanding the rights granted to the City under the grant of easement, the Owner remains responsible at all times for the

maintenance, inspection, alteration, repair, replacement and reconstruction of the utility in the said lands during their term of use. The Owner acknowledges and agrees to provide an electronic copy of the Transfer of Easement prior to the execution of this Agreement by the City, to the satisfaction of the City Clerk and Solicitor. All costs shall be borne by the Owner.

Roads Right-of-Way and Traffic Conditions

30. Road Modifications

The Owner agrees to complete all road modifications required to accommodate this development, as identified in the road modification approval report referenced in Schedule "E" hereto, and further acknowledges and agrees that it is responsible for all costs associated with the public roadway modifications.

31. Transportation Study/Brief

The Owner has undertaken a Transportation Impact Assessment for this site, which is referenced in Schedule "E" herein, to determine the infrastructure and programs needed to mitigate the impact of the proposed development on the local transportation network and to establish the site design features needed to support system-wide transportation objectives. The Owner shall ensure that the recommendations of the Transportation Impact Assessment, are fully implemented, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

32. Road Widening along Terry Fox Drive

Prior to registration of this Agreement, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete Terry Fox Drive frontage of the lands, measuring 22.25 metres from the existing centreline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner acknowledges and agrees to provide an electronic copy of the Transfer and a copy of the deposited reference plan to the City Clerk and Solicitor prior to the execution of this Agreement by the City. All costs shall be borne by the Owner.

33. Construction Access

The Owner acknowledges and agrees that any construction vehicles using Tillsonburg Street to access the site for construction purposes, must enter from and return directly to Terry Fox Drive.

Noise

34. **Noise Study**

The Owner agrees to prepare and implement a noise study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department. The Owner shall implement the noise control attenuation measures recommended in the approved noise study.

35. **Certification Letter for Noise Control Measures**

The Owner covenants and agrees that is shall retain the services of a professional engineer licensed in the Province of Ontario to ensure that the recommendations of the Stationary Noise Assessment, referenced herein (the "Report"), are fully implemented. The Owner further acknowledge and agrees that is shall provide the General Manager, Planning Infrastructure and Economic Development Department with confirmation issued by the professional engineer that the Owner has complied with all recommendations and provisions of the Report, prior to building occupancy, which confirmation shall be to the satisfaction of the General Manager, Planning Infrastructure and Economic Development Department.

December 12, 2019

Date



Derrick Moodie
Manager, Development Review, West
Planning, Infrastructure and Economic
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-19-0017

SITE LOCATION

471 Terry Fox Drive as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject property is located on the east side of Terry Fox Drive between Tillsonburg Street and Kanata Avenue. The subject lands are currently vacant.

The lands to the west of Terry Fox Drive are occupied by open space and agricultural uses, while lands to the north, east and south are occupied by low-rise residential uses. Opposite Kanata Avenue to the immediate south is an additional piece of vacant land zoned Local Commercial.

The subject site is zoned Local Commercial Subzone 7, Exception 411 (LC7[411]). The LC zone permits a variety of commercial uses, as well as residential uses. Exception 411 permits the additional uses of automobile service station, car wash, gas bar and fast food restaurant with specific provisions related to lot area, maximum Gross Leasable Floor Areas (GFLAs) for certain uses, as well as setbacks.

The site plan control application proposes a one-storey multi-unit commercial plaza, as well a gas station, convenience store and car wash. The plaza is sited to the north part of the site with the gas bar, convenience store and car wash being sited on the southern portion of the site. Accesses to the site are proposed to be provided from Kanata Avenue (right-in / right-out), Terry Fox Drive (right-in / right-out) and Tillsonburg Street (full access) with surface parking located behind the retail building and adjacent to the convenience store building. Landscaping will be incorporated throughout the parking lot and perimeter of the site with pedestrian connections provided from the adjacent streets.

In February 2019, a Zoning By-law Amendment application (D02-02-19-0016) was submitted and proposed to:

- Reduce the minimum required front yard setback from 10 metres to 3 metres;
- Reduce the minimum required corner side yard setback from 8 metres to 3 metres;
- Increase the total cumulative Gross Leasable Floor Area (GLFA) for the additional uses (a gas bar and a car wash) and a convenience store permitted from 300 square metres to 477.2 square metres; and
- Permit an outdoor commercial patio, with a structure, screen or wall at least 1.0 metres in height, is permitted within 21 metres of residential zone, whereas the by-law requires a minimum distance of 30 metres from a residential zone and a structure, screen or wall at least 2.0 metres in height.

This Zoning By-law Amendment heard by Planning Committee on August 22, 2019, where it was recommended for approval. The amendment was approved by City Council on September 11, 2019.

DECISION AND RATIONALE

This application is approved for the following reasons:

- The proposal conforms to the provisions of the General Urban Area designation of the Official Plan;
- The proposal conforms to all relevant provisions of the Zoning By-law, including those specific to the LC7[411] zone and in accordance with the City Council decision; and
- The application as proposed represents good and desirable planning.

ROAD MODIFICATIONS

There are road modifications associated with this site plan control application, as detailed in the attached Road Modifications Report.

CONSULTATION DETAILS

Councillor's Concurrence

Councillor Jenna Suds has concurred with the conditions of approval.

Public Comments

This application was subject to public circulation under the Public Notification and Consultation Policy. There were public comments received online at a community information session held in the community on April 25th, 2019 at the Kanata Recreation Complex. Approximately, 64 comments were submitted during the application review process. Few comments were submitted in support, with the majority in opposition of the permitted use of a gas bar. Staff have reviewed these comments and considered them in this report.

Summary of public comments and responses

Comment: Health and Environmental

Comments received included impacts to residents health and safety and the impact that a gas bar would have on the community.

Response:

The gas bar and associated uses conform to the Zoning By-law regarding required setbacks and appropriate landscaping and siting have been provided. This will provide for a sufficient buffer from the neighbouring residential properties.

The gas bar has been designed to mitigate odour and any potential nuisances.

Response:

The Mississippi Valley Conservation Authority has reviewed the proposal and have no concerns related to the gas bar and Carp River Watershed.

Comment: Noise and Light

Comments were received regarding noise and light pollution from the proposed development on neighbouring properties, as well as noise from the increased traffic.

Response:

These details are reviewed through the Site Plan Control process and a site lighting certificate must be submitted by the applicant that demonstrates there will be no light spillage onto neighbouring properties.

A Noise Impact Assessment was submitted in support of the application and staff have reviewed the document and deemed it satisfactory.

Comment: Site Design, Setbacks and Zoning

Comments were received regarding moving the buildings closer to Terry Fox which would not be in keeping with the neighbourhood, which would thereby increase the parking lot size. The requested reduction in setbacks for the proposed building site will create a hazardous condition for traffic entering (exiting) Tillsonburg Street from (to) Terry Fox Drive.

Response:

Staff are of the opinion that moving the buildings closer to Terry Fox Drive represents good planning. The current required setbacks for the subject site represent the former City of Kanata zoning and not current design standards. Locating the buildings closer to Terry Fox Drive provides a better experience for pedestrians.

Comment: Transportation and Safety

Many of the comments submitted stated that another gas station as not warranted in this location and the new use would pose a safety risk for nearby residents.

Comments were also received regarding trucks utilizing Tillsonburg Avenue once they exited the site.

Response:

The applicant submitted a Transportation Impact Assessment, which staff have reviewed and found satisfactory. The applicant will be construction a right turn auxiliary lane on Terry Fox Drive directly north of Kanata Avenue, which will allow vehicles to slow down (or stop) out of the through-traffic lane before entering the site; this will increase the safety for pedestrians crossing the access.

Community Organization Comments and Responses

The Kanata Lakes Community Association submitted comments in opposition to the application.

Comment:

A new gas station at this intersection which has an unusual number of accidents is not a good idea, while there are three existing gas stations just 1 kilometre down the road.

Response:

The use of a gas bar is a permitted use on the subject property through Urban Exception 411. Furthermore, staff's review of the proposal does not take into account the number of surrounding gas bars.

Comment:

The proposed gas station plus car washing facility are too close to the existing houses.

Response:

The gas bar and car wash currently meet the required setbacks as outlined in the Zoning By-law.

Comment:

The intersection has at least one accident every two or three weeks.

Response:

The applicant submitted a Transportation Impact Assessment, which staff have reviewed and found satisfactory.

Technical Agency/Public Body Comments

Technical agency comments that were received through the circulation process were forwarded to the applicant to deal directly with the commenting agency.

Advisory Committee Comments

N/A

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was not processed by the On-Time Decision Date established for the processing of an application that has Manager Delegated Authority. The application was on hold while the applicant submitted the Zoning By-law Amendment application and revised their plans to address technical comments.

Contact: Laurel McCreight Tel: 613-580-2424, ext. 16587, fax 613-580-2576 or e-mail: Laurel.McCreight@ottawa.ca

Document 1 – Location Map

