

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf. Your File/V/Réf.	14-98-0027
DATE	28 September 1999
TO/DEST.	Co-ordinator Planning & Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	<b>LOCAL OFFICIAL PLAN AMENDMENT 49 CITY OF KANATA (IRENE FOLEY - GOLF DRIVING RANGE)</b>

**DEPARTMENTAL RECOMMENDATION**

**That the Planning and Environment Committee recommend that Council approve Local Official Plan Amendment 49 to the City of Kanata Official Plan.**

**BACKGROUND**

The City of Kanata adopted local Official Plan Amendment (LOPA) 49 on 27 April 1999 and subsequently submitted same to the Region for approval under Section 17 of the Planning Act, 1990 (i.e., the Bill 20 version) on 11 May 1999. LOPA 49, including relevant attachments, is attached as Annex 2. Kanata also approved a zoning by-law amendment for the subject lands which has been appealed to the Ontario Municipal Board by J. Desmond Adam (solicitor), on behalf of Mr. John Horowitz - a local ratepayer. Mr. Adam, in a letter dated May 18, 1999, has also put the Region on notice that he intends to object to the passage of LOPA 49 by the Region. Mr. Don Kennedy, a planning consultant retained by Mr. Adam, has submitted a letter of objection regarding LOPA 49. Copies of these letters are attached to this report within Annex 3.

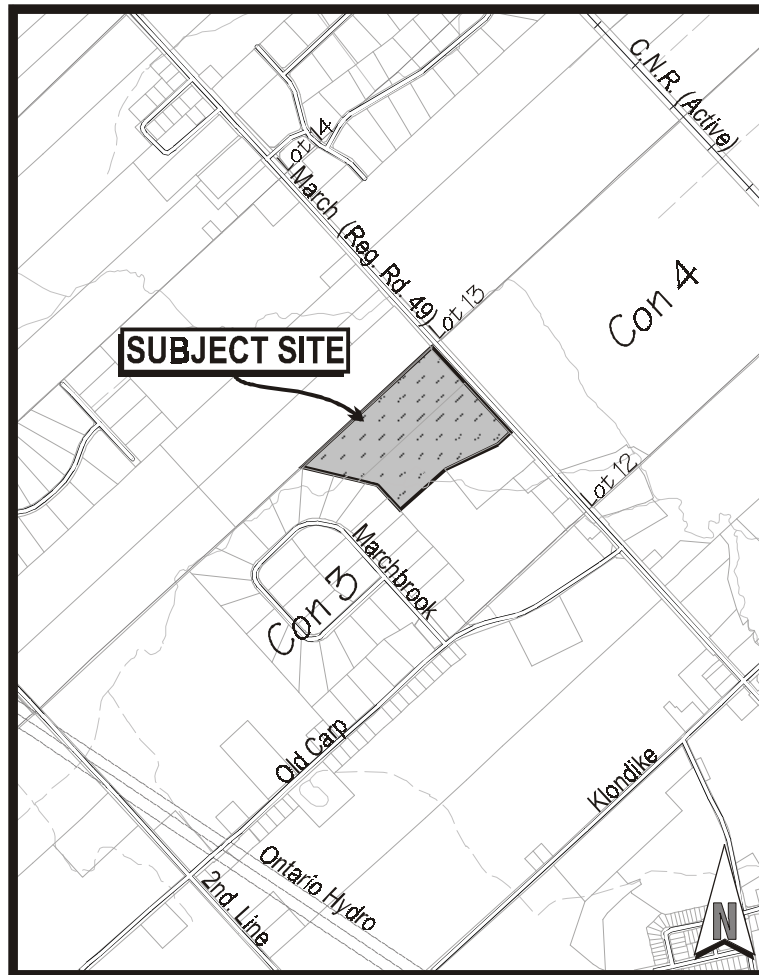
Given the written objections submitted, this report is deemed disputed and therefore is brought forward for the consideration of Planning and Environment Committee.

**THE AMENDMENT**

**Location**

Kanata's LOPA 49 applies to approximately 12 ha (30 ac.) of land located on the west side of March Road approximately 700 m north of the intersection of March Road and the Old Carp Road (see location plan below). The subject lands are bounded on the west by the rear lot lines of 4 rural estate lots which front onto Marchbrook Circle. The property is bounded on the south by

part of Shirley's Brook which runs diagonally through the property and by smaller severed rural lots which front onto March Road. To the north of the subject site is a large idle rural lot containing one dwelling which also fronts onto March Road.



### Purpose

The purpose of LOPA 49 is to amend the access provisions for March Road to allow direct access for the proposed driving range facility. Section 4.1.6.7 of the Kanata Official Plan prohibits direct access to March Road for certain non-residential uses and encourages such uses to be accessed off intersecting local roads. The LOPA is required because the subject lands do not have access available from a local road.

The proposed driving range and associated uses are permitted in the General Rural designation of the plan subject to an amendment to the implementing zoning by-law. But for the provisions of Section 4.1.6.7, and the lack of access onto a local road, no amendment to the plan would be required to permit the proposed use.

## Basis

Because the LOPA and rezoning of the subject property were considered concurrently, Kanata staff included a rationale for the rezoning in the LOPA. The Kanata Official Plan identifies a number of criteria to be considered by Council when assessing applications to rezone lands for commercial and industrial uses in the General Rural designation. The Kanata staff report, which is included within Annex 2, provides a rationale for how each of these criteria have been satisfied. Where appropriate, these will be referred to in relation to the objection submitted by Mr. Kennedy.

## EXTERNAL AGENCY AND PUBLIC COMMENTS

Kanata circulated LOPA 49 to a number of agencies and utilities. No objections were received from any of the circulated agencies. Numerous letters from local ratepayers, both in support of and in opposition to the proposal, were received. Copies of letters submitted have been forwarded to Committee members under separate cover.

Regional staff attempted on a number of occasions to broker a meeting between the applicant and the appellant to resolve issues and propose appropriate modifications. It was however the position of the appellant that the issues were substantive and that it was unlikely that such a meeting would lead to their resolution. The letter dated 20 July 1999 from Mr. Don Kennedy was to serve as the formal objection of the appellant. The applicants consultant, Novatech Engineering Consultants Ltd., have provided a response to Mr. Kennedy's submission in letter dated 9 September 1999 (see Annex 3).

## OBJECTION AND STAFF COMMENT

In his 20 July 1999 letter, Mr. Kennedy challenges the proposals conformity to the Regional Official Plan, and suggests that the Region, in its capacity as Minister, must ensure that the City of Kanata had due regard to the policies of their Official Plan in assessing the appropriateness of the proposed amendment. The issues and the staff response are summarized below.

1. Issue: *The traffic study submitted in support of the proposed development is inadequate in that it does not address the ultimate road condition nor the ultimate full site development.*

Regional staff have reviewed the traffic impact study and have found that it adequately addresses the site condition and that the recommendations are appropriate. The study recommends that a 30m left turn lane be installed in March Road at the entrance to the subject site. The traffic study indicates that a parking capacity of 43 spaces will be adequate to accommodate peak level trips to the site. The concept plan submitted in support of the rezoning demonstrated the capacity to accommodate up to 86 spaces on site. Only 43 spaces were shown in dark line on the concept plan indicating the amount of parking likely to be provided. The additional 43 were shown as dashed lines indicating the number of spaces that could be physically accommodated on site. It is the understanding of Regional staff that these additional spaces are not required to meet Kanata zoning by-law standards. It is the position of staff that the traffic impact study is correctly based upon the expected trip generation of the proposed development and not the number of spaces

which were shown on a concept plan to demonstrate that adequate on site parking could be provided. Mr. Kennedy also implies that the traffic impact study only examines the first phase of the proposed development. Kanata staff and the applicant have confirmed that there is no application being made for subsequent phases of development and that the traffic impact study does address the ultimate site condition.

With respect to the ultimate condition of March Road, Regional staff are satisfied with the recommendations of the traffic impact study. It is anticipated that March Road (in this location) will not be improved for at least 10 years. It is not appropriate to freeze development on Regional Roads pending their ultimate improved condition. It is however responsible to advise landowners of potential future roadway modifications which may restrict access/egress to their property. The applicant has accepted that it is possible that vehicular access/egress may be restricted to right-in, right-out movements if a median is installed in the ultimate profile of March Road. This restricted access may inconvenience clients attempting to visit the site, but it does not pose a traffic safety or capacity concern.

Regional staff do not concur with the appellant that the traffic impact study requires revision.

2. Issue: *The proposed development does not conform to the provisions of Section 3.7.1 3 and 3.7.4 1 c) of the Regions Official Plan.*

Regional staff cannot concur with this position. Land intensive, open space and recreational uses are specifically permitted in the General Rural Area designation as are commercial uses which would not be better located within the boundaries of a village. There are a number of similar facilities located throughout the Region in the General Rural Area designation. In fact, in the 1997 Regional Official Plan, open space and recreational uses are no longer permitted on lands designated as Agricultural and therefore are somewhat restricted to being located in the General Rural Area designation where the agricultural viability of the land is marginal. Removing open space and recreational uses as permitted uses in Agricultural designations was required in order that the Regional Official Plan be consistent with provincial policy for Agricultural lands.

3. Issue: *The proposal does not conform to certain policies of the Kanata Official Plan including basic policies for the General Rural Area.*

Mr. Kennedy correctly points out that it is the responsibility of the Region, as Minister, to ensure that Kanata follows the provisions of their Official Plan. Kanata staff (staff report) and the applicants consultant (9 September 1999 letter) have demonstrated that the proposed development meets the criteria set out in Section 4.1.6 of the Kanata Official Plan. Certain commercial uses and private recreational uses are specifically listed as permitted uses under Section 4.1.6.2.

Section 4.1.6 permits non-intensive commercial or industrial operations requiring only minimal services where the following conditions apply:

1. *The use will not require municipal piped services.* The subject site will be developed on the basis of private services.

2. *The use does not detract from or impose negative impact on, the use of adjacent land or roads.* The applicant has demonstrated to the satisfaction of the Region and Kanata that the proposal will not adversely impact March Road. Kanata is satisfied that the issues of lighting and screening of adjacent uses have been, or will be adequately addressed through the detailed site plan review process. The impacts on adjacent uses will be minimized by locating the parking and structures closer to March Road, away from the existing residential properties. The proposed lighting will be directed downward and away from existing residential areas.
3. *The use is able to comply with the Health Protection and Promotion Act, 1983.*
4. *The use is not an obnoxious use as defined in Section 3.6 of the Kanata Official Plan.* Kanata confirms that the proposed uses do not constitute an obnoxious use nor do they contravene the Health Protection and Promotion Act.
5. *The use is a type that does not use large volumes of water or dispose of large volumes of liquid waste.* Kanata is satisfied that the proposed use meets these criteria.
6. *Adequate provisions have been made for off-street parking and loading facilities, and for buffering , screening or other means of separation from adjacent non-compatible land uses.* Adequate off-street parking can be accommodated on-site. Kanata notes that screening is a requirement of the site specific by-law, and is addressed through the site plan process.
7. *The proposed lot fronts on a Rural collector or Rural arterial road, as shown on Schedule "A".* March Road is shown on Schedule "A".

Kanata staff are satisfied that the proposed use meets these 7 criteria and confirm their intent to use the site plan review process to ensure that recommended measures to reduce light impact and access safety are implemented.

The specific issue of land use compatibility with adjacent uses (zoning) is vested appropriately with the City of Kanata. Regional staff share the concerns expressed by the appellant regarding the compatibility of the proposed development with adjacent properties. Regional staff are however of the opinion that the City of Kanata has respected the provisions of their Official Plan in determining the appropriateness of the proposed use and that the required technical studies have been submitted in support of the proposed development.

4. Issue. *Many contentious issues have been put off until the site plan stage.*

Regional staff are not aware of any provision of the Planning Act which the City of Kanata can rely upon to compel the applicant to enter into a site plan agreement prior to having the zoning of the subject site established. The applicant could however consent to being bound to an approved site plan in advance of zoning approval. Kanata has requested and received a detailed concept plan (a measured site plan) and the appropriate technical studies to assess the traffic impact and

lighting impact of the proposed development. Kanata enlisted the assistance of the Region in reviewing the traffic impact study and an independent consultant in reviewing the lighting study. The traffic impact study was found satisfactory by both the Region and Kanata, and Kanata staff have requested that the applicant make revisions to the proposed lighting plan to address concerns identified by the independent consulting firm who reviewed the lighting study. Kanata has confirmed that the site plan will not be approved until the necessary modifications to the lighting plan are undertaken and approved.

5. Issue: *The applicant may have access to the property via an easement from the Old Carp Road.*

The applicant has confirmed that the property does not have access to the Old Carp Road.

### CONCLUSIONS

Regional staff find that the recommendations of the traffic impact study are adequate and that traffic safety is not an issue. The improvements to March Road in this location are not scheduled to be undertaken within a 10 year horizon. It would not be appropriate to require the applicant to account for the ultimate condition/profile of March Road at this time. Regional staff have warned the applicant that future access to the site may be restricted to right-in, right-out movements.

It is the position of staff that the proposal conforms to Regional Official Plan. Open space and recreational uses are specifically permitted in the General Rural Area designation. The proposed use is permitted in the Kanata Official Plan and Kanata has confirmed that it meets the criteria set out for assessing the appropriateness of new commercial and industrial uses. Kanata is mandated to follow the provisions of the Planning Act respecting site plan approval and, in support of the rezoning application, requested and received technical studies and a measured site plan to aid in assessing impact of proposed development.

Regional staff do not concur with the appellant that Kanata staff have erred in respecting the provisions of their Official Plan in assessing the appropriateness of the proposed use. It is clearly the responsibility of Kanata to determine the compatibility of adjacent land uses (zoning) and to administer site plan control approval. It is staff's position that there are no reasonable grounds under which to use the powers delegated by the Province to deny the LOPA, nor object to the passing of the zoning by-law.

### PROPOSED MODIFICATIONS

No modifications are proposed to LOPA 49.

### CONSULTATION

Kanata held a public meeting on 20 April 1999 as required by Section 17(15) of the Planning Act, 1990.

FINANCIAL IMPLICATIONS

Should Council not approve LOPA 49, the applicant could appeal the matter to the Ontario Municipal Board and Council may be required to secure independent professional planning and transportation consultants to represent Council's position.

*Approved by  
N. Tunnacliffe, MCIP, RPP*

**APPROVAL PAGE  
AMENDMENT NO. 49 TO THE OFFICIAL PLAN  
OF THE CITY OF KANATA**

I hereby certify that Amendment No.4 9 to the Official Plan of the City of Kanata, which has been adopted by the Council of the City of Kanata, was approved by the Council of the Regional Municipality of Ottawa-Carleton on 1999, under Sections 17 and 21 of the Planning Act, 1990.

Dated this        day of ....., 1999

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Clerk, Regional Municipality of Ottawa-Carleton

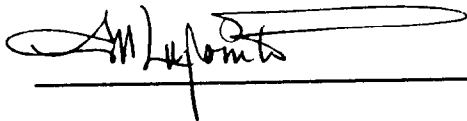
(this cannot be signed until the appeal period is over)



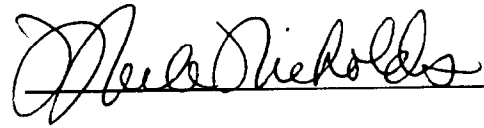
OFFICIAL PLAN  
OF THE  
CITY OF KANATA PLANNING AREA  
  
Amendment No. 49

The attached document constituting Amendment No. 49 to the Official Plan of the City of Kanata was adopted by the Council of the Corporation of the City of Kanata under the provisions of Sections 17 and 21 of the Planning Act, RSO 1990, on the **27th day of April, 1999.**

This amendment was adopted by the Council of the Corporation of the City of Kanata by By-law No. **68-99** in accordance with the provisions of Sections 17 and 21 of the Planning Act, RSO 1990, on the 27th day of April, 1999.



Clerk, Anna Lapointe



Mayor, Merle Nicholds

WORKING COPY

## COMPONENTS

Part A - The Preamble does not constitute part of this Amendment.

Part B - The Amendment, consisting of the following text constitutes Amendment No. 49 to the Official Plan of the City of Kanata.

Also attached is Part C - The Appendix which does not constitute part of this amendment.

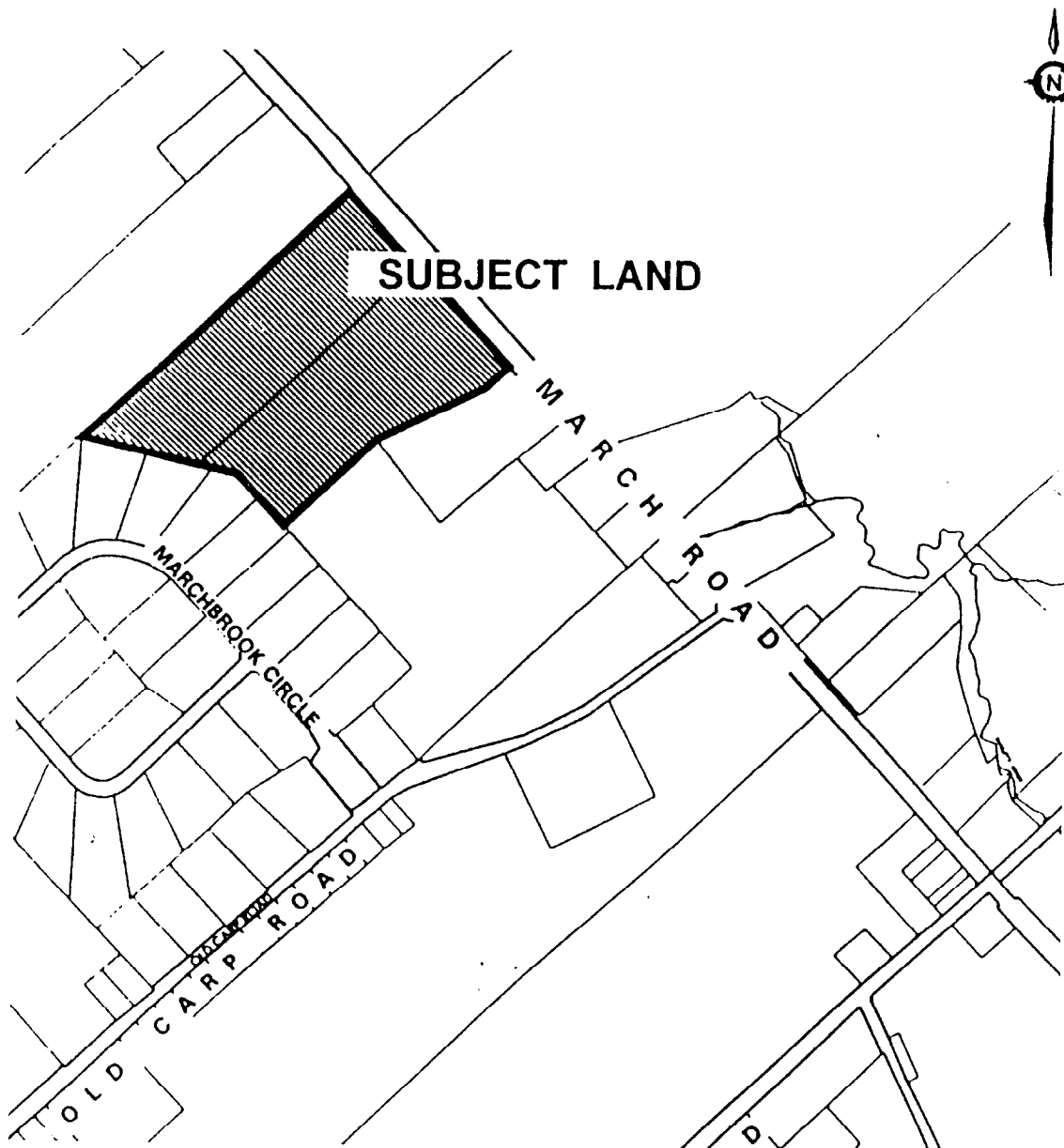
### PART A - THE PREAMBLE

#### 1. Purpose

The purpose of this Amendment is to amend to the access provisions for March Road to allow direct access to a Golf Driving Range and Mini-Putt Golf Course and accessory Golf Pro Shop proposed by Irene Foley for her land on the West side of March Road. Section 4.1.6.7 of the City's Official Plan prohibits direct vehicular access from new commercial uses to Regional Roads (March and Dunrobin Roads) and encourages such uses to intersections or proposed intersections where access can be provided from the intersecting municipal road.

#### 2. Location

The land affected by this Official Plan amendment is located on the west side of March Road on land in Lot 12, Concession 3 and being Part 6 and part of Part 3 in Plan 5R-12357 of the former Township of March. The property is located approximately 700 metres north of the intersection of Old Carp Road and March Road (see map below). The property has an area of approximately **12 Ha** (30 acres) and frontage of **308 m** (1011 ft.) to March Road.



3. Basis

The land affected by this amendment is presently designated General Rural in the City of Kanata Official Plan. This designation permits residential uses and Commercial and industrial uses subject to the provisions of **Section 4.16**. This section permits non-intensive commercial or industrial operations requiring only minimal services and these uses are permitted in the Rural Area where the following conditions apply:

1. the use will not require municipal piped services;
2. the use does not detract from or impose a negative impact on, the use of adjacent lands or roads;
3. the use is able to comply with the Health Protection and Promotion Act, 1983; and
4. the use is not an obnoxious use as defined in Section 3.6 of this Plan;
5. the use is a type that does not use large volumes of water or dispose of large volumes of liquid waste;
6. adequate provisions have been made for off-street parking and loading facilities, and for buffering, screening or other means of separation from adjacent non-compatible land uses; and
7. the proposed lot fronts on a Rural collector or Rural Arterial road, as shown on Schedule "A" hereto.

The permitted commercial uses include recreational facilities such as the proposed driving range and the associated Mini-Putt golf course.

The proposed Driving Range and Mini-Putt Golf Course is considered a permitted in the General Rural Designation, as a recreational facility. The Golf Pro-shop proposed as part of the overall development of the site would be considered ancillary to the driving range.

**Section 4.1.6.7** provides that where commercial or industrial uses are proposed for a lot fronting on Regional Road 9 (Dunrobin Road) or 49 (March Road), such lot shall be located at an intersection or proposed intersection with a local road so access can be from the local road.

Provision of access to this site from a local road is not possible and for this reason direct access to March Road is proposed. The applicant has undertaken a traffic analysis of the proposed development and identified the anticipated traffic generation of the proposed uses. The traffic report identifies the need for a minimum parking provision on site for 43 vehicles. The draft Concept Plan provided by the applicant identifies that a parking provision for 86 vehicles is possible on site. This level of policy exceeds the anticipated traffic generation of the site in its initial phases. The report also recommends that a 30 m turning lane be provided, by the applicant, in March Road. This was recommended to facilitate left turns into the site.

The Regional Traffic Department has reviewed the recommendations of the Traffic Study and has agreed to permit access to the site on the condition that the recommended turning lane is provided by the owner. The Region also identified that future access may be limited to right-in right-out turning movements as their plans for widening March Road proceed.

On the grounds that the Region has no objections to the access, as proposed for the Driving Range, the relaxation of the access restrictions of Section 4.1.6.7 is considered reasonable.

The criteria for assessing the appropriateness of new commercial and Industrial Uses in the Rural area have been considered when reviewing this application.

### Servicing

Two of the criteria (1 and 5 above) deal with the servicing of the site with water and sewage services. The intention of these criteria is to ensure that any proposed new use will not result in a demand for the extension of urban water or sewage services into the Rural area. The proposed Driving Range and Mini-golf Course are large land consuming uses not economical on urban, fully serviced land. The seasonal use of the proposed facilities and the typical peak usage of these recreational uses means that adequate servicing can be provided from private on-site facilities. The proposed development is considered to meet the servicing objectives of the Official Plan.

### Impact on Adjacent Land

It is also important that the proposed use will not detract from or impose a negative impact on adjacent lands or access roads. The development will obtain access from March Road and abuts a number of Estate Residential lots to the south and to the west of the property.

The proponent has provided a traffic analysis of the development to justify their request for access directly to March Road. The Regional Transportation department has accepted the recommendations of the applicant's Traffic Report as a means of reducing any adverse impact on March Road.

The other major impact identified from this development is the potential impact of flood lighting of the site on the adjacent residential subdivision to the west and the severed residential lots to the south on March Road. The Consultant for the proponent has undertaken a lighting impact study) that addresses the issue of light spillage. This report was reviewed by a second consultant employed by the City. The City's consultant has made recommendations for changes to the lighting configuration to further reduce any lighting impact. Generally the lighting of the site is considered satisfactory and detailed lighting changes will be addressed at the time of Site Plan consideration.

Due to the area of land on which this proposal is located and the type of use involved little noise impact is anticipated on the adjacent properties.

Visual impact of the development can be addressed by additional screening as conditions of Site Plan Approval Construction Standards for the parking area and the buildings are typically addressed through the site plan process.

The proposed uses on the land do not constitute an obnoxious use nor do they contravene the Health Protection and Promotion Act.

The proposed development is considered satisfactory in terms of the 7 criteria identified by the Official Plan and the City will use the Site Plan review process to ensure that the recommended measures to reduce light impact and access safety are implemented

## PART B - THE AMENDMENT

### Introduction

All of this part of this document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. 49 to the Official Plan of the City of Kanata.

### Details

The specific change to Kanata's Official Plan is as follows:

Section 4.1.6.7 shall be amended by inserting, immediately following the second paragraph, the following new paragraph:

**“Notwithstanding the access requirements of this section, to the contrary, a commercial development comprising a Golf Driving Range, Mini-Putt Golf Facility and Pro-Golf Shop and located on the property in Part of Lot 12, Concession 3 being Part 6 and part of Part 3, Plan 5R-12357 shall be permitted with access to Regional Road 49 (March Road)”**

### Implementation

This Official Plan Amendment shall be implemented as follows:

1. The lands to which this amendment apply shall be subject to the policies of Section 4.1.6 of the Official Plan.
2. It is Council's intention to implement this change when Regional Council or it's designate approves Official Plan No. 49.

## PART C - THE APPENDICES

### Appendix 1 - PUBLIC NOTICE

IN accordance with the requirements of Sections 17 and 21 of the Planning Act R.S.O. 1990, as amended from time to time, the City provided notice of the Public meeting to consider this Amendment in the March 26<sup>th</sup> Edition of the Kanata Kourier Standard. A copy is attached as Appendix 1 to this document

### Appendix 2 - PUBLIC MEETING

The Public Meeting was held as part of the Regular Council Meeting on the 20<sup>th</sup> April 1999. Relevant excerpts of the minutes of the meeting are attached as Appendix 2 to this document.



## City of Kanata Notices (Cont'd)



### PUBLIC MEETING CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT (MARCH RURAL COMMUNITY)

You are invited to come to a public meeting to discuss proposed changes to the March Rural Zoning By-law # 74-79. The proposed amendment affects a parcel of land being Part of Lot 12, Concession 3, also known as Part 6 and Part 3, on Plan 5R-12358 in the former March Township as shown on the Key Map attached to this notice.

Some of the details on the by-law amendment application are as follows:

The Council of the Corporation of the City of Kanata has received an application from Irene Foley to amend the March Rural Zoning By-law 74-79 in order to permit a Golf Driving Range and a Mini-Putt Golf Course on her land. A Pro Golf Shop is also proposed as an ancillary use and to allow extended use of the facilities, the Driving range will be illuminated. Ms. Foley's land is located on the west side of March Road and situated just north of the intersection of March Road and Old Carp Road as identified on the attached map.

This application accompanies an application to amend the City of Kanata Official Plan. The City's file for the application for Official Plan amendment is 7225-8\*.

**Who may attend?** Everyone is welcome to attend to provide comments or suggestions on the proposed by-law. Also, written or verbal comments may be submitted prior to the public meeting.

**Please Note:** If a person or public body that files an appeal of a decision of the City of Kanata in respect of the proposed zoning by-law does not make oral submissions at a public meeting or make written submissions to the City of Kanata before the proposed by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

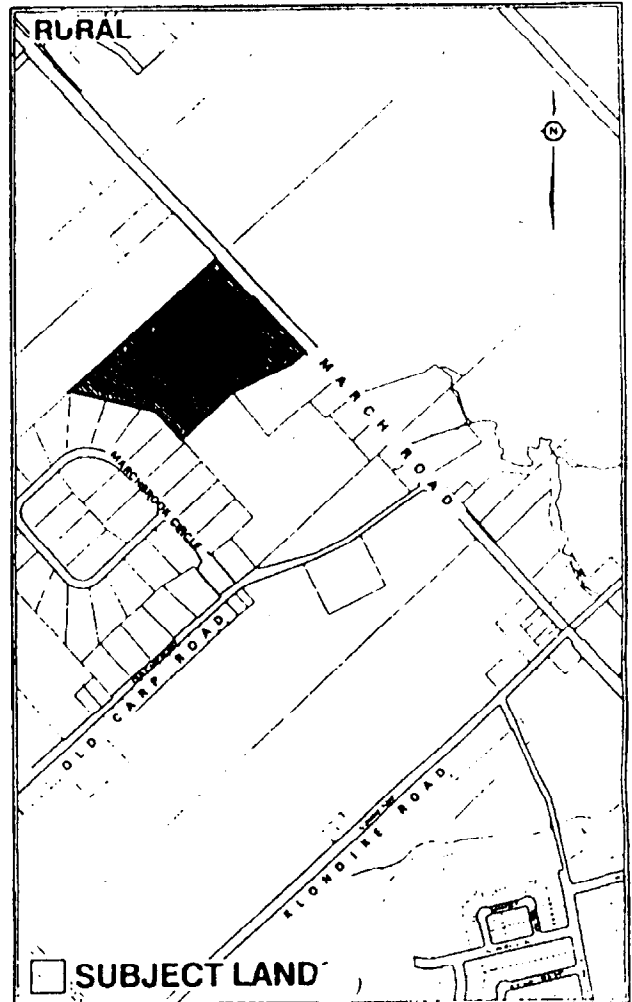
**When and Where is the Meeting?** The public meeting will be held in the Council Chambers located on the 3<sup>rd</sup> floor of Kanata City Hall, 580 Terry Fox Drive, Kanata, Ontario K2L 4C2. The meeting will be held on the 20<sup>th</sup> day of April, 1999 starting at 7:00 p.m.

For more information on the proposed zoning by-law amendment, you can write, phone, fax, e-mail or visit Kanata's Planning and Development Services Group at the above address. Office hours are 8:30 a.m. to 4:30 p.m. Monday through Friday. Please direct your enquiries to:

Bruce Finlay, Planning and Development Services  
Phone: (613) 592-4291 ext. 296 (leave a message after hours)  
Fax: (613) 592-8183  
E-mail: [bfmly@city.kanata.on.ca](mailto:bfmly@city.kanata.on.ca)

Dated at the City of Kanata this 26th day of March 1999.

Anna Lapointe, City Clerk



### PUBLIC MEETING CONCERNING A PROPOSED OFFICIAL PLAN AMENDMENT

TAKE NOTICE THAT Council of the Corporation of the City of Kanata will hold a Public Meeting on Tuesday, April 20<sup>th</sup>, 1999 at 7:00 p.m. in the Council Chambers, 3<sup>rd</sup> Floor, 580 Terry Fox Drive to inform the public about a proposed City of Kanata Official Plan Amendment.

An Amendment is proposed to that part of the Kanata's Official Plan which applies to Part Lot 12, Concession 3, being Part 6 and the north half of Part 3 on Plan 5R-12358 located on the west side of March Road and situated just north of the intersection on that road at Old Carp Road. The Property is owned by Ms. I. Foley.

A key map showing the location of the lands to which the proposed amendment applies is attached above.

Ms. Foley proposes to develop a Golf Centre comprising a Driving Range, a Mini-Putt Golf Course and an accessory Golf Pro Shop. Access to the Driving range is proposed from March Road. To permit extended use of the facilities and to ensure property security the Driving Range will be illuminated.

The City's Official Plan prohibits direct access to March Road for new commercial development. Ms. Foley has requested that this restriction in the City's

Official Plan be waived as access to the site from an alternative road is not possible.

A copy of the proposed official plan amendment and background material are available to the public for review in the Planning Department of the City of Kanata during the hours indicated below.

This application is accompanied by an application to amend the March Rural Zoning By-law 74-79. The City's file for the Zoning Amendment is 7520-41\*.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed official plan amendment. Any written submissions should be sent to the Clerk of the City of Kanata at the following address:

The Corporation of the City of Kanata  
580 Terry Fox Drive  
Kanata, Ontario  
K2L 4C2

IF A PERSON OR PUBLIC BODY that requests a referral of a proposed decision in respect of the proposed official plan amendment to the Ontario Municipal Board does not make oral submissions at a public meeting or does not make written submis-

sion before the proposed official plan amendment is adopted, then,

- (i) the Regional Municipality, as the approval authority, may refuse the request to refer all or part of its proposed decision to the Ontario Municipal Board, and
- (ii) the Ontario Municipal Board may discuss all or part of the referral of the proposed decision.

If you wish to be notified of the adoption of the proposed official plan amendment, you must make a written request to the Clerk of the City of Kanata at the above address.

ADDITIONAL INFORMATION relating to these matters is available by contacting Bruce Finlay of the Planning and Development Services Group at (613) 592-4291, Ext. 296, between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, by Fax: (613) 592-8183 or E-mail: [bfmly@city.kanata.on.ca](mailto:bfmly@city.kanata.on.ca)

DATED at the City of Kanata this 26<sup>th</sup> day of March 1999.

Anna Lapointe, City Clerk  
City of Kanata

**APPENDIX No.2**  
**CITY OF KANATA**  
**OFFICIAL PLAN AMENDMENT NO. 49**

**EXCERPT OF MINUTES , REGULAR COUNCIL MEETING, APRIL 20, 1999**

**PRESENT**

M. Nicholds	Mayor
S.E. McKee	Councillor
R. Rutkowski	Councillor
P. Cripps	Councillor
L. Mitchell	Councillor

**STAFF**

J. Robison	City Manager
R. Ottenhof	Deputy City Manager/City Treasurer
D. Krajaefski	Director of Planning & Development
R. Baker	Director of Community and Recreation
G. Kemp	Director of Protective Services/Fire Chief
B. Arthur	Director of Public Works/City Engineer
A. Lapointe	City Clerk
D. Dean	Clerk's Unit
B. Finlay	Planner
W. Morris	Planner
L. Reeves	Planner
S. Pilgrim	Park Construction Technician
S. Moxley	Engineering Technician
M. Boughton	Planner

The meeting was called to order at 7:00 p.m.

**E. PUBLIC MEETINGS**

1. PUBLIC MEETING - Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Golf Driving Range, Mini-Putt Golf Course and Golf Pro-shop on the Land Just North of 941 March Road in the March Rural Community - Irene Foley (Report 089-04-99)
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Mr. Finlay announced that three Public Meetings are being held tonight as required by the Planning Act to inform the Public of proposed official plan amendments and zoning by-law amendments. He stated that three separate presentations will be made by City staff on the following amendments:

1. Official Plan Amendment and Amendment to the March Rural Zoning By-law 74-79 - Irene Foley;
2. Amendment to Zoning By-law 168-93 for the Katimavik-Hazeldean Community - Bredco Corporation, and
3. Amendment to Zoning By-law 167-93 in the Marchwood Community - Monarch Development Corporation.

**Mr. Finlay noted that if a person or public body that files an appeal to a decision of the City of Kanata in respect to the proposed amendments being heard at these meetings, does not make an oral submission at these public meetings or does not make written submissions to the City of Kanata before the proposed amendment(s) to the official plan and zoning by-law(s) are approved or refused, the Ontario Municipal Board may dismiss all or part of the appeal(s).**

Mr. Finlay reported that an application was filed by Irene Foley in August 1998 to amend the City of Kanata Official Plan and the March Rural Zoning By-law No. 74-79 as it applies to part of her land fronting March Road in Rural Kanata.



Referring to a conceptual plan, Mr. Finlay highlighted Ms. Foley's land located on the Western side of March Road approximately 700 metres north of the intersection of March Road and Old Carp Road. The land is irregular in shape and has an area of approximately 12.4 Ha (30 acres) and frontage to March Road of 304.8 m (1000 ft.) Mr. Finlay explained that the land that is proposed to be used for the Driving Range is bounded to the south by part of Shirley's Brook which runs through the Foley property, and by smaller severed lots fronting on March Road. The western boundary of the land is comprised of the rear property lines of four Rural Residential lots fronting Marchbrook Circle. The northern boundary of the land is an idle rural parcel containing a dwelling.

The purpose of the applications was to permit the development of a Golf Driving Range, an 18 hole Mini-putt Golf Course, and an accessory Golf Pro-shop on Ms. Foley's land. The majority of the site is dedicated to the Driving Range which is orientated in an East-West direction, with the tee-off area adjacent to the parking lot near March Road. The Driving Range is to be illuminated by spot lights located behind the tee off area between the Driving Range and the southern boundary of the site. This facility is also to be illuminated for evening use. The Pro-shop is intended to provide the office for the Driving Range and Mini-putt as well as accommodating equipment sales, rental and storage facilities. On site parking for 86 vehicles can be accommodated and access is intended to be provided directly to March Road.

Mr. Finlay reported that Ms. Foley's land is designated General Rural in the City's Official Plan, permitting residential uses and commercial and industrial uses subject to a zoning change only, where the new use meets the criteria identified by Section 4.16 of the Official Plan. The commercial uses permitted in the General Rural designation include recreational facilities, a category into which the proposed Driving Range and the associated Mini-putt golf facility would fall. The Pro-shop proposed as part of the overall development of the site would be considered ancillary to the driving range, and is also permissible.

Mr. Finlay stated that Section 4.1.6.7 prohibits access to Dunrobin Road and March Road in order to control the location of new commercial development. The Traffic analysis of the development undertaken by Novatech Engineering identified the anticipated traffic that will be generated. The study recommends that a left hand turning lane be provided by the applicant into the site for traffic originating south of the site. The Regional Traffic Department has reviewed the recommendations of the Consultant's Traffic Study and has agreed to permit access to the site on the condition that the recommended turning lane is provided by the owner.

Mr. Finlay reported that the subject land is currently zoned Estate Residential (ER) which permits single family dwellings on 4 Ha lots as well as a variety of Agricultural and Agriculture related uses. The proposed Zoning By-law proposes changing the zoning of the land to a Rural Commercial -r (Cr) zone, a site specific Special Exception zone that restricts the use of the land to: a golf driving range; a golf pro-shop with the limitation that it is accessory only to the driving range; a mini-putt golf course; and a dwelling.

Mr. Finlay stated that the Official Plan criteria for assessing new commercial or industrial uses in the rural area are identified as follows:

1. will not require extension of municipal piped services;
2. does not detract from or impose a negative impact on the use of adjacent lands or roads.
3. is able to comply with the Health Protection and Promotion Act;
4. is not an obnoxious use;
5. is a type that does not use large volumes of water or dispose of large volumes of liquid waste;

6. adequate provisions have been made for off street parking and loading facilities, and for buffering, screening or other means of separation from adjacent non-compatible land uses; and
7. the proposed lot fronts on a rural collector or rural arterial road.

Mr. Finlay stated that criteria 1 and 5 deal with the servicing of the site with respect to water and sewage services. Because of the seasonal character of the site, adequate servicing can be provided in the form of private on-site water and sewerage services.

Staff are satisfied that the traffic impacts on March Road can be resolved and that the request for direct access to March Road is acceptable. The Regional Transportation Department has accepted the recommendations of the Traffic Study as a means of reducing any adverse impact on March Road.

The impact of light spillage from the nighttime floodlighting of the Driving Range is a concern identified by staff. This concern has been addressed by Novatech Engineering. The lighting impact is anticipated to affect the adjacent residential subdivision to the west and the residences to the north and south of the site on March Road. Staff referred the lighting study to a second consulting firm, J. L. Richards and Associates Limited, for review. They consider the lighting of the site generally satisfactory although recommended changes and performance criteria should be imposed as conditions of Site Plan approval.

Staff consider that noise is unlikely to impact the adjacent properties due to the area of land on which this proposal is located and the type of use. Access and parking will be located well away from residential properties. Opportunities to provide additional screening and buffering will be considered at the time of site Plan review. Protection and enhancement of the section of Shirley's Brook through this land will be required as part of the site plan process. The visual impact of the development can be addressed (additional screening, parking details, and buildings) through the site plan process.

Mr. Finlay noted that notices of the Public Hearing in respect to the two applications were published in the Kanata Courier Standard on March 26, 1999. Both the applications were circulated to the various agencies for comments, and to the March Rural Community Association. The Region raised no objections nor did the March Rural Community Association. Nine letters of support, two letters of objection, and a petition with 31 signatures of objection have been submitted to the City.

In conclusion, Mr. Finlay reported that staff are in support of the amendments on the understanding that the Site Plan process will be used to ensure that the lighting impact, screening, and access safety measures are implemented.

Mayor Nicholds declared the public meeting OPEN.

#### 1. **John Horwitz, 18 Marchbrook Circle**

Mr. Horwitz expressed his concerns with regard to noise levels; lighting; impact on the value of adjacent lands; environmental issues; history of the purchase and sale of the subject lands; the consultation process; and the lack of studies done on noise pollution.

Mr. Horwitz stated that noise would be created by golfers as well as by the equipment used to collect balls. He was concerned about the lack of lighting studies for the rural area, and noted that light measurement comparisons from other driving ranges have not been included in the report. He was also concerned about the by-law enforcement that would be required to ensure that the lighting restrictions are adhered to as outlined in the site plan.

Mr. Horwitz expressed concern about the lack of a negative impact analysis for adjacent lands. How would this development impact on resale value of the properties?

Mr. Horwitz emphasized that rural residents live in the country to hear the wind and crickets, and this development would negatively impact on residents' outdoor enjoyment. He stated that he would not have purchased this property if the abutting property had been zoned commercial, and he asked Council to not approve this application.

In conclusion, Mr. Horwitz read a letter that his daughter Erin wrote that expressed her concerns about noise, lighting, safety and the impact on wildlife.

Mr. Horwitz provided the Clerk with his correspondence dated April 20, 1999 objecting to the application, and his daughter's letter.

2. **R.M. Renaud, 7 Marchbrook Circle**

Mr. Renaud expressed concerns with regard to lighting, noise pollution and traffic problems. He was concerned about the commercial or industrial type flood lights that would be used emitting a lot of candlepower. He also expressed a concern about the abutting properties being devalued.

He strongly objected to the proposed amendments and requested notification of the outcome. Mr. Renaud provided the Clerk with a copy of his correspondence dated April 19, 1999 opposing the proposed official plan amendment.

3. **Hugo Lama, New Owner of Property on Marchbrook Circle**

Mr. Lama explained that he would not have purchased the property on Marchbrook Circle if he had known of the proposed official plan amendment allowing a golf driving range and mini golf-putt course. In particular, he expressed his objection to the illumination. He stated that he is an amateur astronomer and the lights would be a detriment to him.

4. **Gail White, 18 Marchbrook Circle**

Ms. White stated that a petition that she had circulated opposing the application had received 31 signatures in just two days.

The petition expresses concern about the light and noise pollution interfering with the residents' quiet enjoyment of their properties. It also expresses concern about future by-law enforcement to maintain the lighting regulations accepted by the City. This amendment is a significant departure from the current allowable uses and is not consistent with their understanding of the uses when the properties were purchased.

Ms. White stated that the proposed change is a violation to the abutting property owners, and asked Council to not approve the application.

5. **Brian Ward, 856 March Road**

Mr. Ward stated that he is in support of the application. He stated that the proposed development is compatible with the March Rural area, would provide some employment opportunities, and fit in well with the City's strategic directions. He stated that a golf centre would be a welcome complementary use to the golf courses in the area.

Mr. Ward stated that he was made aware of this application through a sign on the property, community association discussion, contact by the proponents, and notice in the City's section of the Kanata Courier Standard.

He also stated that he is satisfied that the proposed road improvements would reduce the potential traffic conflicts, and the lighting plans to decrease intensity outward would eliminate the glare to neighbouring properties. Mr. Ward stated that he looks forward to seeing this amenity in his community.

6. **Gerry Adam, Goldhaven Construction**

Mr. Adam stated that he owns three properties on Marchwood Circle and was concerned that they would be devalued if this application is approved. He has built nine of the homes in that area under the existing zoning, and he asked Council to not approve the application.

7. **Greg Winters, Novatech Engineering**

Mr. Winters stated that he is representing Ms. Irene Foley, the owner. He stated that Ms. Foley is in support of the staff recommendations and that the concerns raised can be appropriately addressed.

Mr. Winters stated that the plan in the report is conceptual in nature and the location, size and lights will be finalized at the site plan stage. Mr. Winters stated that the lighting is necessary because of the seasonal nature of the business. The design and style of the lights have specific louvers directed down and angled to point away from the neighbouring properties.

Mr. Winters also stated that a driving range is one of the least noisy developments. He stated that the golf tees have been located adjacent to March Road, a distance of 400 yards from the residential properties.

8. **Irene Foley, Owner**

Ms. Foley stated that she has owned the subject property for twenty-six years. The property was subdivided ten years ago. She stated that the driving range is a seasonal business, so the lights will not be used during the off season. When the driving range is in use, the lights would likely be on for only one hour after dark, or possibly not at all.

There being no further comments, Mayor Nicholds declared the public meeting CLOSED.

**REPORTS OF MUNICIPAL OFFICERS**

**H. REGULAR REPORT AGENDA**

2. 089-04-99 Proposed Official Plan Amendment and Zoning by-law Amendment to Permit a Golf Driving Range, Mini-Putt Golf Course and Golf Pro-shop on the Land Just North of 941 March Road in the March Rural Community - Irene Foley

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A Public Meeting was held on this report earlier in the meeting.

MOVED by L. Mitchell

THAT the By-law which forms Attachment No. 3 to Report 089-04-99, being a by-law to adopt Amendment No. 49 to the Official Plan of the City of Kanata as it relates to Part of Lot 12, Concession 3 of the former Township of March, be listed for adoption on the agenda of the April 27, 1999 meeting of City Council; and

THAT the By-law which forms Attachment No. 5 to Report 089-04-99, being an amendment to the March Rural Zoning By-law 74-79 as it relates to the property

being part of Lot 12, Concession 3, of the former Township of March, be listed for adoption on the agenda of the April 27, 1999 meeting of City Council.

CARRIED  
(later in the meeting on a recorded vote)

Councillor Cripps asked for a comparison of the proposed lights to baseball diamond lights. Mr. Moxley stated that the proposed lights would be comparable to lights on a residential street.

Councillor Cripps asked who the nine letters of support were from: Mr. Finlay listed the following names of people who have submitted letters of support:

- Mario Iacovitti, 1015 March Road;
- W.A. Armitage, 1035 March Road;
- Bill and Flo Smith, 846 March Road;
- Zarzycki Jadwiga, 9 Marchbrook Circle;
- Jerzy Jadwiga, 9 Marchbrook Circle;
- Elizabeth and Edward Burke, owners both north and south of the proposed golf centre;
- Tullio DeMarinis, 12 Marchbrook Circle;
- Ramsarup Singh, 941 March Road;
- Ann and Brian Ward, 856 March Road.

In answer to an inquiry by Councillor Cripps, Mr. Finlay stated that the street numbers affected on Marchwood Circle are even numbers 0-18.

It was noted that Tullio DeMarina had letters both opposing and supporting the application. Ms. White explained that Mr. DeMarina changed his mind to oppose the application when he realized the impact.

Mayor Nicholds asked for a comparison of this driving range to others. Mr. Finlay stated that other driving ranges are usually 250 yards to the property boundary. In this application, the distance is 400 yards.

Councillor McKee vacated the Chair, and Councillor Cripps assumed the Chair.

Councillor McKee inquired about the proposed landscaping at the boundary of the property noting that there are already some existing trees in that location. Mr. Finlay stated that this would be reviewed at the site plan stage. Mr. Winters stated that there is an existing buffer area in a rough mode, and an extended buffer from the creek, long before you get to someone's yard.

Councillor McKee resumed the Chair.

Councillor Mitchell inquired about the long term strategic plans for March Road. Mr. Finlay stated that the rural area will be included when the City reviews the Official Plan, and Open Space uses will be designated where possible. He stated that the lands on both sides of March Road are designated Estate Residential and Rural Residential. There will be some commercial needs that the Official Plan permits, but a commercial strip is not allowed.

Councillor Cripps asked for clarification about the notices given to the community. Mr. Finlay responded that the required notice was published in the local newspaper, and the applicants placed a sign on their property along March Road. The reason that they did not place a sign on the Old Carp Road was because they do not own property there.

Mr. Finlay added that the circulation of the application was sent to the various agencies and the March Rural Community Association. The March Rural Community Association had a meeting that Ms. Foley attended. Mr. Finlay noted a letter from the March Rural Community Association dated September 10, 1999 stating that they do not oppose the proposal. Mr. Finlay stated that the initial notification did not go directly to the Marchwood Circle residents.

Mr. Finlay stated that as soon as the information was received from all the agencies, the City published the notice in the newspaper and sent notices to the residents in the area including Marchwood Circle. Mr. Finlay stated that Friday, April 16<sup>th</sup> was the first time that he received a response from that Notice.

Councillor McKee vacated the Chair, and Councillor Cripps assumed the Chair.

Councillor McKee asked if a go cart track would qualify as a recreation use. Mr. Finlay stated that it could be considered. Councillor McKee stated that she recognizes the residents' concerns but believes that the use is compatible with the site, provided provisions are included at the site plan stage to address their concerns.

Councillor McKee resumed the Chair.

Councillor Mitchell stated that he cannot perceive a reason to not approve this application.

Mayor Nicholds stated that the angle of the site might pose some difficulty. She stated feeling some ambivalence towards this application, but appreciates the process. This preserves green space in a recreational activity, but it poses real risks.

Councillor Cripps stated that she has difficulty with changing the zoning when residents are already established.

A memorandum from Mr. Finlay dated April 19, 1999 was distributed to Council prior to the meeting commencing attaching revisions to the Official Plan and Zoning By-law amendments. Attachments 1 and 2 to this memo replaced Attachments 3 and 5 to Report No. 089-04-99. The revisions do not change the substance of the amendments but instead address technical concerns.

The following recorded vote was then taken on the motion, and the motion CARRIED.

**RECORDED VOTE**

<b><u>NAME OF MEMBER OF COUNCIL</u></b>	<b><u>YEAS</u></b>	<b><u>NAYS</u></b>
Councillor McKee	X	
Councillor Cripps		X
Councillor Mitchell	X	
Mayor Nicholds		X
Councillor Rutkowski	X	
		CARRIED (3 TO 2)

**ADAM & MILLER**  
BARRISTERS & SOLICITORS

J. DESMOND ADAM B.A., LL.B.  
MARY P. MILLER B.A., LL.B.

400 - 300 MARCH ROAD  
KANATA, ONTARIO  
K2K 2E2  
PHONE: (613) 592-6290  
FAX: (613) 592-3116

May 18, 1999

The Regional Clerk  
Regional Municipality of Ottawa-Carleton  
111 Lisgar Street  
Ottawa, Ontario  
K2P 2L7

OTTAWA-CARLETON	
REG. CLERK DEPT	
Received MAY 23 1999	
FILE #	08-99-0046
BOOK ID #	99-1223
COPIES TAKEN	
TO	D.W.

Dear Sir/Madam:

**Re: Notice of the Adoption of a Proposed Official Plan Amendment  
by the Corporation of the City of Kanata (By-Law 69-99)  
Adopting Amendment No. 49 to the Official Plan of the City of Kanata  
Pursuant to Section 17 and 21 on the Planning Act, R.S.O., 1990**

Please be advised that we are the solicitors for Mr. John Horwitz concerning the above-noted matter and that we are hereby putting the Regional Municipality of Ottawa-Carleton on notice that we intend to object to the passing of the above-noted Official Plan Amendment.

If the Regional Municipality of Ottawa-Carleton should see fit to pass the above-noted Amendment, please be advised that we intend to appeal this matter to the Ontario Municipal Board. If the Regional Municipality of Ottawa-Carleton should see fit to approve this Amendment please notify the undersigned.

Would you be so kind as to forward to the undersigned all Notices of Public Meetings and please be advised that we may wish to make representation at the Regional Planning Committee.

Amongst other reasons, we intend to object to the passing of the above-noted Amendment No. 49 to the Official Plan for the following reasons:

1. In passing the Official Plan Amendment, the Council of the Corporation of the City of Kanata failed to consider the negative impact of this development on adjacent residents. (Kanata Official Plan 4.1.6.1.2.

2. In passing the Official Plan Amendment, Council of the Corporation of the City of Kanata erred in accepting the traffic analysis as presented and failed to give serious consideration to the safety of its residents and to proper traffic management.
3. Such further and other reasons as Council may advise.

Yours very truly,

**ADAM & MILLER**

Per:

A handwritten signature in black ink, appearing to read 'J. Desmond Adam', with a long horizontal flourish extending to the right.

**J. DESMOND ADAM**

\dp  
Encl.

cc: Anna Lapointe, City Clerk - City of Kanata  
Andrew Hope  
Mike Boucher  
Alex Munter  
Bruce Finlay



**D.W. KENNEDY CONSULTING LTD.**  
URBAN PLANNING AND LAND DEVELOPMENT

604 Courtney Ave.  
Ottawa Ontario  
K2A 3B5  
Tel:(613)725-9834  
Fax:(613)729-6940

July 20, 1999

VIA FAX ONLY

Regional Municipality of Ottawa Carleton  
Planning and Property Department  
111 Lisgar Street  
Ottawa, Ontario K2P 2L7

Attention: Mike Boucher

Dear Mr. Boucher

RE: AMENDMENT 49 TO THE KANATA OFFICIAL PLAN  
APPLICATION FOR A GOLF DRIVING RANGE

I have met with my client and his solicitor to discuss the resident's position on this application and it has not changed since the letter was written to you on the intent to appeal any Regional approvals of this amendment. The issues remain substantial and we believe that there is a significant Regional interest and that the Region should not approve this LOPA.

In the Region's letter of January 20, 1999 the staff planner indicates that there may be a number of local issues but indicates that the Regional road issue is solved for the moment but there may be restrictions in the future. I believe this matter should be re-opened in that the traffic impact study only addresses the first phase requirement of 43 parking spaces. The Kanata report suggests that there is potential for 86 spaces on site and it is our view that the impact study must address ultimate conditions both in terms of road profile and full site development.

It is also our opinion that there are other Regional issues including:

1) Sections 3.7.1 3 and 3.7.4 1 c) of the Region's Official Plan state that existing communities are to be respected and that commercial uses in the General Rural Area are to meet the needs of the travelling public or are to relate to rural resources. A flood lit driving range which is a destination type commercial use does not meet these policies. ✓

2) It is the Region's responsibility to use its delegated authority to ensure that the local municipality follows their Official Plans. It is our opinion that a number of policies have not been met including basic policies for the General Rural Area which suggest that any proposals must maintain rural character and not have negative impacts on adjoining areas.

3) Kanata has put off many contentious issues to the site plan stage. Although this is not a Regional issue I would direct you to Section 4.1.6.8 of Kanata's OP which suggests that a measured site plan must be submitted with a zoning application. This was not done in such a manner that shows the true impact of this facility. Once again the Region should require proper regard to Local OP policy.

There are a number of other issues that may also be of concern. It appears that the applicant may have access to the property via an easement from Old Carp Road ( we are trying to confirm this ) and the zoning approval seems a bit premature in that the OP is not approved and there is no indication of this procedural problem.

We believe the Region has a responsibility to refuse this application and we would like to be advised as to the date that Planning and Environment Committee will deal with the application so we can express our opposition to this application.

Yours truly

D.W. Kennedy Consulting Ltd.

  
Don Kennedy MCIP;RPP

cc: Des Adam  
Alex Munter  
Bruce Finlay  
John Horwitz

September 9, 1999

**MAIL**

Regional Municipality of Ottawa-Carleton  
Planning and Property Department  
111 Lisgar Street  
Ottawa, Ontario K2P 2L7

**Attention: Mike Boucher, Planner**

Dear Mr. Boucher:

**Re: Amendment No. 49 to the Kanata Official Plan  
To Permit Direct Access to March Road  
Our File No. 98111-6**

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Novatech Engineering is writing in response to the comments submitted to you from D.W. Kennedy Consulting Ltd. concerning Amendment No. 49 to the City of Kanata Official Plan.

We would like to take the opportunity to address the following points as they were raised in the letter addressed to the Region of Ottawa-Carleton:

### **1. Traffic Impact Study**

Mr. Kennedy makes the observation that “**the traffic impact study only addressed the first phase requirement of 43 parking spaces. The Kanata report suggests that there is potential for 86 spaces on site.**” It is acknowledged that the City’s staff report mentioned that on site parking for 86 vehicles can be accommodated and that the Concept Plan identifies a potential parking provision of 86 vehicles. The site plan issued as part of Novatech’s submissions to the City was conceptual. A large parking area was shown to help provide some sense of scale. Novatech’s Traffic Impact Study clearly indicated that the facility would require a parking capacity in the order of 43 vehicles which is exactly half the parking area shown on the concept plan. Based on the number of tees for the driving range and an 18 hole mini-putt, 43 parking spaces will be adequate for the peak level of trips to the site. There is not need to revisit the Traffic Impact Study that has been accepted by both the Region, and the City of Kanata.

### **2. Section 3.7.1 3. and 3.7.4 1 - Region’s Official Plan**

Mr. Kennedy makes specific reference to Section 3.7.1.3 of the Region’s Official Plan which states that it is an objective for rural development “to respect existing communities

and village character”. Mr. Kennedy misrepresents Section 3.7.1.4 of the Region’s Official Plan which goes on to list a broad range of uses that are permitted in the General Rural Area. Policies of the Region’s Official Plan include sand and gravel pits, wayside pit and quarries, portable asphalt plants, institutional uses, and open space and recreational uses as permitted uses.

Of the broad range of uses permitted in the General Rural Area, open space and recreational uses are amongst those that most respect existing communities. Open space and recreational uses, which would include golf related uses, have been allowed to locate throughout the General Rural Area designation.

Mr. Kennedy implies that golf related uses do not conform with the Region’s policies for the General Rural Area designation. The permission for open space and recreation uses clearly conflicts with this opinion.

### **3. Kanata Official Plan Policies**

Mr. Kennedy indicates that **“It is our opinion that a number of policies have not been met including basic policies for the General Rural Area.”** The City’s policies in Section 4.1.6.1 for the General Rural Area clearly state that non-intensive commercial uses requiring only minimal services are permitted. Section 4.1.6.2 goes on to list a range of permitted commercial uses, including private recreational facilities. The proposed driving range is a private recreational facility.

As clearly articulated in the City of Kanata staff report, the proposed driving range will meet the Official Plan criteria for commercial and industrial uses. It will be developed on private services. Impacts on adjacent uses will be minimized by locating the parking, mini-putt, tees and pro shop closer to March Road and away from the existing residential areas. The proposed layout was designed to also minimize any possible impacts by orienting the direction of the lights, downward and away from existing residential areas. In addition, it is proposed that the existing treed area along the drainage channel and the common property line with residential uses will be preserved and enhanced as a requirement by the amended zoning for the site.

### **4. Site Plan Requirements**

Mr. Kennedy suggests that **“Kanata has put off many contentious issues to the site plan stage. Although this is not a Regional issue I would direct you to Section 4.1.6.8 of the Kanata OP which suggests that a measured site plan must be submitted with a zoning application.”** The City of Kanata, on August 25, 1998 contacted our client by letter. The City’s letter confirmed that they require the submission of a measured site plan of the proposed development. The letter also requested the submission of a brief analysis of the potential traffic and lighting impacts of the development.

Novatech complied with the requests and prepared a scaled concept plan of the proposed development dated December 23, 1998 showing the location of the mini-putt, access to March Road, parking, pro shop, tees and the orientation of the driving range. Novatech also complied with the request to prepare an analysis of the traffic and lighting impacts and submitted them to the City of Kanata on December 23, 1998. As part of the lighting analysis, Novatech prepared a detailed lighting plan showing the type, location, direction and intensity of lights if they were installed on the site. As a result of these submissions, the City stated that the development is or can be made satisfactory in terms of the criteria listed in the Official Plan and that the site plan process will be used to further ensure that the lighting, screening and access safety measures are implemented.

#### **5. Alternate Access from Old Carp Road**

Mr. Kennedy states that **“the applicant may have access to the property via an easement from Old Carp Road.”** As a matter of record, our client does not have direct access by easement or any other form to Old Carp Road.

#### **6. Conclusion**

We would remind you that the purpose of Amendment No. 49 is not to permit a driving range on the Foley property. The purpose of the amendment is simply to allow access to March Road.

We hope that this information will be of some assistance to you in the context of reviewing Amendment No. 49 to Kanata’s Official Plan.

If you have any comments or require any additional information, please do not hesitate to contact us immediately.

Yours truly,

**NOVATECH ENGINEERING CONSULTANTS LTD.**

Gregory Winters  
Planner

C: Irene Foley  
Alex Munter – Regional Councillor  
Bruce Finlay- City of Kanata  
Don Kennedy – D.W. Kennedy Consulting Ltd.  
Des Adam – Adam & Miller